



# KISII UNIVERSITY

## UNIVERSITY EXAMINATIONS

### FIRST YEAR EXAMINATION FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS SECOND SEMESTER, 2021/2022 (FEBRUARY - JUNE, 2022)

#### LLBK 110: INTRODUCTION TO SOCIAL JUSTICE

**STREAM: LLBK 1 S2**

**TIME: 2 HOURS**

**DAY: THURSDAY, 9:00 – 11:00 A.M.**

**DATE: 26/05/2022**

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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 Republic of Kukurukakara is a country identical to the Republic of Kenya. It has identical laws and an identical system of government. On 17<sup>th</sup> March 2022, one Prof. Latrick Pumumba, a revolutionary orator, was arrested as he tried to enter the Kukurukakara through the Kukurukakara International Airport. On further inquiry as to why he was prevented from accessing the country, yet he had a valid Kukurukakara passport, he was told that he was deemed to be a threat to national security and thus could not be allowed to enter his mother land. He quickly mobilized his lawyers, who obtained orders directing his immediate release into the country. Despite the court orders, Prof. Pumumba was eventually deported back to the Republic of Bongo, where he is a dual citizen.

News of his deportation caused an upheaval in the Kukurukakara. Umkonto Wesizwe, a militant separationist group immediately started organizing the citizens of Kukurukakara to an active revolt against what it deemed a despotic

government. To calm the tensions in the country, the Republic of Kukurukakara has invited the leaders of Umkonto Wesizwe to a round table discussion.

You are a world renowned social justice lawyer. Umkonto Wesizwe has asked you to prepare a memorandum outlining and explaining all social justice issues facing Kukurukakara, for presentation in the meeting. Prepare the memorandum. **(30 Marks)**

### **QUESTION TWO**

“Injustice anywhere is injustice everywhere. As you fight for one man, you fight for all men.” (Anonymous)

- (a) Critically and surgically analyse the truthfulness of the above statement, with regard to social justice in Kenya **(15 Marks)**
- (b) Write short notes on the importance of social justice in a democracy **(5 Marks)**

### **QUESTION THREE**

- (a) Discuss in detail the various forms of justice and their applicability to the Republic of Kenya. **(15 marks)**
- (b) Outline suggestions for reform in the justice sector to avoid occurrence of “poor man justice” **(5 marks)**

### **QUESTION FOUR**

- (a) Discuss the fundamental principles of social justice, giving appropriate illustrations best on the Kenyan society. **(15 Marks)**
- (b) Briefly explain the concept of the **rule of law** as established by Prof. Albert Dicey and its application to the Kenyan society. Take note to distinguish between rule of law and rule **by** law. **(5 marks)**

### **QUESTION FIVE**

Make short notes on any **FOUR** of the following social justice tools

- (a) Inclusive Economic Growth (IEG). **(5 marks)**
- (b) Participatory Spatial Planning (PSP). **(5 marks)**
- (c) Communitarian Ethics and Civic Engagement. **(5 marks)**
- (d) Socially Responsible Corporate Behavior. **(5 marks)**
- (e) Equitable outcomes, taxation, and social protection. **(5 marks)**