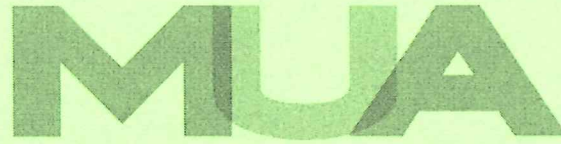


The
Management
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UNDERGRADUATE UNIVERSITY EXAMINATIONS

SCHOOL OF MANAGEMENT AND LEADERSHIP

DEGREE OF BACHELOR OF ARTS IN DEVELOPMENT STUDIES

PMT 402: LEGAL AND COMMUNITY ISSUES IN PROJECT MANAGEMENT

DATE: 9TH AUGUST 2024

DURATION: 2 HOURS

MAXIMUM MARKS: 70

INSTRUCTIONS:

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **SIX (6)** questions.
4. Question **ONE** is compulsory.
5. Answer any other **THREE** questions.
6. Question **ONE** carries **25 MARKS** and the rest carry **15 MARKS** each.
7. Write all your answers in the Examination answer booklet provided.

QUESTION ONE

Read the Case Study below carefully and answer the questions that follow:

WORLD BANK INVOLVEMENT IN PROJECT FUNDING

The upsurge in commitment to participatory processes in development which recent years have witnessed is truly phenomenal. The reality is acknowledged by the UNDP's *Human Development Report* (1993) in its very opening sentence: 'People's participation is becoming the central issue of our time' (UNDP, 1993). Participatory development is now inscribed as an essential goal on agendas of practically all development agencies-international, governmental and private. A widely shared view in the development community is that without the commitment, creativity, energy and involvement of the people, the pace of development will not accelerate.

Established in 1944, the World Bank Group (WBG) is one of the world's largest sources of projects funding and knowledge for development solutions. In fiscal year 2018, the WBG committed \$67 billion in loans, grants, equity investments and guarantees to its members and private businesses, of which \$24 billion was concessional finance to its poorest members. It is governed by 188-member countries and delivers services out of 120 offices with nearly 15,000 staff located globally. The World Bank Group consists of five specialized institutions: the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Centre for the Settlement of Investment Disputes (ICSID).

In Kenya, the World Bank's purpose is to provide financing and technical assistance to county governments, citizens, and other stakeholders and also basic information on existing and planned World Bank-financed projects in their counties, in order help the public understand where these projects are active, to assist counties take account of these projects as they plan and budget their development programs, to improve coordination between counties and national agencies, and improve the harmonization of development. The World Bank is a vital source of financial and technical assistance to developing countries around the world. World Bank is not a

bank in the ordinary sense but a unique partnership to reduce poverty and support development.

Required:

- a) Discuss any five factors that may influence World Bank's involvement in projects in Kenya. (10 marks)
- b) Critically analyze any five benefits of participatory development. (10 marks)
- c) Briefly explain any five legal issues in fundraising activities in Kenya. (5 marks)

QUESTION TWO

- a) 'Without consideration, a contract between parties A and B is simply a gratuitous promise that is not enforceable'. Explain (5 marks)
- b) Thomas was injured in a road accident along Mombasa Road due to the negligence of the driver of motor vehicle registration number MV0001. He was hospitalized for 3 months during which time he lost business income of Kshs 10,000/= per week. He sustained serious injuries that required several surgical procedures. He has now sued the driver and the owner of the motor vehicle under the tort of negligence. In view of this excerpt:
 - i. Define the term 'Negligence' (3 marks)
 - ii. Elaborate on the elements of negligence that Thomas must prove to succeed in an action of negligence. (4 marks)
 - iii. Enumerate any three categories of damages that Thomas would be entitled to in the event of succeeding in his action. (3 marks)

QUESTION THREE

- a) Briefly explain any three tools are used by the Kenyan public to engage in the legislative activities of Parliament. (6 marks)
- b) In relation to the style of determining law by following precedent, briefly explain the principle of *stare decisis*. (9 marks)

QUESTION FOUR

- a) Discuss any five ways an insurance contract may be terminated. (10 marks)
- b) In relation to the law of property, differentiate between joint tenancy and tenancy in common. (5 marks)

QUESTION FIVE

- a) Enumerate any five statutes that are designed to protect employees in Kenya, citing how employees are protected. (10 marks)
- b) Elaborate on any five functions of the Rent Tribunal in Kenya. (5 marks)

QUESTION SIX

- a) Briefly explain any five branches of civil law in Kenya. (5 marks)
- b) Describe five mechanisms for protection of the environment under the Environmental Management and Co-ordination Act, No. 8 of 1999. (10 marks)