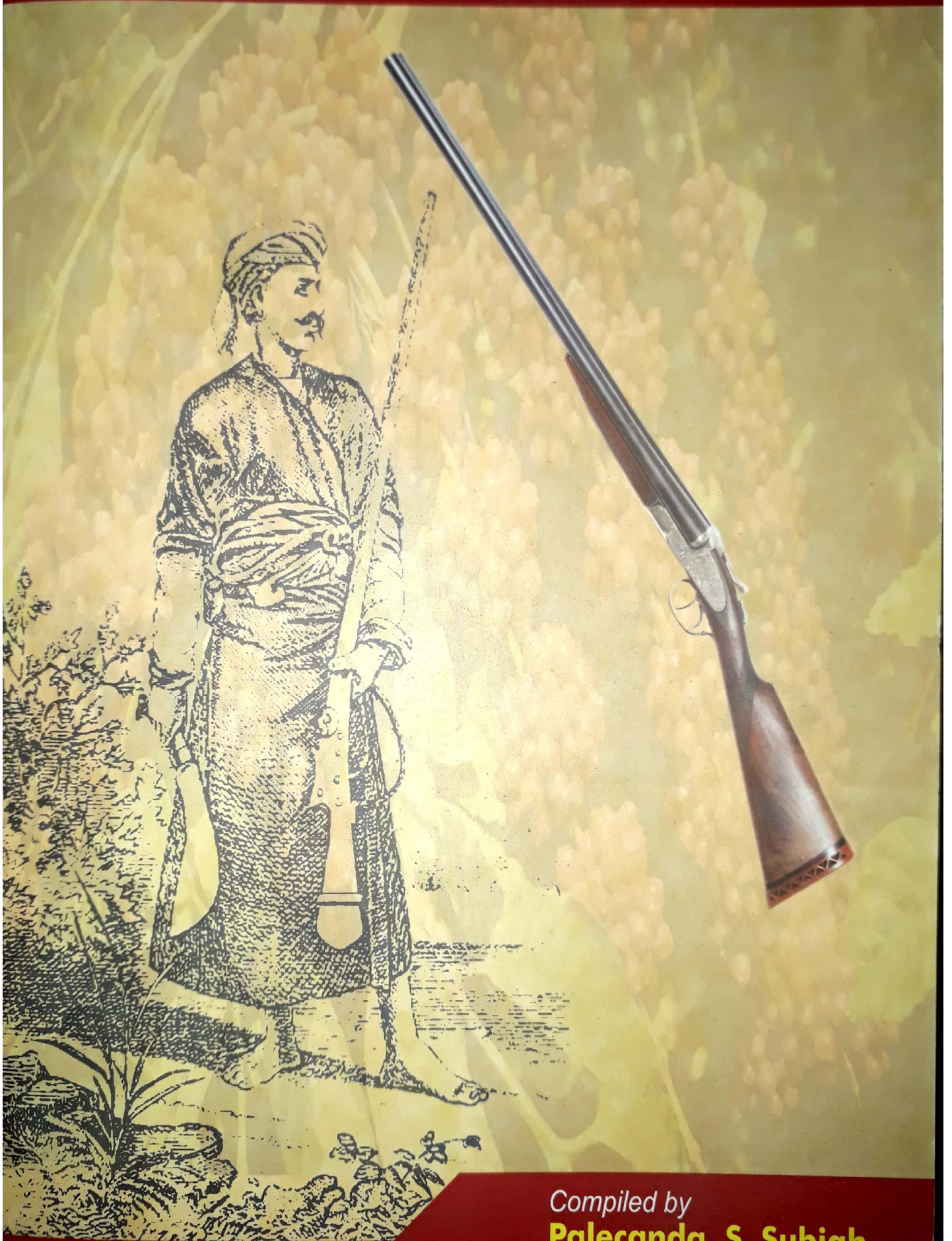
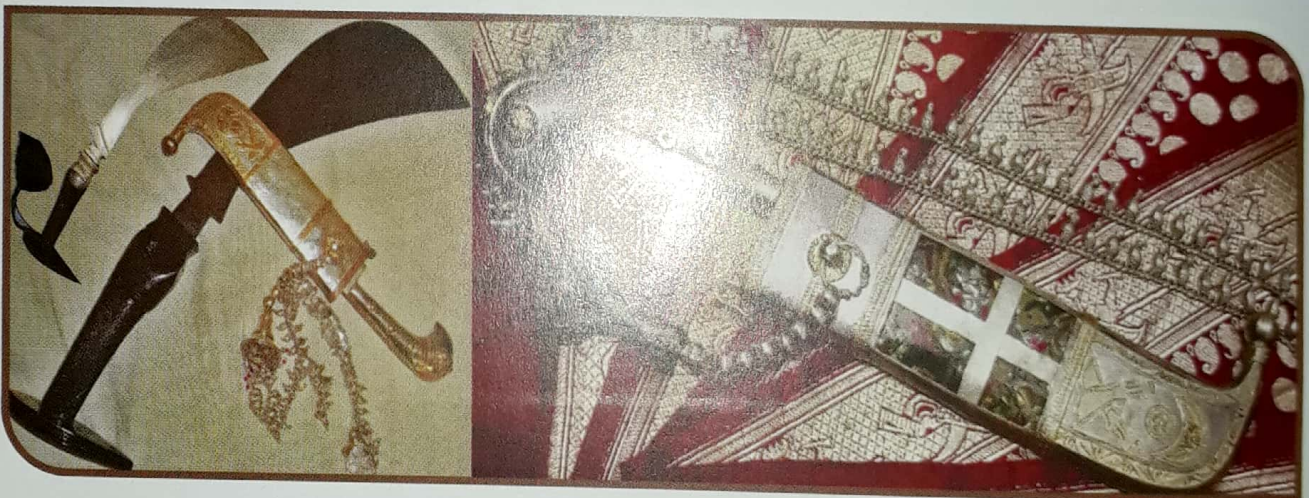


