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JUDICIAL SERVICE COMMISSION

# ANNUAL REPORT

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FOR THE FINANCIAL YEAR

**2022-2023**



## **JUDICIAL SERVICE COMMISSION**

Published By  
The Judicial Service Commission,  
CBK Pension Towers, 13<sup>th</sup> Floor,  
Harambee Avenue,  
P.O Box 40048-00100 Nairobi, Kenya  
Tel +254202739180 or 020233191  
Email:[jscsecretariat@jsc.go.ke](mailto:jscsecretariat@jsc.go.ke)  
Website:[www.jsc.go.ke](http://www.jsc.go.ke)

## OUR MISSION

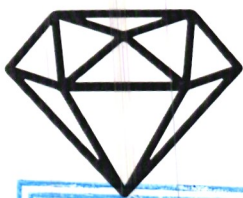


To facilitate an independent and accountable Judiciary that is competent, efficient, effective, and transparent in the administration of justice through capacity development and strategic partnerships.

## OUR VISION



A Commission of Excellence in promoting an independent, transparent, and accountable Judiciary.

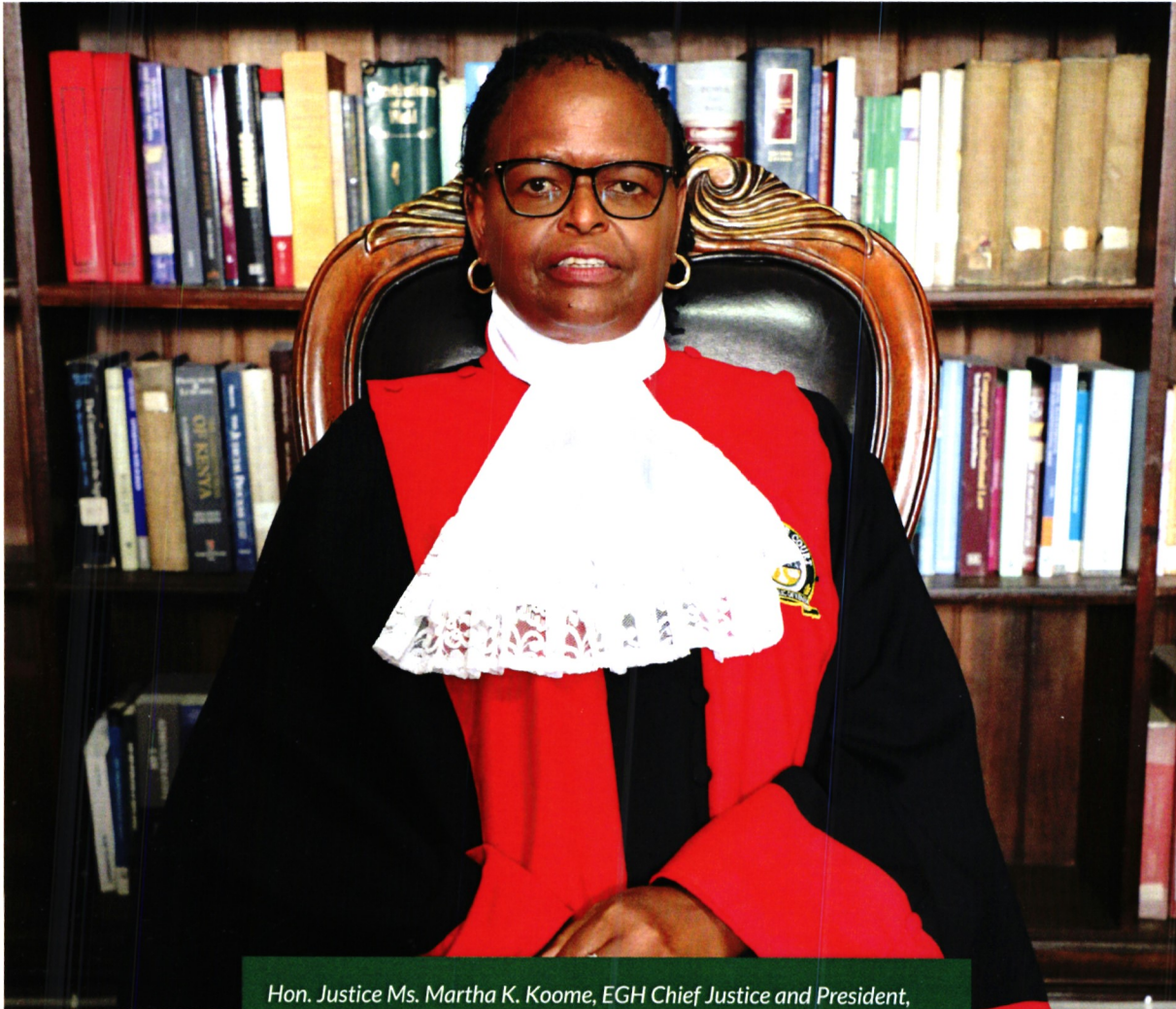


## OUR VALUES

- Independence,
- Transparency,
- Accountability,
- Integrity and
- Professionalism.

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 FEB 2024	DAY: Wed
TABLED BY:	Hon Naemi Wazoshyi Deputy majority whip
CLERK-AT-THE-TABLE:	Mudo

## STATEMENT BY THE CHAIRPERSON



*Hon. Justice Ms. Martha K. Koome, EGH Chief Justice and President,  
Supreme Court of Kenya and Chairperson, Judicial Service Commission.*

The Judicial Service Commission is pleased to present its Annual Report for the period 2022/2023 as an accountability statement to the public in line with Article 258 of the Constitution. The Commission is privileged to fulfil its Constitutional mandate under Article 172 of promoting and facilitating the independence and accountability of the Judiciary; and the efficient, effective and transparent administration of justice. This

report highlights the work undertaken by the Commission, challenges faced and issues appropriate recommendations for realisation of the Commission's mandate.

The accomplishment of the Commission during the period under review was occasioned by strategic leadership, strengthening of the secretariat, amplifying the use of ICT and strategic partnerships. Notable accomplishment for the Commission include;

promoting and facilitating the independence of the judiciary through; lobbying for increased budgetary allocation for the Commission and Judiciary and secured commitment from the Executive of annually enhancing Judiciary budget by kshs 3 billion for the next five years. This increase supported the efficiency and effectiveness of the judiciary as; the Commission recommended the appointment of twenty-seven (27) Judges, appointed one hundred and forty-six (146) Judicial Officers and four hundred, 23 tribunal members and thirty-three (433) Judicial Staff.

Further the budgetary increase supported the; initiation of the construction of the Kenya Judiciary Academy; establishment of 3 small claims courts; roll out of more ICT services and increased uptake of mediation services under the Court Annexed Mediation (CAM) programme which saw the release of Ksh. 3,280,300,211 back into the economy.

On promoting accountability of the Judiciary and transparent administration of justice; the Commission strengthened the Secretariat by establishing and filling the positions of Director Complaints and Investigations and Director Legal. This was to strengthen and promote efficiency in the complaints structures and processes. The Commission processed and concluded 77 petitions against Judges which represented 65% of the petitions received; and processed and concluded 32 disciplinary cases against judicial officers and staff.

To actualize the mandate of preparing and implementing programmes for the continuing education and training of Judges and judicial officers, the Commission enacted the Training and Development Policy with the aim of ensuring effective and efficient development and management of training programmes; the internship policy aimed at establishing a mechanism for managing an effective and efficient internship and attachment programmes and approved annual judicial training calendar.

In joining the world in addressing the climate change, the Commission has approved

paperless services in a number of courts; use of solar systems to power certain courts; and approved architectural designs for new buildings that make use of natural lighting and aeration.

Discharging of the Commission's mandate has not been without institutional and operational challenges. Particularly, whereas there was increased budgetary allocation for the judiciary, the Commission calls on need to increase the same to a minimum 3 % of national budget to enable the judiciary function optimally. Further inadequate budgetary allocation for the Commission and delay in enactment of legislation proposed by the Commission are challenges faced by the Commission. The Commission is committed to engaging with other state organs and stakeholders in addressing the highlighted challenges and other issues on administration of justice.

The achievements outlined above would not have been possible without the innovation, resourcefulness and commitment of the Commissioners, Commission staff, Judiciary, Legislature, Executive development partners and all our stakeholders; and I take this opportunity to commend them for work well done.

As always, we will remain faithful to our mandate and continue to challenge ourselves with high expectations and demanding goals in the execution of our mandate. In this regard, I invite all stakeholders to partner with us in this journey.

I wish to reassure the people of Kenya of the Commission's commitment in undertaking its constitutional mandate in line with its mission of excellence in promoting an independent, transparent, and accountable Judiciary; and call upon all partners and stakeholders to engage with us in this journey.

**HON. JUSTICE Ms. MARTHA K. KOOME,  
EGH, CHIEF JUSTICE AND CHAIRPERSON  
JUDICIAL SERVICE COMMISSION.**

## STATEMENT BY THE SECRETARY JUDICIAL SERVICE COMMISSION

The Judicial Service Commission Annual Report for the year 2022/2023 focuses on the mandate of the Commission towards promoting and facilitating effective and efficient delivery of judicial services and further serves as an accountability tool for the public. This report covers the period 1st July 2022 to 30th June 2023.

In the year under review, the Commission continued to play its mandate as envisioned by the Constitution, the Judicial Service Act and other enabling legislation. The Commission in the financial year 2022/2023 centred its work through the 2022-2027 strategic plan objectives namely;

- i. Efficient, Effective, Accountable, and Transformative Administration of Justice
- ii. Motivated, Professional, Dynamic, Responsive Judges, Judicial Officers, and Judicial Staff
- iii. Sustainable funding and sound financial management for the JSC and the Judiciary
- iv. Increased public confidence and trust in the JSC and the Judiciary
- v. Strengthened Institutional Capacity of the JSC

The Commission leveraged on technology in line with the Kenya Vision 2030 and initiated the development of an Enterprise Resource Planning (ERP) through which all the services of the Commission shall be integrated. Once rolled-out, the ERP will transition the Commission into a paper-less institution and promote the Commission's effectiveness and efficiency.

The Commission reviewed the secretariat establishment and recruited four (4) technical officers in various functions, Director, Human Resource Management, Deputy Director, Information and Communication Technology, Deputy Director Public



*Hon. Ms. Anne A. Amadi, CBS Secretary  
Judicial Service Commission.*

Affairs and Corporate Communication, and Senior Monitoring & Evaluation Officer. Strengthening of the secretariat's capacity will enable the Commission to effectively and efficiently discharge its vast mandate.

To provide adequate and conducive working environment for Commissioners and its staff, and to provide accessible premises to members of the public, the Secretariat of the Commission relocated its offices to CBK Pension Towers along Harambee Avenue in Nairobi. I am pleased to report

that the Commission implemented its planned activities in line with the approved work plan and utilised public resources in a prudent manner. This is evident from the unqualified opinion by the Auditor -General. The Commission is committed to strong governance and management control systems.

The Commission faced a number of challenges in the year, key among them is limited funds to implement all planned activities, delayed exchequer remittances and delays in approving legislative amendments such as the Tribunals Bill.

On behalf of the Commission, I assure the stakeholders of our continued and unwavering focus towards promoting and facilitating the independence and accountability of the Judiciary, and the efficient, effective, and transparent administration of justice.

I wish to recognize the immense contribution of the Chairperson and members of the Commission through their leadership and support that enabled that enabled the achievements in the reporting period. Equally, I thank the Secretariat staff for their dedication, through them the Commission was able to deliver the services to the public.



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01

The Commission leveraged on technology in line with the Kenya Vision 2030 and initiated the development of an Enterprise Resource Planning (ERP) through which all the services of the Commission shall be integrated.



02

The Commission reviewed the secretariat establishment and recruited four (4) technical officers in various functions, Director, Human Resource Management, Deputy Director, Information and Communication Technology, Deputy Director Public Affairs and Corporate Communication, and Senior Monitoring & Evaluation Officer.



03

The Commission implemented its planned activities in line with the approved work plan and utilised public resources in a prudent manner. This is evident from the unqualified opinion by the Auditor -General.



To provide adequate and conducive working environment for Commissioners and its staff, and to provide accessible premises to members of the public, the Secretariat of the Commission relocated its offices to CBK Pension Towers along Harambee Avenue



## ACRONYMS AND ABBREVIATIONS

<b>AJENEL</b>	Africa Judicial Education Network on Environmental Law
<b>AJS</b>	Alternative Justice Systems
<b>BETA</b>	Bottom-up Economic Transformation Agenda
<b>BIC</b>	Budget Implementation Committee
<b>CAM</b>	Court Annexed Mediation
<b>CAPs</b>	County Action Plans
<b>CCIOs</b>	Constitutional Commissions and Independent offices
<b>CJE</b>	Continuous Judicial Education
<b>CSR</b>	Corporate Social Responsibility
<b>EGH</b>	Elder of the Golden Heart
<b>ELC</b>	Environment & Land Court
<b>ELRC</b>	Employment & Labour Relations Court
<b>ERP</b>	Enterprise Resource Planning
<b>ESAMI</b>	Eastern and Southern Africa Management Institute
<b>FY</b>	Financial Year
<b>H.E</b>	His Excellency
<b>ICPAK</b>	Institute of Certified Public Accountants of Kenya
<b>ICT</b>	Information Communication Technology
<b>IFMIS</b>	Integrated Financial Management Information System
<b>IHRM</b>	Institute of Human Resource Management
<b>IPSAS</b>	International Public Sector Accounting Standards
<b>JSC</b>	Judicial Service Commission
<b>KEMNAC</b>	Kenya Muslims National Advisory Council
<b>KJA</b>	Kenya Judiciary Academy
<b>KLRC</b>	Kenya Law Reform Commission
<b>KMJA</b>	Kenya Magistrates and Judges Association
<b>KSG</b>	Kenya School of Government
<b>MoU</b>	Memorandum of Understanding
<b>OAG</b>	Office of the Auditor General
<b>OCOB</b>	Office of the Controller of Budget
<b>OSHA</b>	Occupational Safety and Health Act
<b>PAC</b>	Parliamentary Accounts Committee
<b>PFM</b>	Public Finance Management
<b>PSASB</b>	Public Sector Accounting Standards Board
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SLDP</b>	Strategic Leadership Development Programme
<b>SMC</b>	Senior Management Course
<b>STAJ</b>	Social Transformation through Access to Justice
<b>SUPKEM</b>	Supreme Council of Kenya Muslims

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# EXECUTIVE SUMMARY

The Judicial Service Commission is one of the Chapter Fifteen Commissions and Independent Offices established under the Constitution of Kenya, 2010 with the objective of *inter alia*: promoting and facilitating the independence and accountability of the Judiciary, and the efficient, effective, and transparent administration of justice.

Whereas the Constitution lays down the broad mandate and functions of the Commission, the Judicial Service Act breaks them into specific responsibilities that form the basis of the Commission's operations and activities. The 2022/2027 Commission's Strategic Plan that was launched in January 2022 continues to guide the transformation of the Commission and offers a framework for implementing and monitoring of the activities of the Commission.

To ensure accountability in the exercise of its powers, Section 38(1) of the Judicial Service Act requires the Commission to prepare an annual report for each financial year. This report therefore covers all the activities of the Commission for the financial year 2022/2023. The report contains a total of four chapters that highlight

the Commission's Constitutional and Statutory mandate as aligned with the Commission's Strategic Plan 2022/2027.

Chapter one highlights the mandate, functions, membership and the structure of the Commission. The year saw changes in the membership of the Commission following the lapse of term of four members: Hon. Justice (Rtd) P. Kihara Kariuki, EGH, former Attorney General, Hon. Commissioner Prof. Olive M. Mugenda, CBS, MGH, Hon. Commissioner Patrick G. Gichohi, CBS and Hon. Hon. Commissioner Felix Kiptarus Koskei.

Chapter two highlights the performance of the Commission towards realizing its mandate. The period under review marked the first year of the implementation of the Commission's Strategic Plan 2022-2027 and the key achievements are reported based on the strategic outcomes highlighted in the plan.

Chapter three gives an overview of the Commission's audited financial performance.

Chapter Four highlights the challenges encountered by the Commission and the recommendations and a way forward.



# CHAPTER ONE

# THE COMMISSION

## 1.0 INTRODUCTION

The Judicial Service Commission (JSC) of Kenya is an independent Commission established under Article 171 of the Constitution of Kenya. Its mandate as stipulated under Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

## 1.1 BACKGROUND

The Judicial Service Commission in Kenya can be traced to the establishment of the Legal System in 1987. During the colonial period, local administrators were responsible for setting up, controlling, and establishing the legal system for the local communities, while Muslims and the settlers had their separate courts.

The Independence Constitution of 1963 provided for the establishment of the JSC. However, Concerns arose about the functions and independence of the JSC, especially on the appointment of Judges since members were presidential appointees.

The 2010 Constitution provides for a Commission that is independent, transparent, and accountable to the people. In this regard, the Commission was thus established as an independent body subject only to the Constitution and the law.

The Constitution addresses the shortcomings on the functions, independence, and composition of the previous JSC. It has revolutionized the justice sector by guaranteeing a robust and vibrant Judicial Service Commission with an expanded mandate and diverse membership.

The composition of the Commission takes into consideration inclusivity of other stakeholders in the justice system, including the representatives from the public, while anchoring the process of appointment of Commissioners in the Constitution.

The expanded membership enables the Commission to conduct its business through committees, allowing for broader participation by all Commissioners while deploying their specialized expertise and knowledge for the achievement of the objectives of the Commission.

The Commission seeks to improve access to justice, enhance efficiency and effectiveness in the delivery of judicial services while increasing judicial accountability.

1987

Establishment of the Legal System

2010

Promulgation of a new constitution.

2011

The Judicial Service Commission is established under Article 171 of the Constitution of Kenya and operationalized by the Judicial Service Act No.1 of 2011.



### 1.3 ESTABLISHMENT

The Judicial Service Commission is established under Article 171 of the Constitution of Kenya and operationalized by the Judicial Service Act No.1 of 2011.

### 1.4 MANDATE AND FUNCTIONS

The mandate of the Commission as stipulated in Article 172 of the Constitution is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

The functions of the Commission are to:

- i. Recommend to the President persons for appointment as judges.
- ii. Review and make recommendations on condition of service for Judges, judicial officers (other than their remuneration) and staff of the Judiciary.
- iii. Receive complaints against, investigate and remove from office or otherwise disciplining registrars, magistrates, other judicial officers and other staff of the Judiciary.
- iv. Prepare and implement programmes for the continuing education and training of judges and judicial officers.
- v. Advise the National Government on improving the efficiency of the administration of Justice.
- vi. Receive and consider petitions for the removal of Judges from office under Article 168 of the Constitution.

