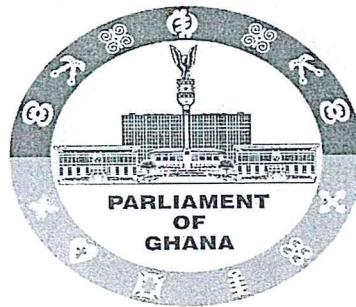


**IN THE THIRD SESSION OF THE SIXTH PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA**



REPORT OF THE COMMITTEE ON JUDICIARY

ON THE



**ANNUAL BUDGET ESTIMATES OF THE JUDICIAL SERVICE FOR
THE YEAR ENDING 31ST DECEMBER, 2016**

DECEMBER, 2015

**REPORT OF THE COMMITTEE ON JUDICIARY ON THE ANNUAL BUDGET ESTIMATES
OF THE JUDICIAL SERVICE FOR THE YEAR ENDING 31ST DECEMBER, 2016**

1.0 INTRODUCTION

1.1 The Budget Statement and Economic Policy of the Government for the 2016 Financial Year was presented to Parliament by the Hon. Minister for Finance, Mr. Seth E. Terkper on **Friday, 13th November, 2015** in accordance with Article 179 (1) and (2) of the Constitution.

1.2 Pursuant to Article 179(2) and (4) of the Constitution, **the 2016 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 Alex B. Poku-Acheampong and other Officials of the Judicial Service. Also in attendance was Mr. Cassiel Ato Forson, the Hon. Deputy Minister for Finance and Schedule Officers 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 2015 Financial Year

- iv. The Budget Statement and Economic Policy of the Government for the 2015 Financial Year
- v. The Budget Statement and Economic Policy of the Government for the 2016 Financial Year
- vi. Report of the Committee on the 2015 Budget Estimates for the Judicial Service

4.0 MISSION OF THE JUDICIAL SERVICE

- 4.1 The Mission of the Judiciary and the Judicial Service is to resolve legal conflicts according to law, impartially and efficiently for all persons without fear or favour, affection or ill-will through true and proper interpretation, application and implementation of the laws of Ghana.

5.0 CORE FUNCTIONS

- 5.1 The core functions of the Judiciary and the Judicial Service are as follows:
 - i. Promote the rule of law, transparency, accountability and anti-corruption;
 - ii. Promote and uphold human rights, improvement to justice and protect the rights of the vulnerable in the society;
 - iii. Ensure efficiency and the speedy delivery of justice;
 - iv. Strengthen the capacity of its human resource and improve the conditions of service for all staff;
 - v. Change the public perception of the Judiciary and build public confidence in the service; and
 - vi. Improve its infrastructural capacity to enhance its service delivery.

6.0 ANALYSES OF THE APPROVED BUDGET OF THE JUDICIAL SERVICE FOR 2015

6.1 A total 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)** was approved for the Judicial Service for the 2015 Fiscal Year. The breakdown is indicated in Table 1.

Table 1

Approved Budget of the Judicial Service for the 2015 Financial Year

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

6.2 Out of the approved GoG Component of One Hundred and Ninety-Three Million, Ninety Thousand, Seven Hundred and Nineteen Ghana Cedis (GH¢193,090,179.00), an amount of One Hundred and Thirty-Five Million, Three Hundred and Eighty-Nine Thousand, Seven Hundred and Thirty-Six Ghana Cedis, Eighteen Pesewas (GH¢135,389,736.18) had been released as the end of November, 2015. The total amount released constituted 70.1% of the Total GoG Allocation to the Service. The Details are shown in Table 2.



Table 2

Details of Fund Releases to the Service as at the end of November 2015

ITEM	APPROVED GoG COMPONENT OF BUDGET FOR 2015 (GH¢)	RELEASES AS AT THE END OF NOVEMBER 2015 (GH¢)	DIFFERENCE (GH¢)	RELEASES AS PERCENTAGES OF APPROVED FIGURES (%)
1. COMPENSATION OF EMPLOYEES	132,432,924.00	107,791,881.43	24,641,042.57	81.4
2. GOODS AND SERVICES	34,635,137.00	18,447,027.00	16,188,110	53.3
3. ASSETS (CAPEX)	26,022,658.00	9,150,827.75	16,871,830.25	35.2
TOTALS	193,090,719.00	135,389,736.18	57,700,982.82	70.1

7.0 REVIEW OF PERFORMANCE FOR YEAR 2015**Court Administration Programme**

- 7.1 The Judicial Service successfully disposed of ninety-eight thousand, six hundred and thirty-five (98,635) cases as against an annual target of ninety-five thousand, five hundred (95,500) cases nationwide. The Service has also covered twenty-eight percent (28%) of its courts automation exercise whilst the computerisation of the courts has increased in coverage to about ninety-four per cent (94%).
- 7.2 The “Justice for all” Programme was intensified during the period. Out of seven (7) Prisons visited, three hundred and ninety-seven (397) cases were reviewed. This was interspersed with the training of Judges within those jurisdictions.

