



FIRST EDITION



THE BENCH

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Contents

Page 1	Cover • The Bench • First Edition
Page 2	A note from the President — Mr Karikan
Page 3	Why a single judiciary still matters
Page 4	Pay, pension and a fair day's dignity
Page 5	The case-law drawer
Page 6	Looking after the person on the bench
Page 7	Death certificates, identity and burial
Page 8	What the courts did this month
Page 9	The fun bench — quiz and write-in
Page 10	Find us — official card details
Page 11	Notes, footnotes and table of authorities



A note from the President



Mr Karikan on SABC News. On air: when court cases are televised, the public is positive about the judiciary.

Mr Karikan • Founder & President of JASA • Senior Magistrate and District Court Judge

Dear colleagues, and hello to everyone who walks with us — attorneys, advocates, prosecutors, traditional leaders, court staff, and families who wait on hard wooden benches every Monday morning.

I write as Mr Neelan Karikan, Founder and President of the Judicial Officers Alliance of South Africa. If you have opened this newsletter with a cup of tea after a long roll, that is exactly who it is for.

JASA is not a trade union in the ordinary sense. We are a covenant. We exist so that the people who sit in Magistrates' Courts are not left to argue, alone, for the dignity the Constitution already promised them.

Section 165 is written in plain language. The courts are independent. They apply the law without fear, favour or prejudice. Organs of state must assist and protect those courts. It does not say "except the court down the road that hears the maintenance enquiry and the protection order."

This issue is longer on purpose. It keeps the arguments you already know, adds the case law that belongs in the top drawer, and then — because a bench that never laughs is a bench that breaks — a comic, a quiz, and a page you can write on.

Thank you for reading. Thank you for staying on the bench. And thank you to every friend of JASA who has decided that this fight is not only ours.

"Whether you resign or retire, we are still accountable as judicial officers. High Court judges are judges for life. It is the same cloth."

— Mr Karikan, June 2026



Why a single judiciary still matters



The Constitutional Court, Johannesburg. Every court in the country sits under the same Constitution.

A “single judiciary” is not a slogan about closing Magistrates’ Courts. Those courts are listed in section 166 of the Constitution alongside the Constitutional Court, the SCA and the High Court. They are courts. Full stop.

What we are asking for is simpler than it sounds. The woman or man who hears a regional-court trial should be appointed, supported, paid and, when necessary, disciplined as a judicial officer of one institution — not as a departmental afterthought.

Judges are appointed with the Judicial Service Commission. Magistrates are appointed by the Minister after consulting the Magistrates’ Commission, under the Magistrates Act 90 of 1993. Judges have the Judges’ Remuneration and Conditions of Employment Act 47 of 2001. Magistrates live under ordinary legislation that Parliament can change without a two-thirds majority. That is the fork in the road.

In July the Judiciary Conference in Umhlanga put it on a banner: “Towards a single, institutionally independent, and accountable judiciary.” JASA has been carrying that sentence from court steps to radio studios. The next test is Phase 2 of the transfer to the Office of the Chief Justice. If the new law builds a stronger house for judges and leaves magistrates outside, we will say so, with the section numbers attached.

In one sentence

A single judiciary does not flatten the appeal ladder. It ends the habit of treating the court that serves most South Africans as a junior service.

A Monday that never makes the news

Call her Magistrate M. She is not one person. She is a composite of rolls JASA keeps hearing about. At 08:40 the recording machine in Court 3 is dead. At 09:10 a protection-order applicant has taken two taxis and a child. At 11:00 a regional-court trial part-heard since February is back, with a witness who has already cried in the passage. At 13:30 there is no lunch, only a banana and a reserved judgment that is two weeks late because last Thursday was four new first appearances. At 16:10 she drives home and tries not to take the children’s-court voice with her.

That Monday is the single-judiciary argument in human form. Independence is not only a section number. It is whether Magistrate M can still hear Friday without becoming someone her family no longer recognises.





Pay, pension and a fair day's dignity

People sometimes hear “magistrates want more money” and switch off. Please don’t. This is about whether a judicial officer can sit without fear because the bond is unpaid, the medical aid is thin, and retirement looks like a cliff.

From 1 April 2025 the gazetted total package of a magistrate is R1,209,303 a year. A High Court judge’s package is R2,194,917. That is a gap of almost a million rand, before you count the different pension and after-service rules. Both benches received a 4.1 percent cost-of-living adjustment. Public servants on levels 1 to 12 received 5.5 percent.

