

## 29. ATTORNEY GENERAL'S OFFICE

- 29.1 The Attorney-General's Office (AGO) is responsible to provide legal and legislative drafting services to the Government of Mauritius. It aims to provide sound and independent legal advice and representation to the Government as well as contribute in the development of a fair and just legal system and the promotion of the rules of law, in the interest of the State and the people. In line with its strategic direction, the AGO has as object to ensure provision of quality legal services and efficient prosecution services by: providing appropriate capacity building to ensure quality legal advisory, litigation and drafting services; advising and representing before Courts in criminal matters in a timely manner; and setting up a framework for prosecution of serious offenders and tax evaders and for cooperation at international level.
- 29.2 As the only institution that interacts with the three pillars of our sovereign democratic State namely the Legislature, Judiciary and the Executive, the AGO provides assistance to the Courts based on the powers vested in the Office. It is also responsible for the vetting of all contract or agreements of which the Government is a party, including international agreements, treaties and conventions. Moreover, under the Mutual Legal Assistance Scheme, the AGO provides its services to other Ministries/Departments as well as Parastatal Organisations and Government-owned bodies. Furthermore, it is also mandated under the Law Practitioners Act and the Financial Intelligence and Anti-Money Laundering Act to act as regulatory body for the legal profession and similarly to regulate the practice of private law firms, joint law firms and the collection of practitioner's fees.
- 29.3 The activities of the AGO are organised under the: Office of the Solicitor-General, mandated to provide legal advice to Government in civil matters; Office of the Director of Public Prosecutions (ODPP), responsible to deal with criminal matters; and Office of the Parliamentary Counsel, to look after the drafting of legislations. The International Arbitrations, comprising the Permanent Court of Arbitration and the Mauritius International Arbitration Centre, which were previously operating under the *aegis* of the former Ministry of Good Governance and Institutional Reforms, are now under the portfolio of the Office. Given that the ODPP was made to operate as a distinct department of the AGO following a Cabinet decision, with the Director of Public Prosecutions as Responsible Officer, it has been reported upon separately in this Report.
- 29.4 The Attorney-General is, by virtue of the Constitution, the principal legal adviser to Government and holds office of a Minister. The Solicitor-General, as the administrative head of the AGO, is the highest ranking public officer appointed by the Judicial and Legal Service Commission. The Parliamentary Counsel is mainly responsible for law drafting, preparation of Bills and review of existing legislation. The divisions are manned by officers in professional and technical cadres as well as those of the General Services grades who provide support services. Prior to this Report, the Office of the Parliamentary Counsel was strengthened with the establishment of a

level of Senior Assistant Parliamentary Counsel whilst the Legislative and Litigation Cadre has been abolished.

- 29.5 For this review exercise, the Bureau received representations from the staff side for the Legal Assistant Cadre only, which were mainly geared towards the creation of a level of Senior Registrar and revision of the quantum of existing allowances. Management on its part submitted, among others, that: retirement benefits including retirement age, applicable to Judges, be extended to officers in the grades of Deputy Solicitor-General and Parliamentary Counsel and above, without any discretionary power given to the High Powered Committee; the payment of the Judicial and Legal Allowance be extended to officers of other grades; additional specialised units be created; the grades of Regulatory and Compliance Officer, Senior Legal Research Officer and Assistant Chief State Attorney be created; qualifications requirement and mode of appointment of a few grades be reviewed; the post of Trainee Legal Assistant be abolished; a few levels be merged; and provision be made for enhanced salary scales and benefits.
- 29.6 Whilst parties concerned were apprised of the outcome of most of their demands during the consultative meetings, we consider that: grades and units are created based on functional and organisational requirements; Management needs to carry out a Human Resource Planning exercise as provided under the Chapter Recruitment, Promotion and Retention in Volume 1 of this Report, to take stock of any problem of recruitment and retention of legal officers and ensure that it has the right number of qualified and competent people for an effective delivery of services; and it is for Management to go through the established procedure for the payment of an *ad hoc* allowance to designated officers to meet short-term requirements.
- 29.7 We equally took note in our survey findings that the recommendation made in the 2016 PRB Report for the services of State Counsel from the Attorney-General's Office to be made available on a full-time basis to assist and advise the Local Government Service Commission on all legal matters has not been implemented although request was made by the latter on several occasions.
- 29.8 On the other hand, our survey on Recruitment and Retention Problems in the Public Sector has revealed that the perceived recruitment problem at the AGO is mainly due to the timing of the recruitment exercise which is carried out once yearly by the Judicial and Legal Service Commission. As regards retention issues, most of the officers who left did so as they have either been offered a promotion within the cadre or have reached the age of retirement. In this regard, a few provisions have been waived in this Report, as they have outlived their utility.
- 29.9 Against this backdrop, we are restyling the grade of Legal Research Officer with enhanced career earnings; abolishing the grade of Trainee Legal Assistant; revisiting the scheme of service of the grade of Legal Assistant; upgrading the qualifications requirement of the grade of Principal Legal Assistant; providing for Management to sponsor officers of the Legal Assistant Cadre to follow the Diploma course in Legal

Studies; creating a grade of Regulatory Officer; and providing for the continued payment of certain allowances.

