

6. THE JUDICIARY

- 6.1 The Judiciary is responsible for the administration of justice and ensuring an impartial and efficient judicial system that upholds the Rule of Law. It operates independently from the executive and legislative branches, ensuring a separation of powers as mandated by the Constitution of Mauritius. The single-structured judicial system consists of the Supreme Court as the highest-ranking Court in Mauritius and subordinate Courts.
- 6.2 The structure of the Supreme Court consists of the Chief Justice, the Senior Puisne Judge and Puisne Judges. The Judge in Bankruptcy and Master and Registrar is the supervising and accounting officer of the Judiciary and is assisted by a Deputy Master and Registrar and Judge in Bankruptcy. The professional structure of the Magistracy at the Intermediate Court level consists of the President, the Vice-President and Magistrates, and at the Industrial Court level of President and Vice-President. In District Courts, the set up comprises Senior District Magistrates and District Magistrates. The Secretary to the Chief Justice assumes administrative and technical functions while officers of the Court Officer and Court Usher Cadres and in other grades provide technical support to the professionals.
- 6.3 Submissions of staff side and Management comprise, *inter alia*, an upgrading in salary; maintaining payment of the Special Judicial Service Allowance at an enhanced rate; granting of new allowances; reviewing existing allowances; and upgrading qualifications requirement. During consultations, Management highlighted the issue of high rate of staff turnover at the Judiciary due to a perceived unattractive pay package and equally emphasised on the need to provide training to staff to keep abreast of new developments. The parties were apprised of requests that could be retained and those that required further study. Based on statistics submitted and working arrangements, certain requests could not be entertained.
- 6.4 At the request of Union, a site visit was conducted at the New Court House to enable the Bureau to take cognisance of the various impediments being encountered by staff and certain inherent aspects of the work of officers of the Court Officer Cadre. During the visit, we were informed of the various responsibilities devolving upon incumbents at the different postings/units. We also noted that the working conditions and environment within which the officers are called upon to operate, need much improvement. Union members highlighted a problem of acute shortage of staff, which according to them, is worsening with the growing workload. They also pointed out that new recruits are not being provided the necessary training to perform effectively.
- 6.5 We consider that the hurdles faced by the officers can be resolved through appropriate HR strategies. In addition, certain employees may be required to undergo health surveillance owing to the nature of their duties. **We consider**

that it is the responsibility of Management to ensure that workers have a decent workplace that is safe, healthy and risk-free.

- 6.6 Against this backdrop, we are, among others, recommending for the continued payment of the Special Judicial Service Allowance; maintaining payment of existing allowances; and urging Management to carry out a Human Resource Planning exercise as well as provide competency-based training to Court Officers.

Recruitment and Retention Issues

- 6.7 The Bureau has been apprised during consultations that the Judiciary is facing recruitment and retention problems, particularly at the level of Court Officer. Whereas regarding Puisne Judge, it has been reported that the problem is rather related to attracting suitable candidates, as many senior law officers who are offered the position of Puisne Judge, prefer to stay in their present grade at the Attorney-General's Office or Office of the Director of Public Prosecutions, on the ground that their total reward package is more attractive. In such circumstance, the judicial officers averred that entering the Judiciary has resulted in a substantial reduction in their income, the moreso sitting Judges are no longer allowed to conduct private arbitrations for reward.
- 6.8 In the same breath, judicial officers drew the attention of the Bureau on the fact that their counterparts in foreign jurisdictions, namely commonwealth countries, enjoy higher salaries and an array of benefits, including post-retirement. They also pointed out that the Bureau has not reflected the constitutional and democratic status of the Chief Justice and Judges of the Supreme Court in line with the constitutional principles of separation of powers and independence of the Judiciary. On this basis, they made strong representations for their salaries and Conditions of Service to be determined and subsequently revised by an independent body, as highlighted in the 1997 Lord MacKay Report.
- 6.9 Though we acknowledge that in other countries, judicial officers may be drawing higher salaries but the compensation is not always straight forward. We should also take into account the specificity of each country. Facts such as standard of living, tax regime and labour market conditions, among others, should not be overlooked. Moreover, the existing relativities in each country vary such that they mirror different pay relationships between grades. Therefore, for a more meaningful comparison, judicial career should be viewed from a total reward angle, considering the significantly enhanced judicial pension and non-financial advantages such as job security, thereby constituting in partial compensation.
- 6.10 Moreover, considering the chorus of concern over adequate pay for Judges and its relationship to the quality of judicial candidates, we are enhancing the pay supplement of members of the Judiciary. As regards demands for their salaries and Conditions of Service to be determined by another independent

body and post-retirement benefits, these should be addressed by Government, as they do not fall under the Bureau's purview.

