

File No. GO/POL/2/27

**SECRET**

COLONY AND PROTECTORATE OF KENYA

1961

# GOVERNOR'S OFFICE

Subject MAKHAN SINGH.

FCO 141/6870

6C  
1229

**Related Files**

CAB/POL. closed para file to this file

FCO 141/6870

GO/POL/2/27



# GUARD SHEET



EXTRACTS FROM MINUTES OF THE 77<sup>th</sup> MEETING  
OF THE COUNCIL OF MINISTERS HELD ON

...18<sup>th</sup> October 1961

Our file.

1056. THE DEPORTATION (IMMIGRANT BRITISH SUBJECTS  
ORDINANCE, 1949. MAKHAN SINGH.

Council of Ministers considered memorandum  
No. C.M. (61) 637 by the Minister for Defence.

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In the absence of the Minister for Defence  
the memorandum was sponsored by the Acting Chief  
Secretary.

THE GOVERNOR pointed out that Makhan Singh  
had not at any time been tried for any offence,  
although he had now been under restriction for a  
period of 11 years. On the other hand, there was  
no doubt that he was a potentially dangerous person  
and there was evidence that he would never change  
his political views.

THE MINISTER FOR AGRICULTURE, ANIMAL  
HUSBANDRY AND WATER RESOURCES said that while he  
accepted the inevitability of the release of Makhan  
Singh from restriction, he thought that this should  
not be effected immediately. There was at present  
a spate of subversive societies throughout the  
Colony and, in addition, there was within the groups  
which formed the Opposition in Legislative Council a  
tense political situation brought about by the  
struggle between the constitutionalists and the  
revolutionaries. The immediate release of such  
persons as Makhan Singh would tend to strengthen the  
revolutionaries. The precedent of the release of  
Paul Ngei showed that the consequences of such  
releases could be more serious than anticipated.  
Makhan Singh had in particular a history of influence  
in the trade unions movement and if released there  
was a possibility of his becoming a power behind the  
scenes to turn the movement in a revolutionary  
direction. The Minister advised for these reasons  
that Makhan Singh should not be released at present,  
but that his case should be reviewed after a period  
of about 6 months, when the political and security  
position might be clearer.

THE MINISTER FOR COMMERCE, INDUSTRY AND  
COMMUNICATIONS said that while he appreciated the  
views put forward by the Minister for Agriculture,  
Animal Husbandry and Water Resources, his own assess-  
ment of Makhan Singh's potentialities was different.  
As an Asian, Makhan Singh could not now wield the  
influence among the African masses of the Colony  
which he might 10 years ago have been able to do.  
He was a convinced Communist; but then other  
convinced Communists were at large in the Colony.  
With regard to Paul Ngei, the Minister considered  
that the significant point about Ngei's activities  
after his release was that he had not in fact  
converted K.A.N.U. to his views; on the contrary,  
he was more or less on his own.

Ministers generally concurred with the  
remarks of the Minister for Commerce, Industry and  
Communications; and also noted that a variation of  
Makhan Singh's place of restriction, as an alter-  
native to the revocation of his restriction, was not  
practicable.

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/THE MINISTER .....



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THE MINISTER FOR AGRICULTURE, ANIMAL  
HUSBANDRY AND WATER RESOURCES acceded to the meeting's  
consensus of opinion.

THE MINISTER FOR WORKS offered to endeavour  
to use his influence on Makhan Singh before he  
actually moved from Marsabit; and Ministers  
concurred with this proposal.

COUNCIL OF MINISTERS advised

- (1) that the restriction order on Makhan  
Singh be revoked; and
- (2) that the Minister for Defence should  
take the necessary action.

THE GOVERNOR DIRECTED ACCORDINGLY.



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COUNCIL OF MINISTERS

SEVENTY-SEVENTH MEETING

Y.E.

Item 10: The Deportation (Immigrant British Subjects) Ordinance, 1949.  
Makhan Singh.  
C.M. (61) 637.

Y.E. will recall the discussion in Security Council on the case of Makhan Singh, when it was decided that it should be submitted to Council of Ministers without any specific recommendation. Makhan Singh has been under restriction for 11 years.

