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TRIBUTE TO AKHO NTANJANA



Why should young and promising eagles suddenly perish and be taken away from us forever? I am gutted and unable to understand why.

Akho Ntanjana was on a meteoric rise – he was excelling in his career and slowly transforming into a trailblazer in his own unique way. He was a quiet, focused, forward looking young man and destined to reach great heights.

Akho worked tirelessly on the accreditation of this journal by the Department of Higher Education and Training – a long and arduous process. The receipt of the accreditation letter made him smile – he was relieved and fulfilled when he achieved his objective. He reminded us all that the real work was about to begin to maintain the accreditation.

Akho will be sorely missed by his SAJEI colleagues, the SAJEI Editorial Board members, the authors, the JUTA team and, more specifically, by his mother, wife, and siblings. May his soul rest in peace and rise in glory.

DR GOMOLEMO MOSHOEU

Production editor

Well done, Akho!

You have run your race; now, it is for us to take the baton
and continue on your well-defined route.

Thank you for being our guiding light.

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*THE CHALLENGES FACED BY LECTURERS
AND STUDENTS DURING ESKOM'S LOAD-
SHEDDING: A RESEARCH BASED ON THE
EXPERIENCES IN HIGHER EDUCATION
IN SOUTH AFRICA*

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Abstract

This article analyses and demonstrates the challenges that were faced by lecturers and students in higher institutions of learning during loadshedding schedules in South Africa. South Africa's electricity system, called the grid, which mainly depends on coal, is an unreliable source of electricity supply which depends on a long supply chain. Although various electricity generation mechanisms exist apart from coal, coal remains the main source of electricity generation at Eskom (utility) in South Africa. Recently, the then Minister of Minerals and Energy, Mr Gwede Samson Mantashe, reaffirmed his stance on coal when he said that 'coal will be with us for many years to come, those who see it as a path to corruption will be disappointed for many years to come. Coal is going to outlive many of us.' He made these remarks amid growing calls to incorporate renewable energy into the grid as a source to help ease the constraints and supplement the already ailing utility. Against this backdrop, higher education institutions were faced with some serious electricity supply issues which had a negative impact on the success rate of students and lecturers. Electricity supply is undoubtedly considered an important basic service on which most fundamental human rights are dependent. The Constitution of South Africa, 1996 guarantees human rights through the Bill of Rights in Chapter 2. The critical angle on which this paper is based, is on the rights of students to learn, to gain access to information and further their education. These rights continued to be impaired and consequently adversely affected. Thus, when there is no electricity supply, lecturers and students find it difficult to fulfil their study plans or at least complete them on time. Being in the intermediate phase of their studies, students are largely expected to conduct independent research and produce results. In this paper, the problems associated with electricity supply in South Africa are indicated and therefore analysed. Accordingly, the paper uses various contemporary tools to demonstrate these problems, the

results related to loadshedding and the delivery of education in the institutions of higher learning. Thus, the impact of loadshedding and the results are clearly articulated.

Keywords: Loadshedding, students, lecturers, higher institution of learning, teaching, and learning

I INTRODUCTION

This article dwells on the discussion that seeks to demonstrate the extent of the electricity supply and loadshedding in South Africa as well as the impact these two had on the delivery of education in institutions of higher learning. It extensively touches on the important aspects which generated contemporary views on the impact of loadshedding on institutions of higher learning. This is so because, universities were regularly expected to cover and complete their curriculum on time to plan for the coming year. Additionally, given the current tendencies following the Covid-19 outbreak, students were encouraged to critically examine prescribed and suggested materials, which are widely available online.¹ In his findings, Hlatshwayo informs us that ‘the zero-rating of online teaching content meant that those students who had access to gadgets to enhance communication and internet could access learning materials free of charge’. This is true because the Covid-19 pandemic, to a great degree, transformed the didactic approach of teaching and learning to online teaching and learning.

Accordingly, lecturers and students were the most affected as they were expected to cover large volumes of work.² Thus, since the Covid-19 pandemic outbreak, teaching and learning have become judiciously digitised. Despite this the delivery of education and the acquisition of information have largely been impeded by constant loadshedding schedules.³ Furthermore, the digitisation of education with loadshedding created challenges for lecturers to deliver quality education and has constantly obstructed students from completing their study plans as well as in acquiring new information online. Law students were among

¹ Hlatshwayo ‘Online learning during the South African Covid-19 lockdown: University students left to their own devices’ (2022) *South African Public Law Journal* at 1–23. See also Goto & Du Toit ‘Experiences of students with online learning at a South African university’ (2024) *Journal of Educational Studies* at 9.

² See Van der Merwe, Van Zyl & Joubert “‘But this is the new reality, and I will adapt’”: Understanding lecturers’ experiences of COVID-19 Lockdown online learning and teaching’ (2024) *Medical Science Educator* 34 at 89–102 <https://doi.org/10.1007/s40670-023-01925-6>.

³ See Yende ‘Influence of loadshedding in South African Higher Education: A qualitative content analysis of Schools of Music’ (2024) *Cogent Education*, <https://doi.org/10.1080/2331186X.2024.2359338>.

those impacted by loadshedding because they were expected to conduct a lot of independent research, encountered many difficulties in their studies, and frequently missed deadlines. They questioned if they would ever be able to meet the requirements set as a subjective interpretation of and application by seniors in the profession and ultimately the courts, that to practice law, one needed to be fully prepared and maintain a standard of 'fit and proper'.⁴ Though this paper is not about the discussion on the properness and fitness of law students to practice law, it simply demonstrates the serious impact of loadshedding which delayed the thorough inculcation of quality education to the students. The subsequent discussion in this paper demonstrates why it was important for the students to remain informed, disciplined and fit for purpose during these times. Thus, for students, preparation is key so that they are ready to meet the world beyond graduation.⁵ No doubt, the journey requires the students to be furnished with contemporary information which will enable them to comprehensively encapsulate the dynamics of job hunting and employment beyond varsities. Against this backdrop, Fourie and Coetzee made discoveries and reported that:

The legal profession expects us to produce a well-rounded student for entry into the profession. This necessitates a change in teaching methods to ensure that the student is at least competent when entering the legal profession. Therapeutic jurisprudence creates the opportunity for the lecturer not only to equip the student with the skills required by the profession but to implement teaching methods that will prove to be beneficial for all the role-players involved. Skills that are honed from their first year, namely legal writing and oral advocacy skills, create the opportunity for the student to develop to their full potential. To support a meaningful, integrated teaching approach, the students' skills are developed during each year of study. This can prove beneficial to all role-players during clinical education, where the student can apply the acquired skills in real-life situations. The impact of a therapeutic jurisprudence on the development of legal skills can now be measured through the student's ability to focus on the well-being of the client and the community.⁶

⁴ See the erstwhile s 3 of the Admission of Advocates Act 74 of 1964 and s 15 of the Attorneys Act 53 of 1979. See also Slabbert 'The requirement of being a "fit and proper" person for the legal profession' (2011) *Potchefstroom Electronic Law Journal* at 209–231 and Bloem *The Requirement of "Fit and Proper" for the Legal Profession: A South African Perspective* thesis submitted at the University of Free State, 2022, <https://scholar.ufs.ac.za/server/api/core/bitstreams/096d1482-bb11-4549-aa51-6fe9bf9e64cb/content>.

⁵ Brown 'The silent but gifted law student: Transforming anxious public speakers into well-rounded advocates' (2012) *Journal of the Legal Writing Institute* at 291.

⁶ Fourie & Coetzee 'The use of a therapeutic jurisprudence approach to the teaching and learning of law to a new generation of law students in South Africa' (2012) *Potchefstroom Electronic Law Journal* at 368.

Daily, the delivery of education to students become more challenging. Thus, it had also become challenging for the lecturers and students to achieve their set goals during the constant loadshedding schedules.⁷

II THE DISCUSSION ON THE CHALLENGES FACING STUDENTS AND LECTURERS

Ateba et al opined that ‘loadshedding occurrences are a predictable certainty in the future’.⁸ Whilst it is appreciated that most institutions have alternative measures to maintain power by using generators as power backups, the same could not be said for students who reside outside campuses and who must study until the late hours. Malik et al described various challenges aligned with coping during loadshedding for university students in general.⁹ They discovered that there are myriad social challenges affecting students, more especially as they study during the night.¹⁰ Their contributions triggered a discussion on the rights to further education and access to information.¹¹ Sefoka and Matsheta viewed education as an engine of personal development.¹² They mentioned in their paper whilst making reference to Dlamini’s research, that loadshedding does indeed impact on students’ emotions which ultimately causes anxiety and affects the preparation timetable.¹³

Furthermore, the impact of loadshedding on higher education institutions and the resulting major psychological and health issues that arise when students prepare for tests and exams are highlighted in this article.¹⁴ The students’ ability to conduct independent study, including in consulting large volumes of information to prepare for their tests and examinations, was adversely affected.¹⁵ When there is no power, it becomes difficult for

⁷ Yende (note 3 above).

⁸ Ateba, Johannes. Prinsloo, Remigiusz 2019 *Energy Reports* at 1324–1338.

⁹ Malik & Nawaz ‘Impact of electricity shortage on daily routines: A case study of Pakistan’ (2013) *Energy and Environment* at 701–710.

¹⁰ Malik & Nawaz (note 10 above) at 3.

¹¹ Sections 29(1)(b) and 32 of the Constitution of South Africa 1996 (the Constitution).

¹² Sefoka & Matsheta ‘Loadshedding in South Africa: An immediate threat to the right to education, “section 29 inquiry”’ (2023) *Journal of Education and Social Research* 218.

¹³ Note 8 above.

¹⁴ Bijlmer (2024) ‘Psychological and social effects of loadshedding in South Africa’ <https://loadshedding.com/psychological-and-social-effects-of-loadshedding-in-south-africa> (accessed 25 April 2024).

¹⁵ Thembane ‘Navigating the power outages: Impact and coping strategies of students in a South African university during loadshedding’ (2024) *Journal of Student Affairs in Africa* at 131–142.

them to cope because information such as recently decided cases and other relevant information, remains predominantly online. Loadshedding frustrated and perplexed lecturers and students, and made it challenging for them to finish their study programmes or meet deadlines.¹⁶ Despite receiving data sponsorship for connectivity, lecturers and students still encountered other problems, such as inadequate network coverage since network towers were not electrified. In any sense, loadshedding posed an immediate threat to the right to education.¹⁷ Never the less, the government of South Africa carries the responsibility to protect and promote the right to further education.¹⁸ To this, Fredman mentioned that state actors must take appropriate action in response to any infringement of the fundamental rights outlined in the Human Rights Conventions, including the right to education.¹⁹

The right of access to information, associated with the issue of loadshedding resulted in the average student remaining impaired and therefore separated from the classroom. Access to information-sharing tools which suddenly become affected because of loadshedding, ailed as result of constant power outages.²⁰ Sefoka and Matsheta touched on an important aspect of the electricity problems as they mentioned that ‘educators too would find it difficult to discharge their day-to-day pedagogical duties and responsibilities without electricity because most of their teaching aids such as computers, audio-visual equipment and other information technology devices used electricity.’²¹ Therefore, in the process, this caused students to suffer and become unable to cope or catch up.

Furthermore, in his work, Banderker highlighted contemporary aspects which navigated the problems associated with educators as employees.²² The writer picked out some elementary aspects which affect the daily duties of the employees and those which hinder them from performing. These insights help to identify several crucial points impacting on our teaching

¹⁶ Notes 7 and 15 above.

