

Justice Delayed is Justice Denied: A Call for Timeous Court Rulings in Ghana

Ransford Edward Van Gyampo*

Department of Political Science, University of Ghana, P.O. Box LG 64, Legon-Accra, Ghana-West Africa

* E-mail of the corresponding author: vangyampo@yahoo.com

Abstract

One basic tenet of rule of law and adjudication of justice is the need to follow due processes of law. Admittedly, doing this in any competent court of law may bring about some delays. However when such delays become unreasonable and without justifiable cause, they cause unnecessary hardships for people in a manner that undermine human rights and access to justice. One problematic area in Ghana's justice system delved into by this paper is the issue of delay in court ruling long after hearing and conclusion of cases. Even though there are rules that prescribe time limits for court rulings, these rules appear to be inconsistent with certain parts of Ghana's 1992 Constitution and have been interpreted by the nation's Supreme Court in a manner that seemingly strips them off their legal effect. This paper reviews the rules of time limit for court ruling and analyzes how they have been interpreted by the Supreme Court in the light of some provisions of the 1992 Constitution. It makes recommendations for reform in the rules of time limit in a manner that makes them more justiciable and enhances timeous delivery of judgment after a case has been heard.

Keywords: Supreme Court; Ruling; Delays; Justice; Timeous; Ghana; and 1992 Constitution

1. Introduction and Statement of the Problem

Justice delayed, they say is justice denied and in order to promote the ideals of human rights and equal justice, the courts of judicature all over the world are expected to discharge their duties and mandates promptly but not at the expense of due processes (Tarr, 2006). While the recourse to due processes may bring about some delays, efforts must be made to ensure that the entire judicial process from the filing of cases, hearings and delivery of judgments are not fraught with unnecessary delays (ibid). Seasoned scholars like Perry (1991), Sales (1981), Strier (1994), Freelay (1979), Scheingold (1984), Tonry (1996), Friedman, (1985), Harr (1995), McLauchlan (1977), Brobbey, (2000) and Bimpong-Buta (2007) have all affirmed the truism in the cliché that justice delayed is justice denied. They have therefore decried the frequent and sometimes unnecessary adjournment of cases, lackadaisical attitude of court officials and other bureaucratic bottlenecks that delays the delivery of justice. In their studies, these scholars have also made a strong case for timeous or expeditious delivery of justice in a manner that does not deny justice and undermine human rights. Most of these scholars have however ignored how delays in the delivery of court ruling or judgment after cases have been heard, contributes to delays in the delivery of justice. Any study conducted anywhere in the world about delays in the delivery of court ruling after cases have been heard may be complemented by this study. However in Ghana, there seem to be no coherent and detailed study conducted on this worrying aspect of the justice system even though as Bimpong-Buta, (2007:122) pointed out, "there have been inordinate delays by the courts in the delivery of judgments and rulings after the conclusion of the hearing of a case" in a manner that undermines human rights and justice. This is the gap in the literature that this study seeks to fill.

During Ghana's 2012 Election Petition Process at the nation's Supreme Court, the hearing lasted close to eight months and in less than one month a ruling was given. Even though the time period between the last day of hearing and the day of judgment in the Election Petition (August 29, 2013) was seen by many people of the legal profession as reasonable, some Ghanaians grumbled and were paranoid and anxious over the time period. Some, Ghanaians during public discourses on radios, televisions and in the print media queried the Supreme Court for the lacuna between the last day of hearing and the time slated for ruling in a manner that clearly demonstrated their desire to see a quick finality to litigation, particularly in a historic and landmark case such as the 2012 Election Petition. However, a closer look at the time period between court hearings and rulings in Ghana show that there was "virtually no delay" by the Supreme Court in its ruling on the Election Petition. Yet, there were some Ghanaians who expressed grave concern about this "virtually no delay" and their disappointment was even heightened when the Supreme Court deferred its written ruling to a later date beyond August 29, 2013, the day the Court gave its verbal ruling.

The paranoia demonstrated by Ghanaians between the last day of hearing and the day of judgment in the 2012 Election Petition Process could however be described as "a storm in a tea cup" given the "monumental delays" that have generally characterized court rulings in Ghana. In the case of *Mustapha v National Investment Bank*, an appeal from the ruling of the Court of Appeal was heard and concluded by the Supreme Court on June 24, 2004.

