

## KGAOLO 2

### MOLAOTLHOMO WA DITSHWANELO

#### Ditshwanelo

7. (1) Tokomane ya Ditshwanelo ke motheo wa demokerasi mo Aforika Borwa. O babaletse ditshwanelo tsa batho botlhe mo lefatsheng la rona e bile o tlhomamisa meetlo ya demokerasi ya seriti sa botho, tekatekano le kgololosego.
- (2) Puso e tshwanela go tlotla, go sireletsa, go etleetsa le go diragatsa ditshiamelo tsa Molaotlhomo wa Ditshwanelo.
- (3) Ditshwanelo tsa Molaotlhomo wa Ditshwanelo di laolwa ke dikiletso tsa karolo 36, kgotsa felo gongwe mo Molaotlhomong.

#### Tiragatso

8. (1) Tokomane ya Ditshwanelo e ama molao mongwe le mongwe e bile o tlama kgotlapeomolao, tsamaiso le bosiamisi, le ditheo tsothe tsa puso.
- (2) Thulaganyo ya Tokomane ya Ditshwanelo e tlama motho fela le mothomolaong, le go fitlha, moo go kgonegang go tsewa tsia mokgwa wa tshwanelo le tiro nngwe le nngwe e e pateletswang ke tshwanelo eo.
- (3) Mo go diragatseng dithulaganyetso tsa Molaotlhomo mo mothong fela le mothomolaong go ya ka karolwana (2), kgotlatshekelo –
  - (a) go tsamaelana le tiragatso ya tokomane ya ditshwanelo, e tshwanetse go diragadiwa la go dirisa, kgotsa fa go tlhokegang, go tlhabolola molao wa selegae go fitlha fa peomolao e sa nyeng nonofo go tshwanelo eo; e bile
  - (b) e ka tlhabolola melawana ya molao wa tlwaelo go iletsa tshwanelo, fa fela kiletso e tsamaelana le karolo 36(1).
- (4) Motho mongwe le mongwe o na le tshiamelo ya ditshwanelo tsa botho go tsamaelana le ditlhokego tsa tlhologo ya ditshwanelo le tlhologo ya motho oo.

#### Tekatekano

9. (1) Botlhe ba a lekana fa pele ga molao, e bile ba na le tshwanelo ya tshireletso le tshiamelo e e lekanang ya molao.

- (2) Tekatekano e akaretsa tiriso le natefaletso ka bottlalo le dikgololosego. Go etleetsa phitlhelelo ya tekatekano, molao le dikgato dingwe, tse di diretsweng go sireletsa kgotsa go tswellets batho, kgotsa dikarolo dingwe tsa batho ba ba neng ba patikilwe ke kgethololo e e neng e sa lolama, di ka tsewa.
- (3) Puso ga ya tshwanela go kgetholola ka moo go sa tshwanelang ka tlhamalalo kgotsa bofitlha kgatlanong le mongwe le mongwe, ka lebaka le lenosi kgotsa go feta go akarediwa ka bosemorafe, bong, boimana, seemo sa lenyalo, lotso kgotsa lefelo la loago, mmala, tshakamelobong, dingwaga, bogole, bodumedi, maikutlo, tumelo, setso, puo, le matsalo.
- (4) Ga go motho ope yo o tshwanetseng go kgethololwa ka moo go sa tshwanelang, ka tlhamalalo kgotsa bofitlha ka lebaka le lenosi kgotsa go feta go tsamaelana le karolwana (3). molao wa bosetšhaba o tshwanetse go atlenegisiwa go thibela kgotsa go iletsa kgethololo e e sa tshwanelang.
- (5) Kgethololo go tsamaelana ka lebaka le lenosi kgotsa mabaka mangwe a a umakilweng mo karolwana (3) e ileditswe, ntle le fa kgethololo e lolame.

### **Seriti sa botho**

10. Mongwe le mongwe o na le seriti sa botho ka tlhago le tshwanelo ya tlotlo ya seriti le tshireletso.

### **Botshelo**

11. Mongwe le mongwe o na le seriti sa botho ka tlhago le tshwanelo ya tlotlo ya seriti le tshireletso.

### **Kgololosego le tshireletsego ya botho**

12. (1) Mongwe le mongwe o na le tshwanelo ya kgololosego le tshireletsego ya botho, e e akaretsang tshwanelo ya –
  - (a) go ilediwa kgololosego ka kgobelelo kgotsa ntle le lebaka la tshiamo,
  - (b) go se thatlhelwe ntle le go sekisiwa;
  - (c) kgololosega ya methale yotlhe ya tirisodikgoka go tswa mo makala puso kgotsa a poraefete;
  - (d) go se bogisiwe ka tsela epe; le

- (e) go se tsholwe kgotsa go otlhaiwa ka mogwa o setlhogo, o o seng botho kgotsa wa tshotlo.
- (2) Mongwe le mongwe o na le tshwanelo ya seriti sa mmele le boitekanelo, e e akaretsang tshwanelo ya –
  - (a) go dira tshwetso tebang le tsa pelegi,
  - (b) tshireletsego le taolo ya mmele; le
  - (c) go dirisiwa ditoko tsa bongaka le bonetetshi ntle ga tetla.

