

University Platform

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LEGALITY OF DETENTION

"DETENTION ACT was not an instrument for maintaining unpopular government in power, as one of the student had observed but it was a means by which the collective interest of the majority could be safeguarded against those of the minority." This was said by the Honourable Chief Justice of Kenya, Mr. Kitili Mbaluki Mwendwa, on the occasion of his visit to the University College Nairobi under the auspices of the Students Union.

He was delivering a lecture on "Democracy and the preservation of human rights". He admitted that Detention was an act which was not accepted with enthusiasm by anyone. He emphasized that the interest of the majority was the true principle of Democracy. Resorting to detention was one way of choosing the lesser evil among two evils.

He recalled that the other alternative to detention was the holding of "secret court" comprising a judge, prosecutor and the accused. The danger was that this type of court left an individual with strings of criminal records, while in the case of detention the individual had none.

The chief justice re-emphasized the roles of judges in protecting the democracy and the rights of man. The judges he said, must be independent in the execution of justice.

Many a times he had to release the individuals convicted in lower courts despite the fact that he was fully convinced that they were guilty. This was so, because while the courts had its own procedures, they were also bound by those procedures. The fact that he released an individual was not an indication of innocence but rather it was the dissatisfaction he had of the procedures followed and the ways the evidence was received. "If the receiving and proving of information was made in public, the public would know how they were acquired with the result that the criminals would be cleverer". This being the case, detention seemed an effective substitute.

ANTITHETIC

"Democracy and Rights of Man" he went on in his lecture, "were conceptually different but functionally — interdependent, since while democracy could accommodate and protect the rights of man, it was difficult to draw a line as to the limits."

ELITISM

"It was also to be noted that political elitism was an important corollary to the links between democracy and human rights as a provider of political power in whose context



the elements of human rights could thrive".

OUTPUT

While Democracy experienced certain limitations which led to increased political predicament, its functions as protective, distributive and directive mechanism, helped to maintain its equilibrium with the rights of man.

At the end of his lecture, the President of Student Union, the honourable Yoga Adhola moved a vote of thanks.

THE APPOINTMENT

By John Washington Otieno

THE appointment of Dr. Karanja as Principal of the University of Kenya has been announced; this announcement has been received with mixed feelings from both academic and civic circles. To me, this declaration has not come as a pleasant surprise inasmuch as this development had already been subjected to a spate of controversy, surround-

ded with suspicion, anxiety and debate.

The post of the Principal of a university is a challenging one; it calls for academic resourcefulness, high calibre, and adaptive qualities on the part of the incumbent. A high level of objectivity, intellectual devotion, and civic detachment taken together underline the prerequisites for academic leadership on a sounder basis.

While the leadership need to reflect the current mood prevailing in society the allegiance of the intellectual elite must first and foremost be paid to the purity of academics and to protection of the purpose of the university. This is the challenge that will face our new university and the new leadership in attempting to reconcile the diverse forces at the Ivory Tower.

In fulfilling the new task certain basic values must be observed; objectivity must reign over emotionalism; rationality must take precedence over affectivity, and most important of all, the interests of all must be safeguarded against narrow hegemonic interests. The Kenya we want should be more responsive to the aspirations of the people and this must be symbolized in the very existence of the university, the highest institution of intellectualism in the country. The Kenya we want must reflect

a just and fair vision of society, free from injustice, unfairness, recriminations and victimisation of all sorts.

The primary purpose of the university must be to help create a type of society in which equitable principles govern relations between men, women and children. In one sentence, the university must act and function as an instrument of the people and for the people and not as a means in the hands of an elitist group or the ruling class.

Once the university begins to bow down and submit to parochial values it automatically loses common sense and a dispassionate sense of direction. Once political expediency begins to lord it over professional traits the institution becomes enslaved to vicious political patronage and blackmail.

In effect, what is this but compromising the concept of academic freedom, a basic sinequanon of a free university? I am not quarreling with anybody for whatever might have happened; but the fact is that something has gone wrong somewhere and the system has worked unfairly to some people, in a sense of rational choice.

Of course, the political leadership has the carte blanche to do what it wants to be done!

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