Mr Speaker, I thank you for the opportunity to comment on this Statement ably made by the Hon Okoe Vanderpuije, a Member of Parliament for Ablekuma South.

Mr Speaker, indeed, considering the aspects that he relied on for the purpose of the submission, it is clear that our Constitution requires some amendments. In fact, for my own purpose and for the comments I intend making, I wish to even draw the attention of the House to a challenge we have under article 94(3) (b) together with article 55 (8) whereupon I laboured to get the Supreme Court to relook at that provision.

This is because if you look at article 94 (3) (b), certain officers of the State are being prohibited and denied the opportunity to participate in partisan politics. For instance, somebody who works at the Ministry of Education is considered a civil servant and cannot hold an executive position of a party. But somebody working at the Ghana Education Service is considered a public servant, and in that case, he is able to freely participate in partisan politics.

Mr Speaker, when this matter was up for determination by the Supreme Court, the Supreme Court had the occasion to say that if the proponent of the Constitution intended denying all persons in that category the right to participate in partisan politics, the Constitution would have said so but it was intended to limit a certain category of persons.

Mr Speaker, the practical effect is that a political head in a particular regime who sees an individual participating in partisan politics, perhaps, where that individual is in his own party, it would not be an issue, but when elections are held and government changes or there is a new leader from another party, obviously, there would be a practical challenge.

This is because, obviously, a Minister for Education would not be comfortable with a director at Ghana Education Service being a National Democratic Congress (NDC) Regional Chairman. But the Constitution says, per the interpretation given by the Supreme Court, that person can remain a director of Ghana Education Service and still be an organiser of a party in opposition or in government. This practically is a challenge but that is what the law says. So, Mr Speaker, I agree that we may have to look at our Constitution rather carefully again.

Again, on the issue of transition, I agree. The transitional provisions are very clear. There are certain individuals who occupy certain public offices. It is clear that within that period, all those categories of persons who have been appointed would have their tenure expiring in accordance with the President who appointed them. But Mr Speaker, again, there is a practical challenge.

People have had the occasion to question decisions of the Executive in terminating the appointment of some of these individuals saying that, they are all citizens of the country. So, why should they not be allowed to stay on? Once again, our Constitution is clear that such individuals have the right to do their own partisan politics.
So, in a situation where a new government, as we have now, sees an individual occupying a public office as an active member of the opposition party, obviously, it may not be palatable to work with that person. That would again raise issues of national interest. Mr Speaker, he has taken the steam out of me —That should not come from my own godfather in this House. I wondered whether he was on a point of order or something else.

Then, he should have waited for another opportunity. So, Mr Speaker, the main point I would want to make here is that, yes, the Presidential Transitional Act is available. In Kojogah Adra, the Supreme Court has also made an interpretation. It is clear that all those persons under article 94 (3) (b) are those that the Constitution intends to prohibit. It means that nobody, per the law now, would have cause to complain.

If one gets a political appointment and there is a change of government, then he expects that there is a legitimate expectation to stay on. You are no more considered as a neutral entity of state or a neutral stakeholder contributing your quota in the public service per the ruling of the court. Mr Speaker, I am guided by the use of the word, ‘impartial’.

Mr Speaker, one is no more considered as an impartial person in terms of his dealings with the State. Therefore, we would have to embrace the submission by the Hon Member for Ablekuma South so that we take a holistic view at this Constitution to avoid some of these problems that resurrect especially when there is a change of government.

Mr Speaker, I would rely on all I have said without more. Thank you so much.