The ruling on the case was however delivered almost a year later on June 8, 2004 (Ghana Law Report, 2008). In *Neizer v Wood*, there was an interval of a whopping ten years between the last hearing of the case and the day the ruling was delivered (Ghana Law Report, 1992). In setting aside the ruling of the High Court in the case above, the Court of Appeal observed as follows:

“The judgment in this appeal was however delivered in 1985, when he (the judge) was past his compulsory retiring age. In the normal course of events, he would have retired compulsorily in 1984. Moreover, the interval of time between the last hearing of the matter and the delivery of judgment, computed at ten years is unreasonable by any standard and clearly subversive of the spirit and intendment of the Constitution. In practical terms also, the learned judge would have lost all familiarity with the essential details of the matter in dispute which would make relevant and unimpeachable his findings thereon”

This ruling is indicative of the fact that timeous court rulings are inextricably linked to the trial of criminal cases. In this regard, delays in court rulings after cases have been heard is a severe affront and violation of the fundamental human rights of accused persons under article 19(1) of the 1992 Constitution of the Republic of Ghana which states that “a person charged with a criminal offense shall be given fair hearing within a reasonable time by the court.” Even if what is “reasonable time” was not operationalized by Ghana’s 1992 Constitution, we still would not need a soothsayer to tell us that a ten-year time interval between the last hearing of a case and the time a ruling is given would be absolutely unreasonable and subversive of the spirit and letter of the 1992 Constitution.

Ironically, there are time limits for the courts to rule on matters that are brought before them. The question then is, what are these time limits for ruling for the various courts in the Ghanaian judicial system, particularly the high courts?; what should be the proper construction to be placed on them?; and how have these time limits been adhered to by the high courts in Ghana? These are the main issues to be addressed by the paper from a purely qualitative methodological research standpoint. The rules on time limits for the delivery of judgment by the high courts are given special focus in this paper because their non-compliance and non-enforcement have been challenged in the Court of Appeal and Supreme Court many times compared to the rules on time limits governing the other courts in Ghana (Bimpong-Buta, 2007). Besides in terms of grading, the high court occupies the middle ladder in the hierarchical structure of the Ghanaian judiciary or court system⁹¹. In this regard, some library research with particular emphasis on a review of appropriate Court Rules, Law Reports in Ghana and other countries that capture court judgments and the time frame within which they were delivered; as well as the 1992 Constitution of the Republic of Ghana would be conducted. In doing this, the technical and latent challenges and barriers to timeous delivery of court judgments would be unearthed. In the subsequent sections, this paper discusses the rules governing time limits for court rulings as exists in theory; how such rules have been enforced; the constitutionality of such rules; analysis of decisions on the time limits for court rulings; a call for reform of the rule on time limits for court rulings; and finally, a brief concluding remark is given.

2. Time Limits for Court Rulings as Exist in Theory

Certainly, there are rules on time limits for the delivery of judgments in Ghana. The District Court Rules, 1977 (LI 1127) enjoins all magistrates to deliver their rulings within four weeks from the conclusion of a trial. Also, the statutory time limit for the delivery of judgments by the High Courts in Ghana is not later than six weeks after the close of a case. This was provided by Order 63, Rule 2A of the High Court (Civil Procedure) Rules, 1954, as inserted by the High Court (Civil Procedure) Rules, 1977 (LI 1107). The amended rules have been repealed and the provisions relating to time limits have been re-enacted as Order 41, Rule 2(1) – (6) of the new High Court (Civil Procedure) Rules, 2004 (CI47)⁹². These rules are also to be applied in the Ghanaian Circuit Courts which are the lower courts established under the Courts Act, 1993 (Act 459), as amended by the Courts (Amendment) Act, 2002 (Act 620). In the case of the Court of Appeal in Ghana, the time limit for ruling is within eight weeks after the hearing of a case. This is provided by Rule 33 (1) and (2) of the Court of Appeal Rules, 1997 (CI 19). There is however no time limit under the Supreme Court Rules, 1996 (CI 16) for rulings by the Supreme Court after the hearing of arguments. In summary, the guidelines for timeous ruling and delivery of judgment by the high courts as can be gleaned from Order 63, Rule 2A (LI 1107) and re-enacted into Order 41, Rule 2(1)-(6) of CI 47 states that:

⁹¹ In terms of hierarchy, the Ghanaian Courts comprises the District/Magistrate Courts, Circuit Courts, High Courts, Appeals Court and the Supreme Court.

