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JUD/FIN/PAC Vol. 2

THE JUDICIARY Tuesday, 27 April 2021

Mr. Michael Sialai, EBS Clerk of the National Assembly Parliament Building P.O. Box 41842 - 00100 NAIROBI		DATE: 28 APR 2021	DAY: Thurs
TABLED BY: Dear	Majority Whip Hon. Emmanuel Wanyo		
CLERK AT THE TABLE:	Nancy Lemuna		

NATIONAL ASSEMBLY
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SUBJECT: SUBMISSION OF JUDICIARY'S AND JUDICIAL SERVICE COMMISSION'S (JSC) EXPENDITURE ESTIMATES FOR FY2021/22 AND THE MEDIUM TERM

Pursuant to Article 173 (3) of the Constitution of Kenya and in line with the Public Finance Management (PFM) Act, 2012 Section 37 (4), I hereby submit the Judiciary's Budget Estimates for the FY 2021/22 and related documents as follows:

1. Programme Based Budget (PBB);
2. Programme Performance Report (PPR) for FY2017/18 - 2019/20; and
3. Medium Term Expenditure Framework (MTEF) Budget Report for FY 2021/22 - 2023/24.

Further to these attachments we wish to notify you that despite prioritizing the allocated ceilings in a prudent manner, some other critical activities have not yet been funded. These includes, first, implementing a digital strategy for automating all courts processes and internal administrative functions which has been ongoing in line with COVID 19 prevention measures. In the last twelve months online services have been deployed across all court stations to ensure justice is delivered to all despite the COVID 19 pandemic. Hence, the Judiciary needs to continuously develop and ensure 99.99% online availability of the services. To sustain this innovation the Judiciary requires resources to the tune of Kshs.1.78B for ICT to cater for the digital strategy as follows: -

1. Iniation of Enterprise Resource Planning (ERP) project Kshs420.51M;
2. Rollout of E-Filing system Kshs232.7M;

NATIONAL ASSEMBLY
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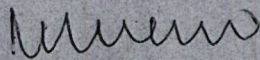
3. Case tracking system (CTS) and Judiciary Financial Management Information System (JFMIS) Implementation Kshs104.43;
4. Court Recording and Transcription system rollout Kshs154.26M;
5. Customer Relations Management Kshs15.69M;
6. Infrastructure Kshs737.51M;
7. Infrastructure facilities Ksh103.54M;
8. Information Communication Technology Technical and Training Kshs11.08M.

Secondly, as you are aware funding of the Judicial Performance Improvement Project (JPIP) by the World Bank is coming to an end in the current financial year. This will leave a huge financial obligation of Kshs.2.9B annually which JPIP used to cater for that included construction of courts, ICT and project management.

Thirdly, the Judiciary has embarked on implementation of the Organization Review Report (2018) which entails recruitment of Judges, Judicial Officers and Staff. In the next financial year it will cost Kshs3B to implement the report.

The main purpose of this letter therefore is to forward the enclosed documents and request for additional funding of Kshs.7.68B to cater for the unfunded activities as articulated above.

Yours Sincerely,




ANNE A. AMADI, CBS
CHIEF REGISTRAR OF THE JUDICIARY

Encls.

Copy to: - Cabinet Secretary,
National Treasury,
P.O. Box 30007 - 00100,
NAIROBI.

Ag. Chief Justice of the Republic of Kenya,
Supreme Court building,
P.O. Box 30041 - 00100,
NAIROBI.

fin/po

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 APR 2021	DAY: Thurs
TABLED BY:	Majority whip Hon Emmanuel wanyenze
CLERK-AT THE TABLE:	Moses kemura

**JUDICIAL SERVICE COMMISSION
PROGRAMME BASED BUDGET(PBB)
2021/2022-2023/2024**

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 28 APR 2021 DAY: *Three*

TABLED BY: *Hon. Emmanuel Wajigu*
Majority whip

CLERK-AT THE-TABLE: *Mzee Dennis*



JUDICIAL SERVICE COMMISSION

**JSC PROGRAMME
BASED BUDGET
REPORT (PBB)**

Vision

A Commission of excellence in promotion
and facilitation of an independent and
accountable Judiciary

Mission

To promote an independent and
accountable Judiciary
through oversight, capacity building
and constructive
stakeholder engagement

Our Core Values

- Independence • Transparency
- Accountability • Integrity • Professionalism

Vote No. : 2051

Part A:

Vision

A Commission of excellence in promoting a justice system that is efficient, effective and accountable.

Part B;

Mission

To promote an independent and accountable justice system through oversight of the Judiciary and stakeholder engagement

PART C: PERFORMANCE OVERVIEW AND RATIONALE FUNDING

Mandate

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

The functions of the Commission as provided under Article 172 (1) of the Constitution are to: Recommend persons for appointment as judges to the President; and Review and make recommendations on terms and conditions of service for judges, judicial officers and judicial staff (other than remuneration of judges and judicial officers). It also appoints and receives complaints against, investigates and removes from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary prepares and implements programmes for the continuing education and training of judges and judicial officers as well as advising the national government on improving the efficiency of administration of justice.

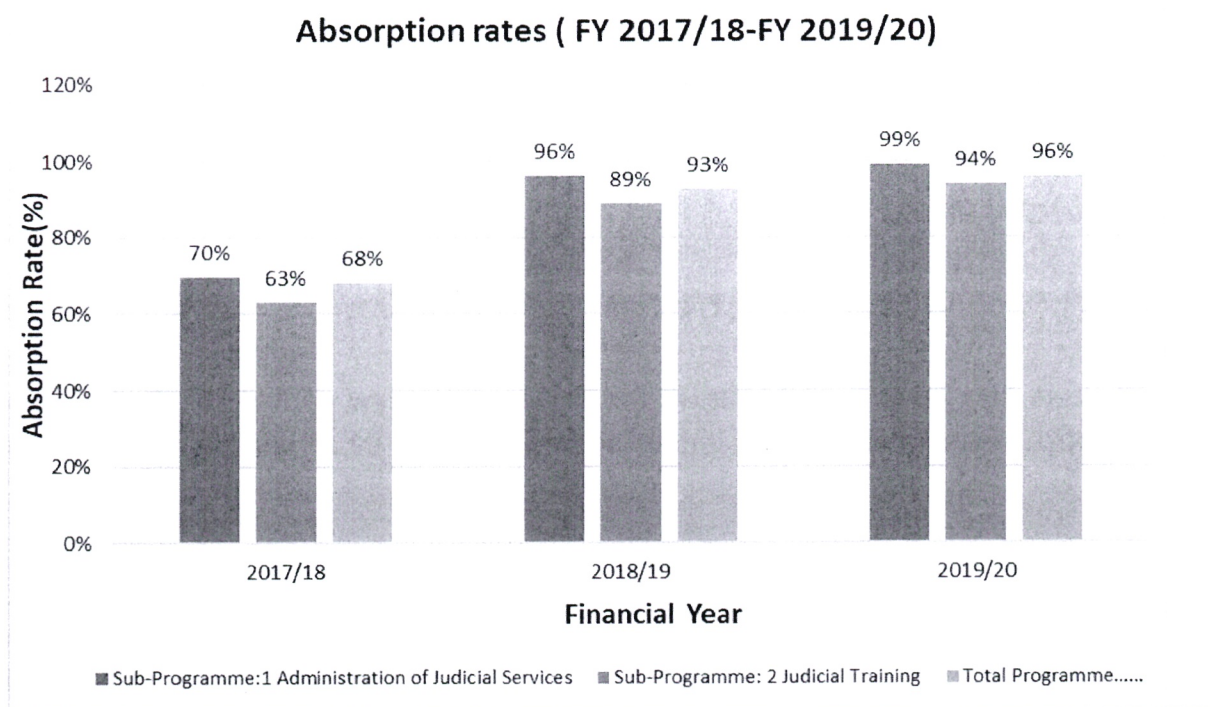
The Commission's mandate of implementing programme for the continuing education and training of judges and judicial officers is fully delegated to the Judiciary Training Institute (JTI). In this regard, the JTI has the following responsibilities:

- a) To provide and co-ordinate the provision of continuous judicial education to all judges and magistrates and to co-ordinate the provision of continuous professional development to all other employees working in the Judiciary.
- b) To conduct research and develop policy on various aspects related to the administration of justice.
- c) To have constructive engagement with stakeholders and other arms of government.

Expenditure Analysis

In the 2019/20 Financial Year, The Commission's approved allocation for Recurrent Budget estimates was KShs 500 million. The Commission utilized 96% of the approved estimates. This was an increase from the previous year's 90% in FY 2018/19 and 68% in FY 2017/18 as illustrated in the figure 1 due to budget cut and lack of exchequer.

