

6. THE JUDICIARY

- 6.1 The administration of Justice in Mauritius has been conferred by the constitution upon the Judiciary, which at present, exercises its jurisdictions through the Supreme Court, the Intermediate Court, the Industrial Court, the District Courts, the Bail and Remand Court, the Criminal and Mediation Court, and the Commercial Court.
- 6.2 The Judiciary aims at maintaining an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedom of the individual, and commands domestic and international confidence.
- 6.3 Being a Court of Equity, the Supreme Court is vested with the powers, authority and jurisdiction, among others, to administer justice and do all acts for the due execution of such equitable jurisdiction in all cases where no legal remedy is provided by any enactment; and hear and determine any complaint of a disciplinary nature in respect of the professional conduct of a law practitioner or a ministerial officer including a Land Surveyor.

Structure of the Judiciary

- 6.4 At present, the Chief Justice is at the apex of the hierarchical structure of the Supreme Court which equally consists of the Senior Puisne Judge and such number of Puisne Judges as may be prescribed by Parliament. A Judge of the Supreme Court holds office until retirement at the age of 67 years.
- 6.5 The professional structure at the level of the Intermediate Court comprises the President, Vice-Presidents and Magistrates, whereas at the Industrial Court level, the President and Vice-Presidents are empowered to preside the respective Courts. At the level of District Courts, a Senior District Magistrate and District Magistrates perform the judicial functions.
- 6.6 Officers in the Court Officer cadre and Court Usher cadre are entrusted with the responsibility to provide the necessary back up at the technical support level to the professionals of the Judiciary in the discharge of their functions.

Reforms in the Judiciary

- 6.7 In the context of the present review exercise, we have been given to understand that major reforms in the Judiciary is still underway. Pending enactment for the setting up of a Court of Appeal and a High Court, we are maintaining the present structure.

Recruitment and Retention Problems in the Judiciary

- 6.8 Over the years, the Judicial Department has encountered difficulties to tackle the problem of acute shortage of staff and has, therefore, constantly been drawing

professionals from the already scarce resources available at the State Law Office to fill vacancies in the Magistracy. To remedy this situation, the authorities had, prior to the 2013 PRB Report, agreed to allow the Judiciary to recruit Magistrates on a negotiable point of entry.

6.9 At present, subject to the concurrence of the Ministry of Civil Service and Administrative Reforms and approval of the High Powered Committee, new entrants in the grade of District Magistrate have been granted a negotiable entry point as an incentive to attract and recruit officers of the right profile and calibre and to retain the services of experienced officers. We are maintaining the existing provision.

Recommendation 1

6.10 We recommend that the Ministry of Civil Service and Administrative Reforms may, subject to the concurrence of the High Powered Committee, continue to approve the higher salary point for new entrants in the grade of District Magistrate, based on the qualification and experience of recruits, and such adjustments in salary as may be required for officers in post.

Special Judicial Service Allowance

6.11 A monthly Special Judicial Service Allowance is actually paid to Judicial and Legal Officers who tend to leave the service after acquiring some years of valuable experience at the Magistracy. Due to impending changes in view of the reforms underway at the Judiciary, we are maintaining the payment of the Special Judicial Service Allowance to Judicial and Legal Officers.

Recommendation 2

6.12 We recommend that Judicial Officers should continue to be paid, with effect from 01 January 2016 and up to the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector, a monthly Special Judicial Service Allowance, as hereunder:

Grade	Special Judicial Service Allowance (% of monthly salary)
District Magistrates reckoning at least 5 years' service in the grade and Senior District Magistrates	7
Magistrate, Intermediate Court, Vice President, Industrial Court, Vice-President, Intermediate Court, President, Industrial Court, President,	10

Grade	Special Judicial Service Allowance (% of monthly salary)
Intermediate Court, Deputy Master and Registrar and Judge in Bankruptcy	
Judge in Bankruptcy and Master and Registrar, Puisne Judge, Senior Puisne Judge reckoning less than 10 years' service in the respective grades	15
Judge in Bankruptcy and Master and Registrar, Puisne Judge, Senior Puisne Judge and Chief Justice reckoning more than 10 years' service in the respective grades but less than 30 years' service	20
Judge in Bankruptcy and Master and Registrar, Puisne Judge, Senior Puisne Judge and Chief Justice reckoning more than 30 years' service	30

6.13 The above recommendation is made on the understanding that no additional remuneration, over and above the recommended packages, will be considered until the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector.

