



KENYATTA UNIVERSITY
EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 104: CONSTITUTIONAL LAW I

2ND SEMESTER, 2022/2023

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

Maina Emmanuel, a Kenyan citizen, lives in Juja town within Kiambu County. He has lived in Kiambu county all his life and is in fact a renowned businessman in Juja. Maina, despite being an adult has never voted in any election. He has lived to complain about the poor state of the economy and has severally expressed how elections are a waste of time. One day while at one of his shops you overheard a conversation between him and one of his shop attendants, Peter Gukeña. They talked about the August 2022 general elections and expressed disappointment in how Kenyans wasted their time registering as voters and queueing for hours in polling stations only to suffer months later due to the high cost of living. In their opinion, the current government does not offer the common mwananchi an opportunity to be involved in matters governance and that their participation ends at the ballot box. That those in government have untamed authority to act as they wish and that they are all above the law.

The conversation between the two really stood out for you as you had just attended a constitutional law class where you had analyzed different constitutional provisions on the role of a Kenyan citizen in matters governance. You have decided to approach Mr. Maina to discuss the different principles underpinning constitutional law in a bid to change his opinion on his role as a citizen in matters governance but first you have to prepare a legal opinion addressing Mr. Maina's arguments with reference to the following:-

- a) Sovereignty of the people (12 Marks)
- b) Separation of power (12 Marks)
- c) Rule of Law (6 Marks)

QUESTION 2

Using relevant authorities discuss Article 23 of the Constitution of Kenya, 2010 on the types of relief granted by the court when determining applications for redress of a denial, violation, infringement or threat to a fundamental right or freedom in the Bill of rights.

(20 Marks)

QUESTION 3

Evaluate the rights and duties of a Kenyan citizen as provided for under the Kenya Citizenship and Immigration Act, Cap 172 Laws of Kenya.

(20 Marks)