⁹² This is used interchangeably with Order 63, Rule 2(A)

1. It is the duty of the Court to deliver judgment as soon as possible after close of each case before it, and in any event not later than six weeks after the close of the case
2. For the purpose of this Rule, a case is closed when the evidence has been given to the Court and the final speeches have been concluded.
3. The times of the vacations in any year shall not be reckoned in the computation of the period of six weeks referred to in this Rule.
4. Where for any reason judgment has not been delivered within the period of six weeks, the Court shall forthwith inform the Chief Justice (CJ) in writing of that fact and shall state the reasons for the delay and the date upon which it is proposed to deliver judgment.
5. Where judgment has not been delivered within the period of six weeks, any party to the cause or matter may in writing notify the CJ of that fact and request that a date be fixed for the delivery of judgment.
6. Upon receiving a notification from the Court or a party under sub rule (4) or (5), the CJ may fix a date for the delivery of judgment by the Court and notify the Court accordingly, and it shall be the duty of the Court to ensure that judgment is delivered on the date fixed by the CJ.

3. Enforcing the Rules on Time Limits for Court Ruling in Ghana

In Ghana, it was the Supreme Court that had the first opportunity to consider the full legal effect of Order 63, Rule 2(A) which was re-enacted into Order 41, Rule 2, CI 47 in 2004 (Bimpong-Buta, 2007:124). This opportunity arose in the *Republic v Judicial Committee of the Central Regional House of Chiefs; Ex parte Aaba*.⁹³ This case was before the Supreme Court on appeal from the decision of the Court of Appeal, which had affirmed the decision of the High Court, Cape Coast in the Central Region of Ghana. The High Court had dismissed the appellants' application for an order of certiorari to quash the judgment of the Judicial Committee of the Central Regional House of Chiefs in respect of a chieftaincy dispute over succession to the Edina Paramount Stool.⁹⁴ The Supreme Court in *Ex parte Aaba* unanimously allowed the appeal and held further that, by operation of law, namely Rule 28 of the Chieftaincy Procedure Rules, 1972, CI 27, the Judicial Committee of the Central Regional House of Chiefs ought to have given its reasons in support of its judgment as to the rightful successor to the Edina Paramount Stool, *within six weeks from the conclusion of hearing arguments in the case*, as required by Order 41, Rule 2, CI 47. The Supreme Court found that the Judicial Committee had given its reasons in support of its judgment twelve weeks after the conclusion of hearing of arguments before the Judicial Committee (Ghana Law Report, 2006:545).

The Supreme Court ruling shows that it construed Order 41, Rule 2, CI 47 as mandatory and not merely an administrative rule. The Court further held that Order 41, Rule 2, CI 47 was aimed at securing court ruling within six weeks rather than leaving it to the discretion of the trial judge to do so "within a reasonable time" as had been the case before. The Court therefore held that any judgment given outside the mandatory six week period, without extension of time by the CJ would be a nullity and of no effect (*ibid*). In arriving at its unanimous decision in *Ex parte Aaba*, the Supreme Court of Ghana seem to have been influenced by its Nigerian counterpart in *Ifezue v Mbadugha* regarding the interpretation to be placed by the Court on section 258 (1) of the 1995 Nigerian Constitution. The said section provided that:

"Every Court established under this Constitution shall deliver its decision in writing not later than three months after the conclusion of evidence and final addresses, and furnish all parties to the cause or matter determined with duly authenticated copies of the decision at the date of the delivery thereof."

