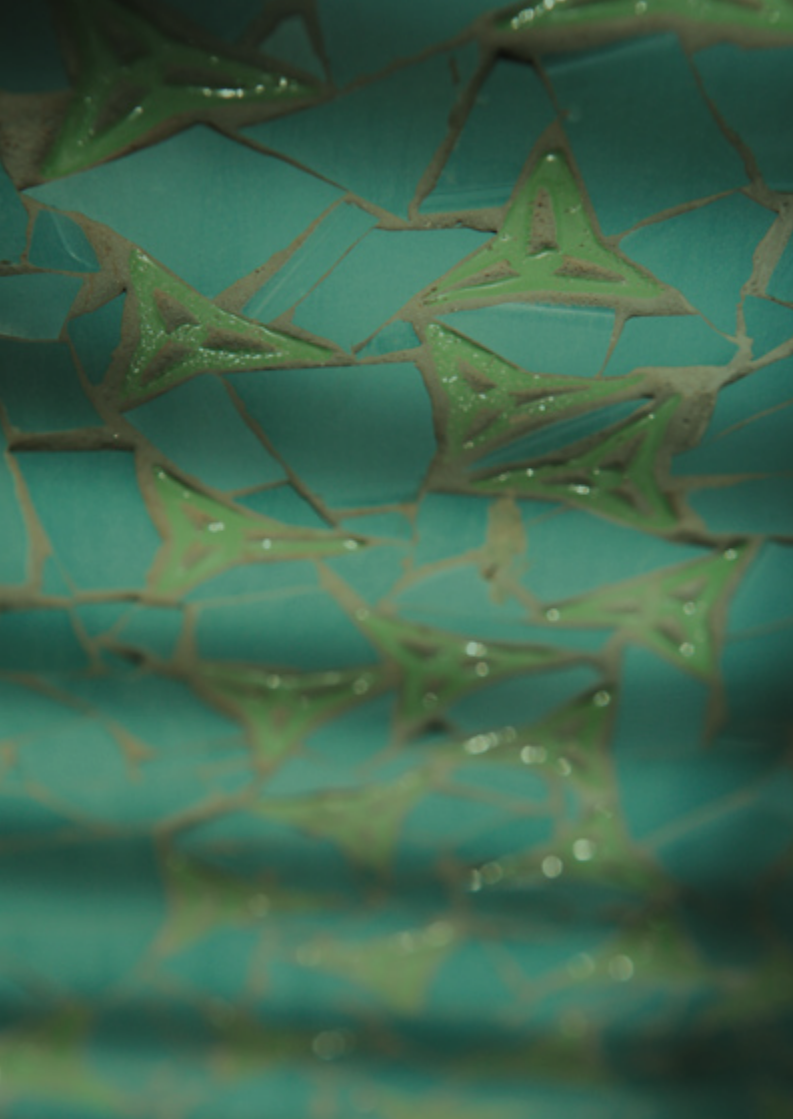


UMTHETHOSISEKELO

WERIPHABHULIKHI YASENINGIZIMU AFRIKA, 1996

Isandulelo, Izinhlinzeko Zokusungula & Umqulu Wamalungelo



UMTHETHOSISEKELO

WERIPHABHULIKHI YASENINGIZIMU AFRIKA, 1996

*Isandulelo,
Izinhlinzeko Zokusungula
& Umqulu Wamalungelo*

IPrintwe iConstitutional Court Trust (CCT) ngonyaka wa2024 ukuze ihambisane nomubikiso we Constitutional Court Art Collection (CCAC) isahamba hamba emzansi Afrika nangaphesheya kugujwa iminyaka engamashumi amathathu (30) yenkululeko ngonyaka wa 2024, iminyaka engamashumi amathathu (30) ye CCAC ngonyaka ka 2025, neminyaka engamashumi amathathu (30) yomthethosisekelo ngonyaka ka 2026.



Lencwajana iyatholakala kwiwebhusayithi yeCCAC ngesingisi nangezinye izilimi zaseningizimu Afrika. Scan(a) I QR code evele lapha noma uvakashele iwebhusayithi ukuthola ufunde kabanzi ngemibukiso ehamba hambayo: <https://ccac.concourtttrust.org.za/travelling-exhibition>.

CCAC 30 YEARS OF DEMOCRACY - 2024
30 YEARS OF THE CCAC - 2025
30 YEARS OF THE CONSTITUTION - 2026



**Constitutional Court
Trust**

Umubikiso wokuqala ohamba hambayo we CCAC ka 2024, kanye nokuprintwa kwalencwajana emahala, kwenziwe impumelelo ilabaxhasi abalandelayo:

**Ford
Foundation**



**Mellon
Foundation**

**INSTITUT
FRANÇAIS**
Africa Institute



Ihunyushwe ngu: Nokwanda Zondi (CCSA law clerk)

MAYELANA NE CCAC

IConstitutional Court Art Collection (CCAC) iveza isiqu somthethosisekelo nenkantolo yomthethosisekelo ngobuciko. Ikwenza lokhu ngemisebenzi yobuciko ehlukahlukile eyingxenye yesakhiwo senkantolo yomthethosisekelo kanye nemisebenzi yobuciko esusekayo ekhonjiswayo enkantolo yomthethosisekelo izungeze inkantolo njalo njalo. Umusebenzi wobuciko wokuqala ngqa weCCAC wemukelwa inkantolo yomthethosisekelo ngonyaka ka 1995. Leliqoqo lomsebenzi wobuciko olukhulayo selinemisebenzi yobuciko engamakhulu. Lemisebenzi yobuciko iyavuselela kanti futhi inothisa imfundo, inkulumbo-pikiswano ebucayi kanye nocwano mayelana nomusebenzi womthethosisekelo nenkantolo yomthethosisekelo ngoshintsho oluququlayo eNingizimu Afrika.

ICCAC yenza umusebenzi wokuveza amaphuzu okungena ekuphenyeni nasekucabangeni kabanzi mayelana noguquko olusha eningizimu Afrika, ubulungiswa, amalungelo abantu, ukuphila ngaphansi komthethosisekelo, ukuzazi, ukunakekela nokucabanga imvelo, izinxephezelo, kanye nokubuyisana nokuphilisana eNingizimu Afrika nasezweni. Njenge ngxenye yomusebenzi wayo wokuveza umoya nenhloso yomthethosisekelo, iCCAC isebenzisa imisebenzi yobuciko ukuze iveze ukuhlukahluka kwabantu eNingizimu Afrika, ukusebenzisana, ukuvuleleka nokubonakala obala esakhiweni senkantolo yomthethosisekelo okuyinkantolo enkulu kunazo zonke eNingizimu Afrika.

ICCAC ingumklamo we Constitutional Court Trust (CCT). ICCT idalelwe ukuthuthukisa amalungelo abantu, ukuphila ngaphansi komthetho kwabobonke abantu, ukuphila ngaphansi komthethosisekelo nokuzimela kwezinkantolo esifundazweni saseAfrika igxile kakhulu enkantolo yomthethosisekelo yaseNingizimu Afrika.

MAYELANA NESITHOMBE ESIVELA NGAPHAMBILI KWALENCWAJANA

Izinsika eziwayo uma ungena ngaphakathi enkantolo yomthethosisekelo zimele izihlahla zihlotshisiwe nge mosaic yezimbewu, ameva, namahlamvu. Lom'sebenzi wobuciko oyingxenywe yesakhiwo senkantolo yomthethosisekelo umele ubulungiswa ngaphansi kwesihlahla, uvusa isithombe sokuqula amacala ngendlela yesintu lapho khona abaholi bezigodi noma umphakathi behlangana ukuzolungisa izinkinga phakathi kwabantu emphakathini - indlela eveza ukulekelelana nokuveza obala.


