

THE CONSTITUTION OF THE REPUBLIC OF GHANA

CHAPTER ONE

1 (1) The Sovereignty of Ghana resides in the people of Ghana in whose name and for whose welfare the powers of government are to be exercised in the manner and within the limits laid down in this Constitution.

(2) This Constitution shall be the supreme law of Ghana and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void.

2 (1) A person who alleges that - (a) an enactment or anything contained in or done, under the authority of that or any other enactment; or (b) any act or omission of any person; is inconsistent with, or is in contravention of a provision of this Constitution, may bring an action in the Supreme Court for a declaration to that effect.

(2) The Supreme Court shall, for the purposes of a declaration under clause (1) of this article, make such orders and give such directions as it may consider appropriate for giving effect, or enabling effect to be given, to the declaration so made.

(3) Any person or group of persons to whom an order or direction is addressed under clause (2) of this article by the Supreme Court, shall duly obey and carry out the terms of the order or direction.

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(4) Failure to obey or carry out the terms of an order or direction made or given under clause (2) of this article constitutes a high crime under this Constitution and shall, in the case of the President or the Vice President, constitute a ground for removal from office under this Constitution.

(5) A person convicted of a high crime under clause (4) of this article shall-

(a) be liable to imprisonment not exceeding ten years without the option of a fine; and

(b) not be eligible for election, or for appointment, to any public office for ten years beginning with the date of the expiration of the term of imprisonment.

3 (1) Parliament shall have no power to enact a law establishing a one-party state. (2) Any activity of a person or group of persons which suppress or seeks to suppress the lawful political activity of any person or any class of persons, or persons generally is unlawful.

(3) Any person who-

(a) by himself or in concert with others by any violent or other unlawful means, suspends or overthrows or abrogates this Constitution or any part of it, or attempts to do any such act; or

(b) aids and abets in any manner any person referred to in paragraph (a) of this clause; commits the offence of high treason and shall, upon conviction, be sentenced to suffer death.

(4) All citizens of Ghana shall have the right and duty at all times- (a) to defend this Constitution, and in particular, to resist any person or group of persons seeking to commit any of the acts referred to in clause (3) of this article; and

(b) to do all in their power to restore this Constitution after it has been suspended, overthrown, or abrogated as referred to in clause (3) of this article.

(5) Any person or group of persons who suppresses or resists the suspension, overthrow or abrogation of this Constitution as referred to in clause (3) of this article, commits no offence.

(6) Where a person referred to in clause (5) of this article is punished for any act done under that clause, the punishment shall, on the restoration of this Constitution, be taken to be void from the time it was imposed and he shall, from that time, be taken to be absolved from all liabilities arising out of the punishment.

(7) The Supreme Court shall, on application by or on behalf of a person who has suffered any punishment or loss to which clause

(6) of this article relates, award him adequate compensation, which shall be charged on the Consolidated Fund, in respect of any suffering or loss incurred as a result of the punishment

CHAPTER TWO - TERRITORIES OF GHANA

4 (1) The sovereign State of Ghana is a unitary republic consisting of those territories comprised in the regions which, immediately before the coming into force of this Constitution, existed in Ghana including the territorial sea and the air space.

(2) Parliament may by law provide for the delimitation of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of Ghana.

5 (1) Subject to the provisions of this article, the President may by constitutional instrument –

(a) create a new region;

(b) alter the boundaries of a region; or

(c) provide for the merger of two or more regions

(2) If the President, upon a petition being presented to him and on the advice of the Council of State, is satisfied that there is a substantial demand for -

(a) the creation of a new region

(b) the alteration of the boundaries of a region, whether or not the alteration involves the creation of a new region; or

(c) the merger of any two or more regions; he shall, acting in accordance with the advice of the Council of State, appoint a commission of inquiry to inquire into the demand and to make recommendations on all the factors involved in the creation, alteration or merger.

(3) If, notwithstanding that a petition has not been presented to him, the President is, on the advice of the Council of State, satisfied that the need has arisen for taking any of the steps referred to in paragraphs (a), (b) and (c) of clause (1) of this article, he may, acting in accordance with the advice of the Council of State, appoint a commission of inquiry to inquire into the need and to make recommendations on all the factors involved in the creation, alteration or merger.

(4) Where a commission of inquiry appointed under clause (2) or (3) of this article finds that there is the need and a substantial demand for the creation, alteration or merger referred to in either of those clauses, it shall recommend to the President that a referendum be held, specifying the issues to be determined by the referendum and the places where the referendum should be held.

(5) The President shall refer the recommendations to the Electoral Commission, and the referendum shall be held in a manner prescribed by the Electoral Commission.

(6) An issue referred for determination by referendum under clauses (4) and (5) shall not be taken to be determined by the referendum unless at least fifty per cent of the persons entitled to vote cast their votes at the referendum, and of the votes cast at least eighty per cent were cast in favour of that issue. political activity of any person or any class of persons, or persons generally is unlawful.

(7) Where a referendum involves the merger of two or more regions, the issue shall not be taken to be determined unless at least sixty per cent of the persons entitled to vote at the referendum in each such region voted in favour of the merger of the two or more region; and according, clause (6) of this article shall not apply to the referendum.

(8) The President shall, under clause (1) of this article, and acting in accordance with the results of the referendum held under clauses (4) and (5) of this article, issue a constitutional instrument giving effect, or enabling effect to be given, to the results.

CHAPTER THREE - CITIZENSHIP

6 (1) every person who, on the coming into force of this Constitution, is a citizen of Ghana by the law shall continue to be a citizen of Ghana.

(2) Subject to the provisions of this Constitution, a person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was citizen of Ghana.

(3) A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth

(4) A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

7 (1) A woman married to a man is a citizen of Ghana or a man married to a woman who is a citizen of Ghana may, upon making an application in the manner prescribed by Parliament, be registered as a citizen of Ghana.

(2) Clauses (1) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Ghana under clause (1) of article 6 of this Constitution.

(3) where the marriage of a woman is annulled after she has been registered as a citizen of Ghana under clause (1) of this article, she shall, unless she renounces that citizenship, continue to be a citizen of Ghana.

(4) Any child of a marriage of a woman registered as a citizen of Ghana under clause (1) of this article to which clause (3) of this article applies, shall continue to be a citizen of Ghana unless he renounces that citizenship.

(5) Where upon any application by a man for registration under clause (1) of this article, it appears to the authority responsible for the registration that a marriage has been entered into primarily with a view to obtaining the registration, the authority may request the applicant to satisfy him that the marriage was entered into in good faith; and the authority may only effect the registration upon being so satisfied.

(6) In the case of a man seeking registration, clause (1) of this article applies only if the applicant permanently resides in Ghana.

8 (1) Subject to this article, a citizen of Ghana shall cease forthwith to be a citizen of Ghana if, on attaining the age of twenty-one years, he, by a voluntary act, other than marriage, acquires or retains the citizenship of a country other than Ghana.

(2) A person who becomes a citizen of Ghana by registration and immediately after the day on which he becomes a citizen of Ghana is also a citizen of some other country, shall cease to be a citizen of Ghana unless he has renounced his citizenship of that other country, taken the oath of allegiance specified in the second schedule to this Constitution and made an registered such declaration of his intentions concerning residence as may be prescribed by law, or unless he has obtained an extension of time for taking those steps and the extended period has not expired.

(3) A Ghanaian citizen who loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of a country other than Ghana shall, on the renunciation of his citizenship of that other country, become a citizen of Ghana.

4) Where the law of a country, other than Ghana, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Ghana.

9 (1) Parliament may make provision for the acquisition of citizenship of Ghana by persons who are not eligible to become citizens of Ghana under the provisions of this Constitution.

(2) Except as otherwise provided in article & of this Constitution, a person shall not be registered as a citizen of Ghana unless at the time of his application for registration he is able to speak and understand an indigenous language of Ghana.

(3) The High Court may, on an application made for the purpose by the Attorney-General, deprive a person who is a citizen of Ghana, otherwise than by birth, of that citizenship on the ground-

(a) that the activities of that person are inimical to the security of the State or prejudicial to public morality or the public interest; or

(b) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

(4) There shall be published in the Gazette by the appropriate authority and within three months after the application or the registration, as the case may be, the name, particulars and other details of a person who, under this article applies to be registered as a citizen of Ghana or has been registered as a citizen of Ghana.

(5) Parliament may make provision for the renunciation by any person of his citizenship of Ghana.

10 (1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship of the parent at the time of the parent's death.

(2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution shall be deemed to be his or her citizenship at the time of his or her death.

CHAPTER FOUR THE LAWS OF GHANA

(1) The laws of Ghana shall comprise-

(a) this Constitution;

(b) enactment made by or under the authority of the

Parliament established by this Constitution;

(c) any Orders, Rules and Regulations made by any person or authority under a power conferred by this Constitution;

(d) the existing law; and

(e) the common law.

