

**IN THE FIRST MEETING OF THE FIRST SESSION  
OF THE EIGHT PARLIAMENT OF THE FOURTH REPUBLIC OF  
GHANA**

**REPORT OF THE JUDICIARY COMMITTEE**

**ON THE**

**ANNUAL BUDGET ESTIMATES OF THE  
JUDICIARY AND THE JUDICIAL SERVICE FOR THE  
2021 FINANCIAL YEAR**

**MARCH 2021**

PARLIAMENT OF GHANA LIBRARY

# **REPORT OF THE JUDICIARY COMMITTEE ON THE ANNUAL BUDGET ESTIMATES OF THE JUDICIARY AND JUDICIAL SERVICE FOR THE 2021 FINANCIAL YEAR**

## **1.0 INTRODUCTION**

- 1.1 The Budget Statement and Economic Policy of the Government of Ghana for the 2021 Financial Year was presented to Parliament on Friday, 12<sup>th</sup> March, 2021 by the Hon. Minister for Parliamentary Affairs, Mr. Osei Kyei-Mensah-Bonsu, in his capacity as the Acting Finance Minister in accordance with Article 179 of the Constitution.
- 1.2 Pursuant to Article 179(4) of the Constitution, the 2021 Budget Estimates of the Judiciary and the Judicial Service as submitted by H. E. the President were read out to the House by the Right Honourable Speaker, Mr. Alban Sumana Bagbin and laid before Parliament by the Marjority Leader and Minister for Parliamentary Affairs, Mr. Osei Kyei-Mensah-Bonsu. The Annual Budget Estimates were consequently referred to the Judiciary Committee for consideration and report.

## **2.0 DELIBERATIONS**

- 2.1 The Committee met with Officials of the Judicial Service, led by the Judicial Secretary, Justice Cynthia Pamela Addo to consider the Annual Budget Estimates. In attendance were Schedule Officers of the Ministry of Finance to assist in the deliberations.

## **3.0 REFERENCE DOCUMENTS**

- 3.1 The Committee referred to the following documents during its deliberations:
- i. The 1992 Constitution;
  - ii. The Standing Orders of Parliament;
  - iii. The Approved Budget of the Judiciary and the Judicial Service for the 2020 Financial Year;
  - iv. Communication from H.E. the President to the Rt. Hon. Speaker of Parliament dated 23<sup>rd</sup> March, 2021.

#### **4.0 VISION AND MISSION OF THE JUDICIARY AND THE JUDICIAL SERVICE**

The Vision of the Judiciary and the Judicial Service is “Equal access to Quality Justice”. The mission is “to resolve legal conflicts in accordance to law, impartially and efficiently for all persons without fear or favour, affection or ill-will, by the true and proper interpretation, application and implementation of the laws of Ghana.”

#### **5.0 CORE FUNCTIONS**

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, improve access to justice and protect the rights of the vulnerable in society;
- iii. Ensure efficiency and speedy delivery of justice;
- iv. Change the public perception of the Judiciary and build public confidence in the Service; and
- v. Improve its infrastructural capacity to enhance service delivery.

#### **6.0 2020 BUDGET PERFORMANCE OF THE JUDICIARY AND JUDICIAL SERVICE**

The sum of Three Hundred and Fifty-Six Million, Seven Hundred and Forty-Three Thousand, Four Ghana Cedis and Ten Pesewas (**GH¢356,743,004.10**) was approved for the Judiciary and Judicial Service for the 2020 Financial Year. This comprised the GOG amount of **GH¢333,076,145.10** and IGF component of **GH¢ 23,666,859.00**.

The breakdown is indicated in Table 1.

**Table 1: 2020 Approved Budget (Consolidated)**

<b>ECONOMIC CLASS.</b>	<b>GOG (GH¢)</b>	<b>RETAINED IGF (30%) (GH¢)</b>	<b>TOTAL ESTIMATES (GH¢)</b>
<b>Compensation of Employees (Salary &amp; Related Allowances)</b>	251, 558,302.10	1,927,997,40	253,486,299.50
<b>Goods &amp; Services</b>	53,523,889.00	13,981,337.60	67, 505, 226.60
<b>Assets (CAPEX)</b>	27,993,954.00	7,757,524.00	35, 751,478.00
<b>TOTAL</b>	<b>333,076,145.10</b>	<b>23,666,859.00</b>	<b>356,743,004.10</b>