### **Pensionable Allowance to the Solicitor-General**

29.10 The Solicitor-General in post as at 31 December 2020 is eligible, on a personal basis, for the payment of a monthly pensionable allowance to bring his monthly salary at par with the Senior Puisne Judge and retirement benefits accruing to Judges. These arrangements are being maintained until the retirement of the incumbent.

### **Recommendation 1**

**29.11 We recommend that the Solicitor-General in post as at 31 December 2020 should continue to be paid, on a personal basis, a monthly pensionable allowance to bring his salary at par with the Senior Puisne Judge and be eligible for the retirement benefits accruing to Judges.**

**29.12 We further recommend that upon the retirement of the Solicitor-General in post as at 31 December 2020, the provision of the pensionable allowance should be discontinued.**

### **Housing Allowance**

29.13 A Housing Allowance meant to cover the extra expenses incurred for housing facilities and security measures, is being paid on a personal basis to the Solicitor-General in post as at 31 December 2020 as obtainable for the Senior Puisne Judges and Puisne Judges of the Judiciary. This benefit is being maintained until the retirement of the incumbent.

### **Recommendation 2**

**29.14 We recommend that the Solicitor-General in post as at 31 December 2020 should continue to be paid a monthly Housing Allowance of Rs 11000, on a personal basis, and the allowance should continue to be wholly reckoned for pension purposes, notwithstanding the provisions of this Report on "Pensionable Value of Rent Allowance."**

**29.15 We further recommend that upon the retirement of the Solicitor-General in post as at 31 December 2020, the provision of the Housing Allowance should be discontinued.**

### **Senior Officers of the Attorney-General's Office**

29.16 As per existing provisions, a Barrister of the AGO, who on being offered appointment as a Puisne Judge, cannot be released or who opts to continue to serve the AGO with the approval of the relevant authorities, is eligible for the retirement benefits accruing to a Member of the Judiciary, subject to the concurrence of the High Powered Committee (HPC). In addition, the Deputy Solicitor-General and the Parliamentary Counsel who, on being offered appointment as a Puisne Judge, cannot be released or opt to continue to serve the AGO with the approval of the relevant authorities, are granted (i) a monthly pensionable allowance to bring their salary at the level of a

Puisne Judge; and (ii) the retirement benefits accruing to a member of the Judiciary, subject to the concurrence of the HPC.

- 29.17 Pursuant to the above provisions, several cases were referred to the HPC for approval to allow senior officers to continue serving in their present position and avail of the remuneration benefits accruing to a Judge. While the HPC approved the extension of the pensionable allowance and retirement benefits in a few cases in the interest of the service, others were turned down on the ground that there was no compelling reason to retain the officers.
- 29.18 In the context of this Report, members of the Judiciary, Federations as well as other stakeholders expressed their concern on this particular provision and questioned its continued applicability and relevance. Management of the AGO, on its side apprised the Bureau that since the implementation of the existing provisions remains at the discretion of the HPC, certain officers who opted to continue to serve the AGO have been unduly penalised.
- 29.19 After examining the representations made by parties concerned, we consider that it is not equitable to extend the higher pensionable benefits to officers of the AGO on the mere grounds that they have either not been released or have opted to continue to serve the AGO. We view that besides pecuniary benefits, Management may consider other HR strategies such as Human Resource Planning, Succession Planning and Training, among others, as provided in Volume 1 of this Report to tackle retention issues, if any. In the given circumstances, the provisions regarding payment of the pensionable allowance and retirement benefits to officers of the AGO are being rescinded. However, we are making an appropriate provision for exceptional cases to be considered by the High Powered Committee.

### **Recommendation 3**

- 29.20 **We recommend that the provisions regarding the grant of a top up pensionable allowance and retirement benefits accruing to a member of the Judiciary to officers of the AGO who on being offered appointment as a Puisne Judge were either not released or opted to continue to serve the AGO, should lapse.**
- 29.21 **We further recommend that only in exceptional cases where the high qualifications, unique competencies, distinctive experience and needs of the service, among others, so warrant that an officer of the AGO who on being offered appointment as a Puisne Judge either could not be released or who opts to continue to serve the AGO, the High Powered Committee may consider the payment of a pensionable allowance to the officer on such terms and conditions as it may decide.**

### **Special Legal Service Allowance**

- 29.22 A Special Legal Service Allowance (SLSA) is currently paid to Judicial and Legal Officers at the AGO in line with the recommendation made in 2016 PRB Report. The payment of the SLSA was meant as a temporary measure to retain the services of experienced officers who tend to leave the service. The continued payment of the allowance is

generally subject to findings of a survey on recruitment and retention carried out by the Bureau.