In their ruling on the case between *Ifezue v Mbadugha*, the Nigerian Supreme Court construed the above section as mandatory and not directory and that failure to deliver ruling within the three month period nullified the ruling.⁹⁵ However, the unanimous decision of the Supreme Court of Ghana in *Ex parte Aaba* was again unanimously reversed by the Supreme Court, differently constituted exactly a year later in the case of the *Republic v High Court, Accra; Ex parte Expandable Polystyrene Products Limited*.⁹⁶ In this case, the applicant, the defendant in a civil action determined against him by the High Court, Accra, sought an order of certiorari in the Supreme Court to nullify High Court ruling in favor of the plaintiff, *almost two years after the case had been heard*. The application for certiorari was on the basis of non-compliance with the statutory time limits for the delivery of judgment within six weeks from the date a hearing is concluded. The applicant also relied on the

⁹³ See Supreme Court of Ghana, Civil Appeal No 1/99, July, 25, 2001

⁹⁴ Edina, also called Elmina is one of the ancient towns in the Central Region, near Cape Coast

⁹⁵ See 1984 Nigerian Court Cases, 314.

⁹⁶ See Supreme Court, Civil Motion 21/2002, July 24, 2002

precedent of the earlier Supreme Court decision in *Ex parte Aaba*.. But this time, the Supreme Court dismissed the application and decided to depart from its previous decision in *Ex parte Aaba*. The reason given was that the previous decision in *Ex parte Aaba* had been given without the Court considering a very important provision in article 157 (3) of Ghana's 1992 Constitution which states that:

“Without prejudice to clause (2) of this article, no person sitting in a superior court for the determination of any cause or matter shall, having heard the arguments of the parties to that cause or matter and before judgment is delivered, withdraw as a member of the court or tribunal, or as a member of the panel determining that cause or matter, nor shall that person become *functus officio* in respect of that cause or matter, until judgment is delivered”

The Supreme Court held in this case that the effect of the above article was to make a judge *functus officio* only after he has delivered a ruling in a case he has finished hearing. The Court therefore held that a judge who has failed to deliver judgment within six weeks after the close of a case would not cease to have jurisdiction over the case or become *functus officio* and that a judgment delivered by such judge after the six week time limit would not necessarily amount to a nullity. The Court held that the rule six week rule for the delivering of judgment anticipated the possibility of delayed judgment and hence provided a procedure for delayed judgment. In this regard, the Supreme Court was not happy with the fact that counsel for the applicant based his arguments on some of the sub-rules of Order 63, Rule 2A and ignored other sub-rules within the same Order 63, Rule 2A and article 157 (3). In the view of the Court, the proper approach was to consider the whole of Order 63, Rule 2A in its context so as to arrive at its true legal effect.

4. The Constitutionality of Order 63 Rule 2A or Order 41, Rule 2(1) – (6)

It is important to note that in *Ex parte Expandable Polystyrene Products*, the Supreme Court did not declare Order 63, Rule 2A unconstitutional. On the contrary, in his opinion, one of the judges of the case, Justice Afreh rather expressed the view that both article 157 (3) and the Rule 2A of Order 63 have the same goal: “a judge who has heard a case to its conclusion cannot withdraw from it, he must give judgment and must do so as soon as possible after the close of the case”. The only difference, as pointed out by Justice Afreh in *Ex parte Expandable Polystyrene Products* is that Order 63 Rule 2A prescribes six weeks as the time within which ruling must be given while article 157 (3) does not prescribe any time limit. It must be noted that Justice Afreh in an *orbiter* expressed the view, concurred by Justice Adjabeng (who was part of the Supreme Court judges sitting on *Ex parte Expandable Polystyrene Products*), that the Supreme Court must not be taken to have declared Rule 2A of Order 63 as unconstitutional in relation to article 157 (3). Indeed, in stressing this, Afreh observed as follows:

“It is only when Rule 2A is interpreted as imposing mandatory requirements, which would render any judgment given more than six weeks after the close of a case null and void, that the rule becomes unconstitutional. If the requirements are regarded as directory only, it is perfectly consistent with article 157 (3) of the Constitution, 1992” (Ghana Law Report, 2006:759).

