

Challenge to state as learners miss out on daily meals

[Luke Feltham](#)



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(Madelene Cronje)

Advocacy group [Equal Education](#) and two Limpopo schools have taken the national and provincial education departments to court over what they call their failure to properly roll out the National School Nutrition Programme (NSNP).

Under the scheme, eligible learners receive a daily meal, which for millions is the sole decent one they get each day. But Equal Education contends that a significant portion of these students have been left behind over the past year and a half because of the Covid-19 pandemic.

In an urgent application, Equal Education and the two schools want the Pretoria high court to compel the basic education minister, [Angie Motshekga](#), and eight provincial members of the executive council (MECs) for education to account for the efficacy of the programme.

“We are asking for a new court order that declares that education officials have not met their constitutional obligations to provide daily meals to all

qualifying learners, and have not fulfilled the requirement to submit plans and monitoring reports,” Equal Education, the Equal Education Law Centre and Section27, which represent the applicants, [said in a joint statement](#).

“The education MECs and [Motshekga] should give the court reasons why they shouldn’t be fined or sent to jail for being in contempt of the court order. We are asking the court to order the national and provincial education departments to file new, revised plans to deliver the NSNP, that take into account the continued challenges posed by Covid-19.”

Last July, the Pretoria high court ordered that [the NSNP be resumed immediately](#) after it had stalled during the country’s initial Covid-19 lockdown. Given the vulnerability of poorer children, Judge Suleet Potterill ruled that officials had committed an egregious constitutional breach by failing to ensure the programme reached all vulnerable learners – regardless of whether they had returned to school or not.

The court ordered the minister and MECs to file detailed plans and programmes showing how they intended to rectify the error. Furthermore, updates would have to be provided every 15 days until the court deemed this no longer necessary.

This has not been done, according to Equal Education, which claims that by the department’s own data, 1.5-million learners – of the 9-million the scheme is supposed to feed – are not regularly receiving their daily meals. A survey also found that 49% of schools said children were not getting the meals on the days they were not at school because of rotational timetables.

The applicants have asked for an urgent court date to address the matter.



[Luke Feltham](#)

Luke Feltham runs the Mail & Guardian's sports desk. He was previously the online day editor.