

**'THE SUPREME COURT JUDGES (REMUNERATION
AND PRIVILEGES) ORDINANCE, 1978**

ORDINANCE NO. XI OF 1978

[28th March, 1978]

**An Ordinance to provide for the remuneration and
privileges of the Judges of the Supreme Court.**

WHEREAS it is expedient to provide for the remuneration and privileges of the Judges of the Supreme Court;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

- | | |
|-------------|---|
| Short title | 1. This Ordinance may be called the Supreme Court Judges (Remuneration and Privileges) Ordinance, 1978. |
| Definition | 2. In this Ordinance, unless there is anything repugnant in the subject or context, "Judge" means a Judge of a Division of the Supreme Court, and includes the Chief Justice and an Additional Judge of a Division of that Court. |
| Salary | 3. ² [(1) There shall be paid to the Judges salary at the following rates, namely:- |
| | (i) The Chief Justice - Taka 56,000 <i>per mensem</i> ; |
| | (ii) A Judge of the Appellate Division - Taka 53,100 <i>per mensem</i> ; |
| | (iii) A Judge of the High Court Division - Taka 49,000 <i>per mensem</i> .] |

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

² Sub-section (1) was substituted by section 2 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2010 (Act No. XXII of 2010) (with effect from 1st July, 2009).

(2) No income-tax shall be payable in respect of ¹[salary and allowances payable to a Judge under this Ordinance].

3A. [Omitted by section 3 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Ordinance, 1985 (Ordinance No. XLV of 1985).]

3B and **3C.** [Omitted by section 3 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 1992 (Act No. XIII of 1992).]

[(3D). [Article 3D was omitted by section 3 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2010 (Act No. XXII of 2010) (with effect from 1st July 2009).]]

²[**3DD.** There shall be paid to a judge a special allowance at the rate of 50% of his salary *per mensem*]

Special
Allowance

³[**3E.** (1) There shall be paid to a judge, a recreation allowance equal to one month's pay of his salary once in every three years for the purpose of taking leave for rest and recreation.

Recreation
allowance

(2) The recreation allowance shall be paid in addition to the leave salary as mentioned in the section 7 of the Supreme Court Judges Supreme Court Judges, (Leave, Pension and Privileges) Ordinance, 1982 (Ordinance No. XX of 1982).]

4. ⁴[(1)]A Judge shall be entitled to, and provided with,-

Privileges
regarding
residence, etc.

(a) a furnished residence free from the payment of any rent and charges on account of municipal taxes and local rate

¹ The words "salary and allowances payable to a Judge under this Ordinance" were substituted for the words, brackets and figure "salary payable to a Judge under sub-section (1)" by section 2 of the Supreme Court Judges (Remuneration and Privileges) (Second Amendment) Act, 1990 (Act No. XLI of 1990).

² Article 3DD was inserted by section 2 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2014 (Act No. II of 2014) (with effect from 1st July, 2013).

³ Article 3E was inserted by section 3 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2009 (Act No. LIV of 2009) (with effect from 31st December 2008).

⁴ The existing provision was numbered as sub-section (1) of the section by section 4 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 1992 (Act No. XIII of 1992).

and of the use of electricity, water and gas and, until such residence is provided, a Judge shall be paid a residence allowance of ¹[Taka 26,600] *per mensem*;

²[(b) an official transport on the same terms as are admissible to a Secretary to the Government and, until such transport is provided or if it is not required by him, he shall be paid a car allowance of ³[Taka 15,000] *per mensem* if he uses his own car or Taka 1,000 *per mensem* if he does not use his own car; and]

(c) a telephone at his residence at Government expense.

⁴[(2) There shall be paid to the Judges a domestic aid allowance at the following rates, namely:-

(a) The Chief Justice - Taka 1625 *per mensem*

(b) A Judge of the Appellate Division - Taka 1465 *per mensem*

(c) A Judge of the High Court Division -Taka 1300 *per mensem*.]

⁵[(3) There shall be paid to the Judges a sumptuary allowance at the following rates, namely:-

(a) The Chief Justice - Taka 7000 *per mensem*;

(b) A Judge of the Appellate Division - Taka 5000 *per mensem*;

(c) A Judge of the High Court Division - Taka 3000 *per mensem*.]

¹ The figure “26,600” was substituted for the figure “20,000” by section 4(a)(i) of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2010 (Act No. XXII of 2010) (with effect from 1st July, 2010).

² Clause (b) was substituted by section 2 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Ordinance, 1983 (Ordinance No. LIX of 1983).

³ The figure “15,000” was substituted for the figure “12,000” by section 4(a)(ii) of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2010 (Act No. XXII of 2010) (with effect from 1st July, 2010).

⁴ Sub-section (2) was substituted by section 4(b) of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2010 (Act No. XXII of 2010) (with effect from 1st July, 2010).

⁵ Sub-section (3) was substituted by section 4(c) of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2010 (Act No. XXII of 2010) (with effect from 1st July, 2010).

5. A Judge and the members of his family shall be entitled to medical facilities admissible under the Special Medical Attendance Rules, except that he and the members of his family shall be entitled to medical treatment at the residence of the Judge; and such medical facilities shall continue to be admissible after the Judge has retired or otherwise ceased to hold office.

Medical facilities

6. (1) In respect of leave, pension, gratuity and provident fund, a Judge shall be entitled, subject to the provisions of this Ordinance, to all the rights, privileges and allowances as were admissible to him immediately before the commencement of this Ordinance.

Rights relating to leave, pension, etc.

(2) [Omitted by section 4 of the Supreme Court Judges (Remuneration and Privileges) (Amendment) Act, 2005 (Act No. XXV of 2005).]

7. This Ordinance shall not apply to a Judge who, immediately before the commencement of this Ordinance, was holding office as a Judge of the ¹[High Court Division] or ²[Appellate Division of the Supreme Court] and who, within a period of three months from such commencement, exercises in writing communicated to the Accountant General of Bangladesh his option to be governed by the provisions of law which, immediately before such commencement, were applicable to him.

Option of Judges

8. The Supreme Court and the High Court Judges (Remuneration and Privileges) Ordinance, 1976 (LXV of 1976) is hereby *repealed*.

Repeal

9. The provisions of this Ordinance shall be deemed to have taken effect on the 1st day of December, 1977.

Retrospective effect

¹ The words "High Court Division" were substituted for the words "High Court" by Article 7(1)(a) of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972) as amended by the Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972).

² The words "Appellate Division of the Supreme Court" were substituted for the words "Supreme Court" by Article 7(1)(b) of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972) as amended by the Bangladesh Adaptation of Existing Laws (Amendment) Order, 1972 (President's Order No. 150 of 1972).