Figure 1: Analysis of Absorption rates (2017/18-2019/20)



Major achievements

Review of Sector Programme Performance

During the years under review, implementation of activities by the Commission took into consideration the lessons learnt from previous years, the strategic issues, best practices from other jurisdictions and emerging issues in administration of justice. The Commission achieved the following outputs during the MTEF period.

a) Recruitment

In the review period the commission advertised and competitively recruited, 11 CoA judges, 20 ELC judges, 10 ELRC Judges, and 13 Tribunal members and staff were appointed to address the staffing needs of the Judiciary for effective service delivery.

b) Promotion

The Commission recognizes that career advancement opportunities for serving officers is essential in attracting, motivating and retention of qualified personnel in the judicial service. As a result, in the review period 74 magistrates were promoted. This move helps to increase the jurisdiction of the Judicial Officers, which is key in helping reduce the existing backlog in the courts throughout the country as well as realizing the full potential of each of the promoted Judicial Officers.

c) Resolution of Disciplinary Cases

The Commission exercises disciplinary control over employees of the Judiciary. During the review period, the Commission processed 13 disciplinary cases which were heard and concluded.

d) Management of Complaints

Under Article 172 (1) (c) of the Constitution, the Commission is mandated to receive complaints against, investigate and remove from office or otherwise, discipline Registrars, Magistrates, other Judicial officers and other staff of the Judiciary. In the review period, The Commission received 121 new public complaints against judges and magistrates, 92 of which were heard and concluded.

e) Training

In the period under review, the Judiciary Training Institute facilitated the training of judges and magistrates through holding Annual Judges, Magistrates and Kadhis Colloquia whose target is 100% attendance. The colloquia are crucial in that they allow Judges and Magistrates to introspect the preceding year and discuss critical issues relating to the administration of justice. Other trainings held in the review period included Continuous Judicial Education (CJE) workshops for Magistrates and Kadhis, Tax Law, Anti-corruption, Money Laundering and Asset recovery, Cyber Crime and Electronic Evidence, Intellectual Property, Counter terrorism and specific civil and criminal law areas. Discussions in these trainings were on emerging jurisprudence, new legislation and comparative aspects.

f) Research and Policy

To address research and development needs aimed at increasing the Judiciary's capacity to effectively perform its duties, several policy documents were reviewed. The policy documents are at various completion stages. These policies include:

- (i). Training Needs Assessment and Training Policy
- (ii). Development of guidelines for promotion – to ensure parity and fairness in processing of promotion, the Commission issued guidelines for promotion and career progression.
- (iii). Court Administrators Handbook
- (iv). Kadhis Court Handbook and Manual
- (v). Development of Employee Orientation and Induction Manual
- (vi). Draft Statutory instrument for JTI
- (vii). Policy Development Pathway
- (viii). Framework for Research at JTI

Part D: Strategic Objectives

1.1. Strategic Goals/Objectives of the Sub-sector

The Commission implements the General Administration and Support Services Programme. The two sub programmes under this include; Administration and judicial services; judicial training. The following strategic objectives guide the implementation of activities and delivery of outputs:

- a. Improve Efficiency and Effectiveness in Administration of Justice
- b. Attract and Retain Competent Human Capital
- c. Enhance Transparency, Independence & Accountability of Justice
- d. Improve Stakeholder Engagement, visibility and Image of the Commission
- e. Enhance capacity of Judges, Judicial Officers and staff
- f. Enhance Research and Policy Framework

Part E: Summary of the Programme Key Outputs, Performance Indicators and Targets for 2019/20 – 2023/24.

Name of the Programme: General administration, Planning and support services.

Outcome: Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice.

SP 1: Administration and Judicial Services	JSC and the Secretariat	Improved Efficiency and effectiveness in the administration of justice	No of policies Reviewed/ Developed	4	3	5	5	5	5
		Qualified and Productive Human Capital attracted and retained	No of Judges Recruited	41	41	2	30	30	30
			No of Judicial Officers Recruited	50	0	50	100	100	100
			No of Judiciary Staff Recruited	20	19	200	300	300	300
			No of Judicial Officers/staff promoted	100	74	200	170	220	250
		Enhanced Transparency, Independence and accountability	% of complaints heard and concluded	100%	80%	100%	100%	100%	100%
			% of disciplinary cases concluded	100%	75%	100%	100%	100%	100%

			Production of Annual Report	1	1	1	1	1	1
		Improved stakeholder engagements	No of stakeholder forums held	2	1	3	3	3	3
			No of IEC materials developed and disseminated	2	1	4	4	4	4
SP 2: Judicial Training	Judiciary Training Institute	Enhanced Staff Capacity	Percentage of Judges trained	100%	100%	100%	100%	100%	100%
			Percentage of Magistrates trained	100%	100%	100%	100%	100%	100%
			No. of staff trained	1600	644	72	81	90	90
		Policy documents developed.	No. of policies	4	4	6	6	6	6

Part F Summary of Expenditure by Programmes and Sub-Programmes 2019/20 – 2023/24 (Kshs Millions)

Programmes	Approved Budget 2019/20	Actual Expenditure 2019/20	Baseline Estimates 2020/21	Estimates 2021/22	Projected Estimates	
					2022/23	2023/24
Programme 1: General Administration, Planning and Support services						
Sub Programme (SP): JSC	365	363	403	720	772	782
SP 2: JTI	136	118	173	661	708	718
Total programme 1	501	481	576	1,381	1,480	1,500

Part G: Summary of Expenditure by Vote and Economic Classification (Kshs. Million)

Code	Expenditure Classification	APPROVED BUDGET					
		Actual Budget 2019/20	Actual Expenditure 2019/20	Baseline 2020/21	Estimates 2021/22	Projected Estimates	
						2022/23	2023/24
	Current Expenditure						
	PROGRAMME 1:						
21	Compensation of employees	143	143	178	265	278	292
22	Use of Goods and Services	358	338	398	1,116	1,202	1,208
24	Interest						
25	Subsidies						
26	Current Transfers Gov't Agencies						
27	Social Benefits						
28	Other Expense						
31	Non-Financial Assets						
32	Financial Assets						
	Capital Expenditure						
21	Compensation of employees	-	-				
22	Use of Goods and Services	-	-				
24	Interest	-	-				
25	Subsidies						
26	Current Transfers Gov't Agencies						
31	Non-Financial Assets						
32	Financial Assets						
	TOTAL EXPENDITURE OF VOTE	501	481	576	1,381	1,480	1,500

Part H: Summary of Expenditure by Programme, Sub-programme and Economic classification (Kshs. Million)

Code	Expenditure Classification	Actual Budget 2019/20	APPROVED BUDGET			Projected Estimates	
			Actual Expenditure 2019/20	Baseline 2020/21	Estimates 2021/22	2022/23	2023/24
	Current Expenditure						
	PROGRAMME 1:						
21	Compensation of employees	86	86	121	195	203	214
22	Use of Goods and Services	279	277	282	525	569	568
24	Interest						
25	Subsidies						
26	Current Transfers Gov't Agencies						
27	Social Benefits						
28	Other Expense						
31	Non-Financial Assets						
32	Financial Assets						
	Capital Expenditure						
21	Compensation of employees	-	-				
22	Use of Goods and Services	-	-				
24	Interest	-	-				
25	Subsidies						
26	Current Transfers Gov't Agencies						
31	Non-Financial Assets						
32	Financial Assets						
	TOTAL EXPENDITURE OF VOTE	365	363	403	720	772	782

	PROGRAMME 2:						
21	Compensation of employees	57	57	57	70	74	77
22	Use of Goods and Services	79	59	116	591	634	641
24	Interest						
25	Subsidies						
26	Current Transfers Gov't Agencies						
27	Social Benefits						
28	Other Expense						
31	Non-Financial Assets						
32	Financial Assets						
	Capital Expenditure						
21	Compensation of employees	-	-				
22	Use of Goods and Services	-	-				
24	Interest	-	-				
25	Subsidies						
26	Current Transfers Gov't Agencies						
31	Non-Financial Assets						
32	Financial Assets						
	TOTAL EXPENDITURE OF VOTE	136	116	173	661	708	718

Part I: Summary of Human Resource Requirement

Program Code	Program Tittle	Designation/ Position Tittle	Authorized establishment	In Post as at 30 th June 2020	2020/21	2021/22	2022/23 Projection	2022/23 Projection
					Funded Positions	Positions to be funded	Positions to be funded	Positions to be funded
XX1	General Admin & Management	Registrar Deputy Registrar Assistant Directors Senior Legal Researchers Senior Archives Assistant Senior office Administrators Chief Legal Officers Senior Risk and Internal Auditor Senior accountants Procurement officers Inspectorate Officers Court Assistants Personal Assistants Drivers Supply Chain Management Officers Senior Court Assistants Office Assistants	74	42	54	64	68	68
XX2	General Admin & Management	Director Deputy directors Principal Magistrates Senior Principal Magistrates Senior office Administrators Senior accountants Accountants Procurement officers Court Assistants Drivers Supply Chain Management Officers Senior Court Assistants Office Assistants	40	27	27	32	34	35
Total Funded Positions			114	69	81	96	102	103





Judicial Service Commission

Kenya Re-Insurance Plaza Taifa Road, CBD, Nairobi

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**JUDICIAL SERVICE COMMISSION
PERFORMANCE REVIEW REPORT
2017/18-2019/2020**



JUDICIAL SERVICE COMMISSION

JSC PROGRAMME PERFORMANCE REVIEW REPORT (PPR)

Vision

A Commission of excellence in promotion
and facilitation of an independent and
accountable Judiciary

Mission

To promote an independent and
accountable Judiciary
through oversight, capacity building
and constructive
stakeholder engagement

Our Core Values

- Independence • Transparency
- Accountability • Integrity • Professionalism

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Vote No: 2051

Vote Name: JUDICIAL SERVICE COMMISSION

Part A: A Commission of excellence in facilitation of an independent and accountable Judiciary

Part B: To promote an independent and accountable Judiciary through oversight; capacity building and Constructive stakeholder engagement

Part C: Performance Overview and Rationale of Funding.

