IN THE SUPERIOR COURT OF JUDICATURE, THE SUPREME COURT (CIVIL DIVISION) SITTING IN ACCRA ON THURSDAY THE 25TH DAY OF JUNE, 2020.

CORAM: YEBOAH C.J (PRESIDING), DOTSE, BAFFOE-BONNIE, GBADEGBE, MARFUL-SAU, AMEGATCHER AND KOTEY, JJ.S.C

CONSOLIDATED WRITS

SUIT NO. J1/9/2020

NATIONAL DEMOCRATIC CONGRESS - PLAINTIFF

VRS

1. **ATTORNEY-GENERAL**
2. **ELECTORAL COMMISSION OF GHANA - DEFENDANTS**

AND

SUIT NO. J1/12/2020

MARK TAKYI-BANSON

H/NO. BN34, BREMAN KOKOSO - PLAINTIFF

ASIKUMA-ODOBEN-BRAKWA

VRS

1. **ELECTORAL COMMISSION OF GHANA**
2. **THE ATTORNEY-GENERAL - DEFENDANTS**

Parties:-

Johnson Asiedu Nketia representing the Plaintiff in JI/9/2020 as General Secretary.

1st Defendant absent in J1/9/2020.

Samuel Tettey representing the 2nd Defendant in J1/9/2020 and 1st Defendant in J1/12/2020.

Plaintiff in J1/12/2020 present.

Counsel

Godwin Tamakloe for the Plaintiff in J1/9/2020 with him Seth Nyaaba.

Godfred Yeboah Dame, Deputy Attorney General for the 1st Defendant in J1/9/2020 and 2nd Defendant in J1/12/2020 with him Clarence Kuwornu, Chief State Attorney.

Justin Amenuvor for the 2nd Defendant in J1/9/2020 and 1st Defendant in J1/12/2020 with him Hope Agboado.

Cosmas Anpengnuo for the Plaintiff in J1/12/2020.

BY COURT:-

As per the attached orders the decision of the Court is unanimous.

SUIT NO. J1/9/2020

By a unanimous decision the following orders are hereby made:-

RELIEF ONE

Already struck out as withdrawn.

RELIEF TWO

This relief is granted subject to the fact that all eligible voters must make themselves available for registration as directed by the Electoral Commission pursuant to *Public Elections (Registration of Voters) (Amendment) Regulations, 2020 C. I. 126.*

RELIEF THREE

This relief is granted subject to the Voter Registration card issued to an eligible voter under the prevailing constitutional Instrument C. I. 126.

RELIEF FOUR

Dismissed

RELIEF FIVE

Dismissed

RELIEF SIX

Is dismissed

We however reiterate the decision of this court in ***Abu Ramadan & Mimako (No.2) v Electoral Commission & Attorney-General (No.2) [2015-2016] 1 SCGLR 1*** where the court per Benin JSC stated:

> *"If the law provides for alternative ways of performing the task, the discretion is vested in the actor in deciding within the limits imposed by article 296 of the Constitution as to which one of them would best suit the task on hand."*

The court continued by re-emphasising the fact that the Electoral Commission in exercising their discretion in the discharge of their constitutional mandate in cleaning the voters Register should be deemed as authorised to be acting within the law and the regulations therein, and cannot be faulted even if it is considered that there is a more efficient mode or method available.

RELIEF SEVEN

It is dismissed subject to the provisions contained in C. I. 126.

RELIEF EIGHT

It is refused and we also reiterate our decision in ***Abu Ramadan (No.2)*** supra where this court held that the Electoral Commission in performing their mandate under Article 45 of the Constitution 1992 cannot be compelled to act in a particular manner unless there is clear evidence that they have acted unconstitutionally.

SUIT NO. J1/12/2020

RELIEF ONE

Is dismissed

RELIEF TWO

Is dismissed

RELIEF THREE

Is dismissed and we reiterate this court's decision in ***Abu Ramadan (No.2***) already referred to supra in ***Suit No. J1/9/2020.***

RELIEF FOUR

Is dismissed and we reiterate our position in ***Abu Ramadan (No. 2) supra.***

RELIEF FIVE

Is dismissed

We reiterate this court's decision in ***Abu Ramadan (No.2)*** where the court stated that:-

> *"In the exercise of its original jurisdiction, it was not permissible for it to substitute its own decisions for that of the body of persons exercising the discretion conferred on it by the Constitution unless they act contrary to it. The court further emphasized that, that was necessary to keep the court itself within its proper limits in order to give effect to the supremacy of the law."*

RELIEF SIX

Is dismissed as same has already been dealt with in relief three supra.

CONSEQUENTIAL ORDERS

In the exercise of the powers conferred on us under Article 2 (2) of the Constitution 1992, we hereby make the following orders:-

1. It is hereby ordered that all stakeholders and the Ghanaian eligible voters are directed to comply with Articles 42 and 45 of the Constitution and the *Public Elections (Registration of Voters) (Amendment) Regulations, 2020 C.I. 126* as regulated by the Electoral Commission i.e. 2nd Defendants in Suit No. J1/9/2020 and 1st Defendants in J1/12/2020 in carrying out their constitutional mandate in the compilation of a new voters register.

2. By this decision, the Electoral Commission i.e. 2nd Defendants in Suit No. J1/9/2020 and 1st Defendants in Suit No. J1/12/2020 are hereby directed to commence the compilation of the voter registration exercise as scheduled.
3. By these decisions and, by virtue of Article 130 (2) of the Constitution any court in which same or similar action is pending or yet to be filed shall apply the decision rendered by the Supreme Court in these consolidated suits.

Reasons will be filed on or before the *15th of July 2020.*

SGD. ANIN YEBOAH
CHIEF JUSTICE

SGD. J. V. M. DOTSE
JUSTICE OF THE SUPREME COURT

SGD. P. BAFFOE-BONNIE
JUSTICE OF THE SUPREME COURT

SGD. N. S. GBADEGBE
JUSTICE OF THE SUPREME COURT

SGD. S. K. MARFUL-SAU
JUSTICE OF THE SUPREME COURT

SGD. N. A. AMEGATCHER
JUSTICE OF THE SUPREME COURT

SGD. PROF. N. A. KOTEY

JUSTICE OF THE SUPREME COURT