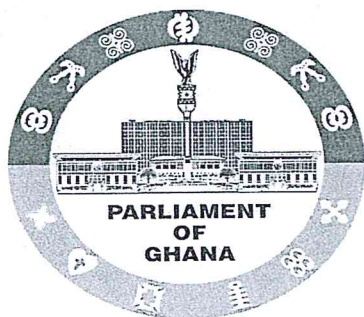


IN THE THIRD SESSION OF THE SIXTH PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA



REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS

ON THE
ANNUAL BUDGET ESTIMATES OF THE MINISTRY OF JUSTICE
AND ATTORNEY-GENERAL'S DEPARTMENT
FOR THE YEAR ENDING 31ST DECEMBER, 2016

DECEMBER, 2015

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**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE 2016 ANNUAL BUDGET ESTIMATES OF
THE MINISTRY OF JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT**

1.0 INTRODUCTION

1.1 In accordance with article 179 (1) of the Constitution, the Minister for Finance, Mr. Seth E. Terkper on the authority of His Excellency, the President of the Republic presented the Budget Statement and Economic Policy of Government for the 2016 Financial Year to Parliament on **Friday, 13th November, 2015**.

1.2 Pursuant to Article 103 (1) and (3) of the Constitution and Standing Orders 140 (4) and 179 of the House, **the 2016 Annual Budget Estimates of the Ministry of Justice and Attorney-General's Department** was referred to **the Committee on Constitutional, Legal and Parliamentary Affairs** for consideration and report.

2.0 DELIBERATIONS

2.1 The Committee during the consideration of the Estimates was assisted by the Hon. Minister for Justice and Attorney-General, Mrs. Marietta Brew Appiah-Opong and other Officials from her Ministry. Schedule Officers from the Ministry of Finance were also in attendance to assist in the deliberations.

3.0 REFERENCE

3.1 The Committee referred to the under-listed documents during its deliberations on the Estimates:

- i. The 1992 Constitution of the Republic
- ii. The Standing Orders of Parliament
- iii. The Annual Budget Estimates of the Ministry of Justice and Attorney-General's Department 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. The Report of the Committee on the 2015 Annual Budget Estimates of the Ministry of Justice and Attorney-General's Department

4.0 MISSION OF THE MINISTRY OF JUSTICE AND ATTORNEY-GENERAL'S DEPARTMENT

- 4.1 The Ministry of Justice is mandated to promote a fair, efficient and transparent legal environment. In achieving this, the Ministry seeks to;
- i. entrench in the core of the body politic, an abiding respect for the rule of law and a constant observance of human rights;
 - ii. ensure equality of access to justice and treatment before the law for all citizens;
 - iii. promote social justice;
 - iv. facilitate the operations of a fair, efficient and transparent legal system;
 - v. propagate a culture of due process and legality; and
 - vi. strengthen investment opportunities of the national economy.

5.0 DEPARTMENTS AND AGENCIES OF THE MINISTRY

- 5.1 The Agencies and Departments of the Ministry are:
- i. Headquarters of the Ministry of Justice and the Attorney-General's Office;
 - ii. Registrar-General's Department;
 - iii. Law Reform Commission;
 - iv. General Legal Council (Ghana School of Law);
 - v. Council for Law Reporting;
 - vi. Legal Aid Board;

- vii. Economic and Organised Crime Office (EOCO); and
- viii. Office of the Copyright Administrator.

6.0 PERFORMANCE OF THE MINISTRY OF JUSTICE AND THE ATTORNEY-GENERAL'S DEPARTMENT FOR YEAR 2015

6.1 In the year under review, the Ministry of Justice and Attorney-General's Department was allocated a total amount of **Seventy-Four Million, Three Hundred and Fifty Thousand, Two Hundred and Eighty-Two Ghana Cedis (GH¢74,350,282.00)**. Government of Ghana (GoG) component of the amount was **Sixty-Two Million, Five Hundred and Seventy-Four Thousand, Nine Hundred and Eighty-Six Ghana Cedis (GH¢62,574,986.00)** whilst Internally Generated Funds (IGF) was **Eleven Million, Seven Hundred and Seventy-Five Thousand, Two Hundred and Ninety-Six Ghana Cedis (GH¢11,775,296.00)**. The details are contained in Table 1.

