



FY 2024/25 BUDGET REPORT

A Guide for the Citizen



Social Transformation
through Access to Justice

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BACKGROUND

The operations of the Judiciary are primarily financed from the Consolidated Fund as appropriated by the National Assembly. The Judiciary Fund established under Article 173 of the Constitution requires the approved estimates of expenditure of the Judiciary to be a direct charge on the Consolidated Fund. The budget process is anchored on Article 173 (3) of the Constitution of Kenya, which requires the Chief Registrar of the Judiciary to prepare estimates of expenditure for the Judiciary each financial year. This document provides the performance review of FY 2022/23 and key budget highlights for FY 2024/25 and the medium term.

Judiciary Vision: Social Transformation through Access to Justice



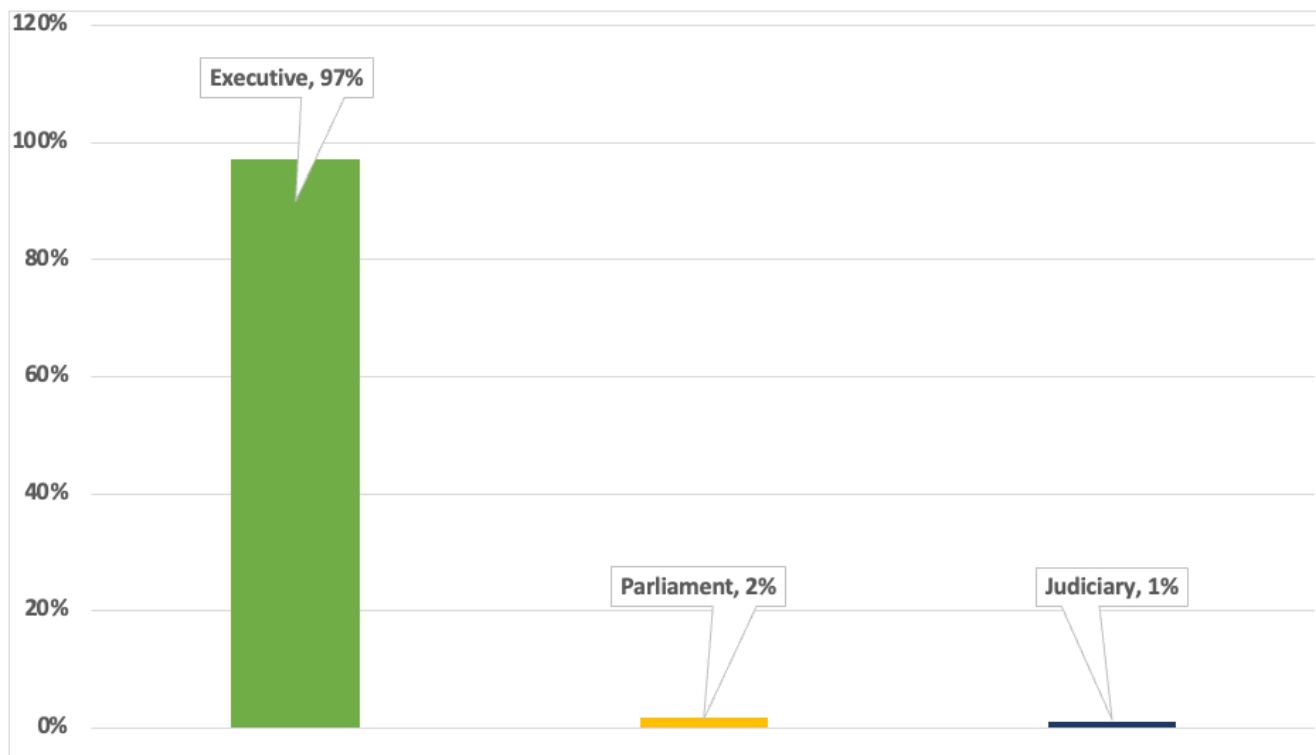
Judiciary Budget Share for FY 2023/24

During the current FY 2023/24 Judiciary was only allocated a total of Ksh. 22 Billion against a resource requirement of Kshs. 43 Billion. This translates to only 1 percent of the national budget which falls far short of the desired 2.5 percent that was advocated in the July 2010 Report of the Task Force on Judicial Reforms which observed that:

“To enhance the independence, operational autonomy, efficiency and effectiveness in the governance and management of the Judiciary, it is recommended the annual budgetary allocation to the Judiciary be augmented to a minimum of 2.5 percent of the national budget, provided that this percentage may be increased in future to cater for the Judiciary’s needs.”