(2) The common law of Ghana shall comprise the rules of law generally known as the common law, the rules generally known as the doctrines of equity and the rules of customary law including those determined by the Superior Court of Judicature.

(3) For the purposes of this article, "customary law" means the rules of law which by custom are applicable to particular communities in Ghana.

(4) The existing law shall, except as otherwise provided in clause (1) of this article, comprise the written and unwritten laws of Ghana as they existed immediately before the coming into force of this Constitution, and any Act, Decree, Law or statutory instrument issued or made before that date, which is to come into force on or after that date.

(5) Subject to the provisions of this Constitution, the existing law shall not be affected by the coming into force of this Constitution.

(6) The existing law shall be construed with any modifications, adaptations, qualifications and exceptions necessary to bring it into conformity with the provisions of this Constitution, or otherwise to give effect to, or enable effect to be given to, any changes effected by this Constitution.

(7) Any Order, Rule or Regulation made by a person or authority under a power conferred by this Constitution or any other law shall-

(a) be laid before Parliament;

(b) be published in the Gazette on the day it is laid before

Parliament; and

(c) come into force at the expiration of twenty-one sitting days after being so laid unless Parliament, before the expiration of the twenty-one days, annuls the Order, Rule or Regulation by the votes of not less than two-thirds of all the members of Parliament

CHAPTER FIVE - FUNDAMENTAL HUMAN RIGHT AND FREEDOMS

12 1) The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies and, were applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the Courts as provided for in this Constitution.

(2) Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.

13 (1) No person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted.

(2) A person shall not be held to have deprived another person of his life in contravention of clause (1) of this article if that other person dies as the result of a lawful act of war or if that other person dies as the result of the use of force to such an extent as is reasonably justifiable in the particular circumstances-

(a) for the defence of any person from violence or for the defence of property; or

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or

(c) for the purposes of suppressing a riot, insurrection or mutiny; or

(d) in order to prevent the commission of a crime by that person.

14 (1) Every person shall be entitled to his personal liberty and no person shall be deprived of his personal liberty except in the following cases and in accordance with procedure permitted by law-

(a) in execution of a sentence or order of a court in respect of a criminal offence of which he has been convicted; or

(b) in execution of an order of a court punishing him for contempt of court; or

(c) for the purpose of bringing him before a court in execution of an order of a court; or

(d) in the case of a person suffering from an infectious or contagious disease, a person of unsound mind, a person addicted to drugs or alcohol or a vagrant, for the purpose of his care or treatment or the protection of the community; or

(e) for the purpose of the education or welfare of a person who has not attained the age of eighteen years; or

(f) for the purpose of preventing the unlawful entry of that person into Ghana, or of effecting the expulsion, extradition or other lawful removal of that person from Ghana or for the purpose of restricting that person while he is being lawfully conveyed through Ghana in the course of his extradition or removal from one country to another; or

(g) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Ghana.

(2) A person who is arrested, restricted or detained shall be informed immediately; in a language that he understands, of the reasons for his arrest, restriction or detention and of his right to a lawyer of his choice.

(3) A person who is arrested, restricted or detained-

(a) for the purpose of bringing him before a court in execution of an order of a court; or

(b) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Ghana, and who is not released. Shall be brought before a court within forty-eight hours after the arrest, restriction or detention.

(4) Where a person arrested, restricted or detained under paragraph (a) or (b) of clause (3) of this article is not tried within a reasonable time, then without prejudice to any further proceedings that may be brought against him, he shall be released, either unconditionally or upon reasonable conditions, including in particular, conditions reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(5) A person who is unlawfully arrested, restricted or detained by any other person shall be entitled to compensation from that order person.

(6) Where a person is convicted and sentenced to a term of imprisonment for an offence, any period he has spent in lawful custody in respect of that offence before the completion of his trial shall be taken into account in imposing the term of imprisonment.

(7) Where a person who has served the whole or a part of his sentence is acquitted on appeal by a court, other than the Supreme Court, the court may certify to the Supreme Court that the person acquitted be paid compensation: and the Supreme Court may, upon examination of all the facts and the certificate of the court concerned, award such compensation as it may think fit; or, where the acquitted is by the Supreme Court, it may order compensation to be aid to the person acquitted.

15 (1) The dignity of all persons shall be inviolable. (2) No person shall, whether or not he is arrested, restricted or detained, be subjected to -

(a) torture or other cruel, inhuman or degrading treatment or punishment;

(a) any other condition that detracts or is likely to detract from his dignity and worth as a human being.

(3) A person who has not been convicted of a criminal offence shall not be treated as a convicted person and shall be kept separately from convicted persons.

(4) A juvenile offender who is kept in lawful custody or detention shall be kept separately from an adult offender.

16 (1) No person shall be held in slavery or servitude (2) No person shall be required to perform forced labour

(3) For the purposes of this article, "forced labour" does not include.-

(a) any labour required as a result of a sentence or

(b) any labour required of a member of a disciplined force or service as his duties or, in the case of a person who has conscientious objections to a service as a member of the Armed Forces of Ghana, any labour which that person is required by law to perform in place of such service

(c) any labor required during any period when Ghana is at war or in the event of an emergency or calamity that threatens the life and well-being of the community, to the extent that the requirement of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period for the purposes of dealing with the situation; or

(d) any labour reasonably required as part of normal communal or other civic obligations.

17 (1) All persons shall be equal before the law (2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.

(3) For the purposes of this article, "discriminate" means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description which are not granted of persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.

(4) Nothing in this article shall prevent Parliament from enacting laws that are reasonably necessary to provide-

(a) for the implementation of policies and programmes aimed at redressing social, economic or educational imbalance in the Ghanaian society.;

(b) for matters relating to adoption, marriage divorce, burial devolution of property on death or other matters of personal law;

(c) for the imposition of restrictions on the acquisitions of land by persons who are not citizens of Ghana or on the political and economic activities of such persons and for other matters relating to such persons; or

(d) for making different provision for different communities having regard to their special circumstances not being provision which is inconsistent with the spirit of this Constitution.

(5) Nothing shall be taken to be inconsistent with this article which is allowed to be done under any provision of this Chapter

18 (1) Every person has the right to own property either alone or in association with others.

(2) No person shall be subjected to interference with the privacy of his home, property, correspondence or communication except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of the rights or freedoms of others

19 (1) A person charged with a criminal offence shall be given a fair hearing within a reasonable time by a court.

(2) A person charged with a criminal offence shall-

(a) in the case of an offence other than high treason or treason, the punishment for which is death or imprisonment for life, be tried by a judge and jury and -

(i) where the punishment is death, the verdict of the jury shall be by such majority as Parliament may by law prescribe.

(ii) in case of life imprisonment, the verdict of the jury shall be by such majority as Parliament may by law prescribe;

(b) in the case of an offence triable by a Regional Tribunal the penalty for which is death, the decision of the Chairman and the other panel members shall be unanimous;

(c) be presumed to be innocent until he is proved or has pleaded guilty;

(d) be informed immediately in a language he understands, and in detail; of the nature of the offence charged;

(e) be given adequate time and facilities for the preparation of his defence;

(f) be permitted to defend himself before the court in person by a lawyer of his choice;

(g) be afforded facilities to examine, in person or by his lawyer, the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on the same conditions as those applicable to witnesses called by the prosecution.

(h) be permitted to have, without payment by him, the assistance of an interpreter where he cannot understand the language used at the trial; and

(i) in the case of the offence of high treason or treason, be tried by the High Court duly constituted by three Justices of that Court and the decision of the Justices shall be unanimous.

(3) The trial of a person charged with a criminal offence shall take place in his presence unless-

(a) he refuses to appear before the court for the trial to be conducted in his presence after he has been duly notified of the trial' or

(a) he conducts himself in such a manner as to render the continuation of the proceedings in his presence impracticable and the court order him to be removed for the trial to proceed in his absence.

(4) Whenever a person is tried for a criminal offence the accused person or a person authorized by him shall, if he so requires, be given, within a reasonable time not exceeding six months after judgment, a copy of any record of the accused person.

(5) A person shall not be charged with or held to be guilty of a criminal offence which is founded on an act or omission that did not at the time it took place constitute an offence.

(6) No penalty shall be imposed for a criminal offence that is severer in degree or description than the maximum penalty that could have been imposed for that offence at the time when it was committed.

(7) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted, shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for the offence, except on the order of a superior court in court in the course of appeal or review proceedings relating to the conviction or acquittal.

(8) Notwithstanding clause (7) of this article, an acquittal of a person on a trial for high treason shall not be a bar to the institution of proceedings for any other offence against that person.

(9) Paragraphs (a) and (b) of clause (2) of this article shall not apply in the case of a trial by a court martial or other military tribunal.

(10) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(11) No person shall be convicted of a criminal offence unless the defined and the penalty for it is prescribed in a written law.

