

REPORT OF THE COMMITTEE ON THE JUDICIARY ON THE 2008 DRAFT ANNUAL ESTIMATES OF THE JUDICIAL SERVICE

1.0 INTRODUCTION

The Minister for finance and Economic Planning, Hon Kwadwo Baah Wiredu on the authority of H.E President, presented to Parliament the Budget Statement and Economic Policy of the Government for the 2007 Financial Year on Thursday 15th November, 2008 in accordance with Article 179 of the 1992 Constitution.

1.2 Pursuant to article 179 of (4) of the Constitution, the Estimates of the Judicial Service together with the corresponding recommended Estimates from H.E. the President were laid before the House and referred to the Committee on the Judiciary for consideration and report.

2.0 The Committee met on Tuesday 11th December 2007 and discussed the Budget Estimates with officials from the Judicial Service led by His Lordship Mr. Justice Victor Ofoe. Officials from the Ministry of Finance and Economic Planning were also in attendance at the invitation of the Committee. The Committee is grateful to His Lordship Mr. Justice Ofoe and his technical team as well as the officials from the Ministry of Finance and Economic Planning for their input.

3.0 REFERENCE DOCUMENTS

3.1 The Committee in its deliberations referred to the following:

- I. The 1992 Constitution of the Republic,
- II. The Standing Orders of Parliament,
- III. The Report of the Judiciary Committee on the 2007 Budget Estimates of the Judicial Service,
- IV. The Draft Budget Estimates of the Judicial Service for 2008, and
- V. The Recommendations of H.E. the President on the 2007 Budget Estimates of the Judicial Service.
- VI. The Judicial Service Act, 1960 (CAP 10)

4.0 THE JUDICIAL SERVICE

4.1 Mission Statement

The Judicial Service exists to promote, among other functions, an efficient and effective system of administration of justice which is acceptable to all manner of persons, including the poor and the vulnerable without fear or favour or ill-will, thereby creating an enabling environment for good governance. In this regard the Service is determined to build a truly independent, competent institution to protect and consolidate the principles of democracy enshrined in our Constitution.

4.2 Objectives

The objectives of the Service are amongst others to:

- i. Promote the rule of law and to encourage transparency in service delivery,

- ii. Promote and uphold human rights, improve access to justice and protect the rights of the vulnerable in the society,
- iii. Ensure efficiency and speedy delivery of justice,
- iv. Maintain high standards of efficiency at all levels through capacity building and manpower development of its staff,
- v. Change the perception of the public of the judiciary and build public confidence in the Service
- vi. Improve the conditions of service for all staff
- vii. Improve its infrastructural capacity to enhance service delivery.

5.0 OUTLOOK FOR 2008

5.1 Manpower Requirement For 2008

The Committee was informed that for the 2008 financial year, the expected nominal roll for the Judiciary is 5,407. This figure would comprise 117 Justices of the Superior Court, 177 Judges of the Lower Courts, 81 Career Magistrates, and 5,029 Administrative Personnel.

6.0 SUMMARY OF KEY POLICY ISSUES FOR IMPLEMENTATION DURING THE 2008 FINANCIAL YEAR

For the 2008 financial year, the Service would focus on the following key policy issues:

- Automation of Magistrate Courts to facilitate the performance of the family, juvenile and drugs related Courts.
- Continuation of the propagation of the principles of Alternate Dispute Resolution (ADR) to reduce the backlog of cases in the Courts and to mainstream ADR into the Court processes.

- Appointment of 31 trainee Magistrates being the third batch of Career Magistrates for training to assist in adjudication of cases in remote areas of the country.
- Commencement of a programme of weekend Magistrate Courts in Accra, on experimental basis, and possible extension of the programme to Takoradi and Kumasi in subsequent years.
- Continuation of training to equip Judges and Staff, including newly recruited Magistrates and Judges.
- Continuation of the construction of the Judicial Training Institute (JTI) in Accra, with well equipped modern facilities for training.
- Continuation of the construction of the complex of Courts to take care of the Financial Administration Tribunal and other economic related Courts and Land Courts in Accra.
- Continuation of the construction of the Court of Appeal Complex in Kumasi, which is the first of its kind in Ghana.