- 29.23 For this review exercise, the Bureau has carried out the survey anew to assess whether there are still Recruitment and Retention Problems at the AGO.
- 29.24 Based on information submitted by Management in the context of the survey, the vacancy rate for the grades of State Counsel and State Attorney works out to 42% and 75% respectively. We consider that the validity of these metrics is highly influenced by the timing of the recruitment exercise and there may be no recruitment problem at the Office as such. On the supply side, the labour market indicates availability of a large pool of qualified candidates. Moreover, in terms of retention, we did not find any significant outflow from the AGO nor a high resignation rate. Considering the underlying philosophy of a SLSA and given the prevailing situation, we regard that any request for the payment of the allowance should be carefully examined on the basis of valid and reliable data in respect of recruitment, retention, attrition and the needs of the service, among others.

#### **Recommendation 4**

- 29.25 We recommend that with effect from 01 January 2021 and up to the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector, Judicial and Legal Officers in post as at the eve of publication of the 2021 Report and on promotion within their respective cadre should continue to be paid a monthly Special Legal Service Allowance as per the table below, on a personal basis:**

<b>Grade</b>	<b>Special Legal Service Allowance (% of monthly salary)</b>
<b>State Counsels, State Attorneys and Assistant Curator of Vacant Estates reckoning at least 10 years' service in their respective grade. Senior State Counsels, Senior State Attorneys, Assistant Legal Secretary and Curator of Vacant Estates.</b>	<b>7</b>
<b>Principal State Counsels, Principal State Attorneys, Legal Secretary, Assistant Parliamentary Counsel, Assistant Solicitor-General, Deputy Chief State Attorney, Chief State Attorney, Chief Legal Secretary and Senior Assistant Parliamentary Counsel.</b>	<b>10</b>
<b>Deputy Solicitor-General, Parliamentary Counsel and Solicitor-General reckoning less than 10 years' service in the respective grade.</b>	<b>15</b>
<b>Solicitor-General reckoning more than 10 years' service in the grade but less than 30 years' service.</b>	<b>20</b>
<b>Solicitor-General reckoning more than 30 years' service.</b>	<b>30</b>

**29.26 We further recommend that:**

- (i) henceforth, any request from Management of the AGO for the payment of a Special Legal Service Allowance should be subject to the approval of the High Powered Committee; and
- (ii) in considering each case on its merit, the High Powered Committee may convey its approval for the payment of a time-bound Special Legal Service Allowance on such terms and conditions as it may determine.

**29.27 The above recommendations are 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**

29.28 A yearly Judicial and Legal Allowance is presently payable to Judicial and Legal Officers of the AGO, among others, as an assistance towards meeting the cost for certain items related to the exercise of the profession. Management has submitted that the quanta of the allowance be increased so as to reflect the actual expenditure being incurred and payment of the allowance be extended to officers of a few other grades.

29.29 We are maintaining the payment of the allowance whilst extending it to other Judicial and Legal Officers.

**Recommendation 5**

**29.30 We recommend that Judicial and Legal Officers of the AGO should be paid a yearly Judicial and Legal Allowance as hereunder:**

Grade	Quantum (Rs)
<b>Solicitor-General</b> <b>Parliamentary Counsel</b> <b>Deputy Solicitor-General</b>	<b>38690</b>
<b>Assistant Solicitor-General</b> <b>Chief Legal Secretary</b> <b>Chief State Attorney</b> <b>Senior Assistant Parliamentary Counsel</b> <b>Assistant Parliamentary Counsel</b> <b>Deputy Chief State Attorney</b> <b>Legal Secretary</b> <b>Principal State Counsel</b> <b>Principal State Attorney</b> <b>Assistant Legal Secretary</b>	<b>24255</b>

Grade	Quantum (Rs)
<b>Curator of Vacant Estates</b> <b>Senior State Counsel</b> <b>Senior State Attorney</b> <b>Assistant Curator of Vacant Estates</b> <b>State Counsel</b> <b>State Attorney</b>	<b>24255</b>

**Legal Research Officer/ Senior Legal Research Officer  
formerly Legal Research Officer**

- 29.31 Management has submitted that since the creation of the grade of Legal Research Officer at the AGO, difficulties are being encountered in recruiting and retaining officers in the grade owing to the fact that it is a dead-end position. To this effect, Management has proposed for the creation of a grade of Senior Legal Research Officer.
- 29.32 After duly examining the request, we consider that creation of a grade of Senior Legal Research Officer would not be appropriate when considering its functional need. We are, however, providing for enhanced career earnings for the grade of Legal Research Officer whilst restyling it to a more appropriate appellation.

**Recommendation 6**

- 29.33 We recommend that the grade of Legal Research Officer be restyled Legal Research Officer/ Senior Legal Research Officer.**

**Legal Assistant Cadre**

- 29.34 The Legal Assistant Cadre presently comprises the grades of Trainee Legal Assistant, Legal Assistant, Senior Legal Assistant, Principal Legal Assistant, Chief Legal Assistant and Registrar (Legal Assistant Cadre).
- 29.35 Management has submitted that there is need to restructure the Legal Assistant Cadre to render it more effective and efficient in performing paralegal duties. In this context, requests have been made to: abolish the grade of Trainee Legal Assistant; merge and restyle the grades of Legal Assistant and Senior Legal Assistant; and review the mode of appointment to the grade of Principal Legal Assistant.
- 29.36 We have studied the proposals and subscribe to the views of Management to abolish the trainee position so that direct appointment be made to the grade of Legal Assistant. However, we consider that the merger of the grades of Legal Assistant and Senior Legal Assistant would not be appropriate at this stage. To this effect, we are making appropriate recommendations.

