

# **PROPOSED IMPROVEMENT IN TERMS AND CONDITIONS OF SERVICE FOR THE JUDGES**

**A PAPER PRESENTED AT THE  
14<sup>TH</sup> ANNUAL JUDGES CONFERENCE AT COMMON WEALTH  
RESORT MUNYONYO- 9/1/2012**

**BY**

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# PRESENTATION

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# INTRODUCTION:

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- i. The paper is intended to give a highlight of the progress to date with regard to the proposed improvement of the Terms & Conditions of Service of the Judiciary staff.
- ii. I wish to point out that the prime mover of all the reforms/ changes the Judiciary would wish to achieve is in ensuring that the Administration of Justice Bill is passed into law.
- iii. All these proposals will be achieved naturally under a defined legal frame work.

**Nevertheless, I wish to inform the Hon. Members that after some consultations, the proposals have been presented to the Hon. Minister of Justice and Constitutional Affairs who has promised to follow them up with the Ministry of Finance. I take the honour to quickly reflect on them:**

# OBJECTIVES OF THE PROPOSED IMPROVEMENT

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## Over all Objective

In order to enable the Judiciary perform its functions independently, there is urgent need to improve on the terms & conditions of service of the Judges & other Judicial Officers including non Judicial staff.

# Specific Objectives:

1. Society's expectations of the judges & judicial officers are high & so they should be able to afford & attain those standards.
2. Impartiality requires a reasonable level of economic independence.
3. Judges & judicial officers work full time & unlike other public servants, they are prohibited from or restricted from engaging in private business even on part time basis.

## .....Specific Objectives:

4. Judges & judicial officers face very high risks in their daily lives dealing as they deal with hardcore criminals and sensitive cases. They therefore need to be financially insulated from these risks.
5. Judges & Judicial officers are not expected to enter into credit transactions which may compromise their independence.
6. Non Judicial Officers play a complimentary role in the administration of Justice & therefore should be considered in the same vain.

## .....Specific Objectives:

7. Lawyers from whom Judges & other Judicial Officers are appointed earn considerably higher incomes than persons working in other sectors of society. It is therefore important that the Judges & Judicial officers earn such salaries which attract lawyers from private practice & other sectors to join the bench.
8. Improvement in the terms & conditions of service will reduce on brain drain due to search for greener pastures elsewhere.

## .....**Specific Objectives:**

9. Inflation has rendered the present rates of remuneration insufficient and un realistic. It is desirable that the remuneration should be reviewed from time to time.



# THE CASE FOR UGANDA

# THE CASE FOR UGANDA

## (i) Salaries:

<u>OFFICER</u>	<u>SHS. PER MONTH</u>
• Chief Justice.	\$ 3083.7
• Deputy Chief Justice.	\$ 2809.6
• Principal Judge.	\$ 2672.5
• Justice of the Supreme Court.	\$ 2584.4
• Justice of the Court of Appeal.	\$ 2496.3
• Judge of the High Court.	\$ 2407.9

## **(ii) Other Benefits:**

### **Chief Justice:**

1. Medical Allowance \$ 157.9

Furnished House, Chauffeur driven car  
Security & Travel - First Class

### **Deputy Chief Justice:**

1. Medical Allowance \$ 131.6

2. Housing Allowance \$ 1315.8

Chauffeur driven car, Security & Travel - First Class

## .....Other Benefits:

### Principal Judge:

- |                       |           |
|-----------------------|-----------|
| 1. Medical Allowance. | \$ 131.6  |
| 2. Housing Allowance. | \$ 1210.5 |

Chauffeur driven car, Security, Travel - First Class.

### Justice of the Supreme Court:

- |                       |           |
|-----------------------|-----------|
| 1. Medical Allowance. | \$ 105.3  |
| 2. Housing Allowance. | \$ 1157.9 |

Chauffeur driven car , Security , Travel First Class.

**.....Other Benefits:**

**Justice of the Court of Appeal:**

- 1. Medical Allowance. \$ 105.3
- 2. Housing Allowance. \$ 1105.3

Chauffeur driven car, Security, Travel – Club Class.

**Judge of the High Court:**

- 1. Medical Allowance. \$ 105.3
- 2. Housing Allowance. \$ 1052.6

Chauffeur driven car.

