



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**FIRST YEAR EXAMINATION FOR THE AWARD OF**  
**THE DEGREE OF BACHELOR OF LAWS**  
**FIRST SEMESTER, 2023/2024**  
**(AUGUST-DECEMBER, 2023)**

**LLBK 114: CONSTITUTIONAL LAW I**

**STREAM: Y1 S1**

**TIME: 2 HOURS**

**DAY: WEDNESDAY, 12:00 – 2:00 PM**

**DATE: 13/12/2023**

**INSTRUCTIONS**

- 1. Do not write anything on this question paper.**
- 2. Answer Question ONE (COMPULSORY) and any other TWO questions.**
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.**

**QUESTION ONE**

A Constitution has been defined by Prof. Kanyeihamba as ‘A systemized, codified and orderly set of core rules.

- a) Using relevant case law, discuss the concept of Constitutionalism and its importance. **(10 marks)**
- b) List the features of a good constitution and critically discuss whether Kenya has a good Constitution. **(20 marks)**

**QUESTION TWO**

- a) By way of example, explain the difference between a written and an unwritten Constitution. **(10 marks)**
- b) Give advantages and disadvantages of each of the above Constitutions. **(10 marks)**

### **QUESTION THREE**

Define what a democracy is and critically discuss the difference between a representative democracy and a direct democracy. **(20 marks)**

### **QUESTION FOUR**

Prof. Dicey in his book 'The Law and the Constitution' identifies three distinct concepts on the rule of law. According to Dicey, the rule of law prevails where 'no man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of the law ...'. Based on Dicey's exposition, discuss the three principles on the rule of law. **(20 marks)**

### **QUESTION FIVE**

Discuss the concept of separation of powers and how it has played a role in defining the roles and responsibilities of the three arms of government in Kenya. **(20 marks)**