Icikwa: Jane du Rand. **Abafake isandla:** Nandipha Baduza, Sandile Cele, Alvina Chonco, Zama Dunywa, Paul Figuero, Raksha Gobardan, Thando Mama, Vukani Mpanza, Tanja Van Zyl.
Othwebule Isithombe: Ben Law-Viljoen © CCT

MAYELANA NOBUSO BESIZWE "TYPEFACE"

Icebo lokusongoza iTypeface yokuqala laqhamuka no Garth Walker ngonyaka ka 2004 enzela inkantolo yomthethosisekelo. uGarth Walker wagqugquzelwa ukuthola amasampula a typographic ngasezakhiweni zenkantolo yomthethosisekelo ne Hilbrow. Kulama sampula kwakukhona i-graffiti esankondlo eyayibazwe eminyangweni yasejele ibazwe iziboshwa ezaziboshiwe kuleli Jele nezimpawu ezindala zikahulumeni omudala ezaziveza umlando wendawo. UWalker wagqugquzelwa nayimibhalo yokuqala eyayibhalwe ngesandla ebhentshini lamajaji asenkantolo yomthethosisekelo ebonakala kumaphaneli ayukhonkolo ngaphandle uma ungena enkantolo yomthethosisekelo ibhalwe izinhlinzeko zokusungula ezibalulekile njenge'sthunzi somuntu, inkululeko, nokulingana kwabo bonke abantu abahlala eNingizimu Afrika ngazozonke izilimi ezisemthethweni zaseningizimu Afrika ezilishumi nanye (11) nangolimi lwabangakwazi ukubona, iBraille. ITypeface yenza eminye imisebenze, ibuye isentshenziselwe impawu zokuthola indlela kanye nezimpawu eziveza amagama amajaji, isiyaziwa njengophawu lophila ngaphansi komthethosisekelo.

MAYELANA NALENCWAJANA

ICCAC ikhanyisa izigaba ezihlukahlukile zomthethosisekelo, ngokuqondene isandulelo, izinhlinzeko zokusungula nomqulu wamalungelo. Uhlaka lwakho konke okuqungethwe kumthethosisekelo lubhaliwe ngenzansi. Umthethosisekelo ungatholwa ku-intanethi ngazononke izilimi ezilishumi nane (11) ezisemthethweni eNingizimu Afrika.

 <https://www.justice.gov.za/constitution/pdf.html>

IZAHLUKO ZOMTHETHOSISEKELO

ISENDLALELO

ISAHLUKO 1: Imibandela Yokwesekwa

ISAHLUKO 2: Umqulu Wamalungelo

ISAHLUKO 3: Uhulumeni Wobumbano

ISAHLUKO 4: Iphalamende

ISAHLUKO 5: Umongameli Neziphathimandla Zikazwelonke

ISAHLUKO 6: Izifundazwe

ISAHLUKO 7: Uhulumeni Wezindawo

ISAHLUKO 8: Izinkantolo Nokusingathwa Kwezobulungiswa

ISAHLUKO 9: Izikhungo Zombuso Eziseka Umthethosisekelo

Wentando Yeningi

ISAHLUKO 10: Ukuphathwa Kwemisebenzi Yombuso

ISAHLUKO 11: Amaziko Ezokuphepha

ISAHLUKO 12: Abaholi Bendabuko

ISAHLUKO 13: Izimali

ISAHLUKO 14: Imibandela Ejwayelekile

Isheduli 1 - 6: Izithasiselo ne izichibiyelo

ISIHUMUSHO ESIFINYEZIWE

UMTHETHOSISEKELO WASE NINGIZIMU AFRIKA, 1996

[Kubuyekezelwe umhlaka 2005]

Umbhalo wesingisi wasayindwa uMongameli
wavunywa kumhlaka KuZibandlela 1996.

Ukuthula umthethosisekelo omusha eNingizimu Afrika
nokuhlinzekela izimo ezifanayo.

OKUQUKETHWE

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ISANDULELO

Thina, bantu baseNingizimu Afrika,

Siyazamukela izenzo ezingalungile zesikhathi esadlula;

Siphakamisa labo abahluphekela ubulungiswa nenkululeko emhlabeni wethu;

Sihlonipha labo abasebenzele ukwakha nokuthuthukisa izwe lethu; futhi

Sikholelwa ukuthi iNingizimu Afrika ingeyabo bonke abahlala kuyo, sibumbene nakuba singafani.

Ngakho-ke, ngokusebenzisa labo abasimele esibakhethe ngokukhululeka, samukela lo Mthethosisekelo njengomthetho omkhulu weRiphabhuliki ukuba –

Silungise ukwehlukana kwesikhathi esidlule futhi sakhe umphakathi
Silungise ukwehlukana kwesikhathi esidlule futhi sakhe umphakathi
owesekelwe ngamagugu entando yeningi, ubulungiswa emphakathini
nakumalungelo abantu ayisisekelo;

Sibeke izisekelo zomphakathi oqhuba ngendlela yentando yeningi
novulelekile, lapho uhulumeni esekelwe ngentando yabantu futhi
zonke izakhamuzi zivikelwe ngumthetho ngokulinganayo;

Senza ngcono izinga lokuphila lazo zonke izakhamuzi futhi sikhulula
abantu kwabangakwenza; futhi

Sakha iNingizimu Afrika ebumbene futhi yentando yeningi ekwazi
ukuthatha indawo yayo efanele njengombuso ozimele emkhakheni
yamazwe.

Sengathi uNkulunkulu angavikela abantu bakithi.

Nkosi Sikelel' i-Afrika. Morena boloka setjhaba sa heso. God seën Suid-Afrika. God bless South Afrika. Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.

ISAHLUKO 1

IMIBANDELA YOKWESEKWA

1. IRiphabhuliki yaseNingizimu Afrika

IRiphabhuliki yaseNingizimu Afrika ingumbuso ozimele wentando yeningi owesekwe phezu kwezibopho ezilandelayo:

- 1) Isithunzi sobuntu, ukuzuza ukulingana nenqubekela phambili yamalungelo esintu nenkululeko.
- 2) Ukungabandlululi ngokobuhlanga nangokobulili.
- 3) Ubukhulu bomthethosisekelo nokubusa komthetho.
- 4) Ilungelo lokuvota kwabobonke abantu abadala, uhlu lwabo bonke abavoti, ukhetho olwenziwa njalo ngezikhathi ezimisiwe nohlelo lwamaqembu amaningi kuhulumeni wentando yeningi, ukuze kuqinisekiswa ukubhekelela, ukunakekela nokuvuleleka.

2. Ubukhulu boMthethosisekelo

Lo Mthethosisekelo ungumthetho omkhulu weRiphabhulikhi; umthetho noma isenzo esingahambisani nawo asikho emthethweni, futhi izibopho ezibekwe yiwo kufanele zilandelwe.

3. Ubuzwe

- 1) Ubuzwe bezakhamuzi zaseNingizimu Afrika buyafana.
- 2) Zonke izakhamuzi -
 - a. zinegunya elilinganayo lokuthola amalungelo, ilungelomvume nezinzuzo zobuzwe; futhi
 - b. zethweswe ngokulinganayo izibopho nemithwalo ehambisana nobuzwe.
- 3) Umthetho kazwelonke kufanele uhlinzekele ukutholakala, ukulahlekelwa nokubuyiselwa kobuzwe.

4. Iculo lesizwe

Iculo lesizwe laseRiphabhuliki linqunywa nguMongameli ngokwenza isimemezelo.

5. Ifulegi lesizwe

Ifulegi lesizwe laseRiphabhuliki linombala omnyama, osagolide, oluhlaza okotshani, omhlophe, obomvu noluhlaza okwesibhakabhaka, njengoba lichaziwe futhi ladwetshwa esiThasiselweni soku 1.

6. Izilimi

- 1) Izilimi ezisemthethweni eRiphabhuliki iSepedi, iSesotho, iSetswana, iSiswati, iTshivenda, iXitsonga, isiBhunu, isiNgesi, isiNdebele, isiXhosa nesiZulu.
- 2) Ngokubuka umlando wokwehla kokusetshenziswa nezinga lezilimi zendabuko zabantu bethu, umbuso kufanele uthathe izinyathelo ezingasebenza nezinenqubekela phambili ukuphakamisa izinga nokudlondlobalisa ukusetshenziswa kwalezi zilimi.
- 3) a. Uhulumeni kazwelonke nohulumeni bezifundazwe bangasebenzisa noma yiziphi izilimi ezithile ezisemthethweni emsebenzini kahulumeni, ngokubheka ukusetshenziswa kwalezo zilimi, isidingo, izindleko, izimo zezifunda, kanye nokuqhathaniswa kwezidingo nalokho okuthandwa ngumphakathi wonkana noma okuthandwa esifundazweni esithintekile; kodwa uhulumeni kazwelonke noma uhulumeni wesifundazwe ngasinye kufanele asebenzise okungenani izilimi ezimbili ezisemthethweni.
b. Omasipala kufanele babhekele ukusetshenziswa kwezilimi nokuthandwa kwazo izakhamuzi.

