**KAHUHO UHURU HIGH SCHOOL**

**FORM III END OF TERM I 2014**

**ENGLISH**

**TIME:**

**Q1. COMPREHENSION (20 MARKS)**

**PROTECTION AGAINST ARBITRARY SEARCH OR ENTRY**

Both the Constitution and the Criminal Procedure Code provide that no person shall be subjected to the search of his person or property or the entry b others on his premises except as *authorized by law.*

Respect for an individual’s human dignity militates against subjecting a person to **arbitrary**and humiliating search of his person. When such an illegal search is carried out, it amounts to a **trespass** on the person. Therefore, to **buttress** the notion of personal autonomy, a person is not to be searched without his or her consent or in contravention of the law. If this is done, It constitutes trespass on a person’s property. Individuals must have privacy in their home and thus arbitrary searches or entries are forbidden by the law. This is why protection against arbitrary search or entry is sometimes also referred to as the right to privacy.

You may have heard security officers say that they want to search a person or premises since they have a searcher warrant. A search warrant is granted by the court upon application by the police that they suspect they could find some evidence on a particular person’s premises. Such a search warrant enables the security officers to carry out the search legally. Without such a warrant, security personnel or anybody else have no right whatsoever to search persons or their premises it is important to note that searches include not only physical searches of the person or his premises but also surveillance through telephone-tapping and electronic surveillance in one’s home or property. For these specialized searches, security personnel have to abide by the law.

One problematic area in the law regulating searches is that although illegal searches are proscribed and amount to trespass, evidence which arises from such searches is deemed acceptable evidence in a court of law. Perhaps an individual who ha been searched illegally can institute a trespass and/or a battery suit against the officer who conducted the search and against the government, but this will not prevent a court from using the evidence in a court of law.

If any person with a warrant of arrest or a police officer having authority to arrest has reason to believe that the person to be arrested has entered into or is within any place, the person with the warrant of arrest or the police officer shall demand that he be allowed to enter and search the premises. The search is deemed necessary for the purpose of **apprehending**  the person to be arrested. If the person who is in charge of the premises does not voluntarily allow the search, forceful entry into the premises is permitted under the law.

Further, a police officer or other person authorized by the Commissioner of police in writing can search any aircraft, vessel or vehicle, if he has reason to suspect that stolen or unlawfully obtained property could be found there or he suspects the aircraft, vessel or vehicle has been used in the commission of or to facilitate the commission of some specified offence under the Penal code such as theft, robbery, extortion or burglary. In such instances, the premises can be searched without a warrant. But in the normal course of things, searches of premises are to be conducted when a search warrant has been issued by a court of law.

For the court to issue the warrant, security personnel have to prove on oath that they have strong reasons to believe that what they are looking for is in the place they intend to search. If the court is satisfied as regards the foregoing, then the court gives a search warrant allowing not only the search, but also **seizure** of any relevant item. A search warrant can be applied for and issued on any day including Sunday between sunrise and sunset. It can also be executed at any hour. If the person in charge of premises for which a search warrant has been issued refuses to allow the search, then forcible entry into the premises is allowed for facilitating the search.

For a search warrant to be valid, it must be signed by the judge or magistrate who issues it and must bear the seal of a the court. The person to execute it must be specifically mentioned in the warrant as authorized to execute it. A police officer in whose name a search warrant as authorized to execute it. The search warrant remains in force until its execution or cancellation by the court.

Searches of persons, like searches of premises, are also legally allowed. Upon arrest by a police officer under an arrest warrant which does not provide for the taking of bail or where the arrested person could be given bail but cannot afford it, the arresting officer or person may search that person and place in safe custody all articles other than necessary clothing found on the arrested person.

Any person who may be reasonably suspected of having in his possession or conveying in any manner anything stolen or unlawfully obtained can be searched without a warrant. This provision gives a lot of **discretion** to law enforcement personnel and may be used to stop and search any ‘suspicious looking’ individual. However, the police would have to show that the suspicion was developed on reasonable grounds.

While premises are being searched as a result of a search having been issued, a person in or about such a building or place who is reasonably suspected of concealing about his person an article for which the search is being made can himself be searched.

