



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

MAIN EXAMINATION

JANUARY – APRIL 2015 TRIMESTER

FACULTY OF LAW

EVENING PROGRAMME

CLS 416: LAW AND JOURNALISM

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Date: April 2015

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

- Q1. a) Since the multi-party era in Kenya, the media has enjoyed a relatively free environment to publish and air content without much interference by the government. This blissful state of affairs however changed drastically with the 2013 amendments to the Kenya Information and Communication Act and the Media Council Act, which now subjects journalists and media houses to the watch of a quasi-government today. Analyze the so called 'drastic changes' and how they affect press freedom in Kenya. **(20 marks)**
- b) What is the role of the Media Council created under the Media Council Act 2013? **(10 marks)**
- Q2. Examine the rationale behind the law of contempt of court (criminal). Does it inhibit the right to access information as provided for in Article 35 of the Constitution? **(20 marks)**
- Q3. Write explanatory notes on any of two of the following:
- a) The Peter Zenger Case
 - b) Defamatory innuendo
 - c) Digital Migration Petition
 - d) Disadvantages of social media as a source of news
- (20 marks)**

Q4. The offence of defamation is the harm caused to reputation of a person; it must involve an imputation made with the intention of harming. Defamation may take the form of either slander or libel. With the help of relevant examples, explain when slander is actionable without proof of damage, and when privilege can be invoked as a defense in defamation. **(20 marks)**

Q5. “Digitalization of the media has introduced numerous changes to the way the media operates in Kenya. It has offered opportunities for greater interactions between producers and consumers of information. It has also enhanced opportunities for people to produce content and perhaps challenge the power of established media but despite these arguments, it is sometimes difficult to vouch for the quality of news, especially that which is sourced from citizen journalism sites and blogs” Discuss this statement and the legal loophole that exists in ‘Citizen Journalism’.

(20 marks)

END