Judicial and Legal Allowance

6.14 At present, Judicial and Legal Officers are entitled to the payment of an all-inclusive yearly Judicial and Legal Allowance as an assistance towards meeting the cost of certain items of expenditure related to the exercise of the profession. The quantum is as follows: Rs 36850 for Judges, Judge in Bankruptcy and Master and Registrar, and Deputy Master and Registrar and Judge in Bankruptcy; and Rs 22000 for Magistrates, State Law Officers, Legal Secretary, State Attorneys and Curator of Vacant Estates. In this Report, we are maintaining the payment of the allowance.

Recommendation 3

6.15 We recommend that the current yearly Judicial and Legal Allowance payable to the Judicial and Legal Officers be Rs 36850 for Judges, Judge in Bankruptcy and Master and Registrar, and Deputy Master and Registrar and Judge in Bankruptcy; and Rs 22000 for Magistrates, State Law Officers, Legal Secretary, State Attorneys and Curator of Vacant Estates.

Housing Allowance

6.16 At present, a Housing Allowance which is meant to cover both the extra expenses incurred for housing facilities and security measures is paid to the Chief Justice at the rate of Rs 22000 monthly, whereas the Senior Puisne Judge and the Puisne Judges of the Supreme Court benefit of same at the rate of Rs 11000 monthly. This allowance is wholly reckoned for pension purposes (notwithstanding the provisions of this Report on "Pensionable Value for Rent Allowance"). We are maintaining the payment of the allowance.

Recommendation 4

6.17 We recommend that the monthly Housing Allowance payable to the Chief Justice be maintained at Rs 22000 whereas the Senior Puisne Judge and the Puisne Judges of the Supreme Court be paid a Housing Allowance of Rs 11000 monthly to cover both the extra expenses incurred for housing facilities and security measures. The said allowance should continue to be wholly reckoned for pension purposes (notwithstanding the provisions of this Report on "Pensionable Value for Rent Allowance").

Bail and Remand Court and Weekend Court

6.18 At present, officers of the Judiciary as well as officers of the Court Officer cadre and Court Usher cadre, who are required to work beyond normal working hours, during weekends and public holidays for the grant of release on bail to persons arrested during weekends and public holidays, are paid a monthly allowance as follows:

Rs 25000 to the Senior District Magistrate (Team Leader); Rs 23000 to the Magistrate; Rs 9700 to Court Officers and Court Ushers. In this Report, we are maintaining the payment of this allowance at the initially set quantum for the respective grades.

Recommendation 5

6.19 We recommend that officers of the Judiciary as well as officers of the Court Officer cadre and Court Usher cadre, who are required to work beyond normal working hours, during weekends and public holidays for the grant of release on bail to persons arrested during weekends and public holidays, should continue to be paid allowances at the initially set quantum (as above) for the respective grades.

Diploma in Legal Studies and Court Administration

6.20 Pursuant to a recommendation in our previous Reports, officers of the Court Officer cadre have been sponsored to follow a course leading to a Diploma in Legal Studies and Court Administration. The possession of the Diploma in Legal Studies and Court Administration has, as from 01 July 2013, been a pre-requisite for Senior Court Officers to be promoted to the grade of Principal Court Officer.

- 6.21 At present, Principal Court Officers possessing the Diploma in Legal Studies and Court Administration are allowed to move incrementally beyond the top salary scale recommended for the grade by one additional increment to be read from the Master Salary Scale. We are maintaining the existing provision and extending it to other grades in the Court Officer cadre.

Recommendation 6

- 6.22 **We recommend that the scheme of service for the grade of Principal Court Officer be amended such that, henceforth, promotion to the grade of Principal Court Officer be made, on the basis of experience and merit, of Senior Court Officers, reckoning at least three years' service in a substantive capacity in the grade and possessing the Diploma in Legal Studies and Court Administration.**
- 6.23 **We further recommend that, officers of the Court Officer cadre who have successfully completed the Diploma in Legal Studies and Court Administration be granted one additional increment to be read from the Master Salary Scale subject to having reached the top salary of the respective grades. This provision would, however, not apply to those Principal Court Officers who have already benefitted from the additional increment.**