Table 1
Budget Allocation to the Ministry of Justice for the 2015 Financial Year

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	IGF RETENTIONS (GH¢)	TOTAL BUDGET ESTIMATES (GH¢)
1. COMPENSATION FOR EMPLOYEES	59,294,695.00		908,312.00	60,203,007.00
2. GOODS AND SERVICES	2,030,291.00		5,131,963.00	7,162,254
3. ASSETS	1,250,000.00		5,735,021	6,985,021.00
TOTAL	62,574,986.00		11,775,296.00	74,350,282.00

6.2 As at the end of September, 2015, a total amount of **Fifty-Nine Million, One Hundred and Seventy-One Thousand, Five Hundred and Seventy-Six Ghana Cedis, Fifty-Five Pesewas (GH¢59,171,576.55)** had been released to the Ministry leaving an amount of

Fifteen Million, One Hundred and Seventy-Eight Thousand, Seven Hundred and Five Ghana Cedis, Forty-Five Pesewas (GH¢15,178,705.45). The release constituted about 79.6% of the total Approved Budget of the Ministry for 2015.

6.3 Programmes undertaken by the Ministry in 2015, included the following:

Management and Administration Programme

- 6.3.1 In 2015, a Client Service Charter was established to outline the services that the general public can access from the Ministry of Justice and Attorney-General's Department. The Ministry also trained two (2) Staff of its Integrated Personnel and Payroll Database (IPPD) Unit in IPPD inputting and three (3) of its Research Officers in basic monitoring and evaluation.
- 6.3.2 The Council for Law Reporting reprinted two thousand, five hundred (2,500) copies of five (5) volumes of "out of stock" Ghana Law Reports. Seven hundred and forty-nine (749) copies of the Reports were sold. The Council also published five hundred (500) copies of the [2000-2005] Review of Ghana Law and one thousand (1,000) copies of the [2010-2012] Vol. 1 Ghana Law Reports.
- 6.3.3 The Registrar-General's Department registered over forty-two thousand (42,000) businesses. They included sole proprietorships, partnerships, companies limited by shares and guarantee and external companies. The Department also registered over two thousand, two hundred (2,200) marriages.

- 6.3.4 The Copyright Office organised public education programmes on copyright and related rights for the Print and Electronic Media. The Office also provided copyright education to three (3) second cycle institutions.
- 6.3.5 The Legal Aid Scheme received four thousand, one hundred and fifty-six (4,156) cases and disposed of nine hundred and seventy-eight (978) cases through Alternate Dispute Resolution (ADR).
- 6.3.6 The Ministry also made some achievements as regards defending the State to avoid the payment of judgement debts. For instance, the Attorney-General's Department succeeded in limiting a claim of Three Hundred and Fifty-Two Million, Six Hundred and Twenty-Three Thousand, One Hundred and Forty-Four Ghana Cedis, Forty Pesewas (GH¢352,623,144.40) and One Million, Six Thousand and Ninety-Three United States Dollars (US\$1,006,093.00) to Hundred Thousand Ghana Cedis (GH¢100,000.00). The case was between the Government of Ghana and China Jinlin International Economic and Technical Corporation (CJIETC). The Ministry is still devising ways of retrieving the amount of Fifty-One Million Ghana Cedis (GH¢51,000,000.00) from Mr. Alfred Agbesi Woyome in pursuance of the decision by the Supreme Court.

