

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case No: 22588/2020

In the matter between:

EQUAL EDUCATION 1st Applicant

**THE SCHOOL GOVERNING BODY OF
VHULAUDZI SECONDARY SCHOOL** 2nd Applicant

**THE SCHOOL GOVERNING BODY OF
MASHAO HIGH SCHOOL** 3rd Applicant

and

MINISTER OF BASIC EDUCATION 1st Respondent

MEC EDUCATION, EASTERN CAPE 2nd Respondent

MEC EDUCATION, FREE STATE 3rd Respondent

MEC EDUCATION, GAUTENG 4th Respondent

MEC EDUCATION, KWAZULU-NATAL 5th Respondent

MEC EDUCATION, LIMPOPO 6th Respondent

MEC EDUCATION, MPUMALANGA 7th Respondent

MEC EDUCATION, NORTHERN CAPE 8th Respondent

MEC EDUCATION, NORTH WEST 9th Respondent

MEC EDUCATION, WESTERN CAPE 10th Respondent

CHILDREN'S INSTITUTE *Amicus curiae*

**AFFIDAVIT BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF
BASIC EDUCATION IN TERMS OF PARAGRAPH 103.10 OF THE
ORDER OF COURT**

H.M. u NT

I, the undersigned,

HUBERT MATHANZIMA MWELI

hereby declare under oath as follows:

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1.1 I am a major male, the Director-General of the Department of Basic Education.

1.2 My office is situated at Sol Plaatjie House, 222 Struben Street, Pretoria, Gauteng.

1.3 The facts deposed in this Affidavit fall within my personal knowledge, unless otherwise indicated, and are true and correct.

2 The purpose of this Affidavit is to comply with the provisions of paragraph 103.10 of the Judgment of the above Honourable Court dated 17 July 2020. This is the tenth Affidavit filed in terms of the Order of the above Honourable Court.

3 I refer the above Honourable Court to the previous Affidavits and the contents thereof, already filed.

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4 In compliance with the Court Order a report that has been prepared, and which report is annexed hereunto as annexure "HM1".

5 The contents of this report and its annexures are incorporated into this Affidavit through reference.

6 I annex hereto as annexure "HM2" an affidavit of the honourable Minister of Basic Education.



DEPONENT

SIGNED and sworn to before me at Pretoria on the 26th day of March 2021, the deponent having acknowledged that he/she knows and understands the contents of this affidavit and all the provisions of Act 16 of 1963 and the Regulations promulgated in terms thereof concerning the taking of the oath having been complied with in my presence and within the area for which I have been appointed as Commissioner of Oaths.



COMMISSIONER OF OATHS
Capacity: Advocate High Court
Full names: Adv. Joshua Makhaza
Physical address:


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Ex Officio-Commissioner of Oaths
Nat. Department of Transport
Legal Services
Private Bag X 193, 159 Forum Building
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Tel: 012 309 3289 / Fax: 012 309 3134

H.M.

DEPARTMENT OF BASIC
EDUCATION EQUAL
EDUCATION- JUDGEMENT
AND COURT ORDER
COMPLIANCE: NATIONAL
SCHOOL NUTRITION
PROGRAMMME

**MINISTER'S REPORT ON THE NATIONAL
SCHOOL NUTRITION PROGRAMME PROVISION
OF MEALS - 12 MARCH 2021**

Introduction

The Department of Basic Education (DBE) has a mandate to provide meals to learners in identified schools through the National School Nutrition Programme (NSNP) on school days. The tenth (10th) report will provide a response on the implementing of the Programme as from 23 February 2021. The report seeks to provide an update on the provision of meals by the NSNP in line with the structural interdict by the Gauteng North High Court.

NSNP Implementation

The DBE continues to monitor the implementation of programmes across all provinces. The National School Nutrition Programme has remained functional and provides meals in 21 000 schools across the nine (9) provinces. The school meals constitute both cooked meals and food parcels as per amended Conditional Grant Framework during the risk-adjusted level 1 of the lockdown.

Statistics on the NSNP meal provisioning as at 12 March 2021

See below:

Province	Number of learners: Amended 2020/21 business plans	Date 17/02/2021	Date 12 March 2021	Comment
Eastern Cape (EC)	1667847	713 574	1 578 708	With the re-opening of schools all schools are able to feed and at the time of reporting no reports were received that indicated the suspension of feeding.
Free State	594839	359 096	404 160	Transport is made available for farm school learners. Not all learners on rotation fetched their meals at schools.
Gauteng (GP)	1394508	1 177 076	1 482 071	190 food parcels collected in three districts (Jhb West, Jhb Central and Gauteng East)
KwaZulu-Natal (KZN)	2440258	1 533 565	1 506 810	Average of learners provided with meals
Limpopo (LP)	1627826	1 497 024	1 607 699	NSNP is functional
Mpumalanga (MP)	915533	567 638	915533 (648 924 cooked meals and 266 609 food parcels)	Learners who are not in for the day or week of rotation either came to school for meals or were provided with food parcels of which the quantities were equivalent to the number of feeding days the learners were at home. Food parcels for 266 609 learners were collected for the monthly of March by parents or learners themselves.
Northern Cape (NC)	269294	190 896	95 975	The heavy rains during February 2021 eg JTG District was declared a disaster area and FB district also had areas where schools could not operate and nobody could reach schools.
North West (NW)	726756	643 787	659,440	The number of learners provided with meals has increased significantly from the 15th February 2021 up to now. •All schools continued to provide meals to the targeted learners in the province. •The province continued to provide cooked meals for collection by learners who attended on rotational basis.
Western Cape (WC)	388769	246 739	258 915	Learners come to school as per the rotational time table

General Summary and Conclusion

All provinces implement the NSNP as per mandate with consideration to the COVID-19 pandemic regulations and risk-adjusted lockdown as pronounced by the President, Mr C Ramaphosa.

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