## 4.Subsistence Allowance for Justices and Judges:

<b>Officer</b>	<b>Subsistence Allowance within Uganda (US \$)</b>	<b>Subsistence allowance outside Uganda (US \$)</b>
CJ	79.6	\$710
DCJ	77.8	\$670
PJ	75.5	\$610
Justice of the Supreme Court	73.4	\$590
Justice of the CoA	71.4	\$570
Judge of the High Court	69.3	\$550

# **SALARY ENHANCEMENT AND ITS EFFECT ON COMPUTATION OF JUDGES BENEFITS.**

Last year H.E. the President recommended to the 2<sup>nd</sup> Deputy Prime Minister and Ministry of Public Service that Justices and Judges can retire with full benefits. This has not yet been implemented. However, the MOPS has prepared a Cabinet Paper on the subject matter and the paper is due for presentation to Cabinet. We await the Cabinet resolution on the matter.

## .... Salary Enhancement

There is a proposal that all Justices, Judges, Judicial and Non Judicial Officers remuneration be enhanced to motivate them for better performance.

To support this enhancement a study was undertaken to compare the emoluments and other benefits of Judges in other Countries against what the Ugandan Judges receive.



# COMPARISON WITH OTHER COUNTRIES

# A Study:

- was carried out in some of the countries in the Eastern & South African region which included Tanzania, Kenya, Zambia, Zimbabwe, Botswana, Malawi & South Africa.
- Further comparison was made with developed countries like Britain.
- Statistics of the other East African Countries compared to Uganda according to this study is given below.

Therefore, the proposed recommendations made here had in consideration of what is obtaining elsewhere

**RENUMERATION OF THE JUDGES IN EAST AFRICAN COUNTRIES IN US DOLLARS PER MONTH. (EXCHANGE RATE USED IS \$2450).**

**1. KENYA:**

**(i)Salaries:**

Justice of the Court of Appeal:	\$ 2832.6
Judge of the High Court:	\$ 2493.6

## (ii) Allowances:

- (a) Non-practising Allowance: \$ 157.4
- (b) Domestic Allowance: \$ 181.6
- (c) House Allowance: \$ 968.4
- (d) Entertainment Allowance: \$1028.9
- (e) Extraneous Allowance: \$ 883.7
- (f) Responsibility Allowance: \$ 145.3
- (g) Transport Allowance: \$ 78.7 per month
- (h) Robe Allowance: \$ 60.5 per year
- (i) Leave Allowance: \$ 139.2 per year

## (iii) Allowances for a Judge of the High Court:

- (a) Domestic Allowance: \$ 181.6
- (b) House Allowance: \$ 726.3
- (c) Entertainment Allowance: \$ 786.8
- (d) Extraneous Allowance: \$ 665.8
- (e) Non-practising Allowance: \$ 157.4
- (f) Responsibility Allowance: \$ 121.1
- (g) Transport Allowance: \$ 75.1
- (h) Robe Allowance: \$ 60.5 per year
- (i) Leave Allowance: \$135.6 per year

# Other Entitlements of Kenya Judges:

- (a) Leave entitlement: 30 days for judges below the age of 55 years and 42 days for those over 55 years of age.
- (b) Free electricity supply.
- (c) Free water supply.
- (d) Refund of monthly telephone bills to a maximum of US\$.181.6 month.
- (e) Free petrol and oil expenses up- to a maximum of US\$.181.6 per month
- (f) One official car plus its maintenance.
- (g) Police driver.  
station

## ....Other Entitlements of Kenya Judges:

- (h) Per diem in Kenya of US\$.102.9 per day while on official duty outside working.
- (i) First Class airticket while on official duties.
- (j) Free medical cover for self, one spouse and two children below 24 years of age in any of the best Hospitals in Kenya.

# TANZANIA:

## **(i) Salaries:**

- Justice, Court of Appeal: US\$ 652.7
- Judge, High Court: US\$ 561.1

## **(ii) Allowances:**

- (a) Fuel: 10 litres every day
- (b) Electricity Allowance: US\$ 68.4
- (c) Telephone Allowance: US\$ 44.5
- (d) Housing Allowance: Free house
- (e) Furniture Allowance: Free furniture
- (f) Cultery and Crockery Allowance: Supplied free.



# **RECOMMENDATIONS FOR UGANDA JUDGES**

## RECOMMENDATIONS FOR UGANDA JUDGES

S/No.	Item	Uganda		Kenya		Tanzania		Recommended for Uganda Judges (Remarks)
			(USD)		(USD)		(USD)	
1	<b>SALARY</b>							Relatively Okey
2	<b>ALLOWANCES</b>							
	Responsibility Allowance	×		√		×		Recommended
	Medical Allowance	√		×		×		
	Non-Practising Allowance	×		√		×		Recommended
	Housing Allowance	√		√		√		
	Chauffer Driven Vehicle	√		×		×		
	Domestic Allowance	×		√		×		Recommended
	Entertainment Allowance	×		√		×		Recommended
	Transport & Fuel Allowance	√		√		√		
	Electricity & Water Allowance	×		×		√		Recommended
	Guard & Escort Allowance	√		×		×		
	Extraneous Allowance	×		√		×		Recommended
	Robe Allowance	×		√		×		
	Leave Allowance	×		√		×		Recommended
	Furniture Allowance	√		×		√		
	Cutlery & Cookery Allowance	×		×		√		Recommended

