

RIARA LAW SCHOOL

UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE

PROPERTY THEORY: RLB 202

EXAMINER: Ms. ELIZABETH GITARI-MITARU

INSTRUCTIONS

1. This is the final examination in Property Theory. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has THREE questions. Please answer ALL THREE QUESTIONS.
3. Time allocated for this examination is TWO (2) hours.
4. Write your REGISTRATION NO. Clearly on the answer booklet(s). Questions in all sections should be answered in answer booklet(s)
5. PLEASE start the answer to EACH question on a NEW PAGE.
6. For the questions, write the number of the question on the answer booklet(s) in the order you answered.
7. Write on both sides of each leaf and indicate the number of each question at the top of each page.
8. All rough work must be done on the answer booklet and crossed through!
9. Use supplementary pages only when you have exhausted those in this book.
10. Fasten the supplementary pages to the inside back cover of this booklet.
11. This examination is governed by the Riara University Academic Honesty Regulations. Students who violate those regulations will be penalised. Students have an obligation to report to the course instructor any incidences of academic dishonesty compromising the integrity of this examination.

QUESTION ONE (30 MARKS)

A local community in Kenya, historically reliant on customary land tenure systems, is facing significant challenges due to a recent influx of external investors. These

investors have acquired large tracts of land through government-issued freehold titles, leading to the displacement of the community members who lack formal land registration documents. The community claims ancestral rights to the land based on customary tenure, which has not been formally recognized by the state.

The community approaches you seeking advice on how to secure their land rights and address the situation with the investors and the government.

- Analyse the scenario using the perspectives of Marxist, Lockean, and Humean theories on property.
- Explain the legal frameworks in Kenya that could be relevant in resolving this conflict, particularly focusing on customary land rights and formal land registration.
- Propose a comprehensive legal and policy-based solution to address the community's land rights and the investors' claims.

QUESTION TWO (20 MARKS)

Discuss the fundamental principles of property rights according to John Locke and Karl Marx. Compare and contrast their views on the justification and purpose of property. How do these principles reflect in contemporary property laws and practices in Kenya?

QUESTION 3 (20 Marks)

Discuss five contemporary challenges of property rights and how property theory may be advanced to resolve these issues.