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IN THIS ISSUE

- CONSTITUTIONAL CHANGES
- TAXING THE LOWER MIDDLE CLASS
- EQUALITY IN GHANA

23 JUN 1980

EDITORIAL	145
ECONOMY	147
<i>Taxing the Lower Middle Class — A Dilemma</i> Jones Ofori - Atta	
POLITICS	153
<i>Changes in the Body of the Constitution</i> Kweku G. Folson	
NOTEBOOK	160
<i>So Much Cheap Talk</i>	
LETTERS	161
<i>Equality in Ghana Today The Situation Is Critical Open Letter to High Court Registrar Unfulfilled Promises Role of Third Republican Parliament Trial By Fetish Food Distribution Corporation (2)</i>	
OPINION	166
<i>Questionable Fall in the Rate of Inflation</i> A. A. Aboagye	
FOR THE RECORD	167

Editorial

AFRICAN LEADERS TURN ATTENTION TO ECONOMIC PROBLEMS

For well over a decade, Organization of African Unity (O.A.U.) meetings have been dominated by the discussion of political issues. This was probably to be expected for almost all African leaders have taken it as axiomatic that without political freedom it is impossible to achieve economic independence. Hence the exclusive concentration by African leaders on political problems and issues.

Viewed strictly in the light of these considerations, the first African Economic Summit which took place in Lagos from 28th to 29th April, 1980, is a real watershed in the history of the O.A.U. and in the politics of inter-African relations. Preceded by an O.A.U. Ministerial meeting held from 21st to 25th April, the meeting was attended by all independent African States, with the exception of Liberia. There was a large number of observers from such international organizations as United Nations, United Nations Development Programme, Arab Bank for Economic Development and World Intellectual Property Organization.

Though this meeting is a landmark in the annals of inter-African economic cooperation, it would be erroneous to say that this is the first time that economic problems have been discussed at a high political level. There have been attempts to examine African economic matters in the seventeen-year history of the O.A.U. But in earlier discussions, African leaders have, at best, cast only superficial and marginal glances at problems of African development. Some economic principles and objectives were embodied in the O.A.U. Charter, and, on the tenth anniversary of the O.A.U. in 1973, a declaration on cooperation, development and economic independence was adopted by the Assembly of Heads of State and Government.

At the fourth Conference of African Ministers of Trade held in Algiers in November 1975, a Declaration and Programme of Action on the Promotion of Intra-African Trade and Development of Cooperation among African countries was adopted. A similar programme had been adopted by the African Ministerial Conference which took place in Addis Ababa in August 1973. At the eleventh Extraordinary Session of the Council of Ministers held in Kinshasa from 6-10 December, 1976, recommendations on Economic Cooperation Among African Countries were adopted. The recommendations covered money and finance, livestock and agriculture, etc. Finally, at the sixteenth Ordinary Session of the O.A.U. held in Monrovia in

1979, Heads of State and Government adopted the Monrovia Declaration of Commitment on the guidelines and measures for the national and collective self-reliance in economic and social development for the establishment of a new international order.

By 1976, then, it would appear that there was a growing realization in official circles in Africa that the experiment in nation-building was going awry; and that what was amiss was the over-mighty importance attached to political problems to the exclusion of economic matters. The indictment of civilian rule made by coup leaders, balance of payments problems, inflationary pressures, low productivity, mass poverty and the dismal character of so much of the development that has occurred since independence made African leaders conscious of the centrality of economic factors in the proper conduct of the affairs of men and nations.

Developments on the international scene were also a major influence in the rise of this consciousness. Since 1975 African countries have taken an active, even if ineffective, part in international economic conferences: the Dakar Conference on Raw Materials of February 1975; the Third Ministerial Conference of 77 held in Manila in February 1976; the Fifth Summit of the Non-Aligned Countries held in Colombo in April 1976; the Conference on Economic Cooperation among Developing Countries held in Mexico in 1976, and more significantly the Sixth and Seventh Special Session of the UN General Assembly which proclaimed the New International Economic Order and the Charter on Economic Rights and Duties of States.

If it is tempting, in the light of the above, to see the Lagos Economic Summit as the culmination of earlier efforts to discuss economic matters at a high political level, it is important if we remember that in three respects the first O.A.U. Economic Summit is of historic significance. First, this is the first time that African Heads of State and Government have devoted an Extraordinary Session to the discussion of economic matters. Secondly, for the first time, an attempt has been made at the highest political level to examine the general causes of our poor economic performance and our poverty. Finally, African leaders have now consciously equipped themselves with guidelines for participating meaningfully in national and international economic negotiations. It is surprising that such a meeting was not held earlier for our continent contains the largest number of least developed countries - 20 out of 31.

What do African leaders see as the cause of mass poverty, and what do they hope to do about them? In reviewing and appraising the expert reports prepared by the Secretariats of the O.A.U. and the

Economic Commission for Africa (E.C.A.), the Heads discussed the following issue: (1) the socio-economic situation in Africa in the 1970s and the implications for the 1980s; (2) international economic relations as factors in African development; (3) the Plan of Action for National and Collective Self-Reliance in Africa in accordance with the Monrovia Declaration, and (4) the measures for the establishment of an African Economic Community.

In a resolution the leaders adopted the Plan of Action, now called the Lagos Plan of Action, and appealed to the O.A.U. member states to participate fully and actively in international economic negotiations on the basis of the Plan. They also directed the Secretary-General to act in collaboration with the E.C.A. and other competent national and international institutions to provide appropriate logistic and technical support to the African Group in international organizations. The Plan covers the following sectors: food and agriculture, national and human resources, science and technology, inter-African trade etc. It identifies and treats economic and social problems, and lays down proposals for short-term, medium and long-term actions.

In addition to other duties, the Secretary-General of the O.A.U., is expected to prepare the financial and organizational implications of the implementation of the Plan and to submit them to the next budgetary session of the Council of Ministers. It was resolved that the final goal of the efforts to integrate African economies should be the establishment of an African Economic Community and an African Common Market. An Inter-Ministerial Coordinating Committee on the implementation of the Lagos Plan and the measures for the setting up of an African Economic Community were adopted for effective follow-up.

In opening the conference, the President of Nigeria noted that the meeting was a 'signal for the start of Africa's struggle for economic independence'. He also rightly noted that political independence is meaningless, incomplete and insecure without economic power. On this President Limann observed that there are 'no conservatives, moderates or radicals in Africa today'. The problem as we see it is that if the plans formulated in Lagos are not to come to grief, then, we need to do two things. First, we need to mount a really effective assault on the specific causes and not the effects of our poverty and underdevelopment. Also, each country needs to be less insistent, both in action and in rhetoric, on the implications of national sovereignty. These conditions can be met if our leaders have a strong political will and a sophisticated understanding of the complex world in which we live.

Economy

TAXING THE LOWER MIDDLE CLASS - A DILEMMA

by

Jones Ofori-Atta

The Income Tax (Standard Assessments) (Amendment) Instrument 1980 (L.I. 1236) received a stormy passage through Parliament on Monday, March 24, 1980. This followed the consideration of the joint report on the Instrument by the Subsidiary Legislation and Finance Committees of the House.

Part. 4 of the Report stated as follows:-

Your Committees felt that whilst there was reasonable justification, such as inflation, for increasing the presumptive incomes and, therefore, the amount of tax exigible from the classes of persons listed in the schedule, the quantum of such increases are in some cases, too large to be supportable. Your Committees were unanimous in their view that an incremental range of between 50% and 75% on existing amounts would have been reasonable. Having regard to the limitation imposed by Article 4 (7) (c), and in view of the fact that the amounts of tax are only presumptive and could be amended at the instance of the tax payer, the Committees are not able to recommend any amendments, though highly desirable to the figures. (Emphasis mine).

Article 4 (7) of the Constitution of the Third Republic referred to by the Report provides as follows:-

- (7) Any Orders, Rules or Regulations made by any person or authority under a power conferred in that behalf by this Constitution or any other law,
- shall be laid before Parliament;
 - shall be published in the Gazette on the day they are so laid before Parliament; and
 - shall come into force at the expiration of a period of twenty-one sitting days of being so laid unless Parliament before the expiration of that period of twenty-one days, annuls any such Orders, Rules or Regulations by the votes of not less than two-thirds of all the members of Parliament.

Article 4 (7) (c) provides a real difficulty. Does ANNUL in this context mean only "to make null; to reduce to nothing; to abolish" (Chambers)? Is no other definition possible? In other words does the power of Parliament extend only to rejecting in whole the provisions of a constitutional or legislative instrument laid before it - without any right whatsoever to make amendments and such modifications as it thinks fit (as for instance in the case of bills) even though Article 215 (d) of the same Constitution provides that

where a power is conferred to make any constitutional or statutory instrument, regulation or rules or pass any resolution or give any direction, the power shall be construed as including the power, exercisable in like manner, to amend, or to revoke such constitutional or statutory instrument, regulations or rules or resolution or direction as the case may be.

Parliament, right now, appears to have accepted the more restrictive view that it has powers only to annul in whole an instrument laid before it - despite 215 (d) quoted above and despite the fact that by Article 138 the Constitution confers the power to impose taxation or to vary or waive any tax imposed by or under an Act of Parliament exclusively on Parliament.

However, let us for the moment focus on the substance of L.I. 1236.

The Debate

In recommending it to Parliament for ratification the joint-Report concluded as follows:-

Your Committees would nevertheless recommend for the serious consideration of the Minister, the points (raised in the foregoing paragraph) on the need for a justifiable rationale in arriving at these presumptive incomes and this view would (sic) be reflected in any such proposals. (Emphasis mine).