# RECOMMENDATIONS FOR THE UGANDA JUDGES

Thus the following are recommended for the Uganda Judges:

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- ✓ Housing Allowance
- ✓ Responsibility Allowance
- ✓ Non Practicing Allowance
- ✓ Domestic Servant Allowance
- ✓ Utilities Allowance
- ✓ Medical Insurance for self, spouse and 4 biological Children
- ✓ Education Allowance

Arising out of the consultation our recommendation for Salaries and other emoluments for Judicial Officers is tabulated below.

No.	Category	Current Salary	Proposed Salary	Other Allowances
1	Chief Justice	5,859,000	15,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 7,000,000</li> <li>2. Medical Insurance for self, spouse and 4 biological Children</li> <li>3. Responsibility allowance 5,000,000/=</li> <li>4. Education allowance 4,000,000/=</li> <li>5. Utilities allowance 3,000,000/=</li> <li>6. Non Practicing allowance 3,000,000/=</li> <li>7. Domestic Servants allowance 1,000,000/=</li> </ol> <p><b>Sub-total 38,000,000/=</b></p>
2	Deputy Chief Justice	5,338,200	14,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 6,500,000/=</li> <li>2. Medical Insurance for self, spouse and 4 biological Children.</li> <li>3. Responsibility allowance 4,500,000/=</li> <li>4. Education allowance 4,000,000/=</li> <li>5. Utilities allowance 2,500,000/-</li> <li>6. Non practicing allowance 2,600,000/-</li> <li>7. Domestic servant allowance 800,000/=</li> </ol> <p><b>Sub-total 34,900,000/=</b></p>
3	Principal Judge	5,007,800	13,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 6,000,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological Children</li> <li>3. Social responsibility allowance 4,000,000/-</li> <li>4. Education allowance 4,000,000/-</li> <li>5. Utilities allowance 2,000,000/-</li> <li>6. Non Practicing Allowance 2,600,000/=</li> <li>7. Domestic Servants allowance 600,000/-</li> </ol> <p><b>Sub total 32,200,000</b></p>
4	Justice of Supreme Court	4,910,400	12,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 5,500,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological Children</li> <li>3. Responsibility allowance 3,500,000</li> <li>4. Education allowance 4,000,000</li> <li>5. Utilities allowance 2,000,000/-</li> <li>6. Non Practicing allowance 2,600,000/-</li> </ol> <p><b>Sub-total 29,600,000/-</b></p>
5	Justice of the Court of Appeal	4,743,000	11,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 5,000,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological Children</li> <li>3. Responsibility allowance 3,500,000/-</li> <li>4. Education allowance 4,000,000/-</li> <li>5. Utilities allowance 2,000,000/-</li> <li>6. Non Practicing allowance 2,600,000/-</li> </ol> <p><b>Sub-total 28,100,000/-</b></p>

No	Category	Current Salary	Proposed Salary	Other Allowances
6	Judges of the High Court	4,575,000	10,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 4,500,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological Children</li> <li>3. Responsibility allowance 3,000,000/-</li> <li>4. Education allowance 4,000,000/-</li> <li>5. Utilities allowance 2,000,000/-</li> <li>6. Non Practicing allowance 2,600,000/-</li> </ol> <p><b>Sub-total 26,000,000/-</b></p>
7	Chief Registrar	3,850,000	8,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 4,000,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological Children</li> <li>3. Responsibility allowance 2,500,000/-</li> <li>4. Education allowance 3,000,000/-</li> <li>5. Utilities allowance 2,000,000/-</li> <li>6. Non practicing allowance 2,600,000/-</li> </ol> <p><b>Sub-total 22,100,000/=</b></p>
8	Registrar	3,257,000	7,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 3,500,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological children</li> <li>3. Responsibility allowance 2,000,000/-</li> <li>4. Utilities allowance 1,500,000/-</li> <li>5. Non practicing allowance 2,000,000/-</li> <li>6. Education allowance 2,000,000/-</li> </ol> <p><b>Sub-total 18,000,000/-</b></p>
9	Deputy Registrar	2,920,000	6,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 3,000,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological Children)</li> <li>3. Responsibility allowance 2,000,000/-</li> <li>4. Utilities allowance 1,500,000/-</li> <li>5. Non practicing allowance 2,000,000/-</li> <li>6. Education allowance 2,000,000/-</li> </ol> <p><b>Sub-total 16,500,000/-</b></p>
10	Assistant Registrar	2,750,000	5,000,000	<ol style="list-style-type: none"> <li>1. A House or Housing allowance 2,500,000/-</li> <li>2. Medical Insurance for self, spouse and 4 biological Children</li> <li>3. Social responsibility allowance 2,000,000</li> <li>4. Utilities allowance 1,500,000</li> <li>5. Non practicing allowance 2,000,000/-</li> <li>6. Education allowance 2,000,000/-</li> </ol> <p><b>Sub-total 15,000,000/-</b></p>

