



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2014/2015

SECOND SEMESTER EXAMINATION FOR THE DEGREE OF MASTER OF
PUBLIC POLICY AND ADMINISTRATION

APP 804: LAW AND GOVERNANCE

DATE: 30TH MARCH 2015

TIME: 5.30 P.M. – 8.30 P.M.

INSTRUCTIONS:

Attempt question **ONE**, and any other **TWO**.

1. The recently passed Kenya Security Laws (Amendment) Act, 2014 gravely undermines the gains made in securing Kenya's civil rights especially as captured in the Bill of Rights. In light of this statement,
 - a) Identify five strengths of the act (5 marks)
 - b) Identify five weaknesses of the identified strengths in (a) above (5 marks)
 - c) Show how these impinges on fundamental rights as guaranteed by the Constitution. (10 marks)
 - d) Propose best ways to overcome the identified weaknesses. (10 marks)
2. Trace the origins of the concept of the Rule of Law; using relevant examples, provide a critical brief assessment of the application of the concept in Kenya's governance structure. (15 marks)
3. 'Kenyan system of separation of powers resembles a balance of powers more than a formal separation of the three branches of the state'. Critique this statement in

light of the new constitution 2010 vis a vis experience with the Jubilee government and provide comparative case study with other democracies.

(15 marks)

4. To what extent does The Kenya Citizenship and Immigration Act No 12 of 2011 guarantee the fundamental rights of Kenyans in the diaspora? What aspects of this Act would you recommend for amendment in order to ensure expanded participation of diaspora citizen in the governance of the country? (15 marks)
5. *'The law ought to be just and reasonable, both in regard to the subject matter, directing what is honourable, forbidding what is base and as to its form, preserving equality and binding the citizens equally.'* Johannes Voet.

Discuss the extent to which this statement applies to the Kenyan governance structure as anchored in the Kenya Constitution 2010 (15 marks)