### 1.5 COMPOSITION OF THE COMMISSION

The Commission under Article 171(2) consists of the following members;

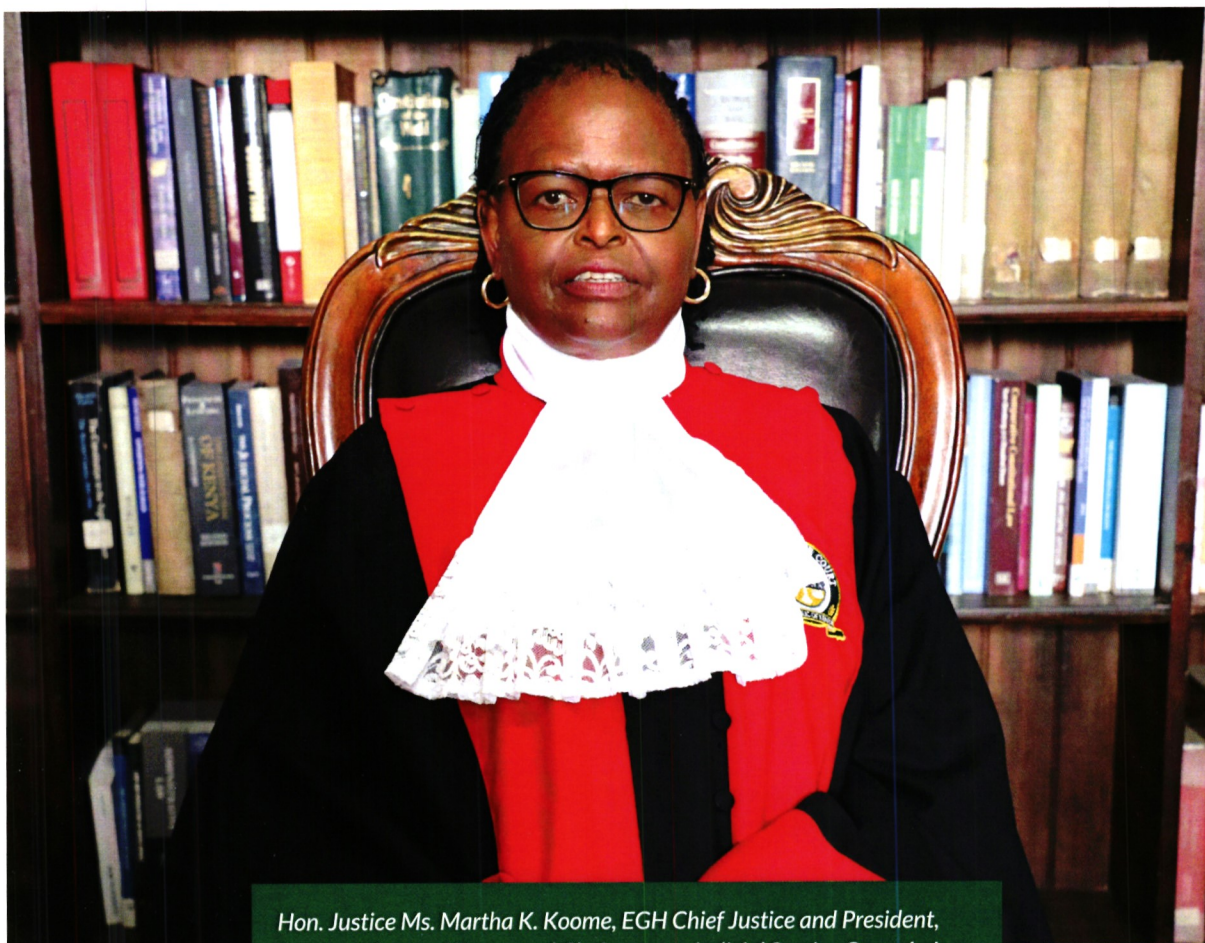
1. The Chief Justice as the Chairperson of the Commission,
2. A Supreme Court Judge elected by the Judges of the Supreme Court,
3. A Court of Appeal Judge elected by the Judges of the Court of Appeal,
4. A High Court Judge and a Magistrate (man and woman) elected by members of the Kenya Magistrates and Judges Association (KMJA),
5. The Attorney General,
6. Two advocates (man and woman) elected by members of the Law Society of Kenya,
7. Public Service Commission nominee,
8. Two members (man and woman) who are not lawyers, appointed by the President with approval of the National Assembly to represent the public interest.

The Chief Registrar of the Judiciary is the Secretary to the Commission.



To ensure accountability in the exercise of its powers, Section 38(1) of the Judicial Service Act requires the Commission to prepare an annual report for each financial year. This report therefore covers all the activities of the Commission for the financial year 2022/2023.

## COMPOSITION OF THE COMMISSION



*Hon. Justice Ms. Martha K. Koome, EGH Chief Justice and President, Supreme Court of Kenya and Chairperson, Judicial Service Commission.*

Hon. Justice Ms. Martha K. Koome EGH, is the Chairperson of the Judicial Service Commission, pursuant to Article 171, 2 (a) of the Constitution.

Hon. Justice Koome was appointed the Chief Justice and President of the Supreme Court on May 19, 2021, as the 15th Chief Justice of the Republic of Kenya and the 3rd President of the Supreme Court of Kenya. She is the first woman to hold the office of the Chief Justice of the Republic of Kenya.

Before her elevation to the office of the Chief Justice, Hon. Justice Koome served as Judge of the Court of Appeal from 2012 to 2021. She joined the Judiciary as High Court Judge in 2003 and held the position for eight years.

Before joining the Judiciary, she worked as a Managing Partner at Martha Koome & Company Advocates between 1993 and May

2003 and served as an Advocate in Mathenge and Muchemi Advocates firm from 1988 to 1993.

Hon. Justice Koome is an affiliated and licensed member of various professional bodies and has held several leadership positions throughout her career which include; serving as Co-Chair National Steering Committee on Children's Bill and the Committee Developing Guidelines on Psychosocial Support, Chairperson of the Kenya Magistrates and Judges Associations (KMJA) and the Chairperson of International Federation of Women Lawyers (FIDA) Kenya. In addition, she has several publications in her name. Hon. Justice Koome holds a Master of Laws degree from the University of London, a Bachelor of Laws degree from the University of Nairobi and a Post Graduate Diploma in Law from the Kenya School of Law. She was admitted to the Roll of Advocates in 1987.



**Hon. Commissioner MACHARIA NJERU, Advocate of the High Court of Kenya**

Hon. MACHARIA NJERU is the Vice Chairperson of the Judicial Service Commission. He joined the Commission on May 13, 2019, having been elected by members of the Law Society of Kenya (LSK) according to Article 171 (2) (f) of the Constitution. He is the Chairperson of the JSC Strategic Plan Implementation Steering Committee and the Audit, Governance and Risk Management Committee. He previously served as the Chairperson of the Independent Policing Oversight Authority (IPOA). Hon. NJERU was a member of the National Task Force on Police Reforms (Ransley Taskforce), which developed the program for police reforms in Kenya. In addition, he sat in the Police Reforms Implementation Committee (PRIC) where he led the drafting of policing related legislation.

He is a former Chairman of FINA Bank Rwanda (now GT Bank Ltd.) and previously served as a Director in FINA Bank Uganda, FINA Bank Kenya, Board Member Kenya Airports Authority, and Chair of the Board of Finance, Anglican Church of Kenya, Nairobi, Diocese. He is the founding Managing Partner of MACHARIA-Mwangi & NJERU

Advocates and has practised law for the past 31 years.



**Hon. Commissioner JUSTICE MOHAMED WARSAME, Judge of the Court of Appeal of Kenya**

Hon. JUSTICE MOHAMED WARSAME was elected as Commissioner to the Judicial Service Commission by Judges of the Court of Appeal pursuant to Article 171 (2) (c) of the 2010 Constitution. He was appointed on January 29, 2019 for his second term.

Hon. WARSAME is the Chairperson of the Human Resource Management Committee and a member of the Audit, Governance & Risk Management Committee, Learning & Development Committee and the Committee on Administration of Justice.

Before his appointment to the Court of Appeal in 2012, JUSTICE WARSAME served as a High Court Judge in the Commercial Division, Criminal Division and was also in charge of the Judicial Review Division of the High Court. He also served as the Presiding Judge Embu High Court and was the Chairman of the Community Service and Probation Committee, during which he released over 7000 petty offenders from prisons around the country.

Prior to his appointment as Judge of the High Court in 2003, JUSTICE WARSAME was a practicing advocate of the High Court of Kenya.

He holds a Bachelor of Laws degree from the University of Nairobi and a Post Graduate Diploma in Law from the Kenya School of Law.

## COMPOSITION OF THE COMMISSION



### **Hon. Commissioner Justice David Majanja, Judge of the High Court of Kenya**

Hon. Justice David Majanja joined the Commission on May 14, 2019, after being elected by the Kenya Magistrates and Judges Association in accordance with Article 171 (2) (d) of the Constitution.

He is the Chairperson of the Committee on Administration of Justice and a member of the Audit, Governance & Risk Management Committee, Human Resource Management Committee and Learning & Development Committee.

Hon. Majanja was appointed as a Judge of the High Court in 2011. He has previously served in the Judiciary Rules Committee and the Judiciary Working Committee on Election Preparedness (JWCEP). He once served as a Presiding Judge in Homabay, Kisumu, Kisii High Court Stations and as a Judge at the Milimani Commercial Division of the High Court. He is currently serving as Judge at the Milimani Civil Division.

Prior to his appointment as a Judge, Justice Majanja was in private practice and served as an Assisting Counsel for the Commission of Inquiry investigating the 2007 Post-election Violence (Waki Commission).

He holds a Master of Laws (LLM) degree from the University of Pretoria and a Bachelor of Laws from the University of Nairobi.



### **Hon. Commissioner Ms. Everlyne S. A. Olwande, Chief Magistrate**

Hon. Everlyne Olwande joined the Commission on January 15, 2021, having been elected by the Kenya Magistrates and Judges Association (KMJA) pursuant to Article 171(2) (d) of the Constitution.

She is the Acting Chairperson Finance, Planning & Administration Committee, a member of the Human Resource Management Committee and Committee on Administration of Justice.

Hon. Olwande is a Chief Magistrate having been appointed in December 2020. She previously served as Senior Principal Magistrate, Principal Magistrate, Senior Resident Magistrate and Resident Magistrate.

Prior to joining the Commission, she was an Associate with J.W. Kagwe & Co Advocates.

Hon. Olwande holds a Post Graduate Diploma in Law from the Kenya School of Law, Bachelor of Laws degree from South Gujarat University and a Bachelor of Arts Degree from Mohanlal Sukhadia University.



### **Hon. Commissioner Ms. Jacqueline Ingutiah**

Hon. Jacqueline Ingutiah joined the Commission on 16th March 2022 having been duly elected as the female representative of the Law Society of Kenya pursuant to Article 171 (2) (f) of the Constitution.

She is the Acting Chairperson Learning and Development Committee, a member of the Finance Planning & Administration Committee, Human Resource Management Committee and Committee on Administration of Justice.

Hon. Ingutiah is an advocate of the High Court of Kenya with over ten years experience. She has vast knowledge in Human Rights based programs. She is currently the Western Region Coordinator at the Kenya National Commission on Human Rights (KNCHR) where she undertakes strategic and program oversight as well as public interest litigation and champions collaboration between the Commission and partners.

Hon. Ingutiah holds a Master of Arts in peace and reconciliation degree from Coventry University, LLB from Moi University and a Diploma in Law from the Kenya School of Law. She is a member of the Law Society of Kenya, ICJ-Kenya, FIDA Kenya and Chartered Institute of Arbitrators.



### **Hon. Commissioner Justice Mohammed Ibrahim, Judge of the Supreme Court of Kenya**

Hon. Justice Mohammed Khadhar Ibrahim was appointed as a member of the Commission on 2nd June, 2022 pursuant to Article 171 (2) (b) of the Constitution.

Hon. Ibrahim is a member of the Finance Planning and Administration Committee, Human Resource Management Committee and Committee on Administration of Justice.

He is a Judge of the Supreme Court of Kenya, having been appointed in June 2011. Justice Ibrahim is also the Chairperson of the Judiciary Committee on Elections and previously served as a Judge of the High Court of Kenya between May 2003 and May 2011.

Hon. Ibrahim became the first member of the Kenyan- Somali community to be admitted as an Advocate of the High Court of Kenya on 11th January 1983. He previously worked with Kituo Cha Sheria and was a member of the Board of the Legal Education and Aid Programme (LEAD). He was also a founding trustee of the human rights organisation, Mwangaza Trust, a position he held until 1994.

He holds a Bachelor of Laws Degree (LLB) from the University of Nairobi and a Diploma from the Kenya School of Law.

## COMPOSITION OF THE COMMISSION



### **Hon. Commissioner Justin B. N Muturi, EGH, Attorney General**

Hon. Justin Bedan Njoka Muturi, EGH is a member of the Commission in his capacity as the Attorney General in accordance with Article 171(2)(e) of the Constitution, effective November 2021.

He served in the Judiciary between 1982 and 1997, retiring at the level of a Principal Magistrate. While in the Judiciary, he served as the Chairperson of the Kenya Magistrates and Judges Association (KMJA).

Hon. Muturi served as a Member of the National Assembly representing Siakago Constituency from 1999 to 2007. He also served as the Chairperson of the Centre for Multi-Party Democracy from 2011 to 2013. Thereafter, he was elected as the 7th Speaker of the National Assembly since independence and the first under the 2010 Constitution, a position he held until August 2022.

Hon. Muturi was appointed as the Attorney General of the Republic of Kenya on 27th October 2022.

He holds a Bachelor of Laws degree from the University of Nairobi and a Diploma in Law from the Kenya School of Law.



### **Hon. Commissioner Ms. Caroline Nzilani Ajuoga**

Hon. Caroline Nzilani Ajuoga is a representative of the public in the Judicial Service Commission, pursuant to Article 171 (2) (h) of the Constitution, having been appointed on 15th June 2023.

She is a member of the Human Resource Management Committee, Learning & Development Committee and Audit, Governance & Risk Management Committee.

Before joining the Commission, Hon. Nzilani was the Manager, Employee Relations, and Wellness at NCBA Bank. She is a strategic human resource expert with extensive professional experience, a Certified Human Resource Professional (CHRP) and a member of the Institute of Human Resource Management.

She holds a Bachelor's degree in Business Administration - Human Resource Management from Kenya Methodist University, International Post Graduate Diploma in Human Resource Management from Cambridge International College and is currently finalizing her Master of Arts degree in Communication at Daystar University.



### **Hon. Commissioner Isaac Kiprono Rutto, EGH**

Hon. Isaac Kiprono Rutto, EGH is a representative of the public in the Judicial Service Commission pursuant to Article 171 (2) (h) of the Constitution having been appointed on 15th June 2023.

He is a member of the Human Resource Management Committee, Finance, Planning & Administration Committee and Committee on Administration of Justice.

Hon. Rutto is a seasoned leader with more than thirty years of experience and a champion of good governance across all sectors including the National and County Governments. Hon. Rutto espouses values of inclusivity, accessibility and responsiveness in leadership and management.

Hon. Rutto previously served as Governor of Bomet County (2013-2017) as well as the Chair, Council of Governors. He also served as a Member of Parliament, Chepalungu Constituency (1998-2002 & 2008-2012).

Hon. Rutto holds a Bachelor of Arts Degree in Economics, Sociology & Political Science from the University of Nairobi.



### **Hon. Ms. Charity Seleina Kisotu, CBS.**

Hon. Charity Seleina Kisotu, CBS is the representative of the Public Service Commission in accordance with Article 171 (2) (g) of the Constitution having been appointed to the Commission on 4th August 2023.

Hon. Kisotu is currently serving as Vice Chairperson of the Public Service Commission. She previously served as a member of the Central Bank of Kenya Board. She also once served as Chairperson of the Insurance Tribunal; Chairperson of the National Social Security Fund Board of Trustees; Chairperson of Kenya Wines Agencies Limited (KWAL); member of Nairobi City County Public Service Board and Chief Accountant at the National Water Corporation. As Chairperson of KWAL, she successfully presided over the privatization of the organisation which was a special assignment given to her board by the appointing authority.

Ms. Kisotu holds a Master of Business Administration (MBA) degree from Moi University. She is a Certified Public Accountant of Kenya (CPAK) and a Certified Secretary (CS).



### Hon. Ms. Anne A. Amadi, CBS, Secretary to the Commission

Hon. Anne A. Amadi, CBS is the Secretary to the Commission in her capacity as the Chief Registrar of the Judiciary in accordance with Article 171 (3) of the Constitution. She was appointed as the Chief Registrar of the Judiciary on January 13, 2014, for a term of 5 years which was subsequently renewed in 2019.

Hon. Amadi is an Advocate of the High Court of Kenya, having been admitted to the bar in 1989. She holds a Master of Law degree in Public International Law from the University of Nairobi, Master's in Criminal Justice degree from Boston University USA, a Post Graduate Diploma in Law from the Kenya School of Law, Post Graduate Diploma in Law - International Displacement degree from the International Institute of Humanitarian Law in San Remo, Italy and a Bachelor of Law degree from the University of Nairobi.

## CHANGES IN THE MEMBERSHIP OF THE COMMISSION IN 2022/2023

During the year under review, the term of the following four members of the Commission lapsed:



Hon. Justice (Rtd) P. Kihara Kariuki, EGH, Attorney General

March 28, 2018 to 25th October 2022



Hon. Commissioner Prof. Olive M. Mugenda, CBS, MGH

March 2, 2018 to 1st March 2023



Hon. Commissioner Patrick G. Gichohi, CBS

March 2, 2018, to 1st March 2023



Hon. Commissioner Felix Kiptarus Koskei

March 2, 2018, to 29th October 2022

## 1.6 CORPORATE GOVERNANCE STRUCTURE

The Commission is committed to good corporate governance and has put in place structures, systems and policies to ensure that the Commission and the Judiciary are effective, efficient and transparent in their operations.