Special Judicial Service Allowance for Members of the Judiciary

- 6.11 The Chief Justice, Senior Puisne Judge, and Puisne Judges are presently paid a monthly Special Judicial Service Allowance. With a view to enhancing their total remuneration package as members of the Judiciary, we are reviewing the current rates payable.

Recommendation 1

- 6.12 **We recommend that with effect from 01 January 2026 and up to the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector, Members of the Judiciary should be paid a monthly Special Judicial Service Allowance as per the table below:**

Grade	Special Judicial Service Allowance (% of monthly salary)
Puisne Judge and Senior Puisne Judge, reckoning less than 10 years' service in the respective grade	20
Puisne Judge, Senior Puisne Judge and Chief Justice reckoning more than 10 years' service in the respective grade but less than 30 years' service	25
Puisne Judge, Senior Puisne Judge and Chief Justice reckoning more than 30 years' service	35

Housing Allowance

- 6.13 A pensionable Housing Allowance is presently paid to the Chief Justice, Senior Puisne Judge, and Puisne Judges as an assistance to cover expenses incurred for housing facilities and security measures. We are reiterating this provision, while revising the quanta.

Recommendation 2

- 6.14 **We recommend that the Chief Justice, Senior Puisne Judge and Puisne Judges of the Supreme Court should be paid a monthly Housing Allowance as per the table below:**

Grade	Quantum (Rs)
Chief Justice	25300
Senior Puisne Judge Puisne Judge	12650

- 6.15 We further recommend that the above allowance should be wholly reckoned for pension purposes, notwithstanding the provisions of this Report on “Pensionable Value of Rent Allowance”.**

Special Judicial Service Allowance

- 6.16** In the 2021 Report, the payment of a monthly Special Judicial Service Allowance was maintained on a personal basis to officers in certain positions at the Judiciary and on their promotion within their respective cadre.
- 6.17** For this Report, a fresh survey on Recruitment and Retention problems in the Public Sector was carried out. Taking into consideration that payment of the Special Judicial Service Allowance in terms of judicial remuneration was to attract and retain talents in the Judiciary, we are recommending the continued payment of the allowance until the next overall review exercise for this category of officers.

Recommendation 3

- 6.18 We recommend that with effect from 01 January 2026 and up to the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector, officers in grades mentioned in the table below should be paid a monthly Special Judicial Service Allowance:**

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, Intermediate Court; President, Children's Court and Deputy Master and Registrar and Judge in Bankruptcy	10
Judge in Bankruptcy and Master and Registrar: (i) reckoning less than 10 years' service in the respective grade;	15
(ii) reckoning more than 10 years' service in the respective grade but less than 30 years' service;	20
(iii)reckoning more than 30 years' service.	30

- 6.19** The above recommendation is made on the understanding that no additional remuneration, over and above the recommended package, 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

- 6.20** Currently, officers in certain positions at the Judiciary are paid a yearly Judicial and Legal Allowance to cover certain items of expenditure related to the exercise of the profession. We are maintaining payment of the allowance whilst revising its quantum.

Recommendation 4

- 6.21** We recommend that officers in grades mentioned in the table below, should be paid a yearly Judicial and Legal Allowance:

Grade	Quantum (Rs)
Chief Justice; Senior Puisne Judge; Puisne Judge; Judge in Bankruptcy and Master and Registrar; and Deputy Master and Registrar and Judge in Bankruptcy	42560
President, Industrial Court; President, Intermediate Court; President, Children's Court; Vice-President, Industrial Court; Vice-President, Intermediate Court; Magistrate, Intermediate Court; Senior District Magistrate; and District Magistrate	26680

Bail and Remand Court and Weekend Court

- 6.22** Officers in certain grades are paid a monthly allowance for working additional hours for the grant of release on bail to persons arrested during Weekends and Public Holidays. We consider this arrangement to be appropriate and should continue.

Recommendation 5

- 6.23** We recommend that officers of the Judiciary 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 be paid a monthly allowance as follows:

Eligible Officers	Quantum (Rs)
Senior District Magistrate (Team Leader)	27500
District Magistrate	25300
Officers of the Court Officer Cadre and Court Usher Cadre	10670

Black Jacket Allowance

- 6.24 Presently, officers of the Court Officer and Court Usher Cadres are entitled to the payment of a yearly Black Jacket Allowance. As these officers are required by the rules of the Court to appear in black jacket with tie, we are maintaining the allowance whilst reviewing its quantum.

Recommendation 6

- 6.25 **We recommend that officers of the Court Officer and Court Usher Cadres, who are required by the rules of the Court to appear in black jacket with tie, should be paid a yearly Black Jacket Allowance of Rs 5640.**

Witness Attendance Allowance

- 6.26 Public Officers who attend Court as witnesses on behalf of their Ministries/ Departments and professionals who attend Court as expert witnesses are paid an Attendance Allowance. Management requested for a review of the rate and informed that same would be reflected in the Witnesses' Attendance Allowances Act.

