

**IN THE FIRST SESSION OF THE SEVENTH
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 2018 FINANCIAL YEAR**

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**REPORT OF THE COMMITTEE ON JUDICIARY ON THE ANNUAL
BUDGET ESTIMATES OF THE JUDICIARY AND THE JUDICIAL
SERVICE FOR THE 2018 FINANCIAL YEAR**

1.0 INTRODUCTION

- 1.1 The Budget Statement and Economic Policy of the Government for the 2018 Financial Year was presented to Parliament by the Hon. Minister for Finance, Mr. Ken Ofori-Atta on Wednesday, 15th November, 2017 in accordance with Article 179 (1) and (2) of the Constitution.
- 1.2 Pursuant to Article 179 (3), (4) and (5) of the Constitution, the 2018 Budget Estimates of the Judiciary and the Judicial Service was laid in Parliament on Tuesday 5th December, 2017 by the Hon. Majority Leader & Minister for Parliamentary Affairs on behalf of the President and subsequently referred to the Judiciary Committee for consideration and report in accordance with Order 140 of the Standing Orders of the House.
- 1.3 The Annual Budget Estimates were accompanied by the attached Recommendation Letter from H. E the President pursuant to Article 179 (5) of the Constitution.

2.0 DELIBERATIONS

- 2.1 The Committee met with Officials of the Judicial Service led by the Judicial Secretary, Justice Alex B. Poku-Acheampong. Schedule Officers of the Ministry of Finance were also in attendance to assist with 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 Budget Statement and Economic Policy of the Government for the 2018 Financial Year;
- iv. Recommendation letter from H. E. the President on the 2018 Budget Estimates of the Judiciary and the Judicial Service.

4.0 MISSION OF THE JUDICIARY AND THE JUDICIAL SERVICE

The Mission of the Judiciary and the Judicial Service is to impartially and efficiently resolve legal conflicts 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 STRATEGIC POLICY OBJECTIVES OF THE JUDICIARY AND THE JUDICIAL SERVICE

In line with the policy objectives of the Ghana Shared Growth and Development Agenda (GSDA), the strategic policies of the Judicial Service are to;

- i. Enhance the capacity of the Judiciary and Judicial Service to expeditiously deal with cases;
- ii. Increase access to justice and civil redress for all, especially women and vulnerable people; and
- iii. Enhance public confidence in the Judiciary and the justice system.

6.0 CORE FUNCTIONS

The policy objectives are in line with the core functions of Judiciary and the Judicial Service, which are to:

- 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 the 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.

7.0 APPROVED BUDGET AND ACTUAL EXPENDITURE OF THE JUDICIARY AND THE JUDICIAL SERVICE FOR THE 2017 FINANCIAL YEAR

The sum of Three Hundred and Thirty-One Million, One Hundred and Eighty-Five Thousand, Eight Hundred and Forty-One Ghana Cedis, (GH¢ 331,185,841.00) was approved for the Judiciary and the Judicial Service for the 2017 Fiscal Year. However, the actual expenditure of the Judiciary and the Judicial Service stood at One Hundred and Ninety-Five Million, Ninety Thousand, Nine Hundred and Eighty Ghana Cedis, Ninety-Two Pesewas (GH¢195,090,980.92) as at November, 2017. The breakdown is indicated in Table 1.

Table 1: 2017 Details of the Allocation and performance of the Budget of the Judiciary and the Judicial Services to date

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	IGF (GH¢)	TOTAL 2017 ALLOCATION (GH¢)	TOTAL PAYMENT RECEIVED (GH¢)	ACTUAL EXPENDITURE	% OF ALLOC OVER EXPENDI
Comp. of Employees (Salaries)	187,197,816.00	0	0	187,167,816.00	166,129,910.33	166,129,910.33	(89%)
Comp. of Employees (Allowances)	52,936,682.00	0	0	52,936,682.00	11,359,687.22	9,747,351.77	(18%)
Goods and Services	32,108,413.20	25,509,743.00 (43%)	2,322,839.00	59,940,995.20	17,773,709.26	18,043,874.30	(30%)
Capex	21,436,235.80	670,000.00	9,034,110.65	31,140,346.45	0	1,169,844.52	(4%)
Grand Total	293,649,147.00	26,179,743.00	11,356,949.65	331,185,839.65	195,263,306.81	195,090,980.92	(59%)

