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KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY
UNIVERSITY EXAMINATION, 2017/2018 ACADEMIC YEAR
DIPLOMA IN PROCUREMENT AND SUPPLIES MANAGEMENT
DBA 1106- ELEMENTS OF LAW

Date: 13th August 2018
Time: 8.30 Am- 10.30 Am

INSTRUCTIONS TO CANDIDATES

ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS

QUESTION ONE (30 MARKS)

- a) Define Constitution and state at least two contents of the Kenyan constitution. (4 Marks)
- b) Discuss the unincorporated associations as captured in the Law of Person. (4 Marks)
- c) A Kenyan citizen can lose by deprivation. This only applies to those who acquired it by registration or naturalization (6 Marks)
- d) Tortious liability can be determined on the basis of the Fault Principle. However three elements are relevant in the determination of Fault and any one of them may apply. Discuss. (6 Marks)
- e) Discuss the provisions of Employment Act part IV in regards to juveniles and women. (6 Marks)
- f) Explain the differences between ;
 - i) Written laws and Unwritten Laws
 - ii) State laws from Moral law (4 Marks)

QUESTION TWO (20 MARKS)

- a) 'A' engaged 'B' to murder 'C' and borrowed sh 20,000 from 'D' to pay 'B'. 'D' was not aware of the purpose of the loan. Explain the nature of the contracts in this case. (8 Marks)
- b) Explain the following types of contracts,
 - i) Implied and expressed contracts
 - ii) Valid void and voidable contracts
 - iii) Illegal contracts (12 Marks)

QUESTION THREE (20 MARKS)

- a) Gichangi Matu is being sued in a case of tort. Advise him on the general defenses that may be at his disposal. (8 Marks)
- ii) Suppose that he is the manager at Hell's gate where a warning hang on the gate "ENTER AT YOUR OWN RISK" and Risper an explorer got hurt by a rolling stone while on her visit and is now suing . Advise Mr. Matu. (6 Marks)
- b) The main function of the Law of Tort is to compensate persons injured by civil wrongs committed to them by tortfeasors. Explain other functions of this Law. (6 Marks)

QUESTION FOUR (20 MARKS)

- a) Describe ways in which corporations can be created giving relevant examples in the Kenyan case. (8 Marks)
- b) With the aid of a well labeled diagram explain the Kenyan Courts structure and outline the jurisdiction of each court. (12 Marks)

QUESTION FIVE (20 MARKS)

- a) Describe the various types of leaves that employees are entitled to. (8 Marks)
- b) Section 17 of Employment Act provides conditions where summary dismissal is justified. State these circumstances. (6 Marks)
- c) Explain the rights of employees in the event of termination of contract of employment. (6 Marks)