



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

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

LLBK 114: CONSTITUTIONAL LAW 1

STREAM: Y1 S1

TIME: 2 HOURS

DAY: FRIDAY, 8:00 – 10:30 A.M.

DATE: 22/07/2022

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.

The Constitution of Kenya (Amendment) Bill, 2020 (The BBI) was unconstitutional. This is arguably the most significant ruling by Kenyan courts since President Uhuru Kenyatta's election win was nullified in 2017. The judicial decision and subsequent reactions from the Kenyan political class, civil society, and institutional actors appeared to shed light on the changing political environment within the country as well as the continuing strengthening of democratic institutions, especially at the national level. Discuss the issues of the BBI Judgements in relation to the Basic Structure Doctrine. [30 Marks]

QUESTION TWO.

(a) The bill of rights in the Kenyan constitution is described as the most progressive in Africa. Describe five major provisions in the chapter on the bill of rights. [10 Marks]

(b) Briefly explain the importance of a written constitution. Differentiate flexible from rigid constitution. Comment on which classification best suits Kenya's Constitution. [10 Marks]

QUESTION THREE.

Define the doctrine of Separation of Powers and explain the relationship between it and the protection of liberty and good governance. [20 Marks]

QUESTION FOUR.

3. Judicial independence is the hallmark of a democratic way of life. Explain the devices incorporated in the Constitution of Kenya 2010 to enhance independence of the Judiciary. [20 Marks]

QUESTION FIVE

[20 Marks]

Write explanatory notes on any two

- a. Basic principles of the Constitution.
- b. Checks and balances
- c. Leadership and Integrity.
- d. National Values and Principles of Governance.