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THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARALEGAL STUDIES)

GENERAL PRINCIPLES OF THE CONSTITUTION AND LEGAL SYSTEMS II

8th DECEMBER, 2015

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) Davis, a Kenyan national born in 1968, relocated to Canada in 2005. He returned to Kenya two(2) months ago with his Canadian wife and children. While he was in Canada, Kenya promulgated the 2010 Constitution. Davis left Kenya during the old dispensation (1963 Constitution). On his return, Davis is not convinced of any great changes brought by the 2010 Constitution. The School has picked on you to have a one on one session with him. Advise Davis the advantages reaped by Kenyans in the New constitution (2010) over the old one (1963). (15 marks)
- (b) State at least five (5) authorities exercisable by the President as conferred by the Constitution of Kenya, 2010. (5 marks)
- (c) Who may be part of the composition of the Judicial service Commission? (5 marks)

QUESTION TWO

- (a) Elaborately define a Constitution of a country. (5 marks)
- (b) Explain the importance of the Constitution in any modern country (society) (10 marks)

QUESTION THREE

- (a) (i) What do you understand by the term "devolved system of Government"?
- (ii) Explain the essence of devolution in Kenya (15 marks)

QUESTION FOUR

Write notes on the following:

- (a) Characteristics of the Constitution (7 marks)
- (b) Freedom and security of the person as fundamental rights. (4 marks)
- (c) Bicameralism (4 marks)

QUESTION FIVE

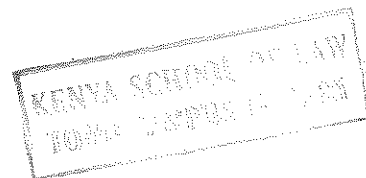
- (a) On what grounds may the Director of Public Prosecutions be removed from office? (5 marks)
- (b) Explain the jurisdiction of the Court of Appeal. (4 marks)
- (c) How may a sitting president be removed from office by way of impeachment? (6 marks)



QUESTION SIX

Write explanatory notes on the following:

- (a) Federal and Unitary kind of constitutions. (3 marks)
- (b) Children's Court (4 marks)
- (c) Vacancy in the office of the Speaker of Parliament. (4 marks)
- (d) Parliamentary Service Commission. (4 marks)



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THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARALEGAL STUDIES)

GENERAL PRINCIPLES OF CONSTITUTIONAL LAW AND LEGAL SYSTEMS II

4TH DECEMBER, 2014

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

1. a) Explain the concept of constitutionalism. (7 Marks)
- b) Write explanatory notes on the following:
 - (i) Jurisdiction of the High Court of Kenya. (8 Marks)
 - (ii) Bicameralism (5 Marks)
- c) List and briefly explain at least five limitations of rights and fundamental freedoms of individuals. (5 Marks)
2. Explain how the concept "separation of powers" is envisaged in the Kenyan Constitution. (15 Marks)
3. Write explanatory notes on the following:
 - a) Rights to fair hearing (5 Marks)
 - b) Distinction between Republican and Monarchical types of Constitutions. (5 Marks)
 - c) Independence of the Judiciary. (5 Marks)
4. Explain the grounds on which a sitting President can be removed from office before the expiry of term. (15 Marks)
5. The current Constitution of Kenya differs in great perspective from the one enacted in 1963. That in view, bring out the characteristics of the current constitution. (15 Marks)
6. a) What are the qualifications for appointment, and the functions, of the Deputy President? (7 Marks)
- b) Write notes on:
 - (i) Sovereignty (2 Marks)
 - (ii) Standing Orders (2 Marks)
 - (iii) *Ratio Decidendi* (2 Marks)
 - (iv) Client confidentiality. (2 Marks)

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DIPLOMA IN LAW (PARA-LEGAL STUDIES)

**GENERAL PRINCIPLES OF CONSTITUTIONAL LAW & LEGAL
SYSTEMS II**

FRIDAY 29TH NOVEMBER, 2013

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) Explain the rights of an accused person before a court of law. (8 marks)
- b) Explain the role of the Kenyan parliament under the 2010 Constitution. (7 marks)
- c) "The Kenyan Constitution is rigid". Discuss (10 marks)

QUESTION TWO

Write explanatory notes on the following:

- a) Parliamentary Service Commission (10 marks)
- b) Rights of persons with disabilities under the Constitution (2010) (5 marks)

QUESTION THREE

- a) How may a sitting President be removed from office? (12 marks)
- b) What is the composition of the Kenyan cabinet? (3 marks)

QUESTION FOUR

Explain the powers and functions of the Kenya Human Rights Commission?

