



COURSE UNIT CODE: DCM 204

COURSE TITLE: MEDIA LAW & ETHICS

DAY CLASS, THIKA ROAD CAMPUS

END OF SEMESTER EXAMINATION JAN – APRIL 2021

COURSE LECTURER – Ms. ELIZABETH THIGA

Section A – Compulsory Question

Question 1

- a) Explain the difference between slander and libel **(2 marks)**
- b) Discuss three of the Constitutional agencies that are relevant to the media in Kenya **(6 marks)**
- c) List any two outdoor notices which are exempted from licensing according to the proposed County Advertisement Bill 2018 **(2 marks)**

Section B – Answer any three questions

Question 2

As a journalist or other communication professional, one is protected by various provisions in the constitution. List and explain **five** of these provisions **(10 marks)**

Question 3

- a) According to the Films and Stage Plays Act, which two categories of films can be distributed to the public without a license? **(2 marks)**
- b) Discuss four functions of Kenya Copyright Board **(8 marks)**

Question 4

- a) You are the Director of Broadcasting at Mwangaza, a new signal distribution service in Kenya. As you apply for a license to start operations in the country, discuss any three requirements that you must adhere to according to the Kenya Information Communication Act? **(6 marks)**
- b) Identify and explain any two functions of the Media Council of Kenya as set out in the Media Council Act of 2013 **(4 marks)**

Question 5

You are a reporter at Spotlight media. You have received a tip on the corruption at company X. After investigations, you are now ready to publish your story, however company X has privately requested you not to because this will destroy their reputation and donors will withdraw their support. Using the Potter's box, how would you make an ethical decision? **(10 marks)**

Examination paper coverage Check list (Attach the filled checklist to the draft examination paper)
Examination Coverage Checklist

Course Unit code: DCM 204
COURSE TITLE: MEDIA LAW & ETHICS

Number of Students: five
Day/Evening/Weekend (tick appropriately)

Question	Marks	Topic	Subtopic
Q 1.	10	a. Defamation b. Constitution c. Advertising	a. Definition of terms b. Constitutional Agencies Relevant to the Media c. The Proposed County Advertising and Control Bill 2018
Q .2.	10	Constitution	Constitutional Rights
Q.3.	10	a. Regulation of Film Industry b. Intellectual	a. The Films and Stage Plays Act b. The

		1 Property law	Copyright Act of Kenya
Q.4	10	a. Electronic Media Regulations b. Media's Self-Regulation	a. Signal Distribution b. Media Council of Kenya
Q.5	10	Media Ethics	Models of Ethical Decision Making

COURSE SCHEDULE

Date	Topic (Module/Unit)	Learning Outcome	Assigned Readings	Student Activity (DQS/Compendiums/Assignments)
21/01/2021 LIVE COLLABORATE	Introduction to the Course; Understanding Law	#1	Lecture notes Pearson and Polden (2019) Pages 3-27	(Collaborate session to start the class)
28/01/2021 LIVE COLLABORATE	Understanding Ethics • What is ethics • Ethical approaches: Theories and Moral Reasoning	#2, #3	Lecture Notes Pearson and Polden (2019) Pages 3-27	DQ 1
4/02/2021 LIVE COLLABORATE	Provisions that protect the media in Kenya • Right to freedom of the media • Freedom of expression • Right of access to information • Right to fair administrative action	#4	Media Law Handbook for Eastern Africa. Pages 303-313	WC 1

	• Right to privacy • Right to freedom of thought and opinion • Right to freedom of association • Right to freedom of movement • Right to open justice • Provisions regarding the functioning of Parliament • Provisions regarding the functioning of county assemblies • Provisions regarding 'culture.'			
11/02/2021 LIVE COLLABORATE	Constitutional provisions that require media's caution (Potential Areas of Conflict) • The right to human dignity • Privacy • Internal limitations to the right to freedom of expression and the right	#2, #3, #4	Media Law Handbook for Eastern Africa. Pages 313-316 Media Law Handbook for Eastern Africa. Pages 316-324	DQ 2

	to freedom of the media • Limitations on the right to open justice • Exclusion from parliamentary and county assembly sittings • State of emergency provisions Key institutions relevant to the media established under the Kenyan Constitution • The media standards body: The Media Council of Kenya • The Kenya National Human Rights and Equality Commission • The Commission on Administrative Justice • The National Gender and Equality Commission The Ethics and Anti-Corruption Commission • Corruption Commission			
--	--	--	--	--

	• The judiciary The Judicial Service Commission			
18/02/2021 LIVE COLLABORATE	Defamation • Identifying defamation • Defending Defamation ✓ <i>The defense of fair comment to an action for libel</i> ✓ <i>Privilege as a defense for defamation</i> ✓ <i>Remedies for defamation</i> ✓ <i>Defamation of a public body</i>	#4	Pearson and Polden (2019) Pages 217-308 Media Law Handbook for Eastern Africa. Pages 442-448	(DQ3)
25/02/2021 LIVE COLLABORATE	Media and Regulation in Kenya • Self-Regulation • Legislation governing journalists • Legislation governing the print media • Legislation governing the internet • Legislation governing the broadcast media	#2, #4		WC 2

	generally • Legislation that regulates the state broadcaster • Legislation that prohibits the publication of certain kinds of information • Legislation that specifically assists the media in performing its functions			
04/03/2021 LIVE COLLABORATE	Keeping Secrets and Protecting Sources • Confidentiality and sources • Legislation that undermines a journalist's duty to protect sources	#4	Pearson and Polden (2019) Pages 311-352 Media Law Handbook for Eastern Africa. Pages 375	
11/03/2021 LIVE COLLABORATE	Common-Law and the Media in Kenya • Definition of common law • Commentary versus hate speech	#1, #4	Media Law Handbook for Eastern Africa. Pages 433-442	(DQ 4)

	• Contempt of court • The Constitutional right of access to information: non-citizens and juridical persons • The protection of freedom and independence of the media			
18/03/2021	CAT			
25/03/2021 LIVE COLLABORATE	Media Law and Ethics in the Digital Era • Intellectual Property • Privacy • Freelancing and new media entrepreneurship	#4	Pearson and Polden (2019) Pages 401-526	
01/04/2021 LIVE COLLABORATE	Film legislation	#4	Films and Stage Plays Act	DQ 5
08/04/2021 LIVE COLLABORATE	Legislation governing the broadcasting signal distribution	#4	Kenya Information Communication Act	

	Legislation relating to the interception of communication			
15/04/2021 LIVE COLLABORATE	Reviewing the Class		Lecture Notes	Review of the semester via a collaborate session
22/04/2021			EXAM WEEK	