

Constitutional Obligation: Funding Basic Education for Quality Education in South Africa (Constitutional Obligation)

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ABSTRACT The Constitution of the Republic of South Africa of 1996 is the supreme law of the country. No any other law is above the Constitution and Education and Ordinary Parliamentary Legislation were promulgated within the confines of the Constitution. Therefore, whoever contravenes the Constitution of the Republic of South Africa and other legislations is liable for punishment. The Minister of (Basic) Education has prerogative power of formulating policy on funding education in the Republic of South Africa according to law. The Constitution of the Republic of South Africa gives direction on how education should be offered, and supplementary legislation gives direction on how education should be funded. It directs on who should receive education and how education should be administered and funded for all citizens of the Republic regardless of race, colour, gender or creed. This paper examines whether South Africa, as a state, particularly the Department of Basic Education, is adhering and playing its role and/or its constitutional obligation or mandate in the funding for quality education.