### 1.6.1 Commission Charter

The Commission has enacted a charter that defines its roles, responsibilities, functions and structures. The charter has guided the operations of JSC within a predictable framework which has enabled the smooth running of the Commission's work as it discharges its mandate.

The key components of the charter are:

- i. Establishment and functions of the Commission,
- ii. Objectives of the Charter,
- iii. Principles and practices guiding Members (National values and principles of Governance, values and principles of the public service, conflict of interest, confidentiality, leadership and integrity, professional excellence, conduct, equal opportunity),
- iv. Roles and responsibilities of the Chairperson,
- v. The roles and responsibilities of Members,
- vi. The role and responsibilities of the Commission secretary,
- vii. Procedure for conducting meetings,
- viii. Committees of the Commission, and
- ix. Induction and capacity development.

### 1.6.2 Committees of the Commission

Section 14 of the JS Act gives the Commission powers to delegate any of its functions as are necessary for the day-to-day management of the Commission to committees. The Commission may also establish Ad hoc committees as and when necessary to deal with any specific matters.

Accordingly, the Commission has established the following five (5) standing committees with specific terms of reference to process matters and make recommendations to the Commission for approval:

1. Committee on Administration of Justice
2. Human Resource Management Committee
3. Finance, Planning and Administration Committee
4. Learning and Development Committee
5. Audit, Governance and Risk Management Committee

#### 1. Committee on Administration of Justice

The Committee is responsible for development of policies and strategies to facilitate the efficient, effective, and transparent administration of justice in the Judiciary. During the reporting period, the Committee accomplished the following:

1. Development of the Draft Judicial Service (Processing of Petitions and Complaints procedure) Regulations 2023. The regulations aim at providing procedures for processing of petitions against Judges and Complaints against Judicial Officers and Staff of the Judiciary. The draft will be submitted to the National Assembly for approval.

2. Held consultative engagement with the Heads of Courts to share perspectives on matters touching on the administration of justice.
3. Developed Administrative Procedures of Declaration of Assets, Income & Liability. The procedures will provide a structured way of declaration of assets, Income and liabilities by the public and state officers serving in the Judiciary as required under section 33(1) Public Officers Ethics Acts, 2003. The procedures are pending public participation input.
4. Developed a whistle-blowing policy which seeks to protect whistle blowers who act in good faith to disclose information about the Judiciary and its operations that might be considered as improper or illegal. The policy is pending public participation.
5. Undertook an evaluation of performance for Judges, Judicial Officers and staff to entrench and strengthen a performance culture in the Judiciary and increase productivity.

During the period under review, Members of the Committee were as follows:

**Table 1.1: Members of the Committee on Administration of Justice**

S/NO	MEMBERS	DESIGNATION
1.	Hon. Commissioner Mr. Justice David Majanja	Chairman
2.	Hon. Commissioner Mr. Justice Mohamed Warsame, JA	Member
3.	Hon. Commissioner Ms. Everlyne S.A. Olwande	Member
4.	Hon. Commissioner Ms. Jacqueline Ingutiah	Member
5.	Hon. Commissioner Justice M.K Ibrahim, SCJ	Member
6.	Hon. Commissioner Mr. Felix Kiptarus Koskei	Member
7.	Hon. Commissioner Mr. Patrick G. Gichohi, CBS,	Member
8.	Hon. Commissioner Prof. Olive Mwiwaki Mugenda, CBS	Member

## 2. Human Resource Management Committee

The Human Resource Management Committee is responsible for developing human resource management strategies for attracting, developing and retaining competent human resources in the Judicial Service. The committee accomplished the following:

1. Recruitment and selection of 27 Judges, and the appointment of 23 Tribunal Members and 433 Judicial Staff to enhance the capacity of the Judiciary for effective and efficient service delivery. The additional Judges and staff facilitated an improvement of case clearance rate by 5 % from 94%. In the same period the case backlog reduced to 17% from 336,119 to 276,678 cases.
2. Recruitment of 4 JSC staff as part of the strategy to strengthen institutional capacity of the Commission to discharge its mandate.
3. Promotion and enhancement of pecuniary jurisdiction of 146 Judicial Officers for motivation and promotion of career growth. This led to increased access to justice.
4. Processed 118 disciplinary matters against judicial officers and staff aimed at promoting integrity, transparency and accountability in the Judicial service.

During the period under review, Members of the Committee were as follows:

**Table 1.2: Members of the Human Resource Management Committee**

S/NO	MEMBERS	DESIGNATION
1.	Hon. Mr. Justice Mohamed Warsame, JA	Chairperson
2.	Hon. Mr. Justice David Majanja	Member
3.	Hon. Ms Everlyne S.A. Olwande	Member
4.	Hon. Ms. Jacqueline Ingutiah	Member
5.	Hon. Mr. Justice M.K Ibrahim, SCJ	Member
6.	Hon. Mr. Patrick G. Gichohi, CBS,	Member
7.	Hon. Prof. Olive Mwihaki Mugenda, MGH CBS	Member
8.	Hon. Mr. Felix Kiptarus Koskei	Member

### 3. Finance, Planning and Administration Committee

The Committee is responsible for resource mobilization and oversight of financial management and administrative services in the Commission and the Judiciary. The Committee accomplished the following during the year under review:

1. Promoted the financial independence of the Judiciary through Operationalization of Judiciary Fund which commenced from 1st July 2022.
2. Secured enhanced budgetary allocation by ksh 3 Billion through strategic engagement with the Executive and the National Assembly.
3. Review and approval of the budgets estimates for the Judiciary and the Commission for the FY 2023/2024.
4. Review and approval of Procurement and Asset Disposal Plans for Judiciary and JSC for the FY 2023/2024.
5. Improved the utilization of financial resources through monitoring of budget implementation. This led to improved budget absorption by 1 % to 95% for the Judiciary and by 5% to 95% for the JSC.
6. Acquisition of new office space for the Commission
7. Facilitated construction and completion of two (2) courts and installation of solar systems in nineteen (19) courts. This ensured stable and reliable power supply.

During the reporting period, Members of the Committee were as follows:

**Table 1.3: Members of the Finance, Planning and Administration Committee**

S/NO	MEMBERS	DESIGNATION
1.	Hon. Ms Everlyne S.A. Olwande	Acting - Chairperson
2.	Hon. Ms. Jacqueline Ingutiah	Member
3.	Hon. Mr. Justice Mohammed K. Ibrahim, SCJ	Member
4.	Hon. Patrick G. Gichohi, CBS	Chairperson*
5.	Prof. Olive Mugenda, CBS, MGH	Member

\* Hon. Patrick G. Gichohi, CBS served as the chairperson of the Committee while Hon. Prof. Olive Mugenda, CBS, MGH served as a member of the Committee before their terms as members of the Commission lapsed during the reporting period.

#### 4. Learning and Development Committee

The Committee is responsible for development of policies and strategies for the transformation of the Judiciary by inculcating a learning culture that enables Judges, Judicial Officers and Staff to acquire the skills, attitude and capabilities needed to deliver services. During the period under review, committee accomplished the following:

1. Development of the Annual Training Master Calendar for the Kenya Judiciary Academy which ensured proper planning and predictability of the trainings for the Judges and Judicial Officers that in turn minimized interruptions of court operations.
2. Facilitated enhanced capacity within Judiciary by conducting evaluations of the trainings offered to ensure relevance, timeliness and cost effectiveness.
3. Reviewed and Approved of Training and Development Policy which aimed at closing existing gaps in provision and coordination of training programmes so as to attract, develop and retain competent employees.
4. Reviewed and Approved Judiciary Attachment and Internship Policy which provides guidelines for managing the internships and attachment process within the Judiciary.

During the reporting period, Members of the Committee were as follows:

**Table 1.4: Members of the Learning and Development Committee**

S/NO	MEMBERS	DESIGNATION
1.	Hon. Ms. Jacqueline Ingutiah	Acting Chairperson
2.	Hon. Mr. Justice Mohamed Warsame, JA	Member
3.	Hon. Mr. Justice David Majanja	Member
4.	Prof. Olive Mugenda, CBS, MGH	Chairperson*
5.	Hon. Mr. Felix Kiptarus Koskei	Member

\* Hon. Prof. Olive Mugenda, CBS, MGH served as the chairperson of the Committee while Hon. Mr. Felix Kiptarus Koskei served as a member of the Committee before their terms as members of the Commission lapsed during the reporting period.

#### 5. Audit, Governance and Risk Management Committee

Section 73(5) of the Public Finance Management Act, 2012 requires that every national government public entity should establish an audit committee. Pursuant to the aforementioned the JSC Audit, Governance and Risk Management Committee is established to oversee internal control systems and risk management for the Judiciary and the Commission.

During the reporting period, the Committee held two (2) meetings whose key outcomes were:

1. Reviewing Audit Plans for Judiciary and JSC to enhance accountability and prudent use of resources within the Commission and Judiciary.
2. Considering audit reports to improve internal controls in the Judiciary and the JSC.
3. Reviewing and monitoring risk management strategies to enhance accountability and transparency in service delivery.

Audit, Governance and Risk management Committee Members are as indicated in table 1.5 below.

**Table 1.5: Members of the Audit, Governance and Risk management Committee**

S/NO	MEMBERS	DESIGNATION
1.	Hon. Commissioner Mr. Macharia Njeru	Chairman
2.	Hon. Commissioner Mr. Justice Mohamed Warsame, JA	Member
3.	Hon. Commissioner Mr. Justice David Majanja	Member
4.	Hon. Commissioner Mr. Felix Kiptarus Koskei	Member*

\* Hon. Commissioner Mr. Felix Kiptarus Koskei served as the Chairperson of the Committee up to 29<sup>th</sup> October 2022.

### Ad Hoc Committees

The Commission constituted the JSC Strategic Plan Implementation Steering Committee to spearhead the implementation of Strategic Plan 2022-2027. The Commission also constituted three (3) panels to process petitions against Judges and complaints against Judicial officers and Judicial Staff.

#### JSC Strategic Plan Implementation Steering Committee

During the reporting period, the JSC Strategic Plan Implementation Steering Committee reviewed periodic progress reports on the implementation of the Strategic Plan which ensured 86.2 % success in execution of activities in the plan during the first year.

During the reporting period, Members of the Committee were as follows:

**Table 1.6: Members of the JSC Strategic Plan Implementation Steering Committee**

S/NO	MEMBERS	DESIGNATION
1.	Hon. Commissioner Mr. Macharia Njeru	Chairman
2.	Hon. Commissioner Mr. Justice David Majanja	Member
3.	Hon. Commissioner Ms. Everlyne S.A. Olwande	Member
4.	Hon. Commissioner Ms. Jacqueline Ingutiah	Member
5.	Hon. Commissioner Justice M.K Ibrahim, SCJ	Member

### 1.6.3 Commission Panels

The Commission is mandated by Article 168 of the Constitution to process Petitions against Judges. Further under Article 172(1) c) of the Constitution, it is mandated to appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary in the manner prescribed by an Act of Parliament.

The initiation of disciplinary proceedings against Judicial Officers and staff is delegated to chief Justice who is required to frame and serve charges, Evaluate the response thereto and make a decision whether or not an officer has exculpated themselves of the charges. Where the Chief Justice is of the opinion that the officer has failed to exculpate himself, the Chief Justice is required to forward the case to the Commission.

If the Commission is satisfied that a petition or a disciplinary case raises sufficient grounds it shall admit the matter for hearing and appoint a panel under Section 32 (1) of the Judicial Service Act to consider petitions against judges and investigate complaints against judicial officers and staff. In this regard the Commission constituted three (3) panels.

The panels handled a total of seven (7) petitions against Judges and eight (8) disciplinary cases against Judicial Officers which were admitted for hearing. Five (5) of the petitions against Judges were raising allegations of delay in delivery of judgement and rulings while two (2) were on bias, incompetence and gross misconduct.

### 1.6.4 Commission Meetings

The Commission discharges its mandate mainly through meetings. The standards for convening and conducting meetings of the Commission and its Committees are provided for in the Judicial Service Act, 2011 and the Commission Charter. The quorum for the Commission meeting is six (6) while the quorum for Committees meetings is three (3) Members. The Commission's meetings are held in person and virtually when necessary.

During the financial year under review, a total of one hundred and thirty-seven (137) meetings were held. The full Commission held sixteen (16) meetings while Committees and Panels accounted for one hundred and twenty-one (121) meetings.

The meetings are distributed as indicated in the matrix below:

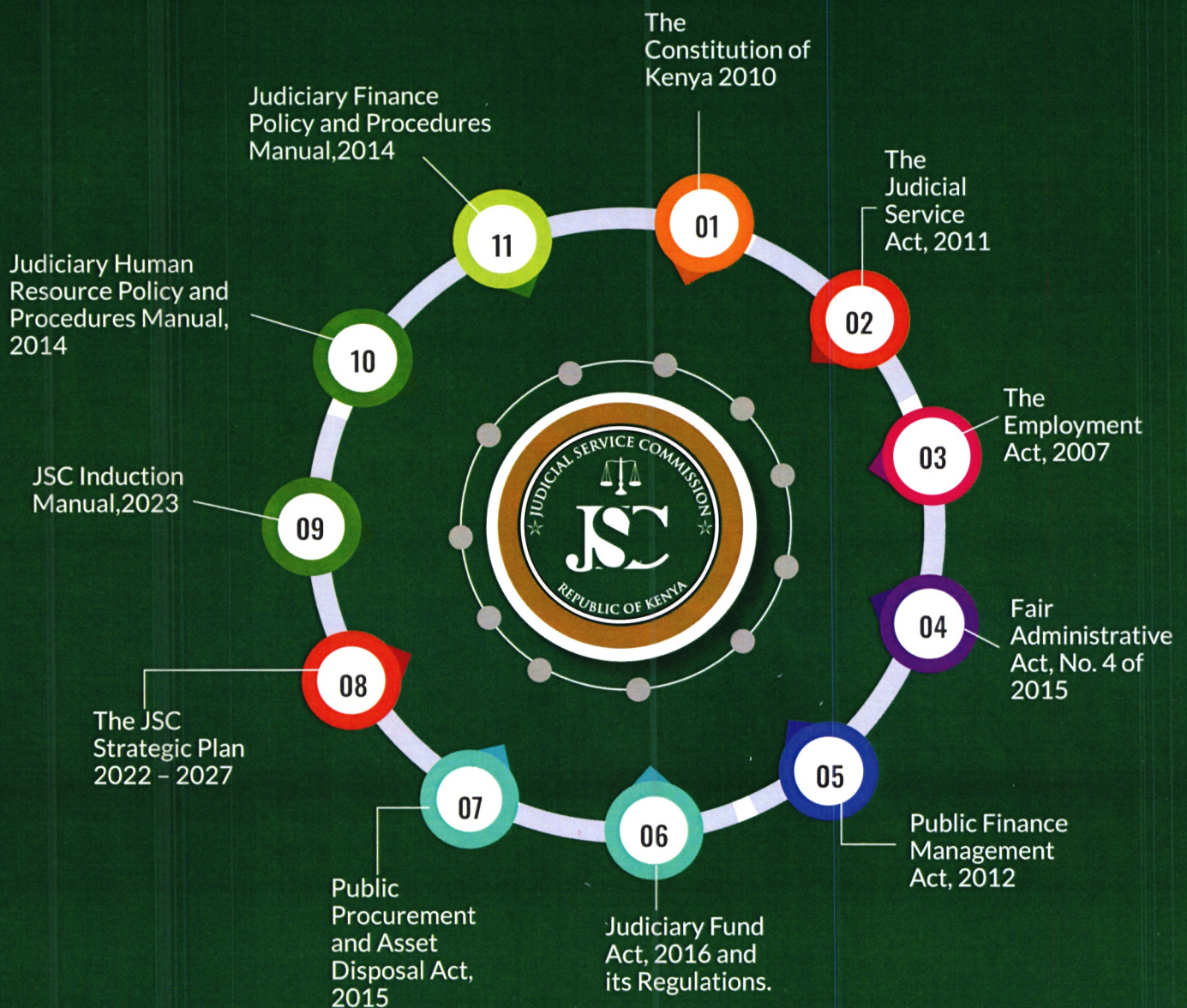
S/NO.	TYPE OF MEETING	NO. OF MEETINGS HELD IN THE 2022/2023 FINANCIAL YEAR	NO. OF MEETINGS HELD IN 2021/2022 FINANCIAL YEAR
1.	Full JSC	16	25
2.	JSC Committee on Administration of Justice	3	5
3.	JSC HRM Committee	19	43
4.	JSC Finance Planning and Administration Committee	3	6
5.	JSC Learning and Development Committee	3	3
6.	JSC Audit, Governance and Risk Management Committee	2	15
7.	Other meetings (selection interviews, Ad hoc Committees, panels, stakeholders' engagement etc)	91	68
	<b>TOTAL</b>	<b>137</b>	<b>165</b>

In the reporting period, there was a reduction in the number of meetings by 28 from the previous financial year. This was occasioned by fewer recruitment exercises.



## 1.7 LEGAL AND POLICY DOCUMENTS GUIDING THE COMMISSION

In the discharge of its mandate the Commission was guided by relevant legislations and policies including:



# CHAPTER TWO



# PERFORMANCE REVIEW FOR THE FINANCIAL YEAR 2022/2023

## 2.0 INTRODUCTION

This Chapter highlights the performance of the Commission towards realizing its mandate and its five-year strategic plan. The period under review marked the first year of the implementation of the Commission's Strategic Plan 2022-2027. During the performance period of this Strategic Plan, the Commission implemented the following five (5) strategic objectives.

- i. Efficient, Effective, Accountable, and Transformative Administration of Justice
- ii. Motivated, Professional, Dynamic, Responsive Judges, Judicial Officers, and Judicial Staff
- iii. Sustainable funding and sound financial management for the JSC and the Judiciary
- iv. Increased public confidence and trust in the JSC and the Judiciary
- v. Strengthened Institutional Capacity of the JSC

The key achievements are reported based on the strategic outcomes as provided below:

## 2.1 EFFICIENT, EFFECTIVE, ACCOUNTABLE, AND TRANSFORMATIVE ADMINISTRATION OF JUSTICE

### 2.1.1 Overview

This strategic objective is guided by mandate of the Commission under Article 168 and 172 of the Commission and is aimed at strengthening the governance framework and organizational performance; improved process of handling petitions, complaints, and disciplinary cases through promoting judicial accountability; enhanced inclusivity in access to justice; strengthened financial systems and enhance risk management systems.