**Table 2: Budget performance as at 31 December 2020**

<b>Economic Classification</b>	<b>Approved Budget</b>	<b>Release to Date</b>	<b>Payment</b>	<b>Variance (Release-Payment)</b>
<b>Compensation of Employees- Salary</b>	253,486,299.00	220,258,661.75	220,258,661.75	nil
<b>Goods &amp; Services</b>	67,505,226.60	52,011,091.25	44,786,027.99	7,225,063.26
<b>Assets (CAPEX)</b>	35,751,478.20	18,196,070.10	10,182,140.43	8,013,929.67
<b>Total-(GH)</b>	<b>356,743,004.10</b>	<b>290,465,823.10</b>	<b>275,226,830.17</b>	<b>15,238,992.93</b>

**Table 3: 2020 Budget Performance- NTR (30% IGF)**

<b>Annual Gross Budgeted Revenue (100%)</b>	<b>Annual Budgeted Retention (30% IGF)</b>	<b>Actual Retention Received (30%)</b>
<b>78,889,532.40</b>	<b>23,666,859.72</b>	<b>18,880,804.05</b>

## **7.0 ACHIEVEMENTS OF THE JUDICIARY AND THE JUDICIAL SERVICE FOR THE YEAR 2020**

- i. Improved case management, 108,231 cases were filed, and 98,199 cases were successfully tried and adjudicated upon;
- ii. Reduced the backlog of cases through ADR; 5,455 referrals were made with 3,439 mediations by ADR and 40% settlements;
- iii. For the improvement of Justice, the number of ADR connected cases were 131 and the total number of cases in Courts stand at 375;
- iv. 37 Superior Court Judges were appointed, 19 Circuit Court Judges, 20 District Court Magistrates and 502 other staff of the Judicial Service were also appointed;
- v. 378 Judges and Magistrates, 53 Mediators and 562 other staff of the Judicial Service were trained

## **8.0 OUTLOOK FOR 2021**

For the year 2021, the Judiciary and the Judicial Service would endeavour to continue the strategies identified under the Transparent, Responsive and Accountable Governance Thematic Area and intend to pursue the undermentioned programmes:

- i. Increase the number and quality of courts and infrastructure.
- ii. Expand Court-connected ADR services within the justice delivery system.
- iii. Implement gender policy to increase access by women and vulnerable groups.
- iv. Strengthen the implementation of the "Justice for All" programme with the introduction of the week-end courts and regular visits to the prisons.
- v. Expand capacity through training of judges to handle cases in emerging trends.
- vi. Amend governing Acts, regulations, policies and procedures to improve communication and institutional capacity, and also speed up trial process.

## 8.2 Management and Administration Programme

Under the above programme, the Judiciary and the Judicial Service seek to:

- (i) Construct Regional Administrative Offices in the six newly created regions;
- (ii) Engage Consultants on the construction of the Judicial Training Institute;
- (iii) Procure duty post vehicles for the Chief Justice, Judges and other officials;
- (iv) Procure vehicles for 17 Directors of the Judicial Service; and
- (v) Training for newly recruited ADR Mediators for attachment to the District Courts.

## 9.0 2021 ANNUAL BUDGET ESTIMATES OF THE JUDICIARY AND JUDICIAL SERVICE

Pursuant to Article 127 and 179 (3) of the 1992 Constitution, the Judiciary and the Judicial Service submitted a composite budgetary request of **(GH¢470,415,847.78)** to His Excellency for presentation to Parliament. Per the Recommendations of His Excellency the President to the House, the 2021 budgetary request of the Judiciary and the Judicial Service is to be reviewed from **(GH¢470,415,847.78)** to **(GH¢437,397,064.10)**. The details of the recommended estimates are shown in Table 4 below:

**Table 4: Details of 2021 Budget Request and Government Recommendations for the Judiciary**

<b>ITEM</b>	<b>REQUEST</b>	<b>GOVERNMENT RECOMMENDATION</b>	<b>DIFFERENCE</b>
<b>Compensation</b>	124,870,166.70	124,870,167.00	0.3
<b>Goods and Services</b>	52,364,843.21	52,364,843.00	(0.21)
<b>CAPEX</b>	96,328,888.22	54,657.914.00	(41,670,974.22)
<b>TOTAL</b>	<b>273,563,897.91</b>	<b>231,892,924.00</b>	<b>(41,670,973.91)</b>

**Table 5: Details of 2021 Budget Request and Government Recommendations for the  
Judicial Service**

<b>ITEM</b>	<b>REQUEST</b>	<b>GOVERNMENT RECOMMENDATION</b>	<b>DIFFERENCE</b>
<b>Compensation</b>	159,634,306.70	159,634,306.00	(0.7)
<b>Goods and Services</b>	4,125,594.75	4,215,595.00	90,000.25
<b>CAPEX</b>	13,346,750.00	22,535,133.00	9,188,383.00
<b>IGF</b>	19,655,298.20	19,119,106.00	(536,192.20)
<b>TOTAL</b>	<b>196,788,949.65</b>	<b>205,504,139.00</b>	<b>8,715,189.35</b>