THE GALLANT KODAVA & HIS GUN



Compiled by
Palecanda. S. Subiah

Unique Traditions & Weapons of Kodavas



GALLANT KODAVA & HIS GUN

Compilation of Acts, Rules & Related Articles
Pertaining to the Special Status of the
Gun in Relation to Kodava Community



Palecanda S. Subiah
Madikeri, Kodagu

June 2017

GALLANT KODAVA & HIS GUN

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PREFACE

This booklet is a compilation of the original notice dated 25-02-1861 exempting Kodavas (Coorgs by Race) from obtaining licence to possess guns (of a permissible variety) and other connected subsequent notifications issued by the Government of India as well as the State Government of Karnataka. This privilege is given/bestowed upon the Kodavas only and the Jamma Tenure holders in Kodagu vide the above notification. It is pertinent to note that the said notification was issued by General MARK CUBBON, the then Chief Commissioner of Kodagu. The Kodavas have been referred to as "Gallant Kodavas", hence the title of this Book is given as "Gallant Kodava & His Gun". This booklet is brought out with the sole intention of enlightening every Kodava of his accrued rights.

I have tried my best to clear all doubts regarding the legal status of the Gun and the Kodava by compiling many articles from different sources as well as the Act & Rules from authentic sources. Since the Gun is a very unique and special right given only to a Kodava, my earnest effort is to set all issues about this important subject straight without there being any ambiguity whatsoever. As years pass we may forget our rights as a very unique community which was first recognised by the British Empire, which I feel should be safeguarded forever for posterity, for our children and their generations to come.

Finally, I thank my nephew, **Jammada. Ganesh Ayanna**, of **Surina Graphics**, Mysuru, for typesetting, designing and printing this booklet free of cost for the benefit of The Kodava Community. I am also grateful to Prof. Kambeyanda C. Belliappa, Former Vice-Chancellor of Rajiv Gandhi University for going through the manuscript and giving his valuable inputs.

Palecanda S. Subiah

Madikeri

June 2017

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INTRODUCTION

GALLANT KODAVA & HIS GUN

The rights accrued to the Kodava to possess guns without licence in Kodagu is an age old right and it is from the time of Kodagu Rajas & the successive Governments. The term "KODAVA" used in this booklet is inclusive of "KODAVATHI".