¹⁷ Note 12 above.

¹⁸ Note 10 above.

¹⁹ Fredman ‘A human rights approach: The right to education in the time of COVID-19’ (2021) *Child Development*, 92, e900–e903 <https://doi.org/10.1111/cdev.13654> (accessed 13 April 2025). See also Henkin & Hargrove ‘Human rights: An agenda for the next century’ (1994) *American Society of International Law*.

²⁰ Barrot, Llenares & Del Rosario ‘Students’ online learning challenges during the pandemic and how they cope with them: The case of the Philippines’ (2021) *Education and Information Technologies* at 7321–7338.

²¹ Note 8 above at 220.

²² Banderker, *The Perceived Psychosocial and Economic Impact of Loadshedding on Employees in Selected Small Micro Medium Enterprises* (2022 Dissertation University of the Western Cape).

lives as lecturers in general. What follows hereafter are some crucial points which are seemingly helpful to unpack the impact and effect of loadshedding on university communities in general.

(a) *The higher education framework on digital migration: Effects of loadshedding*

The Higher Education Department came up with a model, during the Covid-19 pandemic, which aimed to transform institutions of higher learning pedagogy and research commitments to online.²³ This involved moving the contact library to an e-library. The demand and supply also transitioned to digital or online systems. We saw our judiciary joining in the fray of digitalising their court processes.²⁴ At some point in South Africa, there was some loadshedding reprieve, however that was short-lived due to the almost instant return of loadshedding, therefore causing a serious escalation of issues never seen before.²⁵ The online teaching and learning system is one of the most crucial systems which provides most students with a wealth of online learning resources, but loadshedding made it extremely difficult to access student portals, online lectures, and study aids due to delayed backup generators. On this point, Qakoshe added and opined that:

*Students are particularly heavily impacted. Several institutions are in the midst [of] registration season, and online sessions are being used to substitute traditional papers or online portals for registration submission. Without power, going online is difficult, students are unable to use their phones for data owing to a lack of signal, and others are compelled to leave their houses in search of energy and an internet connection. The electricity catastrophe in South Africa threatens to have a long-term influence on the country's educational growth, especially for learners, schools, and higher education institutions with little resources. The impact of loadshedding on learning, especially on South Africa's ambitious intentions to move education into the digital era, is significantly more difficult to measure in the short term, but equally catastrophic in the medium and long term.*²⁶

Students were becoming disengaged from academics due to the ongoing curriculum impairment, which made it necessary for the South African government to take swifter action. To prepare them for real-world work

²³ Shoba, *Daily Maverick* (20 March 2020).

²⁴ Batchelor, *De Rebus* (1 August 2023).

²⁵ See for instance, the discussion and the findings in Kgarose, Makhubele & Setaise 'Is loadshedding another pandemic, post COVID-19 at institution of higher learning in South Africa?' (2024) *RUDN Journal of Public Administration* at 87–97.

²⁶ Opinion piece by Qakoshe 'Loadshedding continues to be a threat to higher education' (2022) <https://www.researchgate.net/publication/358286057>. See also Kgarose, Makhubele & Setaise (note 25 above) at 87–97.

experience, some students, as is with those studying law, are expected to participate in experiential learning activities on a regular basis.²⁷ For law students, going to court, seeing the process, and occasionally helping people from the underprivileged communities with their small claims court cases improved their academic attitude.²⁸ It also involves engaging each other during mock trials or moot courts. Due to loadshedding and occasionally slow or non-existent power backups in institutions of learning and experiential learning areas like courts, hospitals, and farms, crucial educational activities gradually decreased in number each day, making it challenging for the typical student to be equipped to partake.²⁹

Linked to the discussion, *The Witness News* has reported some interesting and yet very concerning issues in relation to job preservation.³⁰ Accordingly, the students use online platforms to apply for possible placements during their school holidays or to just prepare to complete their degree using vocational online options. In fact, Goba said that ‘during the recent Stage 6 loadshedding or extended power outages, many cell phone towers exhausted their power, which resulted in many people across the country complaining of losing network coverage’.³¹ This created frustrations and all manner of discomfort as pressure mounted on all students to compete averagely.

Similar incidents have proven positive to this revelation – during the recent loadshedding schedules, a University of South Africa’s law student was writing her online ‘Law of Contract’ main exam, and she was cut short due to a power outage.³² The student reportedly stated that ‘the incident could only afford [her] another opportunity to sit for the paper in the next year’. She was further quoted saying ‘so in that time of ... looking for electricity, calling [her] mother and driving to a place where there would be electricity,

²⁷ Weiser & Hannah ‘Students must experience the law: The importance of experiential learning through a court visit in business law and legal studies courses’ (2023) *Journal of Legal Studies Education* at 40.

²⁸ Callaghan ‘What they learn in court: Student observations of legal proceedings’ (2005) *Teaching Sociology* at 213–220. See also the University of Limpopo, School of Law Community Engagement <https://www.ul.ac.za/faculty-of-management-and-law/school-of-law/community-engagement/> (accessed 20 August 2024).

²⁹ See the arguments and the findings in *United Democratic Movement and Others v Eskom Holdings SOC Ltd and Others* [2023] ZAGPPHC 280; 005779/2023 (5 May 2023).

³⁰ Goba ‘Online teaching affected by loadshedding’ <https://witness.co.za/news/2022/09/28/online-teaching-affected-by-loadshedding/> (accessed 5 May 2023).

³¹ See note 30 above.