(12) Clause (11) of this article shall not prevent a Superior court from punishing a person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty is not so prescribed.

(13) An adjudicating authority for the determination of the existence or extent of a civil right or obligation shall, subject to the provisions of this Constitution, be established by law and shall be independent and

impartial; and where proceedings for determination re instituted by a person before such as adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(14) Except as may be otherwise ordered by the adjudicating authority in the interest of public morality, public safety, or public order the proceedings of any such adjudicating authority shall be in public.

(15) Nothing in this article shall prevent an adjudicating authority from excluding from the proceedings persons, other than the parties to the proceedings and their lawyers, such as extent as the authority-

(a) may consider necessary or expedient in circumstances where publicity would prejudice the interest of justice; or

(b) may be empowered by law to do in the interest of defence, public safety, public order, public morality, the welfare of persons under the age of eighteen or the protection of the private lives of persons concerned in the proceedings.

(16) Nothing in or done under the authority of, any law shall be held to be inconsistent with or in contravention of, the following provisions-

(a) paragraph (c) of clause (2) of this article, to the extent that the law in question imposes upon a person charged with a criminal offence, the burden of providing particular facts; or

(b) clause (7) of this article, to the extent that the law in question authorizes a court to try a member of disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of the force, except that any court which tries that member and convicts him shall, in sentencing him to any punishment, take into account any punishment imposed on him under that disciplinary law.

17. Subject to clause (18) of this article, treason shall consist only-

(a) in levying war against Ghana or assisting any state or person or inciting or conspiring with any person to levy war against Ghana; or

(b) in attempting by force of arms or other violent means to overthrow the organs of government established by or under this Constitution; or

(c) in taking part or being concerned in or inciting or conspiring with any person to make or take part or be concerned in, any such attempt.

18. An act which aims at procuring by constitutional means an alteration of the law or of the policies of the Government shall not be considered as an act calculated to overthrow the organs of government.

19. Notwithstanding any other provision of this article, but subject to clause (20) of this article, Parliament may, by or under an Act of Parliament, established military courts or tribunals for the trial of offences against military law committed by persons subject to military law.

20. Where a person subject to military law, who is not in active service, commits an offence which is within the jurisdiction of a civil court, he shall not be tried by a court-martial or military or a court-martial or other military tribunal under any law for the enforcement of military discipline.

21. For the purposes of this article, "criminal offence" means a criminal offence under the laws of Ghana.

20 (1) No property of any description, or interest in or right over any property shall be compulsorily taken possession of or acquired by the State unless the following conditions are satisfied-

(a) the taking of possession or acquisition is necessary in the interest of defence, public safety public order, public morality, public health, town and country planning

(b) the necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has interest in or right over the property

(2) Compulsory acquisition of property by the State shall only be made under a law which makes provision for -

(a) the prompt payment of fair and adequate compensation; and

(b) a right of access to the High Court by any person who has a interest in or right over the property whether direct or on appeal from any other authority, for the determination of his interest or right and the amount of compensation to which he is entitled.

(3) Where a compulsory acquisition or possession of land affected by the State in accordance with class (1) of this article involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values.

(4) Nothing in this article shall be construed as affecting the operation of any general law so far as it provides for the taking of possession of acquisition of property-

(a) by way of vesting or administration of trust property, enemy property or the property of persons adjudged or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons or bodies corporate or un-incorporated in the course of being wound up; or

(b) in the execution of a judgment or order of a court; or

(c) by reason of its being in a dangerous state or injurious to the health of human being, animals or plants; or

(d) in consequence of any law with respect to the limitation of actions; or

(e) for so long as may be necessary for the carrying out of work on any land for the purpose of the provision of public facilities or utilities, except that where any damage results from any such work there shall be paid appropriate compensation.

(5) Any property compulsorily taken possession of or acquired in the public interest or for a public purpose shall be used only in the public interest or for the public purpose for which it was acquired.

(6) Where the property is not used in the public interest or for the purpose for which it was acquired, the owner of the property immediately before the compulsory acquisition, shall be given the first option for acquiring the property and shall, on such re-acquisition refund the whole or part of the compensation paid to him as provided for by law or such other amount as is commensurate with the value of the property at the same time of the re-acquisition.

21 (1) All persons shall have the right to-

- (a) freedom of speech and expression, which shall include freedom of the press and other media;

- (b) freedom of thought, conscience and belief, which shall include academic freedom;

- (c) freedom to practise any religion and to manifest such practice;

- (d) freedom of assembly including freedom to take part in processions and demonstrations.

- (e) freedom of association, which shall include freedom to form or join trade unions or other associations, national and international, for the protection of their interest;

- (f) information, subject to such qualifications and laws as are necessary in a democratic society;

- (g) freedom of movement which means the right to move freely in Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana.

(2) A restriction on a person's freedom of movement by his lawful detention shall not be held to be inconsistent with or in contravention of this article.

(3) All citizens shall have the right and freedom to form or join political parties and to participate in political activities subject to such qualifications and law as are necessary in a free and democratic society and are consistent with this Constitution.

(4) Nothing in, or done under the authority of, a law shall be held to be inconsistent with, or in contravention of, this article to the extent that the law in question makes provision-

(a) for the imposition of restrictions by order of a court, that are required in the interest of defence, public safety or public order, on the movement or residence within Ghana of any person; or

(b) for the imposition of restrictions, by order of a court, on the movement or residence within Ghana of any person either as a result of his having been found guilty of a criminal offence under the laws of Ghana or for the purposes of ensuring that he appears before a court at a later date for trial for a criminal offence or for proceedings relating to his extradition or lawful removal from Ghana; or

(c) for the imposition of restrictions that are reasonably required in the interest of defence, public safety, public health or the running of essential services, on the movement or residence within Ghana of any person or persons generally, or any class or persons; or

(d) for the imposition of restrictions on the freedom of entry into Ghana, or of movement in Ghana, of a person who is not a citizen of Ghana; or

(e) that is reasonably required for the purpose of safeguarding the people of Ghana against the teaching or propagation of a doctrine which exhibits or encourages disrespect for the nationhood of Ghana, the national symbols and emblems, or incites hatred against other members of the community; except so far as that provision or as the case may be, the thing done under the authority of that law is shown not to be reasonably justifiable in terms of the spirit of this Constitution.

(5) Whenever a person, whose freedom of movement has been restricted by the order of a court under paragraph (a) of clause (4) of this article, request at any time during the period of that restriction not earlier than seven days after the order was made, or three months after he last made such request, as the case may be, his case shall be reviewed by that Court.

(6) On a review by a court under clause (5) of this article, the court may, subject to the right of appeal from its decision, make such order for the continuation or termination of the restriction as it considers necessary or expedient.

22 (1) A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will. (2) Parliament shall, as soon as practicable after the coming into force of this Constitution, enact legislation regulating the property rights of spouses.

(3) With a view to achieving the full realization of the rights referred to in clause (2) of this article-

(a) spouses shall have equal access to property jointly acquired during marriage;

(b) assets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution of the marriage

23 Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal. 24 (1) Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind. (2) Every worker shall be assured of rest, leisure and reasonable limitation of working hours and periods of holidays with pay, as well as remuneration for public holidays.

(3) Every worker has a right to form or join a trade union of his choice for the promotion and protection of his economic and social interests.

(4) Restrictions shall not be placed on the exercise of the right conferred by clause (3) of this article except restrictions prescribed by law and reasonably necessary in the interest of national security or public order or for the protection of the rights and freedom of others.

25 (1) All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right- (a) basic education shall be free, compulsory and available to all;

(b) secondary education in its different forms, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education;

(c) high education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by the progressive introduction of free education;

(d) functional literacy shall be encouraged or intensified as far as possible.

(e) the development of a system of schools with adequate facilities at all levels shall be actively pursued.

(2) Every person shall have the right, at his own expense, to establish and maintain a private school or schools at all levels and of such categories and in accordance with such conditions as may be provided by law.

26 (1) Every person is entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject to the provisions of this Constitution. (2) All customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.

27 (1) Special care shall be accorded to mothers during a reasonable period before and after child-birth; and during those periods working mothers shall be accorded paid leave. (2) Facilities shall be provided for the care of children below school-going age to enable women, who have the traditional care for children, realize their full potential.

(3) Women shall be guaranteed equal rights to training and promotion without any impediments from any person.

28 (1) Parliament shall enact such laws as are necessary to ensure that- (a) every child has the right to the same measure of special care, assistance and maintenance as is necessary for its development from its natural parents, except where those parents have effectively surrendered their rights and responsibilities in respect of the child in accordance with law;

(b) every child, whether or not born in wedlock, shall be entitled to reasonable provision out of the estate of its parents;

(c) parents undertake their natural right and obligation of care, maintenance and upbringing of their children in co-operation with such institution as Parliament may, by law, prescribe in such manner that in all cases the interest of the children are paramount;

(d) children and young persons receive special protection against exposure to physical and moral hazards; and

(e) the protection and advancement of the family as the unit of society are safeguarded in promotion of the interest of children.