1. The Arms rules 2016 which has come into force on 15-7-2016 has not revoked/withdrawn/cancelled or modified, the notification issued as S.O. 1920 dated the 6th July 1963 published in the Gazette of India. Reference may please be made to the notification dated 26th December 1966. Under such circumstances the privileges (exemption) granted to the Kodavas and The Jamma Tenure Holders in Kodagu is the same and the Arms Rules of 2016 has not made any change or alterations. The Kodava by race and the Jamma tenure holders in Kodagu have the exclusive right to possess the permissible weapons without any hindrance. The above referred notifications were issued u/s 41(b) of The Arms Act 1959. When the Arms rules 2016 was brought into force no fresh notification was issued U/s 41 (b) of The Arms Act 1959, hence the old notification prevails.

The Kodava or the Jamma Tenure holder to take or carry the weapons outside the Kodagu District has to obtain the Exemption certificates from the District Magistrate Kodagu which is mandatory. The Arms Act 1959 is not Amended.

2. It may also be noted that the Government of Karnataka has also not issued any further notifications under The Arms Act 1959 in compliance with the Statutory orders issued by the State Government under the Central Act and State Acts. In the absence of

such notifications, the District Magistrate of Kodagu District is not competent to reject the Exemption certificates asked by the Kodavas or the Jamma Tenure Holders in Kodagu.

3. Exemption certificate is mainly issued to enable the party (Kodava by race or a Jamma Tenure holder in Kodagu) to register the weapons for the purpose of census in the Jurisdictional Police Stations as provided under Sec 42 of The Arms Act. Otherwise the Kodavas by Race or The Jamma Tenure Holders in Kodagu are exempted from obtaining a licence for acquisition of Arms of a specified description under sections 4 & 5 of the Arms Act.
4. In Kodagu District, besides the Kodavas, there are other Jamma Tenure Holders and they are also entitled for the privilege to possess Arms without license. The Kodavas are entitled to possess any number of arms without license in Kodagu District, but if he or she has to carry the weapon outside the District, then he or she should obtain an exemption certificate from the District Magistrate, Kodagu District. It is pertinent to note that the District Magistrate, Kodagu District only is competent to issue the Exemption Certificate and none else. A Kodava even if he or she is a permanent resident outside the Kodagu District shall have to obtain the Exemption Certificate from the District Magistrate, Kodagu only. A Kodava has acquired a right to obtain the Exemption Certificate by Birth, which fact is very clear from the notification and it is as follows:
5. Person of Coorg Race and Jamma Tenure Holders in Coorg exempted.

11, 3 S.O. 1920 dated 6.7.1963.

What is Jamma Tenure" can be found in gazetteer of Coorg written by Rev. Richter.

"Jamma Tenure" is, explained in Indian Law Reporter 1993 Kar. 2759 by the Honourable High Court of Karnataka. Another thing to be taken note of, is that the Exemption Certificate will be granted only to a Non-Prohibited rifle and a smooth bore gun & it shall be only for two weapons.

6. Kodavas were possessing the weapons even at the time of Vira Raja of Kodagu or his predecessors during the years 1771 to 1775. This fact is clear in the book GAZETTEER of COORG written by Rev. G. Richter which is an authenticated book and referred to often.
7. The Kodavas use the weapons for Puja purpose almost daily. They perform their Ayudha Pooja on the day of Kailpodu, September 3rd of every year. Then they have shooting competitions, etc. (Shooting Coconuts tied on a tree). Similarly on the Hutari (Putari) day while cutting/taking the fresh paddy crop from the paddy field, they fire gun shots in the air. When a male child is born a Gun Shot is fired in the air. When there is a death in a Kodava family a Gun shot is fired and also at the funeral, when the mourners come, as a mark of respect Gun shots are fired in the air. For Kodavas, Gun is a very important Article or possession in the House.
8. Another important aspect is when a Kodava dies the weapons he possesses need not be deposited in the Police Station since the Legal Representatives will succeed to the property (Gun) i.e., inherits the property by virtue of he or she being a Kodava, who is entitled to possess a weapon without a License as they are exempted under section 3 and 4 of the Arms Act. Reference may please be made to the Rulings reported in - (1) 2006 Cr. L.J. 1499 CHATISGARH and (2) Order passed in W.P. No. 9169 of 2006 dated 16th day of April 2009 by the Honorable High

