



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

AUGUST - DECEMBER 2014 TRIMESTER

FACULTY OF LAW

EVENING PROGRAMME

CLS 316: RESEARCH METHODS

Date: DECEMBER 2014

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any other Two .

- Q1. The case of *Kimani v Gikanga* (1965) EA 735 established that matter of Necessity, customary law must be accurately and definitely established. In effect, customary law was determined to be a matter of fact, and every time it is raised in court, it must be proven. Is customary law true law in view of this holding? **(30 marks)**
- Q2. Lord Denning confirmed in the case of *Nyali Limited v Attorney General* (1956) AI QB 1 against indiscriminate use of common law. What was his position and was he right? **(20 marks)**
- Q3. Why are students required to include a 'literature review' section in their proposals? **(20 marks)**
- Q4. What are the challenges associated with electronic legal research? **(20 marks)**
- Q5. Convergent thinking is one of the approaches towards decision making. Does Convergent thinking work best with deliberation or with intuition? Explain your answer. **(20 marks)**