Given the cost of inflation and expansion of the Judiciary since 2010, it is recommended that the budget allocation be enhanced to a minimum of 3.5 percent of the national budget.

The proportional allocation of the national budget among the three Arms of Government for FY 2023/24 is illustrated in the figure below:

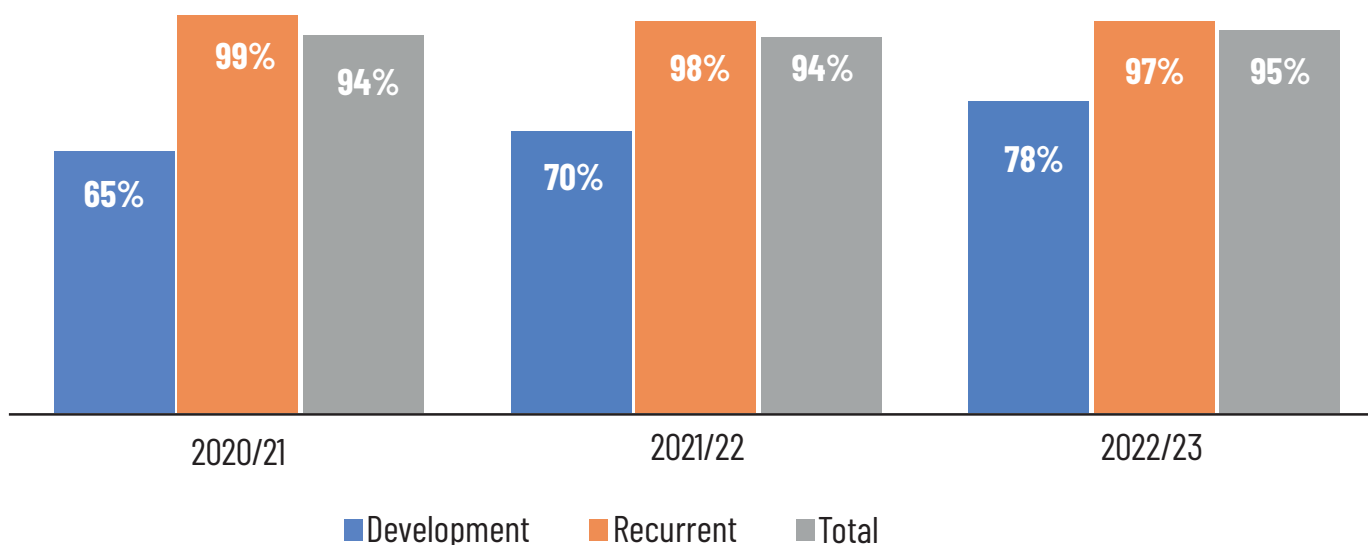


Performance Review and Achievements

1. Expenditure Trends FY (2020/21 – 2022/23)

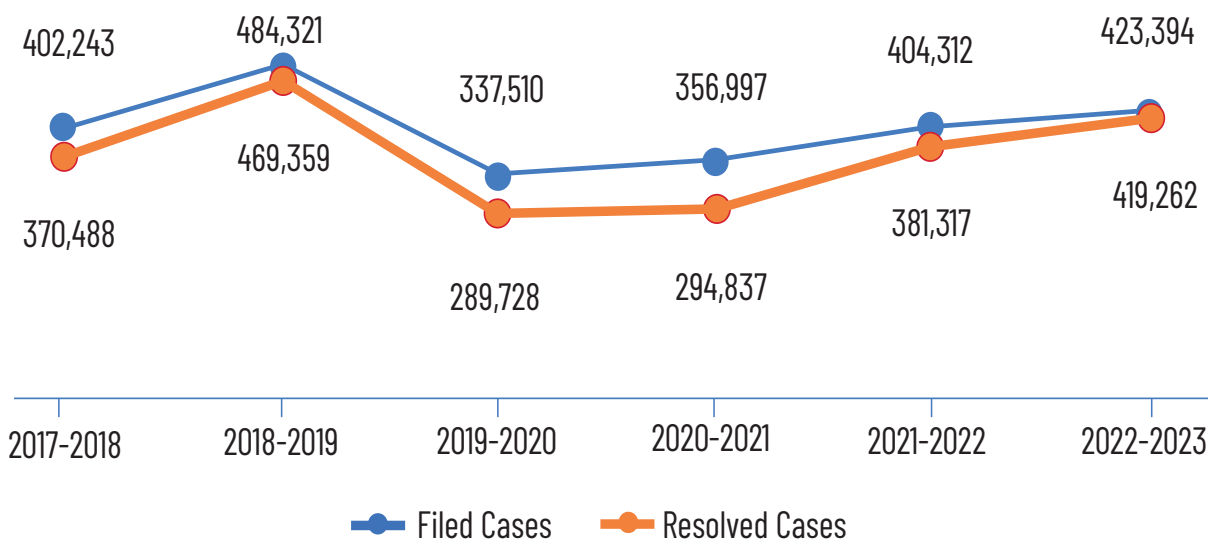
The Judiciary's approved Budget allocations for FY2020/2021 were KShs. 17,133,360,582 KShs. 18,560,644,108 in FY2021/2022 and KShs. 21,132,239,000 in FY2022/2023. This represented a growth of 8% from FY2020/21 to FY2021/22 and 12% growth from FY2021/2022 to FY2022/2023. The overall absorption rate was 94% in both FY 2020/21 and FY 2021/22. However, this increased to 95% in FY2022/2023. The Figure below shows the budgetary absorption rate and trends for the period 2020/21 to 2022/23