In his contribution to the Budget debate, the Hon. Dr. G. K. Agama (North Tongu) had referred to the proposals as "arbitrary" because there was no indication as to the number of persons who existed in the various categories of trades; and no estimates of their appropriate levels of incomes to be taxed. He concluded, "there is no basis whatsoever and the estimated six million cedis revenue expected from them is an arbitrary figure which has antagonised a large section of ordinary people against the Government unnecessarily."

This author called the proposals vexatious, arbitrary and inequitable.

The basic canon of tax equity is that persons in similar circumstances must be treated similarly; whilst persons in dis-similar income situations should be treated dis-similarly. The question is what is the rationale behind

the proposed new rates of assessments relatively to the old rates?

The object of this article is to subject L.I 1236 to critical analysis against the background of selected parameters and to determine the extent to which the strictures of Parliament were justified.

STANDARD ASSESSMENTS

TABLE 1

Class of Persons	Old Rates	Chargeable	New Rates	Chargeable	Percentage	Percentage
	Per Annum	Income	Per Annum	Income	In Rate Of Tax	In Presumed Income
	£	£	£	£	£	£
1. Auctioneers	400	4,240	1,000	6,183	150	46
2. Booksellers and Stationers	480	4,560	1,200	6,640	150	46
3. Butchers	100	2,192	600	5,040	500	130
4. Carpenters	84	2,040	600	5,040	614	147
5. Commissioners of Oaths	30	1,440	300	3,680	900	156
6. Draughtsmen in private practice	120	2,352	600	5,040	400	114
7. Owners of Electrical Workshops/Electricians	300	3,680	600	5,040	100	37
8. Owners of Fitting Workshops/Fitters	300	3,680	1,000	6,183	233	68
9. Goldsmiths	10	1,160	600	5,040	500	334
10. Hairdressers:-						
(a) In cities	100	2,192	600	5,040	500	130
(b) In other areas	36	1,520	300	3,680	733	142
11. Kente Weavers or Kente Sellers	72	1,920	600	5,040	733	163
12. Lumber or Timber Sellers	600	5,040	2,400	9,140	300	81
13. Midwives (self-employed):-						
(a) In urban areas	120	2,352	1,000	6,183	733	163
(b) In rural areas	120	2,352	600	5,040	400	114
14. Money-lenders	1,000	6,183	2,400	9,140	140	48
15. Owners or operators of commercial vehicles (other than taxis) in respect of each vehicle:-						
(a) Articulators	3,000	10,140	4,800	12,979	60	28
(b) Timber trucks	1,500	7,307	1,500	7,307	0	0
(c) Tipper trucks up to 5 tons	1,000	6,183	1,600	7,529	60	22
(d) Tipper trucks over 5 tons	1,600	7,529	2,400	9,140	50	21
(e) Tankers with capacity up to 1,500 gallons	800	5,612	800	5,612	0	0
(f) Tankers with capacity exceeding 1,500 gallons but not exceeding 3,000 gallons	1,200	6,640	1,200	6,640	0	0
(g) Tankers with capacity exceeding 3,000 gallons	1,500	7,307	1,500	7,307	0	0
(h) Other commercial vehicles up to 5 tons	74	1,360	600	5,040	1,400	271
(i) Other commercial vehicles exceeding 5 tons	120	2,352	1,000	6,183	733	163
16. Pharmacists in private practice and owners of chemical and drug stores	500	4,640	2,400	9,140	380	97
17. Private School Proprietors	2,000	8,418	2,000	8,418	0	0
18. Professional Photographers:-						
(a) In cities	84	2,040	600	5,040	614	147
(b) In other areas	36	1,520	300	3,680	733	142
19. Radio and Television Repairers	240	3,280	600	5,040	150	54
20. Seamstresses:-						
(a) In cities and municipalities	60	1,806	600	5,040	900	180
(b) Other areas	36	1,520	300	3,680	733	142
21. Second-hand spare parts Dealers or second-hand scrap Dealers	400	4,240	600	5,040	50	19
22. Shoemakers	60	1,800	100	2,192	67	22
23. Surveyors (self-employed)	200	2,992	1,000	6,183	400	107
24. Taxi owners and operators in respect of each vehicle:-						
(a) In a city or municipality	600	5,040	1,000	6,183	67	23
(b) Elsewhere	240	3,280	600	5,040	150	54
25. Tailors - amount per tailor per machine	80	2,000	600	5,040	650	152
26. Watch hawkers or clock hawkers	60	1,800	600	5,040	900	180
27. Watch repairers	40	1,574	300	3,680	650	134
28. Wigmakers or wig stylists	100	2,192	600	5,040	500	130
29. Wine and Beer Sellers:-						
(a) In cities	150	2,592	1,200	6,640	700	156
(b) In municipalities	120	2,352	1,200	6,640	900	182
(c) In towns	72	1,920	1,200	6,640	1,567	246
30. Dressmakers	120	2,352	600	5,040	400	114
31. Fashion Houses and Boutiques	480	4,560	1,200	6,640	150	46
32. Fish Dealers:-						
(a) Pushback-holders and retailers	240	3,280	600	5,040	150	54
(b) Wholesalers	720	5,383	1,200	6,640	67	21
33. Tape and Gramophone record sellers in kiosks	120	2,352	1,200	6,640	900	182
34. Proprietors of driving schools in respect of each vehicle used for teaching	120	2,352	1,200	6,640	900	182
35. Cent Book Makers	360	4,080	1,200	6,640	233	63
36. Owners of metal manufacturing and maintenance workshops	1,200	6,640	2,400	9,140	100	38
37. Dance Band Proprietors	300	3,680	1,200	6,640	300	80
38. Air Conditioners or Refrigerator repairers	300	3,680	1,200	6,640	300	80
39. New classes of persons added to the list:-						
39. Concert Groups	—	—	1,200	6,640	—	—
40. Promoters of concerts	—	—	1,200	6,640	—	—
41. Bottle Dealers	—	—	600	5,040	—	—
42. Charcoal/Firewood Sellers	—	—	600	5,040	—	—
43. Vulcanizers	—	—	600	5,040	—	—

Table 1 provides full information on the details of the Instrument - the class of persons on whom standard assessments are being raised (col. 1); the old rate of tax and the old presumed incomes (cols 2 & 3); the new rates of tax and the new presumed incomes (cols. 4 & 5). Col. 6 shows the percentage increase in the rate of tax for each category of person whilst col. 7 gives the percentage increase in the presumptive income upon which the new tax is based.

changes - ranging from zero (15 b,d,e,f, and 17) to as high as nearly 6000% in the case of 9 (goldsmiths). The non-symmetry in the distribution of the percentage increases are quite obvious. However, these percentages are of no special interest by themselves, since they are determined automatically by the presumed income. The large percentage increases are, therefore, partly explained by the steep progressivity of the income tax system in the country and partly by the arbitrary manner in which the presumed income bases were propelled upwards by the Minister.

Col. 6 shows a wide spectrum of percentage rate

DISTRIBUTION OF INCREASE IN PRESUMPTIVE CHARGEABLE INCOME
TABLE 2
PERCENTAGE INCREASES

0	1-25	26-50	51-75	76-99	100-125	126-150	151-175	176-200	201-225	226-250	251-300	301-350
15(b); 15(e); 15(f);	15(c); 15(d); 21;	1,2; 7,15(a); 14;31;	8, 19, 24(b)	12, 16, 38	6,13(b), 23,30,	3,4, 10(a), 10(b)	5,11, 13(a), 15(c)	20(a) 26 29(b)		29(c)	15(a)	9
15(g); 17;	22; 24(a) 32(b)	37	32(a) 35, 36,			18(a) 18(b) 20(b) 27, 28	18(a) 25 29(a)	33				
TOTAL	5	6	7	6	3	4	9	6	5	—	1	1

Facts and Figures

Table 2 shows the distribution of the rates at which presumptive incomes were increased for the various categories of persons. A lot of variations are hidden within the class intervals, however according to Table 2, the presumptive incomes of 5 classes of persons were not raised at all (zero percentage increase); 6 had their chargeable incomes raised by up to 25%; 7 by up to 50%;

6 by up to 75% and 3 by up to 99%. For the others presumptive incomes were raised by three digits percentage-wise. Four classes of persons had their presumptive incomes raised by up to 125%; 9 by up to 150%; 6 were increased by up to 175% and for 5 classes of persons chargeable incomes were raised by up to 200%. In one extreme case (goldsmiths) the presumptive income was raised by as much as 334%.

CLASSIFICATION OF PERSONS BY INCOME GROUPING
(BEFORE L.I. 1236)

TABLE 3 (a)

ANNUAL TAX RATE %

10	24	3	40	60	72	84	100	120	150	200	240	300	360
9 (600)	15b(600)	5 (300)	10b(700) 18c(300) 20b(300)	27 (300)	20a(600) 22 (100) 26 (600)	11 (600)	4 (600)	3 (600)	6 (600)	29a(1200)	23(1000)	19 (600)	7 (600)
					29c(1200)	18a(600)	10a(800) 28 (600)	13a(1000) 13b(600) 15c(1000) 20c(1200)	32a(600)	8(1000)	36(1200)	38(1200)	25(1200) 36(1200)

ANNUAL TAX RATE %

400	480	500	600	720	800	1,000	1,200	1,500	1,600	2,000	3,000
1(1000)	2(1200)	16(2400)	12,240(7)	32b(1200)	15e(800)	14(2400)	15f(1200)	15b(1500)	15d(2400)	17(2000)	15a (48000)
21 (600)	31(1200)		24a(1000)			15c(1600)	37(2400)	15g(1900)			

N.B New Tax Rate in Brackets.

