

THE FORMATION STRUCTURE AND FUNCTIONS OF THE GOVERNMENT OF KENYA

1. a) State three duties of returning officers.

- (i) Receives nomination papers from prospective candidates.
- (ii) Distributes ballot papers & boxes to polling stations
- (iii) Supervises voting & counting of votes in the constituencies
- (iv) Tally's results & announces results.
- (v) Appoints presiding officers & clerks
- (vi) In charge of polling station on polling day
- (vii) Distributes payment to election officials in the constituency.

Any 3 x 1 = 3 marks

b) Explain the factors that are likely to interfere with free & fair elections in Kenya.

- (i) Ethnic loyalties/polarisation/allegiances
- (ii) Party loyalties
- (iii) Harassment of voters by rival groups
- (iv) Incompetent election officials
- (v) Partisan election officials
- (vi) Inaccessibility of some polling stations
- (vii) Communication difficulties between the headquarters & polling station.
- (viii) Illiteracy of some voters.
- (ix) Gender discrimination
- (x) Corruption of candidates & their supporters.
- (xi) Inefficient distribution of election materials.
- (xii) Use of negative propaganda by party leaders/supporters
- (xiii) Insecurity & fear instilled in the candidates
- (xiv) Use & misuse of the mass media.

Any 6 x 2 = 12 marks

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2. one provincial administration officer who is not on government payroll. (1mk)
village elder.

1x1 = 1mk

3. What is the main role of the Kenya Anti- corruption commission.

- Investigates corruption cases in non-partisan manner and to investigate and prosecute officers involved in corrupt deals 1 point x 1 = 1mk

4.(a) List five categories of prisons in Kenya

- Principal institutions e.g. kamiti
- District I and II prison
- Detention camps
- Youth institutions
- Youth corrective training centers. 5x1 mk = 5mks

(b) Describe the functions of the Kenyan prisons (10mks)

- To confine prisoners convicted by the courts of law
- To keep watch over the behaviors of suspected criminals whose cases are still pending in law- courts

- To implement the decision of the courts regarding the treatment of prisoners e.g. to administer corporal punishment
- Rehabilitate prisoners through counseling in an attempt to correct their behaviors
- offering vocational training
- taking care of prisoners welfare by providing them with necessary medical attention
- they assist in confining suspects who are a threat to community security.

2x5 =

10mks

5. Reasons why reshuffling of the cabinet by the president from time to time is necessary

- Prevent sticking into power by one individual
- Give others a chance
- Enlighten different ministers on what happens in other ministers
- Avoid corruption
- Try expertise of different people (professionals)
- Its within his powers to do so
- Drop non performers

1 x 1 = 1mk

6.Name two electoral regulations governing elections in Kenya

- The local Government act
- The election offences act
- The Kenyan constitution

National Assembly and presidential Election act

1 x

2 = 2

7.One function the Kadhis courts in Kenya

- Settle marriage and divorce cases between Muslims
- Settle inheritance disputes between Muslims

8.Identify Six instances when the rights of a person to own property can be limited in Kenya

- When satisfying any penalty for breach of civil and criminal law
- In collection of tax, duty, rate or other levies
- When property is seen to be dangerous to the health of a person, animal or plant
- Execution of a court order
- If property is required temporary for examination, investigator, inquiry, trial. Soil. Conservation or agricultural development
- Belongs to a deceased person, a person of unsound mind or a minor for its administration to the benefit of the persons entitled to benefit
- Belong to a person or company adjudged bankrupt
- Its subject to a trust for purposes of giving effect to the trust
- Condition of lease, mortgage or contract

2 x 6 = 12 Marks

9. Name the body that was created to conduct elections following the disbanding of Electoral commission of Kenya in 2008 (1mk)

- Interim independent electoral commission(IIEC)

1 x

1 = 1mk

10.a) Give any three roles of armed forces in Kenya (3mks)

- Defend the country in event of an external attack
- Assist the police when they are overwhelmed
- Participate in nation building e.g road, bridge construction
- They entertain the public during National days
- They participate in peace keeping missions abroad under the UN supervision.
- Their presence is a deterrent measure against would be external attackers
- The Kenya Navy ensures that no illegal landings and fishing take place in Kenyan waters.