- 4) Uhulumeni kazwelonke nohulumeni bezifundazwe, kufanele balawule futhi baqaphe ukusetshenziswa kwezilimi ezisemthethweni ngokuthi basebenzise izinyathelo zomthetho kanye nezinye. Ngaphandle kokuphambuka kumibandela yesigatshana sesi-(2), zonke izilimi ezisemthethweni kufanele zihlonishwe ngokufanayo futhi ziphathwe ngendlela efanayo.
- 5) IBhodi yeziLimi zonke zaseNingizimu Afrika esungulwe ngomthetho kazwelonke kufanele-o—
- a. ikhuthaze, futhi yakhe izimo ezilungele ukuthuthukiswa nokusetshenziswa -
- i) kwazo zonke izilimi ezisemthethweni;
 - ii) kolimi lwamaKhoi, amaNama namaSan; kanye
 - iii) nolimi lwabakhuluma ngezandla; futhi
- b. ikhuthaze iphinde iqinisekise ukuhlonishwa —
- i) kwazo zonke izilimi ezivame ukusetshenziswa emiphakathini yaseNingizimu Afrika ezibandakanya isiJalimani, isiGrikhi, isiGujerati, isiHindi, isiPhuthukezi, isiTamil, isiTelegu, nesi-Urdu; kanye
 - ii) nesi-Arabhu, isiHebheru, isiSanskrit nezinye izilimi ezisetshenziselwa ezenkolo eNingizimu Afrika.

ISAHLUKO 2

UMQULU WAMALUNGELO

7. *Amalungelo*

- 1) Lo Mqulu wamaLungelo uyisisekelo sentando yeningi eNingizimu Afrika. Ugcizelela amalungelo abo bonke abantu ezweni lethu futhi uqinisekisa amagugu entando yeningi yokwazisa isithunzi somuntu, ukulingana nokukhululeka.
- 2) Umbuso kufanele uhloniphe, uvikele, ukhuthaze, futhi ufeze amalungelo akuMqulu wamaLungelo..
- 3) Amalungelo akuMqulu wamaLungelo anemikhawulo equkethwe noma okukhulunye ngayo esigatsheni sama-36, noma kwezinye izingxenye zoMqulu.

8. *Ukusebenza koMqulu*

- 1) UMqulu wamaLungelo usebenza kuyo yonke imithetho futhi ubophezela isishayamthetho, iziphathimandla, izinkantolo, nazo zonke inhloko zombuso.
- 2) Umbandela woMqulu wamaLungelo ubophezela abantu noma lezo zakhiwo ezithathwa ngumthetho njengabantu uma, futhi ngezinga elingasebenza, uma kubhekwe uhlobo lwelungelo nomsuka wanoma yiziphi izibopho ezibekwa yilelo lungelo.
- 3) Uma kusetshenziswa izimiso zoMqulu wamaLungelo kubantu noma kulezo zakhiwo ezithathwa ngumthetho njengabantu, ngokwemigomo yesigatshana sesi-(2), inkantolo -
 - a. ukuze ilenze libenomphumela ilungelo elikuMqulu, kufanele isebenzise, noma uma kunesidingo, ithuthukise umthetho owesekwe kuzinqumo nasezinkambisweni ngendlela ezonika ilungelo umphumela lapho umthetho osemabhukwini ungakwenzi lokhu; futhi
 - b. ingathuthukisa imitheshwana yomthetho owejwayelekile ukuze ikhawule ilungelo, inqobo uma lowo mkhawulo uhambisana nesigaba sama-36(1).

- 4) Lezo zakhiwo ezithathwa njengabantu ngumthetho zinegunya lokuthola amalungelo akuMqulu Wamalungelo, ngendlela edingwa uhlobo lwamaLungelo kanye nolwaleso sakhiwo esithathwa njengomuntu ngumthetho.

9. Ukulingana

- 1) Wonke umuntu uyalingana phambi komthetho, futhi unelungelo elilinganayo lokuvikelwa ngumthetho nokusizakala ngumthetho.
- 2) Ukulingana kumbandakanya ukuthokozela onke amalungelo nenkululeko ngokugcwele nangokulingana. Ukuze kukhuthazwe ukulingana, kungahle kuthathwe izinyathelo zomithetho nezinye ezenzelwe ukuthi kuvikelwe noma kuthuthukiswe abantu noma imikhakha yabantu, abancishiselwe amathuba ngenxa yobandlululo olungafanele.
- 3) Umbuso ungebandlulule umuntu ngokungafanele, ngendlela esobala noma ngendlela ecashile, ngesizathu noma ngezizathu ezibandakanya ukubandlulula ngokobuhlanga, ubulili, ukukhulelwa, isimo somuntu kwezomshado, ubuzwe noma umphakathi umuntu adabuka kuwo, ibala, ubulili umuntu azifanisa noma afaniswa nabo, iminyaka, kukhubazeka, inkolo, unembeza, inkolelo, isiko, ulimi kanye nokuzalwa.
- 4) Akekho umuntu ovunyelwe ukubandlulula omunye ngokungafanele ngendlela esobala noma ecashile ngesizathu noma ngezizathu ngokwemigomo yesigatshana sesi. Kufanele kushaywe umthetho kazwelonke ukuze kugwenywe noma kunqandwe ubandlululo olungafanele.
- 5) Ukubandlulula ngesizathu noma ngezizathu ezibalulwe esigatshaneni sesi (3) akufanele ngaphandle uma kuboniswa ukuthi lolo bandlululo lufanele.

10. Isithunzi somuntu

Wonke umuntu unesithunzi ngokwemvelo futhi unelungelo lokuthi isithunzi sakhe sihlonishwe futhi sivikelwe.

11. Impilo

Wonke umuntu unelungelo lokuphila.

12. Inkululeko nokuphepha komuntu

- 1) Wonke umuntu unelungelo lenkululeko nokuphepha kwakhe, okumbandakanya ilungelo -
 - a. lokungephucwa inkululeko ngaphandle kokunikwa ithuba lokuziphendulela noma ngaphandle kwesizathu esilungile;
 - b. lokungavalelwa ngaphandle kokuqulwa kwecala;
 - c. lokukhululeka kuzo zonke izinhlobo zodlame ezivela emithonjeni yombuso noma yangasese;
 - d. lokungahlukunyezwa nganoma iyiphi indlela; kanye
 - e. nelokungaphathwa noma ukujeziswe ngendlela enesihluku, engenabo ubuntu nelulazayo.

- 2) Wonke umuntu unelungelo lokukhululeka nokuhlonishwa komzimba kanye nengqondo, okumbandakanya ilungelo -
 - a. lokwenza izinqumo ezimayelana nokuzala;
 - b. lokuphepha komzimba nokuzilawulela umzimba; kanye
 - c. nelokungasetshenziselwa ukufunisela kwezokwelapha noma kwezesayensi ngaphandle kwemvume yakhe ayinikeza lapho esethole ulwazi.

13. Ubugqila, ukusetshenziswa njengesigqila, nokusetshenziswa ngenkani

Akekho umuntu ongenziwa isigqila, asetshenziswe njengesigqila noma asetshenziswe ngenkani.

14. Ukungaphazanyiswa

Wonke umuntu unelungelo lokungaphazanyiswa, okumbandakanya ilungelo lokunga -

- a. eshwa umzimba noma umuzi wakhe;
- b. seshwa kwempahla yakhe;
- c. phucwa impahla anelungelo layo; noma

d. phazanyiswa kokuxhumana kwakhe nabanye abantu.

15. Inkululeko kwezenkolo, yenkolelo neyombono

- 1) E mong le e mong o na le tokelo ya ho iphelela ka moo a batlang ka teng, le ka tumelo, mehopollo, bodumedi le tjhadimo ya hae.
- 2) Ditshebeletso tsa bodumedi di dumelletswe mesebetsing ya puso kapa e tshheditsweng ke puso; ha feela—
 - a. ditshebeletso tseo di phethisa melao e behilweng ke bolaodi ba setjhaba bo nang le tokelo;
 - b. di tshwarwa ka ho tshwana; le
 - c. batho ba tla ka ho ithaopa le ka ntle ho qobello.
- 3) a. Lesi sigaba asivimbeli umthetho ovumela -
 - i) imishado ehlanganiswe ngaphansi kwanoma yiliphi isiko noma ngokohlelo lomthetho wenkolo, noma womuntu noma womdeni; noma
 - ii) izinhlelo zomthetho womuntu nowomdeni ngaphansi kwanoma yiliphi isiko noma olandelwa ngabantu benkolo ethile.
- b. Okwemukelwa ngokwemigomo yendima (a), kufanele kuhambisane nalesi sigaba kanye nezinye izimiso zoMthethosisekelo.

