



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 1 and any other **TWO** questions.

Do not write on the question paper.

QUESTION 1

- a) Define
 - i) Law (2 marks)
 - ii) Constitution (2 marks)
 - iii) Precedent (2 marks)
 - iv) Jurisprudence (2 marks)
 - v) Ethics (2 marks)
- b) Give SIX characteristics of law. (6 marks)
- c) Distinguish between Criminal and Civil Law. (6 marks)
- d) Explain how Article 34 of the Kenyan Constitution guarantees Media Freedom. (8 marks)

QUESTION 2

- (a) The Kenyan Constitution gives the High Court powerful authority for the enforcement of fundamental human rights and freedoms. It means any person whose rights are violated can go to court and seek relevant remedies. Mention any four such remedies and demonstrate how they are used. (10 marks)
- (b) Every Kenyan is entitled to his/her right to Privacy. Discuss how the right to privacy among individual citizens is bound to impact on your work as a journalist. (10 marks)

QUESTION 3

Case Study on Libel

Assume you work for *The Daily Truth*, a popular Kenyan newspaper. The newspaper publishes a front-page article of your local MP Hon Mponda Mali. The story is titled "*Hon. Mponda's Sh50 Million Scandal: Public Funds Diverted to Personal Account.*" The article alleges that Hon. Mponda, a well-known Member of Parliament, embezzles funds allocated for the construction of a secondary school in his Majengo constituency. The story claims that Ksh 50 million was transferred into his personal bank account, citing anonymous sources within the Ministry of Education. The article goes viral on social media, sparking public outrage and calls for Hon. Mponda's resignation.

The MP denies the allegations, stating that the funds are properly accounted for and that the school project is ongoing. He goes to court and sues *The Daily Truth* for libel, arguing that the false accusations have damaged his reputation, caused him emotional distress, and led to a loss of trust among his constituents. He also claims that the newspaper has failed to verify the allegations or to seek his comment before publishing.

Required

- (a) Demonstrate how the essentials of libel would apply in this particular case. (10 marks)
- (b) Discuss FOUR possible defenses that your newspaper *The Daily Truth* can use to counter this specific case in court. (10 marks)

QUESTION 4

- a) Kenya has a good Constitution provision on Governance particularly in Chapter Six that focuses on Integrity and Leadership. Discuss FIVE factors that you feel have hampered realization of the good governance that is envisaged by that Chapter. (10 marks)
- b) Apart from the Constitution, explain FIVE sources of the laws of Kenya giving relevant examples. (10 marks)

QUESTION 5

Case Study on Copyright

Maya, a talented musician, composed and recorded a song titled "Echoes of the Night." She registered the song with the Kenya Copyright Board (KECOBO) and uploaded it to her YouTube channel, where it gained popularity. A few months later, Maya discovered that a local radio station, Beat FM, had been playing her song without her permission. She also found out that a popular artist, DJ Kevo, had used parts of her song in his new track "Night Vibes" without crediting her or seeking her consent.

Maya contacted Beat FM and DJ Kevo to demand compensation, but they refused, claiming they didn't know the song was copyrighted. Frustrated, Maya decided to take legal action. She approached KECOBO for assistance and filed a lawsuit against both parties for copyright infringement.

Required

- a) Identify the acts of copyright infringement committed by Beat FM and DJ Kevo, either jointly or individually (4 marks)
- b) Explain TWO reasons why those acts mentioned in 5(a) above constitute infringement under the Kenyan Copyright Act. (4 marks)
- c) Outline FOUR remedies that are available to Maya under Kenyan law. (4 marks)
- d) Can Beat FM or DJ Kevo argue that they were unaware of the copyright? Would this defense hold in court? (4 marks)
- e) Are there any exemptions or defenses (e.g., fair use) that DJ Kevo could rely on for using parts of Maya's song? (4 marks)