### 2.1.2 Strengthening the governance and organizational performance

The Commission revised the JSC Governance charter and developed the Leadership and integrity code. The charter provides a framework for the Commission to carry its function in accordance to the Leadership and Integrity Act, the Mwongozo guidelines and other relevant laws and regulations. It outlines the values, principles and governance mechanisms that guide the operation of the Commission and its members.

The Leadership and integrity code is enacted pursuant to section 37 and 38 of the Leadership and Integrity Act and Chapter six of the Constitution. The Code is aimed at establishing conduct by ensuring that members of the Commission respect and uphold the values, principles and requirements of the constitution in the discharge of their duties.

The polices are in the process of stakeholder engagement and validation before approval and dissemination.

### 2.1.3 Promoting judicial accountability

The Commission is mandate by Article 168 of the Constitution to process of Petitions against Judges. Further under Article 172(1) c) of the Constitution, it is mandated to appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary in the manner prescribed by an Act of Parliament.



The initiation of disciplinary proceedings against Judicial Officers and staff is delegated to chief Justice who is required to frame and serve charges, Evaluate the response thereto and make a decision whether or not an officer has exculpated themselves of the charges. Where the Chief Justice is of the opinion that the officer has failed to exculpate himself, the Chief Justice is required to forward the case to the Commission. The Commission shall then make a decision whether the case shall continue.

Below is a summary of petitions and disciplinary cases handled by the Commission.

### a) Petitions Against Judges

Under Article 168 (2) of the Constitution, the removal of a Judge may be initiated by the JSC on its own motion or on a Petition by any person. This is geared towards ensuring high standards of performance, integrity, accountability, and professionalism.

In the discharge of that mandate, the Commission during the year received a total of Forty-three (43) new petitions against judges while seventy-five (75) brought forward from the previous financial year making a total of 118 petitions. Some of seventy-five (75) petitions that were brought forward were pending hearings and others were pending preliminary evaluation by the Commission since they were received at the end of previous financial year.

There was a decline in the number of petitions from previous year by 70% due to increased sensitization on the Commission's complaint processes and procedures.

Out of the 118 Petitions, the Commission processed and concluded seventy-seven (77) petitions which were dismissed since they were touching on the merit of e case otherwise decisional independence of a judge and therefore did not raise any ground for removal of a Judge from office under Article 168 (1) of the Constitution.

Below is a summary of concluded petitions for FY 22/23 compared to 21/22

**Table 2.1: Summary of Petitions against Judges in the FY 2022/23**

NO	DETAILS	2022/2023	2021/2022
1.	Petitions brought forward	75	7
2.	Petitions received during the year	43	143
3.	Total Petitions handled	118	150
4.	Petitions concluded	77	75
5.	Petitions Carried forward	41	75

Table 2.2 shows the nature of allegations in the petitions against Judges that were handled in the reporting period.

**Table 2.2: Nature of Allegations in the petitions**

S/NO	NATURE OF ALLEGATIONS IN THE PETITIONS	NO. OF CASES
1.	Misconduct/Misbehaviour	47
2.	Grant of mandatory /final orders ex parte and at the interlocutory stage	8
3.	Delay in delivery of Ruling/ Judgment	15
4.	Withholding/retaining Court files in chambers after Judgment/Ruling	5
5.	Bias/malice/partiality/unjust/impropriety/ineptitude	20
6.	Abuse of office/Soliciting for bribe/corruption/Compromise	7
7.	Use of intemperate language & hostility towards litigants	3
8.	Selective keeping of the Court Record	3
9.	Unnecessary recusal	2
10.	Delivering of paper judgment/ruling	1
11.	Overturning orders of Judges of concurrent jurisdiction and of higher courts	3
12.	Entertaining matters while lacking jurisdiction	4
	<b>Total</b>	<b>118</b>

### b) Disciplinary matters against Judicial Officers

In the year under review, the Commission received and processed seven (7) disciplinary cases against Judicial Officers out of which five (5) were reinstated and two (2) were dismissed. The nature of allegations against the officers who were dismissed included misuse of funds and corruption.

S/NO	DECISION	NO. OF CASES
1.	Reinstatement	5
2.	Dismissal	2
3.	Appeals/Reviews Disallowed	-

### c) Disciplinary matters against judicial staff

In the year under review, the Commission received and processed nineteen (19) new disciplinary cases against judicial staff. The Commission also processed six (6) appeals /reviews as shown in Table 2.3.

Table 2.3: Disciplinary matters against judicial officers and staff during FY 2022/2023

S/NO	DECISION	NO. OF CASES
		Judicial Staff
1.	Reinstatement	-
2.	Dismissal	19
3.	Appeals/reviews disallowed	6

Table 2.4: Nature of complaints/disciplinary

S/NO	NATURE OF COMPLAINTS/DISCIPLINARY	NO. OF CASES
1.	Financial Malpractices	8
2.	Absence from duty without leave/desertion/ Absconding duty	10
3.	Forgery	3
4.	Dereliction of duty /Negligence in handling Court Exhibits/ Disappearance of court files	6
5.	Soliciting for bribe/corruption	4
6.	Substance abuse	1
	<b>Total</b>	<b>32</b>

At the close of the financial year 2022/2023, the Commission had five (5) pending appeals/reviews and two (2) on-going disciplinary cases against Judicial officers.

### d) Judicial Service (Processing of Petitions and Complaints Procedures) Regulations, 2023.

Section 47 of the Judicial Service Act provides that the Commission may make regulations to enhance the discharge of this mandate.

In line with the statutory requirement, the Commission in collaboration with the Kenya Law Reform Commission (KLRC) has developed draft Judicial Service (Processing of Petitions and Complaints) Regulations to provide for the procedures of processing of Petitions against Judges and complaints against Judicial Officers and Staff of the Judiciary. The regulations are aimed at standardization of the complaints process and procedures to enhance accountability and transparency.

In adherence to the constitutional imperative on public participation, during the year under review the regulations were circulated to stakeholders and the public, seeking their views and comments.



The Commission will proceed to review the manual to incorporate the views and comments before submitting to the National Assembly for debate and approval as required under Section 47 (3) of the Judicial Service Act.

### 2.1.4 Strengthening integrity framework

The Commission reviewed the draft the Administrative Procedures of Declaration of Assets, Income & Liability as one of the measures to enhance integrity transparency and accountability by providing a structured way of declaration of assets, Income and liabilities by the public and state officers serving in the judiciary as requires under section 33(1) Public Officers Ethics Acts, 2003

In the reporting period the Commission also reviewed draft whistle-blowing policy which seeks to protect whistle blower who act in good faith disclose information about the Judiciary and its operations which might be considered as improper or illegal. This is geared towards enhancing transparency and accountability.

### 2.1.5 Enhanced access to justice

The Commission lobbied for increase allocation of funds to the judiciary and as a result approved allocation of funds to enhanced access to justice in the country. Through data driven interventions, the Commission reviewed data and request from the NCAJ and Judiciary to approve allocation of funds that enabled the following;



#### a) Establishment of Sexual and Gender-Based Violence (SGBV) Courts

The setting up of the Sexual and Gender-Based Violence Courts for purposes of expediting the disposal of SGBV related offences, is aimed at preserving the dignity of the victims and enhancing fair trial within the tenets of the Constitution.

Subsequently, in 2022/23 financial year, the Hon Chief Justice Commissioned five SGBV courts in Shanzu, Kisumu, Kibera and Makadara Law Courts.

## b) Transiting of Tribunals to the Judiciary

Under article 159(1) Judicial authority is vested in and is to be exercised by the courts and tribunals established under the constitution. Article 169 (1) defines subordinates courts to include tribunals as may be established by an act of parliament.

The classification of tribunals as subordinate courts was a departure from the old constitutional dispensation where tribunals operated under the executive arm of the government.

To give effect to the constitutional imperative, the Commission has over time engaged with the executive with a view of transiting all tribunals to the Judiciary to streamline and

standardize their operations. This has led to twenty-three (23) tribunals being transited from the executive to the Judiciary four of which were transited in the reporting period. The tribunals transited during the year are the Tax Appeals Tribunal, the Financial Centre Tribunal, the Water Tribunal and the Land Acquisition Tribunal.

The Commission further engaged Parliament on enactment of Tribunals Bill, which seeks to facilitate the transition of all the tribunals from Ministries to the Judiciary. On 27th June 2023, Cabinet approved the Tribunals Bill thereby giving Parliament the greenlight to enact the same into law.



Hon Chief Justice and Chair JSC in the company of Secretary JSC and other officials during the handing over of the water tribunal to the Judiciary by the CS for Water, Sanitation and Irrigation Hon. Alice Wahome.

## c) Small Claims Court

The Small Claims Court (SCC) is established under Section 2 of the Small Claims Court Act, 2016 as a subordinate Court with jurisdiction to determine civil and commercial disputes with a monetary value not exceeding one million Kenya shillings. Under the Small Claims Court Act all the matters filed before the court

shall be heard and determined within a period of six months.

During the reporting period, the Commission facilitated the setting up of Small Claims Court in Meru, Kisumu and Siaya Law Courts bringing the total of SCCs to twelve and one sub registry to enhance access to justice.



Hon. Chief Justice Martha Koome, during the inauguration of the Small Claims Court in Kisumu on 16th June 2023.

#### d) Court Annexed Mediation (CAM)

During the reporting period the Court Annexed Mediation was rolled out and implemented at the Limuru, Murang'a, Iten and Bungoma Law Courts. In the period under review a total of 1,053 matters were referred to mediation, 872 were concluded, 366 with full settlement, 14 by consent and 76 by partial settlement. In total, 456 matters were successfully settled thereby releasing a total of Kshs. 3,280,300,211 to the economy.

#### 2.1.6 Strengthened financial systems and enhance risk management systems.

The Commission has established an Audit, Governance and Risk Management Committee, which is in line with section 155 of the PFM Act, 2012 and with the National Treasury guidelines issued in 2016.

During the period under review, the Commission reviewed the adequacy of the Commission's Internal control systems, Risk Management framework and governance processes. The Commission reviewed Audit Plans for Judiciary and JSC to enhance accountability and prudent use of resources within the Commission and Judiciary. Additionally, the adoption of a cashless payment platform eliminated opportunities for revenue loss.

Pursuant to Article 229(4) of the Constitution and Section 35 of the Public Audit Act, 2015, the Commission and Judiciary submitted the financial statements for the financial year 2021/2022 and received unqualified opinion.

##### a) Financial Reporting

The annual accounts of the Commission are prepared, audited and reported in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Audit Act, 2003. The Auditor General issued an unqualified audit report for the Commission's Annual and Financial Statements for FY 2021/2022. In addition, the Commission got a letter of commendation from the National Treasury for its excellent performance in financial management reporting, urging the Commission to share its experiences with other spending entities.

##### b) Review of the Financial Policy and Procedures Manuals.

The Commission and the Judiciary have been using the Finance Policy & Procedures Manual that was approved in 2014 by the Commission as the key reference guide for the practices, policies and procedures in finance and accounting management. The manual provides a standardized and official document for all judicial staff and officers on financial management and accounting.

It forms an invaluable guide to our accounting and finance staff as they go about their day-to-day duties as well as providing guidance and information to other Judiciary Departments in understanding the accounting and financial management policies and procedures.

The revision of the Finance Policy & Procedures Manual, 2014 is expected to be done after finalization of the legal reforms on Operationalization of the Judiciary Fund. However, to assist in operating the Judiciary Fund, Standard operating procedures were prepared in FY 2022/23 and are currently in use to guide in the key finance and accounting practices in Judiciary.

### c) Litigation involving the Commission.

Under Article 253 of the Constitution, the Commission is established as a body corporate with perpetual succession, a seal and capable of suing and being sued in its corporate name.

Given its mandate, corporate nature and role in the administration of justice, the Judicial Service Commission is involved in litigation either suing or being sued in its corporate name.

At the beginning of the period, 95 matters were carried forward from the previous Financial Year. During the period under review, 30 new matters were filed bringing the total matters handled to 125 out of which 16 were concluded. At the end of the reporting period, 109 matters were pending at various stages in Court.

Table 2.5 below highlights litigation involving the Commission in the reporting period.

Table 2.5: Litigation Matters

S/NO	DESCRIPTION	2022/2023	2021/2022
1.	Matters brought forward	95	85
2.	Matters filed in the period	30	28
3.	<b>Total cases in the period</b>	<b>125</b>	<b>113</b>
4.	Matters concluded in the period	16	18
5.	<b>Matters carried forward</b>	<b>109</b>	<b>95</b>

### Classification/nature of the litigation matters

Table 2.6 below shows the classification of litigation matters as at the end of FY 2022/2023.

Table 2.6: Litigation Matters

S/NO	DESCRIPTION	2022/2023	2021/2022
1.	Employment and Labour related matters	74	72
2.	Constitutional Petitions	30	36
3.	Judicial Review	3	3
4.	Ordinary civil cases	2	2
5.	<b>Total</b>	<b>109</b>	<b>113</b>

During the reporting period, employment and labour-related matters had the highest litigation at 67 per cent followed by constitutional petitions at 27 per cent. Out of the seventy-four (74) employment & labour matters, sixty (60) were matters arising from disciplinary cases while fourteen (14) were matters arising from other employment and labour related issues.

### Mitigation against increased litigation

Noting that the high number of court cases are employment and labour related cases linked to disciplinary processes, to mitigate increased litigation, the Commission undertook a legal audit and initiated the process of reviewing its disciplinary process taking into consideration areas of improvement identified by the courts. The commission is also in the process of reviewing legislation relating to disciplinary processes with a view of proposing amendments to address some of the weaknesses identified in law.

### 2.1.7 Leveraging on ICT as an enabler of Justice- Digital Strategy

Under Section 3 of the Judicial Service Act, the Commission and the Judiciary are required to apply modern technology in their operations. The application of technology is one of the ways of enhancing efficiency and expeditious disposal of cases leading to a reduction of backlog.

In line with the statutory requirement, the Commission is keen on entrenching technology through the automation of all court processes and has in its engagement with Parliament and the Executive emphasized the need for increased funding for the Commission and Judiciary to support its digital strategy. The JSC approved increased allocation of Judiciary ICT which resulted into the launch of E-filing in six counties in addition to Nairobi County, digitisation of court records and rollout of the e-certificates for advocates.

The Commission has identified the areas of focus in the digital strategy agenda for the Judiciary and the Commission to include among other; virtual court sessions, e-filing, case tracking system, automated feedback and update mechanism to litigants, digitizing case management and digital transcription of proceedings.

To achieve this, the Commission has embarked on revising the ICT Policy and Strategy for the Judiciary to align it with emerging technological advancements.

### 2.1.8 Advising the National Government on the Administration of Justice

Under Article 172 (1) (e) of the Constitution, the Commission is mandated to advise the National Government on improving the efficiency of the Administration of Justice.

NCAJ is established under Section 34 of the Judicial Service Act with the mandate of ensuring coordination of the efficient, effective and consultative approach in the administration of justice and reform of the justice system.

The Council is comprised of members drawn from various actors in the justice chain and is chaired by the Chief Justice who is also the chairperson of the Commission and represents the views of the Commission in the council.

Some of the notable activities undertaken by the council in the year under review include the launch of the Sexual and Gender-Based Violence Court User Committee at the Shanzu Law Courts, the launch of the Environment and Land Court Users Committee, consultative meeting with justice sector actors on election preparedness and development of Rules for the Children Act, 2022 jointly with Judiciary Rules Committee.

### Engagement with the National Assembly

The Commission organized a consultative forum with the National Assembly Justice and Legal Affairs Committee during the period under review. The purpose of the meeting was to explore areas of collaboration and cooperation between the two arms of government in providing access to justice for all as enshrined in the Constitution.



Chief Justice and Chairperson JSC, the Hon Justice Martha Koome (center, front row) and JLAC chairperson Hon. George Murugara (second from left, front row) pose for a group photo with the Honorable commissioners of the Judicial Service Commission and Honorable member of the Justice and Legal Affairs Commission.

## Consultative meeting with Salaries and Remuneration Commission

JSC is mandated with the review and make recommendations on the conditions of service for Judges and judicial officers (other than their remuneration) and judicial staff under Article 172 (1b) of the Constitution.

At the same time, Article 230 (4) of the Constitution provides the Salaries and Remuneration Commission with powers to set and regularly review the remuneration and benefits of all State officers and advise the national and county governments on the remuneration and benefits of all other public officers.

In adherence to the law, the Commission held several consultative meetings with the Salaries and Remuneration Commission. The engagement focused on the third remuneration and review cycle from 2021/2022 FY to 2024/2025 FY.



Chief Justice and Chair JSC, the Hon. Justice Ms. Martha Koome (5th from right) and Salaries and Remuneration Commission Chairperson, Ms. Lyn Mengich (4th from Left), pose for a group photo with the Honourable Commissioners of the Judicial Service Commission and Salaries and Remuneration Commission on 24th January 2023

## 2.2 MOTIVATED, PROFESSIONAL, DYNAMIC, RESPONSIVE JUDGES, JUDICIAL OFFICERS, AND JUDICIAL STAFF

One of the key roles of the Commission in promoting and facilitating the efficient, effective and transparent administration of justice is the strengthening of the Judiciary's institutional capacity by ensuring that it has optimum number of Judges, judicial officers and staff. The Commission also has a duty to ensure that it puts in place mechanisms that will guarantee motivated, professional, dynamic and responsive Judges, Judicial Officers, and Judicial Staff.

In pursuit of this cardinal duty, the JSC undertook the following activities during the year under review:

### 2.2.1 Increased number of Judges, Judicial officers, and Judicial staff.

The Judiciary can retain public trust and confidence and meet workload demands only if it has the right caliber of human capital and optimal staffing levels. A lack of adequate staffing in the courts leads to substantial delays in case processing, backlogs, and an overall sluggish judicial system, hence, judiciary's ability to promptly deliver justice is compromised, leaving citizens waiting for their day in court.

To address this challenge, during the year under review, the Commission facilitated the appointment of additional seven (7) Court of Appeal and twenty (20) High Court Judges. This increased the establishment of the two levels of judges to 29 and 133 respectively. In the same period, 23 Judicial Officers were appointed in various Tribunals as part of the Commission's commitment to ensure adequacy of Judicial Officers in the subordinate courts. As a result of the appointment, judiciary realized a tremendous reduction in case backlog, and increased motivation due to reduced pressure on the part of judges and judicial officers.