Recommendation 7

- 6.27 **We recommend that:**
- (i) **public officers who attend Court as witnesses on behalf of their Ministries/Departments be paid an Attendance Allowance of Rs 120; and**
 - (ii) **professionals such as Architects, Attorneys-at-Law, Engineers, Forensic Scientists, Medical Practitioners, Land Surveyors, among others, who attend Court as expert witnesses be paid an Attendance Allowance of Rs 240.**

Allowance to officers of the Court Usher Cadre - Assizes Cases

- 6.28 Further to representations from the staff side, provision was made in the last Report for the payment of an *ad hoc* allowance to officers of the Court Usher Cadre who are required to perform additional duties with regard to cases of Assizes. We are maintaining payment of the allowance whilst revising its quantum.

Recommendation 8

- 6.29 **We recommend that officers of the Court Usher Cadre should be paid a daily *ad hoc* allowance for additional duties performed beyond normal working hours in connection with Assizes cases, as per the table below:**

Grade	Quantum (Rs)
Chief Court Usher	1705

Grade	Quantum (Rs)
Principal Court Usher	1505
Senior Court Usher	1300
Court Usher	1000

Additional Compensation to officers of the Court Usher Cadre

6.30 Officers of the Court Usher Cadre are additionally remunerated for using their cars to perform official travelling, serving court papers and executing court orders beyond normal working hours. We are reiterating payment of the allowances and revising their quanta.

Recommendation 9

6.31 We recommend that officers of the Court Usher Cadre:

- (i) should be paid a monthly allowance of Rs 965 for using their cars to perform official travelling; and
- (ii) 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 be paid a monthly allowance as follows:

Grade	Quantum (Rs)
Head Court Usher	6820
Chief Court Usher	6050
Principal Court Usher	5500
Senior Court Usher	4950
Court Usher	3300

Travelling Allowance to officers of the Court Usher Cadre

6.32 A monthly commuted travelling allowance is presently paid to officers of the Court Usher Cadre for performing official travelling. The present arrangement is appropriate and should be maintained at a revised rate.

Recommendation 10

6.33 We recommend that officers of the Court Usher Cadre should be paid a monthly commuted travelling allowance as per the following table:

Category	Quantum (Rs)
Court Ushers posted at the Supreme Court, Industrial Court and Intermediate Court	24540
Court Ushers posted at the District Courts	18125

Posting of Court Officers, Court Ushers, Judicial Research Assistant/Senior Judicial Research Assistants and Court Transcribers

- 6.34 In the last Report, provision was made for the secondment of officers of the Judiciary in specific grades in Tribunals/Commissions where there is need, so as to limit the creation of dead-end positions thereat. Since we consider this arrangement appropriate, we are maintaining same.

Recommendation 11

- 6.35 We recommend that Management of the Judiciary should consider the advisability of posting officers in the grades of Court Officer, Court Usher, Judicial Research Assistant/Senior Judicial Research Assistant and Court Transcriber on a rotational basis, at the Environment and Land Use Appeal Tribunal, Employment Relations Tribunal, Public Bodies Appeal Tribunal and any other Tribunal/Commission, wherever the need arises.

Human Resource Planning

- 6.36 Union strongly requested for an increase in the number of posts of the different grades to cope with the increasing workload at the Judiciary. During consultation, Management apprised that officers, especially those in the grade of Court Officer, are being constantly called upon to work in challenging and strenuous conditions, owing to an acute shortage of staff and high workload. We are making an appropriate recommendation to address this issue.

Recommendation 12

- 6.37 We recommend that Management should promptly carry out a Human Resource Planning exercise, as provided in the Chapter Recruitment, Promotion and Retention in Volume 1 of this Report, prior to considering increasing the establishment size of existing grades, for a better functioning of the activities at the Judiciary.

Health Surveillance

- 6.38 Officers in the grades of Court Transcriber and Senior Court Transcriber are provided health surveillance as they are required to continuously wear earphones in the performance of their duties. Representations were made by Union to extend this provision to Court Officers performing duties of Registrar in courtrooms whereby they are also required to wear earphones for long

periods of time. This fact has also been noted during the site visit conducted at the New Court House. We consider that based on the nature of duties performed, Management should identify officers who need to undergo health surveillance. We are recommending in that direction.

Recommendation 13

6.39 We recommend that the Judiciary should:

- (i) make arrangement with the Health Authorities for a health surveillance exercise for officers in the grades of Court Transcriber and Senior Court Transcriber; and**
- (ii) consider extending this arrangement to officers of the Court Officer Cadre based on duties performed in the Courtroom.**

Competency-Based Training for Court Officers

6.40 At present, the grade of Court Officer is filled by selection from among candidates possessing a Cambridge Higher School Certificate. Union requested for an upgrading in the qualifications requirement to a Diploma in Law or Legal Studies which is presently a requirement for promotion to the grade of Principal Court Officer. According to Union, possession of the said Diploma would enable Court Officers to perform more efficiently and effectively.

