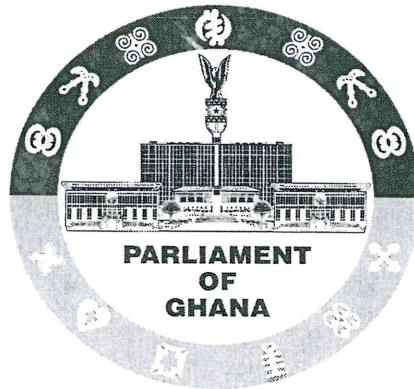


**IN THE SECOND SESSION OF THE SIXTH PARLIAMENT OF THE  
FOURTH REPUBLIC OF GHANA**



**REPORT OF THE COMMITTEE ON JUDICIARY**

**ON THE**

**2015 ANNUAL BUDGET ESTIMATES OF THE JUDICIAL SERVICE**

***DECEMBER, 2014***



**REPORT OF THE COMMITTEE ON JUDICIARY ON**  
**THE 2015 ANNUAL BUDGET ESTIMATES OF THE JUDICIAL SERVICE**

**1.0 INTRODUCTION**

- 1.1 The Budget Statement and Economic Policy of the Government for the 2015 Financial Year was presented to Parliament by the Hon. Minister for Finance, Mr. Seth E. Terkper on Wednesday, 19<sup>th</sup> November, 2014 in accordance with Article 179 (1) and (2) of the Constitution.
- 1.2 Pursuant to Article 179(2) and (4) of the Constitution, the 2015 Budget Estimates of the Judicial Service was laid in Parliament and referred to the Committee on Judiciary for consideration and report in accordance with the Standing Orders of the House.

**2.0 DELIBERATIONS**

- 2.1 The Committee during the consideration of the Budget Estimates was assisted by the Judicial Secretary, Justice A. B. Poku-Acheampong and other Officials of the Judicial Service. Also in attendance was the Schedule Officer from the Ministry of Finance.

**3.0 REFERENCE DOCUMENTS**

- 3.1 The Committee referred to the following documents during its discussions:
- i. The 1992 Constitution
  - ii. The Standing Orders of Parliament
  - iii. The Annual Budget Estimates of the Judicial Service for the 2014 Financial Year
  - iv. The Budget Statement and Economic Policy of the Government for the 2014 Financial Year

- v. The Budget Statement and Economic Policy of the Government for the 2015 Financial Year
- vi. Report of the Committee on the 2014 Budget Estimates for the Judicial Service

#### **4.0 MISSION OF THE JUDICIAL SERVICE**

4.1 The Mission of the Judicial Service is to promote, among other functions, efficient and effective system of administration of justice acceptable to all manner of persons, including the poor and vulnerable without fear or favour or ill-will, thereby creating an enabling environment for good governance.

4.2 The Service intends to achieve its Mission through the following objectives:

- i. Promoting the rule of law, transparency, efficiency and speedy administration of justice;
- ii. Promoting and upholding the Fundamental Human Rights and Freedoms of all persons in the country;
- iii. Improving access to justice especially to the vulnerable and the excluded;
- iv. Improving human and institutional capacity especially towards the protection of the vulnerable and the excluded;
- v. Ensuring efficient and speedy delivery of justice;
- vi. Improving the public image and confidence in the Service; and
- vii. Removing the perception of corruption in the Service.

#### **5.0 ANALYSES OF THE APPROVED BUDGET OF THE JUDICIAL SERVICE FOR 2014**

5.1 A total amount of **One Hundred and Ninety-Two Million, One Hundred and Ninety-Seven Thousand, Nine Hundred and Eighty-Three Ghana Cedis, Sixty-Six Pesewas (GH¢192,197,983.66)** was approved for the Judicial Service for the 2014 Fiscal Year. The breakdown is indicated in Table 1:

Table 1

**Approved Budget of the Judicial Service for the 2014 Financial Year**

<b>ITEM</b>	<b>GOG (GH¢)</b>	<b>DONOR SUPPORT (GH¢)</b>	<b>RETAINED IGF (GH¢)</b>	<b>TOTAL BUDGET ESTIMATES (GH¢)</b>
1. COMPENSATION OF EMPLOYEES	124,936,721.86			<b>124,936,721.86</b>
2. GOODS AND SERVICES	22,797,510.26	5,680,956.43	126,900.00	<b>28,605,366.69</b>
3. ASSETS	37,177,511.73		1,478,383.38	<b>38,655,895.11</b>
<b>TOTALS</b>	<b>184,911,743.85</b>	<b>5,680,956.43</b>	<b>1,605,283.38</b>	<b>192,197,983.66</b>

- 5.2 Out of the approved GoG Component of **One Hundred and Eighty-Four Million, Nine Hundred and Eleven Thousand, Seven Hundred and Forty-Three Ghana Cedis, Eighty-Five Pesewas (GH¢184,911,743.85)**, an amount of **One Hundred and One Million, Nine Hundred and Seventeen Thousand, Nine Hundred and Thirty-Eight Ghana Cedis, Thirty-One Pesewas (GH¢101,917,938.31)** had been released as the end of November, 2014. The total amount released constituted 55.12% of the Total GoG Allocation to the Service. The Details are shown in Table 2 below:

Table 2

**The GoG Component of the Approved Budget for the Judicial Service for 2014 and Fund Releases to the Service as at the end of November, 2014**

<b>ITEM</b>	<b>APPROVED GoG COMPONENT OF BUDGET FOR 2014 (GH¢)</b>	<b>RELEASES AS AT THE END OF NOVEMBER, 2014 (GH¢)</b>	<b>DIFFERENCE (GH¢)</b>	<b>PERCENTAGE OF RELEASES OVER APPROVED BUDGET (GH¢)</b>
1. COMPENSATION OF EMPLOYEES	124,936,721.86	92,524,276.56	32,412,445.30	<b>74.06%</b>
2. GOODS AND SERVICES	22,797,510.26	9,187,479.37	13,610,030.89	<b>40.3%</b>
3. ASSETS	37,177,511.73	206,182.38	36,971,329.35	<b>0.55%</b>
<b>TOTALS</b>	<b>184,911,743.85</b>	<b>101,917,938.31</b>	<b>82,993,805.54</b>	<b>55.12%</b>

## **6.0 REVIEW OF PERFORMANCE FOR YEAR 2014**

6.1 The Service in 2014 recorded a total of two hundred and two thousand, four hundred and sixty-nine (202,469) cases of which one hundred thousand, eight hundred and twenty-four (100,824) were disposed-off. A total of thirty-one (31) Judges and Magistrates were recruited to increase efficiency in justice delivery. This reduced the incidence of Courts without Judges and Magistrates by 5 per cent and facilitated speedy disposal of cases.

6.2 The Service also referred seven thousand and sixteen (7,016) cases to Alternative Dispute Resolution (ADR) to reduce congestion and long litigation in courts. This was against a target of ten thousand (10,000). The ADR also mediated a total of five thousand, nine hundred and twenty-four (5,924) cases out of which four thousand, one

hundred and eighty-one (4,181) of them were settled against an overall target of 7,000 cases.

## **7.0 THE 2015 ANNUAL BUDGET ESTIMATES OF THE JUDICIAL SERVICE**

The Judicial Service intends to undertake the following programmes in 2015:

### **Court Administration Programme**

- 7.1 The Service estimates that a total of ninety-five thousand, five hundred (95,500) cases will be disposed-off to help reduce backlog of cases by 5 to 7 per cent.

### **Alternative Dispute Resolution Programme**

- 7.2 A total of ten (10) Courts will be connected to ADR to enhance the settlement of cases outside the traditional court system. The Service plans to refer a total of about seven thousand, six hundred and eleven (7,611) to ADR to facilitate the resolution of cases.

- 7.3 The Service also intends to undertake the following activities:

- i. Expansion of computerisation of the revenue collection system to help plug revenue leakages
- ii. Continue with the process of automating the High, Circuit and District Courts to facilitate the discharge of duties of the family, juvenile courts and courts that handle drug related cases.
- iii. Regularly train and equip Judges, Magistrates and Staff to enhance capacity.
- iv. Propagate further, the principles of Alternative Dispute Resolution (ADR) to reduce the backlog of cases in the Courts and to mainstream ADR into the Court processes.

7.4 For the implementation of its programmes for 2015, the Judicial Service presented a total amount of **Two Hundred and Fifty-Three Million, Thirty-Eight Thousand, Five Hundred and Sixty-Seven Ghana Cedis, Twelve Pesewas (GH¢253,038,567.12)** to His Excellency, the President, which was forwarded to Parliament. Details of the Budget are shown in Table 3 below.

Table 3

**Budget Estimates of the Judicial Service for the 2015 Financial Year laid in Parliament**

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	RETAINED IGF (GH¢)	TOTAL BUDGET ESTIMATES (GH¢)
1. COMPENSATION OF EMPLOYEES	155,864,489.69			155,864,489.69
2. GOODS AND SERVICES	34,635,136.92	2,781,271.52	349,490.00	37,765,898.44
3. ASSETS	54,420,023.76	2,127,078.48	2,861,076.75	59,408,178.99
<b>TOTALS</b>	<b>244,919,650.37</b>	<b>4,908,350.00</b>	<b>3,210,566.00</b>	<b>253,038,567.12</b>

**8.0 OBSERVATIONS AND RECOMMENDATIONS**

8.1 The Judicial Service submitted an amount of **Two Hundred and Fifty-Three Million, Thirty-Eight Thousand, Five Hundred and Sixty-Seven Ghana Cedis, Twelve Pesewas (GH¢253,038,567.12)** to His Excellency, the President. However, in a Letter dated 13<sup>th</sup> October, 2014, His Excellency recommended to Parliament to consider reducing the amount to **One Hundred and Ninety-Nine Million, Five Hundred and Seventy-Six Thousand, Eight Hundred and Sixty-Seven Ghana Cedis**



**(GH¢199,576,867.00)** in the light of overall resources available for the Year. This amount is about 78.9% of what was requested by the Judicial Service. Breakdown of the reviewed Budget is as indicated in Table 4 below.

