



PAN AFRICA CHRISTIAN UNIVERSITY

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

**END OF SEMESTER EXAMINATION FOR THE DEGREE OF
BACHELOR OF ARTS IN COMMUNITY DEVELOPMENT**

JANUARY APRIL 2024

CAMPUS: ROYSAMBU

DEPARTMENT: COMMUNITY DEVELOPMENT

COURSE CODE: BCSL 116

COURSE TITLE: INTRODUCTION TO KENYAN LAW AND LEGAL SYSTEM

EXAM DATE: THURSDAY 4th APRIL 2024

DURATION: 3 HOURS

TIME: 2.00 PM-5:00PM

INSTRUCTIONS

- Read the instructions and questions carefully before you write the answers.
- **Answer any TWO questions**
- *ALL PAC University's examination rules and regulations apply*

Question One

The National Assembly of Kenya was reviewing and amending its environmental protection laws. The members of parliament were faced with the challenge of addressing emerging environmental issues, such as climate change and pollution, while considering the economic interests of businesses. They learn that you attended a class on legal systems and can help them strike a balance between environmental conservation and economic development. Using this scenario attempt the following question;

- a) Evaluate any three roles of law in society (6 Marks).
- b) Discuss any three (3) the sources of law in Kenya (6 Marks)
- c) Using examples evaluate any four types of Law in Kenya (8 marks).

Question Two

- a) Discuss any five steps that are used in the making or unmaking of a Statute in Kenya (10 Marks)
- b) Analyze any five Courts in the Kenyan Court Structure (10 Marks)

Question Three

A prominent social media influencer, Situmbi Nisden, made a post on all his platforms alleging that she had been a victim of defamation. He claimed that false and damaging statements about his character have been disseminated online, causing harm to his personal and professional reputation. The case has gained public attention, and it involves complex legal issues related to freedom of speech, online platforms' responsibilities, and the evolving nature of defamation in the digital age.

- a) Discuss any three attributes that judges should possess in hearing the cases brought by Situmbi Nisden (6 Marks)
- b) Evaluate three responsibilities of lawyers in Kenya involved in the case (6 Marks)
- c) Discuss any four steps taken in a criminal trial (8 Marks)

THE END

End of Semester Examination

January -April 2024

BCSL 116 Introduction to Kenyan Law and Legal System

Marking Scheme

Question One

- d) Evaluate the any three roles of law in society (6 Marks)

Ordering society

Provide avenue for resolution of disputes

Protection of individual rights

Promotion of justice

Social cohesion and stability

Regulating conduct and redressing for wrongs

Tool of economic development

Social change

International relations

Discussing any three will attract 2 marks for each role

- e) Discuss any three (3) the sources of law in Kenya (6 Marks)

Constitution of Kenya

International law

Statute

Customary law

Common law

Principles of equity

2 marks for any one source of law discussed

- f) Using examples evaluate any four types of Law in Kenya (8 marks)

National (municipal) and International law

Constitutional and administrative law

Criminal and civil;
Substantive and procedural;
Constitutional & Administrative;
Human Rights Law & Civil;
2 marks for any four types of law discussed

Question Two

c) Discuss any five steps that are used in the making or unmaking of a Statute in Kenya (10 Marks)

- i) Drafting bill*
- ii) First reading*
- iii) Committee stage*
- iv) Second reading*
- v) Committee Stage*
- vi) Public participation*
- vii) Third reading and debate*
- viii) Voting on bill*
- ix) Assent by the president*

2 marks for a discussion on any five steps

d) Critically analyze five Courts in the Kenyan Court Structure (10 Marks)

(Subordinate Courts)

Magistrate Court

Kadhi Courts

Tribunals

(Superior Courts)

High Court (Divisions of the Court)

Special High Courts (Land and Labor Court)

Court of Appeal

Supreme Court

2 marks for each court analyzed to a maximum of five.

Question Three

a) Discuss any three attributes that judges should possess in hearing the cases brought by Situmbi Nisden (6 Marks)

Integrity
Patience
Pragmatic
Integrity
Impartiality
Independence
Fairness among others

Two marks for any three discussed

b) Evaluate the responsibilities of lawyers in Kenya (6 Marks)

Advising clients
Actively listening to clients
Interpreting the law
Representing clients
Drafting pleadings
2 marks for a discussion of any three responsibilities

c) Discuss any four steps taken in a criminal trial (8 Marks)

Arrest
Arraignment
Plea
Pre-trial
Hearing of witnesses
Case to answer
Defense hearing
Sentencing
Appeals
2 marks for any four steps discussed

