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Judicial Officers Alliance of South Africa

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Towards a Truly Independent Judiciary: The April 2026 Budget Transfer and Its Promise for South Africa's Lower Courts

By Neelan Karikan

President, Judicial Officers Alliance of South Africa (JASA)

On 1 April 2026, a quiet but profound chapter in South Africa's constitutional journey unfolded. The transfer of R883 million from the Department of Justice to the Office of the Chief Justice marked a decisive step towards genuine institutional independence for our judiciary. Announced in the 2026 Budget Speech, this shift empowers the OCJ to manage its own financial and administrative affairs for shared services — facilities, security, libraries, and critical support functions — thereby reducing executive oversight in the daily operations of the superior courts. It is not mere bookkeeping; it is the living fulfilment of section 165 of our Constitution, which declares the judiciary independent and subject only to the law.

For magistrates who labour at the coalface of justice — adjudicating over 95% of all criminal and civil matters in this country — the moment carries both celebration and cautious realism. We have long borne the burden of an administrative model that, however well-intentioned, left lower courts vulnerable to the very executive influence the Constitution seeks to prevent. Budgetary dependence has meant delayed infrastructure upgrades, compromised safety protocols, and persistent disparities in conditions of service. Phase 1 of this reform, focused on superior courts, is therefore welcomed as a beacon. Yet true independence demands a single, unified judiciary under the Chief Justice — one in which the Magistrates' Commission, the resourcing of district and regional courts, and the daily realities of thousands of judicial officers are fully integrated into the OCJ framework without delay.

An independent judiciary is the ultimate guarantor of access to justice for the ordinary South African. When magistrates can preside without fear of administrative reprisal or resource starvation, the rule

of law breathes more freely in every courtroom — from the bustling urban districts to the quiet rural benches. It strengthens public trust, enhances efficiency, and upholds the transformative promise of our democracy.

JASA stands ready to partner with the Chief Justice and the OCJ to ensure Phase 2 follows swiftly and comprehensively. April 2026 must not be remembered as a partial victory, but as the dawn of a judiciary independent in both form and substance — a judiciary worthy of the people it serves.

Neelan Karikan

President and Founder
Judicial Officers Alliance of South Africa
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