

STATEMENT

SRD appeal hearing set for 25 August, social assistance for millions at stake

18 June 2026

A case directly impacting the rights of at least 16 million of the most vulnerable people in South Africa to adequate social assistance will be heard by the Supreme Court of Appeal (SCA) on 25 August 2026. The stakes could not be higher. As the Covid-19 Social Relief of Distress (SRD) grant lifeline dwindles amidst food and fuel price escalation, desperation simmers, and millions of impoverished adults remain arbitrarily excluded.

The case, originally brought by the IEJ and #PayTheGrants, was first heard in the High Court in October 2024. That resulted in a [resounding victory](#), where the Court found that the government had deliberately and unconstitutionally designed the SRD grant system to be exclusionary. Rather than implementing the court order, the government decided to appeal it, leaving poor communities across the nation in limbo and subjecting them to the indignity of having their constitutional right to social assistance continually violated. Those suffering the consequences of this system have to wait yet again for justice, while their situation continues to worsen.

Defending a historic victory

On 23 January 2025, the Honourable Twala J of the North Gauteng High Court, Pretoria, handed down a positive [judgment](#) that stood to directly benefit at least 16 million people in South Africa, and indirectly benefit over half the population. The Court found that:

- the SRD grant is not a temporary measure;
 - the online-only application system is irrational and illegal;
 - the government's bank verification and flawed database checks are unlawful and designed to exclude eligible people; and
 - the government must implement a plan to progressively increase the grant's value and means-test threshold.
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The Court was scathing of National Treasury's overreach into social development policy. The Judge held that *"it is unthinkable why the government and National Treasury in particular should not plan and budget accordingly to fulfil its obligations in terms of the Constitution."*¹ The Court further found that *"it is unconscionable for government to accept that the number of people who are with insufficient means to support themselves and their dependants is more than 18.3 million but only budgets to provide for 10.5 million."*² The judgment also makes it clear that exclusionary regulations were not reasonable guardrails against abuse but were instead designed with the ulterior motive of limiting access to the grant.

A government that is out of touch with the reality of poverty

The government's appeal demonstrates an ongoing disregard for the rights and needs of poor and working-class communities. Their appeal seeks to maintain falsehoods, including that vulnerable applicants can easily apply online from their homes; that all funds deposited into a person's bank account (including loans, ad hoc help from relatives, and child maintenance) are 'means'; and that it's acceptable to use outdated, incorrect information to deny people their entitlements. In doing so, the government willfully ignores the real-world evidence, which we systematically laid out before the High Court.

The government's own data show that the food poverty line currently sits at R855 per month. Nevertheless, the grant remains at R370, and the means-test threshold is frozen at R624. This excludes millions in food poverty. Government officials have [conceded](#) that the value of the grant has failed to keep pace with inflation and that exclusions need to be addressed. But, in court, National Treasury and the Department of Social Development seek to deny these realities. This inconsistency is unconscionable. The government cannot publicly pledge to retain and improve the SRD grant while arguing in court to sustain its exclusionary measures.

This litigation is therefore about preserving and realising the fundamental constitutional rights of the most vulnerable people in South Africa as envisaged in section 27 of the Constitution. The constitution guarantees everyone a right to have access to social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.

The SRD grant is currently the sole form of social assistance available to able-bodied men and women aged 18 to 59 who cannot support themselves. The Constitution requires the government to progressively realise the right to social assistance for those unable to support themselves. This means existing provisions must be improved over time, and the government cannot roll back access. By maintaining the grant at R370 and allowing the means-test to stagnate while poverty and hunger deepen, the government is in breach of this fundamental constitutional obligation.

¹ See full judgment at para 140.

² See para 138

Developments since the High Court judgment

National Treasury has continued to hold the SRD grant to ransom, extending it in two one-year increments, leaving grant holders and applicants facing uncertainty. This directly contradicts the Court's finding that the SRD grant has the same legal status as other social grants and is not temporary.

In 2025, National Treasury attempted to hike VAT, which would have devastated poor communities. Minister of Finance Enoch Godongwana was [reported](#) as saying: "If you allowed me to cut the SRD, I wouldn't increase anything." This was a shocking revelation of Treasury's true calculus: the rights of the poorest are bargaining chips, not constitutional obligations.

Even more alarmingly, Treasury has used budget conditionality to pressure SASSA into rolling out SRD-style verification across the broader grant system while the appeal is pending. The same unlawful bank verification and database checks the High Court struck down are now being forced onto grants for children, persons with disabilities, and older persons—exposing the most vulnerable to exclusion.

This is all happening amid a worsening cost-of-living crisis and the [recent repo rate hike](#). For instance, Stats SA [reports](#) headline CPI at 4% in April 2026, but poor households face far higher pressures: housing and utilities inflation at 5.2%, transport at 4.9%, and insurance and financial services at 5.7%—together contributing over 60% of total inflation. Moreover, the PMBEJD Household Affordability Index indicates that the child support grant's R20 increase for 2026/27 was wiped out by food price rises within the first month alone. While government acted to protect motorists through a temporary fuel levy relief, it did not intervene to cushion hikes in the price of paraffin, which is largely used by the poor.

The labour market is deteriorating. Unemployment (including discouraged workers) hit 43.7% in Q1 2026, with 345,000 jobs lost. Youth unemployment reached 60.9% (ages 15–24) and 40.6% (ages 25–34).³ Household debt-service costs are roughly 9% of disposable income—well above the emerging-market average of 5%—while the prime lending rate is 10.5%. The R370 grant and the frozen R624 means test are an ever-shrinking lifeline.

The crisis has been worsened by the Iran war, which has driven up fuel and food prices. As economic pressure becomes intolerable, we are witnessing growing desperation and breakdown in social cohesion, which is exploited by opportunist political elements and channelled into xenophobia and violence. We face a real threat of unrest, which is undoubtedly compounded by government failures to deliver services and social protection. We know that hunger played a role in the devastating July 2021 unrest, and whilst that erupted for complex and multifaceted reasons, we cannot ignore that it coincided with the withdrawal of the SRD grant. Social unrest will not hurt the officials who design these exclusionary systems; it will

³ SARB Quarterly Bulletin and Stats SA QLFS

devastate the poor, the working-class and local economies. The refusal to comply with the High Court's orders is not merely a constitutional failure—it is a recipe for instability that endangers everyone.

The way forward

We do not view the government's appeal as a technical legal manoeuvre, but rather an attack on the right of millions of South Africans to sufficient social assistance and food. We hope the SCA will affirm that the government cannot evade constitutional duties through administrative hacks and budget caps.

The relief we seek does not ask the Court to set policy for the government. It is a clarion call for the government to implement its own policy promises in accordance with the Constitution. Social assistance is the most immediate and most powerful weapon against hunger, and the Constitution makes it clear that the government has a duty to gradually exercise the right to sufficient social assistance. We hope the SCA will affirm the rights and entitlements of those who cannot support themselves to adequate social assistance.

The IEJ and #PayTheGrants will hold a media briefing on the SCA hearing in the coming weeks, and details will be circulated well in advance.

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