Chapter 1

Introduction

1.1 Introduction

The Judicial Service Commission's mandate is to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. This mandate is stipulated in article 172 of the constitution of Kenya, 2010.

The functions of the Judicial Service Commission are many and are provided for under Article 172 (1) of the Constitution as follows:

- To recommend to the president persons for appointment as judges
- To review and make recommendations on the conditions of service of judges and judicial officers, other than their remuneration, and the staff of the Judiciary.
- To appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary in the manner prescribed by an Act of parliament
- To prepare and implement programmes for the continuing education and training of judges and judicial officers
- To advise the national government on improving the efficiency of administration of justice.

1.2 Sector Vision and Mission

Our Vision

A Commission of excellence in promoting a justice system that is efficient, effective and accountable

Our Mission

To promote an independent and accountable justice system through oversight of the Judiciary and stakeholder engagement.

Our Core Values

- a) Independence
- b) Transparency and accountability
- c) Integrity
- d) Professionalism

1.3 Strategic Goals/Objectives of the Sector

The Commission implements the General Administration and Support Services Programme. The two sub programmes under this include; Administration and judicial services; judicial training. The following strategic objectives guide the implementation of activities and delivery of outputs:

- a. Improve Efficiency and Effectiveness in Administration of Justice
- b. Attract and Retain Competent Human Capital
- c. Enhance Transparency, Independence & Accountability of Justice
- d. Improve Stakeholder Engagement, visibility and Image of the Commission
- e. Enhance capacity of Judges, Judicial Officers and staff
- f. Enhance Research and Policy Framework

1.4 Subsector and their mandates

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

The functions as provided under Article 172 (1) of the Constitution are to:

- a) Recommend to the President persons for appointment as judges;
- b) Review and makes recommendations on the conditions of service of judges and judicial officers, other than their remuneration; and the staff of the Judiciary;
- c) 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;
- d) Prepare and implement programmes for the continuing education and training of judges and judicial officers; and
- e) Advise the national government on improving the efficiency of the administration of justice.

In addition, the Judicial Service Act 2011, requires the Commission to review and approve the financial estimates of all the expenditures of the Judiciary, prepare and submit annual reports on activities of the National Council on Administration of Justice (NCAJ) and annual report of the Commission for each financial year. The Commission also develops regulations for the code of conduct and ethics for judges, other judicial officers and Judiciary staff.

Chapter 2

Review of Sector Programmes Performance

2.1 Review of sector programmes performance

Table 2.1 Sub- Sector Programme Programme Performance

Programme	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2017 /18	2018 /19	2019/ 2020	2017 /18	2018 /19	2019/ 2020	
Name of Programme: General administration, Planning and support services.									
Programme Outcome: Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice									

Table 2.1 Sub- Sector Programme Programme Performance

		Planned Target			Achieved Targets			Remarks	
Administration and Judicial Services	Best practices mainstreamed in Judiciary operations to improve efficiency	No of policies developed/ reviewed.	4	4	4	4	4	Achieved	
	Enhanced Capacity and performance of the Judiciary in administration of justice	No of Judges recruited.	0	41	0	0	41	0	
		No of Judicial officers recruited.	50	50	50	0	42	0	The output was affected by Covid-19 and lack of funds.
		No of judicial staff recruited.	400	200	20	327	23	19	Lack of funds affected achievement of targeted recruitment.
		No of Judicial officers/staff promoted.	500	328	100	462	320	74	Suitability interviews could not be held due to Covid-19 pandemic.
	Enhanced Transparency, Independence & Accountability of Justice	%age of complaints heard and concluded.	100%	100%	100%	92%	74%	76%	Lack of sufficient funds affected targeted outputs.
		Percentage of staff disciplinary cases concluded	100%	100%	100%	62%	57%	54%	Low performance was due to Covid-19 which slowed down operations
	Increased public awareness of the commission and functions	No of key stakeholder forums held.	5	4	3	4	4	1	MoH guidelines on Covid-19 restricted public gatherings.
		No of Public outreaches	2	0	2	2	0	0	MoH guidelines on Covid-19 restricted public gatherings.
		No of IEC materials published.	5	4	4	5	3	1	Lack of personnel in Communication and monitoring affected the planned target.

Table 2.1 Sub- Sector Programme Programme Performance

			Planned Target			Achieved Targets			Remarks
Judicial Training	Enhanced capacity of Judges, Judicial Officers and staff	%age of Judges Trained	100%	100%	100%	99%	100%	100%	Achieved
		% age of Judicial Officers Trained	100%	100%	100%	98%	100%	100%	Achieved
		No. of staff trained	346	1600	72	1551	315	72	Affected by shortage of funds

2.2 Analysis of expenditure trends for the FY 2017- 2019/2020

Judicial Service Commission approved allocation for recurrent budget FY 2017/18 was 283 million, while for FY 2018/2019 was Kshs. 409 million and in the FY 2019/2020 was Ksh. 501 million. The budgetary allocations have increased over the years with the financial year 2017/18 showing the lowest budgetary allocations of Ksh. 283 million which was attributed to austerity measures.

The Actual expenditure for the financial year 2017 /18 was Ksh. 193 Million representing 68% of the budgetary utilization while Ksh. 379 Million and Ksh. 481 Million was spent in FY2018/19 and FY 2019/2020 respectively, representing utilization of 92% and 96% of the budgetary allocation for the respective financial years. The average budgetary absorption rate for the period under review was 85%.

Table 2.2 below shows analysis of recurrent approved budgets as compared with the actual expenditure amounts by economic classification.

Table 2.2: ANALYSIS OF RECURRENT APPROVED BUDGET VS ACTUAL EXPENDITURE AMOUNT IN KSH MILLION

Sub-Sector Name: Judicial Service Commission

Vote and Vote Details	Economic Classification	Approved Budget Allocation			Actual Expenditure		
		2017/18	2018/19	2019/20	2017/18	2018/19	2019/20
2051	Gross	283	409	501	193	379	481
	AIA	0	0		0	0	0
	NET	283	409	501	193	379	481
	Compensation to Employees	5	0	143	0	0	143
	Transfers	0	0	0	0	0	0
	Other Recurrent	278	409	358	193	379	338

FY2019/2020 is the inaugural year the JSC operated its independent payroll. The increase in budgetary allocation is due to transfer of Personnel emoluments of seconded staff from the Judiciary to the Commission.

Figure 2.1 shows the budgetary allocation and actual expenditure for the period under review.

