ABSTRACT
The Constitution of Kenya, 2010 was promulgated on 27th August, 2010 ushering in a new
dispensation in Kenya’s social, political and economic order. The new Constitution significantly
restructured and redesigned government institutions and established new systems of governance.
Kenyans clamour for the new Constitution was to address a number of constitutional and governance
problems associated with Kenya’s previous governments. Among the constitutional and governance
problems which needed to be fixed is the re-assertion of the correct relationship between the three
arms of government and reforming of state institutions.
Kenya is in the 3rd year of implementing the new Constitution. Among the changes in the new
dispensation is how the Government will undertake its legislative agenda. The Constitution requires
both legislative and policy reform in order to achieve the intended outcome.
This study therefore, examines three pertinent issues, first is the extent to which the 2010
Constitution has re-organised and re-designed the legal and institutional framework on the
legislative drafting process. Second is the adequacy of the redesigned legal and institutional
framework in the quest of drafting quality and effective legislation. Third is policy formulation in the
context of legislative drafting in the restructured and re-designed legal and institutional framework.
The study also examines if the new Constitution addresses the inherent challenges which affect the
quality of legislation. Thereafter the study concludes and proposes recommendations on measures
aimed at streamlining the legislative drafting process in Kenya.