Table 4

**Annual Budget Estimates of the Judicial Service for the 2015 Financial Year**

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	RETAINED IGF (GH¢)	TOTAL BUDGET ESTIMATES (GH¢)
4. COMPENSATION OF EMPLOYEES	132,432,924.00			<b>132,432,924.00</b>
5. GOODS AND SERVICES	34,635,137.00	2,263,858.00	2,737,016.00	<b>39,636,011.00</b>
6. ASSETS	26,022,658.00	1,485,274.00		<b>27,507,932.00</b>
<b>TOTALS</b>	<b>193,090,719.00</b>	<b>3,749,132.00</b>	<b>2,737,016.00</b>	<b>199,576,867.00</b>

8.2 From Tables 3 and 4, it can be seen that the revision in the Budget of the Judicial Service would adversely affect Compensation for Employees and Assets. The Judicial Service explained that the amount that was proposed for Compensation of Employees for 2015 included salaries and related allowances for new Judges, Magistrates and auxiliary Staff that the Service intends to engage for its 42-Courtroom Complex, which is expected to be completed in July next Year. With the reduction, the Service would have to find other ways of catering for the new Judges and Staff when appointed. In the case of assets, the reduction would hamper the major rehabilitation works being undertaken in various Court Houses and Bungalows for Judges.

- 8.3 The Committee after thorough discussions of the Estimates with the Officials of the Judicial Service came to the conclusion that the recommendation by His Excellency, the President be accepted, in the light of the financial challenges being experienced by the Country. The Committee therefore appeals to the Minister for Finance to find alternative ways of meeting the financial requirements of the Judicial Service in the course of the Year to engage new Judges and Staff for the 42-Courtroom Complex and also complete the renovation of bungalows for Judges/Magistrates, as a way of addressing the accommodation problems in the Service.
- 8.4 The Committee also observed that despite the assurance given by the Hon. Minister for Finance last year that funds approved for the Judicial Service would be released timeously, the reverse happened. As indicated in Table 2, only 55.12% had been released to the Service as at the end of November, 2014. The Committee was informed that due to the late releases, the Service is highly indebted to some of its Service Providers some of whom have threatened court action. By the provision of Article 127(6) of the Constitution, the approved Budget for the Judicial Service is to be released in quarterly instalments to the Service. The Committee, is however aware of the fact that release of funds by the Ministry of Finance depends on the revenue generated within the period but would like to appeal to the Ministry of Finance to as much as possible release funds to the Judicial Service timeously to enable it function effectively.
- 8.5 The Committee was informed of the difficulties encountered from the Ministry of Finance in respect of appointment of Judges and auxiliary Staff. Judges appointed by His Excellency, the President, commence duty immediately after their appointment but the financial clearance for the payment of their salaries delay unduly leading to frustrations on the part of the newly appointed Judges. Even where the Ministry of

Finance decides to pay them, it is unable to fully pay the Judges for period that they have worked. The situation according to the Judicial Secretary exposes the Judges to untold hardships. The Committee, therefore, calls on the Minister for Finance to take a critical look at the peculiar nature of the Judicial Service and expedite action in respect of financial clearance.

- 8.6 The Committee, during the consideration of the 2014 Budget Estimates of the Judicial Service, raised the issue of increase in rate of retention of the Internally Generated Funds (IGF) by the Service to help address some of the financial challenges it is confronted with. The Minister for Finance who was in attendance, informed the Committee that Government was in the process of rationalising the retention rate of Internally Generated Funds (IGF) for all Ministries, Departments, Agencies and other Governance Institutions and that a holistic approach would be adopted in the rationalisation process to cover all the affected institutions. The Minister indicated that the issue of retention rate of IGF for the Judicial Service would be addressed in the rationalisation process. The Committee noted that the rationalisation process is still not completed. The Committee therefore calls on the Hon. Minister for Finance to expedite action on the matter. In the event that the process may delay, the Committee humbly appeals to the Minister for Finance to prioritise the case of the Judicial Service. As an Arm of Government, the Judicial Service must be treated differently from the other Institutions of the State.

## **9.0 CONCLUSION**

- 9.1 Effective justice delivery is one of the tenets of good governance. The Judicial Service must therefore be resourced in order to ensure smooth operations and effective justice delivery. The Committee therefore appeals to Government to assist the Service to

perform its constitutionally mandated functions effectively by providing it with the required funds.

- 9.2 The Committee recommends to the House, the approval of the amount of **One Hundred and Ninety-Nine Million, Five Hundred and Seventy-Six Thousand, Eight Hundred and Sixty-Seven Ghana Cedis (GH¢199,576,867.00)** for the Judicial Service for the 2015 Fiscal Year.

Respectfully submitted.



**ERIC OWUSU-MENSAH**

*Clerk, Judiciary Committee*



**HON. CHARLES OBENG-INKOOM**

*Chairman, Judiciary Committee*

**DECEMBER, 2014**