(15 marks)

QUESTION FIVE

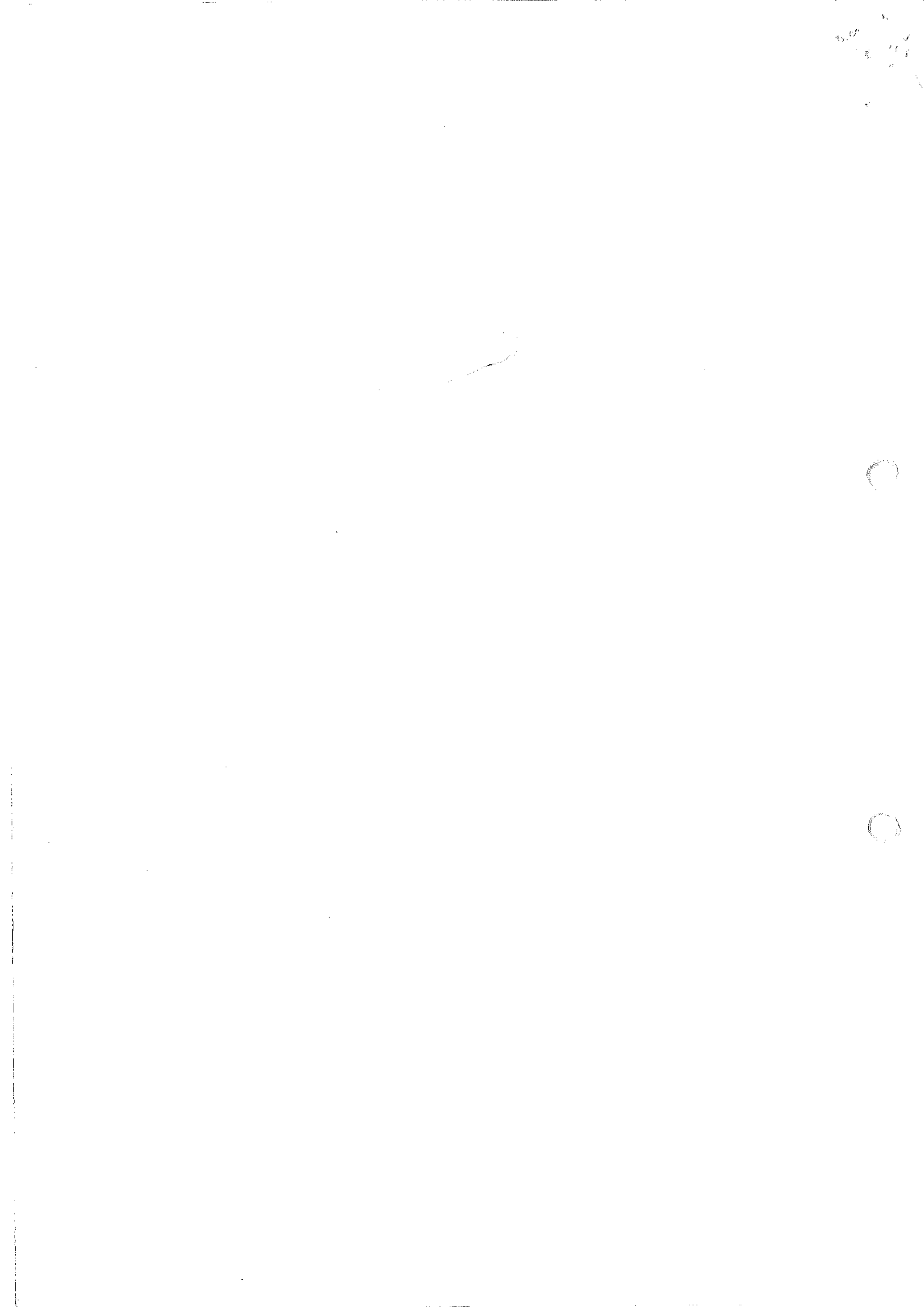
- a) Wakili is a Kenyan national who has been working in South Africa as an advocate after completing her doctorate degree in law from the University of Capetown. While in Kenya for holiday, Wakili sets her eyes on an advertisement in one of the local newspapers for the post of the Deputy Chief Justice. Wakili is interested in applying for the post. Guide Wakili on what she needs to take into account. (10 marks)
- b) Explain at least **FIVE (5)** tenets that are required to be observed as underlying basic ethics in the legal profession. (5 marks)