The material now submitted is the same as that which was submitted to the Security Council, and it embraces the arguments both for continued restriction and for immediate release. Perhaps the only consideration omitted is the fact that Makhan Singh has not at any time been tried for any offence; on the other hand his restriction was recommended by a judge following proceedings under the Deportation (Immigrant British Subjects) Ordinance, 1949.

The Cabinet Office,  
NAIROBI

16th October, 1961.

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OM(61) 637

COUNCIL OF MINISTERS

THE DEPORTATION (IMMIGRANT BRITISH SUBJECTS)  
ORDINANCE, 1949.

MAKHAN SINGH

Memorandum by the Minister for Defence

Makhan Singh, a Sikh trade unionist, who has been restricted under the Deportation (Immigrant British Subjects) Ordinance since 1950 following a judicial enquiry into his subversive activities, presents a special problem in relation to Government's policy of releasing all "long service" restricted persons by progressive stages. A detailed history of his career in Kenya is attached.

2. Makhan Singh has rightly been described as an able, shrewd and inveterate Communist agitator and, though his behaviour in restriction has been exemplary apart from periodic hunger strikes, he has made it clear that he will never change his Communist views.

3. The case against Makhan Singh is that he is a life-long fanatical Communist and a trained agitator who intends, immediately on release, to start again where he left off. He will seek to exploit every weakness and difference within the trade union movement and to disrupt every effort at moderation. In particular he will doubtless direct his efforts :

- (a) to rallying and encouraging those Asian members of the Kenya Freedom Party who have Communist leanings and contacts;
- (b) to seeking out and encouraging prominent Africans with Communist affiliations and to providing additional stiffening and expertise for their campaigns;
- (c) to lending additional weight and knowledge to the increase of Communist penetration of the trade union movement in Kenya;
- (d) to encouraging the more radical elements of the community, such as the Ginger Action Group, Youth Leagues, etc.

4. It can, however, be argued that, in the circumstances of Kenya today, it is unlikely that a non-African, however fanatical, would emerge as a leader capable of stirring up the masses. There is also the point that if Makhan Singh is to revert to type it is better that this should

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happen at an early date. On balance, and in view of the length of time during which Makhan Singh has been under restriction, I consider that he should be released now.

5. The Council of Ministers is accordingly invited to consider the case of Makhan Singh and, taking into account his history, his period of restriction in Kenya and his assessment as a security risk, advise whether the restriction order under the Deportation (Immigrant British Subjects) Ordinance, 1949, which is in force against him, should be revoked forthwith or whether he should continue in restriction.

A.C.C.S.

Ministry of Defence.

10th October, 1961.

(I&S 41/13/01(S))

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APPENDIX TO  
GM(61) 637

CASE HISTORY OF MAKHAN SINGH

Makhan Singh was born in the Punjab in 1913. He arrived in Kenya in 1927 and came to notice in 1934 as the holder of advanced Communist views and through his correspondence with a prominent agitator in India. He visited India in 1935 but returned to Kenya in 1936 when he became involved in various Communist activities including, it is thought, acting as a forwarding and receiving agent for Sikh students undergoing revolutionary training in Moscow.

2. He returned to India in 1939 and remained there until 1947. During this period he was detained for subversive activities under the Defence of India Rules from 1940 to 1942, and subsequently restricted to his village until 1945. On release he worked for the Communist party in Lahore. He came back to Kenya in 1947 and was arrested and restricted under the Deportation (Immigrant British Subjects) Ordinance in 1950, following his attempt to engineer a general strike in protest against the refusal to register a trade union of which he and Fred Kubai were the leaders.

3. Many months prior to this attempted general strike, it became apparent that Makhan Singh was trying to gain control of organised labour in Kenya through the medium of his own Labour Trade Union of East Africa, and through the East African Trade Union Congress which he also directed. His object appeared to be to control labour to an extent which would enable him to call a general strike, and to paralyse communications and essential services at what he considered an opportune moment. In accordance with the now familiar Communist technique, he lost no opportunity either of suggesting or manufacturing grievances, or of exploiting any that existed.