(2) Every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development.

(3) A child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

(4) No child shall be deprived by any other person of medical treatment, education or any other social or economic benefit by reason only of religious or other beliefs.

(5) For the purposes of this article, "child" means a person below the age of eighteen years.

29 (1) Disabled persons have the right to live with their families or with foster parents and to participate in social, creative or recreational activities. (2) A disabled person shall not be subjected to different treatment in respect of his residence other than that required by his condition or by the improvement which he may derive from the treatment.

(3) If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions there shall be as close as possible to those of the normal life of a person of his age.

(4) Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

(5) In any judicial proceedings in which a disabled person is a party the legal procedure applied shall take his physical and mental condition into account.

(6) As far as practicable, every place to which the public have access shall have appropriate facilities for disabled persons.

(7) Special incentives shall be given to disabled persons engaged in business and also to business organizations that employ disabled persons in significant numbers.

(8) Parliament shall enact such laws as are necessary to ensure the enforcement of the provisions of this article.

30 A person who by reason of sickness or any other cause is unable to give his consent shall not be deprived by any other person of medical treatment, education or any other social or economic benefit by reason only of religious or other beliefs.

31 Emergency Powers (1) The President may, acting in accordance with the advice of the Council of State, by Proclamation published in the Gazette, declare that a state of emergency exists in Ghana or in any part of Ghana for the purposes of the provisions of this Constitution.

(2) Notwithstanding any other provision of this article, where a proclamation is published under clause (1) of this article, the President shall place immediately before Parliament, the facts and circumstances leading to the declaration of the state of emergency.

(3) Parliament shall, within seventy-two hours after being so notified, decide whether the proclamation should remain in force or should be revoked; and the President shall act in accordance with the decision of Parliament.

(4) A declaration of a state of emergency shall cease to have effect at the expiration of a period of seven days beginning with the date of publication of the declaration, unless, before the expiration of that period, it is approved by a resolution passed for that purpose by a majority of all the members of Parliament.

(5) Subject to clause (7) of this article, a declaration of a state of emergency approved by a resolution of Parliament under clause (4) of this article shall continue in force until the expiration of a period of three months beginning with the date of its being so approved or until such earlier date as may be specified in the resolution.

(6) Parliament may, by resolution passed by a majority of all members of Parliament, extend its approval of the declaration for periods of not more than one month at a time.

(7) Parliament may, by a resolution passed by a majority of all the members of Parliament, at any time, revoke a declaration of a state of emergency approved by Parliament under this article.

(8) For the avoidance of doubt, it is hereby declared that the provisions of any enactment, other than an Act of Parliament, dealing with a state of emergency declared under clause (1) of this article shall apply only to that part of Ghana where the emergency exists.

(9) The circumstances under which a state of emergency may be declared under this article are a natural disaster and any situation in which any action is taken or is immediately threatened to be taken by any person or body or persons which-

(a) is calculated or likely to deprive the community of the essentials of life; or

(b) renders necessary the taking of measures which are required for securing the public safety, the defence of Ghana and the maintenance of public order and of supplies and service essential to the life of the community.

(10) Nothing in, or done under the authority of, an Act of Parliament shall be held to be inconsistent with, or in contravention of, articles 12 to 30 of this Constitution to the extent that the Act in question authorizes the taking, during any period when a state of emergency is in force, of measures that are reasonably justifiable for the purposes of dealing with the situation that exists during that period.

32 (1) Where a person is restricted or detained by virtue of a law made pursuant to a declaration of a state of emergency, the following provisions shall apply-

(a) he shall as soon as practicable, and in any case not later than twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying in detail the grounds upon which he is restricted or detained and the statement in writing specifying in detail the grounds upon which he is restricted or detained, and the statement shall be read or interpreted to the person restricted or detained;

(b) the spouse, parent, child or other available next of kin of the person restricted or detained shall be informed of the detention or restriction within twenty-four hours after the commencement of the detention or restriction and be permitted access to the detention or restriction and be permitted access to the person at the earliest practicable opportunity and in any case within twenty-four hours after the commencement of the restriction or detention;

(c) not more than ten days after the commencement of his restriction or detention, a notification shall be published in the Gazette and in the media stating that he has been restricted or detained and giving particulars of the provision of law under which his restriction or detention is authorized and the grounds of his restriction or detention;

(d) not more than ten days after commencement of his restriction or detention, and after that, during his three months, his case shall be reviewed by a tribunal composed of not less than three Justices of the Superior Court of Judicature appointed by the Chief Justice; except that the same tribunal shall not review more than once the case of a person restricted or detained;

(e) he shall be afforded every possible facility to consult a lawyer of his choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the restricted or detained person;

(f) at the hearing of his case, he shall be permitted to appear in person or by a lawyer of his choice.

(2) On a review by a tribunal of the case of a restricted or detained person, the tribunal may order the release of the person and the payment to him of adequate compensation or uphold the grounds of his restriction or detention; and the authority by which the restriction or detention was ordered shall act accordingly.

(3) In every month in which there is a sitting of Parliament, a Minister of State authorized by the President, shall make a report to Parliament of the number of persons restricted or detained by virtue of such a law as is referred to in clause (10) of article 31 of this Constitution and the number of cases in which the authority that ordered the restriction or detention has acted in accordance with the decision of the tribunal appointed under this article.

(4) Notwithstanding clause (3) of this article, the Minister referred to in that clause shall publish every month in the Gazette and in the media-

(a) the number and the names and addresses of the persons restricted or detained;

(b) the number of cases reviewed by the tribunal; and

(c) the number of cases in which the authority which ordered the restriction or detention has acted in accordance with the decisions of the tribunal appointed under this article.

(5) For the avoidance of doubt, it is hereby declared that at the end of an emergency declared under clause(1) of article 31 of this Constitution, a person in restriction or detention or in custody as a result of the declaration of the emergency shall be released immediately.

33 (1) Where a person alleges that a provision of this Constitution on the fundamental human rights and freedoms has been, or is being or is likely to be contravened in relation to him, then, without prejudice to any other action that is lawfully available, that person may apply to the High Court for redress

(2) The High Court may, under clause (1) of this article issue such directions or orders or writs including writs or orders in the nature of habeas corpus, certiorari, mandamus, prohibition and quo warranto as it may consider appropriate for the purposes of enforcing or securing the enforcement of any the fundamental human rights and freedoms to the protection of which the person concerned is entitled.

(3) A person aggrieved by a determination of High Court may appeal to the Court of Appeal with the right of a further appeal to the Supreme Court.

(4) The Rules of Court Committee may make rules of court with respect to the practice and procedure of the Superior Courts for the purposes of this article.

(5) The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man.

CHAPTER SIX - THE DIRECTIVE PRINCIPLES OF STATE POLICY

34 (1) The Directive Principles of State Policy contained in this Chapter shall guide all citizens, Parliament, the President, the Judiciary, the Council of State, the Cabinet, political parties and other bodies and persons in applying or interpreting this Constitution or any other law and in taking and implementing any policy decisions, for the establishment of a just and free society.

(2) The President shall report to Parliament at least once a year all the steps taken to ensure the realization of the policy objectives contained in this Chapter and, in particular, the realization of basic human rights, a healthy economy, the right to work, the right to good health care and the right to education.

35 (1) Ghana shall be a democratic state dedicated to the realization of freedom and justice; and accordingly, sovereignty resides in the people of Ghana from whom Government derives all its powers and authority through this Constitution.

(2) The State shall protect and safeguard the independence, unity and territorial integrity of Ghana, and shall seek the well-being of all her citizens.

(3) The State shall promote just and reasonable access by all citizens to public facilities and services in accordance with law.

(4) The State shall cultivate among all Ghanaians respect for fundamental human rights and freedoms and the dignity of the human person.

(5) The State shall actively promote the integration of the peoples of Ghana and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs.

(6) Towards the achievement of the objectives stated in clause (5) of this article, the State shall take appropriate measures to -

(a) foster a spirit of loyalty to Ghana that overrides sectional, ethnic and other loyalties;

(b) achieve reasonable regional and gender balance in recruitment and appointment to public offices;

(c) provide adequate facilities for, and encourage, free mobility of people, goods and services throughout Ghana;

(d) make democracy a reality by decentralizing the administrative and financial machinery of government to the regions and districts and by affording all possible opportunities to the people to participate in decision-making at every level in national life and in government; and

(e) ensure that whenever practicable, the headquarters of a Government or public institution offering any service is situated in an area within any region, taking into account the resources and potentials of the region and the area.

(7) As far as practicable, a government shall continue and execute projects and programmes commenced by the previous Governments.

(8) The State shall take steps to eradicate corrupt practices and the abuse of power.

(9) The state shall promote among the people of Ghana the culture of political tolerance.