16. Ukuveza imibono ngokukhululeka

- 1) Wonke umuntu unelungelo lokuveza imibono yakhe ngokukhululeka, Okumbandakanya,—
 - a. inkululeko yamaphephandaba neminye imithombo yabezindaba;
 - b. inkululeko yokuthola noma ukudlulisa imininingwane noma imibono;
 - c. inkululeko yobuchule ko\wezobuciko; kanye
 - d. nenkululeko kwezemfundo kanye nenkululeko yocwaningo lwesayensi.
- 2) Ilungelo elikusigatshana soku (1) aledluleli -
 - a. kunkulumeze egqugquzelela impi;
 - b. ekugququzeleni udlame olufufusayo; noma

- c. kutshaleni inzondo eyesekwe ngokobuzwe, ubuhlanga, ubulili noma inkolo, kanye nalokho okungukugqugquzela ngenhloso yokudala umonakalo.

17. Ukubuthana, ukubhikisha, ukuphiketha nokwethula izicelo

Wonke umuntu unelungelo lokubuthana nabanye, ukubhikisha, ukuphiketha nokwethula izicelo ezibhaliwe ngokuthula futhi kungahlonyiwe.

18. Ilungelo lokuzimbandakanya

Wonke umuntu unelungelo lokuzimbandakanya ngokukhululeka.

19. Amalungelo ezombusazwe

- 1) Yilesi naleso sakhamuzi sikhululekile ukuzikhethela nokuzenzela izinqumo eziphathele nezombusazwe, okumbandakanya ilungelo -
 - a. lokusungula iqembu lezombusazwe;
 - b. lokubamba iqhaza emisebenzini yenhlangano yezombusazwe, noma lokuyifunela amalungu; kanye
 - c. nelokukhankasela iqembu lezombusazwe noma izinjongo ezithile zezombusazwe.
- 2) Yilesi naleso sakhamuzi sinelungelo lokhetho olukhululekile, olungenzeleli nolubanjwa njalo ngezikhathi ezimisiwe lwanoma yisiphi isakhiwo sesishayamthetho esisungulwe ngokoMthethosisekelo.
- 3) Yilesi naleso sakhamuzi esingumuntu omdala sinelungelo -
 - a. lokuvota okhethweni lwanoma yisiphi isishayamthetho esisungulwe ngokoMthethosisekelo, futhi lokwenza lokhu ngokuyimfihlo; kanye
 - b. nelokungenela ukhetho lwesikhundla sokumela umphakathi, futhi uma sikhethiwe, sithathe lesi sikhundla.

20. Ubuzwe

Asikho isakhamuzi okufanele sincishwe ilungelo lobuzwe.

21. Ilungelo lokuhamba nokuhlala

- 1) Wonke umuntu unelungelo lokuhamba ngenkululeko.
- 2) Wonke umuntu unelungelo lokushiya iRiphabhuliki.
- 3) Wonke umuntu unelungelo lokungena, lokusala nokuhlala noma kuphi eRiphabhuliki.
- 4) Yileso naleso sakhamuzi sinelungelo lokuthola iphasiphothi.

22. Ilungelo lomsebenzi wezandla, lomsebenzi owenziwayo nelomsebenzi ofundelwe

Yileso naleso sakhamuzi sinelungelo lokukhetha ngokukhululeka umsebenzi wezandla, umsebenzi owenziwayo noma ofundelwe. Indlela yokuqhuba umsebenzi wezandla, umsebenzi owenziwayo noma ofundelwe ungase ulawulwe ngomthetho.

23. Ubudlelwane phakathi kwabasebenzi nabaqashi

- 1) Bonke abantu banelungelo lokuphathwa ngendlela efanele emsebenzini.
- 2) Yilowo nalowo msebenzi unelungelo -
 - a. lokusungula nokujoyina inyunyana yabasebenzi;
 - b. lokuzibandakanya kokwenziwayo nasezinhlelweni zenyunyana yabasebenzi; kanye
 - c. nelokuteleka.
- 3) Yilowo nalowo mqashi unelungelo -
 - a. lokusungula nokujoyina izinhlangano zabaqashi; futhi
 - b. nelokuzibandakanya kokwenziwayo nasezinhlelweni zezinhlangano zabaqashi.
- 4) Zonke izinyunyana zabasebenzi nezinhlangano zabaqashi zinelungelo -
 - a. lokuzithathela izinqumo ngezokuphathwa, ngezinhlelo kanye nangezikhwenzayo;
 - b. lokuhlela; kanye
 - c. nokusungula nelokujoyina umfelandawonye.

- 5) Zonke izinyunyana zabasebenzi, izinhlangano zabaqashi nomqashi banelungelo lokuvumelana ngokuhlanganyela. Umthetho kazwelonke ungabekwa ukulawula ukuvumelana okwenziwa ngokuhlanganyela. Esimweni lapho umthetho ungabeka umkhawulo welungelo kulesi saHluko, ukubekwa komkhawulo welungelo kufanele kuhambisane nesigaba sama 36(1). National legislation may recognise union security arrangements contained in collective agreements To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36(1).
- 6) Umthetho kazwelonke ungavumela amalungiselelo okuphepha enhlangano yabasebenzi aqukethwe kuzivumelwano ezenziwe ngokuhlanganyela. Esimweni lapho umthetho ungabeka umkhawulo welungelo kulesi sahluko, ukubekwa komkhawulo welungelo kufanele kuhambisane nesigaba sama 36(1).

24. Indawo okuphilwa kuyo

Wonke umuntu unelungelo-

- a. lokuphila endaweni engesiyo ingozi empilweni noma kunhlalakahle yakhe; kanye
- b. nelokuba kuvikelwe imvelo, ukuze kusizakale izizukulwana zamanje nezizayo, ngemithetho nezinye izinyathelo ezemukelekayo -
 - i) ezivimbela ukunukubezeka nokucekelwa phansi kwempilo yezitshalo neyezilwane;
 - ii) ezikhuthaza ukulondolozwa kwemvelo; kanye
 - iii) neziqinisekisa intuthuko engapheli nokusetshenziswa kahle kwemithombo yemvelo kube kugqugquzelwa intuthuko efanele yezomnotho nakwezenhlalakahle.

25. Impahla

- 1) Akekho umuntu ongephucwa impahla ngaphandle kwalapho kumiswe umthetho osebenza ngokufanayo kubo bonke abantu, futhi awukho umthetho ongavumela ukuthi umuntu enqatshelwe impahla engazange anikezwe ithuba lokuziphendulela.
- 2) Impahla ingathathwa kuphela njengoba kubekwe wumthetho osebenza

