



KENYA SCHOOL OF LAW  
DIPLOMA IN LAW (PARALEGAL STUDIES)

GENERAL PRINCIPLES OF CONSTITUTIONAL LAW – PTP 104  
COURSE OUTLINE – DECEMBER, 2022

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**COURSE INSTRUCTOR:**

Samuel Mwaniki

[mwaniki@ksl.ac.ke](mailto:mwaniki@ksl.ac.ke)

**INSTRUCTION HOURS**

As per the timetable.

**CONSULTATION**

On appointment or by email.

**Introduction**

This course aims at introducing the student to the general principles of constitutional law with specific reference to the Kenyan context. The purpose of the course is to familiarize the student with the scope of constitutional law as well as basic concepts in constitutional theory.

The overall goal is to enable the student develop a clear perspective of the Kenyan constitutional order both in theoretical and practical terms.

Students will be expected to consult a wide range of materials including the Constitution of Kenya, 2010, text books, law reports, statutes and journal articles.

**Purpose of the course**

The purpose of the course is to introduce the student to the study of constitutional law by focusing on the meaning of “constitution”, classification of constitutions, basic concepts in

constitutional theory, history of constitutional law in Kenya and the structure of government as set out in the Constitution of Kenya, 2010.

### **Expected Learning Outcomes:**

At the end of the course, the students should be able to:

1. Define the terms state, nation, nation-state and government
2. Explain the meaning the term “constitution”
3. Identify and explain the various ways of classifying constitutions
4. Identify and explain basic concepts in constitutional theory
5. Outline the key milestones in the constitutional history of Kenya
6. Explain the structure, composition and functions of the various national and county government organs in Kenya
7. Explain the process of amending the Constitution of Kenya, 2010.

### **Core Reading Material**

#### **1. Textbooks**

- a) Mwaura, C., *Principles of Constitutional Law* (LawAfrica, 2017)
- b) Mugambi, P., *Introduction to Law* (LawAfrica, 2011)
- c) Ghai, Y.P., *An analysis of the Kenyan Constitution, 2010*

#### **2. Constitution of Kenya, 2010**

### **Course content**

#### **1. Introduction**

- a) State, nation, nation-state, government
- b) Meaning of “constitution”

#### **2. Classification of constitutions**

- a) Written and unwritten
- b) Rigid and flexible
- c) Federal and unitary
- d) Presidential and parliamentary
- e) Republican and monarchical

- f) Unicameral and bicameral
- g) Supreme and subordinate
- h) Autochthonous and adventitious

**3. Basic concepts in constitutional theory**

- a) Supremacy of the constitution
- b) Separation of powers
- c) Rule of law
- d) Democracy
- e) Human rights
- f) Constitutionalism

**4. Constitutional history of Kenya**

- a) Pre-colonial period
- b) Colonial era
- c) Post-colonial Kenya

**5. The structure of the national government in Kenya**

- a) The Legislature
- b) The Executive
- c) The Judiciary
- d) Independent offices and commissions

**6. Devolved government**

**7. Amending the constitution**

Approved by:

Mr. Mark Mukuha  
Co-ordinator, PTP

Sign: 

Date: 17/01/2023

Approved by:

Dr. Henry K. Mutai  
Director/CEO

Sign: 

Date: 19/1/23

