



KENYATTA UNIVERSITY

EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPR 206: CONSTITUTIONAL LAW II

1ST SEMESTER 2022/2023

TIME: 2 HOURS

INSTRUCTIONS:

1. Answer **ALL (3) THREE** 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

- a) "In the just concluded elections that were held on 9th August 2022 many won and also lost in this battle for power. It is however important to appreciate that not all elected to the various seats understand the structures of governance in Kenya.

In this regards, I will request that those elected attend a special meeting within two weeks where we will have Constitutional experts explain to us our different roles as outlined in the Constitution as well as statutory provisions and case law. This is in a bid to efficiently deliver services to the electorate who came out in numbers to support us and to support our political party" **Secretary General, Mwananchi Kwanza Party of Kenya, Ipius Kalange (2022)**

As one of the Constitutional experts, presenting in the meeting mentioned above, you are required to prepare a legal opinion evaluating the role of different members nominated and elect under Mwananchi Kwanza Party of Kenya.

i) Member of Parliament (5 marks)

ii) Governor (7 marks)

iii) President (8 marks)

b) "Independence of the judiciary is the bedrock upon which all rights and fundamental freedoms are realized in any political system: (CNI, 2022)

Evaluate the role of the Judicial Service Commission in underpinning the independence of the Judiciary. (10 marks)

QUESTION 2

On 26th September 2022, Justus Ikao, a twenty two year old graduate student and a recently elected member of the senate representing the youth walked into your office as a client seeking legal guidance on whether he and his fellow senators could amend the Constitution of Kenya, 2010. He was very passionate about this as he felt that the Constitution does not effusively address the youth and their concerns more so with reference to employment.

Justus together with his fellow senators wish to draft an amendment bill and he is requesting you to advice on amendment of the Constitution through popular initiative as provided for under Chapter 16 of the Constitution of Kenya, 2010. (20 marks)

QUESTION 3

"Responsibility for fiscal policy, taxation, approval of appropriations and prudent management of public revenue is usually shared between the Executive and the Legislature. The general principle is that, although responsibility for raising revenue and incurring expenditure vests in the Executive, this can only be exercised with approval by or concurrence of the legislature"

Lumumba, PLO & Francheshi, L "The Constitution of Kenya, 2010 An Introductory Commentary" (Strathmore University Press, 2014), pg 554

The above statement goes to highlight the incorporation of the principle of separation of power and system of checks and balances in matters public finance. More so, chapter twelve of the Constitution of Kenya, 2010 has outlined the principles and framework of public finance.

Discuss these principles citing relevant constitutional and statutory provisions as well as case law. (20 marks)