

TITLE

THE CONSTITUTION, ADMINISTRATIVE JUSTICE AND SOCIAL GRANTS: UNRAVELLING THE MALAISE IN THE EASTERN CAPE WELFARE DEPARTMENT

Submitted by

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PREFACE

It is now beyond question that the 1996 Constitution is committed to establishing and maintaining an efficient, equitable and ethical public administration which respects fundamental rights and is accountable to the broader public. The power so to do or the role of the courts in a nascent constitutional democracy in ensuring that the administration observes fundamental rights and acts both ethically and accountably is pivotal.

This dissertation is a study of long running battle between poverty and the bureaucratic red tape in the welfare administration of the Eastern Cape Province surrounding social security and welfare grants to the indigent old-age pensioners, the infirm and disabled persons. In the first decade of constitutional democracy, the output of the various divisions of the Eastern Cape High Court reflects the degrading realities of ineptitude, graft, official indifference, bureaucratic misdirection and unlawful administrative methods threatening fundamental rights large number of persons in an area of governmental responsibility closely related to human dignity. In pith and substance, the Eastern Cape High Court has had to struggle with antithetical bureaucratic culture that is inimical to the constitutional ethos of professionalism, fairness, accountability and accessibility.

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I. INTRODUCTION

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