

**REPORT OF THE COMMITTEE ON DEFENCE AND INTERIOR ON THE
PUBLIC HOLIDAY (AMENDMENT) BILL**

1.0 INTRODUCTION

The Public Holidays (Amendment) Bill, 2018 was presented to the House on 12th December, 2018. In accordance with Article 103 of the 1992 Constitution of Ghana and Order 125 and 156 of the Standing Orders of the House, the Rt. Hon. Speaker referred the Bill to the Committee on Defence and Interior for consideration and report.

2.0 CONSIDERATION OF THE BILL

Pursuant to Article 106 (4) of the Constitution and Order 125 of the Standing orders, the Committee published for written memoranda on the Bill.

Subsequently, individuals and organisations that presented memoranda to the Committee were given the opportunity to meet with the Committee for further deliberation on their proposals.

The Committee further met with the Hon. Minister for the Interior, Mr. Ambrose Dery; the Hon. Deputy Minister for the Interior, Mr. Henry Quartey; Officials of the Ministry of the Interior and Officials from the Attorney-General's Department

The Committee is grateful for their inputs and support during the deliberations.

3.0 REFERENCE DOCUMENTS

In examining the Bill, the Committee made reference to the following documents:

- i. The 1992 Constitution of the Republic of Ghana
- ii. The Standing Orders of the Parliament of Ghana
- iii. The Public Holidays (Amendment) Act, 1995 (Act 507)
- iv. The Public Holidays Act, 2001 (Act 601)

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Class No: BR/PHA/18

- v. The Public Holidays (Amendment) Act, 2002 (Act 626)
- vi. Memoranda from the Public

4.0 BACKGROUND

From the onset of colonialism of the Gold Coast through to Independence of Ghana in 1957, various citizens have resisted and made vital contributions to the liberation of our nation from colonialism.

In honour of such persons, and in recognition of significant historical events, Government introduced the Bill to provide for the celebration of additional holidays and commemorative days.

The Aborigines Rights Protection Society was formed in Cape Coast on 4th August, 1897 to resist the enactment of the Crown Lands Bill and to begin the assertion of our national property rights. This bravery exhibited by these nationalists and their successful efforts in opposing the Crown Lands Bill was a colossal step taken to preserve the lands of the country. This effort enhanced the movement towards self-determination and paved way for the struggle for the independence of Ghana without the attendant challenge of encumbered land rights of citizens as existed in other countries in the East and South Africa. It is therefore significant that we have knowledge and honour all of the members of society for the role they played.

Furthermore, on 4th August, 1947, the founders of the first nationalist party United Gold Coast Convention met in Saltpond to inaugurate the Convention and lead the nation in the fight for independence from the British. The inauguration of the convention set the ball rolling for Ghana's attainment of Independence as a Multi-party Democracy and for the dramatic events including the birth of the Convention Peoples Party in 1949, that ultimately ushered the country into independence.

Consequently, the 4th day of August is a memorable day, which signifies the recognition and appreciation of the efforts of our fore-fathers towards the founding of a free, independent and Constitutional Ghana.

Ghana became Republic on the 1st of July, 1960 and paved the way for subsequent constitutional Republics. For this reason, it is important to recognize this day and commemorate it, to mark the beginning of an effort at multi-party democracy and constitutional rule.

Finally, the Fourth Republic which was established by the 1992 Constitution, was inaugurated on 7th January, 1993. This date provides the basis for the longest, uninterrupted period of stable, constitutional rule in the history of Ghana. The day witnessed the achievement of seven successive Presidential and Parliamentary elections. The transfer of power between the two major political parties, on three occasions has been peaceful. Additionally, it is therefore worthy to commemorate the 7th day of January as a national holiday to acknowledge the collective efforts as a country in ensuring that the tenets of democracy, the rule of law and the principles of constitutionalism are upheld.

