



**RIARA LAW SCHOOL**

**UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE**

**MAY- AUGUST 2024**

**RLB 106: CONSTITUTIONAL LAW 2**

**INSTRUCTOR: DR. VICTOR LANDO**

**INSTRUCTIONS**

1. This is the final examination in Constitutional Law 2. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **THREE** questions. Please answer **ALL THREE QUESTIONS**.
3. This examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means that save for a clean copy of the Constitution of Kenya, which shall be supplied by the Law School, you are not permitted to bring **ANY** hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

### **Question 1(30 Marks)**

Gen Z protests in Kenya erupted in response to the government's proposed Finance Bill 2024, which aimed to increase taxes on essential goods amid a cost-of-living crisis. The protests turned violent on June 25, resulting in over 50 deaths and numerous injuries due to police brutality. President William Ruto initially condemned the protests but later withdrew the bill and dissolved his cabinet in response to public outcry. A recent poll indicates that 81% of Kenyans support the Gen Z movement, highlighting a significant demand for political and economic reform in the country.

Analyze the constitutional issues raised by the 2024 Gen Z protests in Kenya. In your response, address the following points:

- a) **The right to peaceful assembly and protest as enshrined in the Kenyan Constitution (10 Marks)**
- b) **The role of law enforcement in managing protests, including the use of force and the deployment of military personnel. (10 Marks)**
- c) **The impact of these protests on democratic institutions and governance in Kenya, particularly in light of the government's response to dissent. (10 Marks)**

Your answer should reference relevant constitutional provisions and case law where applicable.

### **Question 2 (20 Marks)**

- a) In *Trusted Society for Human Rights Alliance v the Attorney General and Mumo Matemu*, the Court Observed that:

*Chapter six of the [Constitution](#) sets forth principles on the leadership and integrity requirements of public officials. Included in these provisions is article 73 which requires that State officials be selected “on the basis of personal integrity, competence, and suitability.”*

**In light of the foregoing, critically analyse at least THREE (3) challenges to the full realization of the provisions of Chapter Six of the Constitution of Kenya and propose concrete and practical steps to address these challenges. (10 Marks)**

- b) Parliament has a Legislative, Oversight and a Representative Mandate- Anonymous.  
**With reference to case law and Provisions of the Constitution as well as concrete examples, provide a critical analysis of how the Kenyan Parliament exercises ANY TWO of these three mandates. (10 Marks)**

**Question 3 (20 Marks)**

Article 1(1) and (2) of the Constitution of Kenya provides that all sovereign power belongs to the People of Kenya and this power is exercisable either directly or through their elected representatives. The recent Gen-Z Protests have seen a Constitutional Petition filed at the High Court seeking inter-alia, Orders for the removal of the President and his deputy via a Referendum.

- a. Provide a critical analysis of the concept of sovereignty of the people vis a vis the procedures for the removal of the President as stipulated in the Constitution and the likelihood of success of such a Petition filed at the High Court (15 Marks)**
  
- b. In the event that the President resigns before the end of his term, discuss the mechanisms that would be put in place under the Constitution to ensure the continuity of governance. (5 Marks)**