3 x 1 = 3mks

b) What challenges does the provincial administration face in Kenya (12mks)

- Imbalance in population, some regions are very densely populated causing land lessness and insecurity whereas others are sparsely, populated refunding developments efforts.
- Insecurity e.g land clashes, cattle rustling, increased crime.
- Natural disasters e.g floods, drought, leading to famine.
- Inadequate infrastructure such as roads, electricity, water, health centres etc.
- Inadequate funds to offer services effectively
- Corruption by some officials
- Illiteracy and poverty among the people of Kenya
- Retrogressive customs and traditions e.g child marriages, F.G.M etc
- Tribalism and Ethnic tendencies among officials.
- Antisocial activities e.g drag peddling, changaa brewing etc
- Inadequate facilities for transport and communication e/g Motor vehicle, Telephone, fax .

6 x

2 = 12mks

11. a) Identify three steps in the law making process that take place outside parliament

(3mks)

- The drafting of a bill
- Presidential assent
- Publishing of the Bill in the Kenya Gazettee

3 x 1 = 3mks

b) Explain how parliament check the powers of other organs of the government in Kenya (12mks)

- It is empowered to control revenue collection and government expenditure
- Parliament ensures that government money is spent property
- It reviews the constitution
- It can pass a vote of no confidence in the government of the day
- It checks on the possible abuse of power be executive and thus promote good governance and accountability
- Parliament is the supreme law making organ , in the country, once it

make law, they are binding to every body.

6 x 2 = 12mks

12. Name the organ of the government that administer Justice through court system.(1 mk)

Judiciary.

13. a) State five problems that faced the early political organizations in Kenya upto 1939 (5 mks)

- i) Arrest and deportation of their leaders/ harassment and detention.
- ii) The organization were banned by the colonial government.
- iii) They were ineffective because of ethnicity / rivalry and suspicion within and among political parties / were district based.
- iv) They organizations lacked the support of the masses.
- v) They lacked funds to promote their activities.
- vi) The leaders lacked organizational skills.
- vii) The members were denied the freedom of association and movement.

viii) The organizations were denied access to the media. (any 5 x 1 = (5 mks)

b) Explain the factors that promoted African nationalism in Kenya between 1945 – 1963

(10 mks)

- i) The Africans by then had acquired western education that made them air grievances more forcefully/ They were able to know the various developments taking place.
- ii) The experience the solders got after world war II, giving them political determination for independence.
- iii) The granting of independence to Indian and Pakistan in 1947 which aroused great confidence among Africans in Kenya.
- iv) The Atlantic charter (911 signed bet Winston Churchill and USA president Franklin Delano Roosevelt / All subjects after war were to enjoy the right is self determination.
- v) Spirit of Pan Africanism.
- vi) The labor party in Britain favoured decolonization. USA/ USSR as supper powers both supported decolonization.
- vii) The World War II drained the treasures of European countries Britain & trace.
- ix) The United Nations (UN) formed after the war advocated the grating of political freedom to all.

Any 5 x 2 10 mks

14. one way in which parliament plays its terminative role

-Passing a vote of no confidence in the president and the government

15. State five stages through which a bill passes before it becomes a law in Kenya (5mks)

- i) **Drafting** done by members of parliament/ private/ then drafted in the Attorney Generals chambers.
- ii) **First reading**: The bill is introduced in parliament no debate or voting

- takes place.
- iii) **Second Reading** : The bill is read, debated upon in details it can either be accepted or rejected.
 - iv) **Committee Stage** : the bill is taken to the committee stage of the whole house or small group of the members elected by the house to scrutinize and analyze the bill and make recommendations and report to the house.
 - v) **Report Stage**: The bill is taken to parliament to a certain that the suggestion /recommendations were accurately affected and the house votes on the motion. If accepted it goes to the next stage
 - vi) **Third Reading**: The bill is discussed and voted upon.
 - vii) **Presidential Assent**: The bill is taken to the presidential for assent after which it becomes law and is then gazetted

5x1= 5mks

16a) Give five roles of the Traffic police in Kenya (5mks)

- i) To control traffic on roads
- ii) To inspect motor vehicles
- iii) To guide the flow of traffic on roads
- iv) To arrest traffic offenders
- v) To provide emergency assistance incase of a road accident
- vi) To educate the public on roads safety measures.
- vii) To conduct during test/issue provisional during licenses.

5x1 =5mks

b) Explain five functions of the Kenya armed forces (10mks)

- i) The defend the country from external attack/aggression.
- ii) They assists the police in the maintenance of law and order/internal security.
- iii) They provide emergency services during natural disasters such as uncontrollable fire, earth quake and floods or locusts.
- iv) They assist in Nation – building activities such as road and bridge constructions.
- v) They participate in international peace keeping for the maintenance of security in areas ravaged by war.
- vi) They provide entertainment during National functions e.g. on Madaraka or Jamuhuri Days.

