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20th January 2005

The Editor,
The Sunday Standard,
P.O. Box 61799
Nairobi

Dear Sir,

RE: USE OF THE BREATHALYSER IS ILLEGAL

I am writing in response to an article in *The Sunday Standard* on the 18th of last month, by Mr. Kibe Mungai. The article outlined the use of the breathalyser and why it was unnecessary to bring in the 'alco-blow', as it is known. In the article, Mr. Kibe also describes the breathalyser as being illegal. I feel it needs some attention seeing that it is causing a lot of havoc in the country.

Firstly, Mr. Kibe described the consumption of 50 milligrams of alcohol as "standing on statutory and constitutional quicksand." By stating this, he implies that this rule will not exactly work. I agree with him because I feel that it is too little an amount to cause major driving problems. So all this does is force people to decrease their alcohol consumption level to one that is lower than what they are used to.

Secondly, the writer describes this rule as "draconian". I agree with this. This regulation exploits the freedom that we enjoy as Kenyan citizens and even generally, humans. However, one will also need to be careful, while partying out at night or meeting friends at a bar, especially if they plan that they are going to be driving. Caution is needed, but what we do not need is a lesser and slightly nicer version of the Prohibition in the USA a few decades earlier.

In addition, Mr. Mungai mentions that major causes of road accidents cannot be blamed on drunk driving. As quoted in the article, "every Kenyan driver knows that poor or cratered roads, defective vehicles and sheer carelessness and reckless driving are the major causes of road traffic accidents." the author here is trying to portray that the breathalyser was not a necessity if you want to save Kenyans on the roads. Instead, solve those other problems. I am not saying that there are no such cases on drunken driving. Drink and drive cases there despite the fact that they are minimal. Personally, I feel that the money spent on this superfluous cause would rather have been spent on aid to send to the unfortunate victims of famine than on the alco -blow.

The writer also points out a clause under the Traffic Act under section 44(1). it reads as follows: "any person who, when driving or attempting to drive,...is under the influence of alcohol or a drug to such an extent as to be incapable of having control of the vehicle shall be guilty of an offence..." the key words here as pointed out in the article are, "under the influence of alcohol or a drug as to be incapable of having proper control of the vehicle", in my belief have been ignored by the policemen. When taken to court, charged with drunken driving, a police officer without the alcohol blow can say what he

witnessed. For example, whether or not the accused was handling the vehicle properly at the time. Whereas, a police officer with the gadget can only testify against the guilty with the result that was given.

I would like, also, to point out that the supposedly drunken drivers could be wrongly accused of having an overdose, as the device could be faulty in some way. In addition, different people have different consumption levels. For instance, from two people, one of them could have a lower consumption level than the other and could easily get drunk after consuming one bottle of alcohol despite the fact that the other could keep going until he has finished six bottles. Another thing I would like to adjoin is that, in my opinion, the introduction of the breathalyser is just a gimmick by the police and the government to make enough money out of going by the high amount of bribes that they are bound to get and, soon enough, after their goal has been reached, they will probably outdate it.

In conclusion, I would like to say that I fully agree with the writer of this article and that the breathalyser is *not* a concept that the government has brought in for the benefit of the people of this country.

Yours faithfully,

Mausam Bhanji