- 7.3 A total of thirty-one (31) new courts were also opened during the Year.
- 7.4 The Service again was able to audit eighty-four (84) out of the two hundred and sixty-six (266) courts earmarked.
- 7.5 The construction of the 42-Court Complex located at the Victoriaborg was completed and commissioned for use in October, 2015. All the courts which were located at the Cocoa Affairs premises and other locations under poor conditions have been relocated to the Commercial and Specialised Court Houses.

Alternative Dispute Resolution (ADR) Programme

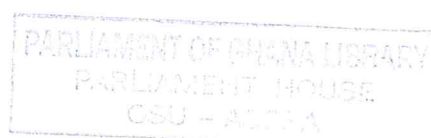
- 7.6 A total of one thousand and forty-seven (1,047) out of a targeted four thousand, three hundred and twenty-one (4,321) cases were mediated and settled successfully by the Alternative Dispute Resolution (ADR) Programme. Ten (10) new courts were connected to ADR and twenty-six (26) Mediators from selected Circuit and District Courts were made to undergo training in ADR.

8.0 THE 2016 ANNUAL BUDGET ESTIMATES OF THE JUDICIAL SERVICE

The Judicial Service intends to undertake the following programmes in 2016:

Court Administration Programme

- 8.1 The Service anticipates that a total of one hundred and one thousand, four hundred and forty-eight (101,448) cases will be tried and judgments delivered in the course of 2016. Court automation will be expanded to cover 34% of total court houses and court computerisation will also be expanded to cover 96% of total court houses. A permanent secretariat will be set up for effective co-ordination and management of the exercise.



Further, Judges will be appointed to each region to sit on remand prisoners' cases regularly.

Alternative Dispute Resolution (ADR) Programme

- 8.2 A total of four thousand, nine hundred and eighty-five (4,985) cases will be mediated and settled through ADR. It is anticipated that twenty (20) new courts will be connected to ADR in 2006. Basic training will be conducted for newly recruited ADR Coordinators attached to the District Courts to strengthen the Programme.
- 8.3 For the implementation of its programmes for 2016, the Judicial Service submitted a total amount of **One Hundred and Ninety-Nine Million, Four Hundred and Fifty-Two Thousand, Five Hundred and Fifty-Seven Ghana Cedis, Three Pesewas (GH¢199,452,557.03)** to His Excellency, the President. Details of the amount presented are shown in Table 3.

Table 3

Budget Estimates of the Judicial Service for the 2016 Financial Year laid in Parliament

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	RETAINED IGF (GH¢)	TOTAL BUDGET ESTIMATES (GH¢)
4. COMPENSATION OF EMPLOYEES	140,318,076.59	-	-	140,318,076.59
5. GOODS AND SERVICES	33,675,441.00	1,811,767.00	392,550.00	35,879,758.00
6. ASSETS	18,021,813.41	2,170,300.00	3,062,609.03	23,254,722.44
TOTALS	192,015,331.00	3,982,067.00	3,455,159.03	199,452,557.03

9.0 OBSERVATIONS AND RECOMMENDATIONS

- 9.1 The **Judicial Service** as indicated afore, presented a **Budget of One Hundred and Ninety-Nine Million, Four Hundred and Fifty-Two Thousand, Five Hundred and Fifty-Seven Ghana Cedis, Three Pesewas (GH¢199,452,557.03)** to His Excellency, the President. In a Letter of 9th November, 2015, His Excellency, the President, recommended to Parliament to consider reducing the amount to **One Hundred and Ninety-Three Million, Seven Hundred and Two Thousand, Two Hundred and Ninety-Six Ghana Cedis (GH¢193,702,296.00)** in view of the current fiscal challenges facing the Country. The difference is **Five Million, Five Hundred and Thirteen Thousand, Eight Hundred and Eighteen Ghana Cedis, Forty-One Pesewas (GH¢5,513,818.41)**. The figure recommended by His Excellency, the President constitutes about **97.1%** of what was requested by the **Judicial Service**.
- 9.2 The Committee, after some discussions, agreed to go by the recommendation by His Excellency, the President.
- 9.3 As indicated in Table 3, the **Judicial Service** submitted an amount of **One Hundred and Forty Million, Three Hundred and Eighteen Thousand, Seventy-Six Ghana Cedis, Fifty-Nine Pesewas (GH¢140,318,076.59)** in respect of Compensation of Employees to His Excellency, the President. During the consideration of the Estimates, it was disclosed that the **Judicial Service** had received approval to employ new judges and auxiliary staff in 2016. However, as at the time the **Judicial Service** was submitting the Budget to His Excellency, the President, approval had not been given. Hence the Budget in respect of Items 1 and 2 did not cover the expenditure on the new judges and staff to be employed. Some adjustments were therefore made by the Committee with the consent of the

Deputy Minister for Finance who was present at the Committee's deliberations. An amount of One Hundred and Forty-One Million, Three Hundred and Fifty-Seven Thousand, Five Hundred and Thirty Seven Ghana Cedis (GH¢141,357,537.00) was therefore allocated in respect of Compensation of Employees. A corresponding amount of Thirty-Four Million, Six Hundred and Thirty-Five Thousand, One Hundred and Thirty-Six Ghana Cedis (GH¢34,635,136.00) was also made to the Estimate in Item 2.