5x2= 10mks

17. Identify two non-military functions of the Kenya Armed Force (2mks)

- a) Participating in development projects e.g. building roads, bridges e.t.c
- b) Entertaining the public and foreign guests during public holidays
- c) Providing emergency relief services during disaster e.g. floods, accidents or locust invasion

Any 2x1 = 2marks

18. Give one function of the Judicial Service Commission.

(1mk)

- a) To appoint the registrar and deputy registrar of the High court
- b) Advise the president when appointing the count of appeal and high court judges
- c) It is involved in the remuneration and disciplining member of the lower judiciary.
- d) Appoints the senior resident magistrate and other senior officers to the judicial department

Any 1x1 = 1mark

19.a) Give five reasons why parliamentary elections are held regularly in Kenya

(5mks)

- a. In order to give the citizens the chance to choose leaders whom they have confidence in
- b. To enable sitting MPs to be responsive to the development needs of the electorate
- c. It is a constitutional requirement / it is stipulated in the constitution
- d. In order to give citizens the opportunity to exercise their constitutional rights of participating in the democratic process
- e. To inject new blood into parliament and government
- f. They help to generate new ideas by offering alternative ways of running the government through different political parties manifesto

Any 5x1

= marks

b) Explain five factors that may interfere with free and fair elections in Kenya.

(10mks)

- a. Inadequate civil education where voters are not sensitive on their right to vote
- b. Illiteracy – some Kenyans are illiterate and cannot be able to mark ballot papers
- c. Ethnic tendencies and allegiance leads to bias of voters
- d. Party loyalties also lead to voting on party lines and not on merit.
- e. Harassment of voters by rival groups / intimidation of voters / election violence
- f. Incompetent election officials
- g. Inaccessibility of polling stations
- h. Communication problem between the headquarters and the polling station
- i. Corruption of candidates and their supporters

- j. Use of negative propaganda by party leaders and supporters
- k. Gender insensitivity
- l. Use and misuse of mass media
- m. External interference e.g. support of a party by a foreign country or organization

Any 5x2

= 10marks

20.a) What is the composition of the cabinet in Kenya?

(3mks)

- a. The president
- b. The vice president
- c. The prime minister
- d. Ministers
- e. The Head of civil service

Any 3x1

= 3marks

b) Explain six functions of the civil service in Kenya

(12mks)

- a. It implements those programmes / policies that the government of the day wants to accomplish
- b. They interpret government policies to the people
- c. They act as a link between the people and the government
- d. Senior civil servants advise the ministers on the matters of policy and also prepare answers for the questions asked in parliament
- e. They offer continuity in the government since they are more permanent
- f. They maintain law and order e.g. provincial administration
- g. They collect government revenue and also account for government expenditure
- h. They keep and maintain government records which are vital to government operations

Any 6x2

= 12marks.

21. Identify one person on the judicial service commission of Kenya?

- i) Chief Justice
- ii) Attorney General

1x1=1mks

22. Role of Chief Justice in Kenya

2x1=(2mks)

- i) Swear in the president and the cabinet ministers
- ii) Heads the Kenya judiciary and give direction on how the judiciary is to determine justice in.
- iii) The arbitration of disputes
- iv) Plays an advisory role in the removal of a president on grounds of incapacity.
- v) Is the chair person of the judicial service commission?

23.(a) The functions of the returning officer in general elections

- i) Distributes election materials to the various constituencies
 - ii) Appoints presiding officer and other election officials
 - iii) Ensures the security during elections
 - iv) Identifies polling stations
 - v) Pays election officials in the area
 - vi) Receives nomination papers from contentants
 - vii) Issues certificates to the contentant
 - viii) Announces the results of the election in the area
- Any 3x1=3mks

(b) **Six functions of the Kenya parliament**

- through MPs
- i) Provide a link between the government and the people
 - ii) Makes and amends the law
 - iii) Approves government revenue and expenditure
 - iv) Checks on the powers of the executive by passing a vote of no confidence.
 - v) Creates statutory bodies e.g. parastatols
 - vi) Parliament protects the interest of the people by debating on national issues affecting the people
- Parliament acts as training ground for national leaders

24.(a) Give five functions of permanent secretaries in the civil service

- i) He/ she supervises the work of the civil servants
 - ii) He /she supervises the implementation of government policies
 - iii) He/ she interprets the government policies in the ministry.
 - iv) He/ she is the chief technical advisor in the ministry.
 - v) He/ she is the chief accounting officer in the ministry.
- Any 5x1=5mk

25. Apart from the constitution, name any other two sources of Kenyan laws.

(2mks)

- ❖ *African customs/customary laws*
- ❖ *Religion*
- ❖ *British common law*
- ❖ *Acts of parliament*
- ❖ *Judicial precedents*

2 x 1 = 2 marks

26. Give two functions of the sergeant at arms.

(2mks)

- ❖ *Maintain discipline within and around parliament building*
- ❖ *Custodian of the mace*
- ❖ *Enforces all orders made by the speaker*
- ❖ *Responsible for the maintenance of parliament building.*

2 x 1 = 2 marks

27.(a) Identify **five** factors that undermine free and fair elections in Kenya.