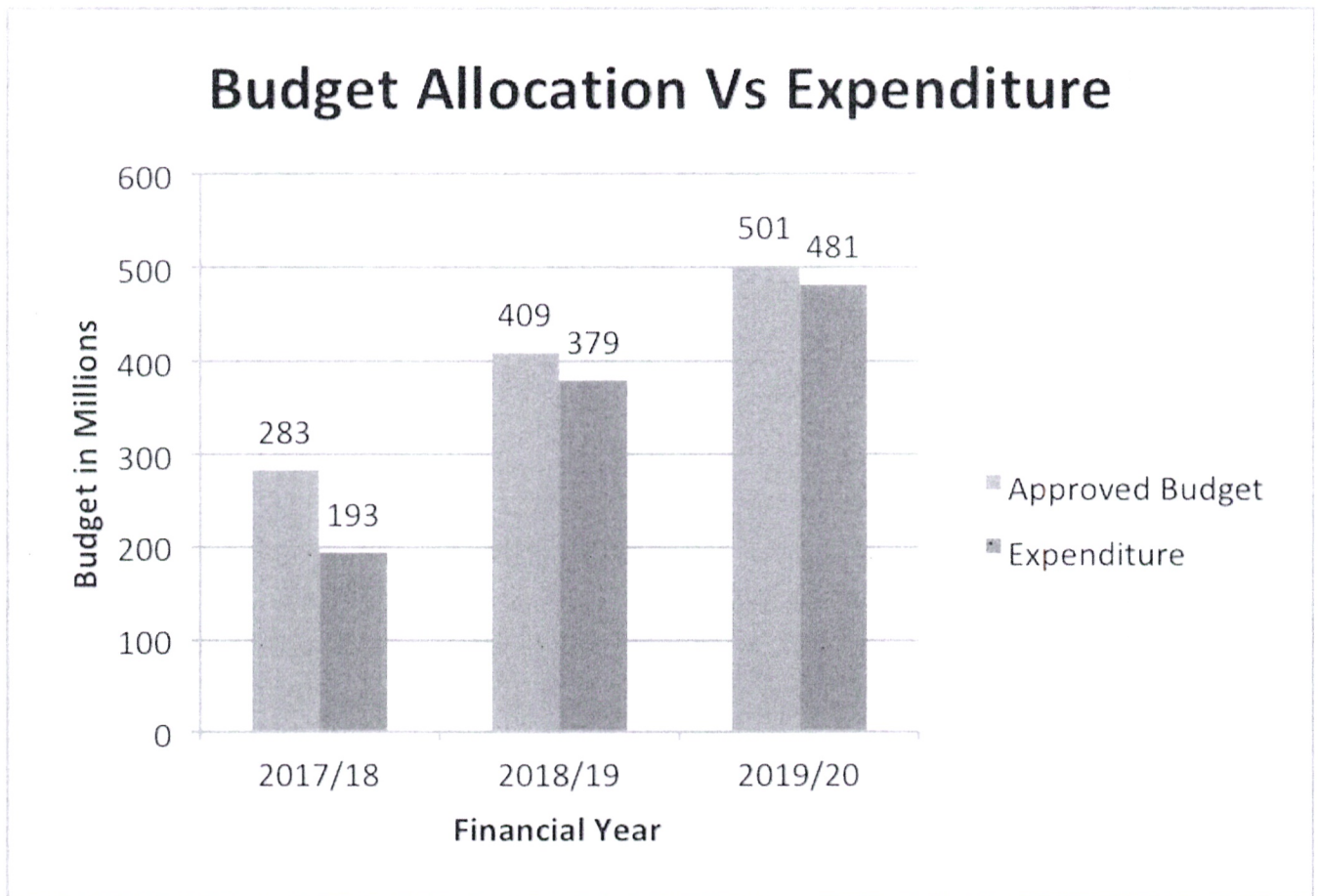


Figure 2.1: Analysis of Budget allocation Vs Expenditure.

There was a general increase in the budgetary allocation occasioned by the transfer of personnel emoluments from the Judiciary budget to the Commission. Figure 2.1 further indicate an increase in the actual expenditure which is explained by general improvement in absorption rate and achievement of expected outputs.

Table 2.4 below further analyses the budgetary allocations and expenditures by the two JSC sub-programs namely; Administration and Judicial Services and Judicial Training.

Table 2.4: ANALYSIS OF PROGRAMME EXPENDITURE/SUB PROGRAM EXPENDITURE (AMOUNT IN KSH MILLION)						
	APPROVED BUDGET			ACTUAL EXPNDITURE		
	2017/18	2018/19	2019/20	2017/18	2018/19	2019/20
PROGRAMME 1: General administration, Planning and support services.						
Sub- Programme 1: - Administration and Judicial Services	215	243	365	150	234	363
Sub- Programme 2: Judicial Training	68	165	136	43	145	118
TOTAL PROGRAMME	283	409	501	193	379	481

The annual budgetary allocations ratios for Administration and Judicial Services and Judicial Training sub program were 76:24, 59:40 and 73:27 for the financial years 2017/18, 2018/19 and 2019/20 respectively. Administration and Judicial services sub-program received the larger portion of 76%, 59% and 73% respectively in the period under review. The allocation formula between the sub-programs is informed by the constitutional mandate and prioritized activities.

Table 2.5 below shows Budget- Actual Analyses for the programme by economic classifications.

Table 2.5: ANALYSIS OF PROGRAMME EXPENDITURE BY ECONOMIC CLASSIFICATION (Amount in Million)						
Economic Classification	Approved Budget			Actual Expenditure		
	2017/18	2018/19	2019/20	2017/18	2018/19	2019/20
PROGRAMME 1:General administration planning and support services						
Current Expenditure						
Compensation of Employees	0	0	143	0	0	143
Use of Goods and Services	283	409	358	193	379	338
Grants and Other Transfers	0	0	0	0	0	0
Other Recurrent	0	0	0	0	0	0
Capital Expenditure						
Acquisition of Non-Financial Assets	0	0	0	0	0	0
Capital Grants to Government Agencies	0	0	0	0	0	0
Other Development	0	0	0	0	0	0
TOTAL PROGRAMME	283	409	501	193	379	481
TOTAL VOTE	283	409	501	193	379	481

The budgetary allocations are majorly applied in Use of goods and services with a smaller proportion being utilized in compensation of employees as a result of pending staff recruitments yet to be realized by the Judicial Service Commission.

Table 2.8 below summarizes the pending bills for the period under review by nature and type.

Table 2.8: Summary of Pending Bills by nature and Type (KShs. Million)						
Type/nature	Due to lack of Exchequer			Due to lack of provision		
	2017/18	2018/19	2019/20	2017/18	2018/19	2019/20
1. Recurrent						
Compensation of employees	-	-		-	-	
Use of goods and services e.g. utilities, domestic or foreign travel etc.	44	-	1.7	-	-	
Social benefits e.g. NHIF, NSSF	-	-		-	-	
Other expense	-	-		-	-	
2. Development						
Acquisition of non-financial assets	-	-		-	-	
Use of goods and services e.g. utilities, domestic or foreign travel etc.	-	-		-	-	
Others-Specify	-	-		-	-	
Total Pending Bills	44	0	1.7	-	-	

In FY 2017/18 the commission closed the financial year with pending bills worth Ksh. 44million. The following year the amount declined significantly due to improved budgets management practices while in financial year 2019/20 was Ksh 1.7 Million.

JUDICIAL SERVICE COMMISSION
SUB SECTOR REPORT
2021/2022- 2023/2021



JSC SUB SECTOR REPORT

2021 - 22 to 2023 - 24

Vision

A Commission of excellence in promotion
and facilitation of an independent and
accountable Judiciary

Mission

To promote an independent and
accountable Judiciary
through oversight, capacity building
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Our Core Values

- Independence • Transparency
- Accountability • Integrity • Professionalism

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LIST OF ACRONYMS

AJS	:	Alternative Dispute Resolution
CJE	:	Continuous Judicial Education
CUC	:	Court Users Committee
EACC	:	Ethics and Anti-Corruption Commission
EDR	:	Elections Dispute Resolution
ELC	:	Environment and Land Court
FY	:	Financial Year
GJLOS	:	Governance Justice Law and Order Sector
IFMIS	:	Integrated Financial Management Information System
JSC	:	Judicial Service Commission
JTI	:	Judiciary Training Institute
KMJA	:	Kenya Magistrates and Judges Association
KPI	:	Key Performance Indicator
LSK	:	Law Society of Kenya
MDA's	:	Ministries, Departments and Agencies
MTEF	:	Medium Term Expenditure Framework
NSIS	:	National Security and Intelligence Service
TNA	:	Training Needs Assessment

EXECUTIVE SUMMARY

The Judicial Service Commission (JSC) is a constitutional body established under Article 171(1) of the Constitution of Kenya. The Constitution confers upon the JSC an expansive and liberal mandate in the discharge of its functions. The mandate of the Commission as provided for under Article 172 (1) 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 Commission executes this mandate under **General administration; Planning and support services programme**. The Programme has two sub programmes namely: Administration and Judicial Services; and Judicial Training.

During the MTEF Period the Commission reviewed and approved key policies critical in contributing to efficiency and effectiveness of justice, which include; Judicial Code of conduct and Ethics, complaints manual, Administrative Procedures for Declaration of Income Assets and Liabilities and the Tribunals Bill. To address research and development needs which are aimed at increasing the Judiciary's capacity to effectively perform its duties, several policy documents were reviewed in the year and are at various completion stages. These include Development of Draft Rules and Guidelines on Alternative Dispute Resolution (AJS), Training Needs Assessment (TNA), Courts Administrators Hand-book, Kadhi's Court Handbook, Hand book for Kadhis Court, Rules of Practice for Kadhis Court and Induction Manual.

Further the Commission carried out a job analysis, which resulted in revised organisational structures for the JSC.

The Judiciary Training Institute (JTI) coordinated successful Annual Judges Colloquium. The colloquia are crucial in that they allow Judges, Magistrates and Kadhis to introspect the preceding year and discuss critical issues relating to the administration of justice.

Various trainings on specific topics were also held including Tax Law, Anti-Corruption, Money Laundering and Asset Recovery, Cyber Crime and Electronic Evidence Intellectual Property, Active Case Management, Plea Bargaining Bail and Bond Sentencing Diversion and Alternatives to Death Sentence, Gender Justice and Human trafficking and Electronic Evidence, wildlife law and specific civil and criminal law areas. Discussions in these trainings were on emerging jurisprudence, new legislation and comparative aspects. JTI also co-hosted other trainings for Judiciary staff including ICT staff, and trained other judicial staff on registry management, customer care and professionalism within their line of duty. Newly recruited staff had induction sessions that will enable them undertake their duties efficiently. The FY2017/18 ended with a series of trainings on Election Dispute Resolution (EDR), for both judges and magistrates, in readiness for hearing and determination of election disputes after the 2017 general elections.