kubo bonke abantu ngokufanayo -

- a. uma kuyisidingo somphakathi noma kuzozuza umphakathi; futhi
 - b. uma kuzoba nesinxephezelo, futhi isikhathi nendlela yokusikhokha okuvunyelwane ngayo ngabathintekayo noma okunqunywe noma okwamukelwe yinkantolo.
- 3) Inani lesinxephezelo nesikhathi kanye nendlela yokunxephezela kufanele kube ngokulungile nokulinganayo, kuveze ukulingana phakathi kwezintshisekelo zomphakathi kanye nezintshisekelo zalabo abathintekayo, kubhekela zonke izimo ezifanele ezibandakanya -
- a. ukusetshenziswa kwempahla ngaleso sikhathi;
 - b. umlando wokutholwa kwempahla nokusetshenziswa kwayo;
 - c. inani engadayiswa ngalo emakethe;
 - d. ubungako benani lezimali ezatshalwa umbuso ngqo nexhasomali umbuso owasiza ngalo ekutholakaleni kwaleyo mpahla nasekuyithuthukiseni ukuze ibe yinzuzo; kanye
 - e. nenjongo yokudliwa kwempahla.
- 4) Mayelana nalesi sigaba-
- a. intshisekelo yomphakathi imbandakanya ukuzibophezela kwesizwe enguqukwini yezomhlaba, nasezinguqukwini zokuletha ukufinyeleleka okulinganayo kuyo yonke imithombo yemvelo yaseNingizimu Afrika; nokuthi
 - b. impahla ayigcini kuphela ngomhlaba.
- 5) Umbuso kufanele uthathe izinyathelo zomthetho nezinye izinyathelo ezamukelekayo, ngokusemandleni awo, ukweseka izimo ezivumela izakhamuzi ukuba zikwazi ukuthola umhlaba ngendlela egculisayo.
- 6) Umuntu noma umphakathi onomhlaba ongaphephile ngomthetho ngesizathu semithetho eyayibandlulula ngokohlanga noma okwakuqhutshwa unelungelo, ngendlela ehlinzekelwe nguMthetho wePhalamende, lobunikazi bomhlaba elivikelwe ngomthetho noma lokunikezwa usizo olufanayo.
- 7) Umuntu noma umphakathi owathathelwa impahla ngemuva komhla zi 19 Juni 1913, ngenxa yemithetho noma izinqubo zangaphambilini

zobandlululo ngokohlanga, unelungelo njengoba kuhlinzekelwa nguMthetho wePhalamende, lokubuyiselwa leyo mpahla, noma lokuthola usizo olulinganayo.

- 8) Akukho zimiso zalesi sigaba ezingavimba umbuso ekubeni uthathe izinyathelo zomthetho nezinye izinyathelo ngenhloso yokuzusa umhlaba, amanzi nokunye okuhambelana nalokho, ukuze ulungise imiphumela yobandlululo ngokohlanga lwangaphambilini, inqobo nje uma ukuqhela ezimisweni zalesi sigaba kufanele kuhambisana nezimiso zesigaba sama 36(1).
- 9) IPhalamende kufanele lishaye umthetho oshiwo esigatshaneni sesi (6).

26. Izindlu

- 1) Wonke umuntu unelungelo lokuthola indlu efanelekile.
- 2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo, ngokusemandleni onawo, zokwenza ukuba leli lungelo libe yimpumelelo eyinqubekela phambili.
- 3) Akukho bantu abangasuswa emzini wabo noma kudilizwe ikhaya labo ngaphandle kwesinqumo senkantolo esenziwe ngemuva kokuba kubhekwe zonke izimo ezifanele. Awukho umthetho oyovumela ukususwa kwabathintekayo benganikwanga ithuba lokuziphendulela.

27. Ukunakekelwa ngezempilo, ukudla, amanzi, nenhlalakahle

- 1) Wonke umuntu unelungelo lokukwazi ukuthi athole -
 - a. ukunakekelwa kwezempilo, okumbandakanya ukunakekelwa kwezempilo okuqondene nokubeletha;
 - b. amanzi nokudla okwenele; kanye
 - c. nenhlalakahle, okumbandakanya, usizo lomphakathi olufanele uma umuntu engakwazi ukuzondla yena kanye nalabo okufanele abondle.
- 2) Umbuso kufanele uthathe izinyathelo zomthetho ezifanele nezinye izinyathelo, ngokusemandleni onawo, zokwenza ukuba leli lungelo libe nokuphumelela okuqhubekela phambili.
- 3) Akukho umuntu okufanele anqatshelwe ukuthola usizo lwezokwelashwa oluphuthumayo.

28. Izingane

- 1) Zonke izingane zinelungelo -
 - a. lokuba negama nobuzwe kusukela ngesikhathi zizalwa;
 - b. lokuthola ukunakekelwa ngumndeni, noma ukunakekelwa ngabazali noma okunye ukunakekelwa okufanele uma lowo mntwana esusiwe ngaphansi kwesimo somndeni;
 - c. lokuthola ukudla okunomsoco, indawo yokuhlala, ukusizakala ngokwelashwa okuyisisekelo kanye nokusizakala ngezenhlalakahle;
 - d. okuvikelwa ekuphathweni ngendlela engafanele, ukunganakekelwa, ukhukunyezwa nokuphathwa ngendlela eyehlisa isithunzi;
 - e. lokuvikelwa kuzinqubo zokuxhashazwa emsebenzini;
 - f. lokuthi kungadingeki noma kungavunyelwa ukuthi zenze umsebenzi -
 - i) ongamfanele umuntu oneminyaka yobudala
 - ii) elingana neyaleyo ngane; noma
 - iii) obeka engcupheni inhlalakahle, imfundo, impilo ngokomzimba noma ngokwengqondo, noma ngokomoya, kwesimilo noma kobudlelwano nomphakathi, kwengane;
 - g. lokungaboshwa ngaphandle kwalapho ukuboshwa kwazo kuyisinyathelo sokugcina esingathathwa, okuyothi uma kwenzeka, ngaphezulu kwamaLungelo anikwe ingane ngaphansi kwesigaba se 12 nesama 35, ingane ingaboshwa kuphela isikhathi okuyisona esifanele esifushane engaboshwa sona, futhi inelungelo -
 - i) lokungahlanganiswa nabanye abantu ababoshiwe abaneminyaka yobudala engaphezulu kwe-18; futhi
 - ii) iphathwe ngendlela, ibuye igcinwe ezimweni ezikhombisa ukubonelela iminyaka yayo yobudala;
 - h. lokuba nommeli okhishwe umbuso, ozokhokhelwa uhulumeni, emacaleni ombango athinta ingane, uma ukunganikezwa ummeli kungaba nomphumela wokwehluleka okukhulu kobulungiswa; kanye
 - i) lokungasetshenziswa ngqo ekulweni kuhlonyiwe, kanye nelokuvikelwa ngazozonke izikhathi lapho kuliwa kuhlonyiwe.
- 2) Kuzona zonke izinto ezithinta ingane, kuyobekwa phambili izidingo zayo.

- 3) Kulesi sigaba “ingane” isho umuntu oneminyaka yobudala engaphansi kweyi 18.

29. Imfundo

- 1) Wonke umuntu unelungelo -
- lokuthola imfundo eyisisekelo, kuhlanganisa imfundo eyisisekelo yabantu abadala; kanye
 - nelemfundo eqhubekayo, okufanele ukuthi umbuso ngezinyathelo ezifanele uyenze iqhubeke nokutholakala futhi kufinyeleleke kuyona.
- 2) Wonke umuntu unelungelo lokuthola imfundo ngolimi olusemthethweni noma ngolimi aluthandayo ezikhungweni zemfundo zomphakathi lapho imfundo ikwazi ukutholakala ngendlela efanelekile. Ukuze kuqinisekiswe ukuyafinyelela ngempumelelo, ukusetshenziswa kwaleli lungelo, umbuso kufanele uhlolisise yonke imigudu efanele yemfundo, kumbandakanya nezikhungo zemfundo ezifundisa ngolimi olulodwa, kube kuqikelelwa -
- ukulingana;
 - ukuthi kungenzeka yini; kanye
 - nesidingo sokulungisa imiphumela yemithetho nenqubo yangaphambilini yobandlululo ngokohlanga.
- 3) Wonke umuntu unelungelo lokusungula nokugcina, ngokukhokhela izindleko zakhe, izikhungo zemfundo ezizimele -
- ezingabandlululi ngokohlanga;
 - ezibhaliswe kumbuso; futhi
 - ezigcina amazanga angekho ngaphansi kwamazinga asezikhungweni ezingaqhathaniswa nazob ezikhungo zomphakathi.
- 4) Isigatshana sesi (3) asizivimbeli izikhungo zemfundo ezizimele ezimalini zoxhaso lombuso.

30. Ulimi namasiko

Wonke umuntu unelungelo lokusebenzisa ulimi aluthandayo futhi abambe iqhaza empilweni yamasiko ayithandayo, kodwa akekho ovunyelwe ukusebenzisa lawa malungelo ngendlela engahambisani nanoma yisiphi isimiso soMqulu wamaLungelo.

