



REPUBLIC OF MALAWI
IN THE MALAWI SUPREME COURT OF APPEAL
MSCA CIVIL APPEAL No. 20 of 2025

(being High Court of Malawi, Civil Division, Lilongwe District Registry, Election Case Number 04 of 2025)

BETWEEN:

MALAWI ELECTORAL COMMISSION

APPELLANT

AND

DANIEL BINDA

RESPONDENT

CASE SUMMARY

(Chikopa SC DCJ, Kapanda SC JA, Potani SC JA, Katsala SC JA, Chatha-Kamanga, SC JA, Mkandawire SC JA, Kalembers SC JA, Madise SC JA, & Mbvundula SC JA.

Background

The respondent, Daniel Binda, sought to contest the parliamentary elections for Nkhotakota Liwaladzi Constituency. He submitted nomination papers and paid nomination fees applicable to youth candidates. The Malawi Electoral Commission (MEC) rejected the nomination on the ground that the respondent did not qualify as a youth under the applicable Gazette Notice and had therefore failed to pay the prescribed nomination fee commensurate with his age category.

The respondent commenced judicial review proceedings in the High Court, arguing that the insufficiency of the nomination fee constituted a defect in the nomination papers which MEC was obliged to communicate under section 39(2) and (3) of the Presidential, Parliamentary and Local Government Elections Act, 2023 (PPLGEA), so as to allow rectification. The High Court upheld the claim and ordered MEC to permit the respondent to pay the balance of the nomination fee and to include him

on the list of duly nominated candidates. MEC appealed to the Supreme Court of Appeal.

Issues on Appeal

1. Whether the respondent qualified as a duly nominated candidate despite failing to pay the prescribed nomination fees applicable to his age category.
2. Whether nomination papers submitted without payment of the requisite fees qualified for examination by MEC under section 39 of the PPLGEA.
3. Whether MEC had a duty to notify the respondent of any defects in his nomination papers in the circumstances of the case.

Analysis

The Supreme Court of Appeal held that payment of nomination fees commensurate with the applicable age category is a threshold requirement for qualification as a candidate. The respondent's failure to pay the prescribed fees meant that he did not qualify as a candidate in the Nkhotakota Liwaladzi parliamentary elections.

The Court further held that, because the respondent had not paid the requisite fees, his nomination papers did not qualify for examination by MEC. Consequently, MEC was under no obligation to scrutinize the nomination papers or to notify the respondent of any alleged defects therein.

The Court concluded that the High Court's judgment was not supported by the evidence or the applicable law, having proceeded on the erroneous premise that the respondent was entitled to rectification under section 39 of the PPLGEA despite non-compliance with the statutory fee requirement.

Order

The Supreme Court of Appeal unanimously allowed the appeal and made the following orders:

1. The judgment of the High Court was reversed and set aside.
2. The Malawi Electoral Commission shall proceed with the parliamentary elections in Nkhotakota Liwaladzi Constituency.
3. The voters' roll shall be as it stood on 16 September 2025.
4. The candidates eligible to contest shall be those who were duly nominated as at 16 September 2025.

5. The respondent remains excluded from contesting in the Nkhotakota Liwaladzi parliamentary elections.
6. Costs of the proceedings in the Supreme Court of Appeal and the court below were awarded to the respondent.

NB: *Supreme Court of Appeal for Malawi and the Honourable Justices are not bound by this explanatory note, which the Office of the Chief Registrar provides to facilitate public understanding of this case and to assist the media in reporting on it.*

21st January 2026