



KENYATTA UNIVERSITY

EXAMINATION FOR THE DEGREE OF BACHELORS OF LAWS

LPR 206: CONSTITUTIONAL LAW II

IST SEMESTER 2021/2022

TIME: 2 HOURS

INSTRUCTIONS:

1. Answer **ALL** questions.
2. Support your answer with relevant illustrations from case law, statutory provisions and any other references.
3. Your writing must be **NEAT** and **LEGIBLE**
4. Your answer booklet must bear your assigned **REGISTRATION NUMBER**, both on the cover and every written page therein.
5. Do not scribble or draft answers on the inner or outer cover pages or your answer booklet
6. Do not write anything except your **REGISTRATION NUMBER** on this question paper.
7. **ALL** Kenyatta University Examinations rules apply as if they were contained herein.

QUESTION 1

As one of the best legal minds in matters governance in Kenya, you received a letter from the Office of the Attorney General detailing the recent court's decision on the amendment of the Constitution based on the The Constitution of Kenya (Amendment) Bill, 2020.

In the letter, you have been tasked with giving a detailed legal opinion on chapter sixteen of the Constitution of Kenya, 2010 on Amendment of the Constitution.

Using relevant case law as well as provisions of the Constitution of Kenya, 2010 proceed to provide a detailed account of the amendment process of the Constitution of Kenya.

(30 marks)

QUESTION 2

Discuss the concept of good governance as envisioned under chapter eleven of the Constitution of Kenya, 2010 on Devolved Government.

(20 marks)

QUESTION 3

“The High Court is the ultimate guardian of the Constitution on behalf of the people of Kenya. Where people feel that an individual who was appointed to some office does not meet the requirements of that office, the High Court cannot turn them away simply because the responsibility for that appointment is reserved by the Constitution to the Executive or Legislature. Whereas the appointment is a preserve of the Executive and the right of concurrence is given to Parliament, the enforcement of the Constitution is left to the High Court” *Trusted Society of Human Rights Alliance v Attorney General & 2 others (2012) eLKR*.

Analyze the above statement citing relevant case law in relation to the doctrine of separation of powers in Kenya in light of Chapters 8, 9 and 10 of the Constitution of Kenya 2010.

(20 marks)