With reference to the above table, it can be ascertained that, the Actual Expenditure of 59% of the total 2017 Allocation was largely as a result of the poor performance of the Goods and Services and the Assets Votes of approximately 30% and 4% respectively. The Goods and Services Vote which had a large Donor Component of 43% also suffered as a result of the inability of the Development Partners to fully honour their commitments, whilst there is zero performance on the Assets Votes.

8.0 ACHIEVEMENTS OF THE JUDICIARY AND THE JUDICIAL SERVICE FOR THE YEAR 2017

In 2017, the Judiciary and the Judicial Service made some significant achievements in the Management and Administration, Court Administration and Alternative Dispute Resolution (ADR) programmes:

8.1 Management and Administration Programme

In respect of the management programme, the Judiciary and the Judicial Service achieved the following:

- i. Obtained financial clearance to appoint ninety-one (91) persons to fill administrative positions in the Judicial Service;
- ii. Completed construction of the official residence of the Chief Justice and;
- iii. Conducted inspection of seventy-five (75) courts, among others.

8.2 Court Administration Programme

- i. Adjudicated and disposed-of 91,013 caseloads as at June 2017;
- ii. Trained two hundred and seventy-one (271) Court Staff on court administration;
- iii. Trained two hundred and ninety-four (294) Judges and Magistrates;
- iv. Opened two (2) new courts and expects to open three (3) additional courts by the end of the year 2017;

- v. Held the “Justice For All Programme” in nine (9) prison houses during which five hundred and fifty (550) remand cases were reviewed ; and
- vi. Held the Chief Justice’s Forum in the Greater Accra and the Eastern regions for court officers towards effective justice delivery.

8.3 Alternative Dispute Resolution Programme

- i. Trained mediators and Court Registrars of selected Circuit and District Courts across the country, with funding from the Danish International Development Agency (DANIDA);
- ii. One hundred (100) mediators were trained in modern mediation methods under the ADR 2 Programme;
- iii. Sixty-Seven courts were connected to ADR processes with a record of 1,235 mediations and 49% settlements as at June 2017.

9.0 OUTLOOK FOR 2018

For the year 2018, the Judiciary and the Judicial Service intend to undertake the following programmes:

9.1 Management and Administration Programme

- i. Commencement of the pilot phase of the Solarisation Programme;
- ii. Continuation of the Chief Justice’s Public Education Forum to help deepen public trust and confidence in the Justice delivery system;
- iii. Completion of the construction works on bungalows in Accra and Kumasi for Court of Appeal Judges;
- iv. Intensification of the training of Judges and Court Staff on the need to uphold the integrity and sanctity of the Judiciary and the Judicial Service;
- v. Conduct quarterly validation of Bank’s collections across the country to reduce revenue leakages;

- vi. Expansion of the computerization of revenue collection system in partnership with collecting banks to help plug financial leakages; and
- vii. Enhancement of the capacity of the Judicial Training Institute (JTI) to effectively undertake its responsibilities.

9.2 Court Administration Programme

Some of the sub-programmes and activities planned to be undertaken under the Court Administration Programme have been listed below as follows:

- i. The introduction of the e-Justice Programme, to be undertaken by the Ministry of Communications with support of the World Bank;
- ii. Extension of the “Justice for all Programme” to more Prisons;
- iii. Rehabilitation of dilapidated court houses across the country and Judge's Bungalows;
- iv. The establishment of Environmental Courts (Galamsey Courts) to ensure efficient disposal of matters relating to illegal extraction and exploitation of natural resources; and
- v. The Setting up of ICT infrastructure to establish linkages between the lower courts and superior courts to ensure speedy trial and disposal of cases.