Court of Karnataka. It was a case filed by a person from Kodagu, who is a Veerashiva. Here it is necessary to take note of the fact that the legal representatives of the deceased Kodava shall have to get his name entered and shall have to intimate the jurisdictional police station about the death of the person to enable the police to update the records for the purpose of census of the Arms/ Weapons as required under Sec. 42 of the Arms Act, otherwise the legal representative may lose his right to the weapon.

9. Reference to the clarification regarding grant of exemption certificates given by the Government Home Department to the District Magistrate, Kodagu dated 05.07.1978 which forms part of the District Magistrate, Kodagu's Arms File.
10. Under the circumstances, a Kodava by race and a Jamma Tenure Holder of Kodagu are entitled to get the Exemption Certificate if he or she intends to carry the arms out of the District. I have also enclosed an Article written by me in the newspaper "Star of Mysore" on Sunday 20th October 2012 titled as "KODAVA & HIS GUN.
11. There seems to be some confusion after the Arms Rules 2016 came into force. In the Rules there is no provision to deal with Sec. 41 of the Act. It mainly deals with sports Activities (Sports/ Protection/Display). Not only that reference may please be made to Sec. 46 of The Arms Act, Repeal of Act 11 of 1878.
12. I would like to bring to your kind notice that during the year 1971 when Mrs. Indira Gandhi was the Prime Minister of India in the month of August 1971 Parliament published the 26th Amendment proposal. It concerned the Derecognition of the Ex-rulers and princes and ending of constitutional arrangements for the privy purse. The privy purse to the Ex-Rajas & Princes was abolished, along with that, the concession of exemption

under the Arms Act Schedule I, enjoyed by the Ex Rulers to possess Arms & Weapons were also abolished, but the exemption granted to the Kodavas (Coorgs by race) and the Jamma Tenure Holders in Kodagu under The Arms Act 1959 was not interfered with. It still prevails. Abolition of the privy purse & the cancellation of the exemption granted to the Ex-Rulers were challenged in the Supreme Court of India and it was rejected. The learned Advocate then for the Ex-Rulers was Mr. Nani. A. Palakiwala, an eminent lawyer, as such the vested rights of a Kodava is not altered or changed in any manner.

Hence I request one and all to protect the privilege bestowed upon we Kodavas.

I. Notification issued by General Mark Cubbon the then Chief Commissioner of Coorg under the Arms Act, commonly called Disarming Act dated February 1861.

During the "Mutiny" in 1857 the Coorgs enjoyed the confidence of the local Government to such a degree, that after the suppression of the Rebellion, General Cubbon, the Chief Commissioner, issued to them the following Notification in English and Canarese, bearing at its head a medallion representing a Coorg in full warrior costume.

"Arms Act"

"In consideration of the exalted honour, loyalty and intrepidity, characteristic of this little nation of warriors and in recollection of its conspicuous services in aid of the British Government, it is my pleasing duty to notify hereby, for general information, in virtue of the power vested in me by the Government of India, that the provisions of the Act, commonly called Disarming Act are not applicable to the gallant people of Coorg."

26th February 1861

(Sd.)

M. Cubbon,
Commissioner

It is noteworthy to point out here the bureaucratic reply of His Excellency LORD IRWIN, Viceroy and Governor-General of India, to the welcome address presented by the Coorg Landholders' Association in the year 1929, on His Excellency's visit to Coorg the first Viceregal visit in the annals of the British rule :

"I should be loth to associate myself with the removal of the privilege of this kind from a race which has shown itself consistently loyal to the British Government, but I feel that there is a tendency to

attach to the privilege a scope which it did not originally possess, for it was not so much a permission to bear arms as an exemption from disarmament and I do not think that it is reasonable to claim that an exemption from disarmament in bygone days when travel was limited and conditions and weapons entirely different from those of to-day should give a right to all Coorgs to carry such dangerous arms as Revolvers throughout India. A gun is the traditional Coorg weapon and is borne by many of you as part of your Jamma Tenure Duties and I would remind you that the privilege of bearing arms has been reserved to you in the Order of 1924 in spite of the fact that the old standing exemptions have been withdrawn from many persons and classes privileged in the past"