4. In order to produce an atmosphere favourable to a general strike and to consequent rioting and violence, it was necessary on the one hand that he should be hailed as the champion of the poor against the rich, of the workers against the employers in general and the European in particular; and on the other that the maximum possible hostility and ill-will should be engendered in the minds of African workers against the Government, the City Council of Nairobi, employers, and Europeans generally. To this end, Makhan Singh published articles in the press, disseminated pamphlets and repeatedly addressed African audiences. He told them, inter alia, that H.M.G. was a "foreign power who had no right to rule in Kenya", that the Kenya Government had introduced slavery, and that secret plans were being hatched to take more African land for the City of Nairobi. He told Asians that vast bases were being prepared for the re-conquest of India. In every speech he exalted Russia as the land of freedom and exhorted his hearers to strike if he himself were arrested.

5. In particular, in the months prior to May, 1950, he organised and whipped up the opposition of Nairobi taxi-drivers against certain proposed Municipal Council regulations to control the operation of taxi-cabs, and

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endeavored to organise a boycott of the Civic celebrations which took place in March, 1950, during the visit to Kenya of the Duke and Duchess of Gloucester on the occasion of the conferrment of a Charter raising Nairobi to the status of a city. In October, 1949, the Transport and Allied Workers Union, led by Fred Kubai, brought the taxi-drivers out on strike. A disturbing feature of the attempted, and largely unsuccessful, boycott of the Civic celebrations, was that shots were fired at two prominent Africans during Civic week - at Municipal Councillor Gikonyo, who made loyal speeches and took a prominent part in welcoming Their Royal Highnesses on behalf of the African community; and at Tom Mbotela, who was a moderating influence within the Kenya African Union, and who was subsequently murdered by Mau Mau during the early days of the Emergency. There was reason to believe that Kubai at least was a party to the shootings and he was subsequently prosecuted (unsuccessfully) on charges of attempted murder and procuring attempted murder.

6. In May, 1950, Makhan Singh and Fred Kubai were arrested, Makhan Singh on a warrant under the Deportation (Immigrant British Subjects) Ordinance, and Fred Kubai under the Trade Unions and Trade Disputes Ordinance. As had been foreseen, these arrests precipitated a strike in Nairobi which lasted for a little over a week. Although no serious incidents or injuries occurred, the strike, which was also remarkable for its intimidation, showed that Makhan Singh's influence and organising ability were considerable. In the proceedings against Makhan Singh under the Deportation (Immigrant British Subjects) Ordinance, a judge duly reported to the Governor in Council that Makhan Singh was an "undesirable person" within the meaning of every part of that expression as defined in the Deportation (Immigrant British Subjects) Ordinance, 1949. The Judge made a recommendation for a restriction order, a recommendation which was subsequently accepted by the Governor in Council. Makhan Singh has been restricted ever since at Lokitaung, Lodwar, Maralal and Ndol Dol.

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SECURITY COUNCIL ADVISORY TO THE GOVERNOR

TWELFTH MEETING

PO/2/40

Y.E.

Item 5: The Deportation (Immigrant British Subjects) Ordinance, 1949.  
Makhan Singh.  
S.C. (61) 33.

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The Minister for Defence raises the case of Makhan Singh. On balance the Minister favours his release from restriction now, but he sets out the arguments on both sides and invites serious consideration of the question by Security Council. Thereafter, the matter will be referred to the Council of Ministers, since the power of making and of revoking restriction orders under the Deportation (Immigrant British Subjects) Ordinance, 1949, is vested in the Governor-in-Council.

The Cabinet Office,  
NAIROBI.

23rd September, 1961.

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S.C. (61) 33.

SECURITY COUNCIL ADVISORY TO THE  
GOVERNOR

THE DEPORTATION (IMMIGRANT BRITISH SUBJECTS)  
ORDINANCE, 1949

MAKHAN SINGH

Memorandum by the Minister for Defence

Makhan Singh, a Sikh trade unionist, who has been restricted under the Deportation (Immigrant British Subjects) Ordinance since 1950 following a judicial enquiry into his subversive activities, presents a special problem in relation to Government's policy of releasing all "long service" restricted persons by progressive stages. A detailed history of his career in Kenya is attached.

2. Makhan Singh has rightly been described as an able, shrewd and inveterate Communist agitator and, though his behaviour in restriction has been exemplary apart from periodic hunger strikes, he has made it clear that he will never change his Communist views.

On the other hand it must be accepted that Makhan Singh has been under restriction for eleven years and cannot be kept in this state indefinitely.