### **Bokgoba, bolala le tiro ya pateletso**

13. Ga go ope yo o tshwanetseng go patelediwa go nna lekgoba kgotsa lelata kgotsa go dirisia tiro ka kgapeletso.

### **Sephiri**

14. Mongwe le mongwe o na le tshwanelo ya sephiri go akarediwa tshwanelo ya go se –
- (a) phuruphudiwe kgotsa ya go phuruphutsa ntlo;
  - (b) phuruphutse dithoto tsa bona;
  - (c) go amogiwa dithoto; kgotsa
  - (d) kgoreletso ya sephiri sa puisano ya batho.

### **Kgololosego ya bodumedi, tumelo le kakanyo**

15. (1) Mongwe le mongwe o na le tshwanelo ya kgololosego ya maikutlo, bodumedi, mogopolo, tumelo le kakanyo.
- (2) Ditirelo tsa bodumedi di ka tshwanelwa mo dikagong tsa puso kgotsa tse di tlamelwang ke puso fa fela:
- (a) ditirelo tseo di latela melawana e e beilweng ke bothati jo bo maleba jwa puso;
  - (b) ditirelo di tsamaisiwa ka tsela ya tekatekanyo; le
  - (c) di tsenela di gololesegile e bile di le ka boithaopo.
- (3) (a) Karolo eno, ga e kgoreletse molao go amogela –
- (i) manyalo a tumelano ngwe le ngwe ya setso, kgotsa kamogelo ya bodumedi jo bo rileng, kgotsa;
  - (ii) manaane a melao ya botho kgotsa ya malapa go ya ka setso sengwe le sengwe kgotsa batho ba bodumedi jo bo rileng.

- (b) kamogelo go ya ka temana(a) e tshwanetse go tsamaelana le dithulaganyo dingwe tsa Molaotheo.

### **Kgololosego ya tthagiso ya maikutlo**

16. (1) Mongwe le mongwe o na le tshwanelo ya kgololosego ya go tthagisa maikutlo, go akarediwa –
- (a) kgololosego ya dikgatiso le metswedi e mengwe ya phasalatso;
  - (b) kgololosego ya go amogela kgotsa go neelana ka tshedimisetso kgotsa dikakanyo;
  - (c) kgololosego ya botaki ba botlhami; le
  - (d) kgololosego ya thuto le kgololosego ya dipatlisiso tsa bonetetshi.
- (2) Tshwanelo ya karolotlaleletso (1) ga e akaretse –
- (a) tlhotlheletso ya ntwa; 10
  - (b) tlhotlheletso ya dikhuduego; kgotsa
  - (c) tlhotlheletso ya letlhoo le le ikaegileng ka bomorafe, lotso, bong, kgotsa bodumedi, le le ka bakang kgobalo.

### **Kokoano, ditshupetso, phiketo le tokomane ya dingongorego**

17. Mongwe le mongwe o na le tshwanelo ya go kokoana, go dira tshupetso, go phiketa, le go neelana ka tokomane ya dingongorego ka kagiso le ntle ga tiriso ya dibetsa.

### **Kgololosego ya go nna leloko la mokgatlho**

18. Mongwe le mongwe o na le tshwanelo ya kgololosego go nna leloko la mokgatlho.

### **Ditshwanelo tsa sepolotiki**

19. (1) Moagi mongwe le mongwe o na le tetla ya go dira boikgethelo jwa sepolotiki go akarediwa tshwanelo ya –
- (a) go itlhamela lekoko la sepolotiki;
  - (b) go tsaya karolo go merero ya mokgatlho, kgotsa go ngoka ditokololo boemong jwa mokgatlho wa sepolotiki; le
  - (c) go kgaratlhela lekoko kgotsa lebaka lengwe.
- (2) Moagi mongwe le mongwe o na le tshwanelo ya ditlhopho tse di gololesegileng, lolameng, tsa gangwe le gape boemong jwa mokgatlho mongwe le mongwe yo o

theilweng ka molao go ya ka Molaotheo.

- (3) Mogolo mongwe le mongwe o na le tshwanelo ya—
- (a) go tlhopho, mokgatlho mongwe le mongwe yo o theilweng ka molao go yaka Molaotheo ka nako ya ditlhopo, mme a dira jalo mo sephiring; le
  - (b) go nna nthopheng mo tirong ya setšhaba, fa a tlhophilwe go dira tiro eo.

### **Boagi**

20. Ga go moagi ope yo o tshwanetseng go ilediwa boagi.

### **Kgololosego ya motsamao le bodulo**

21. (1) Mongwe le mongwe o na le kgololosego ya go ya kwa a ratang teng.  
(2) Mongwe le mongwe o na le tshwanelo ya go tswa mo gare ga Rephaboliki.  
(3) Moagi mongwe le mongwe o na le tshwanelo ya go tsena, go nna, le go aga gongwe le gongwe mo gare ga Rephaboliki.  
(4) Moagi mongwe le mongwe o na le tshwanelo ya lokwalo lwa mosepele.

### **Kgololosego ya go gwebelana, tiro le boithutelo**

22. Moagi mongwe le mongwe o na le tshwanelo ya go kgetha kgwebo, tiro kgotsa boithutelo ka kgololosego. Tiragatso ya kgwebo, tiro kgotsa boithutelotiro, bo ka laolwa ke molao.