*(Extracted from the Book "COORG AND THE COORGS",
By PANDANDA MUTHANNA, Page No. 56-58, Published by C.M.
Ponnappa, 1931)*

II. RELEVANT SECTIONS 41 & 42 OF THE ARMS ACT 1959

Section 41

Power to exempt - Whether the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the official Gazette and subject to such conditions if any, as it may specify in the notification -

- a) [exempt any person or class of persons (either generally in relation to such description of arms and ammunition as may be specified in the notification)] or exclude any description of arms or ammunition, or withdraw to any part of India, from the operation of all or any of the provisions of this Act : and
- b) as often as may be, cancel any such notification and again subject, by a like Notification, the person or class of persons, or the description of arms and ammunition or the part of India to the operation of such provisions.

Section 42

Power to take census of fire-arms -

1. The Central Government may, by notification in the official Gazette, direct a census to be taken of all fire-arms in any area and empower any officer of Government to take such census.
2. On the issue of any such notification all persons having in their possession any fire-arm in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such fire-arms if he so requires.

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**III. Division II - Exemptions, Exclusions and withdrawals
Persons of Coorg race and Jamma tenure holders in
Coorg - exempted 11.3. S.O. 1920, dated 6.7.1963 - -**

Whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to exempt certain classes of persons from the operation of some provisions of the Arms Act, 1959 (54 of 1959).

Now, therefore, in exercise of the powers conferred by section 41 of that Act, the Central Government hereby exempts the classes of persons specified in column 1 of Schedule 1 hereto annexed, in respect of the arms and ammunition of the category or description specified in column 2 thereof when carried or possessed for their own personal use, from the operation of such of the provisions of the said Act and subject to such conditions as are mentioned in column 3 and 4 respectively of that schedule:

Provided that the exemption hereby granted shall be subject to the following further conditions, namely:

- (a) it shall not be deemed to render lawful the import of arms or ammunition through the medium of post office;
- (b) the classes of persons exempted shall -
 - (i) Unless specifically exempted by the Central Government by notification in the Official gazette, register in such manner and at such place as the Central Government may prescribe from time to time, any firearm or ammunition in respect of which the exemption has been granted;
 - (ii) render such statistical information about different description of arms and ammunition in respect of which the exemption has been granted in such proforma, if any, as may be required by the Central Government

- (iii) whenever any arm or ammunition in respect of which exemption has been granted is stolen, forthwith report the occurrence of such loss or theft together with the details of the articles lost or stolen at the nearest police station.

Schedule (This is actually in the form of a table)

(Column 1) Classes of Persons:

Every person of Coorg race and every Jamma tenure Holder in Coorg.

(Column 2) Categories/descriptions of arms and ammunition :

All except categories I and II of Schedule to the Arms Rules, 1962.

(Column 3) Provisions of the Act:

Those contained in sections 3 and 4

(Column 4) Conditions:

The arms and ammunition carried or possessed by any person herein exempted whilst residing or traveling outside the district of Coorg shall not exceed one rifle with 100 rounds of ammunition for the same and one smooth bore breech or muzzle loading gun with 500 cartridges or the equivalent or in leaden shot and gun powder.

2. In the table appended to the Ministry of Home Affairs Notification No. F.15/13/59 (VI)-P.IV, dated 13th July, 1962 (GSR No. 993 published in the Gazette of India, Part II, Section 3(i), dated 28th July, 1962) clause (b) in column 3 against Item 7 thereof shall be deleted.

(MHA Notn. No. F.17/4/62 -P. IV, dt. 6.7.1963)

IV. A MEMORANDUM of persons of the Coorg race and Jamma tenure holders of Coorg Submitted to the Hon'ble Union Minister for Home Affairs

By the Committee for preservation of the right to arms of persons of the Coorg race and Jamma holders.