In the FY2017/18, the Commission also advertised and competitively recruited 42 judicial officers and 23 judiciary staff in order to not only reduce the shortage experienced in various courts but to also promote expeditious disposal of cases. Equally the commission promoted 220 judicial staff on merit. These promotions have impacted positively on performance and employee morale.

In addition to the above, the Commission investigated, heard and concluded over 70% of public complaints against Judges and another 62% of disciplinary cases against judiciary staff in endeavors to bring about more transparency and accountability in administration of justice. Public confidence has continuously increased on the Commission's work with members of the public coming out to report complaints with the assurance that the same are effectively investigated and concluded by the commission.

This report evaluates and appraises the Commission's performance in the implementation of its mandate over the last three years. It also provides projections for the medium term. It details the achievements and fiscal performance over the period. The report also presents the Commission's medium-term priorities and financial plan for the MTEF period 2021/22 – 2023/24 which are guided by its Strategic Plan and the framework on Sustaining Judiciary Transformation.

Chapter 1

Introduction

1.0 INTRODUCTION

1.1. Background

The Judicial Service Commission (JSC) is a constitutional body established under Article 171(1) of the Constitution of Kenya. The Constitution confers upon the JSC an expansive and liberal mandate in the discharge of its functions. The mandate of the Commission as provided for under Article 172 (1) 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 membership of the Commission is provided for under Article 171 (2) of the Constitution as follows: The Chief Justice who is the chairperson of the Commission; one Supreme Court judge and one Court of Appeal judge elected by other Supreme Court and Court of Appeal judges respectively; one High Court judge and one magistrate elected by members of the Kenya Magistrates and Judges Association (KMJA); the Attorney General; two advocates elected by members of the Law Society of Kenya; one person nominated by the Public Service Commission; and two members, a man and a woman who are not lawyers appointed by the President with approval of the National Assembly to represent public interest.

1.2. Sub Sector Vision and Mission

1.2.1. Vision

A Commission of excellence in promoting a justice system that is efficient, effective and accountable.

1.2.2. Mission

To promote an independent and accountable justice system through oversight of the Judiciary and stakeholder engagement.

1.3. Strategic Goals/Objectives of the Sub-sector

The Commission implements the General Administration and Support Services Programme. The two sub programmes under this include; Administration and judicial services; judicial training. The following strategic objectives guide the implementation of activities and delivery of outputs:

- a. Improve Efficiency and Effectiveness in Administration of Justice
- b. Attract and Retain Competent Human Capital
- c. Enhance Transparency, Independence & Accountability of Justice
- d. Improve Stakeholder Engagement, visibility and Image of the Commission
- e. Enhance capacity of Judges, Judicial Officers and staff
- f. Enhance Research and Policy Framework

1.4. Sub-Sector and their Mandate

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

The functions of the Commission as provided under Article 172 (1) of the Constitution are to: Recommend persons for appointment as judges to the President; and Review and make recommendations on terms and conditions of service for judges, judicial officers and judicial staff (other than remuneration of judges and judicial officers). It also appoints and receives complaints against, investigates and removes from office or otherwise discipline registrars, magistrates, other judicial officers and staff of the Judiciary prepares and implements programmes for the continuing education and training of judges and judicial officers as well as advising the national government on improving the efficiency of administration of justice.

The Commission's mandate of implementing programme for the continuing education and training of judges and judicial officers is fully delegated to the Judiciary Training Institute (JTI). In this regard, the JTI has the following responsibilities:

- a) To provide and co-ordinate the provision of continuous judicial education to all judges and magistrates and to co-ordinate the provision of continuous professional development to all other employees working in the Judiciary.
- b) To conduct research and develop policy on various aspects related to the administration of justice.
- c) To have constructive engagement with stakeholders and other arms of government.

1.5. Autonomous and Semi-Autonomous Government Agencies

The commission does not have any Semi-Autonomous Government agency under its vote

1.6. Role of Sub-Sector Stakeholders

The Judicial Service Commission appreciates the significant role of stakeholders. The stakeholders include:

- **The Judiciary** which dispenses justice;
- **Ethics and Anti-Corruption Commission (EACC)** and **National Intelligence Service (NIS)** supports the recruitment process for Judges, judicial officers and staff to ensure those selected meet integrity requirements of the Constitution;
- **National Assembly** approves budgetary allocation to support administration of justice; in addition, National Assembly through legislation supports Commissions work. It also approves JSC membership of LSK nominees and representatives of the public.
- **Law Society of Kenya** provides clearance for applicants from the legal profession.
- **The Executive** appoints the commissioners and approves the appointment of the Chief Justice, Deputy Chief Justice and the Judges recruited by JSC.
- **National Treasury** oversees budgetary and expenditure management of public financial resources. It coordinates MDAs in the preparation and implementation of the annual national budget through issuance of Circulars and administration of the Integrated Financial Management Information System (IFMIS).
- **The Office of the Controller of Budget** oversees the implementation of the JSC's budget by authorizing withdrawals from the Consolidated Fund through approval of exchequer requests.

- **Office of the Auditor- General** is the external auditor for JSC. They confirm whether or not public money has been applied lawfully and in an effective way through routine audits and preparation of annual reports which are submitted to Parliament.
- **The media** has supported the commission in publicizing information that is of public interest especially during the recruitment of the Chief Justice and Deputy Chief Justice and other Judges of superior courts.
- **Development partners** have been supportive in providing additional funds to support service delivery.
- **Salaries and Remuneration Commission** sets and regularly reviews the remuneration and benefits of the State Officers within the Commission.
- **Other public commissions** such as Gender and Equality Commission and the Commission on Administrative Justice have been important in promoting awareness on access to justice to all. These Commissions are key stakeholders in JSC's policy development process.

Chapter 2

Programme Performance Review

2017/2018-2019/2020

2.0 PROGRAMME PERFORMANCE REVIEW 2017/2018-2019/2020

2.1 Review of Sector Programmes Performance

During the years under review, implementation of activities by the Commission took into consideration the lessons learnt from previous years, the strategic issues, best practices from other jurisdictions and emerging issues in administration of justice. The Commission achieved the following outputs during the MTEF period.

a) Recruitment

In the review period the commission advertised and competitively recruited the 11 CoA Judges, 20 ELC Judges, 10 ELRC Judges, 103 magistrates and 158 judicial staff were appointed to address the staffing needs of the Judiciary for effective service delivery.

b) Promotion

The Commission recognizes that career advancement opportunities for serving officers is essential in attracting, motivating and retention of qualified personnel in the judicial service. As a result, in the review period 130 magistrates, 38 Kadhis and 1,454 judicial staff were promoted. Included in the 1454 judicial staff promoted.

c) Resolution of Disciplinary Cases

The Commission exercises disciplinary control over judicial staff. During the review period, the Commission processed 125 disciplinary cases which were heard and concluded.

d) Management of Complaints

Under Article 172 (1) (c) of the Constitution, the Commission is mandated to receive complaints against, investigate and remove from office or otherwise, discipline Registrars, Magistrates, other Judicial officers and other staff of the Judiciary. In the review period, The Commission received 134 new public complaints against judges and magistrates, 89 of which were heard and concluded while 108 complaints were forwarded to the Judiciary Ombudsperson for processing as per the Commission's resolution. In one of the petitions, the Commission sent the petition to the President recommending appointment of a tribunal provided under Article 168(4) to further investigate the Judge.

e) Training

In the period under review, the Judiciary Training Institute facilitated the training of all judges and magistrates through holding Annual Judges, Magistrates and Kadhis Colloquia. The colloquia are crucial in that they allow Judges and Magistrates to introspect the preceding year and discuss critical issues relating to the administration of justice. Other trainings held in the review period included Continuous Education workshops for Judges, Magistrates and Kadhis. Thematic areas covered included environmental law, wildlife law, anticorruption, refugee law, and specific civil and criminal law areas. Discussions in these trainings were on emerging jurisprudence, new legislation and comparative aspects.

Access to Justice through AJS: JTI facilitated elders' exchanges that brought together more than 100 elders from Othaya and Kericho. The AJS policy has been launched, a steering committee was appointed to guide the implementation process.