## Recommendation 7

### 29.37 We recommend that:

- (i) **the grade of Trainee Legal Assistant be abolished;**
- (ii) **in future, appointment to the grade of Legal Assistant should be made by selection from among candidates possessing a Cambridge School Certificate with credit in at least five subjects including English Language, French and Mathematics or Principles of Accounts; and a Cambridge Higher School Certificate or passes in at least two subjects obtained on one Certificate at the GCE "Advanced Level"; and**
- (iii) **a proviso be included in the scheme of service of the grade of Legal Assistant to require incumbents to undergo on-the-job training for a period of at least one year, both theoretical and practical, in all aspects of the work of a Legal Assistant, including training in the legal procedure at all levels and in general principles of law. On satisfactory completion of the training and on being favourably reported upon, the officers would be eligible for appointment in the grade in a substantive capacity.**

## Principal Legal Assistant

29.38 At present, the grade of Principal Legal Assistant is filled by promotion, on the basis of experience and merit, of Senior Legal Assistants reckoning at least three years' service in a substantive capacity in the grade.

29.39 During consultation, the Bureau was apprised that with the introduction of new laws and legislations and setting up of new Tribunals and Commissions, among others, there is need to professionalise the Legal Assistant Cadre to enable the officers to better perform the paralegal duties, the moreso they are called upon to provide administrative and legal support to State Counsels and State Attorneys.

29.40 We have studied the issue and hold that there is need to upgrade the qualifications requirement of the grade of Principal Legal Assistant. In the same vein, we are providing for a transitional period to allow the incumbents to acquire the higher qualification. We equally hold that Management may explore other possibilities to enable officers of the Legal Assistant Cadre to follow the required Diploma course.

## Recommendation 8

### 29.41 We recommend that:

- (i) **the scheme of service of the grade of Principal Legal Assistant be amended such that, as from year 2024, appointment thereto should be made by promotion, on the basis of experience and merit, of officers in the grade of Senior Legal Assistant reckoning at least three years' service in substantive capacity in the grade and who possess a Diploma in Legal Studies or an equivalent qualification; and**



- (ii) **Management should make necessary arrangements with a recognised institution, for the mounting of the Diploma course in Legal Studies or an equivalent qualification and sponsor officers of the Legal Assistant Cadre on a seniority basis to follow same.**

**29.42 The requirement for possession of a Diploma in Legal Studies or an equivalent qualification for appointment to the grade of Principal Legal Assistant has been taken into consideration in arriving at the recommended salary of the grade.**

#### **Black Jacket Allowance**

29.43 Officers of the Legal Assistant Cadre at the AGO, who are required by the rules of the Court to appear in black jacket with tie are paid a yearly allowance. We are maintaining the payment of the allowance and revising its quantum.

#### **Recommendation 9**

**29.44 We recommend that officers of the Legal Assistant Cadre at the AGO, who are required by the rules of the Court to appear in black jacket with tie should be paid a Black Jacket Allowance of Rs 5100 yearly.**

#### **Allowance for working extra hours (Legislative Drafting Unit)**

29.45 Officers in a few grades at the Legislative Drafting Unit of the AGO are paid a monthly allowance for remaining on duty over and above their normal working hours, during Weekends and Public Holidays. We consider the present arrangement to be appropriate and are maintaining the continued payment of the allowance.

#### **Recommendation 10**

**29.46 We recommend that officers in certain positions at the AGO who are effectively required to work over and above their normal working hours, during Weekends and Public Holidays in the Legislative Drafting Unit, to meet the tight legislative deadlines for implementing Government policy in a timely manner, should be paid a monthly allowance as hereunder, up to the next Overall Review of Pay and Grading Structure and Conditions of Service in the Public Sector:**

<b>Eligible Officers</b>	<b>Quantum (Rs)</b>
<b>Senior State Counsel (Team Leader)</b>	<b>25000</b>
<b>State Counsels</b>	<b>23000</b>
<b>Officers of the Legal Assistant Cadre</b>	<b>9700</b>

#### **Allowance for working in Specialised Units**

29.47 Presently, officers undertaking specialised tasks in the Specialised Units of the AGO and who are required to work long hours over and above their normal working hours, are paid a monthly allowance. We are maintaining the continued payment of the allowance.

