

## CONSTITUTION AND CONSTITUTION MAKING

12. Name the body in charge of constitution making process in Kenya (1mk)  
- Constitution of Kenya Review Commission (CKRC)

**ANS 12 DIST 2**

15. Provision of the constitution which guarantees an individual the right to form a political party

- Freedom of Assembly and Association

1 x 1 = 1mk

**ANS 15 DIST 3**

### **21a. Five functions of a constitution**

- Protects rights and freedom of a citizen and define their responsibilities
- It's the basic upon which the government is established
- Defines the relationship between the governors and the governed
- Spells out the legal framework from which the law of the country are made
- Promote national unity

5 x 1 = 5 Marks

**ANS 21a DIST 4**

13. **Identify two disadvantages of a written constitution**

*(2mks)*

- It is not easy to amend
- It tends to give judiciary too much power
- They are rarely read and understood by ordinary citizens
- The procedure for amending the constitution is slow and costly.
- They sometimes invite disputes and disagreement in interpretation.

2 x 1 = 2mks

**ANS 13 DIST 6**

20. a) What were the activities of imperial British East Africa ( IBEA CO) between

1888 and 1895.

( 5 mks)

- It traded with the local communities promoted legitimate trade.
- It established administrative posts / maintained law and order / levying and collecting taxes.
- It discouraged slave trading.
- It provided information about the interior of East Africa.
- It built the Uganda railway.
- It secured the British sphere of influence / promoted the spread of western civilization.
- It secured the British sphere of western civilization.
- It suppressed African resistance against the British .
- It pioneered the construction of roads / improved infrastructure.

b) Explain five benefits of colonial Agriculture to the Africans in Kenya.

( 10 mks)

- African acquire title deed for their farms which were formally

communally owned.

- ii) Africans learnt large scale agricultural production.
- iii) Africans acquired employment in the European farms.
- iv) New crops and animals were introduced to the Africans.
- v) Africans acquired new scientific methods of farming e.g use of farming e.g use of fertilizer.
- vi) Increased farm production enabled the Africans to start trade.
- vii) Africans were able to access credit facilities using their title deeds.
- viii) Africans were able to access credit facilities using their title deeds.
- ix) Industrialization began as crops and animals products were to be processed.
- x) Africans moved to urban centre where they enjoyed better social amenities.
- xi) Colonial Agriculture led to rise of agriculture institutions where African acquired technical educations
- xii) Development of infrastructure facilities. (

any 5 x 2 = 10 mks)

**ANS 20 DIST 7**

15. **State the main constitutional amendment made in Kenya in 1991. (1mk)**

- i) Kenya was made a multiparty state/repealing of some section 2(A) of the constitution.

**(Any 1 x 1 = 1mk)**

**ANS 15 DIST 9**

- 19.a)– Civic education is given to the people based on a national curriculum.
- The public is requested to come up with suggestions on changes they would wish be in the new constitution.
  - The commissioners then write the report and recommendations.
  - The report , recommendations and the draft constitution are then distributed to the public for debating .
  - The national constitution conference deliberates upon and adopts the draft constitution.
  - Certain issues that cannot be resolved by the constitutional conference are referred to the people in a referendum
  - The draft constitution is then enacted by parliament.

(5x1= 5mks)

- b)
  - i) Inadequate funds to finance the exercise
  - ii) Political interference in the whole exercise with selfish interests.
  - iii) Illiteracy among the people with some unable to read and write.
  - iv) Lack of goodwill from the sitting government towards the whole exercise .

