

African National Congress



National Disciplinary Committee of Appeal (NDCA)

OFFICE OF THE CHAIRPERSON: CDE JEFF RADEBE

**IN THE NATIONAL DISCIPLINARY COMMITTEE OF APPEAL
(NDCA)**

HELD AT ST. GEORGE HOTEL, IRENE, PRETORIA

ON FRIDAY 27 NOVEMBER 2015

CASE NUMBER: 6/2015

In the application of

**THE CHAIRPERSON
KWA ZULU NATAL PDC**

Applicant

In the matter between

AFRICAN NATIONAL CONGRESS

Complainant

AND

**MSIZI NHLAPO
SIPHIWE LUBHEDE
DORIS MKAHAYA
MPENDULO NKWANYANA**

Charged Members

NDCA RULING

PDC request for extension of time

1. On 5 November 2015 the Chairperson of the PDC in Kwa Zulu Natal applied to the NDCA in terms of Rule 25.53 of the ANC Constitution for an extension of time to conclude the disciplinary proceedings against the abovenamed charged members.

Background

2. During November 2014 and at Ward 37 eThekweni, the charged members allegedly committed the following acts of misconduct:-

Charged One against members 1,2,3 and 4

- 2.1 disrupted or contributed to the disruption of the Ward 37 BGM/BBGM by preventing ANC members from entering the venue and switching off the electricity of the venue.

Charge Two against member 4

- 2.2 Charged member 4 (Mpendulo Nkwanyana) insulted comrades by describing them as "dogs that think the BGM would not sit".

Charge Three against member 3 (Doris Makhaya) who responded to the utterance of charged member 4 described above with the utterance, "better the dogs than drunkards".

3. Based on these allegations the comrades were charged with contravening the undermentioned provisions of the ANC Constitution:-

3.1 Rule 25.17.3 – failing or neglecting to execute ANC policy;

3.2 Rule 25.17.4 – bringing the ANC into disrepute;

3.3 Rule 25.17.6 – provoking divisions or impacting negatively on the unity of the ANC;

3.4 Rule 25.17.9 – participating in organized factional activity;

3.5 Rule 25.17.11 – impeding the functioning of any structure or committee of the ANC;

3.6 Rule 25.17.15 – behaving in an unruly manner at ANC meetings and/or disrupting meetings.

4. The charged members appeared before the PDC on 25 April 2015 and