**Recommendation 11**

**29.48 We recommend that designated officers of the AGO posted in the Human Rights Unit, Specialist Tribunals Unit, International Trade Unit, Intellectual Property Unit, International Cooperation in Legal Matters Unit (Extradition and Mutual Assistance) and Public International Law Unit and the Officer-in-Charge of the respective units, who are called upon to work long hours over and above their normal working hours, should be paid a monthly allowance of Rs 5000 and Rs 10000 respectively.**

**Regulatory Officer (New Grade)**

29.49 Management has submitted that following amendments brought to the Financial Intelligence and Anti Money Laundering Act, the AGO is the regulatory authority of all law firms. As such, it has to ensure that all law firms are compliant with the established rules and regulations. Request has, therefore, been made to create a grade of Regulatory and Compliance Officer under the Registration and Regulation of Law Firms Unit, to enable the AGO to carry out its duties as required by the relevant laws and legislations.

29.50 We have examined the request and are agreeable for the creation of the grade owing to its functional need. We are, however, providing for another appellation to commensurate with the nature of duties that would devolve upon incumbent.

**Recommendation 12**

**29.51 We recommend the creation of a grade of Regulatory Officer. Appointment thereto should be made by selection from among candidates who are registered as a member of the Institute of Chartered Secretaries and Administrators or who possess a Degree in Law or an equivalent qualification; and reckoning at least two years' experience in auditing and inspection duties.**

29.52 Incumbent would be required, *inter alia*, to: effect regular inspections of law firms and auditing of their books of accounts; ensure that they are operating in compliance with established rules and regulations and in accordance with the relevant laws; contravene those not abiding by the laws; prepare draft reports of post-site visits to law firms; and prepare follow-up reports.

**OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

29.53 The Office of the Director of Public Prosecutions (ODPP) is an independent office which aims to bring offenders to justice and ensure that their rights are safeguarded. In a nutshell, the Office is responsible for instituting, continuing or discontinuing all criminal proceedings in Mauritius and tendering advice on criminal investigations carried out by the police and other investigating bodies. Its objectives are to: provide prosecution services, legal advice and litigation support of high standard, without fear or favour. Following a decision of Cabinet, the ODPP has been made to operate as a distinct department under the Attorney-General's Office.

- 29.54 The Director of Public Prosecutions is responsible for and exercises control over the conduct of prosecutions in the Republic of Mauritius and is constitutionally responsible for all criminal matters. He carries out his functions in full independence and is not subject to the direction or control of any other person or authority. The powers conferred to the Director of Public Prosecutions may be exercised by him in person or through other persons acting with his general or specific instructions.
- 29.55 As Responsible Officer of the ODPP, the Director of Public Prosecutions is supported in the discharge of his duties by the Deputy Director of Public Prosecutions; Senior Assistant Director of Public Prosecutions and Assistant Director of Public Prosecutions. Officers of the State Counsel and State Attorney Cadres form part of the professional arm. The Legal Research Officers and officers of the Legal Support Officer Cadre provide the necessary back up at the technical/administrative support levels.
- 29.56 For this review exercise, we received no representation from the staff side save for the Senior State Counsels which were the same as those of Management. These comprised, among others, to: provide for the payment of an allowance to certain officers for performing additional duties; upgrade salary scale of a few positions; create a few levels namely Assistant Chief Attorney and Senior Legal Research Officer; increase in establishment size of certain existing positions; and provision of enhanced conditions of service.
- 29.57 During the consultative meeting, the Bureau apprised Management of proposals which were meritorious and those which could not be retained. Nevertheless, we view that: the prerogative for maintaining the existing specialised units and creating new ones to deal with specific cases in other fields which require additional expertise rests with Management; the latter should carry out a Human Resource Planning exercise as provided in the Chapter Recruitment, Promotion and Retention in Volume 1 of this Report, to determine the adequate number of employees at the different levels and to cope with the increasing load of work; and grades are created based on functional needs.
- 29.58 We are, in this Report, reviewing the mode of appointment to the grade of Legal Research Officer and restyling the grade with enhanced career earnings; and providing for the continued payment of certain allowances. Moreover, given that the findings of our survey on Recruitment and Retention Problems in the Public Sector did not reveal any major recruitment and retention problems at the ODPP, a few provisions have been waived as they no longer served their purpose.

### **Pensionable Allowance to the Director of Public Prosecutions**

- 29.59 The present Director of Public Prosecutions is eligible, on a personal basis, for a monthly pensionable allowance to bring his monthly salary at par with the Senior Puisne Judge as well as retirement benefits accruing to Judges. These arrangements should continue until the retirement of the incumbent.

**Recommendation 13**

- 29.60 We recommend that the Director of Public Prosecutions in post as at 31 December 2020 should continue to be paid, on a personal basis, a monthly pensionable allowance to bring his salary at par with the Senior Puisne Judge and be eligible to the retirement benefits accruing to Judges.**
- 29.61 We further recommend that upon the retirement of the Director of Public Prosecutions in post as at 31 December 2020, the provision of the pensionable allowance should be discontinued.**

**Housing Allowance**

- 29.62 A Housing Allowance meant to cover the extra expenses incurred for housing facilities and security measures is being paid, on a personal basis, to the Director of Public Prosecutions as obtainable for the Senior Puisne Judges and Puisne Judges of the Judiciary. This benefit is being maintained until the retirement of the incumbent.