Office	Package from 1 April 2025
Chief Justice	R 3,376,765
Judge of the High Court	R 2,194,917
Regional Magistrate / Chief Magistrate	R 1,578,535
Magistrate	R 1,209,303

Van Rooyen v The State 2002 (5) SA 246 (CC) already said magistrates are judicial officers, and that independence includes the conditions in which they serve. Section 165(4) puts the duty to protect that dignity on the State. A 4.1 percent sticker on an old structure is not that duty done.

JASA’s ask has not changed: a real structural review, a dedicated pension arrangement, long-service recognition, and security and transport that match the risk of the work. The marches to Parliament last October were not a strike. They were a public reminder that the Constitution’s promise has a cost, and that cost is being carried privately by the bench.

Retirement does not close the book

In June, after news that a chief magistrate had retired following a high-profile striking-off, Mr Karikan was asked on television whether retirement is a free pass. His answer was gentle and firm. No. He also said it was not as if the magistrate had done anything wrong in the first instance. Both parts are JASA policy. We do not try colleagues on the evening news. We also do not accept that walking off the roll ends the reach of the Magistrates’ Commission.

A kindly reminder

Accountability is a file, a hearing and a right to be heard. It is not a WhatsApp group. Please do not comment on a colleague’s reserved matter or on a complaint that is still with the Commission.



The case-law drawer

These are the authorities JASA keeps in the top drawer. They are not a lecture. They are the sentences you can put on a page when someone tells you the lower court is “just administration.”

Van Rooyen and Others v The State 2002 (5) SA 246 (CC)

The leading case on magistrates. The Court held that magistrates are judicial officers; that their independence is constitutionally required; and that institutional arrangements — including how they are appointed, disciplined and supported — form part of that independence. When JASA talks about pay and pension, this is the case we are standing on.

De Lange v Smuts NO 1998 (3) SA 785 (CC)

Before Van Rooyen, De Lange already treated judicial independence as a structural requirement of the Bill of Rights, not a perk for the people in robes. O’Regan J’s reasoning on detention by a body that is not sufficiently independent is still the cleanest explanation of why “close enough to a court” is not a court.

Certification of the Constitution 1996 (4) SA 744 (CC)

Paragraphs 106 to 123 remain the primer. Judicial independence is demanded by the Constitution in the public interest. It is not a private comfort for judges. That sentence is why a magistrates’ working condition is a constitutional fact, not a human-resources complaint.

Justice Alliance of South Africa v President of the RSA 2011 (5) SA 388 (CC)

A different Justice Alliance, and a useful cousin. The Court set aside an extension of the Chief Justice’s term because the process did not honour the Constitution’s design for judicial office. The lesson travels: you cannot rearrange a judicial office by political convenience. Tenure is part of independence.

President of the RSA v South African Rugby Football Union 1999 (4) SA 147 (CC)

The recusal test every magistrate already knows: would a reasonable, objective and informed person reasonably apprehend bias? Keep it on the blotter for commission-adjacent rolls and for any matter that has been on television.

S v Makwanyane 1995 (3) SA 391 (CC)

Not a magistrates-conditions case. It is the dignity case. Ubuntu, the value of each person, the refusal to treat a human being as a means. It is the quiet authority under the mental-health page and under the burial-rights page. A court that spends people is not a section 165 court.

How to use this page

Do not cite all six in one judgment. Pick the one that does the work. Van Rooyen for conditions of service. SARFU for recusal. Certification for the public-interest point. Makwanyane when the room has forgotten that the person in the dock, and the person on the bench, are both human.



Looking after the person on the bench



The roll will still be there tomorrow. You do not have to carry every file home in your chest.

A court that is independent on paper can still grind the person who sits in it. Vicarious trauma is not a soft subject. It is what happens when you hear a children’s-court enquiry before tea, a sexual-offence trial after tea, and a protection order at four o’clock, and then drive home as if the day were ordinary.

Add a heavy roll, a broken recording machine, a security scare at the entrance, and a salary that does not match the responsibility, and the cost stops being “resilience.” It becomes sleeplessness, irritability on the bench, isolation from family, and, for some colleagues, debt and quiet despair. That is not weakness. It is the predictable result of asking one human being to hold other people’s worst days, every day, without a structure that holds them back.

JASA’s position is simple. Looking after judicial mental health is part of section 165(4) — the duty to protect the effectiveness and the dignity of the courts. A reserved judgment that never comes, or a hearing that is sharp because the officer is exhausted, is not only a private sorrow. It is a public-confidence problem.

Please keep these numbers in your drawer

SADAG 24-hour line 0800 567 567 or SMS 31393. If you are in immediate danger, call 10111. A conversation with a trusted colleague or a registered counsellor is not a disciplinary event. It is how a bench stays human.