³² Dyomfana <https://www.careersportal.co.za/news/loadshedding-is-disrupting-online-exams>.

that's time wasted for [her] exam'.³³ One can imagine the difficulties faced by the students during the outages, which most certainly included the loss of tuition. However, it is appropriate to examine the initiatives implemented by the South African government to combat the loadshedding – Malatji and Baloyi asserted that:

*As much as students acknowledge the detrimental effects of power outages on education, they seem not to have resolutions to address it. Students indicate that they find it difficult to navigate their academic activities amid loadshedding. Some of them highlight that in most cases they are forced to sleep and wait for the power to be restored to continue with their studies. Some of the students had to buy rechargeable lamps to have light during loadshedding. Some of those who stay off campus indicate that they mostly travel to the campus library to hotspot their gadgets for online class attendance, download study materials, and other academic-related activities.*³⁴

As a result, loadshedding largely cast a shadow over lecturers and students in most higher learning institutions, and it further had the potential to 'erode online teaching and learning quality, integrity, and academic honesty'.³⁵

(b) *Declaration of state of disaster on Eskom and the effectiveness of the Presidential Energy Action Plan*

During his State of the Nations Address, President Ramaphosa declared the electricity crisis at Eskom a national state of disaster.³⁶ Prudent to this, is the law that governs a state of disaster in South Africa – the Disaster Management Act.³⁷ In terms of this law, a disaster is defined as a progressive or sudden, widespread or localised; natural or human-caused occurrence which – (a) causes or threatens to cause (i) death, injury or disease; (ii) damage to property, infrastructure or the environment; or (iii) disruption of the life of a community; and the necessity to cope with its effects using only their own resources.³⁸ And the National Energy Plan (NEP) would mean 'a strategic planning document that lays out goals and possible actions to reduce energy consumption by increasing energy efficiency and procuring more renewable

³³ See note 32 above.

³⁴ Malatji & Baloyi (2023) 'Analysis of the ramifications of power outages on online teaching and learning in South Africa' *Humanities and Social Sciences* 58.

³⁵ Note 25 above at 52.

³⁶ Ndzenze (2023) <https://www.parliament.gov.za/news/president-ramaphosa-declares-national-state-disaster-electricity-crisis> (accessed February 2024).

³⁷ Disaster Management Act 57 of 2002.

³⁸ Section 1 of the Disaster Management Act 57 of 2002.

energy'.³⁹ Although there have been some developments as a result of the appointment of a new Minister of Electricity, political will has remained low.

Public and private institutions anticipated that the declaration of disaster on Eskom would provide relief.⁴⁰ It was also commonly a thought from schools and tertiary institutions that the digitised delivery of education would alleviate the stresses, allowing many students to adjust.⁴¹ Undoubtedly, the demonstration in this article is that online teaching and learning, and testing have grown more challenging during loadshedding periods. The digital migration plan in higher institutions of learning was just an intervention aimed to transcend the challenges created by the Covid-19 outbreak, however it was further blemished by loadshedding. Although it is appreciated that South African higher education remained digital, there are students who are unable to adapt to the new normal because of having different experiences in the use of technology.⁴² As already stated, public and private institutions had hoped that the declaration of disaster could fix Eskom problems rapidly, just as it was the State's priority to cope with the Covid-19 pandemic.⁴³ As teaching and learning for students got affected, some rapid responses that were made managed to salvage tutelage because their study plans were ultimately completed. For these, Moonasamy et al outlined several ways in terms of which South Africa can evade some challenges especially as it navigates maintaining its infrastructure technology.⁴⁴ They mention that:

*Joshi (2021) suggests that the first (access and lack of internet access) and second (internet capability and usage skills and lack of internet capability and usage skills) digital divides are quite noticeable. Higher public spending on IT and the strengthening of existing digital infrastructure can play an important role in this transition phase in South Africa.*⁴⁵

Undeniably for many of us, the state of disaster was intended to be a way out of loadshedding, but it failed miserably as power facilities continued to

³⁹ National Energy Plan 2021.

⁴⁰ 'What does the state of disaster declaration mean for South Africa's electricity crisis?' <https://worldview.stratfor.com/article/what-does-state-disaster-declaration-mean-south-africas-electricity-crisis> (accessed 18 February 2025).

⁴¹ Mamdough 'Digital learning and digital institution in higher education' (2023) *Education Science* at 1–18.

⁴² Thompson 'Students struggle with tech, too' <https://ascd.org/el/articles/students-struggle-with-tech-too> (accessed 26 January 2025).

⁴³ See note 25 above at 88–95.

⁴⁴ Moonasamy et al 'Digital learning challenges experienced by South African university students' during the COVID-19 pandemic' (2022) *The Independent Journal of Teaching and Learning* at 76–90.

⁴⁵ See note 44 above.

fail, fuelling more loadshedding schedules. Naidoo and Israel also added that ‘learning becomes challenging due to not having a digital device, the lack of internet connectivity and the high cost of data’.⁴⁶ Further, Mpungose whilst exploring the practical and theoretical alternate approaches that can be employed to allow university students to reach the full potential of e-learning mentioned that ‘within the South African framework, there is a grave need for increased investment in the advancement of resources, both in universities and at the community level, due to the digital divide’.⁴⁷ Although, digital migration as the new form of universities’ business was largely welcomed, it is undeniable that without resolving slow power backups, teaching and learning may still remain jeopardised in future. Slow power backups also affect the Internet, making the conducting of classes and assessments online very challenging.

III THE ROLE OF THE GOVERNMENT DURING LOADSHEDDING

As already mentioned, everyone’s hopes were pinned on to the government of South Africa to end loadshedding or at least to reduce it significantly at the time. Firstly, it remained the government’s responsibility to provide basic services to the people.⁴⁸ For instance, sections 152 and 153 of the Constitution places certain obligations on municipalities. In *Joseph and Others v City of Johannesburg and Others*, the High Court opined that the provision of basic municipal services included electricity.⁴⁹ In *Afriforum and Others v Eskom Holdings SOC Ltd and Others* it was stated that:

Eskom may place loadshedding arrangements on a temporary basis to avert the collapse of the grid and that when the issue is one of convenience or expenditure,

⁴⁶ Naidoo & Israel ‘A critique of online learning in higher education during the coronavirus lockdown level 5 in South Africa’ (2021) *African Journal of Development Studies* at 127–146.