The Commission also recruited 428 judicial staff to strengthen the support arm of the judicial system.

#### 2.2.1.1 Appointment of Judges

The Commission has a constitutional mandate to recommend persons for appointment as Judges. The procedure for the appointment of Judges is set out in the Constitution and the First Schedule of the Judicial Service Act.

The chart below lays out the procedure for the recruitment and selection of Judges. The procedure applies to all superior court judges, apart from the Chief Justice and the Deputy Chief Justice whose appointment is subject to vetting by the National Assembly.

Figure 2-1: Flowchart on the Recruitment and Selection Procedure for a Judge

Table 2.7 shows various judges that were recruited in the reporting period.

Table 2.7: Appointment of Judges

S/ NO.	POSITION	NOMINATED FOR APPOINTMENT	GENDER	
			MALE	FEMALE
1.	Judges of Court of Appeal	7	4	3
2.	Judges of the High Court	20	12	8
	<b>Total</b>	<b>27</b>	<b>16</b>	<b>11</b>

#### 2.2.1.2 Appointment of Judicial Officers

The Judicial Service Act 2011 defines a judicial officer as a Registrar, Deputy Registrar, Magistrate, Kadhi or the Presiding officer of any other court or local tribunal as may be established by an Act of Parliament.

In the Financial Year 2022/2023, the Commission appointed 23 members to various Tribunals through a competitive process to facilitate dispensation of justice as indicated in Table 2.8 below:

**Table 2.8 Appointments in Tribunals**

TRIBUNAL	TOTAL APPOINTMENTS	MALE	FEMALE
1. Chairperson, Financial Centre Tribunal	1	1	0
2. Chairperson, National Examinations Appeal Tribunal	1	1	0
3. Chairperson, Land Acquisition Tribunal	1	1	0
4. Member Financial Centre Tribunal	4	1	3
5. Member Political Parties Disputes Tribunal - Advocate	1	1	0
6. Member Political Parties Disputes Tribunal Expert	1	1	0
7. Member Tax Appeals Tribunal -Expert	7	5	2
8. Member Tax Appeals Tribunal -Advocate	5	3	2
9. Member Sports Disputes Tribunal	1	1	0
10. Secretary Sports Disputes Tribunal	1	0	1
<b>Total</b>	<b>23</b>	<b>15</b>	<b>8</b>

### 2.2.1.3 Appointment of Judicial Staff

The Judicial Service Act defines a judicial staff as persons employed in the Commission and Judiciary but without power to make judicial decisions.

During the year under review, the Commission competitively appointed 428 judicial staff to various positions in the Judiciary and the Commission.

The appointed staff are as distributed in Table 2.9 Below:

**Table 2.9: Appointments in the Judiciary**

JUDICIARY POSITIONS	TOTAL APPOINTMENTS
1. Director ICT in the Judiciary	1
2. Deputy Director, Systems Engineering	1
3. Deputy Director, ICT Operations	1
4. Legal Editor - Supreme Court of Kenya	1
5. Statistician II	1
6. Court Administrator	1
7. Court Assistants	252
8. Account Assistants	70
9. Senior Legal Researchers	15
10. Legal Researchers	36
11. ICT Assistants	31



JUDICIARY POSITIONS		TOTAL APPOINTMENTS
12.	Senior ICT Officer - Research and Development ( JSG 4)	1
13.	Senior ICT Officer - Software Engineering (JSG 4)	1
14.	Senior ICT Officer- Help Desk Administrator (JSG 4)	1
15.	ICT Officer I - Software Programming (JSG 5)	5
16.	ICT Officer I - Database Administrator (JSG 5)	1
17.	ICT Officer I - ICT Security (JSG 5)	1
18.	ICT Officer I - Research & Development (JSG 5)	1
19.	ICT Officer II - Software Programming (JSG 6)	5
20.	ICT Officer II - Database Administrator (JSG 6)	1
21.	ICT Officer II - System Administrator (JSG 6)	1
	<b>Total</b>	<b>428</b>

#### 2.2.1.4 Promotions

The Commission is alive to the fact that employee promotion encourages and increases their interest in the role, and consequently increases their overall performance. This results in higher retention, which brings down the costs related to high turnover and low-quality work due to shrunken morale.

In the year under review, the Commission promoted one hundred and forty-six (146) judicial officers as shown in Table 2.10 below:

**Table 2.10: Promoted Judicial Officers**

S/ NO.	POSITION	TOTAL PROMOTIONS	PROMOTED	
			Male	Female
1.	Senior Principal Magistrate	51	27	24
2.	Senior Principal Kadhi	1	1	0
3.	Principal Magistrate	90	31	59
4.	Principal Kadhi	3	3	0
5.	Senior Resident Magistrate	1	0	1
	<b>Total</b>	<b>146</b>	<b>62</b>	<b>84</b>

#### 2.2.2 Enhancing Capacity of KJA to undertake training

Article 172(1)(d) of the Constitution mandates the Judicial Service Commission to “Prepare and implement programmes for the continuing education and training of judges and judicial officers”. This function of the JSC is performed through the **Kenya Judiciary Academy (KJA)**. The Academy executes this role in part through various training programs and seminars, public lectures, research, and other forms of discourse targeting Judges and Magistrates.

During the year under review, the Academy prepared and implemented the following programmes for Judges and judicial officers:

1. Development and Implementation of the Training Master Calendar
2. Courts Conferences and Collaboration with other State organs
3. Convening International Conferences and symposium

### 2.2.2.1 Development and Implementation of the Training Master Calendar

The key driver to the execution of the KJA mandate is the Master calendar. The calendar is needs-driven and takes into consideration the KJA Training Curriculum and consultations with Courts. The calendar also considers policy guidelines and observations made by the Commission as well as contemporary emerging issues in diverse areas of the law.

Training for judges and judicial officers is therefore guided by the approved master calendar to ensure efficient utilization of resources and to maintain objectivity.

In the year under review, the Judges and Judicial Officers were required to enrol for a minimum of at least one (1) mandatory training programme. The enrolment is based on programmes available within a given time

frame and the focal area for capacity building.

In the period under review which was also an election year, Training focused on building capacity for Judges and Magistrates gazetted to handle election petitions. The training also covered members of the Political Parties Dispute Tribunal (PPDT).

The Academy leveraged on information technology in most of its trainings to reach out to more trainees. The training on Judgment writing held in collaboration with Judicial Institute for Africa (JIFA) was self-paced with group discussions and assignments in between which allowed the participants to put into practice the learning areas under virtual supervision by the tutors.



Newly Appointed High Court Judges during their induction held on 12th – 16th December 2022 with the Justice Eric Ogolla, Principal Judge (5th from left) and Justice (Dr.) Joseph Sergon (4th from left).



### 2.2.3 Capacity Building for Judges

During the year under review, the Academy conducted twelve (12) programmes in various thematic areas targeting Judges as shown in Table 2.11 below:

**Table 2.11: Training programmes conducted for Judges during the financial year 2022-2023.**

NO.	ACTIVITY	DATE	ACTIVITY	TARGET GROUP	NO OF JUDGES	GENDER	
						M	F
1.	Induction for the Newly Appointed Court of Appeal Judges	1 <sup>st</sup> - 4 <sup>th</sup> Aug 2022	Induction for the Newly Appointed Court of Appeal Judges	Judges	6	3	3
2.		19 <sup>th</sup> - 22 <sup>nd</sup> Sep 2022	Induction for the Newly Appointed Court of Appeal Judges	Judges	4	4	0
3.	Induction for the Environment and Land Court Judges	19 <sup>th</sup> - 22 <sup>nd</sup> Sep 2022	Induction for the Environment and Land Court Judges	Judges	2	1	1
4.	Induction for the newly appointed High Court Judges	13 <sup>th</sup> - 16 <sup>th</sup> Dec 2022	Induction for the newly appointed High Court Judges	Judges	20	11	9
5.	Elections Dispute Resolution Briefing for the Elections Bench	26 <sup>th</sup> - 27 <sup>th</sup> Sep 2022	Elections Dispute Resolution Briefing for the Elections Bench	Judges	40	24	19
6.	Workshop for ELRC Judges	18 <sup>th</sup> -19 <sup>th</sup> Oct 2022	Workshop for ELRC Judges	Judges	20	10	10
7.	AJS Training for the Environment and Land Court Judges	13 <sup>th</sup> - 15 <sup>th</sup> Dec 2022	AJS Training for the Environment and Land Court Judges	Judges	51	28	23
8.	Judgment Writing Clinic (virtual session) for Judges	20 <sup>th</sup> -23 <sup>rd</sup> Feb 2023	Judgment Writing Clinic (virtual session) for Judges	Judges	20	10	10
9	EDR Training/Briefing Session for Judges of the Court of Appeal	23 <sup>rd</sup> -24 <sup>th</sup> Feb 2023	EDR Training/Briefing Session for Judges of the Court of Appeal	Judges	25	13	12
10.	Training on Remote Judging	2 <sup>nd</sup> - 3 <sup>rd</sup> Nov 2022	Training on Remote Judging	Judges	16	9	7
11.	Emerging Issues in Tax Law	31 <sup>st</sup> Jan - 4 <sup>th</sup> Feb 2023	Emerging Issues in Tax Law	Judges	32	17	15
12.	CJE for ELRC Judges	29 <sup>th</sup> March, -1 <sup>st</sup> April, 2023	CJE for ELRC Judges	Judges	20	10	10
13.	Uniformity in Resentencing Post <i>Muruatetu</i> : Emerging Jurisprudence and Best Practices for Judges	12 <sup>th</sup> - 14 <sup>th</sup> April 2023	Uniformity in Resentencing Post <i>Muruatetu</i> : Emerging Jurisprudence and Best Practices for Judges	Judges	26	15	11

## 2.2.4 Capacity Building for Judicial Officers

Nine (9) programmes were implemented for judicial officers as indicated in Table 2.12 below:

**Table 2.12: Training programmes implemented for judicial officers during the financial year 2022 -2023.**

NO.	DATE	ACTIVITY	TARGET GROUP	NO OF PAX	GENDER	
1.	26 <sup>th</sup> -28 <sup>th</sup> Oct 2022	Enabling Environment for Existing Digital & Emerging Technologies; Opportunities and Challenges	Magistrates/ Registrars	30	9	21
2.	2 <sup>nd</sup> - 3 <sup>rd</sup> Nov 2022	Training on Remote Judging (Virtual)	Magistrates	35	15	20
3.	29 <sup>th</sup> - 30 <sup>th</sup> Sep 2022	Elections Dispute Resolution Briefing for the Elections Bench	Magistrates	63	40	23
4.	5 <sup>th</sup> -7 <sup>th</sup> Oct 2022	Contemporary issues in Criminal Justice Procedure Reforms for Magistrates	Magistrates	30	9	21
5.	12 <sup>th</sup> -14 <sup>th</sup> Oct 2022		Magistrates	30	21	9
6.	1 <sup>st</sup> - 3 <sup>rd</sup> Dec 2022	Inaugural Annual Small Claims Court Symposium	Adjudicators	26	7	19
7.	1 <sup>st</sup> -3 <sup>rd</sup> Feb 2023	Annual Colloquium for Magistrates and Kadhis, session I & II	Magistrates, Kadhis, Registrars	531	233	288
8.	8 <sup>th</sup> -10 <sup>th</sup> Feb 2023					
9.	27 <sup>th</sup> Feb- 1 <sup>st</sup> Mar 2023	Training of Judicial officers on emerging issues in Environmental and Land Law	Magistrates	37	15	22
10.	21 <sup>st</sup> - 24 <sup>th</sup> May, 2023	EDR Debrief for Magistrates Gazetted to hear Election Offences and Election Petitions in 2022 General Elections - Session 1 & 2	Magistrates	40	26	14
11.	24 <sup>th</sup> - 27 <sup>th</sup> May, 2023			50	31	19



*Emerging Issues on Contemporary Issues on Criminal Justice Procedures and Reforms for Magistrates Held at the Lake Naivasha Resort on 5th -7th October 2022*



## 2.2.5 Capacity Building for Law Clerks and Legal Researchers

Law Clerks and Legal Researchers form an integral part of the justice dispensation circle. Two (2) programs were implemented for the Law Clerks and Legal Researchers during the year under review to enhance their efficiency. The programmes are indicated in Table 2.13 below:

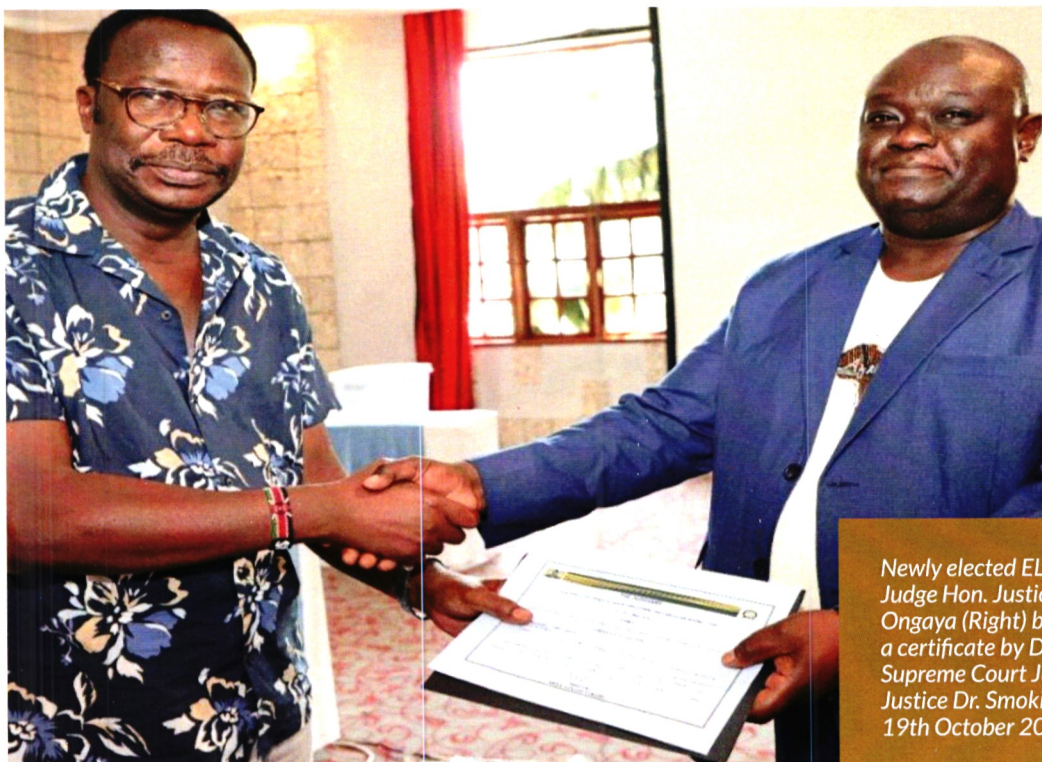
**Table 2.13: Training programmes implemented for Law Clerks and Legal researchers during the financial year 2022-2023**

No.	DATE	ACTIVITY	TARGET GROUP	NO OF PAX	GENDER	
1.	9 <sup>th</sup> – 11 <sup>th</sup> Dec 2022	Induction for Supreme Court Law Clerks	Law Clerks	22	15	7
2.	26 <sup>th</sup> – 28 <sup>th</sup> April 2023	Legal Researchers' Training on the Maputo Protocol	Legal Researchers	35	9	26
3.	23 <sup>rd</sup> – 26 <sup>th</sup> May 2023	Legal Researchers' Training on the Maputo Protocol and Regional Instruments Cohort 11	Legal Researchers	35	6	29

## 1. Courts Conferences and Collaboration with other State organs

### Annual conferences for the High Court and Courts of equal status

The Academy organized Annual conferences for the High Court, Environment and Land Court and Employment and Labour Relations Court. This was aimed at discussing issues unique to the concerned Court in terms of operations and brainstorming on stakeholder feedback. It was during these sessions that the Courts conducted the election of their principal or Presiding Judge and the Director KJA was designated as the returning officer.



Newly elected ELRC Principal Judge Hon. Justice Byram Ongaya (Right) being Issued a certificate by DKJA and Supreme Court Judge Hon. Justice Dr. Smokin Wanjala on 19th October 2022.

## Collaboration with other State organs

### The National Assembly.

In the spirit of collaboration, partnership, and cooperation with other state organs, KJA designed and conducted training for Clerks to the Committees of the National Assembly. KJA also provided a facilitator for Parliamentary Legal Researchers training. This is a demonstration of the synergy between Judiciary and Parliament that enhances the cordial and mutual working relationship between the two organs of the State within the confines of the Constitution and the respective mandates of each arm.

### Government Internship Program (GIPro);

This was a program sponsored by Hesabika Trust in collaboration with KJA with the aim of contributing to the leadership development of young graduates through internship in public sector. As a result, 17 interns were inducted on various areas of law and the Judicial system. The trainees go through 12 months of intensive training, mentorship, coaching and internship in government departments, parliament, counties, and/or constituencies.

### Alternative Justice System Conference

The Constitution requires the Judiciary to be guided by alternative dispute resolutions. One of the core principles in the Constitution under Article 159 (2) to guide administration of justice and the exercise of judicial authority is the requirement to embrace alternative forms of dispute resolution, including traditional dispute resolution mechanisms. Article 48 of the Constitution guarantees access to justice to all persons in Kenya and if any fee is applicable, then it should be reasonable and not impede access to justice. Article 6 of the Constitution provides for Devolution and Access to services for the Kenyans through a devolved government structure making justice a shared responsibility for both the National and County Governments through mutual relations. To achieve this the National Steering Committee on implementation of Alternative Justice System (NaSCI-AJS) was gazetted and the Academy designated as the secretariat.

This is also in line with the Chief Justice blueprint on Social Transformation through Access to Justice (STAJ) which provides for a multi door approach to dispute resolution. The Committee held several sensitization workshops targeting Judges, Magistrates and other state and non-state actors on the AJS policy and facilitated the launch of County Action Plans (CAPs) in Nakuru County. The development of CAPs for Mombasa, Kisumu, Siaya, Taita Taveta, Busia, Baringo, Uasin Gishu and Mandera Counties are ongoing.

To widen the discussion table the Committee held the Inaugural National Conference in 2022 and subsequently the 2nd Annual AJS Conference held between 26th - 28th June 2023.