3. The case against Makhan Singh is that he is a life-long fanatical Communist and a trained agitator who intends immediately on release to start again where he left off. He will seek to exploit every weakness and difference within the trade union movement and to disrupt every effort at moderation. In particular he will doubtless direct his efforts:-

- (a) to rallying and encouraging the left-wing Asians of the Kenya Freedom Party, many of whom have Communist leanings and contacts;
- (b) to seeking out and encouraging prominent African leaders with Communist affiliations, such as Oginga Odinga, and to providing additional stiffening and expertise for their campaigns;
- (c) to lending additional weight and knowledge to the increase of Communist penetration of the trade union movement in Kenya;
- (d) to encouraging the more radical elements, such as the Ginger Action Group, Youth Leagues, etc.

4. On the other hand it could be argued that, in the circumstances of Kenya today, it is unlikely that a non-African, however fanatical, would emerge as a leader capable of stirring up the African masses. There is also the point, which has been raised when discussing the release of other detainees, that if Makhan Singh is to revert to type, it is better that

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this should happen while we are still in control of affairs and can take appropriate action. On balance and in view of the length of time during which Makhan Singh has been under restriction, I consider that he should be released now.

5. The Security Council is accordingly invited to advise that the question of Makhan Singh's immediate and unconditional release be put to the Council of Ministers.

A.C.C.S.

Ministry of Defence,  
NAIROBI.

16th September, 1961.

(I&S. 41/13/01(S))

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APPENDIX TO  
S.C.(61)33

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2. He returned to India in 1939 and remained there until 1947. During this period he was detained for subversive activities under the Defence of India Rules from 1940 to 1942, and subsequently restricted to his village until 1945. On release he worked for the Communist party in Lahore. He came back to Kenya in 1947 and was arrested and restricted under the Deportation (Immigrant British Subjects) Ordinance in 1950, following his attempt to engineer a general strike in protest against the refusal to register a trade union of which he and Fred Kubai were the leaders.

3. Many months prior to this attempted general strike, it became apparent that Makhan Singh was trying to gain control of organised labour in Kenya through the medium of his own Labour Trade Union of East Africa, and through the East African Trade Union Congress which he also directed. His object appeared to be to control labour to an extent which would enable him to call a general strike, and to paralyse communications and essential services at what he considered an opportune moment. In accordance with the now familiar Communist technique, he lost no opportunity either of suggesting or manufacturing grievances, or of exploiting any that existed.

4. In order to produce an atmosphere favourable to a general strike and to consequent rioting and violence, it was necessary on the one hand that he should be hailed as the champion of the poor against the rich, of the workers against the employers in general and the European in particular; and on the other that the maximum possible hostility and ill-will should be engendered in the minds of African workers against the Government, the City Council of Nairobi, employers, and Europeans generally. To this end, Makhan Singh published articles in the press, disseminated pamphlets and repeatedly addressed African audiences. He told them, inter alia, that H.M.G. was a "foreign power who had no right to rule in Kenya", that the Kenya Government had introduced slavery, and that secret plans were being hatched to take more African land for the City of Nairobi. He told Asians that vast bases were being prepared for the re-conquest of India. In every speech he exalted Russia as the land of freedom and exhorted his hearers to strike if he himself were arrested.

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EXTRACTS FROM MINUTES OF THE 5<sup>2</sup> MEETING  
OF THE SECURITY COUNCIL ADVISORY TO THE  
GOVERNOR HELD ON 28.2.1961 March 1961

60. SUGGESTED VISIT TO MAKHAN SINGH.

THE MINISTER FOR DEFENCE said that Mr. K.P. Shah and Mr. F.R.S. de Souza had suggested that they might be allowed to visit Makhan Singh at Ndol Dol. Ostensibly, the purpose of the visit was to persuade him to give up his hunger strike.

The possibility of deporting Makhan Singh to India was being examined.

THE GOVERNOR said that Jomo Kenyatta was being allowed visitors because the government wanted to find out what he was thinking. This did not apply to the other detainees.

THE SECURITY COUNCIL advised that the requests by Mr. K.P. Shah and Mr. F.R.S. de Souza to visit Makhan Singh should not be approved.

M.D.