Virajpet, Coorg,
8th February 1963.

To,
The Hon'ble Minister for Home Affairs,
Government of India, NEW DELHI

Sir,

As desired by the Committee for preservation of the right to arms of persons of the Coorg race and Jamma tenure holders, I have the honour to submit the accompanying Memorandum setting forth the case of persons of the Coorg race and Jamma holders in Coorg for a continuation in respect of them of the exemption, in public interest, from the operations of the provisions of the Arms Act 1959 to the extent, if not more, that the Indian Arms Rules 1951 had accorded to this class of persons.

The repeal of the Arms Rules 1951 without at the same time carrying forward into Schedule I of the Ministry of Home Affairs Notification C.S.R. 991 of 13th July 1962 of item 4 of Schedule I to Rule 3 of the Indian Arms Rules 1951 has induced a position of such calamitous consequences to the very fundamentals of the religion and culture of persons of the Coorg race and Jamma holders that

could it only have been otherwise so extensive an intrusion on your valuable time would not have been ventured upon. While, therefore, seeking your forbearance on the score of time taken, an earnest consideration of the Memorandum is requested with a view to adequate relief through an amendment to Schedule I of Ministry of Home Affairs Notification G.S.R. 991 dated 13th July 1962 by the inclusion of persons of the Coorg race and Jamma holders among the exemptees in terms of item 4 of Schedule I to Rule 3 of the Indian Arms Rules 1951.

The Committee shall be grateful to know the date and hour of your convenience when a deputation of not more than six representatives of the affected can wait on you in New Delhi or other place of your choice for a personal presentation of the case for a reinstatement of the right to arms of persons of the Coorg race and Jamma holders.

We are in communication with the deputationists nominated and shall submit their names soon as we hear from you in advance of the appointed day for the meeting.

Your faithfully,

C.M. Bhimaya

Secretary,

Committee for preservation of the right to arms of persons of the Coorg race and Jamma holders.

A MEMORANDUM

of persons of the Coorg race and Jamma tenure holders of Coorg submitted to the Hon'ble Minister for Home Affairs, Government of India, by the Committee for preservation of the right to arms of persons of the Coorg race and Jamma holders.

To
The Hon'ble Minister for Home Affairs,
Government of India, New Delhi

May it please the Hon'ble Minister for Home Affairs, for the first time ever in the long history, reaching into the unknown past, of persons of the Coorg race (the Kodavas) and Jamma tenure holders, the time-honoured right of these martial people to acquire, possess and carry arms has been abrogated. The abolition of the right was accomplished by the promulgation of the Arms Rules 1962, in repeal of the preceding Indian Arms Rules 1951 which, under Schedule I to Rule 3 thereof, had expressly inscribed this right of the class denominated as "Persons of the Coorg race and Jamma tenure holders" **AND** by the deletion of that class from among exemptees specified in Schedule I to the Ministry of Home Affairs Notification G.S.R. 991 of 13th July 1962, issued under section 41 of the Indian Arms Act 1959. The withdrawal of the primeval right to arms of persons of the Coorg race and Jamma tenure holders, so vitally an integral part of the unique cultural and religious way of life of these people, has caused inconceivable distress and anguish to the Kodavas and the Jamma holders.

The axiom that the cultural and religious heritage of a people is sacrosanct, that it is the very soul which destroyed, the race itself is

doomed to perish, has a crucial significance in the context of the removal of the right which has cast a dark gloom on these people and deeply mortified them. In consequence, a perturbed people assembled in a largely attended public meeting in Virajpet on 7-11-1962 to devise ways and means of meeting the situation that had developed touching their right to arms and constituted a Committee investing it with authority to submit a memorandum, wait in deputation on the concerned authorities and take all such measures as may be expedient and necessary for this preservation of the priceless right of persons of the Coorg race and Jamma holders to acquire, possess and carry arms. Meetings were also held at various centres in Coorg and the resolutions unanimously passed deploring the inroad into their traditional right to arms and seeking restoration of it were submitted to you, Sir, and to the Hon'ble Prime Minister with copy endorsed to the Hon'ble Chief and Home Ministers of Mysore as also to the Deputy Commissioner of Coorg. The resolutions as per copy enclosed, embody the merits of the case for a continuation of the right and in true measure reflect the sense of the people on the subject and the depth of feeling engendered by a cessation of the right. Besides, personal representations have also been made to the local authorities at Jamabandi by the people expressing their concern over the turn in the situation in regard to their sacred right to arms.