Absorption rates FY2020/2021



2. Case Statistics:

» Case Clearance Rate (CCR) – In FY 2022/23, a total of 423,394 cases were registered in all courts across the country out of which 419,262 cases were resolved. This resulted in a Case Clearance Rate (CCR) of 99 percent, an improvement of 5 percentage points from the previous financial year. However, the trend as shown in Figure 1 indicates that the Judiciary has for the sixth consecutive year resolved fewer cases than those registered.



Trends in filed and resolved cases

» **Case backlog** - The overall case backlog in the Judiciary went down by 17 percent from 336,119 cases in June 2022 to 276,678 cases at the end of June 2023. The Supreme Court and Kadhis' Courts had the highest reduction at 86 percent and 55 percent respectively. The table below shows backlog distribution across the court levels.

| Court Rank | FY 2021-22 | | | FY 2022-23 | | | % change |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------|-------------|
| | 1-3 years | Over 3 years | Total Backlog | 1-3 years | Over 3 years | Total Backlog | |
| Supreme Court | 28 | 8 | 36 | 5 | - | 5 | -86% |
| Court of Appeal | 3,556 | 2,313 | 5,869 | 3,772 | 3,170 | 6,942 | 18% |
| High Court | 33,576 | 19,702 | 53,278 | 17,367 | 28,873 | 46,240 | -13% |
| ELRC | 6,962 | 3,339 | 10,301 | 6,250 | 1,587 | 7,837 | -11% |
| ELC | 4,630 | 5,992 | 10,622 | 3,378 | 4,782 | 8,160 | -23% |
| Magistrates' Courts | 146,518 | 86,856 | 233,374 | 119,285 | 66,618 | 185,903 | -20% |
| Kadhis' Courts | 2,022 | 242 | 2,264 | 534 | 481 | 1,015 | -55% |
| Tribunals | 6,678 | 13,697 | 20,375 | 6,505 | 10,071 | 16,576 | -19% |
| All Courts | 197,292 | 118,452 | 336,119 | 157,096 | 115,582 | 272,678 | -18% |

» **Election Petition** - Petition-A total of 222 Election petitions including party list petitions were filed and determined within the stipulated timelines. These included nine Presidential petitions filed at the Supreme Court, 12 with regard to Governors, 34 cases relating to Members of Parliament, and 80 related to Members of the County Assembly (MCA). In addition, 87 party list petitions were filed, 3 in the high court and 84 in magistrates' courts were all concluded on time.

Delivery of the 2022 Presidential Election Petition by the Supreme Court Judges.



» **Swearing in of the President and the Governors** – Following the 2022 general elections, Judiciary facilitated swearing in of H.E President William Ruto and all elected Governors at their respective county headquarters.



