



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

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

LLBK 423: LAW REFORMS AND SOCIAL JUSTICE

STREAM: LLBK 4 S2

TIME: 2 HOURS

DAY: TUESDAY, 9:00 – 11:00 A.M.

DATE: 24/05/2022

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) Overtime two families of models of law reform agencies have developed. The first and most widespread is what is now referred as the 'classic' or standard model , secondly the 'institute 'model with some categories not fitting into either of these categories. Critically discuss these models of law reform agencies, their advantages and disadvantages. **(20 marks)**
- b) There certain features that have been accepted worldwide as the hallmarks of a Law Reform Commission be it the 'classic' model or the 'institute 'model. Critically discuss any five of these features. **(10 marks)**

QUESTION TWO

One of the salient features of a Law Reform Commission is independence. In light of this featurediscuss the Constitutional and Statutory mandate and functions of the Kenya Law Reform Commission (KLRC) from its inception as a department within the Office of the Attorney General, the Law Reform Commission Act Cap 3 (now repealed) to its current set up under the Kenya Law Reform Commission Act, No 19 of 2013. In your discussion categorize

the model adopted by the KLRC since its establishment whether it has maintained its independence so far. **(20 marks)**

QUESTION THREE

Critically discuss any **Four** of the following;

- a) The nexus of law reform and social justice. **(5 marks)**
- b) The nexus law reform and legislative process. **(5 marks)**
- c) Distinguish the law reform from the related activities of Law Revision and Consolidation. **(5 marks)**
- d) The role of government in the law reform process and the politics of law reform. **(5 marks)**
- e) The justification for the existence of law reform commissions or agencies. **(5 marks)**

QUESTION FOUR

Since the inception of modern law reform agencies, consultation and public participation have been central to law reform. In light of the foregoing discuss the importance of consultations and public participations, the processes involved, the limits, audiences and the tools to be used in ensuring effective consultations and public participation in a law reform process. **(20 marks)**

QUESTION FIVE

Discuss the impact of international law, standards on law reform processes, international human rights law, non-binding model laws and the United Nations Sustainable Development Goals on the law reform process.

(20 marks)