Economic and Organised Crime Office

- 6.3.7 The Economic and Organised Crime Office (EOCO) developed and operationalised intranet facility to enhance effective communication. It also established a well-equipped library to support investigations and reference. EOCO investigated one hundred and eighty-six (186) cases, out of which forty-six (46) cases are being prosecuted. The Office as at mid-Year

recovered for the State, an amount of Two Million, Four Hundred and Nineteen Thousand, Four Hundred and Forty-Three Ghana Cedis, Seventy-Two Pesewas (GH¢2,419,443.72)

Legal Education Programme

6.3.8 The General Legal Council (the Ghana School of Law) successfully trained three hundred (300) lawyers out of which two hundred and fifty-four (254) of them were called to the bar.

4.0 2016 BUDGET AND OUTLOOK FOR THE MINISTRY

4.1 A total amount of **Seventy-Four Million, Six Hundred and Eighty-Seven Thousand, Five Hundred and Eighty-Four Ghana Cedis (GH¢74,687,584.00)** has been allocated to the Ministry of Justice for the implementation of its activities earmarked for 2016. The details are shown in the following Table.

Table 2
Annual Budget Estimates of the Ministry of Justice for the 2016 Financial Year

ITEM	GOG (GH¢)	DONOR SUPPORT (GH¢)	IGF RETENTIONS (GH¢)	TOTAL BUDGET ESTIMATES (GH¢)
4. COMPENSATION FOR EMPLOYEES	55,711,019.00		1,560,324.00	57,271,343.00
5. GOODS AND SERVICES	1,015,145.00		9,896,240.00	10,911,385.00
6. CAPEX			6,504,856.00	6,504,856.00
TOTAL	56,726,164.00		17,961,420.00	74,687,584.00

4.2 The Ministry intends to undertake the following activities in 2016:

Management and Administration Programme

- 4.2.1 The Council for Law Reporting seeks to reprint three thousand, five hundred (3,500) copies of "Out of stock" Ghana Law Reports.
- 4.2.2 The Attorney-General's Department will continue to defend the State and avoid the payment of all forms of illegitimate judgment debts and ensure value for money in all Government contracts and agreements.
- 4.2.3 The Registrar-General's Department also envisages to register sixty-three thousand (63,000) businesses and two thousand, eight hundred and eighty-five (2,885) marriages.
- 4.2.4 The Copyright Office envisages to hold eight (8) sessions of public education on copyright and carry out further copyright education in more second cycle institutions.
- 4.2.5 The Legal Aid Scheme anticipates receiving eight thousand, seven hundred and twenty-seven (8,727) cases and disposing of two thousand, five hundred and sixty-one (2,561) cases through ADR.
- 4.2.6 The Law Reform Commission plans to draft two (2) proposals on new laws.

Economic and Organised Crimes Office

4.2.7 EOCO will continue to investigate cases of Economic and Organised crimes and ensure that accruals from such activities are confiscated and recovered for the State.

Legal Education Programme

4.2.8 The Ghana School of Law will train and call three hundred (300) law students to the Bar. The General Legal Council will also ensure that the ethical standards of the legal profession is upheld and maintained.

5.0 OBSERVATIONS AND RECOMMENDATIONS

5.1 The Committee observed that the amount of Seventy-Four Million, Six Hundred and Eighty-Seven Thousand, Five Hundred and Eighty-Four Ghana Cedis (GH¢74,687,584.00) allocated to the Ministry for 2016, just exceeds that of 2015 by Three Hundred and Thirty-Seven Thousand, Three Hundred and Two Ghana Cedis (GH¢337,302.00) which is only about 0.5% increase. The Budget allocation is woefully inadequate and would hamper the operations of the Ministry, especially the payment of utilities and running cost and maintenance of official vehicles. The Ministry will also find it extremely difficult to pay for the maintenance of office equipment and subscriptions to affiliate international organisations. The main Ministry (Headquarters) would be most affected because whereas it estimates to spend a minimum amount of Two Hundred and Forty Thousand Ghana Cedis (GH¢240,000.00) on electricity, an amount of One Hundred and Ninety Thousand, Three Hundred and Fifty-Eight Ghana Cedis (GH¢190,358.00) has been provided for the purpose.