Where a woman’s body is searched, this must be done by another woman with strict regard to decency. Also, if a police officer intends to break into premises for purposes of a search after the person in charge of the premises has refused to submit to voluntary search and the officer knows that a woman who accofding to custom does not upper in public lives in those premises, for example, as a tenant, the police officer has to ask her to leave the premises and further give her sufficient time to so leave before breaking into the premises.

1. Explain the meaning of the following words as used in the passage:
2. Arbitrary……………………………………………………………………
3. Trespass……………………………………………………………………..
4. Buttress…………………………………………………………………………
5. Surveillance…………………………………………………………………….
6. Apprehending…………………………………………………………………..
7. When can a search of a person’s body be legal? (2 marks)

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………………………………………………………………………………………………………

1. What is a search warrant? (2 marks)

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1. Differentiate between ‘search’ and surveillance’ (4 marks)

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1. Mention three things that make a search warrant valid. (3 marks)

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1. Give evidence of the fact that the law is sensitive to people’s customs. (2 marks)

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1. How is the search of women to be conducted? (2 marks).

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The pregnancy was uneventful but once again the birth was harrowing and Owuor found himself wishing fervently that no more children would come. The child was a boy and everyone uttered a sigh of relief for the chief. Two rocks were definitely an improvement on one. They named him Owan’ Sino after a famous warrior of the clan and he bore a startling resemblance to his father with whom he became friends from the first moment his eyes opened and he saw that black face with its wide cheekbones, big nose and brilliant white teeth. The baby crowed with pleasure whenever his father came within visions and predictable his first word was baba – daddy. Compared to his chatterbox brother and sister. Owang’ was a welcome respite for his mother. His demands were few and he was as easy to please as his father.

Even by the standards of the time, it was a close knit family, with the father standing resolutely between the world and his little band that everyone so longed to enlarge. In fact he was well pleased, for his father before him with many wives also had what he had achieved with one wife wo sons. His brother on the other hand had made up for Owuor’s reserve. He had four wives and eighteen children. The gap between the broThers had widened considerably. This was worsened by the fact that Otieno was a weak man who seemed to have a knack for marring one shiftless wife after another, with the result that he was almost entirely dependent on his brother. This he took only as a rightful due which could not have been too bad had he not been extremely jealous of his brother whom he also hated with venom. In his heart, in spite of his many wives, he desired his brother’s wife who seemed to get younger every year instead of older. Even his youngest wife who was still in her teens could not compare with Akoko, with her flawless skin and still very trim figure kept so by hard work. Otieno treated his wives like sluts and they did not fail him. Owuor treated his wife like a queen and he did not fail him either. .

1. What had happened just before this extract: (3 marks)

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1. What themes comes out in the exact: (4 marks)

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1. Give one character trait for each of the following as pot rayed in the extract.

(i) Owuor (2 marks)

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……………………………………………………………………………………………..

(ii) Otieno (2 marks)

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1. Identify and illustrate a stylistic device brought out in the extract. (2 marks)
2. Explain the meaning of the following words and expressions as used in the extract. (4 marks)

(i) slut

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……………………………………………………………………………………………….

(ii) Jealous………………………………………………………………………………..

(iii) knack…………………………………………………………………………………

(iv) shiftless………………………………………………………………………………..

1. Why did Otieno hate Akoko so much? (3 marks)

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**Q3. GRAMMAR**

A Rewrite the following sentences according to the instructions. Do not change the meaning. (3 marks)

1. “This is a very important exam for me.” My desk mate told me. (Write in reported speech)

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……………………………………………………………………………………………….

1. Dorren flew the plane over the pacific. (Write in passive voice)
2. If you see my visitors, call me. (Begin: should………………………………)

**B SUPPLY THE MOST APROPRIATE PREPOSITION (4 marks)**

(i0 On arrival at eh hotel, we sat …………………………………………..table to be served dinner.

(ii) Gangsters broke………………………….several shops and made…………..with property of unknown value.

1. When I got the good news that I had passed, I got so excited that I walked home……………….a spring.

**C FILL IN THE BLANKS WITH THE CORRECT ALTENTIVE FROMTE CHOICES GIVEN. (3 MARKS)**

1. Who ……………………………….a fire outside my house? (light/lighted/lit)
2. Since the introduction of the community policing in our estates……………………of theft have reduced. (incidence/incident/incidents)
3. An elephant looks after ……………………………………………calf. (it’s, its)