### **Dikamano tsa bodiri**

23. (1) Mongwe le mongwe o na le tshwanelo ya tiragatso ya melao e lolameng ya badiri.  
(2) Modiri mongwe le mongwe o na le tshwanelo ya –  
(a) go tlhama le go nna tokololo ya mokgatlho wa badiri,  
(b) go tsaya karolo go merero le manaane a mokgatlho wa badiri; le  
(c) go ngala tiro.  
(3) Mothapi mongwe le mongwe o na le tshwanelo ya –  
(a) go tlhama le go nna tokololo ya mokgatlho wa bathapi; le  
(b) go tsaya karolo go merero le manaane a mekgatlho ya bathapi;  
(4) Mokgatlho mongwe le mongwe wa badiri le mokgatlho mongwe le mongwe wa bathapi o na le tshwanelo ya –  
(a) go tlhomamisa tsamaiso, manaane, le merero ya ona;  
(b) go rulaganya; le

- (c) go tlhama le go nna tokololo ya mokgatlho wa tlhakanelo.
- (5) Mokgatlho mongwe le mongwe wa badiri, mokgatlho wa bathapi le mothapi, di na le tshwanelelo ya go kgaratlhela ditshiamelo ka mogoso. Peomolao ya bosetšhaba e ka tlhama molao wa bosetšhaba go rulaganya dipuisano tsa tlhakanelo. Go ya ka tekanyetso e e ileditšweng ya tshwanelelo mo Karolo eno, tekanyetso e tshwanetse go tsamaelana le Karolo 36(1).
- (6) Moalo wa bosetšhaba e ka amogela dithulaganyo tsa tshireletsego tsa mokgatlho wa badiri, tse di kwadilweng mo tumelelanong ya tlhakanelo. Go fitlha moo peomolao e ka lekanyetsang tshwanelelo mo Kgaolong e, tekanyetso e tshwanetse go dumelelana le Karolo 36(1).

### Tikologo

24. Mongwe le mongwe o na le tshwanelelo ya –
- (a) tikologo e e senang kotsi go botshelo kgotsa botho jwa bona; le
- (b) go nna le tikologo e e sireletsegileng, mo molemong wa dikokomane ga jaana le tsa isago, go ya ka peomolao ya bosetšhaba le dikgato dingwe tse di utlwalang tse di-
- (i) go thibela kgotlelego ya loapi le kelotlase ya tlhago;
- (ii) go etleetsa tshomarelo ya tlhago; le
- (iii) go babalela ntshetsopele ya tlhabololo ya ditschedi le tiriso ya metswedi ya tlhago ka go mametlela tlhabololo ya moruo le loago.

### Thoto

25. (1) Ga go ope yo o tshwanetseng go tselwa thoto ya gagwe ntle le tiragatso ya molao wa kakaretso, e bile ga go molao ope yo o tla letlelang go gapiwa ga thoto ka kgobebelelo.
- (2) Thoto e ka gapiwa fela go tsamaelana le moolao wa tiragatso ya molao wa kakaretso –
- (a) boemong jwa setšhaba kgotsa go tsamaelana le dikgatlhegelo tsa setšhaba; le
- (b) go tsamaelana le tuelo ya phimola-keledi, tlhotlha e e leng, le nako le e e sweditšweng kgotsa e e tlhomamisitsweng ke kgotlatshekelo.
- (3) Tlhotlha ya phimola-keledi, nako le mokgwa wa tuelo, e tshwanetse go nna le tolamo le tshiamo, o supa tekanyo gare ga dikgatlhego tsa setšhaba le dikgatlhego

- tša ba ba amegang, go etswe tlhoko mabaka otlhe a a maleba, go akarediwa –
- (a) tiriso ya ga jaana ya thoto;
  - (b) lemorago, tsela e thoto e bonweng ka wona le tiriso ya thoto;
  - (c) tekanyetso ya tlhothlwa ya thoto go ya ka mebaraka;
  - (d) boleng ba peeletso ya puso le ketletso ya phitlhelelo ya thoto le tlhabololo ya tlhothlwa ya dithoto; le
  - (e) lebaka la go amogiwa dithoto.
- (4) Mabapi le maitlhomō a karolo e –
- (a) dikgatlhego tša setšhaba di akaretsa boitlamo jwa setšhaba mo tlhabololeng ya lefatshe, le ditlhabololo go tliša phitlhelelo ya metwedi ya tlhologo yotlhe mo Aforika Borwa ka tekano; le
  - (b) thoto ga e akaretse fele lefatshe.
- (5) Puso e tshwanetse go tsaya dikgato tse di maleba tša semolao go tsamaelana le bokgoni jwa puso, go tlhola maema a kgontshang baagi go fitlhelela lefatshe ka mogwa wa tekatekano.
- (6) Motho kgotsa baagi bao lefatshe la bona le amogilweng ka mogwa o o sa siamang ka ntlha ya melao ya kgale ya kgethololo kgotsa ditlwaelo, go ya tsamaiso ya Molao wa Palamente o ke bonno jo bo sireletsegileng ka fa molaong, kgotsa go siamisisa kgethololo.
- (7) Motho kgotsa baagi ba ba amogilweng thoto morago ga la 19 Seetebosigo 1913 ka ntlha ya melao ya kgale ya kgethololo kgotsa tlwaelo, o ne le tshwanelo go ya ka thulaganyo ya Molao wa Palamente go busediwa thoto eo, kgotsa tshiamelo e e lekaneng.
- (8) Ga go taelo ya karolo eno e e tshwanetseng go kgoreletsa puso go tsaya dikgato tša semolao le tše dingwe go tsaya lefatshe, metsi kgotsa tlhabololo e e maleba, ka maikaelelo a go maemo a tshiamololo ya maloba tlwaelong, fa fela thulano ngwe le ngwe le ditaello tša karolo eno di tsamaelana le ditaello tša karolo 36(1).
- (9) Palamente e tshwanetse go tlhama molao o o umakiwang mo karolotlaleletso (6).