No	Category	Current Salary	Proposed Salary	Other Allowances
11	Chief Magistrate	2,490,000	3,500,000	1. A House or Housing allowance 2,000,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 1,500,000/- 4. Utilities allowance 2,000,000/- 5. Non practicing allowance 2,000,000/- 6. Education allowance 1,500,000/- <b>Sub-total 12,500,000/-</b>
12	Senior Principal Magistrate Grade One	2,123,000	3,000,000	1. A House or Housing allowance 1,500,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 1,000,000/- 4. Utilities allowance 800,000/- 5. Non practicing allowance 2,000,000/- 6. Education allowance 1,000,000/- <b>Sub-total 9,300,000/-</b>
13	Principal Magistrate Grade One	1,840,000	2,700,000	1. A House or Housing allowance 1,500,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 1,000,000/- 4. Utilities allowance 800,000 5. Non practicing allowance 2,000,000/- 6. Education allowance 1,000,000/- <b>Sub-total 9,000,000/-</b>
14	Senior Magistrate Grade One	1,380,000	2,400,000	1. A House or Housing allowance 1,500,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 1,000,000/- 4. Utilities allowance 800,000/- 5. Non practicing allowance 2,000,000/- 6. Education allowance 1,000,000/- <b>Sub-total 8,700,000/-</b>

No	Category	Current Salary	Proposed Salary	Other Allowances
15	Magistrate Grade One	1,100,000	2,000,000	1. A House or Housing allowance 1,500,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 1,000,000 4. Utilities allowance 800,000/- 5. Non practicing allowance 2,000,000/- 6. Education allowance <b>1,000,000/-</b> <b>Sub-total 8,300,000/-</b>
16	Senior Principal Magistrate Grade Two	1,380,000	1,800,000	1. A House or Housing allowance 1,500,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 500,000/- 4. Utilities allowance 800,000 5. Non practicing allowance 2,000,000/- 6. Education allowance 1,000,000/- <b>Sub-total 7,600,000/-</b>
17	Principal Magistrate Grade Two	1,100,000	1,600,000	1. A House or Housing allowance 1,000,000/- 2. Medical insurance for self , spouse and 4 biological Children 3. Responsibility allowance 500,000 4. Utilities allowance 800,000/- 5. Non practicing allowance 2,000,000/- 6. Education allowance 1,000,000/- <b>Sub-total 6,900,000/-</b>
18	Senior Magistrate Grade Two	578,813	1,200,000	1. A House or Housing allowance 1,000,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 500,000 4. Utilities allowance 800,000 5. Non practicing allowance 2,000,000 6. Education allowance 1,000,000 <b>Sub-total 6,500,000/-</b>

No	Category	Current Salary	Proposed Salary	Other Allowances
19	Magistrate Grade Two	496,125	1,000,000	1. A House or Housing allowance 1,000,000/- 2. Medical Insurance for self, spouse and 4 biological Children 3. Responsibility allowance 800,000 4. Utilities allowance 800,000 5. Non practicing allowance 2,000,000 6. Education allowance 1,000,000/- <b>Sub-total 6,600,000/-</b>

## Furniture Allowance

1. Deputy Chief Justice Shs 22,700,000/=
2. Principal Judge Shs 21,300,000/=
3. Justices of the Supreme Court Shs 20,000,000/=
4. Justices of Court of Appeal Shs 18,700,000/=
5. Judges of High Court Shs 17,300,000/=



# SUPPORT STAFF (Non Judicial Officers)

There is a category of staff that work in the Judiciary but are not judicial officers. This category offers an invaluable administrative support function for the smooth delivery of the administration of justice. They actually form the bulk of staff of the Judiciary. They include Secretaries, Court Clerks, Interpreters, Records and Accounts staff as well as Senior Administrators.

## .....SUPPORT STAFF (Non Judicial Officers)

1. Housing allowance in lieu at the rate of 80% of the salary
2. Transport allowance at the rate of 80% of salary

## **CONCLUSION**

While these proposals are being made, I call on all of you Hon. Members to support the effort towards achieving these recommendations. Utilize every opportunity available to you to voice out the need for this enhancement.

THANK YOU FOR  
YOUR ATTENTION