6.0 EXPENDITURE REQUEST ON 2008 BUDGET

6.1 The Committee noted that the Judicial Service submitted to H.E. the President a total expenditure request of twenty seven million, four hundred and sixty eight thousand, one hundred and thirty five cedis and ninety five pesewas (GH¢27,468,135.95) for the 2008 financial year. The Committee also noted that the President recommended for approval by Parliament a total sum of twenty six million, three hundred and thirty nine thousand, one hundred and seventy two cedis (GH¢26,339,172.00).

A break down of the sum total of the Service's request together with the corresponding amounts recommended by H.E. the President under the four main expenditure items are indicated below:

NO.	ITEM	PROPOSED ESTIMATES	PRESIDENT'S RECOMMENDATION.
1.	PERSONAL EMOL	GH¢16,675,440.95	GH¢15,277,416.00
2.	ADMINISTRATION	GH¢ 7,938,957.00	GH¢ 7,393,000.00
3.	SERVICE	GH¢ 627,835.00	GH¢ 896,904.00
4.	INVESTMENT	GH¢ 2,225,900.00	GH¢ 2,225,895.00
5.	TOTAL	<u>GH¢ 27,468,135.95</u>	<u>GH¢26,339,173.00</u>

7.0 SPECIAL ESTIMATES

7.1 The Committee further noted that the Service also submitted a special request for the sum of six million, eighty five thousand and two hundred and ninety-eight Ghana Cedis (GH ¢6,085,298.00) to finance other key development programmes which were not provided for in the Service's mainstream Estimates due to budgetary constraints. The Committee noted that the Judicial Service made the above request pursuant to general guidelines for presentation of budget by all MDA's specified in paragraph 6 on page 3 of the "Guidelines for the preparation of the 2008 – 2010 budget". The guidelines, state amongst others that "MDA's which intend to undertake special projects that cannot be accommodated within the given ceilings, should seek cabinet approval for extra budget funds for those projects".

The Committee was informed the special estimates are required to fund the under-listed projects:

1. Replacement of broken down or obsolete equipment in the mechanised Courts, which if not done now threatens the very existence of the Courts.
2. The establishment of Financial Administration Tribunal Service in compliance with the Financial Administration Act 2003 (Act 654).
3. Completion of the Kumasi Court of Appeal to satisfy the Appeal Court needs of the Northern sector of the country in consonance with the programme of taking justice to the doorsteps of the people.
4. Provision of counterpart funding for the Millennium Challenge Account of US\$300,000 to Support the mechanisation of the Circuit Court system to mitigate the back log of outstanding cases;
5. Establishment of a Judicial Training Institute to handle the continuous training programmes for Judges and staff including special training for recorders and bailiffs as well as reporters for Parliament and CHRAJ, and
6. Procurement of four wheel drive vehicles and pick-ups to facilitate the easy movement of the Chief Justice and other judicial officers around the country.

Below is a summary of the Special Estimates.

SUMMARY OF SPECIAL ESTIMATES 2008

No.	Expenditure Item	Amount in GH ¢
1.	Equipment	726,141.00
2.	Financial Tribunal and Land Court Building	200,000.00
3.	Kumasi Court of Appeal Complex	2,000,000.00
4.	Counter part funding for Millennium Account	100,000.00
5.	Judicial Training Institute	1,800,000.00
6.	Vehicles and Motor-bikes	1,259,157.50
7.	Total	<u>GH¢6,085,298.50</u>

8.0 OBSERVATIONS

8.1 Financial Independence of the Judiciary

The Committee observed that, the constitution guarantees the financial independence of the Judiciary therefore, the Judiciary should not be compelled to rigidly operate within micro-ceilings issued by the Ministry of Finance and Economic Planning to MDAs generally.