⁴⁷ Mpungose ‘Emergent transition from face-to-face to online learning in a South African university in the context of the coronavirus pandemic’ (2020) *Humanities and Social Sciences Communications* at 7. See also Mashile *Technology Integration and the Digital Divide: Understanding Factors that Impact on Educators’ Ability to Integrate Technology in South African Classrooms* ((2017) Doctoral dissertation, University of Pretoria) <http://hdl.handle.net/2263/59868> (accessed 26 January 2025).

⁴⁸ Mutyambizi, Mokhele, Ndinda & Hongoro ‘Access to and satisfaction with basic services in informal settlements: Results from a baseline assessment survey’ (2020) *International Journal of Environmental Research and Public Health* at 4400.

⁴⁹ *Joseph and Others v City of Johannesburg and Others* 2010 (3) BCLR 212 (CC) para 34.

*the Constitution does not permit Eskom to deliberately disconnect defaulting municipalities.*⁵⁰

Back-up fuel generators, although costly, can assist universities to keep power on and help students meet their commitments.⁵¹ Students are expected to read and be informed adequately so that when they exit universities, they carry extensive knowledge to cope with board examinations and other job entry projects which imbue them to be primed for the job world. Undoubtedly, it is depressing for them when their study plans fail because of power cuts causing them mental and emotional distress. Qakoshe further mentioned in her opinion piece that ‘when university institutions are in registration processes, systems shutdown daily during which millions of students are forced to register from home. Students and lecturers may have to acclimate to online learning once again, this time hampered by a shortage of electricity’.⁵² However, in South Africa’s economic conditions, for some families, registering from home may be impossible if not difficult due to lack of resources.⁵³

IV ENFORCING SECTION 29(1)(B) OF THE CONSTITUTION DURING LOADSHEDDING

In strengthening its concept, this article asserted that section 29 of the Constitution is critical which provides:

(1) *Everyone has the right— (a) to a basic education, including adult basic education; and (b) to further education, which the state, through reasonable measures, must make progressively available and accessible.*

However, the focus of this article is based on section 29(1)(b) which is basically about higher education.⁵⁴ The writers, Mathibe and Zhou, herein investigated whether this is a right or privilege. Understandably, these writers found that,

*Availability of higher education is dependent on the availability of resources, such as infrastructure and funding. As a result, we argue that education, especially higher education, must discriminate. Higher education institutions must have fair and functional discrimination to operate effectively and efficiently.*⁵⁵

⁵⁰ *Afriforum and Others v Eskom Holdings SOC Ltd and Others* 2017 (3) SA (663) GP para 76.

⁵¹ Mclean (2023) <https://www.careersportal.co.za/news/loadshedding-is-costing-universities-heres-a-breakdown>.

⁵² See note 12 above.

⁵³ Goldberg *The Economic Impact of Loadshedding: The Case of South African Retailers* ((2015) Dissertation University of Pretoria).

⁵⁴ Mathibe & Zhou *Mail & Guardian* (24 March 2023).

⁵⁵ See note 36 above.

This section has brought a completely new vision that can assist universities in creating space for a properly managed pedagogy during loadshedding. This, as section 37(1) of the Higher Education Act suggests, 'sets the basis for fair discrimination in higher education through an admission policy by the council of a public higher education institution.'⁵⁶ However, the enforcement of this right, suggested that not all people can go to tertiaries and obtain qualifications. This brought forth a new thought, triggering that once tertiary institutions have enrolled and admitted students, the delivery of education to them is guaranteed. Despite the challenges under this discussion, education remains a fundamental human right in that those who are eligible, ought to be afforded protection and assisted to achieve their qualifications. Students get admitted as per tertiary enrolment targets which exist because of capacity. However, these revelations appeared to be impeded for most applicants during loadshedding as systems were often up and down.

Accordingly, the above has always remained a subject of analysis when the rights to learn and to be informed are jeopardised or impeded. Loadshedding undoubtedly hindered the provision of education in higher institutions of learning. Whereas it is appreciated that government could afford many the opportunity to study, the inability to assist in the recent crisis was worrying. To this extent, the electricity crisis tampered with the right to further education. Whether this hindrance created some level of fairness or not, it remains something of future contemporary jurisprudence interrogation. Due to the court decision in *Afriforum* above, the mission to salvage tutelage remained shaky due to the court having allowed the government to implement loadshedding schedules and stages. It is logical to surmise therefore, that the opportunity that law students were afforded to learn and be informed could have visibly been diminished by the government's slow implementation of measures to curb loadshedding.

Most recently, *The Daily Maverick* news platform published a paper visibly bearing some elements which justified students' crisis during loadshedding.⁵⁷ Southwell, the writer, reported various experiences from student bodies. One of the students interviewed by Southwell included a Witwatersrand University SRC representative, who in turn had this to say:

⁵⁶ Higher Education Act 101 of 1997.

⁵⁷ Southwell 'Stress levels soar: University students cry for help as loadshedding takes its toll on their mental and emotional states' (2022) <https://www.dailymaverick.co.za/article/2022-09-28-stress-levels-soar-university-students-cry-for-help-as-loadshedding-takes-its-toll-on-their-mental-and-emotional-states/> (accessed 12 December 2024).

It is a pervasive issue that impacts all students, staff and faculties, but it disproportionately harms students. Loadshedding is an inconvenience at best for the privileged, but a 'traumatic, detrimental' experience for the underprivileged.