- v) External interference by the developed countries
- vi) General apathy from the population towards the exercise.
- vii) Some stakeholders use money to buy people to support their stand/corruption.
- viii) Inadequate experts to manage the exercise.  
(5x2=10mks)

**ANS 19 DIST 11**

11. – Section 2(A) of the Constitution amended.
- Multi - partism allowed
  - Presidential term reduced to two five year term.
  - Presidential winner to have 25% in five Provinces  
(2x1=2mks)

22. a)
- Historical background of a country.
  - Geographical factors e.g. a country is made up of various islands.
  - Religious beliefs of the people.
  - Racial composition e.g. Africans, Asians, Arabs
  - Cultures of the people.  
(3x1=3mks)

- b)
- Not easily prone to tampering with by politicians.
  - Is readily available for reference.
  - Is clear and definite.
  - Provides a smooth procedure of handing over power.
  - Enables a government to operate favourably and in an orderly way.
  - Recognizes people's ethnic groups/is people friendly.
  - Can easily incorporate the people's traditions, conventions and customs.  
(6x1=12mks)

**ANS 11, 22 DIST 12**

**9.State terms of constitutional reform of 1997**

- i) The presidential terms were limited to two terms of five years each.
- ii) Political parties were given mandate to nominate member to parliament or council depending on their party strength in the general election.
- iii) KBC was mandated to give equally air wave to all political parties.
- iv) The chief act was done away with / repeal.
- v) If a political party wanted to hold a rally was to inform the police in area rather than getting permit from the D.C

**22.(b) Five factors that have influenced constitutional changes since independence**

- i) Ethic rivalries
- ii) Personality difference
- iii) Ideological difference
- iv) The desire to have wider representation in parliament
- v) External pressure from donors

- vi) Internal pressure from activists
- vii) The desire to consolidate power

**ANS 9, 22b DIST 13**

12. State **two** factors to consider when forming a constitution.  
(2mks)

- ❖ *Historical background of a country.*
- ❖ *Geographical factors*
- ❖ *Religious beliefs of the people*
- ❖ *Racial composition.*

*2 x 1 = 2 marks*

**ANS 12 DIST 14**

20.(a) Identify three disadvantages of unwritten constitution. (3 mks)

- It gives the court too much work as they try to search for constitutional principles in judicial decisions and customs.
- Since it is not written in a single document it is not easy to protect the rights of individuals effectively compared to the written. It tends to be vague and indefinite.
- It assumes that people are politically alert and conscious and will ensure their rights and freedoms are respected.

(b) Discuss the provisions of the independent constitution in Kenya. (12mks)

- Sharing of power between KADU/KANU a regional type of government provided for a post of governor general as a head of state on behalf of the queen.
- National assembly that was bicameral house of representatives and the same.
- Prime minister as the head of government provided for an independent electoral commission.
- Judiciary had authority to interpret law.
- Provided for the establishment of independent service commission to appoint, discuss, transfer and promote civil servants
- Bill of rights which stipulated the rights and freedoms of the citizen.

**ANS 20 DIST 15**

8.     - The Judicial service commission.  
       - The public service commission.  
       - The electoral commission of Kenya.             3mks

**ANS 8 DIST 16**

4.     - Parliamentary system to republic/presidential system  
       - Bicameral parliament into unicameral  
       - Federalism was abolished  
       - A member of parliament who defects loses his parliamentary seat and seek re election

*(2 x 1=2mks)*

**ANS 4 DIST 17**

14.    i)     Rigid, can not be easily changed  
       ii)    Makes judiciary too powerful as it is the only organ that interprets the document  
       iii)   The procedure for amending the constitution is slow and expensive  
       iv)    Some are too complex for ordinary citizens to understand because they are too detailed  
       v)     It is slow to respond to rapidly changing circumstances in the state due to its rigidity.

*(2x1=2mks)*

**ANS 14 DIST 18**

**11.State the historic effects of the constitutional amendments made in 1982 in Kenya.**

- It made Kenya a one party state by law (dejure) KANU was instituted as the only lawful party in Kenya.

(1 x1 = 1mrk)

**ANS 11, DIST 19**

**6 Identify two characteristics of a good constitution (2mks)**

- Must be definite
- Comprehensive
- durable and elastic (Flexible)
- protect fundamental rights of citizens

**ANS 6 DIST 20**