Tables 3 (a) and (b) provide interesting interfacings. The various categories of persons have been classified by income (according to the annual tax chargeable) both before and after. L. I. 1236. Quite clearly 3 (b) is much neater and more compact than 3 (a). Whereas 3 (a) groups the 38 classes of persons subject to standard assessment into 27 income brackets and applies 27 different tax rates, Table 3 (b) regroups them into only 11 income groups - thus reducing the different tax rates from 27 to 11. That certainly is a considerable simplification which should enhance the productivity of tax administration. But the simplification appears to have been achieved at the cost of equity. The minimum presumptive income of £1,160 attracting an annual tax of £10. (9) was raised to £2,192 attracting an annual tax of £100 (22). This means that the minimum presumptive income went up by nearly 90% and from that base, the various income categories were consolidated under new income brackets which were escalated at different rates. It was the fruitless search for rationale that so irritated honourable members.

Minister's Arguments

The Minister's arguments supporting the Instrument are worth quoting in full. (Budget Statement, p. 23; par. 61)

Revenue collection under this item has been very poor. Whereas tax-revenues from employees and companies have shown annual growth rates of around 30% in the past 3 years, collection under standard assessment has actually stagnated; and this in a period when the coverage has been widened... The situation is even more serious if account is taken of the fact that the coverage includes many professions whose operational requirements are not affected by the many constraints faced by other categories of taxpayers and yet whose charges are very responsive to the inflationary trends in the economy. Many factors may account for this but two seem to stand out, namely, that:-

- (i) quite often no follow-up action is taken to ensure that all those liable to pay the tax actually do so. (In other words an active register has not been maintained on these taxpayers);
- (ii) because the actual levels of income earned by the various categories of taxpayers who fall under this standard assessment are not known, the rates of assessment have remained very low and the payment of these low rates,

quite contrary to the meaning of standard assessment as payment on account, has invariably been accepted as the final discharge of the taxpayer's liability.

The standard assessment rates were, therefore, raised to make the class of taxpayers concerned bear a fair portion of the tax burden.

With all due respect, the arguments of the Minister point rather too strongly to the urgent need to revamp the whole tax-gathering machinery of government. The payment of a presumptive tax is not intended to discharge the taxpayer of his obligation to file income tax returns upon which his final tax liability is determined. If no follow-up actions have been pursued; if no active live registers of tax-payers have been maintained, the laxity should be properly blamed on the tax officers.

Nature and Problems of Standard Assessment

Standard assessment has, however, quite a unique function in a developing country like Ghana, where technical and other factors lead to low tax morality and in other cases completely frustrate accountability. Standard assessment is, therefore, a species of presumptive taxation raised on categories of income earners who, ordinarily, are not expected to be able to operate documentations that would enable them to file income tax returns. In other words, in practical terms, standard assessment is intended to meet the final discharge of the tax liability of the class of persons subject to standard assessment. This argument appears to have been lost on some honourable members!! One does not expect the typical Ghanaian butcher, carpenter, goldsmith, kente weaver or kente seller, lumber or timber seller, moneylender, seamstress, second-hand scrap dealer, tailor, watch or clock hawker, watch repairer, wigmaker, bottle dealer, charcoal/firewood seller, vulcanizer etc to be able to raise arguments to rebut an unfair standard assessment appearing as presumptive tax. Two issues then follow. First, the list of classes of persons specified in the instrument must be revised to exclude such categories as commissioners of oaths, draughtsmen, owners or operators of commercial vehicles, pharmacists, private school proprietors, surveyors, fashion houses and boutiques - and other trades for which a higher level of accounting is expected. Second, if standard assessment should be reserved for the more vulnerable group - in the sense of inability to keep accounting records - then a duty is imposed on the Minister to ensure that there is a reasonable basis for the presumed incomes upon which the tax is raised - for the obvious reason that the affected persons are in no position to challenge a presumptive tax.

CLASSIFICATION OF PERSONS BY INCOME GROUPING L.I. 1236

TABLE 3(b)

ANNUAL TAX RATE C										
100	300	600	800	1,000	1,200	1,500	1,600	2,000	2,400	4,800
22 (60)	5 (30)	3 (100)	15c(800)	1 (400)	2 (480)	15b(1500)	15c(1000)	17(2000)	12 (600)	15a(3000)
	10b (36)	4 (84)		8 (300)	15f(1200)	15g(1500)			14(1000)	
	18b (36)	6 (120)		13a (120)	29a (150)				15d(1600)	
	20b (36)	7 (300)		15i (120)	29b (120)				16 (300)	
	27 (40)	9 (10)		23 (200)	29c (72)				37(1200)	
		10a (100)			31 (480)					
		11 (72)		24a (600)	32b (720)					
		13b (120)			33 (120)					
		15b (24)			34 (120)					
		18a (84)			35 (360)					
		19 (240)			36 (360)					
		20a (60)			38 (300)					
		21 (400)								
		24b (240)								
		25 (80)								
		26 (60)								
		28 (100)								
		30 (120)								
		32a (240)								

N.B. Old tax rate in brackets

And this was precisely the crux of the matter. How did the Hon. Minister arrive at his presumed incomes? What formed the basis of the drastic revisions which L.I. 1236 proposed? Col. 1. The minimum tax of C100 is borne by shoemakers (22) whose presumed incomes increased by 22%. At the previous income of C1,800 attracting an annual tax of C60, shoemakers were similarly placed with watch or clock hawkers (26). Currently, however, the presumed incomes of watch hawkers stand at C5040 — an increase of as much as 180%, placing them in the C600 tax bracket (Col. 3). Secondly, it would be noted that at the previous income of C1,800, shoemakers were relatively better off than commissioners of oath (5), goldsmiths (9) hairdressers in other areas (10b), operators of commercial vehicles up to 5 tons (15h), professional photographers in other areas (18h), seamstresses in other areas (20b) and watch repairers (27). Now all these groups have outstripped shoemakers and have moved up into higher income brackets (cols. 2 & 3). On the other hand, previously, goldsmiths (9) were assessed lowest tax (C10) on presumed income of C1,160. Under L.I. 1236 the presumed income of goldsmiths is C5,040 — an increase of 334% (col. 3). Now the question is by what mechanism can one explain the implied underlying forces that so radically redistributes income among these various professions and more importantly, how does one justify the shifts in their relative income positions? In the special case of goldsmiths, how can one explain the quadrupling of their incomes in three fiscal years?

Some Unanswered Questions

Col. 2 presents less of a difficulty — but without resolving our problem. The annual tax rate is C300 and the presumed income is C3,680. It is seen that 10b, 18b, and 20b were similarly placed previously. Their presumed incomes have been pushed forward by 142%. One may want to know how come — but at least there is some consistency of treatment here. The same cannot be said for the appearance of 5 (commissioners of oaths) with a lower income previously and whose income has had to increase by 156% to come to par; nor for 27 (watch repairers) with a previously higher income but whose growth at the rate of 134% has lagged.

It is even more difficult to rationalise col. 3 mainly because it contains as much as 35% of the problem under study and therefore both intra- and inter-group problems are more manifest. The presumed income of this group is C5,040. The annual tax is C600. Except, however, in the one single case of 9 (goldsmiths) all persons appearing in col. 3 were previously in a more favourable income position vis-a-vis col. 2. Thus some inter-group equity can be claimed. Beyond that, systematic rationalisation breaks down. There are three dominating groups by reference to income classification under the old regime. (i) 3, 10a and 28 — namely, butchers, hairdressers in cities and wig-makers or wig stylists — previously paid an annual tax of C100 out of a presumed income of C2,192. L.I. 1236 presumes for this group a growth rate of 130%. (ii) 6, 13b, 30 — i.e. draughtsmen in private practice, midwives (self-employed) in rural areas

and dressmakers who previously paid an annual tax of £120 (presumed income £2,352) are now presumed to have an income increase of 114%; and (iii) 19, 24b, and 32a - radio and television repairers, taxi owners and operators in respect of each vehicle (elsewhere) and fish dealers (passbook and retailers) - who previously paid an annual tax of £240 on a presumed income of £3,280 are now presumed to have enjoyed a marginal income increment at the rate of 54%.

Treating Unlikes Equally

The difficult question still obtrudes - how is it that widely different classes of persons operating in diverse and technically different professions requiring different degrees of capitalization, inputs and organisation and who were previously presumed to be on different income footing, should have their incomes grow at the various stated rates to converge for tax purposes? Of course one could postulate hypothetical solutions - such as factor mobility, equalisation to factor incomes and returns, competitive forces and even more grotesque theoretical supposition are possible. But that clearly would be an exercise in futility having regard to the structure of the economy we are dealing with and the time-scale involved. The Minister of Finance and Economic Planning could not obviously have been in the mood for such fine tuning. He wanted a simple short-cut solution to a problem. Hence all these classes of persons were simply lumped together and a few others thrown in for good measure. Naturally, by so doing, arbitrariness and serious anomalies could not be avoided.

For illustration let us take the classes of persons who were previously taxed at the rate of £120 per annum out of a presumed income of £2,352. - namely, 6, 13a 13b, 15i, 29b, 30, 33 and 34. Of this group, the presumed incomes of 6, 13b and 30 namely, draughtsmen in private practice, self-employed midwives in rural areas and dressmakers increased at the rate of 114% (Annual tax £600; income £5,040). The presumed incomes of 13a and 15i - self-employed midwives in urban areas and owners or operators of commercial vehicles (other than taxis) exceeding 5 tons respectively increased by 163% and they thereby jumped into the £1000 tax bracket (presumed income being now £6, 183). On the other hand, 29b, 33 and 34, namely wine and beer sellers in municipalities, tape and gramophone record sellers in kiosks and proprietors of driving schools in respect of each vehicle used for teaching have obviously had a bumper year with their presumed incomes growing by 182% to lift them into the £1,200 a year income tax bracket (presumed income being £6,640). In ano-

ther exceptional case, the presumed income of wine and beer sellers in towns (29c) increased at the phenomenal rate of 246% to be lifted from the category previously paying an annual tax of £72 into the £1,200 tax bracket. Cols. 5, 6 and 10 of Table 3 (b) are replete with such anomalies and the discerning reader would undoubtedly formulate a number of questions.