9.3 Alternative Dispute Resolution (ADR) Programme

Under the ADR Programme, the following have been outlined for implementation in 2018:

- i. The mainstreaming of the Alternative Dispute Resolution (ADR) principles to reduce the backlog of cases in the Courts;
- ii. The development and implementation of a policy for the expansion and mainstreaming of ADR services to all courts;

- iii. Equipping of all Regional ADR offices and Secretariats with modern office equipment; and
- iv. Refresher courses for ADR Officers and Regional Coordinators for effective and efficient justice delivery.

10.0 THE 2018 ANNUAL BUDGET ESTIMATES OF THE JUDICIARY AND THE JUDICIAL SERVICE

- 10.1 An estimate of Three Hundred and Seventy Million, Five Hundred and Seventy-Three Thousand, Two Hundred and Twenty-Two Ghana Cedis, Fourteen Pesewas (**GH¢370,573,222.14**) was submitted to the President in October 2017 by the Chief Justice for the activities of the Judiciary and the Judicial Service for the 2018 Fiscal Year.
- 10.2 However, the 2018 Budget Statement and Economic Policy presented in Parliament by the Minister for Finance provided an amount of **Three Hundred and Seventy-Five Million, and Nine Thousand, Four Hundred and Sixty-Six Ghana Cedis (GH¢375,009,466)** for the Judiciary and the Judiciary Service. The difference was found as resulting from an increase to the donor component of the Budget by Four Million, Four Hundred and Thirty-Six Thousand, Three Hundred and One Ghana Cedis, Thirty-Six Pesewas (**GH¢4,436,301.36**).
- 10.3 The Committee felt obliged to rely on the 2018 Budget Estimates of the Judiciary and the Judicial Service laid in Parliament by the President for the consideration. Details of the Estimates are indicated in Table 2 below.

Table 2: Details of the Annual Budget Estimates of the Judiciary and the Judicial Service for the 2018 Fiscal Year

ECONOMIC CLASSIFICATION	GOG (GH¢)	DONOR (GH¢)	IGF (GH¢)	TOTAL (GH¢)
Employee Compensation	285,375,219.00	-	8,649,600.00	294,024,819.00
Goods & Services	32,108,413.00	14,334,672. 00	4,577,040.00	51,020,125.00
Assets	24,024,522.00	-	5,940,000.00	29,964,522.00
TOTAL	97,344,500.43	14,334,672.00	19,166,64.00	375,009,466.00

11.0 OBSERVATIONS

The following observations were made by the Committee during the deliberations:

11.1 Directive on the Decoupling of the Annual Budgets of the Judiciary from those of the Judicial Service

The Committee took into consideration the directive which was given by the House in March, 2017 during the debate on the 2017 Budget of the Judiciary and the Judicial Service. The said directive stated that the annual budgets of the Judiciary should be decoupled from that of the Judicial Service. It was however noted by the Committee that, the Service failed to comply with the said directive.

Officials of the Judicial Service responded that they sought to comply with the directive of the House but given the fact that, the two institutions are inextricably linked to each other, a lot more time would be needed to equitably separate the Budgets of the two institutions. However, they stated that the preliminary work done in that respect is reflected, for the first time, in the title and the body of the 2018 Budget Estimates of the Service.

Having regard to the exigencies of the time and the procedural difficulties that strict decoupling will engender, the Committee requested that, in

order to ensure that the directive of the House is not flouted, the Employee Compensation Vote of the two institutions be decoupled. The Committee again directed that the Goods and Services Votes be committed to the Budget of the Judiciary in view of the relevant provisions in Articles 127 and 179 of the Constitution, while the Assets Vote be taken to the Budget of the Judicial Service. The Committee believed that this would satisfy part of the directive of the House whilst preventing any constitutional infringements.