### 3 Convening International Conferences

In the period under review KJA facilitated the following regional and international events in seeking to position the Academy as a global centre of excellence.

#### Regional symposium on Greening the Judiciaries in Africa:

KJA in conjunction with the Africa Judicial Education Network on Environmental Law [AJENEL] hosted the regional symposium on Greening the Judiciaries in Africa between 3rd to 5th May, 2023 in Nairobi.

The symposium was officially opened by his H.E Dr. William Samoei Ruto, EGH, President of the Republic of Kenya and in attendance were 26 Chief Justices from Africa, regional Heads of Judiciary Training Institutes and over 500 participants attending either in person or virtually. The theme of the Symposium was 'Strengthening the Role of Judiciaries in Addressing Climate change in Africa'.

AJENEL was established to strengthen the capacities of Judicial officers in identifying and responding to the main needs of Justice seekers on environmental Justice, leading to more responsive institutions. The network is composed of thirty-two African Judiciaries with the secretariat being domiciled in Kenya.



From left to right; Hon. Moses Wetangula, Speaker of the National Assembly, Hon. Justin Muturi, Attorney General and Hon. Justice (Dr.) Smokin Wanjala, Supreme Court Judge and Director KJA follow the proceeding during the Greening Judiciaries Symposium.



His Excellency Dr. William Samoei Ruto plants a tree during the Greening Judiciaries Symposium.



South Sudan Delegation courtesy meeting with the Hon. Chief Justice Martha Koome, EGH on 31st January- 3rd February 2023 in Nairobi

### Study Tour by the Hon. Judges of South Sudan.

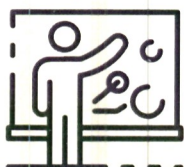
The academy hosted 5 Judges and 2 Court officers from South Sudan Gender Based Violence and Juvenile courts for a study tour on the best practices in case management, sentencing systems, and operations of Court Users Committees in Kenya. This engagement led to knowledge transfer, capacity building and enhanced understanding of the challenges and successes in addressing gender-based violence and juvenile cases.

## 2.2.6 Policies developed in relation to training and capacity building.

One of the ways the Commission executes its mandate is the enactment of policies to govern the training and capacity building of Judges, Judicial Officers and Judicial Staff. The policies also serve as critical tools for monitoring and evaluation, a key component for oversight.

The Commission in the year under review developed several policies as follows:

### 2.2.5.1 Training and Development Policy.



Under Article 172 (d) of the Constitution, the Commission is mandated to prepare and implement programmes for the continuing education and training of judges and judicial officers and capacity building for judicial staff.

In the discharge of this mandate, the Commission enacted the training and development policy aimed at ensuring effective and efficient management of the training and development of Judges, Judicial Officers and staff.

The policy provides the principles, guidelines and procedures for the coordination and management of training programmes in the Judiciary.

The policy was approved during the year under review, and dissemination and sensitization of the policy is scheduled for the next financial year.



### 2.2.5.2 Internship and Attachment Policy

The Commission and the Judiciary have a role in ensuring that the youth especially those with relevant qualifications are offered opportunities to enable them gain practical work experience.

It is in this regard that the Commission developed the Internship and Attachment Policy. The policy provides guidelines for the management and coordination of internships and attachments.

The policy was approved during the year under review and dissemination and sensitization of the same is planned for the next financial year.



## 2.3 SUSTAINABLE FUNDING AND SOUND FINANCIAL MANAGEMENT FOR THE JSC AND THE JUDICIARY

### 2.3.1 Overview

The Commission's Strategic Plan 2022-2027 provides for the import of ensuring that the Commission and the Judiciary is well funded as a corner stone to implementation of their respective mandates.

This section therefore, presents the various milestones made in 2022/23 financial year to support the outcome of sustainable funding and sound financial management within the Commission.

### 2.3.2 Judiciary Fund

The Judiciary Fund is established under Article 173 of the Constitution which requires that the approved estimates of expenditure of the Judiciary to be a direct charge on the consolidated fund. The detailed framework for the regulation and operationalization of the fund is provided under the Judiciary Fund Act (No 16 of 2016) and the Judiciary Fund Regulations, 2019.

The Judiciary fund was operationalised on 1st July 2022 following successful engagement with the National Treasury, the Central Bank of Kenya and the Controller of Budget. The Fund has allowed greater control of the monies allocated to the Judiciary and further enabled half-year access to the operations and maintenance of budget thus improving budget execution and service delivery.

The Commission recommends full operationalization of the Fund to comply with section 7 of the Judiciary Fund Act.



*The Chief Registrar of the Judiciary, Anne Amadi, receiving instruments operationalising the Judiciary Fund from Michael Rundu Eganza, Director - Banking and Payment Services at the Central Bank of Kenya*

### 2.3.3 Percentage of national budget allocated to support Administration of Justice

The Judiciary has been receiving 0.6 per cent of the National Budget which falls short of the international standard of 2.5 per cent. The report on **Judicial Reforms of July 2010** reinforced this observation by observing that;

*To enhance the independence, operation autonomy, efficiency in the governance and management of the Judiciary, it is recommended that the annual budget allocation to the Judiciary be augmented to a minimum of 2.5 per cent of the National Budget provided that this percentage may be increased in future to cater for the Judiciary needs.*

The comparative analysis of the National Budget and proportionate allocation Judiciary and the Commission in the past five years is presented in table 2.14 below;

**Table 2.14: Five-year comparisons Between National Budget and Judiciary Budget**

S/ NO	FINANCIAL YEAR	NATIONAL BUDGET	JUDICIARY ALLOCATION	JUDICIARY % ALLOCATION
1	2018/2019	2556.6	14.2	0.6
2	2019/2020	2800.0	16.9	0.6
3	2020/2021	2890.0	16.9	0.6
4	2021/2022	3030.0	17.6	0.6
5	2022/2023	3300.0	21.2	0.6

The commission is therefore proposing a progressive increase of Judiciary Budget to the internationally accepted standards of 2.5 per cent. This will enable Judiciary to implement programmes that enhance access to Justice.

The Executive has committed to enhance the Judiciary budget by Kshs 3 Billion for the next five years in line with ITS the Bottom up Transformation Agenda (BETA) to enhance access to Justice. In the financial year under review the Judiciary received the first allocation of Kshs 3 Billion.

## 2.4 INCREASED PUBLIC CONFIDENCE AND TRUST IN THE JSC AND THE JUDICIARY

### 2.4.1 JSC Stakeholder Engagement

The National values and principles of governance under Article 10 of the Constitution bind all State organs to involve the public in the execution of their mandate. It is in this regard that the Commission held meetings with diverse stakeholders, including the public to gather insights on enhancing the administration of justice.

The Judicial Service Commission held the following engagements during the period under review:

#### 2.4.1.1 JSC Courtesy Call on His Excellency President of the Republic of Kenya

The Commission paid a courtesy call on H.E William Samoei Ruto, EGH the President of the Republic of Kenya and appraised him on the state of administration of justice in the country.



*His Excellency President William Ruto and Deputy President Rigathi Gachagua pose for a photo with Members of the Commission at State House, Nairobi,*



### 2.4.1.2 Constitutional Commissions & Independent Offices

Constitutional Commissions and Independent offices (CCIOs) are established under Chapter 15 of the Constitution. To enhance cooperation and collaboration the Commissions and Independent offices have formed a consultative forum that brings together 21 Chairpersons of Commissions and holders of Independent Offices.

The main objective of the CCIOs is to buttress tripartite configuration of Government and enhance transparency and the rule of law, while observing the principles of good governance. The forum held a meeting with H.E Rigathi Gachagua, EGH the Deputy President of the Republic Kenya, to enhance cooperation with the Executive in facilitating efficient delivery of services to the people of Kenya.

### 2.4.1.3 Head of Stations Forum

The Head of Court stations forum provides an avenue for consultations, learning, peer review and consensus building among Magistrates and Kadhis who are Head of Stations. Its main objective is to improve the administration of justice.

The 10th Head of Stations forum was held from 19th to 24th March 2023 in Nanyuki. The theme of the meeting was “Building a Legacy of Excellence in Court Governance and Administration”. During the annual forum, the Head of Stations manual was launched to guide them on the day-to-day running of their respective stations.

During the forum, Members of the Commission engaged with the Heads of Stations on governance and administration of Courts.



*Deputy Chief Justice and Vice President of the Supreme Court Hon. Lady Justice Philomena M. Mwilu and Honourable Members of the Commission pose for a photo with the other participants during the 10th Head of Stations Forum in Nanyuki.*

#### 2.4.1.4 Consultative meeting with Heads of Various Courts

JSC held a consultative meeting with the President of the Court of Appeal, Principal Judge of the High Court, Principal Judge of the Employment & Labour Relations Court (ELRC), Presiding Judge Environment & Land Court (ELC) and the Registrars of various courts. The engagement focused on areas of collaboration and intervention to improve the administration of justice.



Chairperson of the JSC Committee on Administration of Justice, Hon. Justice David Majanja, chairs a session with the Heads of Courts at the Commission Boardroom on 17th February 2023.

#### 2.4.1.5 Public Participation on Budget making

Article 201 (a) of the Constitution requires the Commission to abide by the principle of openness and accountability including public participation in all financial matters.

During the period under the review, the Commission organized four public participation forums in Kisumu, Eldoret, Mombasa and Nairobi with a view to seeking input on the proposed Judiciary and Commission budgets for the Financial Year 2023/2024 to 2025/2026.

The members of the public recommended the need of enhancing the Commission and Judiciary Budget to enable the institutions effectively execute their respective mandates. Table 2.15 below shows the schedule for public participation forums.

**Table 2.15: Schedule for Public Participation on Budget making**

S/NO	REGION	VENUE	DATE
1	Rift Valley	Eldoret Law Courts	6 <sup>th</sup> January 2023
2.	Coast Region	Mombasa Law Courts	10 <sup>th</sup> January 2023
3.	Western/Nyanza	Kisumu Law Courts	17 <sup>th</sup> January 2023
4.	Nairobi	Kenyatta International Conference Centre (KICC)	20 <sup>th</sup> January 2023

#### 2.4.1.6 Engagements during recruitment and selection

Pursuant to the provisions of Article 10 of the Constitution, Section 30 and the first Schedule of the Judicial Service Act, the Judicial Service Commission engaged diverse stakeholders during recruitment processes with the aim of receiving their perspectives to inform the selection process in the period under the review. Below are the stakeholders who were engaged by the Commission;

##### Recruitment of High Court Judges

JSC held a meeting with stakeholders drawn from Faculty of Law (UoN), Executive Office of the President, Kenya Editors Guild, Law Society of Kenya, Kenya Judiciary Staff Association and the Nation Council of Churches of Kenya. The public participation engagement was held on 29th September 2022 in Nairobi, ahead of the selection process for Judges of the High Court.



## Recruitment of the Chief Kadhi

The Commission organized an engagement forum with the Supreme Council of Kenya Muslims (SUPKEM), Council of Imams and Preachers of Kenya, Association of Muslim Lawyers, Jamia Mosque, Kenya Muslims National Advisory Council (KEMNAC), retired Chief Kadhi and Advocate Convenor and Nairobi Kadhis Court Bar- Bench Committee. The engagement was held on 15th December 2022 in Mombasa.

## Recruitment of Registrar, High Court and Registrar Magistrates Courts.

Stakeholders drawn from the Law Society of Kenya, Kenya Magistrates and Judges Association, Kenya Judges Welfare Association and the Principal Judge, High Court attended the meeting with the Commission and shared their insights on the selection process. The engagement was held on 31st May 2023.

### 2.4.2 Public Engagement

The Commission is committed to the transparent execution of its mandate and has as a result undertaken to share information with the public through regular social media and website updates, press statements and live-streaming interviews of Judges. At the same time queries by the public at JSC offices, via mail, telephone calls, social media or during outreach programs are also addressed. This is in line with the Commission's commitment to be a responsive Institution.

## 2.5 STRENGTHENED INSTITUTIONAL CAPACITY OF THE JSC

For the Commission to effectively and efficiently discharge its mandate, strengthening of the institutional capacity is critical. The Commission does this through continuous training of the members and secretariat, recruitments, and technological integration among other robust administrative support activities. During the period under review, the Commission was engaged in the following activities to strengthen institutional capacity.

1. Increased human resource capacity.
2. Enhanced capacity of Secretariat and Commissioners
3. Strengthened ICT Infrastructure

### 2.5.1 Increased human resource capacity.

In the year under review, the Commission recruited four (4) officers to support various departments and units as shown in table 2.16.

Table 2.16: Recruitment in the Financial Year 2022/2023

S/ NO.	POSITION	APPOINTMENTS	GENDER	
			MALE	FEMALE
1.	Director of Human Resource Management	1	1	0
2.	Deputy Director, Public Affairs and Corporate Communications JSC	1	0	1
3.	Deputy Director, ICT JSC	1	1	0
4.	Senior Monitoring and Evaluation Officer	1	1	0
	<b>Total</b>	<b>4</b>	<b>3</b>	<b>1</b>

## 2.5.2 Enhanced capacity of Secretariat and Commissioners Capacity Building for the Members of the Commission

The Commission has put in place a robust development programme for its Members to keep them abreast with emerging trends and best practices in corporate governance and judicial administration.

To effectively discharge their responsibilities, the Commission Charter also provides that new Members of the Commission undergo induction and continuous capacity development for serving Members.

The Commission therefore periodically exposes its members to both national and international training, conferences and study tours on the operations of the Judicial Service Commissions or Councils in other jurisdictions, on best practices that can be assimilated and incorporated to improve service delivery to the public.

During the year under review Members of the Commission attend the following programmes as per table 2.17 below.

**Table 2.17: Capacity Building Programmes undertaken by Members of the Commission**

NO.	NAME OF THE TRAINING	INSTITUTION	DATES OF TRAINING	NO. OF COMMISSIONERS
1.	Board Induction, Leadership and Public Finance Management Seminar	Institute of Certified Public Accountants of Kenya (ICPAK)	24th July – 5 <sup>th</sup> August, 2022	6
2.	Corporate Governance Training	University of Iowa, United States of America	11 <sup>th</sup> -24 <sup>th</sup> November 2022	8
3.	Advanced Course on Strategic Leadership	ICPAK	December 2022	1
4.	Executive Leadership Summit	ICPAK	17 <sup>th</sup> June – 2 <sup>nd</sup> July 2023	7
5.	Executive interviewing Skills Training	Consultant	June, 2022	10

Following the training on corporate governance, the Commission signed a Memorandum of Understanding (MoU) with the University of IOWA, College of Law establishing a framework on areas of co-operation between the Commission and the University. This is a five-year MOU geared at strengthening human and institutional capacity, information exchange and access to information.



## Training and Professional Development Programmes for JSC Secretariat and Kenya Judiciary Academy Staff

The Commission continues to design training and development initiatives that aim to improve the performance of employees. The programs involve advancing the employees' knowledge and skill sets and instilling greater motivation to enhance performance.

In this regard, the JSC in the year under review facilitated various training programmes for its staff, which included Management Development, Professional Development and Experiential learning through team building activities. Table 2.18 shows training programmes undertaken by the Secretariat.

### 2.5.4.4. Strengthened ICT Infrastructure

In the year under review, the Commission designed and developed Enterprise Resource Planning (ERP) with a total of 11 modules that includes: Human Resource, Finance & Accounts, Supply Chain Management, Audit, Monitoring & Evaluation, Records Management, Complaints & Litigation Management and ICT Helpdesk. The ERP system will help addressing the commissions Automation and digitization.



FCPA George Mokuia, Chairperson (c) and CPA Edwin Makori CEO (far left), ICPAK pose for a photo with Members, Secretary and Registrar of the JSC during a training workshop.

**Table 2.18: Training and Professional Development Programmes undertaken by JSC Secretariat and Kenya Judiciary Academy Staff**

S/ NO	TITLE OF THE COURSE/ PROGRAMME	INSTITUTION	TARGET	DATE	NO. OF STAFF TRAINED	GENDER	
						MALE	FEMALE
1.	Strategic Leadership Development Programme (SLDP)	Kenya School of Government (KSG)	Secretariat		4	2	2
2.	Senior Management Course (SMC)	KSG	Secretariat		1	1	0
3.	Effective Report Writing & Minute Taking	Eastern and Southern Africa Management Institute (ESAMI)	Secretariat		1	1	0
4.	Communication Skills and Effective Report Writing Skills	Africa School of Management	Secretariat	May 23 <sup>rd</sup> to 3 <sup>rd</sup> June 2023	1	0	1
5.	Public Relations and Customer Care Course	KSG	Secretariat		1	1	0
6.	Records Digitization Programme	Africa School of Management	Secretariat	23 <sup>rd</sup> May to 10 <sup>th</sup> June 2023	1	0	1
7.	Corporate Governance Training	University of Iowa, United State of America	Secretariat	11 <sup>th</sup> November to 24 <sup>th</sup> November 2022	3	2	1
8.	Executive Leadership Summit	ICPAK	Secretariat	17 <sup>th</sup> June – 2 <sup>nd</sup> July 2023	3	1	2
9.	Board Induction, Leadership and Public Finance Management Seminar	ICPAK	Secretariat	24 <sup>th</sup> July – 5 <sup>th</sup> August, 2022	3	1	2
10.	Revitalizing HR: Inspire, innovate & integrate	Institute of Human Resource Management (IHRM)	Secretariat		3	1	2
11.	6 <sup>th</sup> National Lady Accountants Conference	ICPAK	Secretariat		5	1	3
12.	Professional Training		Secretariat		2		
13.	Group Training for the Secretariat Staff	Internal	Secretariat				
14.	HR for Non- HR Training	IHRM	KJA Staff	7 <sup>th</sup> -11 <sup>th</sup> Nov 2022	1	0	1
15.	Annual ICPAK Conference	ICPAK	KJA Staff	7 <sup>th</sup> -11 <sup>th</sup> Nov 2022	2	2	0
16.	Certified Human Resource Business Partner (CPD Conference)	IHRM	KJA Staff	7 <sup>th</sup> -11 <sup>th</sup> Nov 2022	1	0	1
17.	Public Sector Accountants Conference	ICPAK	KJA Staff	23 <sup>rd</sup> - 29 <sup>th</sup> Oct 2022	3	2	1
18.	Annual ICT Professionals Conference		KJA Staff	5 <sup>th</sup> - 9 <sup>th</sup> Dec 2022	2	0	2
19.	1 <sup>st</sup> Annual International Conference on Monitoring and Evaluation		KJA Staff	26 <sup>th</sup> – 28 <sup>th</sup> April, 2023	1	1	0
20.	Training session on AJS for Kenya Judiciary Academy staff	Internal	KJA Staff	6 <sup>th</sup> -10 <sup>th</sup> June, 2023	35	21	14



# CHAPTER THREE } FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023

## 3.1 INTRODUCTION

This chapter presents the Judicial Service Commission’s financial statements for the financial year 2022/2023 pursuant to section 39 (3) of the JS Act which stipulates that the accounts of the Commission shall form part of the annual report.