The post-independence Arms Rules 1951 followed the pattern of the pre-existing rules in continuing the exemption of 'every person of the Coorg race and every Jamma tenure holder in Coorg, who by his tenure, is liable to perform military or police duties' from the disarming sections of the Arms Act in respect of all arms except those prohibited, vide item 4 of Schedule I to Rule 3 of the Indian Arms Rules 1951. The description in Schedule I to Rule 3 of the Indian Arms Rules 1951 of the class "Every person of the Coorg

race and Jamma tenure holder in Coorg, who by his tenure is liable to perform military or police duties" is amply explicit that a distinction is designedly drawn between persons of the Coorg race and Jamma holders for the purpose of the exemption and that every person of the Coorg race derives the right to arms merely by virtue of his being born into that class known as the "Kodavas" while the Jamma tenure holder it accrues by reason of the tenure of his holding to which military and police duties are an incident.

It is hardly necessary in this connection to dilate upon the scope and characteristics of the Jamma tenure or upon the rights and duties, privileges and obligations which attach to it. Jamma is one among the different types of tenures in vogue in Coorg and originated from the grants by the Rajahs of old who conferred it on persons of the Coorg race and to a few other subjects as well. After the year 1886 there was no further accession to the Jamma tenure, the total area under that tenure only tending to fall, if at all, in course of time as a result of alienation or other cause which effects a conversion of Jamma into Sagu tenure. Jamma is a privileged tenure and is guarded by the possessors with zealous care with the result "persons of the Coorg race" and "Jamma tenure holders" are near synonymous terms, interchangeable. An individual in Coorg may hold land of a tenure other than Jamma, either exclusively or additionally to Jamma, but that has no bearing whatever on his right to arms.

The immemorial right of persons of the Coorg race and of the Jamma tenure holders to acquire, possess and carry arms was protected and preserved over the ages. For that very right which descended from the remote past made of the people a warlike race, valiant in fight, armed and ready for the field, to whom battle is a pastime and death in it a glory. The dynasties which held sway over these people from times of old turned to advantage, as an invaluable instrument of state craft, the military merit, courage and fidelity which

animate these people. Witness, for instance, Hukumnama No. 19 of Veerarajendra Wodeyar who ruled over Coorg between 1788 and 1809. It enjoined on his armed subjects that on a behest from the ruler each person should proceed post-haste to the palace fully armed giving word to every villager similarly armed and to every village enroute, thus passing the information of the royal order from village to village in relay until the armed populace had, on short notice, assembled at the palace, a mighty phalanx. Obviously, no state armoury as such was contemplated but the subjects were continually under arm, whether in the field or at home.

Coming to less turbulent and more settled time, we have the notification of General Cubbon, the then Chief Commissioner, bearing at its head a medallion representing a Kodava in full warrior costume and dated 26th February 1861, the year following the first Arms Act of 1860 to which an alien British, apparently fearful of maintaining a secure hold over the teeming millions of the subject people of India, took resort as a measure of expediency to disarm the Indian people. The notification by which the provisions of the Arms Act 1860 were declared not applicable to "the gallant people of Coorg" has a similar ring as that of the Hukumnama inasmuch it recalls "the exalted honour, loyalty and intrepidity characteristic of this little nation of warriors", meaning the Kodavas. Independent India too has stood to advantage by this right to arms of persons of the Coorg race in the type of soldierly men that right has moulded of these, by virtue of the right, inured to wielding of weapons. The first Commander-in-Chief of free India, a second General who was Chief of the Army and a third General heading the Ordnance and a host of other officers and men in other ranks, all drawn from persons of the Coorg race and Jamma holders who have outstripped, in proportion, the contribution to the armed services of any other single class in the whole of India, is a record of which the Coorg race has reason to be proud and clearly attributable to the age long right to arms enjoyed by them.