Facts and Fiction

But then in the face of high income growth rates presumed for most categories of income earners, one is staggered by the fact that the incomes of 15b, 15e, 15f, 15g and 17 stagnated (at a zero growth rate!!) during the period under consideration. This appears to fly completely in the face of the known facts. However, if one considers 15 and 24 together one seems to get a picture of the Minister's mind. The two groups relate to haulage and transportation. For apart from zero income growth rate postulated for timber trucks (15b), and tankers (15e, f & g) - with the notable exception of 15h (other commercial vehicles up to 5 tons) low growth rates have been projected for the transport and haulage sector as a whole - 28% for articulators (15a); 22% and 21% for tipper trucks up to 5 tons (15c) and tipper trucks over 5 tons (15d) respectively. Similarly taxi owners/operators in cities and municipalities (24a) had their presumed incomes grow by 23% whilst those elsewhere (24b) were supposed to have grown by 54%.

Two reasons suggest themselves for this more favourable treatment of the transport sector, namely (a) incentives and (b) effects on other sectors of raising transportation costs further - following fuel price increases. Both arguments are suspect. The transportation sector needs no more incentives than any other sector of the economy. What is restraining the economy are pervasive shortages of replacement parts in the given situation of inelastic supply of replacement parts. In the given situation of inelastic supply of transport haulage services, existing owners of roadworthy tippers, articulators, taxis and other vehicles are enjoying windfall gains in incomes which should reflect in their tax contributions. Secondly, to suggest that general inflation can be moderated by restraining transport charges per low tax payments per standard assessment amounts to the postulate that standard assessment is a species of an indirect tax which can be shifted forward in higher prices. The merits of that argument need not delay us except to say that the argument could as well be extended to all the other categories of trades. On the other hand, of all the trades attracting standard assessment under L. I. 1236, the transport and haulage

sector is the most capital intensive and is backed by highly orchestrated modern style organisation or finance. Costs and returns can be easily estimated and there is no reason at all why that sector should be taxed per standard assessment.

Widening The Net

L.I. 1236 widened the net further by including new classes of persons. There are concert groups (39), promoters of concerts (40) and bottle dealers (41) whose chargeable incomes are estimated at C6,640. Others are charcoal/firewood sellers (42) and vulcanizers both of whose incomes have been presumed at C5,040. If bottle dealers and charcoal/firewood sellers are making that amount of income, then is there any reason why the University lecturer should stay at post on his present take-home pay?

Then there is the more practical problem - for which no answer exists, and which therefore frustrates the whole exercise. The Minister, himself had alluded to the lack of capacity of the tax-gathering machinery. The government does not know the number of butchers, carpenters, tailors and charcoal sellers etc. in the country.

It has no idea of where they operate. But already indications are that service and other charges have gone up dramatically in the wake of L.I. 1236 - indicating that standard assessment is indeed a shiftable tax. How is the Minister going to collect these taxes from the butchers, the vulcanizers, etc, scattered all over the country - and who have already collected the taxes from consumers in higher prices. So who is taxing whom?

It is widely admitted that the present Ghanaian tax structure is full of anomalies and inequities (Budget Proposals for 1979-80, par. 67, p. 27). L.I. 1236 has certainly not improved on the situation. One hopes, however, that the story of L.I. 1236 will not be lost on Ministers and their advisors. The present Parliament has a fair capacity for digesting material. Proposals for legislative action should at least be reasonable.

Read The
LEGON OBSERVER
Always

Politics

CHANGES IN THE BODY OF THE CONSTITUTION

By Kweku G. Folson

I ended the article on "The Transitional Provisions" (L.O. Vol. XII, No. 6) with a promise that, in subsequent articles, I would indicate the changes made by the AFRC in the body of the Draft of the Constitution and consider whether these changes should properly be regarded as part of the Constitution. This article is intended to fulfil the first part of this promise.

It is worth stressing at the outset that the AFRC made numerous changes in the Draft Constitution drawn up by the Constituent Assembly. It is true that the great majority of these may, without violence, be regarded as minor, but it is equally true that many of the changes may also be regarded as substantial and even fundamental. Indeed, since a change even in punctuation may, as constitutional interpretation goes, turn out to be a significant change, it is not too safe to regard any change as minor. Nevertheless I will stick my neck out and classify, in what follows, the changes made by the AFRC according to their significance, starting from the less to the more significant.

Minor Changes

The great majority of the changes I regard as minor are in punctuation. The Draft Constitution almost never used a dash to introduce a list of actions or people or things. It preferred either to plunge straight into enumeration or to introduce it with a comma. In the overwhelming number of cases the AFRC Constitution introduces a comma or replaces one with a dash.

It is to be noted, however, that there are quite a few points at which the punctuation or lack of it in the Draft is left undisturbed. Whether these are deliberate or due to oversight we probably will never know. But it makes it possible for one to argue that the introduction or substitution of a dash has some significance.

Next to these changes in punctuation are those made in certain fixed expressions. The Draft Constitution repeatedly used such expressions as "subject to the provisions of" article 94, or clause 1 or 3 or 6 as the case may be, "by virtue of the provisions of", "vested under the provisions of", "as required under the provisions of", "pursuant to the provisions of". At most points where these expressions

occur the AFRC Constitution removes the words "the provisions of." Thus, for example, "pursuant to the provisions of clause (2)" becomes "pursuant to clause (2)" and "subject to the provisions of clause (3)" becomes "subject to clause (3)". Sometimes the whole expression "pursuant to the provisions of" is replaced by the single word "under" as in articles 2 (3), 5(4), 35(2) and 81(3). There are other variations. "As required under the provisions of article 97(3)" becomes "as required by article 97(3)" and "pursuant to the provisions of" becomes "in accordance with" (Articles 97 and 144(4)).

The Draft Constitution repeatedly used the term "for avoidance of doubts", and at all the points I can detect this expression on the usual singular version "for the avoidance of doubt" is substituted by the AFRC Constitution. (Article 33 (8), 34(5) and 59(3)).

The expression "save as otherwise provided in this Constitution" in the Draft Constitution becomes "except as otherwise provided....." in the AFRC version (Articles 86(1)).

One wonders whether these changes in fixed expressions are merely formal. The question becomes urgent when one realizes that, as in the case of changes in punctuation, some of these expressions are left intact. (Article 194, 195 and 196(4)).

Still on minor changes, one may draw attention to changes intended to simplify provisions in the Constitution. There are at least four changes which may be said to simplify the language of the text. Article 50(2)(a) of the Draft said the election of a President should take place "(a) where a President is in office after the beginning of the period of four months ending with the date when his term of office expires by the effluxion of time, during the first three months of that period". A masterpiece of circumlocution! The AFRC Constitution reduces this to earthly language: "(A) where a President is in office, not earlier than four nor later than one month before his term of office expires". A similar change is made in article 50 (2) (b). The third change is made in article 209 where the reference to the definition of "public office" in article 213 is deleted, leaving the latter to stand by itself. The last such change is made in article 76(2)(k) where expressions like "or of the", "a member of", "or of", "of" etc. are deleted so that the clause simply reads: (No person shall be qualified to be a member of Parliament who) "is a member of the Police Force (Service), Prisons Service, the Parliamentary Service... or the Customs and Preventive Service" instead of "is a member of the Police Service, or of the Prisons Service, a

member of the Armed Forces or a member of the Judicial Service or of the Civil Service..."

Two remaining minor amendments may be said to clarify the provisions in which they occur. Article 76(2)(i) of the Draft stipulated that no person would be qualified to be a member of Parliament who is a party to a contract with the Government of Ghana "and has not within one month before the day of election" published his interest in the Gazette. The AFRC Constitution changes the expression in quotes to "not later than one month before the day of the election", which makes more sense. The same correction is made in article 57(2) which is transferred to the transitional provisions. It is surprising, though, that the expression is retained in article 148(3). The second of the remaining changes is in article 213 where "treason" is added to the list of words defined. The definition, however, affirms that provided in article 26(16).

Re-arrangements

Some changes are mainly re-arrangements of provisions. An example is the provision dealing with the position of the Electoral Commissioner. Article 37(1) of the Draft merely defined the Electoral Commission as consisting of a sole Commissioner. His functions were left to article 38(1). The AFRC Constitution brings all these together in article 37(1). Whilst doing this it takes the opportunity to expand the functions of the Commission by adding the demarcation of electoral boundaries and "such other functions as may be prescribed by law". The first part of this addition is entailed in article 37(8) of the Draft and therefore cannot be said to be really new, but the second part of the addition is new. One can imagine the hidden dangers involved in empowering parliament to prescribe new functions for the Electoral Commissioner. The deletion of article 38(1) of the Draft is a logical consequence of its incorporation into article 37(1) of the AFRC Constitution. But then it is surprising that article 38(2) of the Draft (which becomes 38(1) of the AFRC Constitution) too is not deleted since it is also incorporated into article 37(1) of the AFRC Constitution. It is equally surprising that article 38(1) of the AFRC Constitution is made general by the removal of the expression "for the purposes of clause (1)" instead of making it subject to article 37(1). It is quite possible that there is a catch here.