To improve jurisprudence, 7 course contents and pedagogies were developed around the JTI thematic areas to improve the Continuing education and training programme in 2017/2018. These included; tax matters; Gender issues; Legal issues in Extractive industries; Election Dispute resolutions; Environmental and Wildlife laws and other emerging issues. The Institute during the year coordinated 8 judicial exchanges to Rwanda, South Africa, Canada and UK in a bid to learn and share best practices including operations and administration of tribunals recently transitioned into Judiciary

In the review period, JTI facilitated training for 2,894 judicial staff who were trained in areas identified as critical to service-delivery. 230 of the staff were trained on leadership and integrity while JTI also co-hosted other trainings for Judiciary staff including registry staff, drivers on defensive driving and other staff on registry management, customer care and professionalism within their line of duty. Newly recruited staff had induction sessions that would enable them undertake their duties efficiently. These training are envisaged to streamline service delivery and improve in accountability through capacity building.

f) Research and Policy

To address research and development needs aimed at increasing the Judiciary's capacity to effectively perform its duties, several policy documents were reviewed. The policy documents are at various completion stages. These policies include:

- (i). Development of draft Rules and guidelines on ADR: The draft addresses various concerns on ADR like civic engagement and awareness as well as suggesting a creation of a workable system of ADR.
- (ii). Justice Needs Survey: The program is underway and survey was conducted on the Justice needs of the public through partnering with stakeholders to provide data for decision making.
- (iii). Training Needs Assessment and Training Policy
- (iv). Development of guidelines for promotion – to ensure parity and fairness in processing of promotion, the Commission issued guidelines for promotion and career progression.
- (v). Criteria for appointment of Deputy Registrars deployed to serve in superior court. The Commission created an establishment of 57 Deputy Registrars to be deployed in various courts. The Commission directed that magistrates in the ranks of Senior Resident Magistrate and below only be appointed to serve as Deputy Registrar so that senior magistrates focus on court matters.
- (vi). Professionalization of court interpretation function – The Commission issued a policy for professionalization of the court interpretation function by developing schemes of service and training programme.
- (vii). Court Administrators Handbook

- (viii). Kadhis Court Handbook and Manual
- (ix). Strategies to clear case backlogs in superior courts
- (x). Conversion of Judicial Service Superannuation Scheme from Defined Benefit Scheme to defined Contribution Scheme – In line with the Government policy on cost reduction, the Commission approved the conversion of the scheme as indicated with effect from 1st January, 2016.
- (xi). Disability Mainstreaming Policy – In line with the requirements of the Constitution and other statutory obligations, the Commission approved the Judiciary Disability Mainstreaming Policy.
- (xii). To enhance transparency in the recruitment process of state officers, the Commission Developed Recruitment Procedure manual for the position of chief Justice, Deputy Chief Justice and Judge Supreme Court.
- (xiii). With a view towards improving service standards to the public, the Commission developed complaints manual to guide effective administration of complaints. This will ensure that all complaints made by the public are handled in a timely and consistent manner thus achieving higher rate of complaint clearance.
- (xiv). The Commission approved the Code of Conduct policy for Judges, Judicial Officers and Staff of the Judiciary. This provides Judiciary with a clear benchmark for ethical behavior and expected values. Further, it provides a mechanism for reporting variances from those standards. These codes will build a value driven organization and provide a reference point within a disciplinary process.
- (xv). The Commission reviewed and approved the Judiciary and JSC organogram which would provide for functional reporting lines and clear roles.
- (xvi). Human resources policies,
- (xvii). Records management policies,
- (xviii). ICT masterplan policy.

g) Other achievements in the period included:

- (i). To enhance access to justice, the Commission approved the establishment of the following court stations - High Court station at Kibera Law Courts and Makadara Law Courts in Nairobi. The Commission also approved the opening of satellite courts at Jomo Kenyatta International Airport, Ngong, Kasarani and Embakasi.
- (ii). In the review period, the commission successfully carried out court visits to various parts of the country: During the visits the Commission had meetings with Court Users Committees, met with Governors from different Counties to discuss issues that touch on effectiveness and efficiency in the administration of justice. Through the court visit the Commission further managed to fast-track completion of buildings that were under construction which have improved access to justice.
- (iii). The Commission has continued to engage with its stakeholders both internal and external. In the review period, the Commission engaged members of the Parliamentary Committee on Justice and legal affairs. These constructive engagements are aimed at developing legislation that support administration of justice, allocation of resources and

need for respect for separation of powers and upholding the rule of law. The Commission was further actively engaged in Election preparedness through the working Election Preparedness Committee.

- (iv). The Commission has also engaged governors with aim of ensuring County governments set aside land for construction.
- (v). The commission also held meetings with the Law Society of Kenya (LSK) in Nakuru, Naivasha and Eldoret which were aimed at understanding challenges affecting administration of justice in these regions and how best to mitigate them.
- (vi). The Commission also attended the 6th Annual Devolution Conference which was held in December 2017 in Nyeri. The theme was Five Years of Devolution and issues of the big 4 agenda were discussed. The overall objective was to evaluate the impact of the Commissions in improving quality of life of Kenyans in line with the Social Development Goals and to reflect on their roles and their relationship with other arms of Government.

Table 2.1: Sub Sector Programme Performance.

Programme	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2017 /18	2018 /19	2019 /2020	2017 /18	2018 /19	2019 /2020	
Name of Programme: General administration, Planning and support services.									
Programme Outcome: Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice									
Administration and Judicial Services	Best practices mainstreamed in Judiciary operations to improve efficiency	No of policies developed/ reviewed.	4	4	4	4	4	4	Achieved
	Enhanced Capacity and performance of the Judiciary in administration of justice	No of Judges recruited.	0	41	0	0	41	0	
		No of Judicial officers recruited.	50	50	50	0	42	0	The output was affected by Covid-19 and lack of funds.
		No of judicial staff recruited.	400	200	20	327	23	19	Lack of funds affected achievement of targeted recruitment.
		No of Judicial officers/staff promoted.	500	328	100	462	320	74	Suitability interviews could not be held due to Covid-19 pandemic.
	Enhanced Transparency, Independence & Accountability of Justice	%age of complaints heard and concluded.	100%	100%	100%	92%	74%	76%	Lack of sufficient funds affected targeted outputs.
		Percentage of staff disciplinary cases concluded	100%	100%	100%	62%	57%	54%	Low performance was due to Covid-19 which slowed down operations
	Increased public awareness of the commission and functions	No of key stakeholder forums held.	5	4	3	4	4	1	MoH guidelines on Covid-19 restricted public gatherings.
		No of Public outreaches	2	0	2	2	0	0	MoH guidelines on Covid-19 restricted public gatherings.
		No of IEC materials published.	5	4	4	5	3	1	Lack of personnel in Communication and monitoring affected the planned target.

Programme	Key Output	Key Performance Indicators	Planned Target			Achieved Targets			Remarks
			2017 /18	2018 /19	2019 /2020	2017 /18	2018 /19	2019 /2020	
Judicial Training	Enhanced capacity of Judges, Judicial Officers and staff	%age of Judges Trained	100%	100%	100%	99%		100%	Achieved
		% age of Judicial Officers Trained	100%	100%	100%	98%		100%	Achieved
		No. of staff trained	346	1600	72	1551	315	72	Affected by shortage of funds

2.2 Analysis of Expenditure Trends for the FY2017 - 2019

2.2.1 Analysis of programme expenditure.

In the 2019/20 Financial Year, The Commission's approved allocation for Recurrent Budget estimates was KShs 501 million. The Commission utilized 96% of the approved estimates. This was an increase from the previous year's 92% in FY 2018/19 and 68% in FY 2017/18 as illustrated in the figure 1.

Table 2.2 below shows analysis of recurrent approved budgets versus actual expenditure.

Table 2.2: Analysis of Recurrent Approved Budget Vs. Actual Expenditure (Ksh. Million)

Sector: Governance, Justice Law and Order							
Sub -Sector Name: Judicial Service Commission.							
Vote and Vote Details	Economic Classification	Approved Budget Allocation			Actual Expenditure		
		2017/18	2018/19	2019/20	2017/18	2018/19	2019/20
2051	Gross	283	409	501	193	379	481
	AIA	0	0		0	0	0
	NET	283	409	501	193	379	481
	Compensation to Employees	5	0	143	0	0	143
	Transfers	0	0	0	0	0	0
	Other Recurrent	278	409	358	193	379	338

FY2019/2020 is the inaugural year the JSC operated its independent payroll. The increase in budgetary allocation is due to transfer of Personnel emoluments of seconded staff from the Judiciary to the Commission.

Figure 2.1 shows the budgetary allocation and actual expenditure for the period under review.