6.41 After analysing the request, we consider that it would be more appropriate for the Court Officers to be offered competency-based training in relation to the nature and level of duties.

Recommendation 14

6.42 We recommend that Management should make necessary arrangements with the Institute of Judicial and Legal Studies for mounting competency-based training courses for Court Officers.

THE JUDICIARY

SALARY SCHEDULE

Salary Code	Salary Scale and Grade
12 000 131	Rs 278000 Chief Justice
12 000 126	Rs 238000 Senior Puisne Judge

Salary Code	Salary Scale and Grade
12 000 124	Rs 222000 Puisne Judge
12 000 120	Rs 190000 Judge in Bankruptcy and Master and Registrar
12 000 116	Rs 166000 Deputy Master and Registrar and Judge in Bankruptcy
12 000 115	Rs 162000 President, Children's Court President, Industrial Court President, Intermediate Court
12 000 112	Rs 150000 Vice-President, Industrial Court Vice-President, Intermediate Court
12 093 104	Rs 84500 x 2250 - 86750 x 2500 - 94250 x 2750 - 102500 x 3750 - 110000 x 4000 - 118000 Magistrate, Intermediate Court
12 082 099	Rs 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 86750 x 2500 - 94250 x 2750 - 99750 Senior District Magistrate
12 075 094	Rs 52300 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 86750 District Magistrate
12 060 094	Rs 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 86750 Judicial Research Assistant/ Senior Judicial Research Assistant
12 090 104	Rs 77750 x 2250 - 86750 x 2500 - 94250 x 2750 - 102500 x 3750 - 110000 x 4000 - 118000 Secretary to the Chief Justice

Salary Code	Salary Scale and Grade
12 082 098	Rs 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 86750 x 2500 - 94250 x 2750 - 97000 Chief Registrar
12 079 096	Rs 57400 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 86750 x 2500 - 91750 Deputy Chief Registrar
12 075 094	Rs 52300 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 86750 Senior Registrar/Regional Court Administrator
12 069 088	Rs 45930 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 73600 Chief Court Officer/Court Manager
12 064 084	Rs 41080 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 66050 Principal Court Officer
12 055 079	Rs 34160 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 57400 Senior Court Officer
12 041 075	Rs 28545 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 52300 Court Officer
12 074 091	Rs 51200 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 80000 Head, Court Usher
12 069 088	Rs 45930 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 73600 Chief Court Usher

Salary Code	Salary Scale and Grade
12 064 083	Rs 41080 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 64200 Principal Court Usher
12 055 079	Rs 34160 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 57400 Senior Court Usher
12 041 075	Rs 28545 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 52300 Court Usher
08 062 083	Rs 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 64200 Senior Court Transcriber (Personal)
08 052 079	Rs 32615 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 57400 Court Transcriber (Personal)
08 048 078	Rs 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 55950 Senior Court Transcriber (Future Holder)
08 034 071	Rs 26345 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 47950 Court Transcriber (Future Holder)
05 061 094	Rs 38215 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 x 1900 - 75500 x 2250 - 86750 Law Librarian/Senior Law Librarian
05 062 085	Rs 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 62350 x 1850 - 67900 Senior Law Library Officer

Salary Code	Salary Scale and Grade
05 049 081	Rs 31365 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 46900 x 1050 - 49000 x 1100 - 54500 x 1450 - 58850 x 1750 - 60600 Law Library Officer
05 032 069	Rs 25745 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 45930 Law Library Assistant
25 046 069	Rs 30265 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 45930 Senior Maintenance Assistant
25 028 061	Rs 24545 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 38215 Maintenance Assistant Plumber and Pipe Fitter
25 021 051	Rs 22445 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 32190 Tradesman's Assistant
16 030 072	Rs 25145 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 x 925 - 39140 x 970 - 40110 QB 41080 x 970 - 46900 x 1050 - 49000 Print Finishing/Book Binding Operator (Roster)
24 027 060	Rs 24245 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 35840 x 725 - 37290 Driver
24 024 054	Rs 23345 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 33040 x 560 - 33600 Gardener/Nursery Attendant
24 021 052	Rs 22445 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 x 425 - 32615 Stores Attendant

Salary Code	Salary Scale and Grade
24 020 050	Rs 22175 x 270 - 22445 x 300 - 26945 x 320 - 28865 x 350 - 30965 x 400 - 31765 Handy Worker
24 001 047	Rs 17975 x 175 - 18500 x 200 - 18900 x 225 - 20925 x 250 - 22175 x 270 - 22445 x 300 - 26945 x 320 - 28865 x 350 - 30615 General Worker

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