



TECHNICAL UNIVERSITY OF MOMBASA

School of Humanities and Social Sciences

Department of Communication Studies

UNIVERSITY EXAMINATION FOR:
DIPLOMA IN MASS COMMUNICATION
: HMC 2108: MEDIA LAW ETHICS & GOVERNANCE
END OF SEMESTER EXAMINATION

SERIES: APRIL 2025

TIME: 2 HOURS

DATE: Pick Date Apr 2025

Instructions 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 1 - (COMPULSORY)

- a) Define
 - i) Defamation (2 marks)
 - ii) Governance (2 marks)
 - iii) *Actus Reus* (2 marks)
 - iv) Integrity (2 marks)
- b) Distinguish between an Act of Parliament and a Precedent. (6 marks)
- c) Give SIX key functions of law in the Society. (6 marks)
- d) Explain THREE main functions of the Supreme Court of Kenya. (6 marks)
- e) State FOUR elements of good governance. (4 marks)

QUESTION 2

Case Study on Libel

The Daily Beacon, a popular online news platform, published an investigative article titled "Governor's Secret Deal: How County Funds Were Diverted to Private Accounts." The article alleged that the Governor of West Rift County, *Hon. Jane Maua*, had colluded with a construction company to divert Ksh 100 million meant for a public hospital into her personal accounts. The article cited anonymous sources within the county government and included screenshots of what appeared to be bank transactions.

The article went viral, leading to public outrage and calls for the Governor's resignation. However, *Hon. Maua* denied the allegations, stating that the funds were properly accounted for and that the hospital project was ongoing. She accused *The Daily Beacon* of publishing false and defamatory information without verifying the facts or seeking her comment. She filed a libel lawsuit against the news platform, claiming that the article had damaged her reputation, caused her emotional distress, and led to a loss of trust among her constituents.

The Daily Beacon defended the article, arguing that it was based on credible sources and was in the public interest. However, it later emerged that the bank transaction screenshots were unverified and potentially fabricated.

Required

- a) With sufficient reference to this case, demonstrate how the four essentials of libel would apply. (8 marks)
- b) Discuss FOUR possible defenses that *The Daily Beacon* could use to counter this specific libel lawsuit. (8 marks)
- c) As a journalist, what four steps do you feel that *The Daily Beacon* could have taken to avoid or minimize the risk of libel in this case? (4 marks)

QUESTION 3

- a. Identify any TEN fundamental human rights and freedoms enshrined in the Chapter Four of our Constitution. (10 marks)
- b. Explain FIVE legal remedies/redress that are available in the Constitution for individuals who feel their rights have been violated or are about to be violated. (10 marks)

QUESTION 4

Case Study on Privacy

Kenya Today is a popular online news platform. It published an investigative article titled "*Inside the Governor's Secret Life: A Diary of Deception.*" The article was based on excerpts from a personal diary allegedly belonging to Governor JKK of Mlimba County. The diary contained intimate details about his personal life, including his health struggles, family disputes, and private conversations with colleagues. The article claimed that the diary was obtained from a "reliable source" within the Governor's office.

The publication sparked widespread public debate, with some praising the platform for exposing alleged corruption and others condemning it for violating the Governor's privacy. Governor JKK denied the authenticity of the diary and accused *Kenya Today* of invading his privacy. He filed a lawsuit against the platform, claiming that the publication had caused him emotional distress, damaged his reputation, and violated his right to privacy under Article 31 of the Kenyan Constitution.

Kenya Today defended the article, arguing that the information was in the public interest and that the Governor's private life was relevant to his public role.

Required

- (a) With sufficient reference to this case, explain the THREE torts of privacy showing clearly how they are relevant in this case and how *Kenya Today* could be in breach. (9 marks)
- (b) Discuss any THREE possible defenses that *Kenya Today* could use to justify its publication of the diary excerpts. In your assessment how likely/unlikely are they (*Kenya Today* team) to succeed. Why? (6 marks)
- (c) As a journalist, advise on THREE steps that *Kenya Today* can take to balance the public's right to know with the Governor's right to privacy (6 marks)

QUESTION 5

- (a) Chapter Six of the Kenyan Constitution deals with Leadership and Integrity. In about 150-200 words, give an enlightening view into how the Chapter expect Leaders and Public Servants to conduct themselves.

(12 marks)

- (b) Using relevant examples, explain the difference between Law and Ethics.

(8 marks)