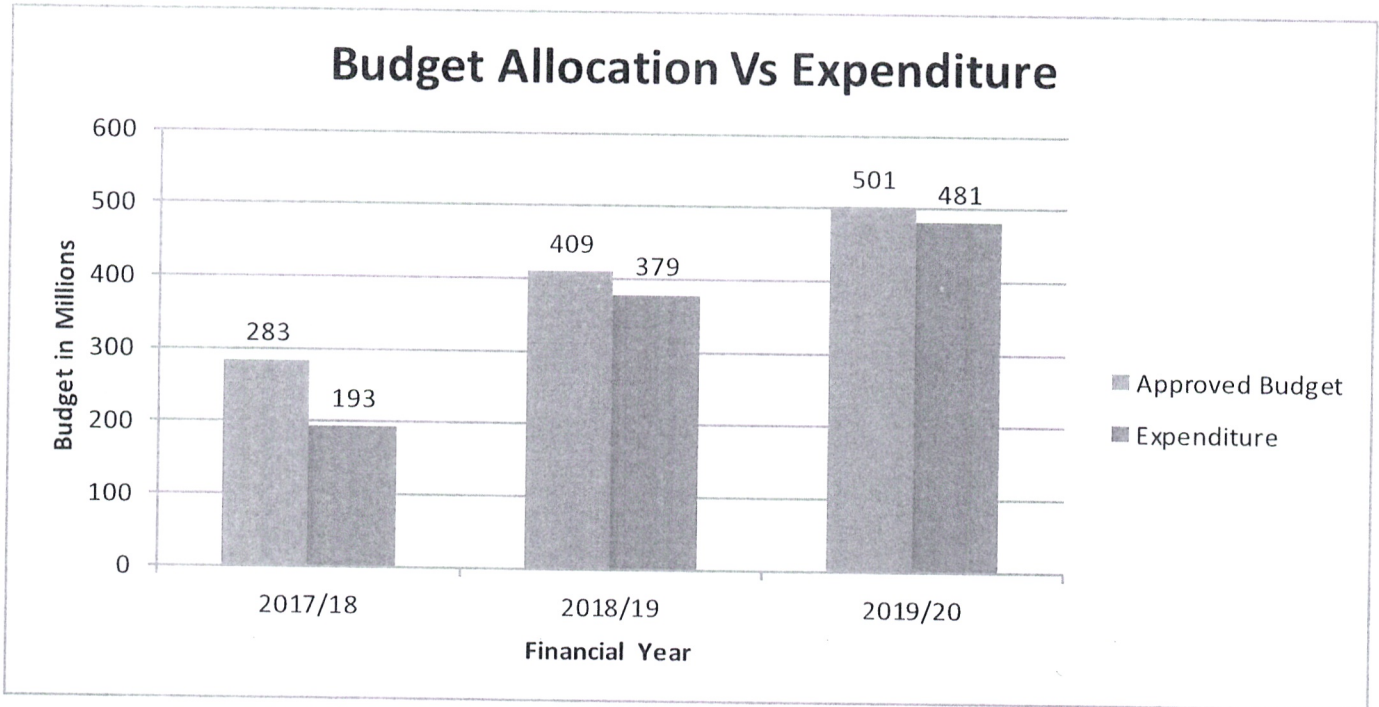


Figure 2.1: Analysis of Budget allocation Vs Expenditure.

There was a general increase in the budgetary allocation occasioned by the transfer of personnel emoluments from the Judiciary budget to the Commission. Figure 2.1 further indicate an increase in the actual expenditure which is explained by general improvement in absorption rate and achievement of expected outputs.

Table 2.4 below further analyses the budgetary allocations and expenditures by the two JSC sub-programs namely; Administration and Judicial Services and Judicial Training.

Table 2.4: Analysis of Programme Expenditure / Sub Program Expenditure (Amount in Ksh Million)

ANALYSIS OF PROGRAMME EXPENDITURE (AMOUNT IN KSH MILLION)						
	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2017/18	2018/19	2019/20	2017/18	2018/19	2019/20
PROGRAMME 1: General Administration, Planning and Support Services						
Sub-Programme 1: Administration and Judicial Services	215	243	365	150	234	363
Sub-Programme 2: Judicial Training	68	165	136	43	145	118
TOTAL PROGRAMME	283	409	501	193	379	481

The annual budgetary allocations ratios for Administration and Judicial Services and Judicial Training sub program were 76:24, 59:40 and 73:27 for the financial years 2017/18, 2018/19 and 2019/20 respectively. Administration and Judicial services sub-program received the larger portion of 76%, 59% and 73% respectively in the period under review. The allocation formula between the sub-programs is informed by the constitutional mandate and prioritized activities.

Table 2.5 below shows Budget- Programme approved budget Vs actual Expenditure (Ksh. Million).

Table 2.5: Programme Expenditure by Economic Classification

PROGRAMME APPROVED BUDGET VS ACTUAL EXPENDITURE (KSH. MILLION).						
	APPROVED BUDGET			ACTUAL EXPENDITURE		
	2017/18	2018/19	2019/20	2017/18	2018/19	2019/20
PROGRAMME 1: General administration planning and support services						
Current Expenditure						
Compensation of Employees	0	0	143	0	0	143
Use of Goods and Services	283	409	358	193	379	338
Grants and Other Transfers	0	0	0	0	0	0
Other Recurrent	0	0	0	0	0	0
Capital Expenditure						
Acquisition of Non-Financial Assets	0	0	0	0	0	0
Capital Grants to Government Agencies	0	0	0	0	0	0
Other Development	0	0	0	0	0	0
TOTAL PROGRAMME	283	409	501	193	379	481
TOTAL VOTE	283	409	501	193	379	481

The budgetary allocations are majorly applied in Use of goods and services with a smaller proportion being utilized in compensation of employees as a result of pending staff recruitments yet to be realized by the Judicial Service Commission.

2.3 Analysis of Performance of Capital Projects FY2017-2019/20

The Commission did not have any capital projects in the period under review.

2.4 Analysis of Pending Bills for the FY 2017 – 2019/20

In the year 2019/20, the commission had pending bills totaling KShs. 1.7 Million a decrease from FY2017/18 which stood at KShs 44million. This was due to lack of exchequer.

Table 2.6 Summary of Pending bills by nature and Type (KShs Million)

Type/Nature	Due to lack of exchequer			Due to lack of provision		
	2017/18	2018/19		2017/18	2018/19	2019/20
Recurrent	-	-		-	-	
Compensation of employees		-		-	-	
Use of goods and services	44		1.7	-	-	
Social benefits	-	-		-	-	
Other expense	-	-		-	-	
Development	-	-		-	-	
Acquisition of non -financial assets	-	-				
Use of goods and services	-	-		-	-	
others specify	-	-		-	-	
Total Pending Bills	44	0	1.7	-	-	

Chapter 3

Medium Term Priorities and Financial
Plan for the MTEF Period 2021/22 – 2023/24

3.0 MEDIUM TERM PRIORITIES AND FINANCIAL PLAN FOR THE MTEF PERIOD 2021/22 – 2023/24

3.1 Prioritization of Programmes and Sub-Programmes

Pursuant to the Provisions of the Constitution under Article 172, Judicial Service Commission is mandated to promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice. The Commission will therefore execute this mandate under **General administration, Planning and Support Services**

The programme is achieved primarily through the following two Sub Programmes

- Administration and Judicial Services
- Judicial Training

3.1.1 Programmes and their Objectives

The overall objective of the sub-sector programme is to promote the independence and accountability of the Judiciary and facilitating the efficient, effective and transparent administration of justice.

Programmes, sub-programmes, Expected outcomes, Outputs and key performance indicators for the sector.

Table 3.1 Programme/Sub-programme, Outcome, Output and KIPs

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2019/2020	Actual Achievements 2019/2020	Baseline 2020/2021	Target 2021/2022	Target 2022/2023	Target 2023/2024
Name of the Programme: General administration, Planning and support services.									
Outcome: Promotion of an accountable and independent Judiciary and the efficient, effective and transparent administration of justice.									
SP 1: Administration and Judicial Services	JSC and the Secretariat	Improved Efficiency and effectiveness in the administration of justice	No of policies Reviewed/ Developed	4	3	5	5	5	5
		Qualified and Productive Human Capital attracted and retained	No of Judges Recruited	41	41	2	30	30	30
			No of Judicial Officers Recruited	50	0	50	100	100	100
			No of Judiciary Staff Recruited	20	19	200	300	300	300
			No of Judicial Officers/staff promoted	100	74	200	170	220	250
		Enhanced Transparency, Independence and accountability	% of complaints heard and concluded	100%	80%	100%	100%	100%	100%

Programme	Delivery unit	Key outputs	Key performance Indicator	Target 2019/2020	Actual Achievements 2019/2020	Baseline 2020/2021	Target 2021/2022	Target 2022/2023	Target 2023/2024
			% of disciplinary cases concluded	100%	75%	100%	100%	100%	100%
			Production of Annual Report	1	1	1	1	1	1
		Improved stakeholder engagements	No of stakeholder forums held	2	1	3	3	3	3
			No of IEC materials developed and disseminated	2	1	4	4	4	4
SP 2: Judicial Training	Judiciary Training Institute	Enhanced Staff Capacity	Percentage of Judges trained	100%	100%	100%	100%	100%	100%
			Percentage of Magistrates trained	100%	100%	100%	100%	100%	100%
			No. of staff trained	1600	644	72	81	90	90
		Policy documents developed.	No. of policies	4	4	6	6	6	6

3.1.2 Programmes by Order of Ranking

3.2 Analysis of Resource Requirement versus Allocation by Sector/Sub-sector

The Commission's printed estimates for FY 2020/2021 was Kshs. 576 million for the recurrent vote which was way below the resource requirement of Kshs. 1.267 Billion and the rationalized requirement for the next FY 2021/22 which stands at Kshs. 1.381 Billion. The additional resources are required to bridge the consistent underfunding in critical areas such as recruitment of judicial officers and staff; hearing and determination of complaints; finalization of pending policy documents and capacity development for judicial officers and staff aimed at ensuring enhanced access to justice.