36 (1) The State shall take all necessary action to ensure that the national economy is managed in such a manner as to maximize the rate of economic development and to secure the maximum welfare, freedom and happiness of every person in Ghana and to provide adequate means of livelihood and suitable employment and public assistance to the needy.

(2) The State shall, in particular, take all necessary steps to establish a sound and healthy economy whose underlying principles shall include -

(a) the guarantee of a fair and realistic remuneration for production and productivity in order to encourage continued production and higher productivity;

(b) affording ample opportunity for individual initiative and creativity in economic activities and fostering an enabling environment for a pronounced role of the private sector in the economy;

(c) ensuring that individuals and the private sector bear their fair share of social and national responsibilities including responsibilities to contribute to the overall development of the country;

(d) undertaking even and balanced development of all regions and every part of each region of Ghana, and, in particular, improving the conditions of life in the rural areas, and generally, redressing any imbalance in development between the rural and the urban areas;

(e) the recognition that the most secure democracy is the one that assures the basic necessities of life for its people as a fundamental duty.

(3) The State shall take appropriate measures to promote the development of agriculture and industry.

(4) Foreign investment shall be encouraged within Ghana, subject to any law for the time being in force regulating investment in Ghana.

(5) For the purposes of the foregoing clauses of this article, within two years after assuming office, the President shall present to Parliament a co-ordinated programme of economic and social development policies, including agricultural and industrial programmes at all levels and in all the regions of Ghana.

(6) The State shall afford equality of economic opportunity to all citizens; and, in particular, the State shall take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana.

(7) The State shall guarantee the ownership of property and the right of inheritance.

(8) The State shall recognise that ownership and possession of land carry a social obligation to serve the larger community and, in particular, the State shall recognise that the managers of public, stool, skin and family lands are fiduciaries charged with the obligation to discharge their functions for the benefit respectively of the people of Ghana, of the stool, skin, or family concerned and are accountable as fiduciaries in this regard.

(9) The State shall take appropriate measures needed to protect and safeguard the national environment for posterity; and shall seek co-operation with other states and bodies for purposes of protecting the wider international environment for mankind.

(10) The State shall safeguard the health, safety and welfare of all persons in employment, and shall establish the basis for the full deployment of the creative potential of all Ghanaians.

(11) The State shall encourage the participation of workers in the decision-making process at the work place.

37 (1) The State shall endeavour to secure and protect a social order founded on the ideals and principles of freedom, equality, justice, probity and accountability as enshrined in Chapter 5 of this Constitution; and in particular, the State shall direct its policy towards ensuring that every citizen has equality of rights, obligations and opportunities before the law.

(2) The State shall enact appropriate laws to ensure -

(a) the enjoyment of rights of effective participation in development processes including rights of people to form their own associations free from state interference and to use them to promote and protect their interests in relation to development processes, rights of access to agencies and officials of the State necessary in order to realise effective participation in development processes; freedom to form organizations to engage in self-help and income generating projects; and freedom to raise funds to support those activities;

(b) the protection and promotion of all other basic human rights and freedoms, including the rights of the disabled, the aged, children and other vulnerable groups in development processes.

(3) In the discharge of the obligations stated in clause (2) of this article, the State shall be guided by international human rights instruments which recognize and apply particular categories of basic human rights to development processes.

(4) The State shall maintain a population policy consistent with the aspirations and development needs and objectives of Ghana.

(5) The State shall ensure that adequate facilities for sports are provided throughout Ghana and that sports are promoted as a means of fostering national integration, health and self-discipline as well as international friendship and understanding.

(6) The State shall -

(a) ensure that contributory schemes are instituted and maintained that will guarantee economic security for self-employed and other citizens of Ghana, and

(b) provide social assistance to the aged such as will enable them to maintain a decent standard of living.

38 (1) The State shall provide educational facilities at all levels and in all the Regions of Ghana, and shall, to the greatest extent feasible, make those facilities available to all citizens.

(2) The Government shall, within two years after Parliament first meets after the coming into force of this Constitution, draw up a programme for implementation within the following ten years, for the provision of free, compulsory and universal basic education.

(3) The State shall, subject to the availability of resources provide -

(a) equal and balanced access to secondary and other appropriate pre-university education, equal access to university or equivalent education, with emphasis on science and technology;

(b) a free adult literacy programme, and a free vocational training, rehabilitation and resettlement of disabled persons; and

(c) life-long education.

39 (1) Subject to clause (2) of this article, the State shall take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and the conscious introduction of cultural dimensions to relevant aspects of national planning.

(2) The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of the society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person of the person are abolished.

(3) The State shall foster the development of Ghanaian languages and pride in Ghanaian culture.

(4) The State shall endeavour to preserve and protect places of historical interest and artifacts.

40 In its dealings with other nations, the Government shall

(a) promote and protect the interests of Ghana;

(b) seek the establishment of a just and equitable international economic and social order;

(c) promote respect for international law, treaty obligations and the settlement of international disputes by peaceful means;

(d) adhere to the principles enshrined in or as the case may be, the aims and ideals of-

i) the Charter of the United Nations;

ii) the Charter of the Organisation of African Unity;

iii) the Commonwealth;

iv) the Treaty of the Economic Community of West African States; and

v) any other international organisation of which Ghana is a member.

41 The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations, and accordingly, it shall be the duty of every citizen -

(a) to promote the prestige and good name of Ghana and respect the symbols of the nation;

(b) to uphold and defend this Constitution and the law;

(c) to foster national unity and live in harmony with others;

(d) to respect the rights, freedoms and legitimate interests of others, and generally to refrain from doing acts detrimental to the welfare of other persons;

(e) to work conscientiously in his lawfully chosen occupation;

(f) to protect and preserve public property and expose and combat misuse and waste of public funds and property;

(g) to contribute to the well-being of the community where that citizen lives;

(h) to defend Ghana and render national service when necessary;

(i) to co-operate with lawful agencies in the maintenance of law and order;

(j) to declare his income honestly to the appropriate and lawful agencies and to satisfy all tax obligations;
and

(k) to protect and safeguard the environment.

CHAPTER SEVEN - REPRESENTATION OF THE PEOPLE

42 Right to Vote

Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda.

Electoral Commission

43 (1) There shall be an Electoral Commission which shall consist of -

(a) a Chairman;

(b) two Deputy Chairmen; and

(c) four other members.

(2) The members of the Commission shall be appointed by the President under article 70 of this Constitution.

44 (1) A person is not qualified to be appointed a member of the Electoral Commission unless he is qualified to be elected as a member of Parliament.

(2) The Chairman of the Electoral Commission shall have the same terms and conditions of service as a Justice of the Court of Appeal.

(3) The two Deputy Chairmen of the Commission shall have the same terms and conditions of service as are applicable to a Justice of the High Court.

(4) The Chairman and the two Deputy Chairmen of the commission shall not, while they hold office on the Commission, hold any other public office.

(5) The other four members of the Commission shall be paid such allowances as Parliament may determine.

(6) If a member is absent or dies, the Commission shall continue its work until the President, acting on the advice of the Council of State, appoints a qualified person to fill the vacancy.

45 The Electoral Commission shall have the following functions -

(a) to compile the register of voters and revise it at such periods as may be determined by law;

(b) to demarcate the electoral boundaries for both national and local government elections;

(c) to conduct and supervise all public elections and referenda;

(a) the guarantee of a fair and realistic remuneration for production and productivity in order to encourage continued production and higher productivity;

(d) to educate the people on the electoral process and its purpose;

(e) to undertake programmes for the expansion of the registration of voters; and

(f) to perform such other functions as may be prescribed by law.

46 Except as provided in this Constitution or in any other law not inconsistent with this Constitution, in the performance of its functions, the Electoral Commission, shall not be subject to the direction or control of any person or authority.

47 (1) Ghana shall be divided into as many constituencies for the purpose of election of members of parliament as the Electoral Commission may prescribe, and each constituency shall be represented by one member of Parliament. (2) No constituency shall fall within more than one region.

(3) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(4) For the purposes of clause (3) of this article, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical

features, density of population and area and boundaries of the regions and other administrative or traditional areas.

(5) The Electoral Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier, and may, as a result, alter the constituencies.

(6) Where the boundaries of a constituency established under this article are altered as a result of a review, the alteration shall come into effect upon the next dissolution of Parliament.

(7) For the purposes of this article, "population quota" means the number obtained by dividing the number of inhabitants of Ghana by the number of constituencies into which Ghana is divided under this article.

48 (1) A person aggrieved by a decision of the Electoral Commission in respect of a demarcation of a boundary, may appeal to a tribunal consisting of three persons appointed by the Chief Justice and the Electoral Commission shall give effect to the decision of the tribunal.

49 (1) At any public election or referendum, voting shall be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall, in the presence of such of the candidates or their representatives and their polling agents as are present, proceed to count, at that polling station, the ballot papers of that station and record the votes cast in favour of each candidate or question.