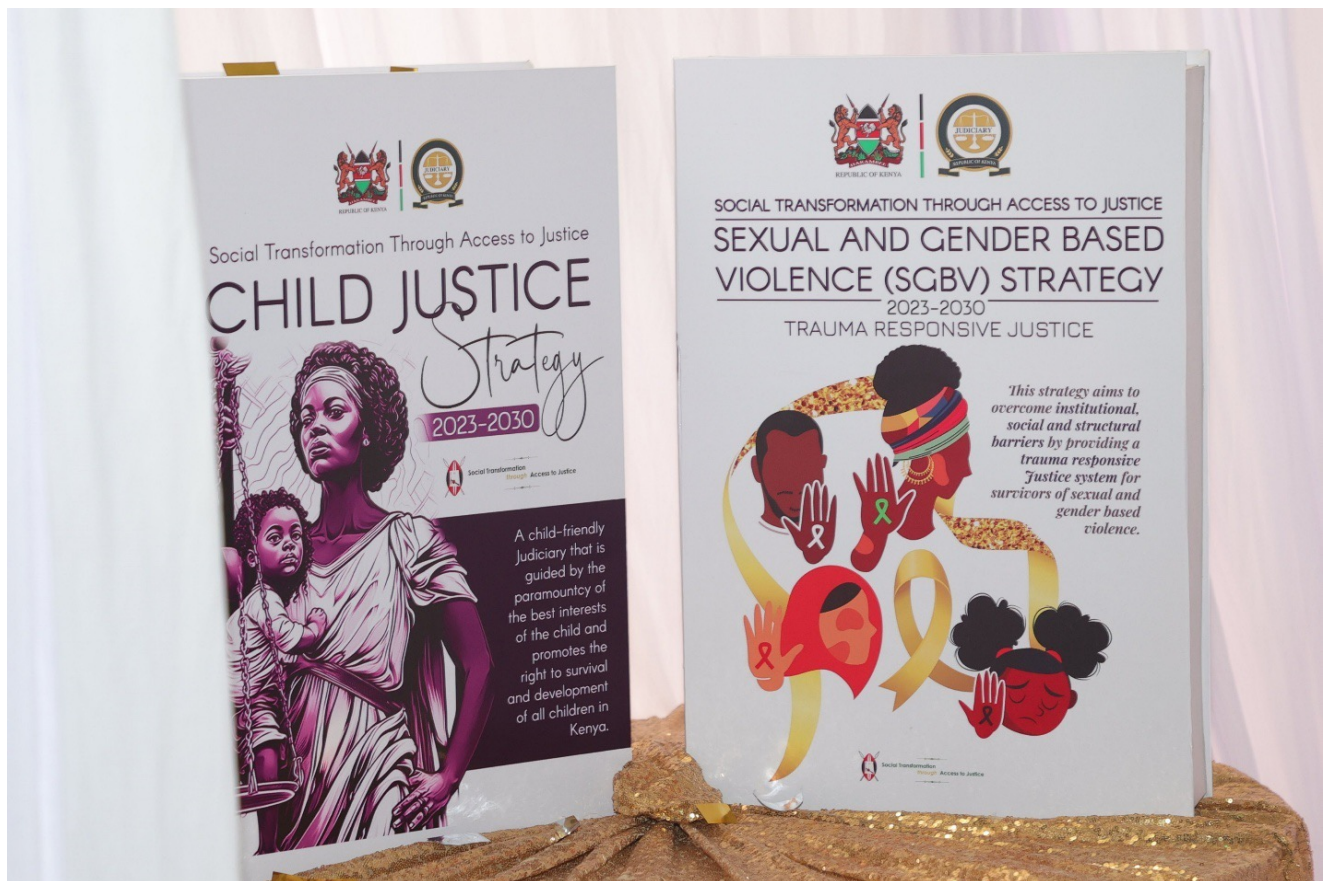
Swearing of H.E. William Ruto, EGH, the President of the Republic of Kenya

3. Establishment of Courts:

- » Two Supreme Court sub-registries were established in Mombasa and Kisumu
- » Nakuru Court of Appeal station was established and operationalized



- » Kapsabet High Court was established and two 2 sub-registries were established at Lamu and Iten Law Courts
- » The Employment and Labour Relations Court (ELRC) was established and operationalized at Kakamega and Malindi, while two Sub-registries were operationalized in Nyamira and Kisii.
- » Voi Environment and Land Court (ELC) was operationalized during the year under review.
- » A total of Six Magistrates courts were established in Tinderet, Ol' Kalou, Kenol, Rumuruti, Kabiyet, and Madiany.
- » Meru Small Claims Court was gazetted thus increasing the number of Small Claims Courts to 12.
- » Two additional SGBV courts were established at Makadara and Kibera.



