

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

1ST YEAR TERM II EXAMINATION

GENERAL PRINCIPLES OF CONSTITUTIONAL LAW & LEGAL SYSTEMS II

26TH NOVEMBER, 2018

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 Marks**
- (c) All other questions carry **15 Marks** each

PLEASE TURN OVER

Question One:

- a) Define the term Constitutionalism. (3 Marks)
- b) Discuss how the Principle of Constitutionalism is manifested in Kenya Constitutional Regime. (15 Marks)
- c) Using relevant examples, explain the classification of Constitutions. (7 Marks)

Question Two:

“The 2010 Constitutional architecture and design is such that all the arms work independently and cooperatively in harmonious manner in order to achieve its objectives and mandates” Anonymous

- a) Explain the arms of government and their functions. (10 Marks)
- b) Discuss the ways in which adjudicative arm control the activities of legislative arm. (5 Marks)

Question Three:

“Constitution of Kenya (2010) seeks to establish a society permeated by the spirit of liberty and democracy, rule of law and good governance”. Anonymous

- a) Discuss the extent to which the above statement is true. (10 Marks)
- b) Explain how democracy is manifested in the Kenyan Society? (5 Marks)

Question Four:

- a) Explain the concept of Rule of Law by A.V Dicey and Joseph Raz (15 Marks)
- b) Outline exceptions to the Principle of Rule of Equality. (5 Marks)

Question Five:

“The History of the Constitution of Kenya 2010 is very long and witnessed by partisan interests”. Discuss the statement using relevant examples. (15 Marks)

Question Six:

- a) Explain the concept of Devolution. (3 Marks)
- b) Using relevant examples, discuss the extent to which devolution has achieved its objective as outlined in Article 174 of the Constitution. (12 Marks)

END