

Government backtracks on oppressive media law

 By Gregory Gondwe: @Kalipochi

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Government has backtracked on a piece of legislation that was repressive to the media, after it was amended to give power to the information minister to ban any material should the minister deem it harmful to the public.

Government announced its decision on Wednesday 7 December 2011, at a press conference called by justice minister Ephraim Mganda Chiume and education minister Dr. George Chaponda.

Chiume told the media in Lilongwe that government has sent the piece of law, found on Section 46 of the Penal Code, back to the Law Commission for review.

"Government will take its stand regarding the said laws after the recommendations from Law Commission," said Chiume.

He was noncommittal to the period that the law will go under review, saying it is now up to the commission to determine on the review process which he said will start as soon as possible. Four more equally unpopular laws passed in the previous sitting of parliament and ones which in June have also been sent to the Law Commission. The passing of these laws caused a political stir in the country where people took it to the street in protest where police shot and killed at least 20 people.

Media bodies, civil society groupings and the donor community have been exerting pressure on government to rescind its decision of the passing of the laws. Government was, however, adamant that it would not change the laws, forcing donors to withhold funds.

Apart from the Section 46 of the Penal Code, the other law that was passed was giving the police the power to search suspects without a court warrant. Other such pieces of legislation that have also been sent back to the Law Commission include the Civil Procedure Amendment Act also known as the Injunctions Bill and the Local Courts Act. Some of these laws were part of the 20 July protests.

Donors also raised concern with the laws forcing some of them to withhold financial support.

Benedicto Kondowe, a leader of one of the civil society groupings, who was instrumental in the drafting of the 20 point petition, described the move as positive soon after its announcement in an interview with local Zodiak Radio.

"I think this is commendable and a step in the right direction", he said, adding that "We expect the commission to listen to the people and avoid sliding back into repression."

The state broadcaster announced that it was president Bingu wa Mutharika who directed the Law Commission to look at some laws that agitated the country. Just last week, Mutharika [defended the amendment](#) of the Penal Code.

The president said that they reacted to such protest as they saw it "necessary to enlighten these armchair "analysis" along with the rest of the Malawian Public."

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