- » Tax Appeal Tribunal transited to the Judiciary, while the Financial Centre Tribunals and Land Acquisition Tribunals were operationalized.

4. Court Annexed Mediation (CAM) and Alternative Dispute Resolution (ADR)

- » 17 mediation registries were established and CAM rolled out in: Kikuyu, Limuru, Thika, Mavoko, Kajiado, Muranga, Bungoma, Iten, Vihiga, Migori, Gatundu, Webuye, Runyenjes, Siakago, Busia, Kangundo and Gichugu.
- » A total of 4,708 matters were referred to mediation, and the overall annual settlement rate for matters referred to CAM was 51.19%, with an average case turn-around time of 76 days.
- » A total of KShs.8.6 billion was released back to the economy due to mediation, which is attributable to the increased uptake of mediation in dispute resolution.
- » The number of courts implementing virtual mediation increased from 5 to 27.
- » Alternative justice systems (AJS)- Engagements to promote alignment of AJS practices to the Constitution of Kenya were held in Kajiado, Narok, Uasin Gishu, Kisumu, Siaya, Taita Taveta, Mombasa and Baringo.

5. Simplification of Court Procedures

- » Installation of one braille machine at the Family Division, Milimani for use by visually impaired clients.
- » Judiciary desks were set up at Huduma centres with access to Registry Services, Customer Care, and Information centers in Eastleigh, Kibera, GPO and City Square to assist citizens in filing their cases electronically.

6. Judiciary Digital Strategy

- » Electronic Filing (E-filing): The e-filing system was rolled out in Mombasa, Kisumu, Siaya, and Homabay counties, in addition to Nairobi. Overall, the uptake of E-filing has continued to experience exponential growth with more court users signing up on the system and filing their matters online. Once, a station activates E-filing, a number of advantages are gained as summarised below;

| SERVICE | WITHOUT E-FILING | WITH E-FILING IMPLEMENTATION |
|-----------------------------|---|---|
| Case Filing | Filing of Civil Cases initiated at the Court Registry | Filing of Civil Cases initiated remotely via E-Filing Platform |
| Case Filing –Criminal cases | Filing of Criminal Cases initiated at Court Registry | Filing of Criminal Cases initiated from the Uadilifu System |
| Court Fee Assessment | Court fee assessment for both New cases and existing cases done from CTS by Court Assistant | Court fees assessment on both filing new cases and existing cases will be done remotely by the litigant himself |
| Documents Presentation | Hardcopy case documents physically presented in Court Registries | Cases documents in soft copy will be electronically be submitted to the Court |
| Date Stamping | Filed Case Documents were physically date stamped | Electronically filed case documents will be digitally date stamped |
| Enquiries | Physically coming to court registries to enquire on case status | Case status can be enquired online in the E-Filing platform |
| Court Orders Preparation | Court orders manually prepared and physically stamped | Court orders electronically prepared and digitally stamped |



Chief Justice Martha Koome during the launch of e-filing system for Kisumu, Homa Bay and Siaya counties

- » **Digitization of Court Records - Ajira Digital Program:** In order to achieve BETA objectives, the Judiciary implemented the Ajira programme that kicked off by engaging 690 youths on a casual basis where a total of 133,368 records were scanned.
- » **Virtual Courts:** The Chief Justice gazetted the Practice Directions on Virtual Court Sessions.

7. Court Infrastructure:

- » To enhance physical access to court premises, court constructions in Embu Law Courts and Port Victoria were completed.



- » To ensure minimal disruption of court services due to power outages, solar systems were installed in the following courts: Garsen, Maseno, Shanzu, and Tononoka Law Courts.

8. Enhanced Human Resources

- » Appointment of 32 additional Judges;
- » 10 COA increasing the total in-post to 29 Appellate Judges
- » 20 High Court increasing the total in-post to 79 HC Judges
- » 2 Employment and Labour Relations court increasing the total in-post to 53 ELRC Judges

- » Recruitment: 490 Judicial Staff were recruited to ensure adequate human resources are capable of delivering on the institution's mandate.