Two other cases of re-arrangement need to be mentioned. Article 57(1) of the Draft required the President, acting in accordance with the advice of the Council of State, to appoint a number of important officers of state (e.g. Ombudsman, Chairman of the National Council for Higher

Education and Chairman of the Local Government Grants Commission). Clause (2) of article 57 required that these appointments be made within six months after the coming into effect of the Constitution. The AFRC Constitution removes Clause (2) to section 8 of the transitional provisions after making a correction already noted in it. Article 110 of the Draft stipulated that the Ombudsman should be appointed within six months after the coming into effect of the Constitution, a repetition of article 57(2). This repetition is deleted by the AFRC Constitution, so that all those officers to be appointed in the first six months are seemingly covered by section 8 of the transitional provisions. The import of these re-arrangements is not at all clear.

Obvious Corrections

Apart from punctuation, I have been able to count seven examples of what look like corrections of obvious errors. Article 9 deals with the objectives of social policy, and clause (3) of this article in the Draft defined "exploitation" for the purpose of clause (1) of the same article. Since clause (2) also dealt with exploitation, the AFRC version includes this clause for the purpose of the definition. Article 26(16) defined "treason", that darling of dictators and would-be dictators, but it started by saying "for the purposes of this article..." Since treason is of more general interest and features in other parts of the Constitution, the AFRC Con-

stitution omits the expression "for the purposes of this article". As pointed out above, article 213 emphasizes the generality of the resultant definition of "treason". Article 31 deals with protection against discrimination and related matters, and clause (1) forbids discriminatory legislation. Since clause (4) specifies circumstances in which such legislation is permitted, clause (1) of the Draft is made subject to clause (4). Since clause (6) is not related to clause (1) it was a mistake for the Draft to have made the former subject to the latter. It is clear that it is clause (5) that was intended and the AFRC Constitution makes the necessary correction. A similar correction is made to clause (2) where the clause is made subject by the AFRC Constitution to clauses (4) and (8) as well as clauses (5), (6) and (7) which are the only ones originally stipulated by the Draft.

Article 68 stipulates that a Minister or Deputy Minister must vacate his office if he is, *inter alia*, elected Speaker of Parliament. Since from other provisions of the Constitution it is clear that a Minister or Deputy Minister cannot also be a member of Parliament, it was a mistake for the Draft not to have said so in article 68. This mistake is corrected by the AFRC Constitution. It seems fairly clear that there is a grammatical mistake in article 76(2)(d) of the Draft which the AFRC Constitution corrects by inserting the words "in respect of whom a commission or committee of enquiry has found" so that the article reads: "(No person shall be qualified to be a member of Parliament) who has been found by the report of a commission... or in respect of whom a commission... has found that..." Lastly, article 205 clause (3) of the Draft required that a public officer's declaration of property or assets should be produced, on demand, before a court of competent jurisdiction and a commission of enquiry set up under the Constitution. The AFRC adds that the declaration should also be produced, on demand, before an investigator appointed by the Ombudsman to go into charges of corruption or conflict of interest by a public officer. This correction is clearly demanded by article 207 which makes the Ombudsman responsible for investigating charges of corruption and conflict of interest against public officers.

Ambiguous Corrections

The above look like being clear cases of correction. There are at least three other changes which purport to be corrections, but which are somewhat ambiguous. Whilst defining "public corporations" article 154(2) of the Draft referred to public corporations established pursuant to the provisions of article 154(1). The AFRC Constitution substitutes

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article 159 for 154(1). It is not immediately clear what the advantages of this substitution are. Nor are the advantages of change clear in the case of article 210 either. Article 210(3) of the Draft requires that a proposal to amend certain provisions of the Constitution "shall not be passed in Parliament unless... (it) shall have published been in the Gazette for six months)... and... shall have been debated in each district, or other local government council..." The expression "shall have been" is changed by the AFRC Constitution to "have been" or "has been" throughout the clause. No one knows what hidden changes in interpretation are presaged by this change in phraseology. Similarly, clause (2) of article 136 of the Draft stipulated that the supreme court "shall have power" to order certain acts and determine certain actions. Under the AFRC Constitution "shall have power... to order ... and to determine" becomes "may... order... and determine". Is this change in phraseology of any constitutional consequence?

Problematic Changes

There are at least four changes in the constitution which are difficult to classify, but are likely to lead to difficulties. The first is to be found in Article 21 which deals with protection of the right to personal liberty. The last clause of this article, clause (8), debars Parliament from passing laws "which retroactively imposes an obligation on, or adversely affects the rights and liberties of any, person". This is the language of the Draft. In the AFRC version it becomes "which retroactively imposes any limitation on, or adversely affects, the personal rights and liberties of any person". Why "limitation" instead of "obligation"? And why "personal" rights and liberties? Personal as opposed to group or institutional rights? The second such change is to be found in article 29 which makes provision for protection of freedoms of assembly and association. Clause (3) of the Draft defined "freedom of assembly" to include freedom to hold peaceful processions and demonstrations "for the purposes of this article, and of articles 27 and 28" of the Constitution. The AFRC Constitution removes the references 27 and 28 from this definition. This deletion seems to suggest that the definition is no longer applicable to the protection of freedom of conscience and of expression. To say the very least this sounds ominous.

The third problematic change affects the findings of a commission of enquiry set up under the Constitution. According to article 76(2) (d) and (c), a person against whom a commission of enquiry has made certain findings

or whose property has been confiscated as a result of the findings of commission of enquiry is disqualified from becoming an MP. Other articles in the Constitution disqualify such a person from holding a number of other public offices as well, such as presidency and membership of boards of public corporations. These are the famous disqualification clauses about which there has been a lot of debate. According to the Draft, the findings of the Commission of Enquiry could be set aside "on appeal", but according to the AFRC Constitution they could be set aside "on appeal or judicial review". It is not immediately clear what this addition imports, but it looks like opening many an escape route for culprits. The fourth problematic change which also seems to provide an escape route for Regional Houses of Chiefs - is to be found in article 179. The Draft Constitution endowed the national chieftaincy tribunal with original jurisdiction in two areas: where a matter lies within the competence of two or more Regional Houses of Chiefs and where a matter is not properly cognizable by a Regional House of Chiefs. The AFRC Constitution adds a third area of original jurisdiction: where a matter "cannot otherwise be dealt with by a Regional House of Chiefs". It is not clear how a matter that is properly cognizable by a court cannot otherwise be determined. It would appear that under this provision a Regional House of Chiefs can simply abandon its responsibilities, and this is pregnant with possibilities.

Deliberate and Substantive Changes

We now come to changes, about ten in all, which can only be described as deliberate and substantive. Some are clearly of a fundamental character and, in some cases, the changes made by the AFRC were debated and solemnly rejected by the Constituent Assembly. Viewed together, they give the clearest indication that the AFRC felt it had the authority, political and moral, not to say legal, to draw up any constitution that pleased it for the country.

Three of these provisions affect the presidency. Article 44(4) of the Draft Constitution empowered Parliament to determine what "facilities" should be given to the President on retirement. This, in addition to pension, gratuity or other allowances be granted the President on the advice of a committee set up under article 58. The AFRC Constitution expands "facilities" to "a pension together with such facilities..." - a formulation specifically rejected by the Constituent Assembly and requires Parliament, in addition, to act in this on the recommendation of the committee under article 58.

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CLOSING DATE: 31st July, 1980.

Moreover, article 44(5) also is changed by the AFRC in such a way as to require that even when a President has been removed as a result of an impeachment, his entitlements should still be decided on the recommendations of the committee. It is a mystery why the AFRC wanted to insulate the country's chief politician against political forces, even when he has been condemned as a criminal.

The second substantive change affecting the presidency occurs in article 56(12). The Constituent Assembly stipulated that when a President is being impeached in Parliament the proceedings should be public. The AFRC version allows Parliament to order a secret trial, if it thinks the national interest so demands. Perhaps a sensible change, but a great deterrent against presidential misconduct is thereby diluted.

The third change affecting the presidency relates to the qualifications of a presidential candidate. According to article 49, offences that would disqualify a person from becoming a member of Parliament also should disqualify a person from becoming a presidential candidate. According to the Draft, a ten-year lapse and a presidential pardon should lift the disqualification from a would-be MP. But these provisions were not to be applicable to a presidential candidate, if his disqualification derived from condemnation by a commission of enquiry or seizure of his assets as a result of the findings of a commission of enquiry. According to the AFRC Constitution, the ten-year lapse and a presidential pardon do not apply to disqualification arising out of conviction for treason, offences involving the security of the state, fraud, dishonesty or moral turpitude, or any other offence on indictment or for an election offence also.

The fourth change is one of those made in defiance of a deliberate decision by the Constituent Assembly. The report of the Constitutional Commission recommended to the Constituent Assembly a membership of the Council of State based on certain categories of people, e.g. ex-Heads of State, ex-Chief Justices, ex-Speakers of Parliament, representatives of professional bodies etc. The Constituent Assembly considered these and solemnly rejected the formula for constituting the Council of State in favour of the simple formula of not more than twenty-five prominent citizens qualified to be MPs and representing all the Regions of the country. The AFRC deliberately restored the formula rejected by the Constituent Assembly.

Two substantive changes affect the judiciary. The Draft had it that the Chief Justice and the other Justices of the Supreme Court should be appointed by the President "acting in consultation

with the Judicial Council" and with the approval of Parliament. (Article 127(1)). According to the AFRC version of the Constitution, in appointing the other Justices of the Supreme Court, the President should act not "in consultation with," but "on the advice of" the Judicial Council. Here again in making this change the AFRC deliberately brought back a recommendation of the Constitutional Commission which the Constituent Assembly had specifically rejected. Much the same point can be made of the change effected in the membership of the Judicial Council by the AFRC. The Constituent Assembly consciously added to the membership of the Judicial Council recommended by the Constitutional Commission one representative of the senior administrative staff of the Judicial Service. The AFRC, equally consciously, removed this provision.

