



**TECHNICAL UNIVERSITY OF MOMBASA**  
***Faculty of Business & Social Studies***

DEPARTMENT OF MEDIA & GRAPHIC DESIGN

DIPLOMA IN MASS COMMUNICATION  
(DMAC II)

**BMC 2110: MEDIA LAW AND ETHICS**

SPECIAL/SUPPLEMENTARY EXAMINATIONS

**SERIES: FEBRUARY 2015**

**TIME: 2 HOURS**

**INSTRUCTIONS:**

- This paper consists of **TWO** Sections A & B.
- Section A is **Compulsory**.
- Answer any other **TWO** questions in Section B.

***This paper consists of Three printed pages.***

## SECTION A (Compulsory)

### QUESTION 1

- a) Define:
  - i) Defamation (2 marks)
  - ii) Crime (2 marks)
  - iii) Fair dealing (2 marks)
  - iv) Strict liability (2 marks)
- b) Explain **THREE** differences between criminal and civil law. (6 marks)
- c) Outline the main features of the Court of Appeal. (5 marks)
- d) State any **FOUR** acts of parliament that directly relate to the work of a Journalist. (5 marks)
- e) i) Explain circumstances in which a Journalist can be accused of scandalizing the court. (2 marks)  
ii) Discuss any **TWO** defences of the contempt of court. (4 marks)

## SECTION B (Answer any TWO questions)

### QUESTION 2

A government audit of a poverty reduction project in a local country found that millions of shillings meant for the project had been misappropriated. Some government officers have been colluding with some local hotels to inflate figures of the seminar expenses and sometimes charging the government money for seminars that never took place. A copy of the audit report is leaked to a reporter, who immediately runs the story in a local daily. The hotel sues the reporter and the newspaper for the libel.

In reference to these facts:

- a) Discuss **FOUR** basic elements that the hotel will need to prove to succeed in their libel suit. (8 marks)
- b) Discuss **FOUR** most relevant defences demonstrating clearly how they will apply. (12 marks)

### QUESTION 3

- a) Discuss **FOUR** common breaches of privacy. (12 marks)
- b) You are on your usual errands as a field reporter when you bump on a dramatic scene in a local restaurant where a cabinet minister who has been partying the whole day collapses due to drunkenness. Explain how you will make a decision on whether to publish the story and how you will go about the matter. (8 marks)

#### QUESTION 4

- a) Explain **THREE**-point criteria used to determine copyright eligibility of any particular work. **(6 marks)**
- b) State **FIVE** exclusive right of the author protected by the copyright. **(5 marks)**
- c) Explain the durations of the copyright of the following works:
- i) Kenya National flag. **(2 marks)**
  - ii) The Holy Bible **(3 marks)**
  - iii) Man of Kafira setbook authored by Prof. Francis Imbuga, who passed away in August 2012. **(2 marks)**
  - iv) The “wizard of the crow” novel by Prof. Ngugi wa Thiong’o. **(2 marks)**

#### QUESTION 5

- a) Explain the provisions of Article 34 of the Kenyan constitution. **(10 marks)**
- b) Discuss the benefits of the Article to the society as a whole. **(10 marks)**