31. Imiphakathi yamasiko, izinkolo kanye nezilimi ezithile

- 1) Abantu abangamalungu emiphakathi yamasiko, izinkolo noma izilimi ezithile abanakuphucwa ilungelo, kanye namanye amalungu alowo mphakathi -
 - a. lokuthokozela amasiko abo, ukuqhuba inkolo yabo nokusebenzisa ulimi lwabo; kanye
 - b. nokubumba, bajoyine futhi bagcine izinhlangano zamasiko, zenkolo nezezilimi kanye nezinye izinhlaka zomphakathi wezakhamuzi.
- 2) Amalungelo esigatshana sesi (1) akufanele asetshenziswe ngendlela engahambisani nanoma yisiphi isimiso esikuMqulu wamaLungelo.

32. Ukuthola ulwazi

- 1) Wonke umuntu unelungelo lokuthola -
 - a. nanoma yiluphi ulwazi olusezandleni zombuso; kanye
 - b. nanoma yiluphi ulwazi olusezandleni zomunye umuntu noludingekayo ekusetshenzisweni noma ekuvikelweni kwanoma yimaphi amalungelo.
- 2) Kufanele kushaywe umthetho kazwelonke ukuze leli lungelo lisebenze, futhi ungahlinzekela ngezinyathelo ezifanele ukunciphisa umthwalo wokwengamela nowezimali embusweni.

33. Ukuphatha ngokusemthethweni okulungileyo

- 1) Wonke umuntu unelungelo lokuphathwa ngendlela esemthethweni, efanele kanye nengenzeleli ngokwenqubo elandelwayo
- 2) Wonke umuntu onamalungelo ahlukunyezwe kabi yisinyathelo sokuphatha, unelungelo lokunikezwa izizathu ezibhaliwe ngalokho.
- 3) Kufanele kushaywe umthetho kazwelonke ukuze lawa malungelo asebenze futhi lo mthetho kufanele -
 - a. uhlinzekele ukubukezwa kwesinyathelo sokuphatha yinkantolo noma, lapho kufanele, kubukeze inkundla ezimele nengavuni hlangothi;
 - b. ubeke isibopho phezu kombuso ukuthi amalungelo akuzigatshana soku (1) neses (2) asebenze; futhi
 - c. ukhuthaze ukusingatha ngempumelelo.

34. Ukufinyelela ezinkantolo

Wonke umuntu unelungelo lokuthi noma iyiphi ingxabano engaxazululwa ngokusebenzisa umthetho, inqunywe ngokulalela okungenzeleli yinkantolo yomphakathi noma, lapho kulungile, leyo ngxabano ingaxazululwa yinkund- la noma yisithangamu esizimele nesingavuni hlangothi.

35. Abantu ababoshiwe, abavalelwe nababekwe amacala

- 1) Wonke umuntu oboshwe ngoba esolwa ukuthi wenze icala unelungelo -
 - a. lokuthula angasho lutho;
 - b. lokwaziswa ngokushesha -
 - i) ngelungelo lokuthula angasho lutho; kanye
 - ii) nangomphumela wokuthi angathuli;
 - c. lokuba angaphoqwa ukuhlambuluka noma ukuvuma izinto ezingase zisetshenziswe njengobufakazi ecaleni lakhe;
 - d. lokuba ayiswe enkantolo ngokushesha okungase kwenzeke, kodwa kungakedluli -
 - i) amahora angama 48 emuva kokuboshwa; noma
 - ii) ekupheleni kosuku lokuqala lwenkantolo ngemuva kokudlula kwesikhathi esingamahora angama-48, uma ngabe amahora angama-48 edlula ngaphandle kwesikhathi esejwayelekile sokusebenza kwenkantolo, noma ngosuku olungelona olwejwayelekile lokusebenza kwenkantolo;
 - e. ekuveleni kokuqala phambi kwenkantolo emuva kokuboshwa, lokuba ethweswe icala noma aziswe ngesizathu sokuthi aqhubeke nokuvalelwa, noma adedelwe; kanye
 - f. nelokudedelwa ekuvalelweni uma izidingo zobulungiswa zivuma, kodwa lokho kunqike emibandeleni efanele.
- 2) Wonke umuntu ovalelwe, kumbandakanya noma yisiphi isiboshwa esidonsa isigwebo, unelungelo -
 - a. lokwaziswa ngokushesha ngezizathu zokuvalelwa kwakhe;
 - b. lokuzikhethela kanye nokubonana nommeli nokwaziswa ngokushesha ngaleli lungelo;
 - c. lokunikezwa ummeli ngezindleko zombuso, uma ngabe ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa,

futhi aziswe ngaleli lungelo ngokushesha;

- d. lokuphikisa ukuba semthethweni kokuvallelwa kwakhe akwenze ngaphambu kwenkantolo, futhi uma kutholakala ukuthi lokho kuvalelwa akukho emthethweni, adedelwe;
- e. lokuba avalelwe ngaphansi kwezimo ezihlonipha isithunzi sobuntu, kumbandakanye okungenani ukukwazi ukuzilolonga umzimba futhi ahlinzekwe, ngezindleko zombuso, indawo yokumgcina eyanele, ukondliwa okwanele, izinto zokufunda ezanele kanye nokwelashwa kwezempilo okwanele; kanye
- f. nelokuxhumana, futhi avakashelwe -
 - i) ngowakwakhe noma lowo azwana naye;
 - ii) yisihlobo esisondelene naye;
 - iii) umeluleki wezenkolo oqokwe nguye; futhi
 - iv) udokotela oqokwe nguye.

3) Wonke umuntu owethweswe icala unelungelo lokuthi icala lakhe lithethwe ngendlela elungile, okumbandakanya ilungelo –

- a. lokwaziswa ngecala abekwe lona ngokunikwa imininingwane eyanele ukuze aziphendulele;
- b. lokuba nesikhathi esanele nezidingo ezanele ukulungiselela ukuziphendulela;
- c. lokuba icala lakhe lethanyelwe ngumphakathi ngaphambi kwenkantolo eyejwayelekile;
- d. lokuba ukuthethwa kwecala lakhe kuqalwe futhi kuqedwe ngaphandle kokulibaziseka okungafanele;
- e. lokuba khona uma kuthethwa icala lakhe;
- f. lokukhetha ummeli nokumelwa ngummeli futhi abenelungelo lokwaziswa ngaleli lungelo ngokushesha;
- g. lokuba nommeli onikezwe ngumbuso futhi ngezindleko zombuso uma ukunganikezwa ummeli kungabukhinyabeza kakhulu ubulungiswa, futhi nelungelo lokwaziswa ngaleli lungelo ngokushesha;
- h. lokuthathwa ngokuthi akanacala, lokuthula angasho lutho, kanye nelokunganiki bufakazi ngesikhathi kuqulwa icala lakhe;
- i. lokunika kanye nelokuphikisa ubufakazi;

- j. lokungaphoqwa ukuba anike ubufakazi obuzomethwesa ngecala;
 - k. lokuba icala liqulwe ngolimi aluzwayo, noma uma lokho kungaphumeleli, athole ithuba lokuthi ukuqulwa kwalo kutolikwe ngalolo limi;
 - l. lokungagwetshelwa ukwenza noma ukungenzi okuthile okwakungelona icala ngokomthetho wezwe noma wamazwe ngamazwe ngesikhathi ekwenza noma engakwenzi;
 - m. lokungabhekani necala eliphathelene nalokho asatholwa engenacala lako noma asagwetshelwa kona;
 - n. lokunikezwa isigwebo esisinda kancane kunesinye esimisiwe uma isigwebo esimiselwe lelo cala sishintshiwe phakathi kwesikhathi sokwenziwa kwecala nesikhathi sokugwetshwa; kanye
 - o. nelokufaka isicelo sokudlulisa icala, noma ukuhlaziywa kwalo, yinkantolo ephakeme.
- 4) Lapho lesi sigaba sidinga ukuba umuntu aziswe okuthile, lolo lwazi kufanele lowo muntu alunikwe ngolimi aluqondayo.
- 5) Ubufakazi obutholakale ngendlela ephambene nanoma yiliphi ilungelo elikuMqulu wamaLungelo kufanele bungafakwa njengobufakazi ecaleni uma ukufakwa kwalobo bufakazi bungenza ukuthi icala lingagculisi noma kungakhinyabeza ukuphathwa kobulungiswa.