Judicial Research Assistant (New Grade)

- 6.24 The post of Judicial Research Officer is currently being filled by selection from among Barristers whose names have been entered on and not erased from the roll of Law Practitioners. The Bureau has been apprised that Judicial Research Officers are not "Judicial and Legal Officers" in as much as appointment to the grade is made by the Public Service Commission and not by the Judicial and Legal Service Commission. Further Judicial Research Officers are not required to perform duties on the Bench or at the Bar whilst in office. The nature of their work is very different from that of District Magistrates or State Counsel, as their core duties/responsibilities are to conduct research work and provide technical and administrative support to Judicial Officers.
- 6.25 In view of the above, the Management of the Judiciary has requested for a new grade of Judicial Research Assistant while making the existing one evanescent. We are recommending accordingly.

Recommendation 7

- 6.26 **We recommend the creation of the grade of Judicial Research Assistant on the establishment of the Judiciary. Appointment, thereto, should be made from among holders of a Degree in Law from a recognised institution or equivalent qualification.**

- 6.27 Incumbent would, *inter-alia*, be required to assist Judicial Officers in carrying out research work related to court cases, perform legal advisory work generally; assist Judicial Officers in preparatory work prior to participating in conferences, seminars, meetings, workshops and training; assist in research for compilation of material for the purpose of publications, pamphlets or booklets; and have a proper management system of research methods.
- 6.28 With the creation of the grade of Judicial Research Assistant, the existing grade of Judicial Research Officer would no longer be required on the establishment of the Judiciary.

Recommendation 8

- 6.29 We further recommend that the grade of Judicial Research Officer on the establishment of the Judiciary be made evanescent and abolished on vacancy.**
- 6.30 We are providing for personal salary for officers in post as at 31 December 2015.**

Black Jacket Allowance

- 6.31 At present, officers of the Court Officer cadre and Court Usher cadre, who are required by the rules of the Court to appear in black jacket with tie are paid an allowance of Rs 4800 yearly. We are maintaining the payment of the allowance.

Recommendation 9

- 6.32 We recommend that officers of the Court Officer cadre and Court Usher cadre, who are required by the rules of the Court to appear in black jacket with tie be paid a black jacket allowance of Rs 4800 yearly.**

Witness Attendance Allowance

- 6.33 An attendance allowance of Rs 100 is presently paid to public officers who attend Courts as witnesses on behalf of their Ministries/Departments, whereas professionals such as Architect, Attorney-at-Law, Engineer, Forensic Technologist, Land Surveyor, Medical Practitioner, Forensic Scientist, Veterinary Surgeon etc. who attend Courts as expert witnesses are paid an attendance allowance of Rs 200. We are revising the quanta of these allowances.

Recommendation 10

- 6.34 We recommend that (i) public officers who attend Courts as witnesses on behalf of their Ministries/Departments be paid an Attendance Allowance of Rs 105;(ii) professionals such as Architect, Attorney-at-Law, Engineer, Forensic Technologist, Land Surveyor, Medical Practitioner, Forensic**

Scientist, Veterinary Surgeon etc. who attend Courts as expert witnesses be paid an attendance allowance of Rs 210.

Additional Compensation to Officers of the Court Usher Cadre

6.35 At present, officers of the Court Usher cadre who use their cars to perform official travelling are paid an additional amount of Rs 800 per month to cater for the additional expenditure incurred in the maintenance of their cars used to perform extensive official travelling. We are maintaining the payment of the allowance.

Recommendation 11

6.36 We recommend that the additional compensation paid to officers of the Court Usher cadre who use their cars to perform official travelling be maintained at Rs 800 per month.

Compensation to Court Usher Cadre for extra hours

6.37 Officers of the Court Usher cadre who are regularly called upon to put in extra hours of work in connection with the serving of court papers and executing court orders beyond normal working hours are, at present, compensated for the extra hours put in per month as follows:

Chief Court Usher	Rs 5500
Principal Court Usher	Rs 5000
Senior Court Usher	Rs 4500
Court Usher	Rs 3000

We are maintaining the payment of this allowance at the initially set quantum, as above.

Recommendation 12

6.38 We recommend that officers of the Court Usher cadre who are required to put in extra hours in connection with the serving of court papers and execution of court orders beyond normal working hours should continue to be paid the allowance as per the initially set quantum for the respective grades.

