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**KIRIRI WOMEN'S UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**UNIVERSITY EXAMINATION, 2024/2025 ACADEMIC YEAR**  
**FIRST YEAR, FIRST SEMESTER EXAMINATION**  
**FOR THE DIPLOMA IN HUMAN RESOURCE MANAGEMENT**  
**DBA 1101: BUSINESS LAW**

Date: 11<sup>TH</sup> APRIL 2024  
Time: 11:30AM-1:30PM

**INSTRUCTIONS TO CANDIDATES**

**ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS**

**QUESTION ONE (30 MARKS)**

Mr. Ntulele was a wealthy Member of Parliament from Narok County. He owned tracts of land, apartments in various towns, three schools, three homes, many vehicles and tractors among others. He also left a lot of money in his bank accounts when he passed on. His first wife Naomi Kemunto had passed on in 2000 leaving behind 6 children. He married a second wife, Rose Amilele in the year 2001 who gave birth to one child before the death of Mr. Ntulele in the year 2020. Before his demise, Mr. Ntulele wrote a will distributing his property amongst his 7 children and the wife Rose. However, upon his death, Rose attempted to disown the first wife's children claiming that their mother was not from Narok and therefore they should go to their mother's land to inherit property there. She even kicked them out of their home in Njehia. The children went to court to demand for the share of their father's property that they had been allocated in the will.

- a) Highlight the beneficiaries and distribution of the estate according to Mr. Ntulele's will. (5 Marks)
- b) Evaluate Rose Amilele's actions in attempting to disown Naomi Kemunto's children and their legal rights to inheritance. (5 Marks)
- c) Analyze the legal arguments that could be made by Naomi Kemunto's children in court to support their claim to their father's estate. (5 Marks)
- d) Explain the legal principles governing inheritance rights of children from multiple marriages in Kenya. (5 Marks)
- e) Discuss the potential role of the courts in resolving disputes over Mr. Ntulele's estate and ensuring fair distribution among the beneficiaries. (5 Marks)
- f) Evaluate the challenges faced by blended families in estate planning and succession, citing examples from the case study. (5 Marks)

**QUESTION TWO (20 MARKS)**

- a) Evaluate the role of public participation in the law-making process in Kenya. (6 Marks)
- b) Describe the various jurisdictions of the supreme court as spelt out in the laws of Kenya. (6 Marks)
- c) Using relevant examples, discuss the various types of easements as recognized in the Kenyan law. (8 Marks)

**QUESTION THREE (20 MARKS)**

- a) Discuss the stages involved in the development of statutes in Kenya. (8 Marks)
- b) You have been requested to give a talk on business law. Examine the classification of law in Kenya. (6 Marks)
- c) Discuss the circumstances under which a contract may be deemed void or voidable under Kenyan law. (6 Marks)

**QUESTION FOUR (20 MARKS)**

- a) Providing relevant examples, discuss the different categories of torts recognized in Kenyan law. (8 Marks)
- b) An agent comes into existence once an agency relationship is created. Examine four ways in which an agency relationship may be created. (8 Marks)
- c) Evaluate the capacity of parties to enter into contracts in Kenya. (4 Marks)

**QUESTION FIVE (20 MARKS)**

- a) A negotiable instrument is a document which represents money. Using relevant examples, examine the various types of negotiable instruments. (8 Marks)
- b) Explain the doctrine of privity of contract and its implications for third-party rights in Kenyan contract law. (6 Marks)
- c) Describe the responsibility of employees towards the employers as provided for in the employment Act, 2007. (6 Marks)