

Expansive Jurisdiction & The Two Exclusions: Why Article 50(1) Empowers Independent Tribunals Across All Civil and Administrative Disputes

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A common misconception in administrative practice is that **Independent Tribunals** operate under a narrow, secondary jurisdiction, restricted only to minor statutory tasks or internal departmental reviews.

A rigorous constitutional analysis reveals the exact opposite: anchored in the Bill of Rights under **Article 50(1)**, the subject-matter capacity of independent tribunals is fundamentally expansive and default-inclusive—constrained *only* by two explicit constitutional reservations.

SUBJECT-MATTER JURISDICTION ARCHITECTURE	
ARTICLE 50(1) DEFAULT JURISDICTION “Any Dispute Resolved by the Application of Law”	
UNCIRCUMSCRIBED EXPANSIVE SCOPE (Independent Tribunals & Courts) * Civil & Commercial Disputes * Land, Estates & Succession (AISTAR) * Regulatory & Administrative Action * Electoral & Representation (AIETAR)	EXCLUSIVELY RESERVED TO COURTS (Article 19(3)(c)) * Criminal Proceedings (Article 50(2)(d)) * Presidential Petitions (Articles 140 & 163)

The Constitutional Engine: Article 50(1) Expansive Default Scope

The subject-matter authority of independent tribunals originates in Chapter Four (The Bill of Rights). **Article 50(1)** of the Constitution guarantees that:

"Every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body."

Because independent tribunals execute sovereign power delegated under **Article 1(3)(c)** directly from the people (**Article 1(2)**), their default capacity spans the entire spectrum of legal disputes. This includes civil claims, commercial partitions, administrative reviews, status determinations, professional discipline, and customary or contractual adjudications.

The Two Exclusive Constitutional Exceptions (Article 19(3)(c))

Under **Article 19(3)(c)**, fundamental rights in the Bill of Rights—including the Article 50(1) fair hearing mandate—shall not be limited except as explicitly contemplated in the text of the Constitution itself.

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The text establishes precisely **two subject-matter exclusions** that independent tribunals are constitutionally barred from hearing:

THE TWO CONSTITUTIONAL EXCLUSIONS	
1. CRIMINAL PROCEEDINGS	2. PRESIDENTIAL ELECTION SUITS
* Article 50(2)(d) Restriction * Penal trial reserved strictly to a “court”. * Non-derogable right under Article 25(c).	* Articles 140 & 163(3)(a) * Exclusive original jurisdiction of Supreme Court * Barred from all other bodies

1. **Criminal Proceedings (Article 50(2)(d)):** While Article 50(1) allows general legal disputes to be heard before courts or tribunals, Article 50(2)(d) explicitly restricts criminal trials to *"a court established under this Constitution."* Because criminal prosecutions involve penal sanctions and potential loss of personal liberty, **Article 25(c)** renders the right to a fair trial before a court non-derogable. Independent tribunals cannot try penal offences or impose criminal imprisonment.
2. **Presidential Election Petitions (Articles 140 & 163(3)(a)):** Article 163(3)(a), read alongside Article 140, confers exclusive original jurisdiction to hear and determine challenges to the election of the President on the Supreme Court.

Legislative & Administrative Limits: The Constitutional Floor

Outside these two explicit constitutional reservations, any statutory provision, administrative directive, or executive policy attempting to arbitrarily restrict the subject-matter capacity of independent tribunals to resolve legal disputes is constitutionally suspect.

Because Parliament enacted the **Fair Administrative Action Act, 2015 (FAAA)** pursuant to Articles 47(3) and 94(5) to operationalise fair administrative action, independent tribunals possess full authority under **Section 2 and Section 4** to award binding remedies. These remedies include:

- **Restitution and Compensation Orders**
- **Declaratory Relief and Status Determinations**
- **Registry-Ready Partition Orders** (such as AISTAR Form B24 estate determinations under Section 45(1) of the Law of Succession Act)
- **Sectoral and Representative Directions** (such as fast-track electoral determinations under AIETAR)

SUBJECT-MATTER CAPACITY COMPARISON		
ADJUDICATIVE FORUM	CIVIL/ADMIN SCOPE	CRIMINAL PROCEEDINGS
Traditional Courts	Full Jurisdiction	Full Jurisdiction

SUBJECT-MATTER CAPACITY COMPARISON		
ADJUDICATIVE FORUM	CIVIL/ADMIN SCOPE	CRIMINAL PROCEEDINGS
(Magistrates / High)	(Subject to caps)	(Subject to caps)
Independent Tribunals (AITAR/AISTAR/AIETAR)	Full Expansive Scope (Article 50(1))	STRICTLY EXCLUDED (Article 50(2)(d))

Core Takeaway for Practitioners

Independent tribunals are not limited to minor administrative appeals or internal disciplinary hearings.

Under Article 50(1) of the Constitution, independent tribunals possess expansive adjudicative capacity to resolve any civil, commercial, land, succession, or sectoral dispute capable of resolution by application of law. Unless a matter constitutes a penal criminal prosecution or a presidential election challenge, independent tribunals exercise direct delegated sovereign power to deliver binding, registry-ready administrative justice.