5.0 PURPOSE OF THE BILL

The purpose of this Bill is to amend the Public Holidays Act, 2001 (Act 601) to provide for the 7th day of January, the 4th day of August and 21st day of September as additional statutory public holidays and for the celebration of the 25th day of May and the 1st day of July as commemorative days

6.0 MEMORANDA RECEIVED

As already indicated, the Committee received Memoranda from the Conventions Peoples Party and the People's National Convention and met with both groups. The two memoranda were similar and addressed the same issues. They contended that:

- i. the amendment Bill and its object are inconsistent with Ghana's historical records including official reports of Parliament, both in Ghana and in the United Kingdom.
- ii. September 21 should be observed as a holiday as Founder's or Founders' Day as was celebrated before the 24th day of February, 1966 infamous coup d'état. The day is significantly linked to the man who has become the epitome and climax of all the struggles and efforts against colonialism and imperialism. August 4 in no way represents the creation of Ghana.
- iii. the AU Day as an important landmark in the history of African Unity and Liberation should remain a public holiday as a guide to our Pan African aspiration. Ghana has always played the lead role in the African Unity project.
- iv. the proposed amendments should retain the 1st day of July, Ghana's Republic Day, as a statutory public holiday signifying the full attainment of political independence. The celebration of the 6th day of March loses its significance without that of the 1st day of July. The 7th day of January should not replace the 1st of July.

7.0 HIGHLIGHTS OF THE CONTENTS OF THE BILL

The Bill contains a total of four clauses and two schedules.

Clause 1 amends the Short Title of Act 601 to read "**Public Holidays and Commemorative Days Act**" instead of the "**Public Holidays Act**".

Clause 2 introduces a Second Schedule which lists the days set aside for commemoration.

Clause 3 is introducing a new section 4A to provide for the celebration of commemorative days.

Clause 4 deals with the definition for “commemorative day”.

Clause 5 amends the First Schedule by adding 7th January, 4th August and 21st September to the list of public holidays and the Second Schedule lists the days intended to be celebrated as commemorative days

8.0 OBSERVATIONS

The Committee noted that the existing Founder's Day holiday which is observed on the 21st day of September, will now be observed as a Kwame Nkrumah Memorial Day and would continue to be a public holiday. The 4th of August would also be observed as a public holiday in recognition and appreciation of the role the forebears played towards the founding of independent Ghana. The 7th of January would likewise be observed as a public holiday in remembrance of the coming into force of the 1992 Constitution, which birth the Fourth Republic, the longest surviving Constitution as well as Republic in our history. The African Union (AU) and Republic day will now be observed as commemorative days.

The Committee observed that in 2002, an amendment was made to the Public Holiday Act, 2001 (Act 601), to include Africa Union Day (AU) and this amendment was later consolidated in Act 601.

The Committee also noted that the Bill seeks to delete the provisions in Section 7 of Act 601 and substitute it with “In the Act, unless the context otherwise requires,

“commemorative day” means a day other than a statutory public holiday which is set aside in remembrance of an important person or an important event in the past; and

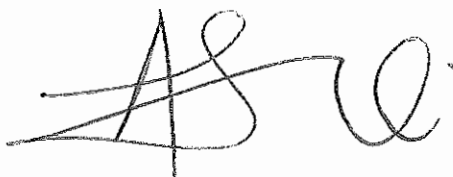
“shop” includes a store or any premises for the sale of goods.”

The Committee also observed that under the principle of interpretation, words are arranged in alphabetical order, hence “commemorative day” should precede “shop”.


Furthermore, whereas majority of Members of the Committee endorsed in totality the policies and principles underlying the Bill, the Minority stated their position of division regarding the Bill on the basis of ideology in accordance with Order 211 of the Standing Orders.

9.0 CONCLUSION

The Committee having examined and satisfied itself with the provisions of the Bill recommends its passage into law by majority decision.



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**HON. SETH KWAME ACHEAMPONG
CHAIRMAN, COMMITTEE ON DEFENCE
AND INTERIOR**



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**EDITH EDILYN ADJEI
CLERK, COMMITTEE ON DEFENCE
AND INTERIOR**