In this respect, the Committee submits for the consideration of the House the respective allocations to the Judiciary and the Judicial Service for the year 2018. The new allocations are shown in Table 3 below:

Table 3: PROPOSED BUDGET OF THE JUDICIARY

ITEM	GOG (GH¢)	DONOR(GH¢)	IGF (GH¢)	TOTAL(GH¢)
COMP. OF EMPLOYEES	99,667,806.78	-	7,550,400.00	107,218,207.00
GOODS & SERVICES	32,108,413.22	14,334,672.00	4,577,040.00	51,020,125.00
ASSETS	-	-		
TOTALS	131,776,219.98	14,334,672.00	712,127,440.00	158,238,332.00

Table 4: PROPOSED BUDGET OF THE JUDICIAL SERVICE

ITEM	GOG (GH¢)	DONOR(GH¢)	IGF (GH¢)	TOTAL(GH¢)
COMP. OF EMPLOYEES	185,707,412.22	-	1,099,200.00	186,806,612.22
ASSETS	24,024,522.00	-	5,940,000.00	29,964,522.00
TOTALS	209,731,934.00		7,039,200.00	216,771,134.00

11.2 IGF Retention for 2017

Officials of the Judicial Service informed the Committee that out of the gross IGF of Thirty Seven Million, Six Hundred and Forty-Four Thousand and Forty-Eight Ghana Cedis, Forty-Three Pesewas (GH¢37,644,048.43) generated by the Judiciary and the Judicial Service as at September, 2017, the Service received Five Million, Six Hundred and Forty-Six Thousand, Six Hundred and Seven Ghana Cedis, Twenty-Six Pesewas (GH¢5,646,607.26) as its retention. It was observed that the actual

retention represented 15% of the Gross IGF for the period contrary to the 30% retention on which the budget of the 2017 Judiciary and the Judicial Service was approved. The situation generated series of budget implementation challenges in the course of the 2017 fiscal year. It was however gratifying to note that the issue was finally resolved in October 2017, with the releasing of the additional 15% of the IGF so as to entitle them to the 30% retention.

The Committee therefore urges the Ministry of Finance to pay the accumulated 15% retention from January to August, 2017. The Ministry of Finance is further urged to continue the implementation of the new rate in 2018. If this is complied with, the Judiciary and the Judicial Service will realize the Nineteen Million, One Hundred and Sixty-Six Thousand, Six Hundred and Ninety-Seven Ghana Cedis, and Fourteen Pesewas (GH¢19,166,697.14) out of the Sixty Three Million, Eighty Hundred and Eighty- Eight Thousand, Nine Hundred and Ninety Ghana Cedis, Forty-Eight Pesewas (GH¢63,888,990.48) projected IGF. This would go a long way to ameliorate some of the budget implementation challenges faced by the Judiciary and the Judicial Service.

11.3 Performance of Donor Funds for 2017

Officials of the Judicial Service also informed the Committee that out of the Twenty-Six Million, One Hundred and Seventy-Nine Thousand, Seven Hundred and Forty-Three Ghana Cedis (GH¢26,179,743.00) donor support approved for the Judiciary and the Judicial Service for 2017, only One Million, Five Hundred and Thirty-Six Thousand, Seven Hundred Ghana Cedis (GH¢1,536,700) was actually received. The amount which represents 5.87% of the total donor funds for the year 2017 was received from the Danish International Development Agency (DANIDA) under the Right to Service and Good Governance Programme (RSGGP). On the basis of this record, it is feared that the donor allocation for the Service for 2018 amounting to Fourteen Million, Three Hundred and Thirty-Four Thousand, Six Hundred and Seventy-Two Ghana Cedis (GH¢14,334,672) may not be achieved.