However, in its subsequent decision in the case of the *Republic v High Court, Koforidua; Ex parte Eastern Regional Development Corporation (ERDC)*, the question regarding the true legal effect of Order 63, Rule 2A in the light of article 157 (3) was again argued and considered by the Supreme Court.⁹⁷ In the above case, an application for certiorari was brought before the Supreme Court to quash the judgment of the High Court in favor of the plaintiffs because the ruling had been delivered more than six weeks after the parties had filed their final addresses, contrary to Order 63, Rule 2A. Counsel for the application also sought to rely on the decision in *Ex parte Aaba*. In response, the Supreme Court dismissed the application by a majority decision of four to one with Justice Ampiah dissenting. The majority held that the effect of article 157(3) was that a superior court's jurisdiction in a case which had been concluded by the hearing of argument could not be terminated until judgment has been delivered. Therefore they held that the application to quash the judgment of the High Court on the ground that it had been delivered outside the six weeks time limits as prescribed in Rule 2A was untenable in the face of the provision in article 157 (3). More importantly, it was concluded that Order 63, Rule 2A was incompatible with article 157 (3). The majority explained that the situation would be different if a trial judge had retired as a judge and thus unable to deliver ruling within the maximum period of six months as provided in article 145 (2&4) of the 1992 Constitution of Ghana.⁹⁸ The majority therefore decided, also on that ground, to depart from and also set aside the decision in *Ex parte Aaba* under article 129 (3) of the 1992 Constitution⁹⁹.

⁹⁷ See Supreme Court, CM 16/2002, April 16, 2003

⁹⁸ Article 145 (2) and (4) provides as follows:

“(2) A Justice of a Superior Court or a Chairman of a Regional Tribunal shall vacate his office –(a) in the case of Justice of the Supreme Court of the Court of Appeal, on attaining the age of seventy years; or (b) in the case of a Justice of the High

It is important to note that in expressing a dissenting view on the above ruling of the Supreme Court, Justice Ampiah noted that Order 63, Rule 2A was consistent with article 157 (3). He noted that article 157 (3) dealt with a different situation where before judgment, a judge withdraws from a case, while Order 63, Rule 2A dealt with the situation where judgment has been delayed. He observed further that:

“Our Constitution as provided in article 11(6) recognizes the existing laws. Order 63, Rule 2A (LI1107), though subsidiary legislation, was made on the authority of a constitutional provision, namely article 157(2) which enjoins the Rules of Court Committee ‘by constitutional instrument to make rules and regulations for regulating the practice and procedure of all courts in Ghana’. Thus while article 157 (3) enjoins the judge to sit on a case and deliver judgment; the judge is required under Rule 2A to comply with the rules and regulations governing the manner by which any such judgment shall be delivered. Consequently any breach of these rules and regulations would render any judgment delivered null and void” (Ghana Law Report, 2005:28).

5. Analyzing Decisions on the Time Limits for Court Rulings

Since July 25, 2001, when Ghana’s apex Court delivered its unanimous verdict in *Ex parte Aaba*, the Court has been called upon in several subsequent cases to consider the true legal effect of Order 63, Rule 2A in the light of the provision in article 157 (3) of the 1992 Constitution of Ghana (Bimpong-Buta, 2007). In examining the decisions given by the Supreme Court in the cases referred to above, the following observations may be made:

- First, the provision in Rule 2A of Order 63 as inserted by LI 1107 on the time limit for delivery of court ruling or judgment by the High Court and by operation of the law, by the judicial committees of the regional houses of chiefs, is purely administrative and not mandatory.
- Second, a judgment given outside the statutory six week time limit is not a nullity as decided by the Supreme Court in *Ex parte Aaba*
- That the decision in *Ex parte Aaba* was given *per incuriam* and therefore wrong because the court did not consider the relevant provision in article 157 (3) of the 1992 Constitution of Ghana
- Fourth, the rationale for Order 63, Rule 2A is not to cause any financial hardship to the parties in any case. Instead, it is to ensure that parties are not subjected to hardships arising from unreasonable and interminable delays in the delivery of judgments.
- Fifth, Order 63, Rule 2A is incompatible and by inference, unconstitutional vis-à-vis the provision in article 157 (3) of the 1992 Constitution of Ghana.