36. Ukuncishiswa kwamalungelo

- 1) Amalungelo aqukethwe kuMqulu wamaLungelo angancishiswa kuphela ngokwemigomo yomthetho osebenza ngendlela yokuthi ukuncishiswa kufanele futhi kwamukelekile emphakathini ovulekile, nowentando yeningi nowesekelwe isithunzi sobuntu, ukulingana nenkululeko, ngokubheka zonke izinto ezithintekayo ezimbandakanya -
- a. ubunjalo belungelo;
 - b. ukubaluleka kwezinjongo zokuncishiswa;
 - c. ubunjalo nobungako bokuncishiswa;
 - d. ubudlelwane phakathi kokunciphisa nezinjongo zako; kanye
 - e. nezinye izindlela ezinezihibe ezincane ukufeza injongo leyo.

- 2) Ngaphandle uma kuhlinzekelwe esigatshaneni soku (1) noma komunye umbandela woMthethosisekelo, awukho umthetho onganciphisa noma yiliphi ilungelo elihlinzekelwe kuMqulu wamaLungelo.

37. Izimo ezibucayi

- 1) Isimo esibucayi singamenyezelwa kuphela ngokulandela uMthetho wePhalamende, futhi kuphela uma -
- impilo yezwe yesatshelwa ngenxa yempi, ukuphanga, ukuvukela umbuso, yeziphithiphithi, yenhlekelele yemvelo noma yesinye isehlakalo esibucayi emphakathini; futhi
 - isimemezelo sidingekile ukuze kubuyiselwe uxolo nokuthula.
- 2) Ukumenyezelwa kwesimo esibucayi, kanye nomthetho oshayiwe noma isinyathelo esithathwe kulandela leso simemezelo, kungasebenza kuphela -
- kuye esikhathini esilandelayo; futhi
 - ngesikhathi esingeqile ezinsukwini ezingama 21 kusukela osukwini lwesimemezelo sesimo esibucayi ngaphandle uma isiGungu sikaZwelonke siquma ukwelula isikhathi sesimemezelo. IsiGungu sikaZwelonke singelula isikhathi sokusebenza kwesimemezelo sesimo esibucayi ngesikhathi esingeqile ezinyangeni ezintathu. Ukwelulwa kokuqala kwesikhathi sesimo esibucayi kufanele kwenziwe ngesinqumo esivunywe yiningi lamavoti angamalungu esiGungu. Ukwelulwa kwesikhathi sesimo esibucayi okulandelayo kufanele kwenziwe ngesinqumo esesekwe okungenani ngamalungu angamaphesenti angama 60 angamalungu esiGungu. Isinqumo esishiwo kulesi sigatshana kufanele sithathwe ngemuva kwenkulomompikiswano ebandakanya umphakathi esiGungwini.
- 3) Noma iyiphi inkantolo efanele ingathatha isinqumo mayelana nokubasemthethweni -
- kwesimemezelo sesimo esibucayi;
 - ngokwelulwa kwesimemezelo sesimo esibucayi; noma
 - umthetho oshayiwe, noma isinyathelo esithathiwe ngokulandelwa kwaleso simemezelo sesimo esibucayi.
- 4) Noma yimuphi umthetho oshayiwe ngenxa yokumenyezelwa kwesimo

esibucayi ungachithwa kancane kuMqulu wamaLungelo kuphela uma –

a. ukuchithwa kwawo kancane kufanele ngokwesimo esibucayi kuphela; futhi

b. umthetho -

i) uvumelana nezibopho zeRiphabhuliki ngaphansi komthetho wamazwe ngamazwe omiselwe izimo ezibucayi; futhi

ii) uhambisana nesigatshana sesi (5); futhi

iii) ushicelelwe kuSomqulu kaHulumeni kazwelonke ngokushesha ngaphambi kokuba umisiwe.

5) Awukho uMthetho wePhalamende onikeza igunya lokumenyezelwa kwesimo esibucayi, futhi awukho umthetho oshayiwe noma esinye isinyathelo esithathwe ngenxa yesimemezelo ongavumela noma onganikeza igunya –

a. lokuxolelwa kombuso, noma komuntu mayelana nesenzo esingekho emthethweni;

b. ukuchithwa kwalesi sigaba; noma

c. ukuchithwa kwesigaba esishiwo kukholomu yoku 1 yoHla lwamaLungelo Angenakuchithwa, ngendlela evezwe maqondana naleso sigaba sekholomu yesi 3 soHla.

UHLA LWAMALUNGELO ANGEKE AJIVAZWA

| INOMBOLO YESIGABA | ISIHLOKO SESIGABA | IZINGA LOKUVIKELWA KWELUNGELO |
|-------------------|--|--|
| 9 | Ukulingana | Mayelana nokubandlululwa okungamukelekile ngokobuhlanga, ibala, ubuzwe noma imvelaphi, ubulili, inkolo noma ulimi. |
| 10 | Isithunzi somuntu | Ngokuphelele |
| 11 | Impilo | Ngokuphelele |
| 12 | Inkululeko nokuphepha komuntu | Mayelana nezigatshana soku (1) (d) no (e) kanye nesesi 2(c) |
| 13 | Ubugqila, ukwenziwa isigqila nokusetshenziswa ngempoqo | Mayelana nobugqila nokwenziwa isigqila. |
| 28 | Izingane | Mayelana: <ul style="list-style-type: none"> • nesigatshana soku 1(d), kanye no (e); • namalungelo ezindimana (i) kanye no (ii) zesigatshana soku (1)(g); kanye • nesigatshana soku (1)(i) esimayelana nezingane ezineminyaka eyi 15 nezingaphansi. |
| 35 | Abantu ababoshiwe, abatokile nabethweswe icala | Mayelana: <ul style="list-style-type: none"> • nesigatshana soku (1)(a), (b) no (c) nesesi (2)(d); • amalungelo ezindimeni (a) kuye ku (o) esigatshana sesi (3), ngaphandle kwendima (d); • isigatshana sesi (4); kanye • nesigatshana sesi (5) mayelana nokukhishwa ngaphandle kobufakazi uma ukwamukelwa kwalobo bufakazi kungenza ukuqulwa kwecala kwenzelele |

- 6) Noma yinini lapho umuntu evalelwe ngaphandle kokuthethwa kwecala ngenxa yokuzitshwa kwamaLungelo okuqhamuka ekumenyezeleni kwesimo esibucayi, kufanele kuqikelelwe izimo ezilandelayo -
- Umuntu omdala oyilungu lomndeni noma umngane walowo ovalelwe kufanele athintwe ngokushesha okungase kwenzeke, bese aziswa ngokuvalelwa kwalowo muntu.
 - Isaziso kufanele sishicilelwe kuGazethi kazwelonke kaHulumeni zingakapheli izinsuku ezinhlanu umuntu evalelwe, sisho igama lomuntu nalapho evalelwe khona, sibuye sisho nesimo esibucayi aboshwe ngenxa yaso.
 - Umuntu ovalelwe kufanele avunyelwe ukuqoka, kanye nokuvakashelwa ngudokotela noma ngasiphi isikhathi esamukelekayo.
 - Umuntu ovalelwe kufanele avunyelwe ukuqoka, ukuvakashelwa ngummeli noma ngasiphi isikhathi esamukelekayo.
 - Inkantolo kufanele ibuyekeze ukuvalelwa komuntu ngokushesha okungase kwenzeke, kodwa zingakapheli izinsuku eziyi-10 ngemuva kosuku lokuvalelwa kwakhe, futhi inkantolo kufanele imdedele lowo ovalelwe ngaphandle uma kunesidingo sokuqhubeka nokumvalela ukuze kubuyiselwe isimo soxolo nokuthula.
 - Umuntu ovalelwe ongadedelwanga ngokwemigomo yesibuyekezo sendimana (e) noma ongadedelwanga ngemuva kokubuyekezwa ngaphansi kwale ndima angenza isicelo enkantolo sokuba kuphinde kubuyekezwe ukuvalelwa kwakhe noma ngasiphi isikhathi ngemuva kwezinsuku eziyi-10 lwenziwe uhlaziyo lwangaphambilini, futhi inkantolo kufanele imdedele umuntu ovalelwe ngaphandle uma kusadingekile ukuba aqhubeke evalelwe ukuze kubuyiselwe uxolo nokuthula.
 - Umuntu ovalelwe kufanele avunyelwe ukvela mathupha phambi kwanoma iyiphi inkantolo ebhekene nokuvalelwa kwakhe, amelwe ngummeli kuloko kwethanyelwa, futhi akwazi ukwethula izizathu eziphikisa ukuthi aqhubeke nokuvalelwa.
 - Umbuso kufanele wethule phambi kwenkantolo izizathu ezibhalwe phansi zokuthi kubaluleke ngani ukuvalelwa kwalowo ovalelwe, futhi kufanele ulethe ikhophi yalezo zizathu kumuntu ovalelwe okungenani

esikhathini esiyizinsuku ezimbili ngaphambi kokuthi inkantolo ibuyekeze ukuvalelwa kwakhe.