## Matlo

26. (1) Mongwe le mongwe o na le tshwanelo ya go nna le bodulo jo bo tshwanetseng.
- (2) Puso e tshwanetse go tsaya dikgato tša semolao le tše dingwe tše di maleba go ya bokgoni jwa puso go netefatsa ntshetsopele ya tshwanelo eno.

- (3) Ga go motho ope yo o tshwanetseng go kobiwa mo ntlong ya gagwe, kgotsa go riplitiwa ga ntlo ya gagwe, ntle le taelo e e dirilweng ke kgotlatshekelo morago ga tshekatsheko ya mabaka otlhe. Ga molao ope yo o tshwanetseng go letlelela go ntshiwa ga batho mo matlong ntle le lebaka.

### **Tlhokomelo ya boitekanelo, dijo, metsi le tshireletsego ya loago**

27. (1) Mongwe le mongwe o na le tshwanelo ya go phithlelelo –
- Ditirelo tsa tlhokomelo ya boitekanelo go akarediwa tlhokomelo ya boitekanelo jwa tsa pelegi;
  - Dijo tse di lekaneng le metsi a phepa; le
  - Tshireletso ya loago e e akaretsang tlamelo e e maleba ka ketletso ya puso, fa ba sa kgone go itlamela le bana ba bona, go ba tlamela ka thuso ya puso e e maleba.
- (2) Puso e tshwanetse go tsaya dikgato tsa semolao le tse dingwe tse di maleba go ya bokgoni jwa puso go netefatsa ntshetsopele ya tshwanelo eno.
- (3) Ga go ope yo o tshwanetseng go ilelwa kalafi ya tshoganyetso.

### **Bana**

28. (1) Ngwana mongwe le mongwe o na le tshwanelo ya –
- go tewa leina le bosetšhaba go simologa ka motsi wa pelego;
  - tlhokomelo ya losika kgotsa ya batsadi, kgotsa tlhokomelo nngwe e e maleba fa a tlositswe mo tlhokomelong ya lelapa la gaabo;
  - phepo ya motheo, tshireletso, ditirelo tse ditlhokegang tsa boitekanelo, le ditirelo tsa loago;
  - go sirelediwa mo tlhokomelong e e makgwakgwa, tshotlo, tlhokofatso le lenyaenyefatso;
  - go sireletswa kgatlhanong le tshotlo ka go dirisiwa ditiro tse di sa dumelelwang;
  - tshireletso kgotsa thibelo ya go batla go dira kgotsa go tlamela ka ditirelo tse di sa –
    - tshwanelang dingwaga tsa ngwana, kgotsa
    - tse di beyang botshelo jwa ngwana mo kotsing, thuto, boitekanelo jwa mmele, tlhaloganyo, mowa, maitseo kgotsa kgolo ya ngwana;



- (g) ga a tshwanelwa go tthatlhelwa mo kgolegong ntle le fa e le kgato ya bofelo, fa a ka tthatlhelwa, go tlaleletsa mo ditshwanelong tsa ngwana go tsamaelana le karolo 12 le 35, ngwana a ka tthatlhelwa fela nako e khutshwane tota, e bile o na le tshwanelo ya –
  - (i) go se kopanngwe le batshwara ba ba fetang dingwaga di le 18 ; le
  - (ii) go tsholwa ka mogkwa, le ka fa tlase ga maemo a tsayang tsia dingwaga tsa ngwana;
- (h) go abela ngwana mmueledi wa puso, e bile ka ditshenyegelo tsa puso, mo dikgetsing tsa ngangisano tse di amang ngwana, fa go ka nna le kgonagalo ya thibelo ya tiriso ya molao; le
  - (i) go se dirisiwe ka tlhamalalo gare ga kgotlhang ya dibetsa, le go sirelediwa ka dinako ya kgotlhang ya dibetsa.
- (2) Dikgathegelo tsa ngwana di elwa tlhoko thata mo mabakeng otlhe a amang ngwana.
- (3) Go ya ka karolo eno, “ngwana” ke motho wa dingwaga tse di fa tlase ga 18.

## Thuto

29. (1) Mongwe le mongwe o na le tshwanelo –
- (a) go fitlhelela thuto ya motheo, go akarediwa le thuto ya bagolo; le
  - (b) go fitlhelela thuto e kgolwane, eo e tshwanetseng go ntshetswapele ke puso ka tiriso ya dikgato tse di maleba.
- (2) Mongwe le mongwe o na le tshwanelo ya go amogela thuto ka puo ya semmuso kgotsa puo ya boikgethelo mo ditheong tsa thuto tsa botlhe, fa seo se kgonagala. Go netefatsa phitlhelelo ya nnete ya se, le tiragatso ya tshwanelo eno, puso e tshwanetse go sekaseka maphata otlhe a a kgonegang a thuto, go akaretsa ditheo tse di rutang ka loleme lo le nosi, e bile go etswe tlhoko –
- (a) tekatekano;
  - (b) kgonagalo; le
  - (c) tlhokego ya go busetsa sekeng ditlamorago tse di tlhodilweng ke melao le tiragatso ya kgethololo ya bomorafe jo bo fetileng.
- (3) Mongwe le mongwe o na le tshwanelo ya go tlhama le go mametlelela, ka ditshenyegelo tsa bona, ditheo tsa thuto tse di ikemetseng tse –
- (a) di sa kgethololeng go ya ka lotso;

- (b) di kwadisitsweng ke puso; le
  - (c) botlhokwa jwa go siamisa melao le ditlwaelo tsa kgethololo ya maloba tsa thuto tsa botlhe fa a tshwantshangngwa.
- (4) Karolotlaleletso (3) ga e thibele ketletso ya puso go ditheo tsa thuto tse di ikemetseng.

