



MACHAKOS UNIVERSITY

University Examinations for 2022/2023 Academic Year

**SCHOOL OF BUSINESS, ECONOMICS AND HOSPITALITY AND TOURISM
MANAGEMENT**

DEPARTMENT OF BUSINESS ADMINISTRATION AND FINANCE

SECOND YEAR FIRST SEMESTER EXAMINATION FOR

BACHELOR OF COMMERCE

SAC 201: PRINCIPLES OF LAW

DATE:

TIME:

INSTRUCTIONS

**SCHOOL OF BUSINESS, ECONOMICS AND HOSPITALITY AND TOURISM
MANAGEMENT**

QUESTION ONE

Each law is a formulated will of the state, backed by the sovereign power of the State. It is a command of the State backed by its coercive power. Violation of law is punished by the State. It is through its laws that the State carries out all its functions. The law serves many purposes and functions in society. Sources of law are the origins of laws, the binding rules that enable any state to govern its territory. These laws may originate from customs other acceptable sources.

Each particular country or community has a system of rules recognized as regulating the actions of its members and enforced by the imposition of penalties. State is sovereign. Sovereignty is its exclusive and most important element. It has the supreme power of the state over all its people and territories. The State exercises its sovereign power through its laws. The Government of the State is machinery for making and enforcing laws

In the case of Karuru v. Njeri, the parties who belonged to kikuyu ethnic group married under customs and had two children. In the divorce case, each party sought the custody of the children. Karuru had not applied for the return of the bride price. The district magistrate court awarded custody to Njeri as per kikuyu customs.

The law of equity is a set of rules created by the courts of Chancery in order to mitigate the harshness that the common law system provided to the country. There is a certain relationship between the common law and equity. A contract is written or spoken agreement, especially one concerning employment, sales, or tenancy that has intended to be enforceable by law.

In the light of the above information

QUESTION ONE (COMPULSORY) (30 MARKS)

- a) Explain the grounds for judicial review in Kenya (5 marks)
- b) Explain the justification of law in Kenya (5 marks)
- c) Explain term sources of law and highlight main sources of law in Kenya as indicated in judicature act. (10 marks)
- d) Explain the main branches of civil law in Kenya (10 marks)

QUESTION TWO (20 MARKS)

- a) Describe the vitiating factors of a contract (10 marks)
- b) Argument has it that equity developed to supplement the shortcoming in the common law. Discuss the shortcomings of the common law. (10 marks)

QUESTION THREE (20 MARKS)

- a) Differentiate crime and civil wrong (10 marks)
- b) Explain the composition and jurisdiction of Supreme Court of Kenya (10 marks)

QUESTION FOUR (20 MARKS)

- a) Explain how a contract is discharged (10 marks)
- b) Identify the general defenses in tort (10 marks)

QUESTION FIVE (20 MARKS)

- a) Discuss the remedies for breach of contract (10 marks)
- b) Explain the limitations of African customary law as a source of law in Kenya (10 marks)