H.E. President Ruto during the swearing of Judges in December 2022

Analysis of Judiciary Resource Requirements for FY 2024/25

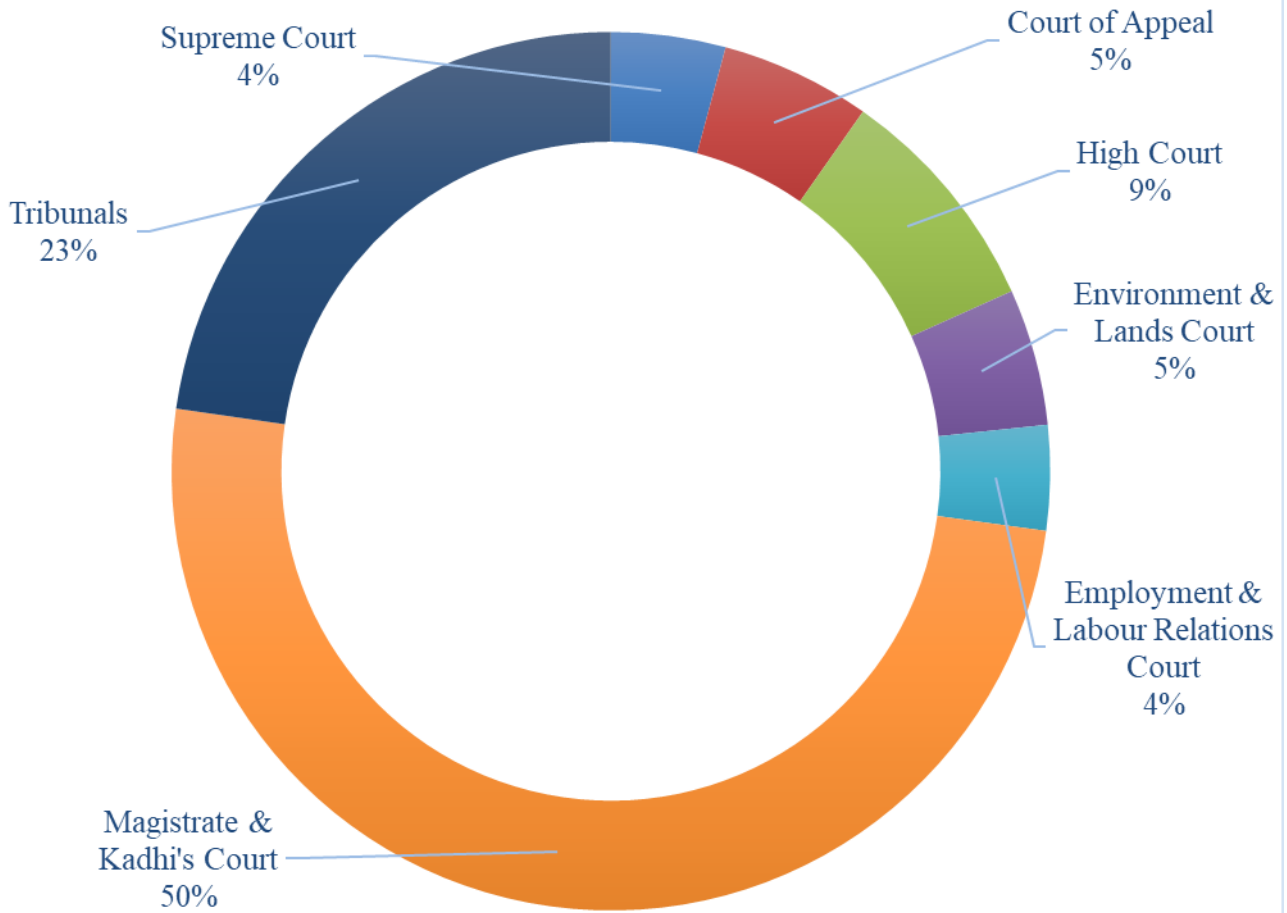
The total resource requirement for FY 2024/25 stands at KShs. 44.9 Billion comprising KShs. 38.62 Billion for recurrent and KShs. 6.28 Billion for Development vote as indicated in the table below. The Access to Justice Sub-programme covering the Judiciary's core mandate requires 70% of the total resource requirements amounting to Kshs. 30.43 billion, Administration and Support services require Kshs. 13.47 billion which represents 30% of the requirements as indicated in the table below:

| PROGRAMME/SUBPROGRAMME | RESOURCE REQUIREMENTS FOR FY 2023/2024 | | |
|-------------------------------------|--|--------------|---------------|
| | REC | DEV | TOTAL |
| Dispensation of Justice | 38,620 | 6,280 | 44,900 |
| Access to Justice | 27,034 | 3,396 | 30,430 |
| Administration and Support Services | 11,586 | 1,884 | 13,470 |
| TOTAL | 38,620 | 6,280 | 44,900 |

The requirements under recurrent are to cater for among others: Dispute resolution, Clearance of case backlog; Establishment of new courts; Automation of court processes; Facilitation of special benches and circuits, mobile courts; Payment of Probono and Court Annexed Mediation services; Recruitment of judicial officers and staff; and other Operational & Maintenance (O&M) cost.