### **Puo le setso**

30. Mongwe le mongwe o na le tshwanelo ya go dirisa puo le go tsaya karolo go ditiragalo tsa setso go ya ka boikgethelo jwa gagwe, mme ga go ope yo o tshwanelang go dirisa ditshwanelo tseo ka mokgwa o kgatlhanong le taelo ngwe le ngwe ya Ditshwanelo tsa Botho.

### **Ditlhopa tsa Setso, bodumedi, le puo**

31. (1) Batho ba ditlhopho tsa setso, bodumedi kgotsa puo ga ba tshwanelwa go ilediwa tshwanelo, le maloko mangwe a setšhaba seo, go –
- (a) itumelela setso sa bona , go diragatsa bodumedi jwa bona, le go dirisa puo ya bona; le
  - (b) tlhama, go nna leloko, le go mametlelela mekgatlho ya setso, borapedi le puo le ditheo tse dingwe tsa setšhaba.
- (2) Ditshwanelo tse di mo Karolotlaleletso (1) ga di a tshwanela go diragadiwa ka mokgwa o kgatlhanong le taelo ngwe le ngwe ya Tshwanelo ya Botho.

### **Phitlhelelo go tshedimosetso**

32. (1) Mongwe le mongwe o na le tshwanelo ya go fitlhelela –
- (a) tshedimosetso nngwe le nngwe ya puso; le
  - (b) tshedimosetso nngwe le nngwe e e mo mothong yo mongwe, e e tlhokegang go diragatsa kgotsa tshireletso ya tshwanelo ngwe le ngwe.
- (2) Go tshwanetse gore go tlhamiwa molao wa bosetšhaba go diragatsa tshwanelo eno, e bile e tshwanetse go tlamela ka dikgato tse di naleba go fokotsa morwalo wa botsamaisi le ditshenyegelo tsa madi mo pusong.

### **Tiragatso ya tsamaiso ya bosiamisi**

33. (1) Mongwe le mongwe o na le tshwanelo ya tsamaiso ya bosiamisi go ya ka molao, le

tsamaiso e e lolameng e bile e tlhomame.

- (2) Mongwe le mongwe yo ditshwanele tsa gagwe di digatakilweng mašwe ka nthla ya tiragatso ya tsamaiso ya bosiamisi, o na le tshwanele ya go tlamelwa ka mabaka a a kwadilweng.
- (3) Go tshwanetse gore go tlhamiwa molao wa bosetšhaba go diragatsa ditshwanele tšeno, le go –
  - (a) netefatsa gore tiragatso ya tsamaiso e sekasekwa ke kgotlatshekelo kgotsa, fa go le bothokwa, ke lekgotla tsamaiso le le ikemetseng;
  - (b) go gapeletsa puso go rwala maikarabelo a go diragatsa ditshwanele tse di mo karolotlaleletso (1) le (2); le
  - (c) mametlelelo ya tsamaiso e e manontlhotlho.

### Phitlhelelo go dikgotlatshekelo

34. Mongwe le mongwe o na le tshwanele ya gore kgotlhang nngwe le nngwe e ka rarabolwa ka tiragatso ya molao ka tirisano ya kgotlatshekelo ya baagi e e lolameng kgotsa, fa go tshwanele, lekgotla lengwe le le ikemetseng kgotsa bolaodi bongwe.

### Batshwarwa, batlhatlhelwa le balatofadiwa

35. (1) Mongwe le mongwe yo o tshwaretšweng bosenyi o na le tshwanele ya –
- (a) go didimala;
  - (b) go itsisiwe ka botlalo –
    - (i) tshwanele ya go didimala; le
    - (ii) ditlamorago tsa go se didimale;
  - (c) go se patelediwe go ipobola kgotsa kamogelo ya molato e e ka dirisiwang jaaka bopaki kgatlanong le motho yoo;
  - (d) go tlhagisiwa fa pele ga kgotlatshekelo ka bonako jo bo kgonegalang, mme e seng morago ga –
    - (i) diura tdi le 48 morago ga go tshwarwa; kgotsa
    - (ii) ka bokhutlo jwa letsatsi la nthla la kgotlatshekelo, morago ga go feta ga diura di le 48, fa diura di le 48 di fetile e se nako ya tiro ya kgotlatshekelo, kgotsa ka letsatsi le e e seng la kgotlatshekelo la tlwaelo.
  - (e) ka letsatsi la nthla morago ga go tlhatlhelwa, go latofadiwa kgotsa go bolelelwa lebaka la tšwelelopele ya go tlhatlhelwa, kgotsa la go gololwa; le