8.2 Submission of Annual Reports and Actual Expenditure Returns

It also came to the notice of the Committee that, even though section 29 of the Judicial Service Act, 1960 (CA10) enjoins the Judicial Secretary to submit through the Chief Justice to Parliament, Annual Reports on the administration of the Service, the Service was yet to comply with this requirement. Further to this, the Committee has over the years never been presented with Actual Expenditure Returns of the Judiciary during the Committee's consideration of the budget of the Judicial Service.

On the above, the Committee observed that since it was its constitutional responsibility to report to the House on the Budget Estimates of the Judicial Service, it was imperative that the Service furnish the Committee with its actual expenditure returns. Such information, the Committee observed was required for comparative analysis of annual appropriations for the judiciary, and as a basis for justifying its report on same before the House.

8.3 **Increasing Access to Justice for the Vulnerable and Excluded**

The Committee noted that the Judiciary in compliance with provisions of the Courts Act 1993 (Act 459) is making every effort to establish District Magistrate Courts in all districts in the Country. It was also noted that most of these district courts also operate as Family and Juvenile Courts. The Committee observed that this programme of work is one of the reliable means of facilitating access to justice by all including particularly the poor, vulnerable and the excluded, especially at the local level. The Committee also recognised the complementary role played by some District Assemblies in this regard by way of providing physical infrastructure including residential facilities for Judges in their districts and urge all District Assemblies to lend support in this direction.

8.4 **Automation of Courts**

The committee was also pleased to note that the Service continues with the automation of many more Courts and that the process is no longer limited to High Courts but has been extended to cover Lower Courts which handle the family and juvenile cases. The Committee accordingly urges the Service to vigorously pursue the process and possibly set a time frame for completing the

automation of all Courts in the Country, as it would certainly facilitate speedy administration of justice.

8.6 Constitutional Procedure on Submitting Estimates of the Judiciary to Parliament

On the above matter some Members of the Committee were of the view that the provisions of article 179 (3), (4), (5) and (6) which clearly specify the procedures for presentation of the Annual Estimates of the Judiciary was not fully observed. They particularly observed that the communication from the Office of His Excellency the President on the Estimates did not include estimates the Judiciary submitted to His Excellency, together with his comments. Thus, the Committee had to operate with the assumption that, the comments of His Excellency were those contained in the Budget Statement and Economic Policy of the Government presented by the Minister for Finance and Economic Planning. The Committee is however optimistic that, in subsequent year's budget, the Committee would be availed of the President's comments on the Estimates of the Judiciary to guide its Members in consideration of the Estimates.

9.0 RECOMMENDATION AND CONCLUSION

9.1 The Committee having considered the Estimates in the light of the programme of activities earmarked for implementation recommends that this House approves the sum of twenty six million, three hundred and thirty nine thousand, one hundred and seventy two cedis (GH¢26,339,172.00) for the routine services of the Judicial Service for the 2008 financial year.

The Committee also took note of the fact that out of a sum total of six million, eighty five thousand and two hundred and ninety-eight Ghana Cedis, fifty pesewas (GH ϕ 6,085,298.50) the Service presented under the Special Estimates, Government has offered to provide two million, thirty-five thousand, one hundred and twenty Ghana cedis (GH ϕ 2,035,120.00) The Committee therefore recommends that in view of the fact that a number of planned programmes of activities could not be provided for under the main stream budget estimates of the Judicial Service, this House impresses upon the Ministry of Finance and Economic Planning to make provision for the difference in the course of the year to enable the Service complete its work programme for the year.

Respectfully submitted



HON. JOHN A. NDEBUGRE

CHAIRMAN,

COMMITTEE ON THE JUDICIARY



EBÉNEZER A. DJETROR

CLERK,

COMMITTEE ON THE JUDICIARY