**Recommendation 14**

- 29.63 We recommend that the Director of Public Prosecutions in post as at 31 December 2020 should continue to be paid a monthly Housing Allowance of Rs 11000, on a personal basis, and the allowance should continue to be wholly reckoned for pension purposes, notwithstanding the provisions of this Report on "Pensionable Value of Rent Allowance."**
- 29.64 We further recommend that upon the retirement of the Director of Public Prosecutions in post as at 31 December 2020, the provision of the Housing Allowance should be discontinued.**

**Senior Officers of the Office of the Director of Public Prosecutions**

- 29.65 As per existing provisions, a Barrister of the ODPP who, on being offered appointment as a Puisne Judge cannot be released or who opts to continue to serve the ODPP with the approval of the relevant authorities, is eligible for the retirement benefits accruing to a Member of the Judiciary, subject to the concurrence of the High Powered Committee (HPC). In addition, the Deputy Director of Public Prosecutions who, on being offered appointment as a Puisne Judge, cannot be released or who opts to continue to serve the ODPP with the approval of the relevant authorities, is granted (i) a monthly pensionable allowance to bring his salary at the level of a Puisne Judge, and (ii) the retirement benefits accruing to a member of the Judiciary, subject to the concurrence of the HPC.
- 29.66 Pursuant to the above provisions, several cases were referred to the HPC for approval to allow senior officers to continue serving in the present position and avail of the remuneration benefits accruing to a Judge. While the HPC approved the extension of the pensionable allowance and retirement benefits in a few cases in the interest of the service, others were turned down on the ground that there was no compelling reason to retain the officers. In the context of this Report, members of the Judiciary,

Federations as well as other stakeholders expressed their concern on this particular provision and questioned its continued applicability and relevance.

- 29.67 After examining the representations made by parties concerned, we consider that it is not equitable to extend the higher pensionable benefits to officers of the ODPP on the mere grounds that they have either not been released or have opted to continue to serve the Office. We view that besides pecuniary benefits, Management may consider other HR strategies such as Human Resource Planning, Succession Planning and Training, among others, as provided in Volume 1 of this Report to tackle retention issues, if any. In the given circumstances, the provisions regarding payment of the pensionable allowance and retirement benefits to officers of the ODPP are being rescinded. However, we are making an appropriate provision for exceptional cases to be considered by the High Powered Committee.

### **Recommendation 15**

- 29.68 We recommend that the provisions regarding the grant of a top up pensionable allowance and retirement benefits accruing to a member of the Judiciary to officers of the ODPP who on being offered appointment as a Puisne Judge were either not released or opted to continue to serve the ODPP, should lapse.**
- 29.69 We further recommend that only in exceptional cases where the high qualifications, unique competencies, distinctive experience and needs of the service, among others, so warrant that an officer of the ODPP who on being offered appointment as a Puisne Judge either could not be released or who opts to continue to serve the ODPP, the High Powered Committee may consider the payment of a pensionable allowance to the officer on such terms and conditions as it may decide.**

### **Special Legal Service Allowance**

- 29.70 A Special Legal Service Allowance (SLSA) is currently paid to Judicial and Legal Officers at the ODPP in line with the recommendation made in 2016 PRB Report. The payment of the SLSA was meant as a temporary measure to retain the services of experienced officers who tend to leave the service. The continued payment of the allowance is generally subject to findings of a survey on recruitment and retention carried out by the Bureau.
- 29.71 For this review exercise, the Bureau has carried out the survey anew to assess whether there are still Recruitment and Retention Problems at the ODPP.
- 29.72 Based on information submitted by Management in the context of the survey, the vacancy rate for the grade of State Attorney works out to 67%. We consider that the validity of this metric is highly influenced by the timing of the recruitment exercise and there may be no recruitment problem at the Office as such. On the supply side, the labour market indicates availability of a large pool of qualified candidates. Moreover, in terms of retention, we did not find any significant outflow from the ODPP nor a high resignation rate. Considering the underlying philosophy of a SLSA and given the prevailing situation, we regard that any request for the payment of the

allowance should be carefully examined on the basis of valid and reliable data in respect of recruitment, retention, attrition and the needs of the service, among others.