## 3.2 BUDGET PERFORMANCE FOR THE FINANCIAL YEAR 2022/23

The Commission was allocated Gross Recurrent Estimates of Kshs. 887 million comprising of Kshs. 650 million for Administration and Judicial Services Sub-Programme and Kshs. 237 million for Judicial Training Sub-Programme.

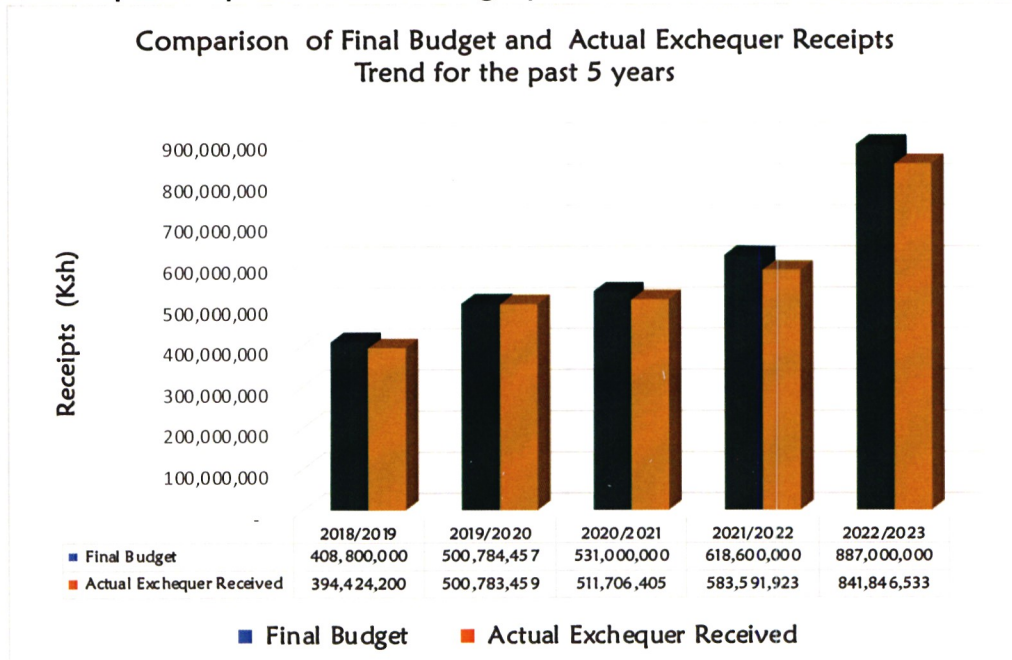
The overall absorption of the voted funds in 2022/23 fiscal year was 94 per cent illustrating Commission’s commitment to implement planned programmes within the set timelines and allocated ceilings.

## 3.3 COMPARATIVE ANALYSIS ON BUDGET PERFORMANCE IN THE LAST FIVE FINANCIAL YEARS

The Budgetary allocation for the Commission has increased in the past five years from Kshs. 408.8 million in the FY 2018/2019 to Kshs. 887 million in the financial year 2022/2023 transforming to 117.4 percentage increase.

The increase was occasioned by the commitment of the government to enhance the Commission and the Judiciary budget by Ksh. 3 billion annually for the next five years in line with the Bottom-up Economic Transformation Agenda (BETA).Figure 3.1 below shows a budget performance for the last five financial years.

Figure 3.1: Graphical representation of budget performance for the last five financial years.



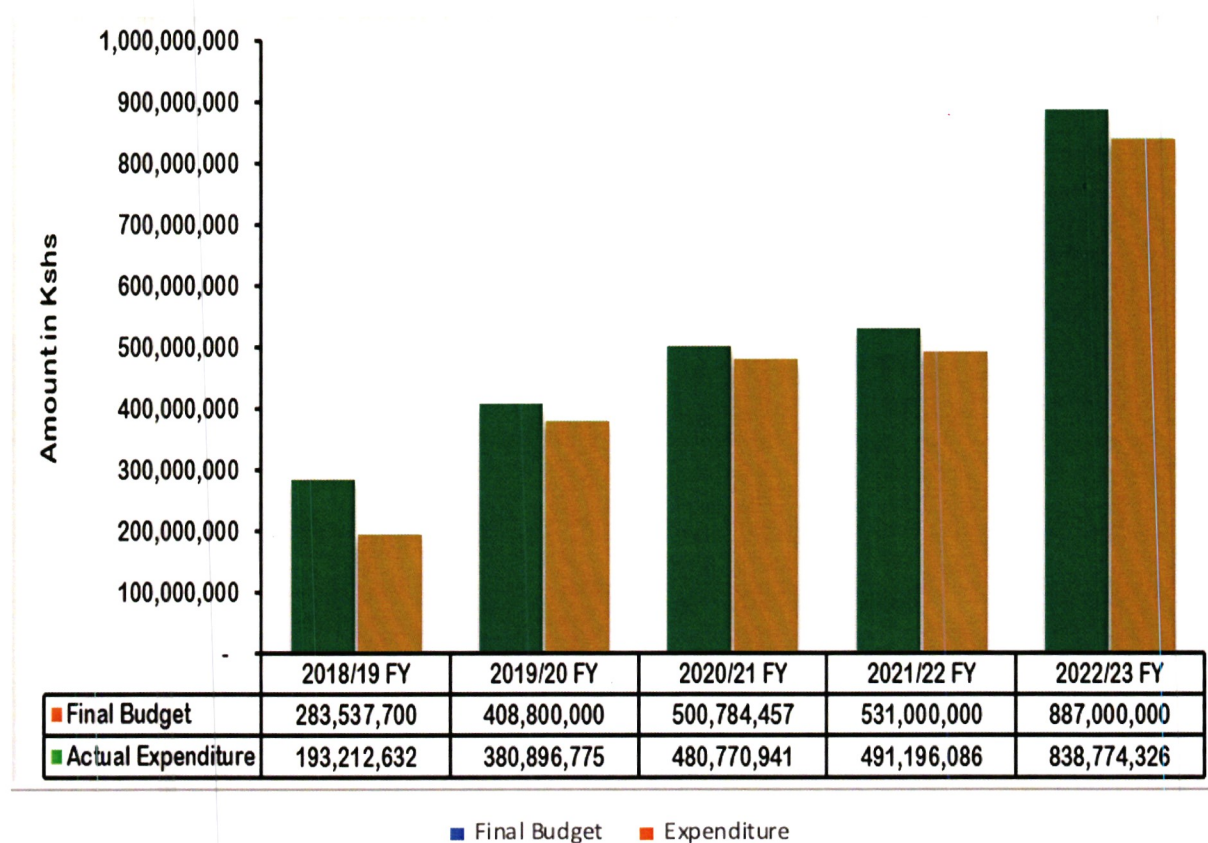
The Commission has improved its operations having launched and commenced implementation of its Strategic Plan 2022-2027. The expenditure on the other hand increased from Kshs. 394 million to Kshs. 831 million with corresponding absorption rates of 93 and 94 per cent in the financial years

2018/2019 and 2022/2023 respectively.

The sustained high absorption rates across the period were due to the adoption of best management practices in the execution of the commission mandate. Figure 3.2 below shows expenditure trend over the last five financial years.

**Figure 3.2: A graphical representation of budget allocation against expenditure trend over the last five financial years**

**Final Budget and Actual Expenditure trend comparison over the last five financial years**



The Commission's approved annual budget allocation and actual expenditure comparative analysis for the past five years is shown in graph below.

**Table 3.1: Budget allocation**

RECEIPT/ EXPENSE ITEM	FY2022- 2023		FY2021-2022		FY2020- 2021		FY2019-2020		FY2018-2019		ACTUAL CUMULATIVE TO 30TH JUNE	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO 30TH JUNE	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO 30TH JUNE	FINAL ANNUAL BUDGET	
	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO 30TH JUNE	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO 30TH JUNE	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO 30TH JUNE	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO 30TH JUNE	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO 30TH JUNE							
<b>RECEIPTS</b>																	
Exchequer releases	887,000,000	841,846,533	531,000,000	511,706,405	500,784,457	500,783,459	408,800,000	394,424,200	283,537,700	196,978,268							
<b>TOTAL RECEIPTS</b>	887,000,000	841,846,533	531,000,000	511,706,405	500,784,457	500,783,459	408,800,000	394,424,200	283,537,700	196,978,268							
<b>PAYMENTS</b>																	
Compensation of Employees	204,623,005	201,874,567	160,254,213	154,701,249	142,819,999	142,818,872	-	-	-	-							
Use of goods and services	551,496,995	533,475,660	313,284,064	298,724,410	280,516,770	272,827,678	372,034,452	348,417,815	254,542,100	180,550,460							
Social Security Benefits	23,800,000	22,572,871	7,147,981	7,144,981	3,871,932	3,609,589	4,650,000	4,650,000	5,560,000	2,650,500							
Acquisition of Assets	107,080,000	80,851,229	50,313,742	30,625,446	73,575,756	61,514,802	32,115,548	27,828,960	23,435,600	10,011,672							
<b>TOTAL PAYMENTS</b>	887,000,000	838,774,326	531,000,000	491,196,086	500,784,457	480,770,941	408,800,000	380,896,775	283,537,700	193,212,632							
<b>SURPLUS/ DEFICIT</b>		3,072,207		20,510,319		20,013,516		27,903,225		90,325,068							
<b>ABSORPTION %</b>				93		96		93		68							



### 3.5 STATEMENT OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30TH JUNE 2023

Table 3.2 below shows the statement of Receipts and payments for the Year ended 30th June 2023.

**Table 3.2: Statement of Receipts and Payments for the Year ended 30th June 2023**

DESCRIPTION	NOTE	FY 2022-2023	FY 2021-2022
		KSHS	KSHS
<b>RECEIPTS</b>			
Exchequer releases	1	841,846,533	583,591,923
<b>TOTAL RECEIPTS</b>		<b>841,846,533</b>	<b>583,591,923</b>
<b>PAYMENTS</b>			
Compensation of Employees	2	201,874,567	158,737,501
Use of goods and services	3	528,882,685	393,936,671
Social Security Benefits	4	22,572,871	1,162,858
Acquisition of Assets	5	80,851,229	23,488,043
<b>TOTAL PAYMENTS</b>		<b>834,181,351</b>	<b>577,325,073</b>
<b>SURPLUS/(DEFICIT)</b>		<b>7,665,182</b>	<b>6,266,850</b>



### 3.6 STATEMENT OF FINANCIAL ASSETS AND FINANCIAL LIABILITIES AS AT 30TH JUNE 2023

Table 3.3 below shows the statement of Of Financial Assets And Financial Liabilities As At 30th June 2023

Table 3.3: Statement Of Financial Assets And Financial Liabilities As At 30th June 2023

DESCRIPTION	NOTE	FY 2022/2023	FY 2021/2022
		KSHS	KSHS
<b>FINANCIAL ASSETS</b>			
<b>Cash and Cash Equivalents</b>			
Bank Balances	6A	6,316,969	8,234,445
Cash Balances	6B	2,622,302	1,436,294
<b>Total Cash and cash equivalent</b>		<b>8,939,271</b>	<b>9,670,739</b>
		-	-
Accounts Receivables	7	4,888,000	-
<b>TOTAL FINANCIAL ASSETS</b>		<b>13,827,271</b>	<b>9,670,739</b>
<b>FINANCIAL LIABILITIES</b>			
Accounts Payables	8	6,162,088	2,869,031
<b>NET FINANCIAL ASSETS</b>		<b>7,665,182</b>	<b>6,801,708</b>
<b>REPRESENTED BY</b>			
Fund balance b/fwd	9	6,801,709	20,757,772
Prior period adjustment	10	6,801,709	20,222,913
<b>Surplus/Deficit for the period</b>		<b>7,665,182</b>	<b>6,266,850</b>
<b>NET FINANCIAL POSITION</b>		<b>7,665,182</b>	<b>6,801,709</b>

### 3.7 STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30TH JUNE 2023

Table 3.4 below shows the of Cash Flows for The Year Ended 30th June 2023

DESCRIPTION	NOTES	FY 2022/2023	FY 2021/2022
		KSHS	KSHS
<b>RECEIPTS FOR OPERATING INCOME</b>			
Exchequer Releases	1	841,846,533	583,591,923
		<b>841,846,533</b>	<b>583,591,923</b>
<b>Payments for operating expenses</b>			
Compensation of Employees	2	201,874,567	158,737,501
Use of goods and services	3	528,882,685	393,936,671
Social Security Benefits	4	22,572,871	1,162,858
		<b>753,330,122</b>	<b>553,837,030</b>
<b>Adjusted for:</b>			
Adjustments during the period			
Decrease/(Increase) in Accounts receivable:	11	(4,888,000)	
Increase/(Decrease) in Accounts Payable:	12	3,293,057	1,875,724
Prior Period Adjustments	10	(6,801,709)	(20,222,913)
<b>Net cash flow from operating activities</b>		<b>80,119,760</b>	<b>11,407,704</b>
<b>CASHFLOW FROM INVESTING ACTIVITIES</b>			
Acquisition of Assets	5	(80,851,229)	(23,488,043)
<b>Net cash flows from Investing Activities</b>		<b>(80,851,229)</b>	<b>(23,488,043)</b>
<b>NET INCREASE IN CASH AND CASH EQUIVALENT</b>		<b>(731,469)</b>	<b>(12,080,339)</b>
Cash and cash equivalent at BEGINNING of the period	9	9,670,739	21,751,079
Cash and cash equivalent at END of the period		<b>8,939,271</b>	<b>9,670,739</b>



### 3.8 STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS FOR FY2022/23

Table 3.5 below shows the Statement of Comparison of Budget and Actual Amounts for FY2022/23

Table 3.5: Statement of Comparison of Budget and Actual Amounts for FY2022/23

RECEIPT/ EXPENSE ITEM	ORIGINAL ANNUAL BUDGET	ADJUSTMENTS	FINAL ANNUAL BUDGET	ACTUAL CUMULATIVE TO DATE (30TH JUNE, 2023)	BUDGET UTILIZATION DIFFERENCE	% OF UTILIZATION
	a	b	c=a+b	d		e=d/c %
<b>RECEIPTS</b>						
Exchequer releases	587,000,000	300,000,000	887,000,000	841,846,533	45,153,467	95
<b>TOTAL RECEIPTS</b>	<b>587,000,000</b>	<b>300,000,000</b>	<b>887,000,000</b>	<b>841,846,533</b>	<b>45,153,467</b>	<b>95</b>
<b>PAYMENTS</b>						
Compensation of Employees	187,723,005	16,900,000	204,623,005	201,874,567	2,748,438	99
Use of goods and services	318,676,995	232,820,000	551,496,995	533,475,660	18,021,335	97
Social Security Benefits	12,00,000	11,800,000	23,800,000	22,572,871	1,227,129	95
Acquisition of Assets	68,600,000	38,480,000	107,080,000	80,851,229	26,228,772	76
<b>TOTAL PAYMENTS</b>	<b>587,000,000</b>	<b>300,000,000</b>	<b>887,000,000</b>	<b>838,774,326</b>	<b>48,225,674</b>	<b>95</b>
<b>SURPLUS/ DEFICIT</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,072,207</b>	<b>(3,072,207)</b>	

#### a) Variance Analysis

- The under absorption on acquisition of assets was generally due to the restricted access to the IFMIS system which delayed processing of payments.
- Bills processed and not paid due to lack of funding as at the end of the financial year accounted for as pending bills stood at Ksh. 3,594,274.10.

#### b) Adjustments within the year

- The difference between original budget and final budget was occasioned by additional resources of Kshs. 300 million that were approved for the Commission during Supplementary Estimate No 1. The additional resources were meant to bridge the funding deficit in the Commission programmes.

**Table 3.6: Statement of Comparison of Budget and Actual Amounts: Recurrent for FY2022/2023**

Receipt/ Expense Item	Original annual Budget	Adjustments	Final Annual Budget	Actual Cumulative to date (30th June, 2023)	Budget Utilization Difference	% of Utilization
	a	b	c=a+b	d		e=d/c %
<b>RECEIPTS</b>						
Exchequer releases	587,000,000	300,000,000	887,000,000	841,846,533	45,153,467	95
<b>TOTAL RECEIPTS</b>	587,000,000	300,000,000	887,000,000	841,846,533	45,153,467	95
<b>PAYMENTS</b>						
Compensation of Employees	187,723,005	16,900,000	204,623,005	201,874,567	2,748,438	99
Use of goods and services	318,676,995	232,820,000	551,496,995	533,475,660	18,021,335	97
Social Security Benefits	12,000,000	11,800,000	23,800,000	22,572,871	1,227,129	95
Acquisition of Assets	68,600,000	38,480,000	107,080,000	80,851,229	26,228,772	76
<b>TOTAL PAYMENTS</b>	587,000,000	300,000,000	887,000,000	838,774,326	48,225,674	95
<b>SURPLUS/DEFICIT</b>	0	0	0	3,072,207	(3,072,207)	

**a) Variance Analysis**

1. The under absorption on acquisition of assets was generally due to the restricted access to the IFMIS system which delayed processing of payments.
2. Bills processed and not paid due to lack of funding as at the end of the financial year accounted for as pending bills stood at Ksh. 3,594,274.10.