QUESTION SIX

Write notes on the following:

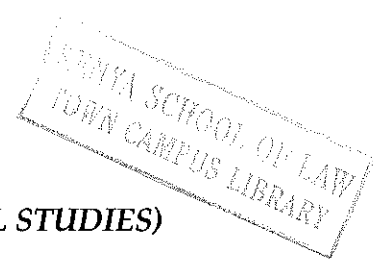
- (a) Bi-cameral Parliament (3 marks)
 - (b) Court Martial (3 marks)
 - (c) Presidential assent (2 marks)
 - (d) Power of mercy (2 marks)
 - (e) Rights of children under the Bill of Rights (5 marks)
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DIPLOMA IN LAW (PARA-LEGAL STUDIES)



**GENERAL PRINCIPLES OF CONSTITUTIONAL LAW & LEGAL
SYSTEMS II**

MONDAY 19TH NOVEMBER, 2012

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) Attempt a definition of the term "constitution" and explain **FIVE** ways of classifying constitutions. (10 marks)
- b) Drawing from your knowledge of the Constitution of Kenya, 2010, discuss the following concepts and give specific examples of their application.
- i) Supremacy of the Constitution
 - ii) Separation of Powers
 - iii) Sovereignty

(15 marks)

QUESTION TWO

- a) What do you understand by the expression "Legislative Power"? (2 marks)
- b) Set out the structure and composition of the Parliament of Kenya as provided for under the Constitution. (7 marks)
- c) Discuss **THREE** main functions of the Parliament of Kenya, indicating the statutory tools available for carrying out those functions. (6 marks)

(6 marks)

QUESTION THREE

The Constitution of Kenya establishes two levels of government, namely, the National and County Governments, each with its own executive.

- a) What is the structure and composition of the National Executive? (5 marks)
- b) Set out the qualifications and procedure of choosing the President of Kenya. (7 marks)
- c) What is the constitutional function of the County Executive? (3 marks)

(3 marks)

QUESTION FOUR

Present a detailed analysis of the concept of independence of the judiciary, noting to indicate the key pillars thereof and the presence or otherwise of such pillars in the Constitution of Kenya.

(15 marks)

QUESTION FIVE

- a) What is the role of political parties within Kenya's constitutional set-up? (5 marks)

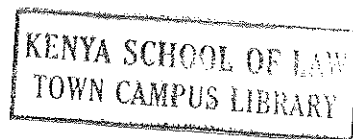
(5 marks)

- b) Present a brief historical survey of political party participation in Kenya's constitutional history. (10 marks)

QUESTION SIX

Write brief notes on the following:

- a) Democracy (5 marks)
- b) Human rights & freedoms (5 marks)
- c) Rule of Law (5 marks)



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DIPLOMA IN LAW (PARA-LEGAL STUDIES)

CONSTITUTIONAL LAW AND LEGAL SYSTEM II

MONDAY 7TH FEBRUARY, 2011

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 a constitution. {5 marks}
- (b) Discuss FIVE classifications of constitutions. {10 marks}
- (c) How does the Kenyan Constitution fit into the five classifications? {10 marks}

QUESTION TWO

- (a) Define the concept of "Executive Power" {5 marks}
- (b) How was executive power shared between the President and the Prime Minister under the old Constitution of Kenya and the National Accord and Reconciliation Act 2008? {10 marks}

QUESTION THREE

Write short notes on the following:

- (a) Types of legislatures {4 marks}
- (b) Limitation of legislative power {5 marks}
- (c) How does the new constitution of Kenya limit legislative power? {6 marks}

QUESTION FOUR

- (a) Where is/was judicial power vested by:
- (i) The old constitution of Kenya? {1 mark}
 - (ii) The new constitution of Kenya? {1 mark}
- (b) What is meant by "independence of the judiciary"? {2 marks}
- (c) State five pillars of judicial independence. {5 marks}
- (d) Which of the five pillars have been provided for in the new Constitution of Kenya? {6 marks}



QUESTION FIVE

Write short notes on the following:

- (a) The declaratory theory of the state. {3 marks}
- (b) The constructive theory of the state. {2 marks}
- (c) Five different types of sovereignty. {10 marks}

QUESTION SIX

Briefly discuss the law making process under:

- (a) The old constitution of Kenya. {7 marks}
- (b) The new Constitution of Kenya. {8 marks}

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