(5mks)

- ❖ *Inadequate civic education, voters are not sensitized on the right to vote for good leaders.*
- ❖ *Illiteracy among citizens, some Kenyans are illiterate making it hard to mark ballot papers properly.*
- ❖ *Violence, chaos hinders voting, voters have no access to voting halls.*
- ❖ *Rigging*
- ❖ *bribes*

$5 \times 1 = 5\text{mks}$

(b) Explain **five** roles of the Electoral Commission of Kenya.

(10mks)

- ❖ *Divides constituencies, marks the boundaries and names the constituencies.*
- ❖ *Review electoral areas, i.e. boundaries, numbers and names.*
- ❖ *Register voters, maintains and revises the register of voters.*
- ❖ *Prepares and distributes nomination papers, ballot papers, boxes*
- ❖ *Supervises the casting and counting of votes.*
- ❖ *Appoints and pays the staff at the voting.*
- ❖ *Responsible for general direction, supervision of administrative conduct of presidential, national and local government elections.*
- ❖ *Promote voter education all over Kenya.*
- ❖ *Promote free and fair elections.*
- ❖ *Receives money deposited by aspiring parliamentary candidates.*
- ❖ *Conduct language proficiency tests for candidates.*
- ❖ *Announces the dates of elections or by elections provides security throughout the election exercises.*
- ❖ *Announces election results.*

$5 \times 2 = 10\text{mks}$

28.(a) Identify **three** basic aims of prison sentence.

(3mks)

- ❖ *Rehabilitating people*
- ❖ *Punishing offenders.*
- ❖ *Deterring those who might be thinking of committing offences.*
- ❖ *Removing temporary those who threaten societal peace.*
- ❖ *Justice/revenge/retribution.*

$3 \times 1 = 3\text{mks}$

(b) What measures have been taken by the government to improve the conditions of prisons in Kenya?

(12mks)

- ❖ *Provision of better food, improved medical services, sufficient clothing and beddings.*
- ❖ *Petty offenders are subjected to extra-mural penal employment to ease congestion in prisons.*

- ❖ *Efficient transport as new vehicles, have been purchased to transport prisoners to court.*
- ❖ *Release of death-row inmates who have been in jail for over ten years awaiting execution.*
- ❖ *Direct involvement of the government in prison affairs e.g. visiting prisons and listening to their needs.*
- ❖ *Introduction of recreations facilities in prisons e.g. radio and television.*
- ❖ *Improving the living conditions of prison warders e.g. building better houses and increasing their salaries.*
- ❖ *The department is training personnel to rehabilitate drug and alcohol addicts.*
- ❖ *Streamlining of hearing of cases with a view to keeping prisoners in remand for a short period.*
- ❖ *Release of prisoners who were serving short sentences aimed at reducing congestion.*

6 x 2

29.(a) What are the functions of cabinet in Kenya? (5mks)

- Formulate national and foreign policies to guide the country.
- Advises the president on issues of national development.
- To supervise the implementation of government policies by respective ministry.
- To initiate/approve government bills for discussions by the parliament.
- To initiate development projects by ministries in different parts of the country.
- Discuss important national and international issues.
- Prepare budgetary estimates for the respective ministries
- Collectively defend government policies.

(b) Explain the challenges facing the persons department in Kenya. (10 mks)

- Overcrowding due to increased number of prisoners there are poor living and sanitation in prisons.
- Diseases outbreak due to congestion e.g. cholera.
- Prisoners are mistreated by prison warders.
- Beaten and killed by prison warders.
- Food shortage inadequate medical facilities.
- Inadequate budgetary allocation for operations and maintenance.
- Prison warders are poorly paid and live in dilapidated houses.
- - Corruption, nepotism, bribery cover-ups are common in prisons some criminals bribed them way out of prisons & files for prisoners disappears.
- Drug-abuse and immoralities – drugs are finding their way in prison.
- Inadequate rehabilitation facilities and personnel in prisons to counsel criminals and drug addicts.