**b) Adjustments within the year**

1. The difference between original budget and final budget was occasioned by additional resources of Kshs. 300 million that were approved for the Commission during Supplementary Estimate No 1. The additional resources were meant to bridge the funding deficit in the Commission programmes

**3.9 BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES FOR FY2022/2023**

Table 3.7 below shows the budget Execution by Programmes and Sub-Programmes for FY2022/2023

**Table 3.7: Budget Execution by Programmes and Sub-Programmes for FY2022/2023**

PROGRAMME/SUB-PROGRAMME	ORIGINAL BUDGET	ADJUSTMENTS	FINAL BUDGET	ACTUAL ON COMPARABLE BASIS	BUDGET UTILIZATION DIFFERENCE
	2022/2023		2022/2023	2022/2023	% OF UTILIZATION
	A	B	C=A+B	D	E=D/C %
	KSHS	KSHS	KSHS	KSHS	
<b>General Administration, Planning and Support Services Programme</b>	587,000,000	300,000,000	887,000,000	838,774,326	48,225,674
Administration and Judicial Services	411,000,000	238,550,000	649,550,000	608,416,792	41,133,208
Judicial Training	176,000,000	61,450,000	237,450,000	230,357,534	7,092,466



# NOTES TO THE FINANCIAL STATEMENTS

## 3.10 NOTES TO THE FINANCIAL STATEMENTS

### 1. Statement of Compliance and Basis of Preparation

The financial statements have been prepared in accordance with Cash-basis International Public Sector Accounting Standards (IPSAS) as prescribed by the Public Sector Accounting Standards Board (PSASB) and set out in the accounting policy note below. This cash basis of accounting has been supplemented with accounting for;

- a) receivables that include imprests and salary advances and
- b) payables that include deposits and retentions.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB. The accounting policies adopted have been consistently applied to all the years presented.

### 2. Reporting Entity

The financial statements are for the Judicial Service Commission. The financial statements encompass the reporting entity as specified under Section 81 of the PFM Act 2012. The Commission did not have any development projects in the period under review.

### 3. Reporting Currency

The financial statements are presented in Kenya Shillings (Kshs), which is the functional and reporting currency of the Government and all values are rounded to the nearest **Kenya Shilling**.  
Significant Accounting Policies

The accounting policies set out in this section have been consistently applied by Judicial Service Commission for all the years presented.

#### a) Recognition of Receipts

The Judicial Service Commission recognises all receipts from the various sources when the event occurs, and the related cash has been received.

##### i. Transfers from the Exchequer

Transfers from the exchequer are recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the Commission.

##### ii. Miscellaneous Receipts

These include Appropriation-in-Aid and relates to receipts such as proceeds from disposal of assets and sale of tender documents. These are recognised in the financial statements the time associated cash is received. The Commission did not have any Appropriation-in-Aid during the year.

#### b) Recognition of payments

The Judicial Service Commission recognises all payments when the event occurs, and the related cash has been paid out by the Commission.

##### i. Compensation of Employees

Salaries and wages, allowances and statutory contribution for employees are recognized in the period when the compensation is paid.

## ii. Use of Goods and Services

Goods and services are recognized as payments in the period when the goods/ services are paid for. Such expenses, if not paid during the period where goods/ services are consumed, shall be disclosed as pending bills.

## iii. Acquisition of Fixed Assets

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment. A fixed asset register is maintained and a summary provided for purposes of consolidation. This summary is disclosed as an annexure 3 to the financial statements.

## c) Cash and Cash Equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at KCB Bank Kenya at the end of the financial year. A bank account register is maintained, and a summary provided for purposes of consolidation. This summary is disclosed as a **Note 6** to the financial statements.

## d) Restriction on Cash

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation. Amounts maintained in deposit bank accounts are restricted for use in refunding third party deposits and retentions. As of 30th June 2023, this amounted to Kshs 6,162,088.40 compared to Kshs 2,859,030.90 in prior period as indicated on **Note 6 (a)**. There were no other restrictions on cash during the year.

## e) Imprests and Advances

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year are treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or Authority to Incur Expenditure (AIE) holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

## f) Third party deposits and retention

For the purposes of these financial statements, deposits and retentions held on behalf of third parties have been recognized on an accrual basis (as accounts payables). This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash accounting policy adopted for National Government Ministries and Agencies. Other liabilities including pending bills are disclosed in the financial statements.

## g) Pending Bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items. When the pending bills are finally settled, such payments are included in the Statement of Receipts and Payments in the year in which the payments are made.



## h) Budget

The budget is developed on a comparable accounting basis (cash basis except for imprest and deposits and retentions, which are accounted for on an accrual basis), the same accounts classification basis, and for the same period as the financial statements. The original budget was approved by Parliament in June 2022 for the period 1st July 2022 to 30th June 2023 as required by Law and there were two (2) supplementary adjustments to the original budget during the year.

A comparison of the actual performance against the comparable budget for the financial year under review has been included in the financial statements. Government Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as inter-entity transfers.

## I. Comparative Figures

Where necessary, comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

## J) Subsequent Events

There have been no events after the financial year end with a significant impact on the financial statements for the year ended 30th June 2023.

## K) Prior Period Adjustment

During the year, errors that have been corrected are disclosed under note 10 explaining the nature and amounts.

## L) Related Party Transactions

Related party means parties are related if one party has the ability to:

- a) Control the other party or
- b) Exercise significant influence over the other party in making financial and operational decisions, or if the related party entity and another entity are subject to common control.

Related party transaction is a transfer of resources or obligations between related parties regardless of whether a price is charged.

## M) Contingent Liabilities

Pursuant to Section 148 (9) of the PFM Act regulations 2015 requires the Accounting officer of a Judicial Service Commission to report on the payments made, or losses incurred, by the Commission to meet contingent liabilities during the Financial Year

Given the Commission mandate, its corporate nature and role in the administration of justice, the Commission is involved in litigation either suing or being sued in its corporate name. At the beginning of the period, 95 matters were carried forward from the previous Financial Year. During the period under review, 30 new matters were filed bringing the total matters handled to 125 out of which 16 were concluded. At the end of the reporting period, 109 matters were pending at various stages in Court.

Upon analysis of the matters the Commission did not recognise a contingent liability but disclosed the same in its performance review. The Commission did not therefore have any contingent liability in the year under review.

**Note 7 and Annexure 7** of this financial statement is a register of the contingent liabilities in the year.

## NOTES TO THE FINANCIAL STATEMENTS

### 1. Exchequer releases

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Exchequer Releases/ Provisioning Account for Q1	116,807,505	103,646,413
Exchequer Releases/ Provisioning Account for Q2	204,218,336	200,429,018
Exchequer Releases/ Provisioning Account for Q3	76,114,655	149,856,734
Exchequer Releases/ Provisioning Account for Q4	444,706,037	129,659,759
<b>TOTAL</b>	<b>841,846,533</b>	<b>583,591,923</b>

The increase in exchequer releases is occasioned by additional allocation of Ksh. 300 million during Supplementary Estimate Number 1 to support BETA

### 2. Compensation to Employees

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Basic salaries of permanent employees	104,967,742	80,352,289
Basic wages of temporary employees	5,999,376	4,270,302
Personal allowances paid as part of salary	77,470,659	65,182,326
Pension and other social security contributions	13,436,790	8,932,585
<b>Total</b>	<b>201,874,567</b>	<b>158,737,501</b>

The increment was occasioned by annual salary drift, staff salary alignment and promotions

### 3. Use of Goods and Services

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Utilities, Supplies and Services	456,720	
Communication, Supplies and Services	11,951,224	12,535,320
Domestic Travel and Subsistence, and Other Transportation Costs	100,452,447	102,456,388
Foreign Travel and Subsistence, and other transportation costs	46,447,952	13,059,944
Printing Advertising and Information Supplies and Services	10,958,805	10,279,801
Rentals of Produced Assets	46,969,047	40,026,432
Training Expenses	145,896,579	41,110,130
Hospitality Supplies and Services	61,756,819	62,726,420
Board Allowance	54,663,233	62,602,000
Specialised Materials and Supp	438,675	102,850
Office and General Supplies and Services	6,889,579	8,963,465
Fuel Oil and Lubricants	8,174,002	5,180,900
Other Operating Expenses	30,780,581	28,934,254
Routine Maintenance - Vehicles	7,294,637	5,641,319
Routine Maintenance - Other Assets	345,360	317,448
<b>Total</b>	<b>533,475,660</b>	<b>393,936,671</b>



The increase in expenditure under foreign travel and training was occasioned by capacity building programmes that were conducted by the Commission in line with its constitutional mandate of preparing Continuous Judicial Education for judges and judicial officers.

Increased expenditure under Rentals was occasioned by the relocation of the Commission to its new office premises at CBK Pension towers to meet space requirement for efficient service delivery.

#### 4. Social Security Benefits

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Government Pension and Retirement Benefits	22,572,871	1,162,858
<b>TOTAL</b>	<b>22,572,871</b>	<b>1,162,858</b>

The payments relate to payments to members and staff of the Commission whose contracts ended during the year under review. The significant increase was occasioned by the exit of three commissioners whose terms ended in the FY 2022/23.

#### 5. Acquisition of Assets

NON-FINANCIAL ASSETS	FY2022/2023 KSHS	FY2021/2022 KSHS
Refurbishment of Buildings	33,030,575	14,871,173
Purchase of Vehicles and Other Transport Equipment	12,780,000	
Purchase of Office Furniture and General Equipment	19,122,101	8,616,870
Purchase of Specialized Plant, Equipment and Machinery	15,918,552	
<b>Total</b>	<b>80,851,229</b>	<b>23,488,043</b>

The refurbishment expenditure relates to partitioning of the office space for the Commission and the Kenya Judiciary Academy while office furniture relates to supply of various office equipment.

#### 6. Cash and Bank Accounts

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Bank Accounts (Note 6 A)	6,316,969	8,234,445
Cash on hand (Note 6 B)	2,917,327	1,436,294
<b>Total</b>	<b>9,234,296</b>	<b>9,670,739</b>

## 6A: Bank Accounts

NAME OF BANK, ACCOUNT NO. & CURRENCY	AMOUNT IN BANK ACCOUNT CURRENCY	INDICATE WHETHER RECURRENT, DEVELOPMENT, DEPOSIT E.T.C	FY2022/2023 KSHS	FY2021/2022 KSHS
Central Bank of Kenya,1000181273, Recurrent, KShs	KES	Recurrent	154,881	5,375,415
Central Bank of Kenya,1000492775, Deposit, KShs	KES	Deposit	6,162,088	2,859,031
KCB Bank, 1266450971, Recurrent, Kshs,	KES	Recurrent		
<b>Total</b>			<b>6,316,969</b>	<b>8,234,445</b>

## 6B: Cash on hand

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Cash in hand – Held in domestic currency	2,917,327	1,436,294
<b>Total</b>	<b>2,917,327</b>	<b>1,436,294</b>

Detailed Cash is as follows:

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Rec-Judicial Service Commission - banking after NT sweep off of the exchequer balances.	2,917,327	1,436,294
<b>Total</b>	<b>2,917,327</b>	<b>1,436,294</b>

The cash balances relate to banking of imprest balances that were banked directly to the bank after the exchequer balances were swept off. The same will be surrendered to the consolidated account. Extracts of the bank statements with the bankings are available for verification

## 7: Third party deposits and retention

ITEM DESCRIPTION	FY2022/2023 KSHS		FY2021/2022 KSHS	
Retention	6,162,088		2,859,031	
<b>Total</b>	<b>6,162,088</b>		<b>2,859,031</b>	
<b>Ageing analysis:</b>	<b>FY 2022/2023</b>		<b>FY 2021/2022</b>	
Under one year	3,303,057	53 %	<b>Amount</b>	<b>% of the Total</b>
1-2 years	2,859,031	47 %	2,859,031	100 %
<b>Total</b>	<b>6,162,088</b>		<b>2,859,031</b>	<b>100 %</b>

The amounts relate to retention monies for contractors and the same will be refunded upon completion and certification of work done.



## 8: FUND BALANCE BROUGHT FORWARD

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
Bank accounts	8,234,445	21,551,079
Cash in hand	1,436,294	200,000
Accounts Payables	(2,869,031)	(993,307)
<b>Total</b>	<b>6,801,709</b>	<b>20,757,772</b>

The fund balance comprises of the bank account and cash balances carried forward as at 30th June, 2021 while the accounts payable relates to contractors' retention fund.

## 9: PRIOR YEAR ADJUSTMENTS

DESCRIPTION OF THE ERROR	BALANCE B/F	ADJUSTMENTS	ADJUSTED **
	FY 2021/2022 AS PER AUDITED FINANCIAL STATEMENTS	DURING THE QUARTER RELATING TO PRIOR PERIODS	BALANCE B/F
	KSHS	KSHS	KSHS
Bank account Balances	8,234,445	(5,375,415)	2,859,031
Cash in hand	1,436,294	(1,436,294)	
Accounts Payables	(2,869,031)	10,000	(2,859,031)
<b>Total</b>	<b>6,801,708</b>	<b>(6,801,709)</b>	

The adjustment during the period relates to un-utilised exchequer recovered by the National Treasury.

## 10: INCREASE/ (DECREASE) IN RETENTION AND THIRD-PARTY DEPOSITS

DESCRIPTION OF THE ERROR	FY2022/2023 KSHS	FY2021/2022 KSHS
Opening Receivables as at 1 <sup>st</sup> July 2022	2,869,031	2,547
Closing account receivables as at Sep/Dec/March/June 2023	6,162,088	2,869,031
<b>Change in Receivables</b>	<b>3,293,057</b>	<b>2,866,484</b>

## RELATED PARTY DISCLOSURES

Related party disclosure is encouraged under Non-mandatory section of the cash basis (IPSAS). Related parties to the Judicial Service Commission comprised of key management personnel that include the Commissioners and Secretary to the Commission.

## OTHER IMPORTANT DISCLOSURES

### 27.1 Related party transactions:

ITEM DESCRIPTION	FY2022/2023 KSHS	FY2021/2022 KSHS
<b>Key Management Compensation</b>	<b>54,663,233</b>	<b>62,602,000</b>
Transfers to Related Parties		
<b>Total Transfers to Related Parties</b>	<b>-</b>	<b>-</b>
<b>Purchase of Goods and Services</b>		
Purchase of Electricity from KPLC	456,720	-
Rent paid to Govt. Agencies	37,452,758	28,458,796
Training Fees paid to Govt Agencies	485,800	171,680
Conference Facilities hired from Govt. Agencies	9,138,240	9,526,780
Others (Specify)	-	-
<b>Total Goods and Services paid to Govt. Agencies</b>	<b>47,533,518</b>	<b>38,157,256</b>
<b>Transfers from Related Parties</b>		
Transfers from the Exchequer	841,846,533	583,591,923
<b>Total Transfers from Related Parties</b>	<b>841,846,533</b>	<b>583,591,923</b>

The payment of Ksh. 54,663,223 is as enumerated below and relates to the Commissioner's allowances for the period July, 2022 to June 2023 with the comparative figures for the period to June 2022.

### COMMISSISONERS EXPENSES

MONTH	ALLOWANCES	
	FY2022/2023 KSHS	FY2021/2022 KSHS
Jul-22	8,775,000.00	6,425,000.00
Aug-22	2,670,000.00	5,130,000.00
Sep-22	4,590,000.00	5,150,000.00
Oct-22	7,633,548.39	2,990,000.00
Nov-22	5,720,000.00	4,900,000.00
Dec-22	3,160,000.00	5,175,000.00
Jan-23	2,790,000.00	3,250,000.00
Feb-23	6,020,892.86	6,085,000.00
Mar-23	3,390,483.87	6,265,000.00
Apr-23	3,420,000.00	6,378,000.00
May-23	3,903,308.00	4,780,000.00
Jun-23	2,590,000.00	6,074,000.00
<b>TOTALS</b>	<b>54,663,233.12</b>	<b>62,602,000.00</b>

The Table below details the Commissioners who served during the year under review with the respective dates of appointment.



Notes to the Financial Statements (Continued)

S/NO	NAME	DESIGNATION	DATE OF APPOINTMENT
1.	Hon. Lady Justice Ms. Martha K. Koome Chief Justice / President, Supreme Court of Kenya and Chairperson, Judicial Service Commission	Chairperson, Judicial Service Commission	19-May-21
2.	Hon. Commissioner Macharia Njeru Advocate of the High Court	Vice Chairperson	13-May-19
3.	Hon. Commissioner Prof. Olive M. Mugenda, CBS	Member	02-Mar-18 to 1-Mar-2023
4.	Hon. Commissioner Justice Mohamed Warsame, Judge of the Court of Appeal	Member	29-Jan-2019
5.	Hon. Commissioner Justice (Rtd) P. Kihara Kariuki, EGH, Attorney General	Member	28-Mar-18 to 25-Oct-2022
6.	Hon. Commissioner Patrick Gichohi, CBS	Member	02-Mar-18 to 1-Mar-2023
7.	Hon. Commissioner Felix Koskei	Member	02-Mar-18 to 29-Oct-2022
8.	Hon. Commissioner Justice David Majanja, Judge of the High Court	Member	14-May-19
9.	Hon. Commissioner Ms. Everlyne S. A. Olwande, Chief Magistrate	Member	15-May-21
10.	Hon. Commissioner Ms. Jacqueline Ingutiah	Member	16-Mar-2022
11.	Hon. Commissioner Justice Mohammed Ibrahim, Judge of the Supreme Court of Kenya	Member	2-June-2022
12.	Hon. Commissioner Justin B. N. Muturi, EGH	Member	Nov-2021
13.	Hon. Commissioner Ms. Caroline Nzilani Ajuoga	Member	15-June-2023
14.	Hon. Commissioner Isaac Kiprono Rutto, EGH	Member	15-june-2023

### 27.2 Pending Accounts Payable (See Annexure 1)

DESCRIPTION	BALANCE B/F	CUMULATIVE ADDITIONS FOR THE PERIOD	PAID DURING THE PERIOD	BALANCE C/F
	FY 2021/2022			FOR THE PERIOD
	KSHS	KSHS	KSHS	KSHS
Construction of civil works	3,088,500.00	-	1,846,250.00	- **
Supply of goods	173,220.00	684,725.00	173,220.00	684,725.00
Supply of services	15,520,214.42	2,323,127.30	15,140,214.42	2,323,127.30 ***
Total	18,781,934	3,007,852.30	17,159,684.42	3,007,852.30

\*\* Ksh. 1,242,250 under construction of civil works not payable after the valuation of works were done.

\*\*\* Ksh. 380,000/- under supply of services not payable after valuation of work done.

### 27.3 Contingent Liabilities

CONTINGENT LIABILITIES	CURRENT FY 2022/2023	COMPARATIVE FY
	KSHS	KSHS
Court case against Judicial Service Commission	Nil	x Nil xx
Total	Nil	Nil

(The Commission did not have any contingent liability in the Financial Year)