Practical things we can do for one another without any circular from head office: do not leave a junior colleague alone with a week of GBV trials; take a real lunch; send the reserved-judgment list home at a decent hour; and if a colleague’s tone on the bench has changed, ask once, kindly, off the record.

The tea principle — a three-panel reminder



"Order in the court... after coffee." • "A motion for a tea break — granted. With rusks." • "Justice is served. So were we."



Death certificates, identity and a dignified burial

Earlier this year Mr Karikan spoke on Radio Al Ansaar about death certificates, identity fraud and Muslim burial rights. That conversation belongs here because Magistrates' Courts are where those files begin — inquests, identity, children's court, deceased estates.

The Births and Deaths Registration Act 51 of 1992 is the statute. A death must be registered. A certificate and a burial order follow. For many Muslim families the faith requires burial as soon as reasonably possible, often the same day. A system that cannot produce a lawful certificate in that window asks a family to choose between the statute and the janazah. That is a section 15 problem (freedom of religion) and a section 31 problem (cultural and religious communities).

Identity fraud and syndicate capture of Home Affairs systems are ordinary crimes — fraud, forgery, PRECCA, POCA. They become court work the moment a false identity is used to move money, claim a grant, or bury a person under the wrong name.

A story from the passage, not from the law reports

A family arrives at a district court on a Thursday with a photocopy and a mosque waiting. The deceased died in the early hours. Home Affairs is closed for a system update. The burial should be before sunset. Nobody in that passage is arguing theory. They are arguing time. JASA's job is to take that hour and put it on a national desk: Home Affairs must design a death-registration path that is lawful, hard for syndicates to capture, and fast enough for communities whose faith requires a prompt burial.

What JASA is asking Home Affairs to do

A certificate that arrives after the funeral is not a service. Write to president@judicialalliance.org if your district is living this weekly. We speak better from a register than from a rumour.



What the courts did this month

The Wild Coast and Shell

In mid-August the Constitutional Court set aside the exploration right that would have allowed seismic work linked to Shell and Impact Africa off the Wild Coast. The original decision was badly flawed — poor consultation with the communities who live with the ocean, and a failure to think about climate and environment. It is the first climate case to be finally decided by that Court. The lesson for every court is older than climate law: if you did not speak to the people who live with the decision, you did not consult.

The SRD grant at the SCA

On 25 August the Supreme Court of Appeal heard the State's appeal against a Pretoria High Court order of Judge Leonard Twala that struck down parts of the Social Relief of Distress grant rules. Treasury said expanding the grant as ordered could cost up to R139 billion a year. The judges asked a simple human question: what about the person who cannot afford a cellphone to apply online? Judgment is reserved. Sections 27 and 9 of the Constitution are the provisions in play. Magistrates will keep seeing the people who fall through the electronic cracks — in debt court, in eviction court, in maintenance court.

Delay and public trust

A May report by Freedom Under Law said the Constitutional Court now receives close to 400 applications a year, more than three times the 2010 load, and that the wait from hearing to judgment has more than doubled in a decade. Public confidence is one pool. A delay in any court is spent against every court.

Five small things you can do this quarter

1. Send JASA a calm note about your court — vacancies, broken machines, security scares, judgments sitting too long.
2. Leave a colleague's reserved case and a live Commission complaint off the group chat.
3. Keep Van Rooyen (2002) and section 165 in the top drawer.
4. If families in your district wait on death certificates, ask the local imam, pastor or traditional leader to tell JASA what the wait looks like.
5. When the Phase 2 Bill is published, read the definition of "court". If Magistrates' Courts are missing, write to us the same day.

"This alliance is not merely an organisation. It is a covenant — a pact binding judicial officers with everyone who needs a court that still has a human face."

— Mr Karikan, February 2026



The fun bench — please write on this page

A court that never smiles is a court that is already tired. This page is for you. Tick, scribble, tear it out, send a photo of your answers to president@judicialalliance.org. We will print the best (anonymous) lines in Issue 04.

You know you sit in a Magistrates' Court when...

- ☐ You have explained “adjourned” in three languages before tea.
- ☐ The recording machine has a personality, and today it is in a mood.
- ☐ A prosecutor, an attorney and a traditional leader are all waiting for the same five minutes.
- ☐ Your reserved-judgment list has started appearing in your dreams, alphabetically.
- ☐ You can tell the time by the length of the queue at Court 1.