Another instance of deliberate defiance of the Constituent Assembly is to be found in article 157(9). According to the Draft this clause required that persons appointed to public boards or corporations should satisfy the same qualifications as MPs and must be generally qualified to hold public office. By removing certain paragraphs of article 76 from the ambit of article 157(9), the AFRC made it possible for the following to sit on public boards and corporations: foreigners who owe allegiance to countries other than Ghana, people not qualified to be registered as voters, those convicted of election offences and a vast array of public servants all of whom had been rendered ineligible to sit on public boards or corporations by the Constituent Assembly.

It is difficult to come across a more defiant attitude to the Constituent Assembly than a simple change made in the provisions regarding the police. The Constituent Assembly fully debated the question whether the police should be a "force" or a "service". The debate was indeed a heated one, and the Assembly duly decided that it should be a force. The AFRC solemnly reversed this decision.

The last substantive and fundamental changes were, not surprisingly, made to the amendment process laid down in article 210. There are two methods for amending the present constitution. The easier method requires that the proposal for amendment should be approved by Parliament on not less than three different occasions, on the last two by a two-thirds majority of all MPs in a secret ballot; that not less than two-thirds of all local government councils should debate and accept it; and that the Council of State too should approve it by two-thirds majority of all its members. The easier method! The more difficult

method would precede all this with a referendum. In short, everything in this constitution is entrenched, but some are more entrenched than others: Over this hardened surface of entrenchment twice blessed the AFRC dances blithely, kicking provisions about with abandon. Thus, article 72 dealing with security services is demoted to the first of entrenchment and no less than five other articles, some comprising many clauses, are promoted to the second, and more difficult, rung: 75, 114, 128, 183 and 217. As a result of these changes, the number of seats in Parliament, all the provisions dealing with the Superior Court of Judicature as well as the tenure of office of its justices and all the provisions relating specifically to District Councils have been made more difficult to change. And, of course, the transitional provisions.

Of Audacious Usurpation Power

But the most audacious changes made by the AFRC to the Draft Constitution are to be found in the very pre-amble to it. The pre-amble of the Draft stated modestly. "We the People of Ghana by our representatives gathered in this Constituent Assembly... do hereby adopt, enact and give to ourselves this Constitution this First day of June, 1979." (Emphasis is mine). Two changes are made to this by the AFRC. The second is easier to deal with. And that is, the expression "this First Day of June 1979" is deleted altogether. In other words, the people of Ghana did not give themselves the constitution on any particular day. How true!

The other change made is a more serious matter: the deletion of the expression "by our representatives gathered in this Constituent Assembly". The Constituent Assembly recognized that the people of Ghana only indirectly enacted and gave themselves the Constitution; the Assembly, that is, recognized that its power to draw up a constitution rested on the fact that it represented the people of Ghana. The AFRC, by removing the two expressions, and making the preamble say "We the People of Ghana do hereby adopt enact and give to ourselves this constitution," in fact substituted themselves for the people of Ghana and claimed a higher moral and political authority than the Constituent Assembly. A more audacious usurpation of power can hardly be imagined, but that is not the end of it.

The Constituent Assembly ended the preamble this way: "This constitution shall come into force as the constitution of Ghana on the First Day of June 1979". This is also deleted and, instead, AFRC 24, which legislated the AFRC constitution into being, named the 24th Day of

September, 1979, as the day on which the constitution came into force. The audacious implication of this and the authority with which the AFRC made this and all the other changes will be considered in our next article.

Notebook

SO MUCH CHEAP TALK

Soon after taking office, President Limann made it clear that he was not going to be rushed. So although most of our problems looked like they needed urgent attention, we had to concede that one cannot give power to A and expect to see B's way of doing things; we just had to learn to fall in step with our President, and so we waited patiently for the Presidential address to Parliament and the nation. The address contained some direction and guidelines. Agriculture was going to be the pivot around which our developmental effort was going to revolve.

As if to test the government's ability, scarcely had the speech reached the public when the time for farm-land preparation arrived! Then the speeches started in earnest; Nana Okutur Bekoe could see the whole country flooded with cutlasses while the farmers who actually need to use cutlasses were complaining of the impossibility of finding them. Then someone in Takoradi remembered that the cutlasses were ready for the market except that they had no handles! Right now, plantations of maize are near flowering but we are being told by the President that the government is going to provide all the NECESSARY inputs, including fertilizers to our long-suffering farmers! All educational institutions, from Primary to University, have been attempting to work without books and adequate supplies of the most simple equipment; hospitals are still short of drugs; our cities are still choked with filth; Kalabule has assumed a new 'civilian' name; the unemployed are still unemployed and are learning new tricks to harass citizens; but need we go on?

In the meantime, the President, his Vice, Ministers and their Deputies who find talking so exhilarating, continue to TALK not to direct but to tell us what evil people Ghanaians are and to insist that if only we could all turn into angels on earth this nation shall surely become great.

As for the 'doing', it has been limited to a dedication of the Noguchi Centre provided by the Government and people of Japan; the rededication of a

market; the renaming of a circle and an avenue; the creation by the President of a private vigilante, members of whom, we are told are to receive identity cards embossed with the State Coat of Arms; and the increase in the price of fuel which of course does not affect the executive and many senior government and corporation officials, because they either have the use of state vehicles or are provided with petrol coupons; and while Ghanaians who have decided to stay at home groan under a multitude of injuries, the worse being denial of job satisfaction for lack of the wherewithal, our brethren in other lands are being asked to return home - and for what?

We would counsel Dr. Limann to place an embargo on such futile and irritating ministerial speechmaking. Henceforth, we would expect such speeches to be limited to announcing that specific things or objectives have been attained, and we also expect to be told concrete plans for achieving such objectives and not futile promises.

Letters

EQUALITY IN GHANA TODAY

SIR—I am writing to emphasize just how equal we are all in Ghana today. Politically, we are equal. You have your party, I have mine. And blessed are those who would join either of our parties. But hey! I didn't say politically we are not different.

Next, economically, we are different but this time we are equal. You see, you have lots of money slashed away some where; you can afford any meal at Blow-up Restaurant, Continental, Ambassador or even at Lomnava at Adabraka. Well, here I am, rubbing shoulders with these 'cyto' pupils for an under - the - shade of - a - leafless - tree meal. We are so equal: You pay high for your dressed chicken and whatnots; I also pay high for my yoo-ke-gari.

What need I to envy your car; you are wearing away all those 'old' C50.00 notes on petrol and expensive rather unavailable spare parts. I on the other hand, can boast of waiting eternally for trotros that never give me my ride or when I get it am so roughly handled I implore the Almighty to rain fire and brimstone on this forsaken (what forsaken?) land. This alternative not being so comfortable for me, well, I wear out my charlie-wote on pot - holed roads and rock-constructed paths. Need I envy the worn-out tyres of your 'tyre-free' country?

This is not so amazing! It is the sign of the times, the times of equality between us all in Ghana

J. B. Abaah

P. O. Box 3724
Accra.

THE SITUATION IS CRITICAL

SIR—When life becomes meaningless and unbearable for a people; when they go hungry for the most part of the day, and especially when nobody, even those who wield power seems to be doing anything to bring an end to their suffering, then you can safely conclude that some kind of trouble is in the offing. It may be admitted that the present seemingly hopeless situation in the country is not the making of the Limann administration but the entire populace is looking up to it intently to do something about it and to make life a little worth living. For example, proper and effective strategies should be worked out to control prices and stamp out all forms of trade malpractices. The situation in the country is serious and explosive. The PNP Government must therefore heed the call by a Member of Parliament for the formation of a National Government for we swim or sink together.

P. O. Box 136,
Wenchi, B.A.

E. K. Obeng-Yeboah

Open Letter to the Registrar of the High Court, Accra

Dear Sir,

My most respected Registrar, upon close examination of the performance of the Minister of Trade, Mr. F. K. Buah, after six months in office and upon following closely public reaction arising therefrom, I 'crave your indulgence' to file a suit on my behalf and on behalf of all those so annoyed at his performance as a Cabinet Minister, in the High Court, Accra, and fix a date for hearing at your earliest convenience.

The suit should read:
KWARTENG YAW, ESQ. (representing all concerned)

VS

BUAH, F. K., REV. (Cabinet Minister in the Third Rep.) and should seek to restrain the honourable minister from continuing in office until such time that:

(a) he gives a credible and convincing public explanation for stating before Parliament on 7th May, 1980, that he was not aware of the lay-off of workers by most of the major trading houses because of their empty stalls, in an answer to a question from a member;

(b) he assures the nation that never shall he take the nation for a ride with his double-talk;

(c) he persuades the nation why he should not be disciplined as a Minister by such behaviour.

The honourable minister shall be charged jointly and severally with all his advisers because it is obvious that they have a hand in his consistent inefficiency.

Finally, Dear Registrar, thou shall not fail in this national assignment. Thank you.

J25 Legon Hall
Legon-Accra.

Yaw Kwarteng

UNFULFILLED PROMISES

SIR—Some of the many legacies military regimes have bequeathed to this country are unfulfilled promises.

If players of the national team had to go on strike before a promise of a house each (commuted to ₵5,000.00) had to be given them, then my point is clear.

What about the taxi driver who returned ₵24,000.00 to the owner and who was promised a loan to purchase his own transport by the S.M.C. government, on work-and-pay-basis? Such unfulfilled promises tend to dampen the spirit of the few honest people in our sick society today.

