



MAASAI MARA UNIVERSITY

**REGULAR UNIVERSITY EXAMINATIONS
2017/2018 ACADEMIC YEAR
DOCTOR OF PHILOSOPHY SECOND SEMESTER**

**SCHOOL OF EDUCATION
DOCTOR OF PHILOSOPHY (EDUCATIONAL
ADMINISTRATION)**

**COURSE CODE: EMP 908
COURSE TITLE: LEGAL ASPECTS IN
EDUCATION**

DATE: 25/04/2018

TIME: 0830 – 1030HRS

INSTRUCTIONS TO CANDIDATES

- *Answer any THREE questions.*
- *ALL Questions Carry Equal Marks*

This paper consists of 2 printed pages. Please turn over

QUESTION ONE

In the laws of Kenya, The Persons with disability Act, 2003: PART III-RIGHTS AND THE PRIVILEGES OF PERSONS WITH DISABILITY, section 12(3), it is stated that “An Employee with a disability shall be entitled to exemption from tax on all income accruing from his Employment”.

a). Why are most employees (teachers inclusive) not benefiting from this right?
(10marks)

b). Explain how teachers with a disability should benefit from this right
(10marks)

QUESTION TWO

Discuss the justification for the outlawed corporal punishment in Kenyan Schools
(20marks)

QUESTION THREE

Critique the Teachers Service Commission’s directive on annual leave for teachers in the service, that, “Annual leave shall be taken during holidays and shall not be accumulated to be carried year to year
(20marks)

QUESTION FOUR

According to the Constitution of Kenya, Article 32:(2) provides for Freedom of Worship, that “Every person has the right, either individually or in community with others, in public or in private, to manifest any religion or belief through worship, practice or observance” Discuss why this legislation is highly flouted by the Secondary Schools Administration
(20marks)

QUESTION FIVE

a) The Teachers Service Commission Code of Conduct and Ethics (published as Legal Notice no. 137, 2003) Section 15, article 1(a) states that “A public officer (Teachers inclusive) shall not charge any fee for tuition of a student (i.e. Private Teaching) even if the tuition is given outside the official working hours”. Explain why this delegated legislation is highly flouted
(20marks)