The distribution of Operational resource requirements between the Court Levels is tabulated as follows:

Resource Requirements Distribution by Court Level



DEVELOPMENT EXPENDITURE REQUIREMENTS: KSHS. 6.28B



Construction of Court Buildings Kshs. **3.26 B**

- COA Complex, Meru, Eldoret, Homabay, Habaswein, Kabarnet, Amagoro, Marsabit, Kandara, Mavoko, Eldama Ravine and Small Claims Court in Nairobi.



Refurbishment of Courts shs. **1.22 B**

- Supreme Court, Murang'a, Hurlingham Children's Court, Wanguru, Marimanti, Kiambu and Milimani.
- Other Renovations to be funded through AIE upon application and approval by Projects committee.



Construction of Residential Buildings Kshs. **300 M**

- Judges / Judicial Officers and Residential Houses in Crime Prone Areas.



Digital Strategy **1.5 B**

- Automation of Court Processes and Administration Services

Priority Areas of Funding in FY 2024/25

a) Enhancing Access to Justice

- Increased Case Clearance Rate through enhancing Human resource
 - Recruitment of New Judges, Magistrates and Tribunal members
 - Recruitment to improve staffing levels on additional court staff in line with the organization review.
- Establishment of additional Small Claims Courts including recruitment and facilitation of adjudicators
- Court Annexed Mediation: Payment of Mediators, Creation of Registries to facilitate the roll-out of the programme across the country
- Service Weeks for Backlog Reduction as a rapid results initiative targeting to resolve all the cases aged 3 or more years.
- Pro bono facilitation to ease the cost of justice for the indigent.
- Witness Expenses to ensure the speedy conclusion of matters.
- Entrenchment of Alternative Dispute Resolution (ADR) initiatives such as arbitration and traditional justice systems.
- Establishment of additional specialized SGBV courts and Child-friendly children courts
- Opening of new Magistrate court stations at the constituency level
- Establishment of Mobile Courts in marginalized and far-flung areas
- Establishment of Judiciary desks in Huduma Centres
- Leveraging Technology on Justice Delivery: Adoption of Information Communication Technology (ICT) which is focused on the digitization of court processes, support functions, automation of registry operation, and roll out of the Ajira Programme to more Counties
- Provision of generators, solar power backups, and fittings for court stations.
- Completion of ongoing Court constructions
- Renovations and refurbishments

b) General Administration, Planning and Support Services

- Facilitation of Judges and Magistrates with motor vehicles and other office equipment.
- Installation of ERP system to enhance efficiency in administrative processes.
- Carry out annual PMMU evaluation and target setting for improved performance.
- Carry out continuous risk and audit assessments to strengthen internal controls and enhance accountability.

Challenges


- a) **Insufficient Funding:** The Judiciary has been receiving less than half of its budgetary requirements this shortfall has grossly affected the implementation of critical programs such as the construction of courts, facilitation of benches and service weeks, operationalization of Small Claims Courts, mainstreaming of Court Annexed Mediation and Alternative Justice System, and sustenance of the pro bono scheme.
- b) **Lack of uniformity in the pace at which the justice sector players are implementing digitization:** The ultimate goal of enhancing access to justice through ICT may be hindered if the pace at which the key players in the justice sectors are not improved. Some key players are yet to put policies in place to enhance the uptake of ICT as an enabler of justice; and in some cases, the ICT platforms being deployed are not harmonized with those of the other stakeholders.
- c) **Legal Gaps:** There is a lack of a legal framework anchoring the operations of Tribunals within the Judiciary. Therefore, the enactment of the Tribunal Bill needs to be fast-tracked in Parliament in order to facilitate the transitioning and operationalization of the Tribunals in the Judiciary.
- d) **Psycho-social support for Judiciary:** The Judiciary embarked on the rollout of specialized courts and in particular the Sexual Gender Based Violence (SGBV) and Children courts. Although the presiding officers and staff are trained and sensitized to hear and determine SGBV matters, they are often subjected to mental trauma while hearing and determining these cases thereby impacting negatively on their health. It is therefore prudent to allocate funds for psycho-social support so as to ensure the objectives of these specialized courts are achieved.