The present government has to come out on this issue if future promises by our leaders have to be taken seriously.

Psychiatric Hospital
P. O. Box 1305
Accra.

Eben Odai-Eyinka

**IT PAYS TO
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Legon Observer

GHANA ATOMIC ENERGY COMMISSION

DIRECTOR

NATIONAL NUCLEAR RESEARCH
CENTRE
KWABENYA

The Ghana Atomic Energy Commission invites applications from suitably qualified Ghanaians for the post of Director of the National Nuclear Research Centre (NNRC), Kwabanya.

The primary activity of the NNRC is to undertake research in nuclear science and technology including applications of radioisotopes and nuclear techniques to problems of national relevance.

Currently the NNRC has six scientific departments as follows: Physics, Chemistry, Biology, Food & Agriculture, Reactor Technology and Nuclear Medicine. The Director will be responsible to the Commission.

To be considered for the directorship of the NNRC, a person should have a record of high scientific/research achievement preferably in the nuclear field. Also required is experience in effective scientific planning and administration as well as competence to head a multi-disciplinary research centre so as to advance the objectives of the centre as a national research organisation.

Salary - attractive

Application forms may be obtained from:

the Secretary, G.A.E.C.
P. O. Box 80 Legon, Ghana,
to whom to completed application forms
must be returned.

Closing date for the submission of applications - June 30, 1980.

Role of Third Republican Parliament

SIR—Reading Professor Gyandoh's opinion (L.O Vol. XII No. 4) I find that there has been a misunderstanding as to what is a preamble to An Act of Parliament, which in the context in which it was originally used "is dead accurate" and signified that "The monarch executive enacts legislation with the advice and consent of Parliament".

What is referred to as a preamble is in fact the enacting formula to an Act of the British Parliament. The formula normally reads as follows.

"BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:"

That is an enacting formula. A preamble to an Act of Parliament would be something like this

"Whereas article 110 of the Constitution establishes the office of Ombudsman and the Constitution provides, under the provisions of article 112, that Parliament shall within six months of the coming into force of the Constitution, by or under an Act of Parliament specify the other matters which shall be the subject of investigation by the Ombudsman"

That is a preamble. It would normally be followed by an enacting formula.

The distinction is perhaps a subtle one. But a misunderstanding as to the significance of the difference between the two often leads to wrong conclusion being drawn.

It is a small distinction perhaps. But it is important that the distinction should be made clear. Little things do matter in this world. Big gates swing on little hinges.

P. O. Box 7024 V. C. R. A. C. Crabbe
Accra-North

TRIAL BY FETISH

SIR - Mr. Augustine Andoh's article L. O. 14 -27, March, 1980 reflects the ideas of many people, especially in this University. In Africa where the majority of the people still practice juju, magic and witchcraft I think that Africans who say they do not believe in these are running away from the truth. It looks as if African intellectuals are copying scientific theories wholesale. The fact that some of them solve their problems in the traditional way

shows that these methods are real but not fantasies. We should not just take things because they come from men of knowledge. Anyone who says witchcraft etc are fantasies is saying that Satan is not real.

People like Mr. Andoh can easily find out the truth of these things by experiment. I advise Mr. Andoh to go to a village in Ghana called Nawuni, steal something and try to carry that thing across the river. To believe in witchcraft etc is one thing and to accept them as suitable avenues to the solution of our problems is another. Definitely witchcraft etc cannot be relied upon to solve modern problems. However the so called radicals of the Songhai University did not protest because they felt the procedure would not have exonerated the culprit, but because they feared the University Community would have been ridiculed for adopting primitive methods to solve their problems.

I think Flight Lt. Rawlings was only saying that he had lost hope in the modern method of trial because the people who operate the system have made nonsense of it. Is it not true that the law favours "those who matter" in our society while the poor are always the victims?

M. 15 Legon Hall Umar Al-Hassan
University of Ghana.

FOOD DISTRIBUTION CORPORATION (2)

SIR—In the L.O. Vol. XII No. 5 of 14-27 March 1980, the Food Distribution Corporation came under severe criticism in your Notebook entry. Permit me to make few observations on your entry.

It would be recalled that during the years of Mr. Amuah, an agricultural economist, as Managing Director, the Corporation undertook the distribution of imported rice on a massive scale unknown in its history and in the process built up substantial funds. It then decided that the funds so generated should be invested in an estate housing project for the use of its staff. The sod cutting ceremony was performed some time in 1978 and presumably, the project is in an advanced stage.

The legacy of importing foodstuffs for sale in the country therefore was inherited by the present Managing Director. It would appear that the Corporation has become more interested in food importation and distribution because of the experience it gained in it during Mr. Amuah's years and the fact that to it those undertakings are easier and more profitable than the distribution of local foodstuffs. This presumably is the reason

behind its continued pursuit of the distribution of imported food items as opposed to the more uncertain realm of purchasing, assembling, transporting and distributing local stuffs.

With regard to the importation of palm oil, the President could not have acted rightly by declining the licence viewed against the current demand for palm oil vis-a-vis the local sources of supply. It is a known fact that it will take considerable number of years before the country can claim to be self-sufficient in palm oil even if the necessary investments are made now.

In the interim, should we be starved of palm oil and for that matter other food items whose local supply is by far short of demand?

P.O. Box 106
Koforidua.

Samuel Asare

FOOD DISTRIBUTION CORPORATION

Under your column Notebook of Vol. XII No. 5 (14-27 March, 1980) edition of the *Legon Observer* a veiled personal attack and stark ignorance coupled with crude distortion of facts were exhibited in your article captioned "Food Distribution Corporation".

We are constrained to issue a rejoinder to the article not so much as out of a desire to exonerate ourselves of the charges levelled against us as out of a feeling that the columns of a respected journal like the *Legon Observer* must not be allowed to be the means of propagating blatant lies, encouraging mudslinging and above all sink to such low journalistic standards.

One of the basic principles of journalism is checking the veracity of what goes into print. With very little effort your journal could have checked on for instance, who was to order "2 million" cedis palm oil from the Republic of Benin!!!. You would have again, without much pains, have found who actually order rice into this country and why they do so!

You gave the reason for the setting up of the Ghana Food Distribution Corporation to be "ostensibly to co-ordinate the purchase of food from the hinterland to the urban to areas, as a response to persistent cries, that food gets rotten in the bush each year because of poor and uncoordinated evacuation and storage." You could not have been far from wrong here. If this were the rationale behind the setting up of this Corporation then it would have given it much of an ad hoc look.

The objectives of the Ghana Food Distribution Corporation are outlined in Legislative Instrument 714. We will quote only two of our objectives:

- (a) To purchase, sell, preserve and distribute foodstuffs including meat, fish, and fish and meat, preparation.
- (b) To buy and sell agricultural machinery and implements to farmers.

Summed up, the Ghana Food Distribution Corporation's main aim is to obviate and possibly eradicate seasonal shortages of foodstuffs in the country and to provide a ready market, as an incentive to the Ghanaian farmer for the food produced by him.

You can therefore see that the Ghana Food Distribution Corporation was set up with a more noble and herculean task than the wishy-washy and ad hoc look you wanted to portray.

Transportation

The task set G.F.D.C. will require two main types of equipment—Transportation and Storage facilities. One can therefore only express shock and dismay at your attack on the Managing Director who "always complains of lack of transportation to bring food from the bush".

Yes, the Managing Director and indeed all Management staff of the Corporation have seized every conceivable occasion to call for the proper capitalisation of the Corporation in the form of adequate number of vehicles and proper storage facilities.

We have said over and over again not, as an apology, but to tell the Government and the nation as a whole that no matter the bold and good marketing strategy that we shall plan it will always remain on the drawing board if we are without the two main tools we need:

- i. transportation (this includes articulators, haulage trucks, delivery vans and tractors) and
- ii. adequate storage facilities (warehouses, cold rooms, drying pads, et cetera.)

To translate the strategy into action.

It may be just that you are totally ignorant of evacuation in this country that you talk of "if there is transport to distribute imported rice, there should be transport to bring rice from Tamale to Accra or maize from Nkoranza to Takoradi".

If we send a seven tonner truck to Nkoranza to bring maize to Accra or Takoradi, it would bring only 70 bags of maize after about two days journey, not taking into account loading time

Sir, what is 70 bags of maize to say the people of Bukom alone or the kenkey and "fomfom" makers of Kwesimintsim at Takoradi. If he were to bring plantain he could only bring 7,000 kilograms. This will not be enough to prepare one fufu meal for the people of Ashanti New Town, in Kumasi. To serve the community well and thereby make the Corporation's impact felt more, is the Managing Director not justified to "always complain of lack of transportation..."

The bare truth about our transport position in that we can boast of only 10 DAF trucks, all over five years old and 12 seven-tonner benz trucks and 13 distribution vans. With these, Sir, we are expected to move food from one corner of the country to the other.

In these circumstances, do you still maintain we have no right to complain of our woeful lack of transportation?

Let me now touch on what I described as a show of "stark ignorance coupled with crude distortion of facts".

Importation

You talked of "the recent case of the present Managing Director applying for an import licence of 2 million cedis to import palm oil from the Republic of Benin..."

The whole idea of purchasing palm oil from Benin was more of a political cum diplomatic arrangement than commercial.

Following visits to a number of West African countries, including Benin, by the former Head of State and Chairman of the S.M.C. 11, the late General F. W. K. Akuffo, a committee was set up to work into the need of strengthening bilateral relations with the Republic of Benin in the spirit of ECOWAS. The Benin Government had indicated it would offer white maize, palm oil, citrus fruits, potatoes, sweet pepper and cotton in return for Ghana's cocoa, timber and providing training facilities in agriculture, linguistics, television and film industry and sports.