In relation to the fourth and fifth observations made above, two brief comments may be made. First, the fourth observation raises the question of the intention and policy behind the enactment of Order 63, Rule 2A. Two competing interests appear to be the rationale: (i) avoiding hardship to the parties to a case arising from viewing as a nullity a judgment delivered outside the time limit of six weeks for the delivery of judgment; and (ii) the avoidance of hardship arising from interminable and unreasonable delays in the delivery of judgments by the courts. The comment on the fifth observation is that commencing from the date of decision in *Ex parte ERDC* (April 16, 2003), the High Court Rules do not provide for any time limit for the delivery of judgments by the High Court if indeed Order 63, Rule 2A is unconstitutional. In this regard, it should be noted that under article 1(2) of the 1992 Constitution of Ghana: “the Constitution shall be the supreme law of Ghana and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void.”

Court or Chairman of a Regional Tribunal, on attaining the age of sixty-five years; or (c) upon his removal from office in accordance with article 146 of this Constitution”

“(4) Notwithstanding that he has attained the age at which he is required by this article to vacate his office, a person holding office as a Justice of the Superior Court or Chairman of a Regional Tribunal may continue in office for a period not exceeding six months after attaining that age, as may be necessary to enable him to deliver judgment or do any other thing in relation to proceedings that were commenced before him previous to his attainment of that age”

⁹⁹ Article 129 (3) of Ghana’s 1992 Constitution states that “The Supreme Court may, while treating its own previous decisions are normally binding, depart from a previous decision when it appears to it right to do so; and all other courts shall be bound to follow the decisions of the Supreme Court on questions of law.”

6. A Call for Reform of the Rule on Time Limits for Court Rulings

In the light of the foregone discussion, there is the need to review and amend Order 41, Rule 2(1)-(6) given the nation's Supreme Court posturing that renders it unconstitutional. This law reform process may be carried out by the Rules of Court Committee established under article 157 of Ghana's 1992 Constitution. In the reform exercise, a synthesis may be found between the two competing interests behind the enactment of Order 63, Rule 2A already discussed above. In this regard, the reform process should take into account what pertains in Nigeria where in the case of *Ifezue v Mbadugha* discussed earlier, the Nigerian Supreme Court interpreted section 258 (1) of their 1995 Constitution (similar to Ghana's Order 63, Rule 2A) as mandatory and of full legal effect. Indeed section 4 of article 258 (1) which was an amendment to the Nigerian Constitution (Suspension and Modification) Amendment Decree Number 17 of 1985 indicates that a Court decision can be nullified if the party complaining of a non-compliance with time limits for ruling has suffered a miscarriage of justice by reason thereof. What this means is that a ruling should not be quashed merely for violating the time limit for the delivery of judgment. However if the court is satisfied that the person making the claim that such non-compliance has inflicted hardships on him/her and has led to the perpetration of injustice, it can set aside a judgment for non-compliance with the time limits for court ruling.

It must be noted that the effect of the Nigerian amendment to section 258 (1) of the 1995 Constitution was considered, in the light of the provision in Order 70, Rule 1 of the old Ghanaian High Court (Civil Procedure) Rules, 1954 (LN140A), which is now Order 81 of the new High Court (Civil Procedure) Rules, 2004 (CI 47), by Justice William Atugubah, one of the Supreme Court judges who sat on the case involving the *Republic v High Court; Koforidua, Ex parte ERDC*. This is what he said:

"...the Nigerian experience, as aforesaid, necessitated that amendment to section 258(1) of their Constitution. However, in Ghana, that position has been forestalled by Order 70, Rule 1. Since prejudice to the other side and the demands of substantial justice are major considerations in the true construction of Order 70, Rule 1 and guided by the Nigerian experience, which necessitated an amendment against an invalidation of a judgment delivered contrary to the time limits for the same, and since the scheme and object of the Order 63, Rule 2A read carefully together, reveal that they were designed to keep putting pressure on a judge, after the closure of a case, to deliver the judgment therein without delay and not to invalidate same, I would hold that the non-compliance with those time limits is a curable defect and is not outside the purview of Order 70, Rule 1..." (Ghana Law Report, 2005:46).