Additional, in Southwell's contributions, Moholola had his other experiences to share from his role as the spokesperson of the University of Cape Town (UCT). He said:

It is an important time in the academic year and the university leadership's approach will remain flexible and sensitive as more measures are put in place to successfully complete the academic year as planned. Measures taken by UCT include plans to extend the list of venues on campus with available, accessible space and back-up power to provide more study locations. And on 19 September, more UCT shuttle buses were added into service to transport students to parts of the campus that have connectivity.

There were just too many problems affecting students during the learning sessions and during their independent study and research. Not only was that a problem, but lecturers were also affected as they were unable to complete their schedules on time. Problems for both students and lecturers included trauma, safety concerns on and off campus, and data allocations amongst other things. For instance, Sol Plaatjie University's response to the crisis touched on both students and lecturers. Its statement mentioned that 'it seems the university has increased pressure on professors to perform highly during this time, which then places more pressure on students. This has created an "atmosphere of tension" between students and professors'.⁵⁸ This meant that the more the work increased, the bigger was the pressure for students. For instance, law students normally go through three fundamental stages during their life of learning. These stages include undergraduate study, law school or servicing articles and the writing of the board examinations for entry into the legal profession or what is normally termed legal practice admission. During these power outages, graduates preparing to enter the workplace find it hard to navigate as most of the information pertaining to the preparations remained online. Accordingly, *The Daily Maverick* had another interview with a UCT student who stated that 'the student body is not only frustrated with the government for letting the energy crisis get to this point, but also with UCT for "not being proactive to be ahead of the crisis" and for not listening to students' concerns'.⁵⁹

⁵⁸ See note 40 above.

⁵⁹ See note 58 above.

V THE STANDARD REQUIRED FOR AN AVERAGE UNDERGRADUATE LAW STUDENT

This selection was done to prewise the kind of graduates required and to meet the professionalised standard of the legal practice. This was drawn from the famous statement which says ‘that graduates must be able to provide clear and concise descriptions during presentations, respond effectively to any questions posed to them, as well as demonstrate clear understanding of trial or debating procedures’.⁶⁰ Slabbert discussed various points which explain who a ‘fit and proper’ person in the legal fraternity is.⁶¹ The author mentioned that:

*The issue of ethical values, what ethics is and how to act morally is thus never addressed before the student enters either the training for attorneys at the different Law Societies or pupillage at the different bars. At both institutions ethics is a compulsory module that is examined before an applicant is admitted to practise.*⁶²

Greenbaum also discusses law students as they get ready to practice law in the future.⁶³ Greenbaum observes that:

*The nature of assessments, and particularly the assessments of skills in law schools, clearly conveys to students’ which knowledge is most valued within a discipline.*⁶⁴

The statement above is important because it outlines the expectations for students when they enter the workforce, more especially as universities regularly admit private and public schools’ graduates, suggesting that students are expected to do more than graduate as they are equipped to be responsible citizens.⁶⁵ One would wonder what would happen to students who intend to complete their courses and graduate later if steps are not taken to fully minimise loadshedding, especially in light of the recent loadshedding issues already outlined. Classically, students must be able to produce results which measures the level at which such a student is able to compete. For instance,

⁶⁰ See Welgemoed & Erasmus ‘The importance of graduate attributes in preparing law students for legal practice’ (2023) *Obiter* at 720 <http://www.scielo.org.za/scielo.php?> (accessed 27 January 2025). See also the Council for Higher Education Qualification Standard for LLB at 13.

⁶¹ Slabbert ‘The requirement of being a “fit and proper” person for the legal profession’ (2011) *Potchefstroom Electronic Law Journal* at 209–231.

⁶² Slabbert (note 61 above) at 223.

⁶³ Greenbaum ‘Experiencing the South African undergraduate law curriculum’ (2012) *De Jure* at 104–124.

⁶⁴ Greenbaum (note 63 above) at 111.

⁶⁵ Universities South Africa ‘Successful Students do more than graduate: They are Equipped to be responsible citizens’ (2022) <https://usaf.ac.za/successful-students-do-more-than-graduate-they-are-equipped-to-be-responsible-citizens/> (accessed 27 January 2025).

graduates tend to become professionals at a later stage, however their eligibility is always measured against their ability to construe and to be quintessentially inclined to the standards set during their teaching and learning. Additionally, students use their study materials often and in-depth, a process that has been and is likely to be halted by extended power outages. There are just too many problems associated with Eskom's loadshedding. The above are some classical examples of many other problems linked to teaching and learning.

VI INSTITUTIONS OF HIGHER LEARNING PERFORMANCE DURING THE LOADSHEDDING

(a) *Eskom performance and the results*

In order to address the socio-economic problems caused by the Covid-19 pandemic, President Ramaphosa announced several packages, including the decision to declare Eskom a catastrophe. It was believed that the billions of rands of relief monies that were offered would significantly help those in need. South Africans anticipated that the electricity supply problem would be resolved by the time of the announcement, given the fact that Eskom had been in a state of disaster. For the maintenance and restoration of utility performance in all generating units, South Africans anticipated prompt and effective service. Sadly, the declaration was quickly cancelled which led to the return of South Africa's loadshedding problem.⁶⁶ In fact, such a declaration was to expedite services and significantly minimise loadshedding. When the government later changed its mind about the utility, it did so reluctantly, which prompted unsettling remarks from South Africans and businesses. It implied that there was a lack of political will and cooperation in dealing with Eskom's problems. The impact on several industries remained so severe that they were unable to act boldly. In their writing, Nduhuura et al, found similar issues, according to the authors, power outages affect social service accessibility because they 'also had a negative effect on the delivery of critical social services to households and communities'.⁶⁷ They further mentioned that:

If the electricity supply is unreliable, it may lead to the deterioration of the learning environment by limiting opportunities for learning. For example, because of power outages, electrically powered learning aids may not be used in class, and personal or night-study time may be reduced considerably. This has a consequence

⁶⁶ Omarjee & Areff, *News24* (1 June 2023).