### Recommendation 16

**29.73 We recommend that with effect from 01 January 2021 and up to the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector, Judicial and Legal Officers in post as at the eve of publication of the 2021 Report and on promotion within their respective cadre, should continue to be paid a monthly Special Legal Service Allowance as per the table below, on a personal basis.**

<b>Grade</b>	<b>Special Legal Service Allowance (% of monthly salary)</b>
<b>State Counsels and State Attorneys reckoning at least 10 years' service in their respective grade. Senior State Counsels and Senior State Attorneys.</b>	<b>7</b>
<b>Principal State Counsels, Principal State Attorneys, Assistant Director of Public Prosecutions, Deputy Chief State Attorney, Chief State Attorney and Senior Assistant Director of Public Prosecutions.</b>	<b>10</b>
<b>Deputy Director of Public Prosecutions and Director of Public Prosecutions reckoning less than 10 years' service in the respective grade.</b>	<b>15</b>
<b>Director of Public Prosecutions reckoning more than 10 years' service in the grade but less than 30 years' service.</b>	<b>20</b>
<b>Director of Public Prosecutions reckoning more than 30 years' service.</b>	<b>30</b>

**29.74 We further recommend that:**

- (i) henceforth, any request from Management of the ODPP for the payment of a Special Legal Service Allowance should be subject to the approval of the High Powered Committee; and**
- (ii) in considering each case on its merit, the High Powered Committee may convey its approval for the payment of a time-bound Special Legal Service Allowance on such terms and conditions as it may determine.**

**29.75 The above recommendations are 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

29.76 A yearly Judicial and Legal Allowance is payable to Judicial and Legal Officers of the ODPP as an assistance towards meeting the cost for certain items related to the exercise of the profession. We are maintaining the continued payment of the allowance whilst revising its quanta.

### Recommendation 17

29.77 We recommend that Judicial and Legal Officers of the ODPP should be paid a yearly Judicial and Legal Allowance as hereunder:

Grade	Quantum (Rs)
<b>Director of Public Prosecutions</b> <b>Deputy Director of Public Prosecutions</b>	38690
<b>Chief State Attorney</b> <b>Senior Assistant Director of Public Prosecutions</b> <b>Assistant Director of Public Prosecutions</b> <b>Deputy Chief State Attorney</b> <b>Principal State Counsel</b> <b>Principal State Attorney</b> <b>Senior State Counsel</b> <b>Senior State Attorney</b> <b>State Counsel</b> <b>State Attorney</b>	24255

### Legal Research Officer/Senior Legal Research Officer formerly Legal Research Officer

29.78 At present, the grade of Legal Research Officer is filled by selection from among candidates possessing a Degree in Law or Law and Management or a Degree, the major part of which should be in Law; and a Master's Degree in Law or an equivalent qualification. Management has requested to: upgrade the salary scale of the grade; create a position of Senior Legal Research Officer whilst restyling that of Legal Research Officer to Legal Research Analyst.

29.79 We have examined the submission and consider that creation of a grade of Senior Legal Research Officer would be superfluous and the present appellation of Legal Research Officer is in consonance with the nature of duties performed by incumbents. We, however, view that there is need to compensate the officers in terms of career earnings. Moreover, taking into account the nature of duties that devolve upon incumbents, we consider that the mode of appointment of the grade should be reviewed in line with what obtains for comparable grades at the Attorney-General's Office and the Judiciary.

**Recommendation 18**

**29.80 We recommend that:**

- (i) the grade of Legal Research Officer be restyled Legal Research Officer/Senior Legal Research Officer; and**
- (ii) in future, the grade of Legal Research Officer/Senior Legal Research Officer formerly Legal Research Officer should be filled by selection from among candidates possessing a Degree in Law or Law and Management or a Degree, the major part of which should be Law or an equivalent qualification.**

**Black Jacket Allowance**

29.81 Officers of the Legal Support Officer Cadre who are required by the rules of the Court to appear in black jacket with tie are paid a yearly allowance. We are maintaining the payment of the allowance and revising its quantum.

**Recommendation 19**

**29.82 We recommend that officers of the Legal Support Officer 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 5100 yearly.**

**Allowance for work performed outside normal working hours**

29.83 Officers of the ODPP are paid a monthly allowance for working over and above their normal working hours, during Weekends and Public Holidays for the grant of release on bail to persons arrested during such days. We consider the present arrangement as appropriate and are maintaining the continued payment of the allowance.

**Recommendation 20**

**29.84 We recommend that the Supervising Officer as designated by the DPP, the State Counsel and officers of the Legal Support Officer Cadre should be paid a monthly allowance, as hereunder, up to the next Overall Review of Pay and Grading Structures and Conditions of Service in the Public Sector for working over and above their normal working hours, during Weekends and Public Holidays for the grant of release on bail to persons arrested during such days:**

<b>Eligible Officers</b>	<b>Quantum (Rs)</b>
<b>Supervising Officer designated by the DPP</b>	<b>25000</b>
<b>State Counsel</b>	<b>23000</b>
<b>Officers of the Legal Support Officer Cadre</b>	<b>9700</b>



**Allowance in connection with work performed in Specialised Units**

29.85 Legal Officers posted in Specialised Units of the Office of the DPP namely the Asset Recovery Unit; Maritime Law and Human Trafficking Unit, Victims, Witnesses and Juvenile Offenders Support Unit; Serious Fraud, Tax Evasion and Anti-Money Laundering/Combating Financing of Terrorism Unit; and International Cooperation and Mutual Legal Assistance and Extradition Unit, who have undergone specialised training and acquired specialist skills which are essential to conduct cases in specific areas, are entitled to the payment of a monthly allowance. We are maintaining the present arrangement.

