

2018/19

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FLB 305

- 1 Read the following extract and answer the following questions -

"On 20<sup>th</sup> November 2120, Msema Ukweli, a Media house in Ndaga aired an investigative piece that detailed the corruption in government. It particularly illustrated how the ruling elites exploited their positions to win government contracts. In the report, they gave instances where this group of people falsified records so that they could get payment for supplying 'air' to government agencies.

Quoting a private source who said 'it is the perfect example of kleptocracy and state capture. They are a dangerous lot who will stop at nothing to get what they want. I don't even know whether I will live because I have spoken with you.' Two days after he spoke to the Msema Kveli investigators, he was killed in a suspect road accident. Before airing the investigative piece, the investigators called upon those adversely mentioned to respond to some of the allegations, but they all declined to comment. Instead they warned of dire consequences if that piece was aired.

One day after airing the piece, Ndaga Communications Authority (NCA) issued an order suspending the broadcasting licence of Msema Kveli and switching off all its TV and Radio station signals. The owner of the Media house, the CEO, and the investigative journalists were then arrested and held incommunicado. Nothing has since been heard from them for the last two weeks. The tension in Ndaga is high. There are protests every day, each succeeding one becoming more violent."

- *Mashahidi News Reporter*, 5<sup>th</sup> December 2120.

- a) If this were to happen in Kenya, would the investigative piece be protected under the Constitution of Kenya?

10 Marks

- b) You have been approached by the Msema Kveli media house to advise on the possible ways they can resolve this dispute. Advise accordingly.

15 Marks

- 2 Considering the Competition Act, 2009, the Kenya Information and Communications Act (1998) and the Kenya Information and Communications (Consumer Protection) Regulations, 2010 give a detailed account how these legislations provide for fair competition, equality, and consumer protection in the Media Sector.

15 Marks

- 3 It has been stated that the media and the judiciary have a love-hate relationship that is so confusing it is not possible to establish the parameters of media freedom in Kenya. Using decided cases, discuss this assertion.

15 Marks

(in)

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- 4 "While the Constitutional provision on the freedom of expression and of the media is an ideal that we seek, so many laws in Kenya make it merely aspirational. While these laws remain in the Kenyan law books, it would not be possible to meaningfully realize the right to freedom of expression and that of the media."

Anonymous.

Discuss.

15 Marks.

- 5 Briefly highlight the development and challenges to freedom of expression and the media in the colonial and post-colonial Kenya up to 1978.

15 Marks

- 6 Answer the following question

a) What is the function, composition of the Complaints Commission? How does it do  
l to the University for the Graduation  
se the Mace to Ms. Esther Wanjiru  
at the Main  
Regulate Digital Media?

10 Marks

5 Marks.

11<sup>th</sup> August, 2021

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CITY  
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(DEVELOPMENT)