- (f) go gololwa mo kgolegong fa dikgatlhego tsa bosiamisi di letla, go ya ka mabaka a maleba.
- (2) mongwe le mongwe yo o thathletsweng, go akareidiwa motshwara mongwe le mongwe yo o bonweng molato, o na le tshwanelo ya –
- (a) go itsisiwe ka bonako mabaka a go thathelwa;
- (b) go kgetha, le go rerisana le mmueledi, le go itsisiwe ka tshwanelo eno ka botlalo;
- (c) go fiwa mmueledi ke puso, le ka ditshenyegelo tsa puo fa go ka nna le kgoreletso ya bosiamisi le go itsisiwe ka tshwanelo eno ka botlalo;
- (d) go gwetlha tolamo ya go thathelho ga gagwe ka namana fa pele ga kgotlatshekelo, le go gololwa fa go thathelwa ga gagwe go sa tsamaelane le molao;
- (e) maemo a a tsamaelanang le seriti sa botho, go akareidiwa bonnye maitemogelo le tlamelo ya bonno jo bo maleba, phepo, dikwalo tsa go buisa le kalafi, ka ditshenyegelo tsa puso; le
- (f) go letlwa go golagana le go etelwa ke -
- (i) mogatse kgotsa molekane;
- (ii) ba losika;
- (iii) moruti yo tlhophilweng wa bodumedu; le
- (iv) ngaka e e tlhophilweng.
- (3) Motho mongwe le mongwe yo o latofadiwang o na le tshwanelo ya tsheko e e lolameng go akareidiwa tshwanelo ya –
- (a) go itsisiwe molato ka botlalo go mo kgontsha go araba;
- (b) go nna le nako e e lekaneng le didiriswa go baakanya bopaki;
- (c) go sekisiwa phatlhalatsa mo kgotlatshekelong ya tlwaelo,
- (d) go simolola le go khutla ga tsheko ntle le tiego e e sa tlhokagaleng;
- (e) go nna teng fa a sekisiwa;
- (f) go kgetha, le go emelwa ke, muedi le go itsisiwe ka tshwanelo eo ka bonako;
- (g) go fiwa mmueledi ke puso, ka ditshenyegelo tsa puso, fa go na le kgonagalo ya tshiamololo ya bosiamisi, le go itsisiwe ka tshwanelo eo ka botlalo;
- (h) go tsewa o se molato, le go didimala, le go se nelane ka bopaki ka nako ya ditsamaiso tsa tsheko;
- (i) go ntsha bopaki le go ganetsa bopaki;
- (j) go se patelediwa go ntsha bopaki jo bo bofelelang;

- (k) go sekisiwa ka puo e tlhalogangwang ke molatofadiwa kgotsa, fa seo se sa kgonagale, ranolela ditsamaisotsa tshoko go puo eo;
  - (l) go se atholwe mabapi le molao mongwe kgotsa tlogelo nngwe e e neng e se tlolomolao go ya ka molao wa bosetšhaba kgotsa wa boditšhabatšhaba ka nako ya tiragalo kgotsa tlogelo;
  - (m) go se sekisiwe boemong jwa tlolomolao kgotsa tlogelo eo motho a kileng a bonwa molato mabapi le yona kgotsa katlholo;
  - (n) go atholwa ka kotlo e bothofo ya tse di umakilweng boemong jwa tatofatso e fetotsweng ka nako ya go diriwa ga tatofatso le nako ya katlholo; le
  - (o) go ikuela go, kgotsa tshokatsheko sešwa ke kgotlatshekelo e kgolwane.
- (4) Gangwe le gape fa karolo eno e batla gore motho a fiwe tshedimosetso, tshedimosetso eo, e tshwanetse go fiwa motho oo ka puo a e tlhaloganyang.
- (5) Bopaki jo bo bonweng ka mokgwa o o kgalthanong le Tshwanele nngwe le nngwe ya Both obo tshwanetse go kgaphelwa thoko fa go na le kgonagalo ya gore bopaki jo bo ka ama tolamo ya tshoko kgotsa ka tsela nngwe bo ka nna kotsi go tsamaiso ya bosiamisi.

### Tekanyetso ya ditshwanele

36. (1) Ditshwanele tsa Ditshwanele tsa Botho di lekanyediwa fela go tsamaelana le ditaello tsa molao wa tiragatso ka kakaretso, fa fela tekanyetso e le maleba e bile o lolame go mametlelela kgotholosego ya demokrasi le seriti sa botho, tekatekano le kgotholosego, go etswe tlhoko dintlha tsotlhe tse di maleba go akarediwa –
- (a) mokgwa wa tshwanele;
  - (b) bothokwa jwa maikaelelo a tekanyetso;
  - (c) mokgwa le bogolo jwa tekanyetso;
  - (d) kgotholagano gare ga tekanyetso le maikaelelo a yona; le
  - (e) mekgwa e e sa ileldiwang ka botlalo go fitlhelela maikaelelo.
- (2) Ntle le go tsamaelana ka ditaello tsa karotlaleletso (1) kgotsa go taelo ngwe le ngwe ya Molaotheo, ga go molao ope o o tshwanetseng go lekanyetsa tshwanele nngwe le nngwe e e umakilweng mo molaong wa Ditshwanele tsa Botho.