**Recommendation 21**

**29.86 We recommend that the designated officers posted in the Specialised Units of the ODPP and the Officer-in-Charge of the respective units should be paid a monthly allowance of Rs 5000 and Rs 10000 respectively.**

**Specific Provision for Chief Legal Support Officers****Recommendation 22**

**29.87 We recommend that officers in the grade of Chief Legal Support Officer possessing a Degree in Law or Law and Management or a Degree the major part of which should be Law or an equivalent qualification should be allowed to move incrementally in the Master Salary Scale up to salary point Rs 64400 provided they satisfy the performance criteria as set out in the Introductory Chapter of this Volume.**

**ATTORNEY-GENERAL'S OFFICE****SALARY SCHEDULE**

<b>Salary Code</b>	<b>Salary Scale and Grade</b>
12 000 121	<b>Rs 175750</b> Solicitor-General
12 000 118	<b>Rs 150750</b> Deputy Solicitor-General Parliamentary Counsel
12 000 113	<b>Rs 128875</b> Assistant Solicitor-General Chief Legal Secretary Chief State Attorney Senior Assistant Parliamentary Counsel

Salary Code	Salary Scale and Grade
12 000 110	<b>Rs 119500</b> Assistant Parliamentary Counsel Deputy Chief State Attorney
12 088 102	<b>Rs 62700 x 1700 - 64400 x 1800 - 69800 x 2000 - 75800 x 2150 - 82250 x 3000 - 88250 x 3125 - 94500</b> Legal Secretary Principal State Attorney Principal State Counsel
12 080 097	<b>Rs 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800 x 2000 - 75800 x 2150 - 80100</b> Assistant Legal Secretary Curator of Vacant Estates Senior State Counsel Senior State Attorney
12 069 092	<b>Rs 36550 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800</b> Assistant Curator of Vacant Estates State Counsel State Attorney
12 058 092	<b>Rs 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800</b> Legal Research Officer/Senior Legal Research Officer <i>formerly Legal Research Officer</i>
12 073 092	<b>Rs 40300 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800</b> Registrar (Legal Assistant Cadre)
12 067 086	<b>Rs 34825 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 59300</b> Chief Legal Assistant
12 062 082	<b>Rs 30700 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 52550</b> Principal Legal Assistant

Salary Code	Salary Scale and Grade
12 053 077	<b>Rs 24475 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 44800</b> Senior Legal Assistant
12 038 073	<b>Rs 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 40300</b> Legal Assistant
18 058 088	<b>Rs 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 62700</b> Regulatory Officer (New Grade)
24 025 058	<b>Rs 15485 x 260 - 17825 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400</b> Driver
24 018 048	<b>Rs 13745 x 230 - 13975 x 250 - 15225 x 260 - 17825 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225</b> Handy Worker

**OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

**SALARY SCHEDULE**

Salary Code	Salary Scale and Grade
12 000 121	<b>Rs 175750</b> Director of Public Prosecutions
12 000 118	<b>Rs 150750</b> Deputy Director of Public Prosecutions
12 000 113	<b>Rs 128875</b> Chief State Attorney Senior Assistant Director of Public Prosecutions
12 000 110	<b>Rs 119500</b> Assistant Director of Public Prosecutions Deputy Chief State Attorney

Salary Code	Salary Scale and Grade
12 088 102	<p><b>Rs 62700 x 1700 - 64400 x 1800 - 69800 x 2000 - 75800 x 2150 - 82250 x 3000 - 88250 x 3125 - 94500</b></p> <p>Legal Administrator Principal State Attorney Principal State Counsel</p>
12 080 097	<p><b>Rs 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800 x 2000 - 75800 x 2150 - 80100</b></p> <p>Senior State Attorney Senior State Counsel</p>
12 069 092	<p><b>Rs 36550 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800</b></p> <p>Legal Research Officer (Personal) State Attorney State Counsel</p>
12 058 092	<p><b>Rs 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800</b></p> <p>Legal Research Officer/Senior Legal Research Officer <i>formerly Legal Research Officer</i></p>
12 038 077	<p><b>Rs 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 44800</b></p> <p>Disclosure Officer</p>
12 058 088	<p><b>Rs 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 62700</b></p> <p>Chief Legal Support Officer</p>
12 053 083	<p><b>Rs 24475 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200</b></p> <p>Principal Legal Support Officer</p>
12 038 079	<p><b>Rs 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 47675</b></p> <p>Legal Support Officer/Senior Legal Support Officer</p>

Salary Code	Salary Scale and Grade
	<b>OTHER GRADES</b>
05 047 079	<b>Rs 21850 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 47675</b> Law Library Officer (ODPP)
10 047 077	<b>Rs 21850 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 44800</b> Communication/Liaison Officer
24 025 058	<b>Rs 15485 x 260 - 17825 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400</b> Driver
24 018 048	<b>Rs 13745 x 230 - 13975 x 250 - 15225 x 260 - 17825 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225</b> Handy Worker