The Committee accordingly urges the Country's Development Partners to honour their commitments to support the functioning of critical institutions such as the Judiciary and the Judicial Service.

11.4 Allocation for Developmental Expenses

The Committee noted that, an amount of Twenty-Nine Million, Nine Hundred and Sixty-Four Thousand, Five Hundred and Twenty-Two Ghana Cedis (**GH¢29,964,522**) has been allocated to the Judiciary and the Judicial Service for their investment activities in 2018. In view of the critical infrastructural challenges facing the institutions, the Committee believes that if the allocation is approved and implemented in 2018, it would go a long way to finance the execution of ongoing projects including works on the official residence of the Chief Justice and the bungalows under construction for Judges of the Court of Appeal in Accra.

It was however noted with grave concern the poor performance of the Assets Vote of the Judicial Service for the year 2017. It was observed that Thirty-One Million, One Hundred and Forty Thousand, Three Hundred and Forty-Six Ghana Cedis, Forty-Five Pesewas (**GH¢31,140,346.45**) approved for the Judiciary and the Judicial Service for the year 2017, only a paltry amount of One Million, Six Hundred and Seventy-Nine Thousand, Seven Hundred and Ninety Ghana Cedis, Ninety-Nine Pesewas (**GH¢1,679,790.99**) representing 7.84% of the approved Assets Vote had been disbursed for the year 2017. The situation has resulted in the Service's indebtedness to contractors for work done in the course of the year 2017.

While the Committee is appealing to the Ministry of Finance to take steps to make the funds available to the Service to pay affected contractors, it is optimistic that the situation will be reversed in 2018 to execute the massive renovation works of the numerous dilapidated court buildings across the country.

11.5 Financial Clearance for the Appointment of New Judges

The Committee was also informed by Officials of the Judicial Service that the Service continues to encounter difficulties in the processing of the salaries of newly appointed Judges and administrative officers. Officials of the Service stated that the insistence by the Ministry of Finance on the procurement of financial clearance certificates before the processing of salaries resulted in delays for as long as six months.

The Committee is of the view that, the delays in remunerating newly posted Judges, expose them to compromising situations.

The Committee is therefore reiterating its call in its 2017 Budget Report, to the Minister of Finance on same matter to regard the warrant of appointment issued by the President for the appointment of Judges as sufficient evidence of their appointment and same must be accepted for the processing of salaries of newly appointed judges without the requirement of financial clearance certificates. It therefore proposes that, the Ministry of Finance be urged by Mr. Speaker to implement the Committee's recommendation to deal with the recurring phenomenon and expedite the payment processes of newly appointed Judges.

11.6 Environmental Courts


The Committee again noted that the Service has planned to establish Environmental Courts (Galamsey Courts) to ensure efficient and expeditious disposal of cases relating to illegal extraction and exploitation of natural resources. The Committee welcomes this positive move and endorses same as a giant step which will boost the ongoing strategies to combat the menace. In this regard, the Committee strongly recommends that, the necessary financial commitment to implement this laudable project should be granted to achieve this objective.


12.0 CONCLUSION AND RECOMMENDATION

Having carefully examined the Annual Budget Estimates of the Judiciary and the Judicial Service for the 2018 Fiscal Year, the Committee is of the considered view that the various allocations would enable the two bodies undertake their planned activities for the year 2018. It is however hoped that the Budget will be duly implemented to avert some of the difficulties often encountered during budget implementation.

In this regard, the Committee recommends to the House to adopt its Report and to approve the sum of **Three Hundred and Seventy-Five Million, and Nine Thousand, Four Hundred and Sixty-Six Ghana Cedis (GH¢375,009,466)** for the activities of the Judiciary and the Judicial Service for the 2018 Fiscal Year.

Respectfully submitted


.....
HON. BEN ABDALLAH BANDA
(Chairman)


.....
AKUA DUROWAA OWUSU AGYEKUM
(Clerk to the Committee)