Mileage Allowance for Officers of the Court Usher Cadre

6.39 The Management of the Judiciary submitted that officers of the Court Usher cadre are required, *inter-alia*, to serve judicial and extra judicial processes, execute writs, orders, warrants and effect sale of forfeited and seized articles. In performing these duties, the officers are required to make use of their personal vehicles for which they have benefitted 70% duty remission. Those officers who are not eligible for travel grant are refunded mileage as follows:

(i) Rs 10.30 per km for the first 800 km;

and (ii) Rs 6.50 per km for mileage in excess of 800 km.

6.40 Given that such duties are normally performed after normal working hours, it was difficult to assess the extent of mileage effectively covered by each officer of the Court Usher cadre. In the circumstances, a proposal was made for the payment of a monthly commuted travelling allowance to which both the union of the Court Usher cadre and Management were agreeable.

6.41 However, afterwards the Management of the Judiciary informed the Bureau that it would be difficult to submit a reliable figure in respect of the proposed fixed commuted travelling allowance for the officers in the Court Usher cadre since an exhaustive audit would need to be conducted with regard to the actual mileage covered and the mileage claimed before a proper assessment could be made.

6.42 We recommend that the Judiciary considers the advisability of determining a monthly commuted travelling allowance, subject to the approval of the MCSAR.

Transcriber Unit

6.43 The core duty of the officers of the Transcriber Unit entails the listening of digital recording of Court Proceedings and transcribing them. By virtue of the nature of duties performed, these officers are, therefore, required to continuously wear earphones. A request has consequently been made for the officers to have regular medical check-up as they consider that the prolonged use of earphone may be detrimental to their health. We subscribe to their views and are, therefore, making appropriate recommendation for the health surveillance of these officers.

Recommendation 13

6.44 We recommend that the Judiciary should arrange with the Health Authorities so as to carry out a health surveillance exercise for officers of the grades of Court Transcriber *formerly Transcriber* and Senior Court Transcriber *formerly Senior Transcriber*.

THE JUDICIARY

SALARY SCHEDULE

Salary Code	Salary Scale and Grade
12 000 112	Rs 206000 Chief Justice

Salary Code	Salary Scale and Grade
12 000 110	Rs 176000 Senior Puisne Judge
12 000 109	Rs 164000 Puisne Judge
12 000 107	Rs 140000 Judge in Bankruptcy and Master and Registrar
12 000 106	Rs 122000 Deputy Master and Registrar and Judge in Bankruptcy
12 000 105	Rs 119000 President, Industrial Court President, Intermediate Court
12 000 102	Rs 110000 Vice-President, Industrial Court Vice-President, Intermediate Court
12 094 096	Rs 80000 x 3000 – 89000 Director of Court Services
12 082 095	Rs58075 x 1625 – 62950 x 1850 – 68500 x 1950 – 74350 x 2825 – 80000 x 3000 – 86000 Magistrate, Intermediate Court Assistant Master and Registrar
12 075 090	Rs46900 x 1525 – 49950 x 1625 – 62950 x 1850 – 68500 x 1950 – 72400 Senior District Magistrate
12 069 085	Rs38350 x 1225 – 40800 x 1525 – 49950 x 1625 – 62950 District Magistrate

Salary Code	Salary Scale and Grade
12 065 085	Rs34350 x 925 –37125 x 1225 –40800 x 1525 – 49950 x 1625 – 62950 Judicial Research Officer (Personal to officer in post as at 31.12.15)
12 054 081	Rs25525 x 775 –32500 x 925 –37125 x 1225 –40800 x 1525 – 49950 x 1625 – 56450 Legal Research Assistant Judicial Research Assistant (New Grade)
12 082 095	Rs58075 x 1625 – 62950 x 1850 – 68500 x 1950 – 74350 x 2825 – 80000 x 3000 – 86000 Secretary to the Chief Justice
12 075 089	Rs46900 x 1525 – 49950 x 1625 – 62950 x 1850 – 68500 x 1950 – 70450 Chief Registrar
12 072 087	Rs42325 x 1525 – 49950 x 1625 – 62950 x 1850 – 66650 Deputy Chief Registrar
12 069 085	Rs38350 x 1225 –40800 x 1525 – 49950 x 1625 – 62950 Senior Registrar/Regional Court Administrator
12 063 079	Rs32500 x 925 –37125 x 1225 –40800 x 1525 – 49950 x 1625 – 53200 Chief Court Officer/Court Manager
12 058 074	Rs28625 x 775 –32500 x 925 –37125 x 1225 –40800 x 1525 – 45375 Principal Court Officer
12 050 070	Rs22575 x 625 –23200 x 775 –32500 x 925 –37125 x 1225 – 39575 Senior Court Officer
12 035 066	Rs16400 x 325 –17700 x 375 – 19575 x 475 –21950 x 625 –23200 x 775 –32500 x 925 –35275 Court Officer

