

## Malawi parliament passes bill to ban newspapers

Malawi parliament, on Friday, 19 November 2010, passed a bill that has given power to a cabinet minister to ban the importing or publication of a newspaper.

 By Gregory Gondwe 22 Nov 2010



Section 46 of the Penal Code Amendment Bill says, "If the minister has reasonable grounds to believe that the publication or importation of any publication would be contrary to the public interest, he may, by order published in the Gazette, prohibit the publication or importation of such publication."

### Passing of Bill condemned

Both the media and civil society institutions have condemned the passing of the Bill describing it as barbaric and retrogressive. Before the amendments, the Section only prohibited the importation of seditious publications.

Lawyers in the country have already challenged the amendment saying it is contravening Section 36 of the Malawi Constitution which stipulates that, "The press shall have the right to report and publish freely, within Malawi and abroad, and to be accorded the fullest possible facilities for access to public information."

### Amending the Constitution

Institute for Policy Interaction (IPI) executive director Rafiq Hajat told Malawi's *Daily Times* that members of parliament need to tread carefully in amending the Penal Code warning that if they are not careful they will be amending the Constitution.

"The Penal Code amendment should be consistent with the Constitution not only in letters but also in spirit to avoid cases of people complaining of the violations emanating from inconsistency with the Constitution accumulating at the Supreme Court of Malawi," he said.

### Threat to media freedom

The Malawi chapter of the Media Institute of Southern Africa (MISA), in the same newspaper, described the amendment as the most unfortunate development and a tragedy for media freedom and democracy.

But Minister of Justice and Constitutional Affairs, Dr. George Chaponda has defended the amendment saying government would not "abuse" the powers enacted in the law.

Last month the *Weekend Times* was banned under the pretext that it was not registered with the National

Archives which came barely after President Bingu wa Mutharika threatened to ban newspapers that report "lies" about Malawi.

## ABOUT GREGORY GONDWE

Gregory Gondwe is a Malawian journalist who started writing in 1993. He is also a media consultant assisting several international journalists pursuing assignments in Malawi. He holds Diploma and an Intermediate Certificate in Journalism among other media-related certificates. He can be contacted on [gregorygondwe@gmail.com](mailto:gregorygondwe@gmail.com). Follow him on Twitter at [@Kalipochi](#).  
View my profile and articles...

For more, visit: <https://www.bizcommunity.com>