



**TECHNICAL UNIVERSITY OF MOMBASA**  
***Faculty of Business and Social Studies***

DEPARTMENT OF ENVIRONMENTAL SCIENCE

UNIVERSITY EXAMINATIONS FOR DEGREE IN  
BACHELOR OF SCIENCE IN COMMUNITY HEALTH

**APH 4312: LAW AND ETHICS IN COMMUNITY HEALTH**

SPECIAL/SUPPLEMENTARY EXAMINATIONS

**SERIES: MARCH 2015**

**TIME: 2 HOURS**

**INSTRUCTIONS:**

- Answer Question **ONE (Compulsory)** and any other **TWO** questions.
- Do not write on the question paper

***This paper consists of Two printed pages***

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**QUESTION 1 (Compulsory)**

- a) Define the term tort and clearly explain its consultative elements. **(6 marks)**
- b) Define defamation as a tort and explain its relevance in community health. **(6 marks)**
- c) State **SIX** acts that can amount to a nuisance within the meaning of Sec 118 of the Public Health Act Cap 242 LOK. **(6 marks)**
- d) Highlight at least **THREE** fundamental rights that may be infringed by community health interventions. Clearly explaining how the infringement may occur. **(6 marks)**
- e) Distinguish private nuisance from public nuisance. **(5 marks)**

## QUESTION 2

- a) Discuss the link between human right violation and the transmission of HIV and AIDS in Kenya. **(10 marks)**
- b) “The state has an obligation to ensure, the health of the populations”. Explain the legal measures that the Kenyan governments has employed to ensure the promotion of community health. **(10 marks)**

## QUESTION 3

- a) Discuss why you think community health can be promoted through an effective environmental regulatory regime. **(10 marks)**
- b) “In the course of carrying out certain activities community health workers may find themselves facing suits on tortures liability’ candidly identify and explain what defences they may relied on. **(10 marks)**

## QUESTION 4

- a) Discuss any **FIVE** functions of the Kenyan Human rights and equality commission. **(10 marks)**
- b) Explain to what extent the above commission has been able to realize its mandate, clearly indicate the reasons for the success and failure. **(10 marks)**

## QUESTION 5

- a) Explain the role of criminal law in community health. **(10 marks)**
- b) Give at least **FIVE** reasons why criminal law has been criticized as a tool to control HIV and AIDS transmission. **(10 marks)**