Table 3.2 Sector and Subsector Recurrent Requirements / Allocations (Amount KSh. Million)

ANALYSIS OF RECURRENT RESOURCE REQUIREMENT VS ALLOCATION								
			REQUIREMENT			ALLOCATED CEILINGS IN BROP		
							2022/23	2023/24
Judicial Service Commission: 2051	Economic Classification							
	Gross	576	1381	1480		582	607	634
	AIA	-	-	-	-	-	-	-
	NET	576		1480		582	607	634
	Compensation to Employees	178	265	278	292	265	278	292
	Transfers	-	-	-	-	-	-	-
	Other Recurrent	359	1,116	1,202		317	349	342

Table 3.4: Analysis of Programmes and Sub-Programmes (Current and Capital) Resource Requirements.

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE REQUIREMENT (AMOUNT KSH MILLIONS)												
	2020/21			2021/22			2022/23			2023/24		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Programme: General administration, Planning and support services.												
Sub Programme 1: Administration and Judicial Services	403	-	403	720	-	720	772	0	772	782	0	782
Sub Programme 2: Judicial Training	173	-	173	661	-	661	708	0	708	718	0	718
Total Programme	576	-	576	1,381	-	1,381	1,480	0	1,480	1,500	0	1,500
Total Vote	576	-	576	1,381	-	1,381	1,480	0	1,480	1,500	0	1,500

Table 3.5: Analysis of Programme/Sub-Programme (Current and Capital) Resource Allocation (Ksh. Million)

ANALYSIS OF PROGRAMME EXPENDITURE RESOURCE ALLOCATION (AMOUNT KSH MILLIONS)												
	2020/21 Approved Estimates			2021/22			2022/23			2021/22		
	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total	Current	Capital	Total
Programme: General administration, Planning and support services.												
Sub Programme 1: Administration and Judicial Services	403	-	403	407	-	407	425	-	425	443	-	443
Sub programme 1: Judicial Training	173	-	173	175	-	175	182	-	182	191	-	191
Total	576	-	576	582	-	582	607	-	607	634	-	634
	576	-	576	582	-	582	607	-	607	634	-	634

3.2.2. Programmes and sub-Programmes by economic classification

Table 3.6: Programmes and sub-programmes by economic classification
(Amount Ksh. Million)

Economic Classification	Approved Estimates	RESOURCE REQUIREMENT			RESOURCE ALLOCATION		
	2020/21	2021/22	2022/23	2023/24	2021/22	2022/23	2023/24
PROGRAMME 1:							
Current Expenditure							
Compensation Of Employees	178	265	278	292	265	278	292
Use Of Goods And Services	398	1,116	1,202	1,208	317	329	342
Grants And Other Transfers	-	-	-	-	-	-	-
Other Recurrent	-	-	-	-	-	-	-
Capital Expenditure							
Acquisition Of Non-Financial Assets	-	-	-	-	-	-	-
Capital Grants to Government Agencies	-	-	-	-	-	-	-
Other Development	-	-	-	-	-	-	-
TOTAL	576	1,381	1,480	1,500	582	607	634
TOTAL VOTE	576	1,381	1,480	1,500	582	607	634

3.4 Analysis of Resource Requirement Vs. Allocation for Semi-Autonomous Government Agencies

The Commission does not have any semi-Autonomous Government Agency

Chapter 4

Cross-Sector Linkages and Emerging Issues/Challenges

4.0 CROSS-SECTOR LINKAGES AND EMERGING ISSUES/CHALLENGES

4.1 Cross-Sector Linkages

The commission has developed strong working relationships with players within and without the sector to enable the achievement of its goals.

- The Ethics and Anti-Corruption Commission supports with the vetting of potential employees and supporting corruption prevention initiatives through capacity building.
- To support the process of establishment of the International and organized Crime Division, the commission has maintained close working relationships with the Office of Director of Public Prosecution to develop rules and procedures for the Division.
- The Commission provides oversight to the Judiciary and therefore has a strong linkage that facilitates policy direction, effectiveness and efficiency of service delivery. The Judiciary further provides technical capacity for development of various policy documents spearheaded by the Judicial Training institute and the Commission.
- The JSC will also strive to create strong partnerships and consultative mechanisms with other key stakeholders, co-sector working groups and relevant government ministries.
- The established court- user-committees (CUCs) in all stations will need to be empowered through capacity building in order to improve efficiency and effectiveness in delivery of Justice.

4.2 Emerging Issues

Transitions of tribunals into the Judiciary – Tribunals are statutory bodies established under various Acts of Parliament with a mandate of resolving disputes in specific areas of law and industry. Prior to the enactment of the Constitution 2010, tribunals previously operated under various ministries within the executive arm of government. The changes introduced in the Constitution prompted their transition into the Judiciary as a component of the court system. The Judiciary has taken measures to put in place mechanisms for appropriate legal, policy and institutional frameworks for the full transition of tribunals into the Judiciary. Some of the measures taken include the development and presentation of a draft Tribunal Bill to the Attorney General.

Constitutional and Legal reforms – the ongoing Constitutional and legal reforms will have an impact on the Commissions operations thus the proposed budget is cognizant of the proposed changes.

Operationalization of the Judicial Fund and its Regulations – The coming into law of the Judicial Fund Act, 2016 is expected to contribute immensely towards how the Judiciary fulfils

its mandate. The Commission may require to procure its own integrated financial management system to operate the fund.

Impact of Election Dispute Resolution – Filing of elections disputes in the various levels of the courts and their resolutions within the agreed timeline is an indicator of the increasing confidence of Kenyans in the Kenyan Judiciary.

Technology- rapid advances in technology globally have changed the way institutions deliver services. The Covid – 19 pandemic has exacerbated the adoption of ICT technology to facilitate delivery of services. The Commission is keen to automate its systems in order to enhance service delivery. The public is also increasingly demanding better service experience that embraces technology by public institutions hence the Commission and Judiciary should not be left behind.

1.1. Challenges

- a) Budget Cuts and Inadequate Budgetary Allocations-The Commission has increasingly suffered budget reduction thus impeding on its general operations. As a result, a number of planned activities were not implemented in the period under review.
- b) Delay in exchequer releases. In the period under review, exchequer releases to the commission was delayed
- c) Inadequate Human Resource. The optimum staffing levels as per the organogram and the staff establishment is yet to be reached. Some critical areas have no officers or very few staff and this may impact negatively on service delivery.
- d) Lack of office space and training facilities for the commission and the Judiciary Training Institute.

Chapter 5

Conclusion

5.0 CONCLUSION

The Commission has made gains in several areas of service delivery as noted in chapter two. The Judicial Service Commission exists to facilitate and hold the Judiciary accountable to deliver Justice expeditiously to the people of this great nation. Therefore, the Commission will continue to perform its facilitation and oversight mandate in an efficient way that upholds the 'value-for-money' principle in its strategic plan and the Sustaining the Judiciary Transformation Operational Plan. This can only be achieved through adequate funding to enable the commission facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of justice.

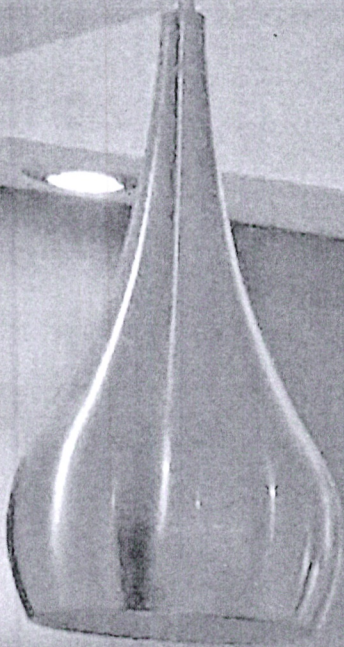
Chapter 6

Recomendations

6.0 RECOMMENDATION

- a) Adequate funding should be given to the Commission to enable it meet its mandate and its objective promoting efficient administration of justice
- b) The National Treasury should release the exchequers in a timely manner so that the operations of the commission are not hampered
- c) There is need to fill the vacancies in the Secretariat and Judiciary with substantive staff in line with the approved organization structure and thus budgetary allocation should be enhanced to provide for this.
- d) More infrastructure should be provided to enhance service delivery in all units particularly the commission and the Judiciary Training Institute.

JUDICIAL SER



JUDICIAL SERVICE COMMISSION

A large, stylized sunburst graphic in shades of gray and black, with a white circular center, dominates the right side of the page. The rays of the sunburst extend from the center towards the top and bottom edges of the page.

Judicial Service Commission

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