((3) The presiding officer, the candidates or their representatives and, in the case of a referendum, the parties contesting or their agents and the polling agents if any, shall then sign a declaration stating -

(a) the polling station; and

((b) the number of votes cast in favour of each candidate or question: and the presiding officer shall, there and then, announce the result of the voting at the polling station before communicating them to the returning officer.

(4) Subject to the provisions of this Constitution, an issue for determination by referendum shall not be taken to be determined unless at least thirty-five percent of the persons entitled to vote at the referendum voted and, of the votes cast, at least seventy percent voted in favour of the issue.

50 (1) Subject to the provisions of this Constitution, where at the close of nominations and on the day before a public election -

(a) two or more candidates have been nominated, the election shall be held and the candidate who receives the largest number of votes cast shall be declared elected; or

(b) only one candidate is nominated, there shall be no election and that candidate shall be declared elected.

(2) Where for the purposes of a public election two or more candidates are nominated but at the close of the nominations and on the day before the election, only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for any person nominated within that period of ten days to withdraw his nomination.

(3) Where at the close of nominations under clause (2) of this article only one candidate stands nominated, there shall be no election and that candidate shall be declared elected.

(4) Where at the close of nominations, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency or unit shall be postponed for twenty one days.

51 The Electoral Commission shall, by constitutional instrument, make regulations for the effective performance of its functions under this Constitution or any other law, and in particular, for the registration of voters, the conduct of public elections and referenda, including provision for voting by proxy. 52 There shall be in every region and district a representative of the Electoral Commission who shall perform such functions as shall be assigned to him by the Commission.

53 The appointment of officers and other employees of the Electoral Commission shall be made by the Commission acting in consultation with the Public Services Commission.

54 The administrative expenses of the Electoral Commission including salaries, allowances and pensions payable to, or in respect of persons serving with the Commission, shall be charged on the Consolidated Fund.

55 Political Parties

(1) The right to form political parties is hereby guaranteed.

(2) Every citizen of Ghana of voting age has the right to join a political party.

(3) Subject to the provisions of this article, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for election to any public office either than to district assemblies or lower local government unit.

- (4) Every political party shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions.
- (5) The internal organisation of a political party shall conform to democratic principles and its actions and purposes shall not contravene or be inconsistent with this constitution or any other law.
- (6) An organisation shall not operate as a political party unless it is registered as such under the law for the time being in force for the purpose.
- (7) For purposes of registration, a prospective political party shall furnish the electoral commission with a copy of its constitution and the names and addresses of its national officers: and shall satisfy the commission that -
- (a) there is ordinarily residence, or registered as a voter in each district of Ghana, at least one founding member of the party:
 - (b) the party has branches in all the regions of Ghana and is, in addition, organised in not less than two thirds of the districts of each region; and
 - (c) the parties name, emblem, colour, motto or any other symbol has no ethnic, regional, religious or other sectional connotations or gives the appearance that its activities are confined only to a part of Ghana.
- (8) A political party shall not have as a founding member, a leader or a member of its executives, a person who is not qualified to be elected as a Member of Parliament or to hold any other public office.
- (9) The members of the national executive committee of a political party shall not be chosen from all the regions of Ghana.
- (10) Subject to the provisions of this constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the Government.
- (11) The state shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.
- (12) All presidential candidates shall be given the same amount of time and space on the state-owned media to present their programmes to the people.
- (13) Every candidate for election to Parliament has the right to conduct his campaign freely and in accordance with law.

(14) Political parties shall be required by law-

(a) to declare to the public their revenues and assets and the sources of those revenues and assets; and

(b) to publish to the public annually their audited accounts.

(15) Only a citizen of Ghana may make a contribution or donation to a political party registered in Ghana.

(16) A member of an organisation or interest group shall not be required to join a particular political party by virtue of his membership of the organisation or group.

(17) Subject to the provisions of this Chapter, Parliament shall by law regulate the establishment and functioning of political parties.

56 Parliament shall have no power to enact a law to establish or authorise the establishment of a body or movement with the right or power to impose on the people of Ghana a common programme or a set of objectives of a religious or political.

CHAPTER EIGHT - THE EXECUTIVE

57 The President

(1) There shall be a President of the Republic of Ghana who shall be the Head of State and Head of Government and Commander-in Chief of the Armed Forces of Ghana.

Electoral Commission

(2) The President shall take precedence over all other persons in Ghana; and in descending order, the Vice-President, the Speaker of Parliament and the Chief Justice, shall take precedence over all other persons in Ghana.

(3) Before assuming office the President shall take and subscribe before Parliament the oath of allegiance and the presidential oath set out in the Second Schedule to this Constitution.

(4) Without prejudice to the provisions of article 2 of this Constitution, and subject to the operation of the prerogative writs, the President shall not, while in office, be liable to proceedings in any court for the performance of his functions, or for any act done or omitted to be done, or purported to be done, or purported to have been done or purporting to be done in the performance of his functions, under this Constitution or any other law.

(5) The President shall not, while in office as President, be personally liable to any civil or criminal proceedings in court.

(6) Civil or criminal proceedings may be instituted against a person within three years after his ceasing to be President, in respect of anything done or omitted to be done by him in his personal capacity before or during his term of office notwithstanding any period of limitation except where the proceedings had been legally barred before he assumed the office of President.

58 (1) The executive authority of Ghana shall vest in the President and shall be exercised in accordance with the provisions of this Constitution.

(2) The executive authority of Ghana shall extend to the execution and maintenance of this Constitution and all laws made under or continued in force by this Constitution.

(3) Subject to the provisions of this Constitution, the functions conferred on the President by clause (1) of this article may be exercised by him either directly or through officers subordinate to him.

(4) Except as otherwise provided in this Constitution or by a law not inconsistent with this Constitution, all executive acts of Government shall be expressed to be taken in the name of the President.

(5) A constitutional or statutory instrument or any other instrument made, issued or executed in the name of the President shall be authenticated by the signature of a Minister and the validity of any such instrument so authenticated shall not be called in question on the ground that it is not made, issued or executed by the President.

59 The President shall not leave Ghana without prior notification in writing, signed by him and addressed to the Speaker of Parliament 60 (1) There shall be a Vice-President of Ghana who shall perform such functions as may be assigned to him by this Constitution or by the President.

(2) A candidate for the office of Vice-President shall be designated by the candidate for the office of President before the election of President.

(3) The provisions of article 62 of this Constitution apply to a candidate for election as Vice-President.

(4) A candidate shall be deemed to be duly elected as Vice-President if the candidate who designated him as candidate for election to the office of Vice-President has been duly elected as President in accordance with the provisions of article 63 of this Constitution.

(5) The Vice-President shall, before commencing to perform the functions of Vice-President, take and subscribe the oath of allegiance and the Vice-Presidential oath set out in the Second Schedule to this Constitution.

(6) Whenever the President dies, resigns or is removed from office, the Vice-President shall assume office as President for the unexpired term of office of the President with effect from the date of the death, resignation or removal of the President.

(7) Where the unexpired term served by the Vice-President under clause (6) of this article exceeds half the term of a President, the Vice-President is subsequently only eligible to serve one full term as President.

(8) Whenever the President is absent from Ghana or is for any other reason unable to perform the functions of his office, the Vice-President shall perform the function of the President until the President returns or is able to perform.

(9) The Vice-President shall, before commencing to perform the functions of the President under clause (6) of this article, take and subscribe the oath set out in the Second Schedule to this Constitution in relation to the office of President.

(10) The Vice-President shall, upon assuming office as President under clause (6) of this article, nominate a person to the office of Vice-President subject to approval by Parliament.

(11) Where the President and the Vice-President are both unable to perform the functions of the President, the Speaker of Parliament shall perform those functions until the President or the Vice-President is able to perform those functions or a new President assumes office, as the case may be.

(12) The Speaker shall, before commencing to perform the functions of the President under clause (11) of this article, take and subscribe the oath set out in relation to the office of President.

(13) Where the Speaker of Parliament assumes the office of President as a result of the death, resignation or removal from office of the President and the Vice-President, there shall be a presidential election within three months after his assumption of office.

(14) The provisions of article 69 of this Constitution shall apply to the removal from office of the Vice-President.

61 There shall be a public seal and a presidential seal, the use and custody of which shall, subject to the provisions of this Constitution, be regulated by law.

62 A person shall not be qualified for election as the President of Ghana unless -

(a) he is a citizen of Ghana by birth;

(b) he has attained the age of forty years; and

(c) he is a person who is otherwise qualified to be elected a Member of Parliament, except that the disqualifications set out in paragraphs (c), (d), and (e) of clause (2) of article 94 of this Constitution shall not be removed, in respect of any such person, by a presidential pardon or by the lapse of time as provided for in clause (5) of that article.