Write your own: _____

The little law quiz — answers live on page 10

1. Which section vests judicial authority in the courts and tells organs of state to protect them? ☐ s165 ☐ s174 ☐ s33
2. Which case is the leading authority that magistrates are judicial officers? ☐ Makwanyane ☐ Van Rooyen ☐ Glenister II
3. The recusal test of the “reasonable apprehension of bias” comes from ☐ SARFU ☐ Dodo ☐ Certification
4. A High Court judge’s gazetted 2025 package is about ☐ R1.2m ☐ R2.2m ☐ R3.3m
5. Muslim burial rights in this issue sit under ☐ s15 and s31 ☐ s25 only ☐ s34 only
6. True or false: retirement ends a Magistrates’ Commission complaint. ☐ True ☐ False

What would you do?

A junior colleague has gone quiet. Their reserved judgments are slipping. They laugh too loudly at lunch and then go silent. You are not the head of office. Circle one, then write two lines.

- A. Leave it. They will bounce. B. Mention it to a third person “in confidence”. C. Ask them, once, off the record, whether they want tea and a walk. D. Something else: _____

Your two lines:

Word hunt — circle eight

JASA KARIKAN BENCH UBUNTU SECTION VANROOYEN TEA COVENANT

COVENANTQBENCH
KARIKANXUBUNTU
TEALMJASAPQRST
VANROOYENSECTI
ONWXYZABCDEFGHI





Find us — from the official card



Official JASA card — crest, name and office.



The details below are taken from this card. Please use them.

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Quiz answers

1. s165. 2. Van Rooyen. 3. SARFU. 4. About R2.2 million (R2,194,917). 5. s15 and s31. 6. False — retirement does not close the book.

What would you do? JASA's preferred circle is C. A walk and a cup of tea is still the most constitutional intervention available before 09:00.

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This note uses public interviews, JASA's stated positions and the presidential card as at 26 August 2026. It is a friendly briefing, not a court order, and it does not comment on the merits of any matter still before a colleague.



Notes, footnotes and table of authorities

The articles are unchanged. This page is the end-matter we use on JASA briefs: sources, statutes and the cases cited in the text.

Footnotes

1. Constitution of the Republic of South Africa, 1996, s 165 (judicial authority; independence; duty of organs of state to assist and protect the courts).
2. Constitution, s 166 (the courts include the Magistrates' Courts).
3. Constitution, s 174 and s 178 (appointment of judicial officers; Judicial Service Commission).
4. Constitution, s 15 (freedom of religion, belief and opinion) and s 31 (cultural, religious and linguistic communities).
5. Constitution, s 27(1)(c) (social security) and s 9 (equality), raised by the SRD-grant litigation.
6. Constitution, s 165(4) and s 165(6) (organs of state must protect the courts; Chief Justice is head of the judiciary for norms and standards in all courts).
7. Magistrates Act 90 of 1993, including s 12 (remuneration of magistrates, determined by the President and approved by Parliament).
8. Judges' Remuneration and Conditions of Employment Act 47 of 2001.
9. Births and Deaths Registration Act 51 of 1992.
10. Legal Aid South Africa Act 39 of 2014 — for context only; this newsletter is not a Legal Aid manual.
11. Presidency remuneration schedules for judges and magistrates with effect from 1 April 2025 (4.1 percent adjustment).
12. Mr Karikan, interview, Newzroom Afrika, June 2026 (retirement and accountability).
13. Mr Karikan, Radio Al Ansaar, February 2026 (death certificates, identity fraud, Muslim burial rights).
14. Mr Karikan, statement on the evolution of JASA, Rising Sun / JOASA platform, February 2026 (the covenant).
15. SADAG 24-hour line 0800 567 567; SMS 31393. Emergency 10111.

Table of authorities

Authority	Use in this edition
S v Makwanyane 1995 (3) SA 391 (CC)	Dignity; ubuntu
Certification of the Constitution 1996 (4) SA 744 (CC)	Judicial independence in the public interest
De Lange v Smuts NO 1998 (3) SA 785 (CC)	Structural independence
President of the RSA v SARFU 1999 (4) SA 147 (CC)	Recusal — reasonable apprehension of bias
Van Rooyen v The State 2002 (5) SA 246 (CC)	Magistrates are judicial officers; conditions of service
Justice Alliance of SA v President 2011 (5) SA 388 (CC)	Tenure of judicial office cannot be rearranged by convenience
University of Stellenbosch Legal Aid Clinic [2016] ZACC 32	Access to justice; emoluments attachment (context)

Citations follow the ordinary South African mode. This table is a reading list for members, not a list of cases decided in this newsletter.