⁶⁷ Nduhuura et al 'Impacts of loadshedding in urban households in developing countries: A case of Accra, Ghana' (2021) *Energies* at 3.

*of compromising the delivery of quality education and affects morale and academic performance of students.*⁶⁸

(b) *Higher education performance during loadshedding*

To depart from this discussion, it is important to extract very important narrations and findings from Dube's work.⁶⁹ Dube found that students' enjoyment of their right to an education is also improved when they have access to the Internet. The author is implying that, like the right to education, there is a right that may be asserted from the supply of power.⁷⁰ Sefoka and Matsheta opined that:

*The provision of section 29 dictates to the States that the right to basic education is compulsory and guaranteed, hence it must be afforded to everyone.*⁷¹

To scrutinise this, an additional statement considering the discussion was made. Thus first, the writers spoke of the dictating right in section 29 of the Constitution. In other words, it meant that the state always has the power to safeguard 'authoritatively' how the right to education is protected. This the state could do by commissioning resources to protect this right.⁷² Secondly, borrowing from Dube's discussion above, the right to education could unmask the right to electricity supply for the modern days. The debate over the coexistence of the rights to information and education has been reinforced by the higher education system's multimodal teaching and learning policy. Since large parts of education are now delivered digitally, electricity is currently the main element that safely links education to people who can afford it. Additional information regarding the potential effects of power outages on the public and public infrastructure becomes available. Malik and Nawaz made some intriguing findings about this subject.⁷³ Because it addressed related issues stemming from the loadshedding problem in South Africa, their work is significant. These authors learned that:

The results of electricity shortages can be divided into social and psychological daily routine problems. These relationships have been explored through the responses of

⁶⁸ Nduhuura et al (note 67 above) at 4.

⁶⁹ Dube & Moyo 'The right to electricity in South Africa' 2021 *Potchefstroom Electronic Law Journal* at 3–21.

⁷⁰ Dube & Moyo (note 69 above) at 9.

⁷¹ Note 8 above at 217.

⁷² Greeff, Mostert, Kahl & Jonke 'The #feesmustfall protests in South Africa: Exploring first-year students' experiences at a peri-urban university campus' (2021) *South African Journal of Higher Education* at 78–103.

⁷³ Malik & Nawaz 'Impact of electricity shortage on daily routines: A case study of Pakistan' (2013) *Energy & Environment* at 701–709.

*different respondents in this study. Dissatisfaction, depression, and stress can be categorized as psychological problems while quarrels and clashes, inefficient guest serving, and job threats are social problems in daily routines of the people. Effects on physical health, change in teaching style, sleeplessness, unscheduled tasks, and uselessness of home appliances, inefficient learning and incompleteness and delaying of tasks are some results of electricity shortages which reduce the overall performance in daily routines.*⁷⁴

The above extracts indicate the dire situation a country like South Africa faced. The youth, as is the discussion with the students, were mostly affected during these times. An opinion piece written by Ziba Mahdi of *The Indian Daily Star* newspaper added to these rifts.⁷⁵ Ziba said that:

*The power crisis has aligned with the reopening of educational institutions after the pandemic, which created a myriad of problems. Most educational institutes in the country do not have backup sources of energy, like their own generator or individual UPS units. This means that students are forced to study with the suffocating humidity, which is not only extremely unsuitable for a learning environment, but it can also cause health issues like heat strokes, headaches, and nausea. While regular classes initially continued even without electricity, some institutes needed to halt them after the heat became too unbearable. While some have coped with the crisis by stopping classes altogether, others turned to online classes once again.*⁷⁶

Comparatively, Babajide, Egenti and Komolafe have brought forth some interesting comparative prescripts of the modern day loadshedding in their educational article.⁷⁷ The writers mentioned few aspects which are considered influential during power irregularities on academic activities in the Nigerian Universities. They said:

The presence of light is needed for visibility in classrooms, libraries and laboratories. With the heavy influx of the use of ICT in the educational sphere, it is imperative that there is the need for adequate power supply to meet the needs of the growing electrical infrastructure used in the educational system. In the classroom, laboratories and even for educational field activities, electrical energy is used to power various appliances that are used for instruction, learning and research. Examples of electronic instruments used in the educational sphere include microscopes, oscilloscopes, projectors, computers, microphones, public address systems, printers, scanners, fans, air conditioners, soldering irons, lathe machines and the likes used in electronics and mechanical workshops. Energy is also necessary for communication in education and

⁷⁴ Malik & Nawaz (note 73 above) at 707.

⁷⁵ Mahdi, *The Daily Star* (30 October 2022).

⁷⁶ See note 42 above.

⁷⁷ Babajide et al 'The influence of power irregularities on academic activities in Nigerian universities: The preservice teachers' opinion' (2016) *Education & Science Journal of Policy Review and Curriculum Development* at 1–10.

*to access a wide source of information through the use of the internet. The use of energy for private use has a transferred effect on education.*⁷⁸

The statements strengthened students' rights to education and information by connecting the difficulties they faced to South Africa's worsened loadshedding situation. The expansion of the above information is crucial to provide a thorough understanding of the difficulties these students had while preparing to tackle the challenging journey after graduation. Since students' attitudes were well acclimated to the 'light', it was also crucial to assess their performance during these periods. This appeared true for individual students who prefer to read or conduct research late at night following afternoon sessions. Using Moyo as a guide, the following excerpt that is comparable to this article discussion was discovered, as the author stated:

*The significance of power outages variables suggests that there is a need for the government (Nigeria) to come up with ways of improving energy generation and supply, as well as proper maintenance of electricity infrastructure in the country.*⁷⁹

Moyo further opined that:

*This could indicate that the levels of consumption of electricity were constrained by what has been produced and supplied. This means that any unexpected increases in demand will most likely lead to power outages or loadshedding.*⁸⁰

This meant that governments are susceptible to increasing demand which creates a risk regarding continuous distribution. This has come as a strong indication that led to loadshedding and intermittent electricity disruptions. From one opinion piece, one could draw out some important and elementary points wherein the difficulties of online learning emanated.⁸¹ This opinion touched on the intermittent electricity disruptions:

*Many students were complaining on social media that they've been forced to throw out food since they don't have a working refrigerator to keep their food [fresh]. College students are already financially struggling after losing stable incomes and unprecedented expenses.*⁸²

Loadshedding made it more difficult for the lecturers and students to plan, prepare, and learn. Since it interfered with online lectures or classes, it essentially disrupted the learning process continuously. Thus, it was potentially

⁷⁸ Babajide et al (note 77 above) at 2.

