



CONSTITUTIONALISM AND THE RULE OF LAW UNDER THE CONSTITUTION OF KENYA 2010: PAST REFLECTIONS, STATUS QUO AND FUTURE CONTEMPLATIONS

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Abstract

A constitution is the supreme law of the land. In principle, it is the government norm upon which all governmental action ought to be founded. Not only does it govern governmental action in relation to the polity en mass, but it also lays down the proper legal framework and values deemed requisite for social life among the governed inter se. In this regard it can be viewed as the blue print for developing the instrument of social governance. On the other hand, constitutionalism and constitutional practices can be equated to the oil that keeps the pistons of this dynamic instrument running.

Without the instruments, there is no need for oil, and without the oil, the instrument is transformed from a machine to a grounded prototype of its intended self. This paper is an appraisal of the concept of constitutionalism and good constitutional practice in Kenya. Being founded on the aforementioned supposition, it is a deliberate attempt at addressing the impending deadlock that awaits the Kenyan polity in the near future if all things remain constant with regards to the appalling sense of respect accorded to the constitution in Kenya. Furthermore it also attempt to mitigate the harm already done to the social fiber in defying and defiling the constitution

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