A government delegation for concretising trade, commercial and cultural co-operation between Ghana and Benin was set up. It was made up of the following: Mr. K. Kwakye, Charge d'Affairs, Ghana Embassy, Benin, Mr. J. S. Annan, Consultant, Ministry of Economic Planning, Mr. J. K. Amoako, Principal Assistant Secretary, Ministry of Cocoa Affairs, Mr. D. B. Arthur, Commercial Officer, Ministry of Trade & Tourism, Miss. Fanny Mancell, then Acting Managing Director, G.F.D.C. Mr. G. M. Osei, Principal Assistant Secretary,

Ministry of Agriculture and Mr. R. G. Amisshah, Second Secretary in charge of Consular Affairs, Ghana Embassy, Benin.

The agreement to purchase maize and palm oil was the outcome of recommendations submitted to the Government by the Ministry of Agriculture on the report of this delegation. The G.F.D.C.'s role was just to evacuate and distribute the palm oil.

Where is therefore, Sir, the truth in your statement that our Managing Director applied for 2 million cedis for the importation of palm oil?

While on importation you may please be advised that the Ghana Food Distribution Corporation does not in anyway do any importation. The Central Food Committee of the Ministry of Agriculture on recommendations from us and the Economics and Marketing Division of the Ministry of Agriculture does the importation of any type of food.

The Corporation therefore only distributes such quantities of rice or maize as allocated it by the Ministry of Agriculture.

We do not see the relevance in quoting the case of the rotten tomatoes nor do we see what it illustrates in the present context. We only hope that you have got your facts right to know whom to blame for the rotten tomatoes.

Qualification

If any other journal apart from yours had made fetish of degrees as you did it would have been pardoned. But for it to have come from you leaves a sour taste in the mouth. How can you narrowly argue that the Managing Director of the Ghana Food Distribution Corporation must by all means be an agricultural economist.

We believe you will agree that University education, no matter the discipline, is to offer the beneficiary the ability to think and analyse a problem and come out with a solution.

With her training as a lawyer and her long association with the Corporation, the present Managing Director has been well schooled to be the Chief Executive of this organisation.

In any case the post was widely advertised in our local dailies to which the response was good. Many people were shortlisted, including agricultural economists who were interviewed by a panel comprising representatives from the M.D.P.I., G.I.M.P.A., Ministry of Agriculture, Public Services Commission and our own Board of Directors. Some of the panelists were knowledgeable agricultural economists. It was from this interview that the present Managing Director was selected.

Since her assumption of duty as the Managing Director, she has nowhere argued that the instrument setting up the Corporation permits it to "distribute essential commodities such as soap and matches to farmers."

Everywhere staff of this Corporation visit they are met with requests from farmers for such items as soap, kerosine, mackerel, textiles, tractors etc.

The Managing Director during an extensive tour of the nation was also confronted with these same requests. In asking for these items the farmers were making legitimate claim to the national cake.

Our argument has always been that Ghana Food Distribution Corporation is the only well organised government organisation in direct contact with the largest number of food farmers. In arguing that we should be allowed to handle all the essential commodities for farmers we were not only evolving a plan by which we would ensure that we get in return all that they produce but also that social justice is done to them.

Therefore in allocating G.F.D.C. less than one percent of some essential commodities to be distributed to farmers, the Government took a step in the right direction.

After the introduction of this "Linkage Programme" which the farmers were very happy about we are now getting difficulties in getting further consignments. In consonance with the government declaration of the next two years as agricultural years, Management of this Corporation hopes the Limann Administration will see to it that the programme is maintained in the interest of the farmers who will be the infantry men in this war.

Further to this we have submitted a detailed list of our import licence requirements like spare parts to rehabilitate our broken down trucks, maize driers, silos, etc. When approved these will considerably step up our operations. We therefore fervently hope the government will help us help the farmer to produce more to help the urban dweller feed himself well and cheaply by getting our licence requirements.

In the light of the above your charge of this Corporation being "a drain on the Ghanaian taxpayer" does not hold water. Indeed, unlike other Corporations the Ghana Food Distribution Corporation does not take any subvention from the Government.

In recent times this is the second time your journal has scurrilously attacked us. There are many similarities between the two attacks - the naked lies, the anonymity of authors (the first appeared in a form of a letter in September, 1979 where the author's name was not known at the address he gave and the second one appearing

under your column Notebook and therefore without a by-line) and the veiled hatred for the present Managing Director.

We hope that it is not the case of somebody well placed with The Legon Observer using it to do his or her battle with the Corporation.

We really want to hope it is just the case of a respected journal as yours taking a serious look and a genuine interest in just another state organisation.

Thank you.

Food Distribution
Corporation,
P. O. Box 4245
Accra.

Andy C. Agyekum
Public Relations Officer
For: Managing Director

At the request of the F.D.C. Management, this is published unedited. Editor.

Opinion

QUESTIONABLE FALL IN THE RATE OF INFLATION

by A. A. Aboagye

The Government Statistician's report that inflation in Ghana has fallen from 73% to 54.4% during the past year has raised some questions about the ability of statisticians to manipulate figures and use them to mislead the general public. Dr. Jackson's inflation figures do not indicate the true level of the cost of living in Ghana.

First, the decline in the rate of inflation from 73% to 54.4% should not be interpreted as a drop in the prices of goods and services in the country. All it means is that, on the basis of 1978 prices, prices in 1979 rose by 54%. It does not imply that prices have fallen. Rather the rate at which prices are rising has been reduced. In fact 54.4% is the increase on last year's prices and that people should not be deceived that prices are falling. This is quite wrong.

It is generally accepted that price indices cannot and do not measure the true cost of living simply because they cannot account for the expenditure patterns of the various socio-economic groups in the society, changes in tastes, etc. These are problems which are inherent in the use of the consumer price index and I do not wish to take Dr. Jackson to task on these issues.

However, it seems that the latest rate of inflation is one of the wildest guesses one could make about the inflationary conditions in Ghana. It does not confirm the experience of consumers in the country. It is obvious from casual observation that the cost

of living is rising rapidly and from day to day and people are finding it more and more difficult to meet their usual forms of consumption.

Dr. Jackson notes that the large fall in the rate of inflation was due to an increase in food production. Well, he may be right in some sense, and since he does not have any figures on food production, we may give him the benefit of the doubt. But it is clear that food prices have not fallen enough to account for the sharp drop in the rate of inflation.

Local food prices constitute 52% of the consumer price index and given the high price increases in other items, local food prices may have to fall by very large amounts to account for an overall price decrease from 73% to 54%. In other words, food prices relative to other products, would have to fall significantly in order to account for the unusually large drop in the rate of inflation. In spite of the fairly large increase in food production, there was no significant decrease in the prices of food because these producers had to buy other items whose prices were rising, they were reluctant to reduce the prices of their products. Except for perishable products, producers were attempting to maintain a fairly high price of food relative to other items (non-food).

It would be interesting for Dr. Jackson to publish in some detail the prices of the individual items in the various regions which were considered in the compilation of the price index. I suspect that a large number of these items would have controlled prices as market prices. We all know that only a very small proportion of Ghanaians buy things at controlled prices.

Secondly the method of sending field workers with large sheets of papers in their hands often leads the sellers to underquote the prices of the goods for the government officials. They must go to the market to purchase these goods. In addition, the index may have to take account of the time spent in queues and the time spent in seeking information about where goods are being sold. These might help in identifying the true cost of living.

Thirdly at a time when there is a very rapid increase in money supply and little or no increase in the growth of GNP (national output) the fall in prices, as suggested by Dr. Jackson appears a serious threat to some of the fundamental assertion in economics which has been proved in Ghana and also for many inflationary situations. When the increase in money supply exceeds the increase in output, prices do rise.

Dr. Jackson has a case to answer. First he could publish some of the prices of the individual items which were used in the computation of the price index to justify his claims. Secondly, since he falls

on the usual phrase of "lack of data," one wonders how he arrived at his conclusion in the first place. Thirdly, whose cost of living is Dr. Jackson measuring?

In conclusion, I would like to point out that attempts by such government departments to give the impression that things are not that bad should be discouraged. It creates the impression that the government is gaining grounds in its fight against inflation, yet every man in Ghana knows that prices are still rising fast. Such impressions may also give the government strong belief in the poor economic policies which they are pursuing and which have been documented in the budget.

I hope that with time, honourable men like Dr. Jackson will check their data against what people are experiencing in the country before they make public their findings.

For The Record

APRIL 26, 1980

Constitution and Supreme Court

More than 50 cases are listed for hearing at the Supreme Court which is yet to be established.

Under the Transitional Provisions of the Constitution the Supreme Court should be established within 12 months after the coming into force of the Constitution. It shall comprise the Chief Justice, as president, and six other justices.

A GNA report said the Deputy Judicial Secretary has spoken of steps being taken to get the Court established.

APRIL 28, 1980

Bilson demands Limann's Resignation

Dr John Bilson, leader of the Third Force Party, has demanded the resignation of President Limann in order to preserve the constitutional order and save Ghana from ultimate collapse.

He said, "the current national mess in which the country finds itself is eloquent confession of failure and admission of the fact that the longer Dr. Limann stayed in office the more disastrous the consequences will be for the nation."

A government reply to Bilson's demand said it would "not allow itself to be stamped into taking hasty decisions to justify the whims of a few self-opinionated people in this country."

The statement recalled that the late Mr Acheampong mentioned Bilson as one of those who benefited from the unrestrained issue of import licences which characterised that era.

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