



RIARA LAW SCHOOL

UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE

MAY- AUGUST 2024

RLB 101: CONSTITUTIONAL LAW 1

INSTRUCTOR: DR. VICTOR LANDO

INSTRUCTIONS

1. This is the final examination in Constitutional Law 1. 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 5 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(25 Marks)

After months of civil war in the Republic of Uvira, relative calm has settled in after the African Union brokered a peace deal between the rival marauding militia gangs that wreaked havoc across the tiny Central African nation, resulting in the deaths of more than ten thousand civilians. War broke out after the then President together with his entire cabinet were killed in a terror attack in the capital, attributed to one of the Militia groups which had for long, complained of marginalization and impoverishment of its people. For close to 20 years, the President had clung to power and used state resources to enrich himself and his family. He stashed millions of dollars in foreign accounts and bought offshore properties. Furthermore, he appointed people from his ethnic community to all top government positions and built world class infrastructure such as schools, hospitals and roads in the western part of the country where his community comes from. The rest of the country was left to make do with limited roads, access to power, run-down schools and hospitals. With his demise, the Military was splintered into different tribal Militia groups, each battling to take control of the resource rich nation. With the peace deal in place, the Citizens have initiated discussions on how to craft a new Constitution and set the country towards a path of good governance. In this regard, the leading scholars and opinion shapers in Uvira have invited you, a Constitutional Law expert, to address them on the topic *'A new dawn in Uvira through Transformative Constitutionalism and adherence to fundamental principles of Constitutional Law'*

Prepare your keynote speech (25 Marks)

Question 2 (20 Marks)

The Word 'Democracy' comes from the Greek words "*demos*" meaning people, and "*kratos*" meaning power; so democracy means "*power of the people*"- *Anonymous*

- a) **Provide a critical analysis of the concept of democracy as a fundamental principle of Constitutional Law. (10 Marks)**
- b) **Discuss at least THREE (3) challenges to democracy in Kenya and propose practical steps to address these identified challenges. (10 Marks)**

Question 3(25 Marks)

Separation of Powers is a constitutional doctrine that divides government into three distinct branches; Legislative, Executive and Judicial.

- a) **Provide a critical analysis of the doctrine of separation of powers and include in your answer a discussion of why Montesquieu's conception of pure separation of powers is not practicable in modern day constitutions. (15 Marks)**
- b) **Drawing examples from the Kenyan constitution, discuss at least three instances of how the various arms of government implement checks and balances in a constitutional democracy. (10 Marks)**