- 9.4 The Committee wishes to state that the adjustment did not affect the total Budgetary allocation recommended by His Excellency, the President and which was accepted by the Committee. The reviewed Budget is shown in Table 4.

Table 4

Annual Budget Estimates of the Judicial Service for the 2016 Financial Year

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	RETAINED IGF (GH¢)	TOTAL BUDGET ESTIMATES (GH¢)
1. COMPENSATION OF EMPLOYEES	141,357,537.00			141,357,537.00
2. GOODS AND SERVICES	34,635,136.00	1,164,313.00	492,692.00	36,292,141.00
3. ASSETS	12,507,995.00	582,156.00	2,962,467.00	16,052,618.00
TOTALS	188,500,668.00	1,746,469.00	3,455,159.00	193,702,296.00

- 9.5 The Judicial Service indicated that the reduction will hamper the refurbishment of some of the Court Houses, such as the one in Cape Coast and Tarkwa and the rehabilitation of Bungalows for Judges earmarked for 2016. The Deputy Minister for Finance however

assured the Committee that in the event of a supplementary Budget next year, the shortfall in the Budget of the Judicial Service will be catered for. The Committee therefore counts on the assurance by the Deputy Minister.

9.6 The Committee also observed that staff of the Service have several unconsolidated allowances. The Committee was informed by the Judicial Secretary that this has created problems for the Service as most invariably, the payment of the allowances delay. He mentioned that the recent strike action by the staff of the Service was as a result of the delays in the payment of these allowances. As a way of addressing the issue, the Committee was informed that the Service has presented to the President, a comprehensive review of the remuneration of its staff with the conviction that it would be implemented in the ensuing year to avert possible strike actions. Unfortunately however, the proposals could not be fully discussed and approved to enable the Service include it in the 2016 Budget. The Committee is seized with information that if the issue is not promptly attended to, there would be serious consequences. The Committee therefore appeals to Government to expedite action in this regard to forestall any further strikes by the staff of the Service.

9.7 As shown in Table 2, 70.1% of the total GoG component approved for 2015 had been released to the Judicial Service as at the end of November, 2015. The Committee was informed that there were delays in the releases of the funds. The recent strike action embarked upon by the staff of the Service was as a result of delays by the Ministry of Finance in releasing the allowances of the staff. The Committee appeals to the Ministry of Finance to ensure prompt releases to the Service to allow for smooth operations.



9.8 The Committee, in its previous Reports on the Budget Estimates of the Judicial Service has advocated for an increase in the rate of retention of Internally Generated Funds (IGF) from the Service to help address some of its financial challenges. At its last year's Budget Hearing, the Minister for Finance who was in attendance, assured the Committee that his Ministry was undertaking a complete review of the Law on retention of IGF and submit to Parliament this Year. This has not materialised. The Deputy Minister for Finance who participated in the Committee's deliberations on the Budget Estimates of the Service, assured the Committee that work is still being done on the Law and it will soon be laid in Parliament. All issues relating to the retention of IGF by various governance agencies and institutions are being addressed in the review.

10.0 CONCLUSION

10.1 There is the urgent need to improve access to justice to all manner of persons, reduce time spent in the adjudication process and build a healthy relationship between the Judicial Service and the general public. In cognisance of this, the Service is carrying out some reforms to improve its operations through the introduction of innovative approaches and the adoption of world acceptable best practices and standards in justice delivery. The objectives of the reforms may not be achieved, if the financial challenges confronting the Service are not addressed. The Committee therefore appeals to Government to ensure that adequate financial arrangements are made for the Judicial Service, to help promote and implement the reforms for the effective and efficient discharge of its constitutionally mandated functions.

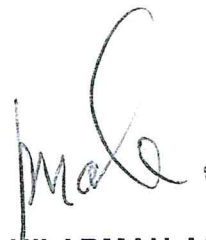
10.2 The Committee recommends to the House to approve the sum of **One Hundred and Ninety-Three Million, Seven Hundred and Two Thousand, Two Hundred and**

Ninety-Six Ghana Cedis (GH¢193,702,296.00) for the Judicial Service for the 2016 Financial Year.

Respectfully submitted.



ERIC OWUSU-MENSAH
Clerk, Committee on Judiciary



HON. NII ARMAH ASHIETAY
Chairman, Committee on Judiciary

DECEMBER, 2015