**NB:** The Budget Recommendations from the President is attached for your attention.

## **10.0 OBSERVATIONS AND RECOMMENDATIONS**

### **10.1 2021 Annual Budget Estimates of the Judiciary and the Judicial Service**

As indicated in Tables 4 and 5, the Judiciary and the Judicial Service submitted a total, budgetary requirements of **GH¢470,415,847.78** for the 2021 Financial Year. An amount of **GH¢ 332,478,549.00** was however provided as the total allocation for the Judiciary and the Judicial Service in the Budget Statement and Economic Policy of the Government of Ghana for the 2021 Financial Year. The Judiciary and the Judicial Service petitioned the President to act in accordance with the dictates of articles 127 and 179 (4) and (5) which charges the President to cause the estimates of the Judiciary and Judiciary Service to be laid in Parliament without a revision but with any recommendations that the Government may have. In view of the fiscal constraints on the national budget however, Government has recommended to the House a downward review only in the CAPEX request from **GH¢109,975,638** to **GH¢77,193,047.00** thus reducing the total budgetary request of the two institutions to **GH¢437,397,064.00**.

## 10.2 Discrepancy in the CAPEX Recommendation

A discrepancy to the tune of **Forty-Five Million Ghana Cedis (GH¢45,500,000)** was identified in the disaggregated figures of the CAPEX Recommendation from H.E. the President. The Officials from the Judicial Service indicated to the Committee that, the stated amount was part of the proposal to the President for the procurement of duty post vehicles for the Chief Justice, newly appointed and some existing Circuit Court Judges and District Court Magistrates. Given the proposed capital expenditure of the Judiciary for the 2021 budget year, it was agreed by Members that, the indicated amount, should be added to the CAPEX allocation of the Judiciary, thus increasing, the CAPEX of the Judiciary from **Nine Million, Six Hundred and Fifty-Seven Thousand, Nine Hundred and Fourteen Ghana Cedis (GH¢9,657,914.00)** to **Fifty-Four Million, Six Hundred and Fifty-Seven Thousand, Nine Hundred and Fourteen Ghana Cedis (GH¢54,657,914.00)** to enable the Judiciary implement the proposed capital expenditure programmes.

## 10.3 Decoupling of the Budget of the Judiciary and Judicial Service

The Committee, in its previous Budget Reports have recommended, and a directive from the House had also been issued for the decoupling of the budgets of the two institutions towards full compliance with Article 179(3), (4), (5) and (6) and 127(4) of the Constitution. The decoupling was finally heeded to for the first in the 2020 Annual Budget Estimates of the Judiciary and the Judicial Service. But in the 2021 Budget, the Committee noted that, a composite budget of the two institutions was presented to the President thereby ignoring the directive from Parliament. The reasons proffered by the Judicial Secretary was that, separate budgets for the two institutions were presented but the Ministry of Finance put them together as single budget item. The Committee is of the view that, pursuant to Article 179 (3) of the Constitution, only the administrative and development expenditure of the Judiciary must be submitted to the President. The Committee recommends that, henceforth, since the Judicial Service is a public service, it is provided for under Article 190 (1) of the Constitution, the Service must be reviewed like that of other public service institutions and must not be accorded the same procedure as that of the Judiciary.

## 10.4 Outstanding Payments

The Committee observed that during the year under review, an amount of **GH¢ 35,751,478.20** was approved as the Capital Expenditure allocation to the Judicial Service. By the end of the year, **GH¢18,196,070.10** had been released by the Ministry of Finance however, the Service only utilised **GH¢ 8,013,929.67**. The Judicial Secretary informed the Committee that network



problems and internal bureaucratic processes accounted for the delays in accessing the funds. She indicated that although the Service was unable to utilise the funds, the monies have already been committed to some capital expenditure, as a result, outstanding balances are owed to contractors and some service providers so the money would not revert to the consolidated funds. She assured the Committee that robust systems have now been instituted to improve upon the structure of its internal mechanisms to avoid a recurrence of the underutilisation of releases.

## 11.0 CONCLUSION AND RECOMMENDATION

The Committee recognises the need for Government to explore opportunities to increase the allocation to the Judiciary and the Judicial Service in subsequent years when revenues of Government improve. Consequently, the Committee validate the recommendations of the Government to consider the downward review of the Capital Expenditure projected for the 2021 fiscal year.

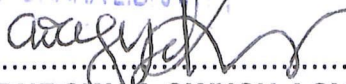
The Committee, accordingly, recommends to the House to adopt this Report and approve the sum of **Four Hundred and Thirty-Seven Million, Three Hundred and Ninety-Seven Thousand and Sixty-Four Ghana Cedis (GH¢437,397,064.00)** for the implementation of the programmes and activities of the Judiciary and the Judicial Service for the 2021 Financial Year.