## Maemo a tshoganyetso

37. (1) Maemo a tshoganyetso a phasaladiwa fela go tsamaelana le Molao wa Palamente, fela fa –
- botshelo jwa setšhaba bo le mo kotsing ya ntwa, tlhaselo, khuduego ka kakaretso, tlhakatlhakano, matshosetsi a tlhago kgotsa tshoganyetso mangwe a setšhaba; le
  - kgoeletso e botlhokwa go tliša kagiso le tolamo.
- (2) Kgoeletso ya maemo a tshoganyetso, le molao mongwe le mongwe o o rebotsweng kgotsa kgato ngwe le ngwe e e tsewang go tsamaelana le kgoeletso eo, e ka dira fela –
- fa go nale kgonagalo; le
  - eseng go feta matsatsi a le 21 go simolola ka letlha la kgoeletso ntle le fa Kokoano ya Bosetšhaba e ka tsaya tshwetso ya go atolosa kgoeletso. Ntlokokoano Bosetšhaba e ka atolosa ka kgoeletso ya maemo a tshoganyetso ka nako e e sa feteng dikgwedi du le tharo ka nako. Katoloso ya ntliša ya maemo a tshoganyetso e tshwanetse go diriwa ka tshwetso e e amogetswe ke boutu ya bontsi jwa maloko a Ntlokokoano Bosetšhaba. Katoloso nngwe le nngwe Morago ga moo, e tshwanetse go diriwa ka tshwetso e e amogetswe ke boutu ya bontsi jwa diperesente di le 60 tsa maloko a Ntlokokoano Bosetšhaba. Tshwetso go tsamaelana le temana eno, e ka amogelwa fela go ya ka dipuisano tsa botlhe mo Ntlokokoano Bosetšhaba.
- (3) Kgotlatshekelo nngwe le nngwe e e nang le bokgoni e ka dira tshwetso ka botlhokwa jwa –
- kgoeletso ya maemo a tshoganyetso;
  - katoloso nngwe le nngwe ya kgoeletso ya maemo a tshoganyetso; kgotsa.
  - molao mongwe le mongwe yo o rebotsweng , kgotsa kgato ngwe e e tserweng ka ntliša ya mabaka a kgoeletso ya maemo a tshoganyetso.
- (4) Molao mongwe le mongwe yo o rebotsweng ka ntliša ya kgoeletso ya maemo a tshoganyetso o ka nna kगतलhanong le molao wa Ditshwanele tsa Botho fa fela –
- go fapoga go le botlhokwa go tsamaelana le maemo a tshoganyetso; e bile
  - molao –
    - o tsamaelana le maitlhommo a Rephaboliki go tsamaelana le molao wa boditšhabatšhaba wa maemo a tshoganyetso;

- (ii) o tsamaelana le karollaleletso(5); mme
  - (iii) o phasaladitswe mo Lokwalodikgang la Puso ka bonako jo bo kgonagalang morago ga go rebolwa.
- (5) Ga go Molao wa Palamente yo o mamelelelang kgoeletso ya maemo a tshoganyetso, le molao yo o tihomilweng kgotsa kgato nngwe e e tserweng ka ntsha ya kgoeletso, e e ka letlang kgotsa ya dumelela –
- (a) go se latofadiwe ga puso, kgotsa mongwe le mongwe, tebang le tiragalo nngwe le nngwe ya tlolomolao;
  - (b) tlontlololo nngwe le nngwe mo karolong eno; kgotsa
  - (c) tlontlololo nngwe le nngwe mo karolong e e umakilweng mo kholomong ya 1 ya Lenaane la Ditshwanele-Tse-Di-sa Tlontlololeng, go tsamaelana le ditekanyetso tse di lebaganeng le karolo eo, mo kholomong ya 3 ya lenaane leo.

### Lenaane la Ditshwanele tse di sa Tlontlololegeng

<b>1 Nomoro ya Karolo</b>	<b>2 Setlhogo sa karolo</b>	<b>3 Selekano seo tshwanele e sireleditsweng ka wona</b>
9	Tekatekano	Tebang le kgethololo e ikaegileng ka Lebaka la bomorafe, mmala, lotso , tshika, bong, bodumedi kgotsa puo
10	Seriti sa botho	Gotlhelele
11	Botshelo	Gotlhelele
12	Kgololosego le tshireletsego ya motho	Tebang le dikarolwana(1)(d) le(e) le 2(c)
13	Bokgoba, tiro ya bolata le ya pateletso	Tebang le bokgoba le bolata

KGAOLO 2: MOLAOTLHOMO WA DITSHWANELO

1 Nomoro ya Karolo	2 Setlhogo sa karolo	3 Selekano seo tshwanelo e sireleditsweng ka wona
28	Bana	Tebang le - karolwana (1)(d) le(e); - ditshwanelo mo dikatemaneng(i) le(ii) tsa karolwana(1) (g); le - karolwana(1)(i) tebang le bana ba dingwaga di le 15 le tse di kwa tlase
35	Batshwarwa, batlhatlhelwa le ba ba latofadiwang	Tebang le: - karolotlaleletso (1)(a), (b) le (c) le (2)(d) - ditshwanelo mo ditemana (a) go fitlha (0) tsa karolotlaleletso (3), ntle le temana (d); - karolotlaleletso (4), le - karolotlaleletso (5) tebang le kgaphelothoko ya bopaki fa kamogelo ya bopaki bo bo ka dirang gore tsheko e tlhoke tolamo

