

**FEDERAL UNIVERSITY OF TECHNOLOGY, MINNA**  
**SCHOOL OF INFORMATION AND COMMUNICATION TECHNOLOGY**  
**DEPARTMENT OF INFORMATION AND MEDIA TECHNOLOGY**  
**FIRST SEMESTER EXAMINATION 2019/2020 SESSION**

**COURSE TITLE:** MEDIA LAW AND ETHICS

**COURSE CODE:** MCT412

**INSTRUCTION:** Answer two questions in Section A and any One question in Section B.

**TIME:** 2hr 30mins

**MARKING SCHEME**

**SECTION A**

**QUESTION ONE**

- a) 1. Comments on Paragraph 1 of the request listing the items requested
- i. Section 19(1)(a)- test questions, scoring keys and other examination data is exempted. Applicant can be denied.
  - ii. Section 16 Legal Practitioners-Client communication is privileged. Application can be denied
  - iii. Section 12(a)(iv) Information that may obstruct ongoing criminal investigation is exempted. The application can be denied.
  - iv. Written permission is outside the scope of the FOI Act.
  - v. Same as in item (iv) above.
2. Comment on Paragraph 2;  
Section 1(2) Applicant need not demonstrate any special interest in the information being requested.
3. Comment on Paragraph 3;  
Section 1(1) The right of access to information accrues to persons. Individuals are not excluded.
4. Comment on Paragraph 4;  
Section 4. The Act provides 7 days within which to respond. Applicant cannot abridge the time with threat of court action. 8 marks
- b) i. Section 2(2) Information on University website satisfies duty of proactive disclosure.
- ii. Section 20. The Act provides for the applicant's right to go to court only within 30 days of application. Waiting for up to 2 months, he has lost that right. 2 marks
- c) Any two of
- (i) Guarantees right of access to information held by public institutions
  - (ii) Protects whistle blowers
  - (iii) Provides for information needs of illiterates and disabled
  - (iv) Monitoring allocation and flow of scarce public resources
  - (v) Factual reporting of the media as against the culture of rumour and conspiracy

2 marks

d) Any two of

- (i) Exclusion of private sector in its application
- (ii) Too many exemptions
- (iii) Conflict of FOI Act with other laws e.g. Official Secret Act etc

2 marks

e) (i)

Proactive	Responsive
1. Duty to make certain information accessible without request	Duty to make certain information accessible on request
2. Applicant has right to go to court without recourse to the institution	Not applicable

3 marks

(ii)

FOIA	OSA
1. Concerned with making public records and information more freely available as will be consistent with public interest and protection of personal privacy	Concerned with public safety by restricting classified or security related information

3 marks

Total 20 marks

## QUESTION TWO

a) Plagiarism/Copyright infringement

2 marks

b) Any two of;

- i. Words and short phrases e.g. Names, titles, slogans.
- ii. Works designed for recording information e.g. graph-books, diaries and cheques etc.
- iii. Ideas, plans, methods as distinguished from the particular manner in which they are recorded or expressed
- iv. Information that are common property and of no owner e.g. calendars, tape measures, rulers etc.
- v. Indecent, immoral and illegal works.

3 marks

c) i. Originality

- ii. Fixation 4 marks
- d) i. Damages
- ii. Injunctions
- iii. Delivery up
- iv. Account of profit 4 marks
- e) Fair usage or fair dealing 2½ marks
- f) Any three of;
  - i. Doing or causing to be done act which is controlled by copyright.
  - ii. Public exhibition
  - iii. Distribution by trade, sales or hire.
  - iv. Importation for commercial purpose.
  - v. Making or being in possession thereof.
  - vi. Permitting a place to be used.
  - vii. Performing or causing to be performed. 4½ marks

Total 20 marks

### QUESTION THREE

- a) i. Ownership of Media: The constitution in Section 39 provides for ownership of the media but the NBC Act excludes individual from owning media stations. Only incorporated companies can own media outfits. Hence, Alh. Kudu's application for permit was rightly rejected.

ii. Ownership of Media: Political parties are excluded by the NBC Act from owning media. Dr. Anebi's Money Making Movement (MMM)'s application for permit will also be rejected.

iii. Defamation: Mr. Nwaolise has defamed the character of Chief Nwaebili. Chief Nwaebili can sue for Libel. 4.5marks

- b) i. The statement is defamatory
- ii. The statement is published to a third party
- iii. The words refer to the plaintiff 3marks

- c) Any 5 of the following:
- i. Justification
  - ii. Fair Comment
  - iii. Privilege
  - iv. Unintended Defamation
  - v. Res Judicata
  - vi. Volenti non fit injuria 2.5marks



- d) Generally, plaintiff is liable for publication not republication except if he authorised it, intended it and/or if republication is the natural and probable result of publication.

3marks

- e) i. Right to freedom of expression Section 39

ii. Right to privacy Section 37

3marks

- f) i. Vulgar abuse are unpleasant words, insults or invectives emotionally used during disagreements, quarrels and altercations.

ii. Vulgar abuse is not defamatory.

4marks

Total 20 marks

## SECTION B

### QUESTION FOUR

- a) No

½ marks

- b) i. Problem of power balance i.e making journalistic independence.

ii. Conflict of interest

iii. Reputation problem

3marks

- c) Any six of honesty, integrity, promise keeping, fidelity, fairness, caring for others, respect for others, responsible citizenship, accountability, objectivity, truth, pursuit of excellence.

3marks

- d) Any five of;

i. Ethics concerns ideal behaviour but law defines minimum standards.

ii. Law is curative, corrective but ethics is preventive.

iii. Violation of law is punishable but that of ethics is not.

iv. Laws are to be broken for higher ethical values but ethics are only exchanged with other ethical values.

v. Laws is society imposed; ethics is self-imposed.

vi. Laws unlike ethics have a definitive effective date.

vii. Law is amended repealed, ethics is continuous.

viii. Law unlike ethics have formal institutions.

7½ marks

- e) Any four of;

i. Limited space and abridgement of stories

ii. Laziness of reporter

iii. Lack of openness of news source

iv. Conflict of interest

v. Editing control and policy

vi. Advertisers influence

vii. Government pressure.

4marks

- f) Morality is the sense of rightness and wrongness but ethics is the rational application of principles when two moral obligations collide

2marks

Total 20marks

### QUESTION FIVE

- a) (i) Relationship with sources – students to raise the issues of confidentiality, honesty, use of undercover techniques, keeping professional distance with sources etc  
(ii) The ethical problem of helping the police versus confidentiality of source to be raised by students

5 marks

b) Students are to discuss the ethical problems in journalism. In the instant case, the problems are those of loyalty, bias commitment and conflict of interest. The journalist in this scenario is confronted with the truth and the interest of his editor and benefactors. Students are to show which way should be taken and why.

c) Any four of the following;

i. International Instruments

ii. CFRN 1999 (as amended)

iii. Statutes

iv. Ethical guidelines

v. Informal Restraints

d) Students to discuss any two of:

- (i) Truth (publishable and unpublishable)
- (ii) Fairness (how to ensure fairness)
- (iii) Objectivity (obstacles to objectivity)
- (iv) Accuracy
- (v) Independence etc

4marks

e) Any two of the following;

- (i) National Broadcasting Commission Act
- (ii) National Communication Commission Act
- (iii) Copyrights Act
- (iv) Freedom of Information Act
- (v) Electoral Act
- (vi) Nigerian Press Council Act
- (vii) Obscene Publication Act
- (viii) Official Secret Act etc

2marks

Total – 20 marks.