Respectfully submitted,



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**HON. ALHASSAN ABDALLAH IDDI**  
(CHAIRMAN, JUDICIARY COMMITTEE)

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.....  
**AKUA DUROWAA OWUSU AGYEKUM (MRS.)**  
(CLERK TO THE COMMITTEE)

MARCH 2021



REPUBLIC OF GHANA

Jubilee House

The President

23<sup>rd</sup> March, 2021

*Mr Speaker*

**RE: RECOMMENDATIONS OF GOVERNMENT ON THE 2021 PROPOSED ESTIMATES OF EXPENDITURE FOR THE JUDICIARY AND THE JUDICIAL SERVICE**

I acknowledge receipt of your letter, dated 16<sup>th</sup> March, 2021 with reference number OP/SPK/21/PS8 on the above subject matter, and submit the estimates of expenditure for the Judiciary and the Judicial Service to be laid before Parliament as well as the recommendations of Government on them.

**Estimates of expenditure for the Judiciary and the Judicial Service**

In accordance with articles 127 and 179 (4) and (5) of the Constitution, I submit herewith, the estimates of expenditure for the Judiciary and the Judicial Service.

The estimates of expenditure for the Judiciary and the Judicial Service as stated as follows:

Item	Estimates of Expenditure for Judiciary and Judicial Service (GHS)	
Compensation of Employees		284,504,473.40
<i>o/w Judicial Service</i>		159,634,306.70
<i>o/w Judiciary</i>		124,870,166.70
Goods and Services		56,580,437.96
<i>o/w Judicial Service</i>		4,125,594.75
<i>o/w Judiciary</i>		52,364,843.21
CAPEX		109,675,638.22
<i>o/w Judicial Service</i>		13,346,750.00
<i>o/w Judiciary</i>		96,328,888.22
IGF		19,655,298.20
<b>Grand Total</b>		<b>470,415,847.78</b>

**Recommendations of Government on estimates of expenditure for Judiciary and the Judicial Service**

In view of the reduced fiscal space in the national budget as a result of statutory and debt service obligations, Government cannot accommodate the request by the Judiciary. Government, therefore, makes the following recommendations on the estimates of expenditure submitted by the Judiciary for the Judiciary and the Judicial Service (in GHS):

Item	2020 Revised Budget	Request for 2021	Government Recommendations
Compensation of Employees	251,558,302	284,504,473.40	284,504,473
<i>o/w Judicial Service</i>		159,634,306.70	159,634,306
<i>o/w Judiciary</i>		124,870,166.70	124,870,167
Goods and Services	52,926,293	56,580,437.96	56,580,438

<i>o/w Judicial Service</i>		4,125,594.75	4,215,595
<i>o/w Judiciary</i>		52,364,843.21	52,364,843
<b>CAPEX</b>	<b>27,993,954</b>	<b>109,675,638.22</b>	<b>77,193,047</b>
<i>o/w Judicial Service</i>		13,346,750.00	22,535,133
<i>o/w Judiciary</i>		96,328,888.22	9,657,914
<b>IGF</b>		<b>19,655,298.20</b>	<b>19,119,106</b>
<b>Grand Total</b>	<b>332,478,549</b>	<b>470,415,847.78</b>	<b>437,397,064</b>

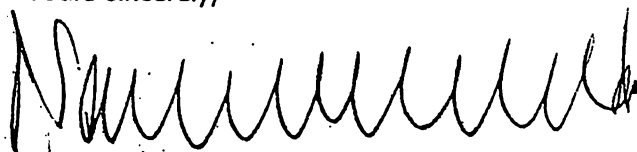
Government recommends that the Judiciary and the Judicial Service operate within the proposed budget above, while Government explores opportunities to increase the allocation in subsequent years when revenues improve, and debt has stabilized.

Accordingly, Parliament is respectfully requested to keep the estimates of the Judiciary and the Judicial Service within the expenditure ceilings as proposed by Government above, to enable Government contain expenditures within the overall fiscal space for 2021.

I would be grateful if you could cause the above estimates and recommendations by Government to be laid before Parliament.

I count on your usual cooperation.

Yours sincerely,



**NANA ADDO DANKWA AKUFO-ADDO**

**THE RT. HON. SPEAKER OF PARLIAMENT  
PARLIAMENT HOUSE  
ACCRA**

**ATTN: RT. HON. ALBAN SUMANA KINGSFORD BAGBIN**

cc: The Vice President  
Jubilee House, Accra

The Chief of Staff  
Jubilee House, Accra

The Chief Justice  
Chief Justice's Chambers  
Supreme Court Buildings, Accra

The Hon. Minister  
Ministry of Parliamentary Affairs, Accra

The President's Representative  
Ministry of Finance, Accra