Salary Code	Salary Scale and Grade
12 028 030	Rs14325 x 275 – 14875 Trainee Court Officer
08 058 074	Rs28625 x 775 – 32500 x 925 – 37125 x 1225 – 40800 x 1525 – 45375 Senior Court Transcriber <i>formerly Senior Transcriber</i>
08 051 070	Rs23200 x 775 – 32500 x 925 – 37125 x 1225 – 39575 Court Transcriber <i>formerly Transcriber</i>
08 029 062	Rs14600 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 19575 x 475 – 21950 x 625 – 23200 x 775 – 31725 Audio Typist (Personal)
05 069 085	Rs38350 x 1225 – 40800 x 1525 – 49950 x 1625 – 62950 Law Librarian/Senior Law Librarian (Personal to officer in post as at 30.06.08)
05 055 085	Rs26300 x 775 – 32500 x 925 – 37125 x 1225 – 40800 x 1525 – 49950 x 1625 – 53200 QB 54825 x 1625 – 62950 Law Librarian/Senior Law Librarian
05 056 076	Rs27075 x 775 – 32500 x 925 – 37125 x 1225 – 40800 x 1525 – 48425 Senior Law Library Officer
05 044 072	Rs19575 x 475 – 21950 x 625 – 23200 x 775 – 32500 x 925 – 37125 x 1225 – 40800 x 1525 – 42325 Law Library Officer
05 027 060	Rs14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 19575 x 475 – 21950 x 625 – 23200 x 775 – 30175 Law Library Assistant

Salary Code	Salary Scale and Grade
12 063 079	Rs32500 x 925 –37125 x 1225 –40800 x 1525 – 49950 x 1625 – 53200 Chief Court Usher
12 058 074	Rs28625 x 775 –32500 x 925 –37125 x 1225 –40800 x 1525 – 45375 Principal Court Usher
12 050 070	Rs22575 x 625 –23200 x 775 –32500 x 925 –37125 x 1225 – 39575 Senior Court Usher
12 035 066	Rs16400 x 325 –17700 x 375 – 19575 x 475 –21950 x 625 –23200 x 775 –32500 x 925 –35275 Court Usher
24 022 051	Rs12750 x 260 –14050 x 275 – 15150 x 300 – 15750 x 325 –17700 x 375 – 19575 x 475 –21950 x 625 –23200 Driver
25 041 060	Rs18450 x 375 – 19575 x 475 – 21950 x 625 – 23200 x 775 – 30175 Senior Maintenance Assistant
25 023 052	Rs13010 x 260 – 14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 19575 x 475 – 21950 x 625 – 23200 x 775 – 23975 Maintenance Assistant
24 019 045	Rs11970 x 260 – 14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 19575 x 475 – 20050 Gardener/Nursery Attendant
24 018 044	Rs11710 x 260 – 14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 19575 Security Guard
25 016 042	Rs11200 x 250 – 11450 x 260 – 14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 18825 Tradesman's Assistant

Salary Code	Salary Scale and Grade
16 025 062	<p>Rs13530 x 260 – 14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 19575 x 475 – 21950 x 625 – 23200 x 775 – 25525 QB 26300 x 775 – 31725</p> <p>Machine Minder/Senior Machine Minder (Bindery) (Roster)</p>
24 016 042	<p>Rs11200 x 250 – 11450 x 260 – 14050 x 275 – 15150 x 300 – 15750 x 325 – 17700 x 375 – 18825</p> <p>Liftman</p>
24 001 038	<p>Rs 7800 x 200 – 8000 x 205 – 8820 x 230 –10200 x 250 – 11450 x 260 –14050 x 275 – 15150 x 300 – 15750 x 325 –17375</p> <p>General Worker</p>