- 7) Uma inkantolo idedela obevalelwe, lowo muntu angeke aphinde avalelwe ngezizathu ezifanayo, ngaphandle uma umbuso ungethula phambi kwenkantolo isizathu esiqinile esenza kube nesidingo sokuthi lowo muntu aphinde avalelwe.
- 8) Karolwana (6) le (7) ha di sebetse bathong bao e seng baahi ba Afrika Borwa ba tshwerweng ka lebaka la dibetsa tsa ntwala tsa matjhaba. Feela, mmuso o lokela ho itshetleha ka dipehelo tsa molao wa botho wa matjhaba bathong bao.

38. Ukuphoqelelwa kwamalungelo

Noma ngubani obalulwe kulesi sigaba unelungelo lokufaka isicelo enkantolo efanele, aveze ukuthi ilungelo eliseMqulwini wamaLungelo lephuliwe noma kungenzeka lephulwe, futhi nenkantolo inganikeza usizo olufanele, olumbandakanya ukumenyezela kwamalungelo. Abantu abangaya enkantolo -

- a. yinoma ngubani ozifakela yena isicelo;
- b. yinoma ngubani owenza isicelo egameni lomunye umuntu ongakwazi ukuzenzela yena;
- c. yinoma ngubani ofaka isicelo njengelungu, noma owenza lokho egameni leqembu noma lomkhakha othile wabantu;
- d. yinoma ngubani ofaka isicelo ukuzuzela umphakathi; kanye
- e. nenhlangano efaka isicelo ngenhloso yokuzuzela amalungu ayo.

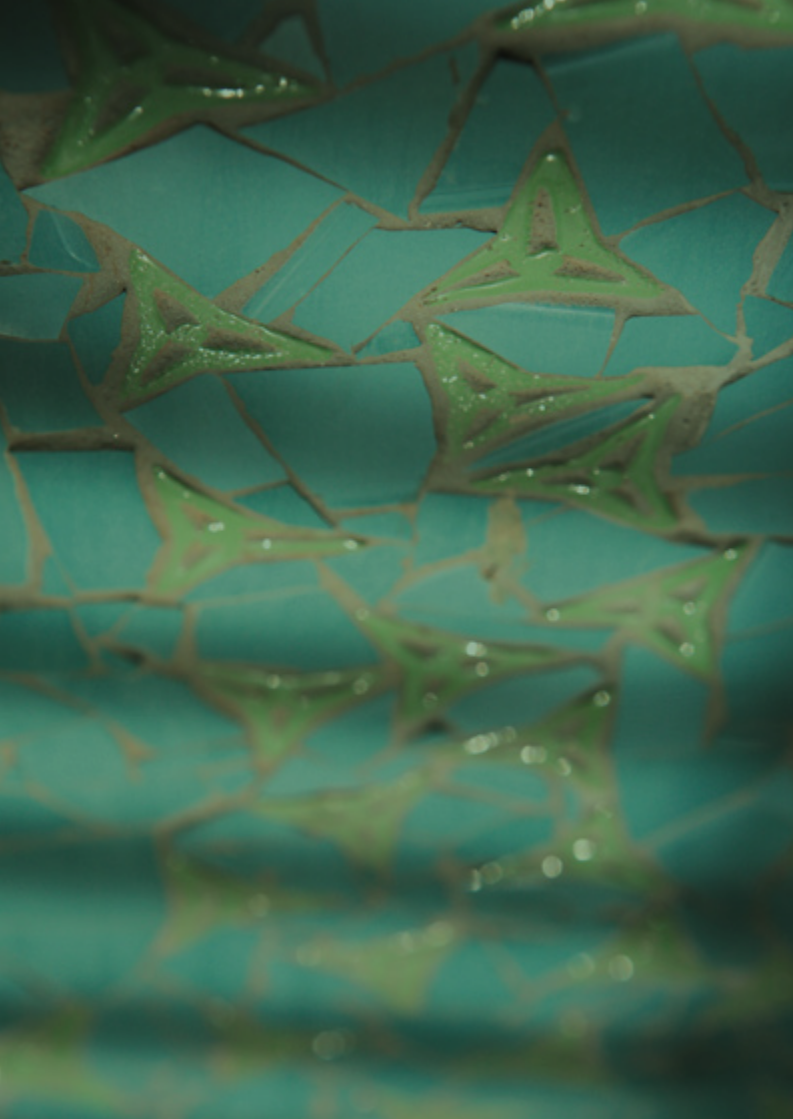
39. Ukuhunyushwa koMqulu wamaLungelo

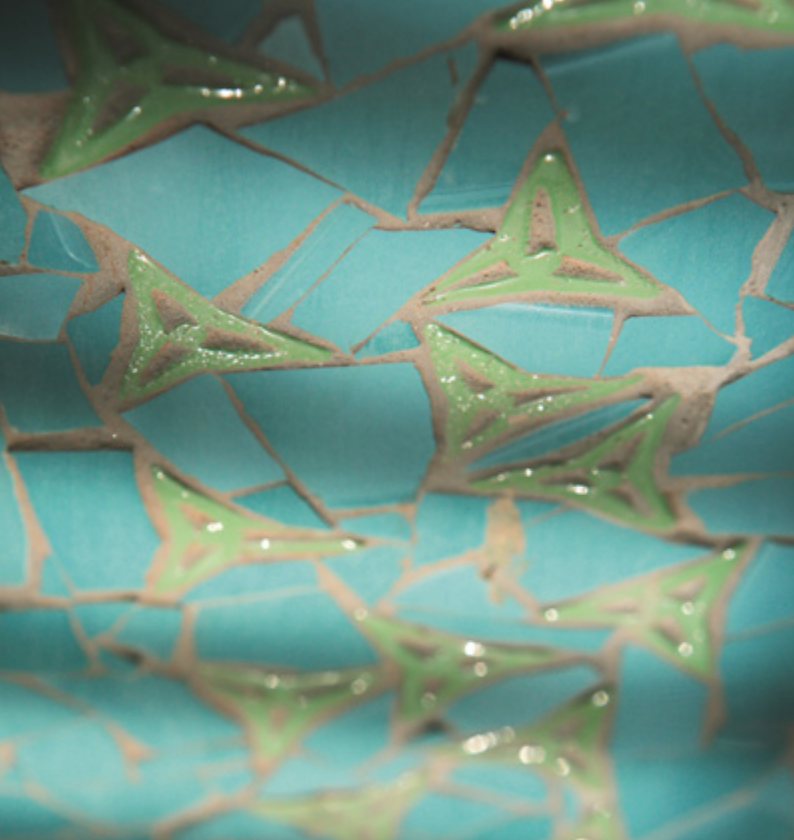
- 1) Uma kuhunyushwa uMqulu wamaLungelo, yileyo naleyo nkantolo, inkundla noma isithangamu -
- a. kufanele sikhuthaze imigomo eyeseka umphakathi ovulekile nobuswa yinqubo yentando yeningi eyesekelwe yisithunzi somuntu, ukulingana nenkululeko
 - b. ufanele sibheke umthetho wamazwe ngamazwe; futhi
 - c. singabuka umthetho wezinye izizwe.

- 2) Uma kuhunyushwa noma omuphi umthetho, futhi uma kuthuthukiswa umthetho owejwayelekile noma umthetho wesintu, yileyo naleyo nkantolo, inkundla noma isithangamu kufanele sikhuthaze umoya, inhloso kanye nezinjongo zoMqulu wamaLungelo.
- 3) UMqulu wamaLungelo awukuphiki ukuba khona kwanoma yimaphi amanye amalungelo noma izinkululeko ezemukelwe noma ezibekwe ngumthetho owejwayelekile, umthetho wesintu noma umthetho oshayiwe, ngendlela ohambisana ngayo noMqulu.




AMANO THI

Amanothi





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