63 (1) A person shall not be a candidate in a presidential election unless he is nominated for election as President by a document which -

(a) is signed by him; and

(b) is signed by not less than two persons who are registered voters resident in the area of authority of each district assembly;

(c) is delivered to the Electoral Commission on or before the day appointed as nomination day in relation to the election;

(d) designates a person to serve as Vice-President.

(2) The election of the President shall be on the terms of universal adult suffrage and shall, subject to the provisions of this Constitution, be conducted in accordance with such regulations as may be prescribed by constitutional instrument by the Electoral Commission and shall be held so as to begin -

(a) where a President is in office, not earlier than four months nor later than one month before his term of office expires; and

(b) in any other case, within three months after the office of President becomes vacant; and shall be held at such place and shall begin on such date as the Electoral Commission shall, by constitutional instrument, specify.

(3) A person shall not be elected as President of Ghana unless at the presidential election the number of votes cast in his favour is more than fifty per cent of the total number of valid votes cast at the election.

(3) Where at the close of nominations under clause (2) of this article only one candidate stands nominated, there shall be no election and that candidate shall be declared elected.

(4) Where at a presidential election there are more than two candidates and no candidate obtains the number or percentage of votes specified in clause (3) of this article a second election shall be held within twenty-one days after the previous election.

(5) The candidates for a presidential election held under clause (4) of this article shall be the two candidates who obtained the two highest numbers of votes at the previous election.

(6) Where at a presidential election three or more candidates obtain the two highest numbers of votes referred to in clause (5) of this article, then unless there are withdrawals such that only two candidates remain, another election shall be held within twenty-one days after the previous election at which the candidates who obtained the two highest numbers of votes shall, subject to any withdrawal, be continued until a President is elected.

(7) A presidential candidate under clause (5) or (6) of this article may, by writing under his hand, withdraw his candidature at any time before the election.

(8) If after a second presidential election held under clause (4) of this article the two candidates obtained an equal number of votes, then, notwithstanding any withdrawal, another election shall be held within twenty-one days after the election at which the two candidates shall be the only candidates and the same process shall, subject to any withdrawal, be continued until a President is elected.

(9) An instrument which -

(a) is executed under the hand of the Chairman of the Electoral Commission and under the seal of the Commission; and

(b) states that the person named in the instrument was declared elected as the President of Ghana at the election of the President, shall be prima facie evidence that the person named was so elected.

64 (1) The validity of the election of the President may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty-one days after the declaration of the result of the election in respect of which the petition is presented.

(2) A declaration by the Supreme Court that the election of the President is not valid shall be without prejudice to anything done by the President before the declaration.

(3) The Rules of Court Committee shall, by constitutional instrument, make rules of court for the practice and procedure for petitions to the Supreme Court challenging the election of a President..

65 The Electoral Commission shall, by constitutional instrument, make regulations for the purpose of giving effect to article 63 of this Constitution.

66 (1) A person elected as President shall, subject to clause (3) of this article, hold office for a term of four years beginning from the date on which he is sworn in as President.

(2) A person shall not be elected to hold office as President of Ghana for more than two terms.

(3) The office of President shall become vacant -

(a) on the expiration of the period specified in clause (1) of this article; or

(b) if the incumbent dies or resigns from office or ceases to hold office under article 69 of this Constitution.

(4) The President may, by writing signed by him, and addressed to the Speaker of Parliament, resign from his office as President.

67 The President shall, at the beginning of each session of Parliament and before a dissolution of Parliament, deliver to Parliament a message on the state of the nation.

(1) The President shall not, while he continues in office as President -

(a) hold any other office of profit or emolument whether private or public and whether directly or indirectly; or

(b) hold the office of chancellor or head of any university in Ghana.

(2) The President shall not, on leaving office as President, hold any office of profit or emolument, except with the permission of Parliament, in any establishment, either directly or indirectly, other than that of the State.

(3) The President shall receive such salary, allowances and facilities as may be prescribed by Parliament on the recommendations of the committee referred to in article 71 of this Constitution.

(4) On leaving office, the President shall receive a gratuity in addition to pension, equivalent to his salary and other allowances and facilities prescribed by Parliament in accordance with clause (3) of this article.

(5) The salary, allowances, facilities, pensions and gratuity referred to in clauses (3) and (4) shall be exempt from tax.

(6) Where the President is removed from office under paragraph (c) of clause (1) of article 69 of this Constitution or resigns, he shall be entitled to such pension and other retiring awards and facilities as

Parliament may prescribe on the recommendation of the Committee referred to in Article 71 of this Constitution.

(7) The salary and allowances payable to the President and any pension or gratuity payable to him on leaving office shall be charged on the Consolidated Fund.

(8) The salary, allowances, facilities and privileges of the President shall not be varied to his disadvantage while he holds office.

(9) The pension payable to the President and the facilities available to him shall not be varied to his disadvantage during his lifetime.

69 (1) The President shall be removed from office if he is found, in accordance with the provisions of this article - (a) to have acted in willful violation of the oath of allegiance and the presidential oath set out in the Second Schedule to, or in willful violation of any other provision of, this Constitution; or

(b) to have conducted himself in a manner -

(i) which brings or is likely to bring the high office of President into disrepute, ridicule or contempt; or

(ii) prejudicial or inimical to the economy or the security of the State; or

(c) to be incapable of performing the functions of his office by reason of infirmity of body or mind.

(2) For the purposes of the removal from office of the President, a notice in writing -

(a) signed by not less than one-third of all the members of Parliament, and

(b) stating that the conduct or the physical or mental capacity of the President be investigated on any of the grounds specified in clause (1) of this article, shall be given to the Speaker who shall immediately inform the Chief Justice and deliver the notice to him copied to the President.

(3) The notice referred to in clause (2) of this article shall be accompanied by a statement in writing setting out in detail the facts, supported by the necessary documents, on which it is claimed that the conduct or the physical or mental capacity of the President be investigated for the purposes of his removal from office.

(4) Subject to clause (5) of this article, the Chief Justice shall, by constitutional instrument, immediately convene a tribunal consisting of the Chief Justice as Chairman and the four most senior Justices of the Supreme Court and the tribunal shall inquire, in camera, whether there is a prima facie case for the removal of the President.

(5) Where a notice under clause (2) of this article is delivered to the Chief Justice in respect of the removal from office of the President on the grounds of physical or mental incapacity, the Chief Justice shall, in consultation with the professional head of the Ghana Health Services, cause a medical board to be convened which shall consist of not less than four eminent medical specialists and the President shall be informed accordingly.

(6) The President shall be invited to submit himself for examination by the medical board within fourteen days after the appointment of the board.

(7) The President shall be entitled during the proceedings of the tribunal or of the medical board to be heard in his defence by himself or by a lawyer or other expert or person as the case may be, of his own choice.

(8) The Rules of Court Committee shall, by constitutional instrument, make rules for the practice and procedure of the tribunal or of the medical board for the removal of the President.

(9) Where the tribunal or medical board specified in clauses (4) and (5) of this article determines that there is a prima facie case for the removal of the President or that the President is by reason of physical or mental incapacity unable to perform the functions of his office, the findings shall immediately be submitted to the Speaker of Parliament through the Chief Justice and copied to the President.

(10) Parliament shall, within fourteen days after the date of the findings of the tribunal or medical board, move a resolution whether or not the President shall be removed from office.

(11) The resolution for the removal from office of the President shall be by a secret ballot and shall be taken to be approved by Parliament if supported by the votes of not less than two-thirds of all the members of Parliament after prior debate.

(12) The proceedings of Parliament for the removal of the President shall not be held in camera except where Parliament otherwise orders in the interest of national security.

(13) The President shall cease to hold office as President on the date Parliament decides that he be removed from office.

70 (1) The President shall, acting in consultation with the Council of State, appoint- (a) the Commissioner for Human Rights and Administrative Justice and his Deputies;

(b) the Auditor-General;

(c) the District Assemblies Common Fund Administrator;

(d) the Chairmen and other members of -

(i) the Public Services Commission;

(ii) the Lands Commission;

(iii) the governing bodies of public corporations;

(iv) a National Council for Higher Education howsoever described; and

(e) the holders of such other offices as may be prescribed by this Constitution or by any other law not inconsistent with this Constitution.

(2) The President shall, acting on the advice of the Council of State, appoint the Chairman, Deputy Chairmen, and other members of the Electoral Commission.

71 (1) The salaries and allowances payable, and the facilities and privileges available, to- (a) the Speaker and Deputy Speakers and members of Parliament;

(b) the Chief Justice and the other Justices of the Superior Court of Judicature;

(c) the Auditor-General, the Chairman and Deputy Chairmen of the Electoral Commission, the commissioner for Human Rights and Administrative Justice and his Deputies and the District Assemblies Common Fund Administrator;

(d) the Chairman, Vice-Chairman and the other members of-

(i) a National Council for Higher Education howsoever described;

(ii) the Public Services Commission;

(iii) the National Media Commission;

(iv) the Lands Commission; and

(v) the National Commission for civic Education;

being expenditure charged on the Consolidated Fund, shall be determined by the President on the recommendations of a committee of not more than five persons appointed by the President, acting in accordance with the advice of the Council of State.