⁷⁹ Moyo 'Do power cuts affect productivity? A case study of Nigerian manufacturing firms' (2012) *International Business & Economics Research Journal* at 1163–1174.

⁸⁰ Moyo (note 79 above) at 1163.

⁸¹ Lira, *The Davis Vanguard* (31 February 2021).

⁸² See note 64 above.

damaging to examination times which to some extent led to loss of valuable instruction time as well. Recently, *BusinessTech* reported on the challenges of loadshedding in education supply, reporting that:

*South Africa's tertiary education institutions are facing the same effects of loadshedding as businesses and households alike across the country – an ever-increasing bill to keep the lights on. Large universities have to fork out millions every day to ensure that lectures and facilities remain up and running. In a recent parliamentary Q&A, the department of higher education, science and innovation was asked how much universities spend on diesel for generators each time the country experiences loadshedding.*⁸³

While occasionally reflecting the frustration of all students due to the wide disparities in their experiences and privileges during loadshedding, it might be claimed that this article brought credit to the discussion regarding university students. In contrast to postgraduate students, who are regularly exposed to employment and, thus, financial assistance, undergraduate students, who are still in their intermediate period, are more reliant on their institutions of higher learning because they are not exposed to many things.

VII THE EMERGING PATTERNS OF SOUTH AFRICA'S LOADSHEDDING

According to the reports, South Africa's electrical supply is frequently impacted by climate change.⁸⁴ For example, it is now recognised that South Africa shows varied grid persistence projections over the summer and winter seasons. Ngcobo recently stated in *The Times Live* that South Africa has previously experienced lower levels of loadshedding due to the consistency of the energy availability factor (EAF).⁸⁵ EAF is basically the percentage of the maximum energy generation that a particular plant can supply to the electrical grid during planned and unplanned cuts.⁸⁶ Of these cuts, those from

⁸³ *BusinessTech* 'Loadshedding is costing South African universities millions – this is how much they spend every day' (2023) <https://businesstech.co.za/news/energy/672915/loadshedding-is-Costing-south-africas-universities-millions-this-is-how-much-they-spend-every-day/> (accessed 14 May 2024).

⁸⁴ Majodina, Botai & Rautenbach 'The vulnerability of the South African electricity transmission network infrastructure to weather and climate: A review' (2018) *Journal of Energy in Southern Africa* at 56.

⁸⁵ Ngcobo, *TimesLive* (26 February 2024).

⁸⁶ Mtepa & Eberhard 'Rationale for restructuring and regulation of a low priced public utility: A case study of Eskom in South Africa (2003) *International Journal of Regulation and Governance*, https://www.researchgate.net/publication/237590482_Rationale_for_restructuring_and_regulation_of_a_low_priced_public_utility_A_case_study_of_Eskom_in_South_Africa (accessed 27 January 2025).

ageing coal-power plants are the most prevalent and well-known. According to Jones, there are loadshedding factors that South Africa cannot afford to overlook due to their detrimental effects on the country's economy.⁸⁷ He disclosed that the new power plants are impacted by the old power plants, as a result, he said, new power plants are burdened by the absence of support from older power plants.

Thirdly, he reiterated that corruption and sabotage play prominent and damaging roles in Eskom. These two usually involve thieving, contract exploitations and threats of violence. The biggest amongst these three revelations is the corruption that has found a home in the stations. Recently, Hans gathered an opinion piece from which students were calling for an exemption from loadshedding.⁸⁸ The report from *The Sunday Independent* suggested that students raised concerns after they were occasionally affected during their technology-practical studies. Even though they are accommodated when power is back on, this could clash with their campus-scheduled lessons.

Loadshedding is not just an ordinary crisis for university students, but a contribution to the demise of the lecture halls and the way lectures were conducted. For instance, some lecturers found it difficult to be physically on campus because of different loadshedding schedules. During the era of the Fifth Industrial Revolution (5IR) and artificial intelligence (AI), the old system of chalk and talk is fast becoming unconventional, putting the new technology trends ahead.

VIII CONCLUSION

The result of this research analysis has demonstrated that South African universities were going through tremendous strain when it came to keeping up with the desired standard and delivery of quality and adequate education. The pedagogy was being significantly impacted because of the ongoing process of loadshedding. As indicated in the discussion above, most students experienced trauma, stress, and loss of interest in the academic projection of their studies. Although online teaching and learning have proven purposeful for the times, there was a high probability that the institutions could run out of funds set aside for contingency measures because of high costs of fuel prices and power-generation service costs. Although solar panelling has been rated the best in reducing the grid load and carbon footprint, preparing homes for grid outages, and improving value to those who installed them, needs a totally different new and strategic approach. Although this research demonstration

⁸⁷ Jones, *Power Technology* (18 March 2023).

⁸⁸ Hans, *Sunday Independent* (15 May 2023).

was largely focused on students and lecturers, and to some extent touched on specifics in higher learning institutions, it was largely relative to problems affecting all students, who find themselves subdued because of the recent and persistent loadshedding schedules in South Africa.