



**FIRST YEAR EXAMINATION FOR THE AWARD OF THE  
DIPLOMA IN LAWS  
FIRST SEMESTER, 2022/2023  
(SEPTEMBER-DECEMBER, 2022)**

**DLAW 0111: GENERAL PRINCIPLES OF CONSTITUTION LAW**

**STREAM: Y1 S1**

**TIME: 2 HOURS**

**DAY: FRIDAY, 9:00 – 11:00 A.M.**

**DATE: 16/12/2022**

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**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**

The special virtue of constitutionalism lies not merely in reducing the power of the state, but in effecting that reduction by the advance imposition of rules.' Thus, one primary function assigned to a written constitution is that of controlling the organs of government.

- In light of the above, comment on the nexus between a written constitution and the principle limited government. [15 Marks]
- Discuss the various types of constitutions. [15 Marks]

## **QUESTION TWO**

Discuss the principal characteristics of a constitution. [20 Marks]

## **QUESTION THREE**

The legislature, the executive and the judiciary are the three arms of government, each of which is independent of the other and has individual roles set by the Constitution of Kenya. Owing to their independence and their interdependence, none has been singled out as superior to the other, with the arrangement providing checks and balances in the execution of their mandates. Discuss. [20 Marks]

## **QUESTION FOUR**

- (a) Explain the mechanisms integrated in the Constitution of Kenya 2010 to enrich independence of the Judiciary. [10 Marks]
- (b) Give a detailed overview of the local government structure in Kenya. [10 Marks]

## **QUESTION FIVE**

- (a) Rules alone are not enough. The Constitution creates a series of devices to protect rights. Discuss the state of human rights and fundamental freedoms under the new Constitution of Kenya 2010. [10 Marks]
- (b) Using suitable case law, discuss the Constitutional amendment procedure as laid down under the Constitution of Kenya 2010. [10 Marks]