(2) The salaries and allowances payable, and the facilities available, to the President, the Vice-President, the chairman and the other members of the Council of State; Ministers of State and Deputy Ministers, being expenditure charged on the Consolidated Fund, shall be determined by Parliament on the recommendations of the committee referred to in clause (1) of this article.

(3) For the purposes of this article, and except as otherwise provided in this Constitution, "salaries" includes allowances, facilities and privileges and retiring benefits or awards.

72 (1) The President may, acting in consultation with the Council of State- (a) grant to a person convicted of an offence a pardon either free or subject to lawful conditions; or

(b) grant to a person a respite, either indefinite or for a specified period, from the execution of punishment imposed on him for an offence; or

(c) substitute a less severe form of punishment for a punishment imposed on a person for an offence; or

(d) remit the whole or part of a punishment imposed on a person or of a penalty or forfeiture otherwise due to Government on account on any offence.

(2) Where a person is sentenced to death for an offence, a written report of the case from the trial judge or judges, together with such other information derived from the record of the case or elsewhere as may be necessary, shall be submitted to the President.

(3) For the avoidance of doubt, it is hereby declared that a reference in this article to a conviction or the imposition of a punishment, penalty, sentence or forfeiture includes a conviction or the imposition of a punishment, penalty, sentence or forfeiture by a court-martial or other military tribunal.

73 International Relations

The Government of Ghana shall conduct its international affairs in consonance with the accepted principles of public international law and diplomacy in a manner consistent with the national interest of Ghana.

74 (1) The President shall, acting in consultation with the Council of State, appoint persons to represent Ghana abroad.

(2) The President may receive envoys accredited to Ghana.

75 (1) The President may execute or cause to be executed treaties, agreements or conventions in the name of Ghana.

(2) A treaty, agreement or convention executed by or under the authority of the President shall be subject to ratification by-

(a) Act of Parliament; or

(b) a resolution of Parliament supported by the votes of more than on-half of all the members of Parliament.

76 The Cabinet

(1) There shall be a Cabinet which shall consist of the President, the Vice-President and not less than ten and not more than nineteen Ministers of State.

(2) The Cabinet shall assist the President in the determination of general policy of the Government.

(3) There shall be a Secretary to the Cabinet who shall be appointed by the President.

77 (1) The Cabinet shall be summoned by the President who shall preside at all its meetings; and in the absence of the President, the Vice-President shall preside.

(2) The Cabinet shall regulate the procedure at its meetings.

78 (1) Ministers of State shall be appointed by the President with the prior approval of Parliament from among members of Parliament or persons qualified to be elected as members of Parliament, except that the majority of Ministers of State shall be appointed from among members of Parliament.

(2) The President shall appoint such number of Ministers of State as may be necessary for the efficient running of the State.

(3) A Minister of State shall not hold any other office of profit or emolument whether private or public and whether directly or indirectly unless otherwise permitted by the Speaker acting on the recommendations of a committee of Parliament on the ground-

(a) that holding that office will not prejudice the work of a Minister; and

(b) that no conflict of interest arises or would arise as a result of the Minister holding that office.

79 (1) The President may, in consultation with a Minister of State, and with the prior approval of Parliament, appoint one or more Deputy Ministers to assist the Minister in the performance of his functions.

(2) A person shall not be appointed a Deputy Minister unless he is a Member of Parliament or is qualified to be elected as a member of Parliament.

(3) Clause (3) of article 78 applies to a Deputy Minister as it applies to a Minister of State.

80 A Minister of State or Deputy Minister shall not enter upon the duties of his unless he has taken and subscribed the oath of allegiance, the oath of Minister of State and the Cabinet oath, as the case may be, set out in the Second Schedule to this Constitution.

81 The office of a Minister of State or a Deputy Minister shall become vacant if- (a) his appointment is revoked by the President; or

(b) he is elected as Speaker or Deputy Speaker; or

(c) he resigns from office; or

(d) he dies.

82 (1) Parliament may, by a resolution supported by the votes of not less than two-thirds of all the members of Parliament, pass a vote of censure on a Minister of State.

(2) A motion for the resolution referred to in clause (1) of this article shall not be moved in Parliament unless-

(a) seven days' notice has been given of the motion; and

(b) the notice for the motion has been signed by not less than one-third of all the members of Parliament;

(3) The motion shall be debated in Parliament within fourteen days after the receipt by the Speaker of the notice for the motion.

(4) A Minister of State in respect of whom a vote of censure is debated under clause (3) of this article is entitled, during the debate, to be heard in his defence.

(5) Where a vote of censure is passed against a Minister under this article the President may, unless the Minister resigns his office, revoke his appointment as a Minister.

(6) For the avoidance of doubt this article applies to a Deputy Minister as it applies to a Minister of State.

83 The National Security Council (1) There shall be a National Security Council which shall consist of-

(a) the President;

(b) the Vice-President;

(c) the Ministers for the time being holding the portfolios of foreign affairs, defence, interior, and finance and such other Ministers as the President may determine;

(d) the Chief of Defence Staff and two other members of the Armed Forces;

(e) the Inspector-General of Police and two other members of the Police Service, one of whom shall be the Commissioner of Police responsible for Criminal Investigations Department;

(f) the Director-General of the Prisons Service;

(g) the Director of External Intelligence;

(h) the Director of Internal Intelligence;

(i) the Director of Military Intelligence;

(j) the Commissioner of Customs, Excise and Preventive Service; and

(k) three persons appointed by the President.

(2) The President shall preside at meetings of the National Security Council and in his absence the Vice-President shall preside.

(3) The President may, acting in consultation with the National Security Council, invite such persons as he considers necessary for any deliberations of the Council.

(4) A person invited to participate in the deliberations of the Council under clause (3) of this article shall not vote on any matter for decision before the Council.

(5) The National Security Council shall regulate the procedure at its meetings.

(6) The Secretary to the Cabinet shall be the Secretary to the National Security Council.

84 The functions of the National Security Council include-

(a) considering and taking appropriate measures to safeguard the internal and external security of Ghana;

(b) ensuring the collection of information relating to the security of Ghana and the integration of the domestic, foreign and security policies relating to it so as to enable the security services and other departments and agencies of the Government to co-operate more effectively in matters relating to national security;

(c) assessing and appraising the objectives, commitments and risks of Ghana in relation to the actual and potential military power in the interest of national security; and

(d) taking appropriate measures regarding the consideration of policies on matters of common interest to the departments and agencies of the Government concerned with national security.

85 No agency, establishment or other organization concerned with national security shall be established except as provided for under this Constitution.

86 National Development Planning Commission

(1) There shall be a National Development Planning Commission.

(2) The Commission shall consist of-

(i) a Chairman who shall be appointed by the President in consultation with the Council of State;

(ii) the Minister responsible for finance and such other Ministers of State as the President may appoint;

(iii) the Government Statistician;

(iv) the Governor of the Bank of Ghana;

(v) one representative from each region of Ghana appointed by the Regional Co-ordinating Council of the region;

(vi) such other persons as may be appointed by the President having regard to their knowledge and experience of the relevant areas and roles pertaining to development, economic, social, environmental and spatial planning.

(3) The National Development Planning Commission shall be responsible to the President.

87 (1) The Commission shall advise the President on development planning policy and strategy.

(2) The Commission shall, at the request of the President or Parliament, or on its own initiative-

(a) study and make strategic analyses of macro-economic and structural reform options;

(b) make proposals for the development of multi-year rolling plans taking into consideration the resource potential and comparative advantage of the different districts of Ghana;

(c) make proposals for the protection of the natural and physical environment;

(d) make proposals for ensuring the even development of the districts of Ghana by the effective utilisation of available resources; and

(e) monitor, evaluate and co-ordinate development policies, programmes and projects.

(3) The Commission shall also perform such other functions relating to development planning as the President may direct.

The Attorney-General 88 (1) There shall be an Attorney-General of Ghana who shall be a Minister of State and the principal legal adviser to the Government.

(2) The Attorney-General shall discharge such other duties of a legal nature as may be referred or assigned to him by the President, or imposed on him by this Constitution or any other law.

(3) The Attorney-General shall be responsible for the initiation and conduct of all prosecutions of criminal offences.

(4) All offences prosecuted in the name of the Republic of Ghana shall be at the suit of the Attorney-General or any other person authorised by him in accordance with any law.

(5) The Attorney-General shall be responsible for the institution and conduct of all civil cases on behalf of the State; and all civil proceedings against the State shall be instituted against the Attorney-General as defendant.

(6) The Attorney-General shall have audience in all courts in Ghana.