



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CIVIL CASE NO. 773 OF 1996**

**JOHN WANJALA**

**MWASEME.....PLAINTIFF**

**-versus-**

**KENYA SCIENTIFIC RESEARCH**

**INTERNATIONAL TECHNICAL AND**

**ALLIED INSTITUTIONS WORKERS**

**UNION.....1ST**

**DEFENDANT**

**REGISTRAR OF TRADE UNIONS.....2ND**

**DEFENDANT**

**R U L I N G**

On 8th may, 1998 this court stopped the meeting scheduled for 9th May, 1998 which was convened at the instance of the second respondent. As at the time the order was issued, there was hardly any time to state the reasons for the said order. The following are the reasons.

The substratum of these proceedings is the 1st respondent. It is the union which should be calling for the said meeting. It has been alleged that the union is in breach of its constitution. Even if that be the case in calling for any meeting the provision of the constitution must be followed.

There are several branches of the union. Some have been registered but some are not. The convenor has to ensure that all concerned participate. Further the convenor must have the locus standi to call such a meeting. the 2nd respondent with respect has not established such capacity. Rules 13 and 14 of the unions constitution provides that there should be 6 weeks notice to members and branches. This was not complied with in this case.

For reasons that are not very clear but common in most unions, the 1st respondent is deeply rooted in undemocratic practices. It was feared that the holding of the said meeting would enhance the same. Further, I note that the 1st respondent supported the application for injunction. I believe it was right to take such a step as to accede to the notice of the 2nd respondent would be in breach of the constitution of the Union. For those reasons the application succeeds. The second respondent shall pay the costs of the application to the applicant. Order accordingly.

**Dated and delivered at Nairobi this 17th day of June, 1998**

**A. MBOGHOLI MSAGHA**

**JUDGE**