However, a critical scrutiny of Order 70, Rule 1 show that unlike the Nigerian situation, it did not say that a decision of a court can be set aside for non-compliance with the rule on time limit for court ruling where a court is satisfied that the party complaining of such non-compliance has suffered a miscarriage of justice by reason thereof. But it is gratifying to note that Order 81, Rule 1(2) of CI 47 appears to give some solution to the challenges of Order 63, Rule 2A.¹⁰⁰ It is recommended that Rule 2A of Order 63 be amended in the light of the provision in the amendment to section 258(1) of the 1995 Constitution of Nigeria, and that of Order 81, Rule 1(2) of CI47. In amending Order 63, Rule 2A, the Rules of Court Committee may prescribe definite punitive sanctions against a judge who fails, without tangible reason, to give a ruling within a stated reasonable time frame. The CJ and the General Legal Council may also consider the option of putting together constant training programmes and sensitization workshops to educate and conscientize judges on the dangers of delayed judgments. Through these workshops and training sessions, the discussions would also illuminate the real, practical or peculiar challenges confronting judges that undermine the call for timeous delivery of ruling. The revelations may assist the Rules of Court Committee in fashioning out the appropriate rules that remedies the situation.

7. Concluding Remark

The danger in delaying the delivery of judgment cannot be under-estimated. Indeed, giving a court ruling soon after a case has been heard keeps the facts of the case fresh in the minds of the trialing judge so that a wise judgment can be made. Memories of parties, their witnesses and even facts may fade or totally escape the judge

¹⁰⁰ Order 81, Rule 1(2) of CI 47 states that:

"(2) The Court may, on ground that there has been such a failure as stated in sub rule (1), and on such terms as to costs or otherwise as it considers just

(a) set aside either wholly or in part the proceedings or any document, judgment or order therein; or
(b) exercise its powers under these Rules to allow such amendments to be made and to make such order dealing with the proceedings generally as it considers just."

where rulings are unduly delayed (Brobbey, 2000:552). Delayed judgment may breed unnecessary paranoia regarding the cause of the delay by the parties to the case as it did during Ghana's 2012 Election Petition Process. In the words of Bimpong-Buta (2007:135) "such delays may also be very oppressive to the parties to the action; create frustration and tension; and induce attempts at wrong-doing." These would generally serve to validate the truism that "justice delayed is justice denied."

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References

- Brobbey, S.A. (2000) *Practice and Procedure in Trial Courts and Tribunals of Ghana, Volume 1* (Accra: Black Mask Ltd).
- Bimpong-Buta, S.Y. (2007) "Delivery of Judgments by the Superior Courts of Ghana", *Ghana Policy Journal*, Volume 1, pp 121-138.
- Feelay, M.M. (1979) *The Process is the Punishment: Handling Cases in Lower Criminal Court* (New York: Russel Sage Foundation).
- Friedman, L.M.(1985) *Total Justice* (New York: Russell Sage Foundation).
- Harr, Jonathan, (1995) *A Civil Action* (New York: Random House).
- McLauchlan, W.P. (1977) *American Legal Process* (New York: JohnWiley & Sons).
- Perry, H. W. Jr. (1991) *Deciding to Decide: Agenda Setting in the United States Supreme Court* (Cambridge, MA: Harvard University Press).
- Republic of Ghana (1992) *Ghana Law Report, 1987-1988* (Accra: Council for Law Reporting).
- Republic of Ghana (2005) *Ghana Law Report, 2003-2005* (Accra: Council for Law Reporting).
- Republic of Ghana (2006) *Ghana Law Report, 2001-2002* (Accra: Council for Law Reporting).
- Republic of Ghana (2008) *Ghana Law Report, 2005-2006* (Accra: Council for Law Reporting).
- Sales, B.D., (ed.) (1981) *The Trial Process* (New York: Plenum Press).
- Scheingold, S.A. (1984) *The Politics of Law and Order* (New York: Longman).
- Strier, Franklin (1994) *Reconstructing Justice: An Agenda for Trial Reform* (Westport, CT: Quorum Books).
- Tarr, G.A. (2006) *Judicial Process and Policy Making* (Bemont, CA: Thomson Wadsworth).
- Tonry, M. (1996) *Sentencing Matters* (New York: Oxford University Press).