- 5.2 The Committee was informed that the Ministry is experiencing the same difficulties as before but is able to contend with the situation somehow, because of the financial assistance it receives from the Registrar-General's Department (RGD).
- 5.3 The Registrar-General has over the years been supporting the Ministry financially from its Internally Generated Funds (IGF). This is however going to be difficult in 2016 because the RGD has now been asked by the Ministry of Finance to fund the printing of receipts and certificates it issues to clients. The printing was hitherto, the responsibility of the Controller and Accountant General's Department. The Committee was informed that the Ministry was not informed early enough to make a case for it in its Budget proposal to the Ministry of Finance. The Committee therefore appeals to the Ministry of Finance to find ways of making up for the likely shortfall in the IGF as a result of the expenditure that would be incurred on the printing.
- 5.4 Office accommodation has also been one of the major challenges confronting the Ministry. The Committee was however delighted to note that the Ministry of Finance has promised to provide some funds to the Ministry from the monies it recovered for the State in 2015, to enable it complete its Ten (10) Storey Law House Project to address the office accommodation challenge. The Committee was informed that the Ministry of Finance is considering increasing the portion of the amount paid to the Ministry of Justice and Attorney-General's Department from the monies it recovers for the State to address some of its office accommodation challenges across the Country. The Committee appeals to the Ministry of Finance to expedite action in this regard.
- 5.5 In its Report on the Budget Estimates for 2015, the Committee raised the issue of the harmonisation of the conditions of service of Lawyers at the Attorney-General's Department with their colleagues at the Bench as provided for in the Legal Service Act,

1993 (PNDCL 320) and other related laws. It indicated that not all the Lawyers had their conditions of service harmonized with their colleagues at the Bench. The conditions of service of the Chief State Attorneys had been harmonised with that of their colleagues at the Bench but that of the Principal State Attorneys and Assistant State Attorneys had not been harmonised. This was a disincentive to the professional wing of the Ministry and constituted one of the major reasons for the nationwide strike action embarked upon by the Principal State Attorneys and Assistant State Attorneys. The strike action adversely affected the whole Ministry in the performance of its functions.

- 5.6 The Committee noted with delight that the issue of harmonisation has now been addressed as all the Lawyers working in the Ministry of Justice and the Attorney-General's Department are now enjoying the terms and conditions applicable to their colleagues at the Bench. With this development, the Ministry is of the strong conviction that it is in a better position to recruit and retain more lawyers needed for the job. Addressing staffing needs will also enable the Ministry to some extent, deal with the problem of delays in the publication of the Ghana Law Reports by the Council for Law Reporting to make the Council more competitive. This is because, the delays are not only attributable to inadequate funding but also inadequate staffing arising out of poor conditions of service.
- 5.7 The Committee was informed by the Attorney-General that the issue of poor coordination between the Ministry of Justice and Attorney-General's Department and the other Ministries, Departments and Agencies (MDAs) still lingers on though there is some kind of improvement. The Committee therefore appeals to the MDAs to provide the Ministry with the needed information without delays, to enable the Ministry discharge its duties effectively to avoid adverse judgments against the State.

6.0 CONCLUSION

- 6.1 The Ministry of Justice and Attorney-General's Department in spite of its financial challenges, managed to implement most of its programmes earmarked for 2015. The problem of funding has been one of the Ministry's major set-backs. The Committee envisages very difficult times in 2016 in the light of the inadequate Budgetary allocation for Goods and Services. The problem will be exacerbated by the recent utility tariff hikes and its rippling effects on the Economy.
- 6.2 That notwithstanding, the Committee recommends to the House to approve the sum of **Seventy-Four Million, Six Hundred and Eighty-Seven Thousand, Five Hundred and Eighty-Four Ghana Cedis (GH¢74,687,584.00)** for the Ministry of Justice and Attorney-General's Department for the 2016 Financial Year.

Respectfully submitted.



MICHAEL AMOATENG

Assistant Clerk, Committee on
Constitutional, Legal and
Parliamentary Affairs



HON. GEORGE LOH

Vice-Chairman, Committee on
Constitutional, Legal and
Parliamentary Affairs

DECEMBER 2015

