

SOUTH AFRICA / JUDGMENT

Grootboom and Others v Government of the Republic of South Africa and Others - Constitutional Court Order (CCT38/00) [2000] ZACC 14 (21 September 2000)

[2000] ZACC 14

COURT

Constitutional Court

BEFORE

Chaskalson, Langa, Ackermann, Goldstone, Kriegler, Mokgoro, Ngcobo, O'Regan, Sachs, Yacoob, Madlanga

CASE / FILE NUMBER

CCT 38/00

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IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
CASE NO: CCT 38/00
In the matter
between:

IRENE GROOTBOOM First Applicant

AND OTHER APPLICANTS WHOSE NAMES ARE SET OUT Second and further IN ANNEXURE 'A'
TO THE NOTICE OF MOTION Applicants

and

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA First Respondent

THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE Second Respondent

CAPE METROPOLITAN COUNCIL Third Respondent

OOSTENBERG MUNICIPALITY Fourth Respondent

ORDER OF COURT
21 September 2000:
Coram: Chaskalson P, Langa DP, Ackermann, Goldstone, Kriegler, Mokgoro, Ngcobo, O'Regan, Sachs and Yacoob JJ, and Madlanga AJ.
1. An order is made in terms of paragraph A1 - 8 of the agreed order attached hereto:

A.1. Second and Fourth Respondents are ordered to provide basic sanitation services to the Applicants in the following manner:

- (a) Fourth Respondent shall erect a block of 20 permanent toilets on the Wallacedene sportsgrounds by not later than 15 December 2000;

- (b) Second Respondent shall provide the funding required for the construction of the aforesaid toilets;
 - (c) Fourth Respondent will be responsible for the maintenance and supervision of the aforementioned toilet facilities;
 - (d) pending the construction of the aforementioned permanent toilet facilities, Fourth Respondent shall forthwith, and in any event by not later than 6 October 2000, provide 20 temporary chemical toilets on the Wallacedene sportsgrounds.
 - (e) Second Respondent shall provide the necessary funding for the provision of the aforesaid temporary toilets.
2. Second and Fourth Respondents are ordered to provide water to the Applicants in the following manner:
- (a) Fourth Respondent shall install 20 permanent taps in the same location as the abovementioned permanent toilet facilities, same to be installed by not later than 15 December 2000;
 - (b) Second Respondent shall be responsible for the funding of the aforementioned taps and the cost of the installation thereof;
 - (c) until the aforementioned permanent taps are installed, Fourth Respondent shall install 10 temporary taps which may be removed or relocated by Fourth Respondent after the aforementioned permanent taps have been installed, such temporary taps to be installed forthwith and in any event by not later than 6 October 2000;
 - (d) Second Respondent shall provide the necessary funding for the aforementioned temporary taps.
- 3 Second Respondent shall make available Two Hundred Thousand Rand (R200 000,00) to Fourth Respondent for the purpose of purchasing building material required to waterproof the Applicants' existing accommodation.
4. The purchase and distribution of such building material shall be effected in the following manner -
- (a) It is recorded that the Applicants comprise 263 households on the sportsgrounds, as reflected on Annexure "JWA 4" to the founding affidavit;
 - (b) Each such household will be entitled to building material to the value of R 760 - 00;
 - (c) Applicants' attorney of record will ascertain the requirements of each household and will convey these in writing to Fourth Respondent's attorney of record;
 - (d) Fourth Respondent shall purchase the aforesaid building material from the funds referred to in paragraph (3) above;

- (e) Fourth Respondent shall distribute the building material to the persons identified by the Applicants' attorney of record as the persons whose names appear on Annexure "JWA 4" to the founding affidavit, at a venue and in a manner to be agreed upon between the Applicants' attorney of record and the Fourth Respondent's attorney of record, such distribution to take place within 14 calendar days of compliance by Applicants' attorney of record with the provisions of subparagraph (c) above.
5. Second and Fourth Respondents shall report in writing to the Registrar of this Court as to the implementation of this order, such report to be furnished to this Court and to Applicants' attorney by 6 November 2000.
6. Applicants may respond thereto in writing by 17 November 2000.
7. Second Respondent is ordered to pay the Applicants' costs occasioned by the application as well as the costs of Applicants' attorney attendant upon the implementation of this Order.
8. Where funding is required to be made available in terms of this Order by Second Respondent such funding will be made available within such period or periods as will enable Fourth Respondent to comply timeously with its obligations in terms of this Order.
2. The Court declined to make the order requested in paragraph B of the agreed draft. Reasons will be furnished for that decision if so requested. Thus done at Johannesburg on 26 September 2000
- MS STANDER
REGISTRAR: CONSTITUTIONAL COURT
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