- (6) Fa mongwe a tlhatlhetswe ntle le go sekisiwa ka ntlha ya tlontlololo ya ditshwanelo go tsamaelana le kgoeletso ya maemo a tshoganyetso, mabaka a a latelang a tshwanetse go elwa tlhoko:
- Mogolo wa losika kgotsa tsala ya motlhatlhelwa e tshwanetse go itsisiwe ka bonako jo bo kgonagalang fa motho yoo a tlhatlhetswe.
  - Kitsiso e tshwanetse go phasaladiwa mo Lokwalodikgang la Puso mo nakong ya matsatsi a le a mathano morago ga go tshwariwa ga motho yoo, mme e tshwanetse go tlhalosa leina la motlhatlhelwa, lefelo la tlhatlhelo le tatofatso ya motlhatlhelwa.
  - Motlhatlhelwa o tshwanetse go dumelelwa go ikgethela le go tlhatlhoibiwa ke ngaka nako nngwe le nngwe fa go kgonagala.
  - Motlhatlhelwa o tshwanetse go letlelelwa go ikgethela le go etelwa ke mmueledi nako nngwe le nngwe.
  - kgotlatshekelo e tshwanela go sekaseka tlhatlhelo ka bonako jo bo kgonagalang, ya matsatsi a le 10 morago ga go tswalelwa ga motho yoo, e bile



- kgotlatshekelo e tshwanaela go golola motlhatlhelwa ntle le fa go le botlhokwa go mo tswalelela go tseweletsa kagiso le tolamo.
- (f) Motlhatlhelwa yo o sa gololweng go ya ka tshkatsheko ya temana (e) kgotsa yo a sa gololweng go ya ka tshkatsheko mo temana eno, a ka dira kopo go kgotlatshekelo go sekaseka sešwa go tswalelwa ga gagwe nako nngwe le nngwe morago ga go feta matsatsi a le 10 morago ga tshkatsheko e e fetileng, mme kgotlatshekelo e tshwanetse go golola motlhatlhelwa, ntle le fa go sa ntse go botlhokwa go tswalela motlhatlhelwa go ntshetsapele kagiso le tolamo.
- (g) Motlhatlhelwa o tshwanetse go dumelelwa go tlhagelela ka namana pele ga kgotlatshekelo nngwe le nngwe e e sekasekang go tlhatlhelwa ga gagwe, le go emelwa ke mmueledi mo tshkong, mme le go dira boikuelo kgatlhanong le ntshetsapele ya go tlhatlhelwa ga gagwe;
- (h) Puso e tshwanaela go bolelela kgotlatshekelo mabaka a a dirang gore motlhatlhelwa a dule a mo kgolegelong, e bile le tshwanetse go neela motlhatlhelwa kgatiso ya lokwalo la mabaka a go tlhatlhelwa bonnye matsatsi a le mabedi pele lekgotla le sekaseka go tlhatlhelwa ga gagwe.
- (7) Fa lekgotla le golola motlhatlhelwa, motho yoo ga a tshwanaela go tshwariwa gape ka ntsha mabaka ao gape ntle le fa puso e ka bontsha kgotlatshekelo lebaka le le botlhokwa go matlafatsa go tlhatlhelwa ga motho yoo gape.
- (8) Karotlaleletso (6) le (7) ga di ame batho ba e seng baagi ba Rephaboliki ya Aforika Borwa, e bile ba tlhatlhetswe ka ntsha ya kgotlhang ya dibetsa ya boditšhabatšhaba. Fa go le jaalo, puso e tshwanetse go itepatepanya le maemo a a tlamang Rephaboliki go ya ka molao wa botho wa boditšhabatšhaba mabapi le go tlhatlhelwa ga batho bao.

### Pateletso ya ditshwanelo

38. Mongwe le mongwe yo o umakilweng mo karolong eno, o na le tshwanelo ya go tlhagelela fa pele ga kgotla-tshekelo e e ikemetseng, ka ngongorego ya gore Tshwanelo ya Botho e gatakilwe, kgotsa tshosedwa, e bile kgotlatshekelo e ntsha katlholo e e maleba , go akarediwa le tumelano ya ditshwanelo. Batho ba ba ka dirang kopo go kgotlatshekelo ke –
- (a) mongwe le mongwe yo o emetseng dikgatlhegelo tsa gagwe;

- (b) mongwe le mongwe yo o dirang seo boemong jwa motho yo mongwe yo sa kgoneng go ikemela ka boena;
- (c) mongwe le mongwe yo o dirang jaaka tokololo ya, kgotsa mo dikgatlhegelong tsa, lekoko kgotsa setlhopa sa batho;
- (d) mongwe le mongwe yo o dirang boemong jwa dikgatlhagelo tsa setšhaba;
- (e) mokgatlho yo o dirang boemong jwa dikgatlhagelo tsa ditokololo tsa sona.

### **Tlhaloso ya Molao wa Ditshwanelo tsa Botho**

39. (1) Fa go tlhalosiwa molao wa Ditshwanelo tsa Botho, kgotlatshekelo, lekgotlatheetso kgotsa foramo –
- (a) e tshwanetse go tsweletsa meetlo setšhaba sa demokerasi e e ikaegileng ka seriting sa botho, tekatekano le kgololosego.
  - (b) e tshwanetse go ela tlhoko molao wa boditšhabatšhaba, le
  - (c) go sekaseka molao wa dinaga-ntle.
- (2) Fa go tlhalosiwa molao mongwe le mongwe, le fa go tlhabololwa molao wa tlwaelo, kgotsa wa setso, kgotsatshekelo nngwe le nngwe, lekgotlatheetso kgotsa foramo e tshwanetse go tsweletsa mowa, moonoo le maikaelelo a Molao wa Ditshwanelo tsa Botho.
- (3) Molao wa Ditshwanelo tsa Botho ga ganele go nna teng ga tshwanelo nngwe le nngwe kgotsa kgololosego e e amogelwang kgotsa atlenegisitsweng mo molaong wa setso kgotsa molao, fa fela e tsamaelana le Molaotlhomoo.