SCHEDULE OF FEES FOR EMPLOYMENT AND LABOUR RELATIONS COURT

| NO. | PLEADING | KSH. |
|-----|--|-------|
| 1. | Sale of forms: per form | 5 |
| | 50 forms | 150 |
| 2. | On filing a statement of claim | |
| | (a) Individual employee | |
| | (i) Fee on statement of claim | 200 |
| | (ii) Verifying affidavit | 75 |
| | (iii) Annexure (per document) | 10 |
| | (b) Any other part | |
| | (i) Fee on statement of claim | 500 |
| | (ii) Verifying affidavit 75 | |
| | (iii) Annexure (per document) | 10 |
| | (c) Filing reply to claim | 500 |
| 3. | On filing a petition | 6,000 |
| | On filing a judicial review application | 6,000 |
| 5. | (a) On filing an interlocutory application | 250 |
| | (b) Affidavits in support of applications | 75 |
| | (c) Annexure (per document) | 10 |
| 6. | (a) On filing grounds of opposition | 250 |
| | (b) Replying to affidavits | 75 |
| | (c) Annexure (per document) | 10 |
| 7. | (a) On filing the application for review of the award | 0.5 |
| | (b) Affidavits in support of an application | 75 |
| | (c) Annexure (per document) | 10 |
| 8. | (a) On filing a response to an application for review | 500 |
| | (b) Affidavit in support of application | 75 |
| | (c) Annexure per document | 10 |
| 9. | On filing appeals from subordinate Court | 1,000 |
| 10. | (a) On filing appeals from the decision of the registrar of trade unions | 5,000 |
| | (b) Affidavit in support of appeals | 75 |
| | (c) Annexure per document | 10 |
| | (d) Notice of appeal | 50 |
| 11. | (a) On filing appeals from the decision of the Cabinet Secretary | 2,000 |
| | (b) Affidavit in support of appeal | 75 |
| | (c) Annexure per document | 10 |
| | (d) Notice of appeal | 50 |
| 12. | (a) On filing appeals other than appeals from the decision of the Registrar of Trade Unions or the Cabinet Secretary | 1,000 |
| | (b) Affidavit in support of appeal | 75 |
| | (c) Annexure (per document.) | 10 |

| NO. | PLEADING | KSH. |
|-----|--|-------|
| 13. | (a) On filing a memorandum of reply to any appeal | 1,000 |
| | (b) Replying affidavit | 75 |
| | (c) Annexure per document | 10 |
| 14. | (a) On filing an affidavit of service, supplementary or further affidavit | 75 |
| | (b) Annexure per document | 10 |
| 15. | Issue of summons/notice of appearance | 50 |
| 16. | Taking out witness summons or any other summons not provided for | 100 |
| 17. | Filing memorandum of appearance of notice of appointment of advocates | 100 |
| 18. | For filing any document for which no fee is prescribed under this schedule | 75 |
| 19. | Certification/attestation of documents | 75 |
| 20. | For swearing an affidavit (Cap. 15) | 50 |
| 21. | On filing matter under certificate of urgency | 550 |
| 22. | On application for adjournment at the time of hearing | 400 |
| 23. | On filing consent orders | 150 |
| 24. | (a) On filing the application for execution | 250 |
| | (b) Issuance of execution order | 150 |
| | (c) Notice to show cause | 150 |
| | (d) Issuance of notice to show cause | 150 |
| | (e) Issue of attachment warrant | 50 |
| | (f) Issue of sale warrant | 50 |
| | (g) Service by court (CBD) | 300 |
| 25. | Application of decree | 100 |
| 26. | On filing a bill of costs | 250 |
| 27. | (a) Application for uncertified copy of proceedings or judgment (per copy) | 30 |
| | (b) Application for certified copy of proceedings or judgment (per copy) | 60 |
| 28. | (a) Application to draw/be issued with Court order | 50 |
| | (b) Copies per page | 10 |

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The Judiciary of Kenya

Supreme Court Building, City Hall Way

P.O. Box 30041 - 00100, Nairobi, Kenya.

+254 0730 181 600/700/800

www.judiciary.go.ke