



TECHNICAL UNIVERSITY OF MOMBASA

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

DEPARTMENT OF COMMUNICATION STUDIES

UNIVERSITY EXAMINATION FOR:

CERTIFICATE IN MASS COMMUNICATION

HMC 1104: INTRODUCTION TO MEDIA LAW

END OF SEMESTER EXAMINATION

SERIES: DECEMBER 2024

TIME: 2 HOURS

DATE: Pick Date December 2024

Instruction to Candidates

You should have the following for this examination

- *Answer Booklet, examination pass and student ID*

This paper consists of FIVE questions. Attempt question ONE (Compulsory) and any other TWO questions.

Do not write on the question paper

Question ONE - (Compulsory)

- a) Define
 - i) Constitution (2 marks)
 - ii) Martial court (2 marks)
 - iii) Civil wrong (2 marks)
 - iv) Appropriation (2 marks)
 - v) Defamation (2 marks)
- b) Outline FIVE key functions of law in the society. (5 marks)

- c) Give THREE characteristics of a criminal case. (6 marks)
- d) Name FIVE functions of the Media Council of Kenya (MCK). (5 marks)
- e) Identify FOUR types of broadcasting licenses that are issued by the Communication Authority of Kenya. (4 marks)

Question TWO

Case Study on Privacy:

John is a famous athlete known for his charitable work and high-profile sponsorships. Without John's consent, a local advertising company used his image in a billboard campaign promoting a new sports drink. The company argued that John's popularity would boost sales and attract customers.

Around the same time, a tabloid journalist, Mary, secretly followed John and his family while they were on a private vacation. She took photos of them without their knowledge, including moments when John was visibly upset. Mary published the photos in a story titled "John's Family Struggles Behind the Scenes," suggesting the athlete's personal life was in turmoil.

Required:

- a. What TWO privacy torts might be involved in both the use of John's image in the advertising campaign and the photos taken on his vacation? Elaborate your answer in reference to this case study. (10 marks)
- b. Identify and discuss FOUR defences that the advertising company and the journalist can use to argue in court to justify their actions. (10 marks)

Question THREE

- (a) Identify and explain briefly FIVE major sources of the laws of Kenya. (10 marks)
- (b) Draw an illustration of the hierarchy of the Kenyan courts. (10 marks)

Question FOUR

Case Study on Libel:

Anne, a journalist for a leading newspaper, wrote an opinion piece criticizing a prominent local chef, Mr. Otieno, for his poor hygiene practices in his restaurant. In the article, Anne stated that several customers had complained about finding foreign objects in their food and that the chef had been cited for health violations in the past. Anne based her claims on public health reports and customer reviews, though she didn't contact Mr. Otieno for his side of the story before publishing

the article. The piece concluded with Anne's personal opinion that Mr. Otieno's restaurant was "unfit for anyone who values their health."

Following the publication, Mr. Otieno sued for libel, claiming that the article defamed him and harmed his restaurant's reputation.

Required:

- a) Determine FOUR essential elements of libel in this case. (10 marks)
- b) Suggest FOUR important defences of libel that are relevant to this case. Relate your answer to facts in the case study as much as possible. (10 marks)

Question FIVE

- (a) Explain FIVE reasons why you need to study Media Law and Ethics as an aspiring media professional. (10 marks)
- (b) Name and explain briefly any FIVE topics/themes that one finds in the Code of Conduct and Practice of Journalism. (10 marks)