Independence has witnessed the emergence of diverse outlook and a variety of attitudes, influenced by the respective background to them and influencing men's thinking and response patterns. A trend of the time, as a norm, is therefore a fallacy, order or with the settlement in Bengal or with the inams or other hereditary lands of village servants bound to certain obligations and liabilities can have little relevancy in adjudging the sacred right to arms of persons of the Coorg race and Jamma holders or some similar right which constitutes the life blood of a people. Nor would it be fair to feel vexed over the loyalty owed to the past regime or service and aid given to it as the lawful government of the time or as exigency compelled, without scope for independent action. On the other hand, it would be appropriate to draw from past loyalty a future assurance on that count. Nothing can be farther from truth than to misconstrue the notification of 1861 as the genesis of the right to arms of persons of the Coorg race and the Jamma holders and, therefore, as an award from the alien British. The notification only served to continue, uninterfered by the disarming Act of 1860, the inherent right to arms of persons of the Coorg race and Jamma holders, a right born with them in the antiquity of their origin. The notification of 1861 as well as the subsequent preservation of the right in the successive years was in strict conformity with the pledged word given under the proclamation of 7th May 1834 by the British, on assumption by them of the reins of Government of Coorg, that the civil and religious rights of the people of Coorg will be respected.

The reason for the continuation and preservation of the right to arms of persons of the Coorg race lies deep in the intimate association of that right with basic cultural, social and religious attributes of persons of the Coorg race and by that reason is inviolate. Hence, the wise policy of non-interference with that sacred right pursued over the years as a testimony to the sagacity and respect for the cardinal principles of governance which require that the hand of sacrilege should on no

racial costume assembled, match their inborn skill at marksmanship with his compeers.

The Hutri is the most important of the festivals of persons of the Coorg race. Lasting for five days, it begins with the rituals appropriate to the sanctity of cutting, at the appointed auspicious time, of the first sheaves of ripe stalks of paddy to the cries invoking God for a plentiful harvest and to the accompaniment of music. Before the sickle can sever the first sheaf, a gun is fired. This happens in every home and on the following days the village and the Nad common, sacred to the presiding deity, witness persons of the Coorg race assembled in their racial array complete, participating in community dancing.

There are other local festivals in villages and Nads at which types and types of dancing are indulged in by the Kodavas in their racial attire. Some of the dances are with the Odikathi and the Peechaikathi held in a posture as though in a hand to hand battle. All festivals, whether the Hutri, the Keilmuhurth or other, are dedicated to the respective presiding deity. Even at house-warming a gun and the Odikathi are among the foremost to be introduced into the newly built house as part of the ceremony after a discharge from the gun has initiated it.

The picturesque racial costume is obligatory to persons of the Coorg race are all ceremonies, functions, festivals, rites and rituals and the Peechaikathi and the Odikathi are an essential complement of that costume as, without them, the attire is incomplete and, therefore, opposed to usage, custom and tradition. The Odikathi and the Peechaikathi are, however arms within the meaning of Rule 3 of the Arms Rules 1962, classified as falling in Category V of Schedule I to the said rule, and Schedule II to Ministry of Home Affairs Notification G.S. R. 991 of 13th July 1962 provides for exclusion of Category V weapons only from Sections 10 and 12 of the Act which treat with import, export and transport of weapons and that subject to

the condition and the proviso therein stated, the said exemption applying only to areas to which Section 4 of the Act does not apply. In consequence, the Odikathi and the Peechaikathi are required to be licensed unless the size of the weapon can be reduced - a proposition too ludicrous for contemplation - to a blade of less than 9 inches long and 2 inches wide at which size they become capable of unrestricted use and lose their distinctive significance. It must be emphasised in this connection that the Arms Rules 1962, in so far as they apply to the Odikathi and the Peechaikathi, are repugnant to the scope of the Arms Act 1959 which was intended to liberalise the law pertaining to the use of arms other than fire arms for which a licence is not envisaged by Section 3 of the Act. Thus, as the Arms Rules 1962 stand, the persons of the Coorg race can be dressed complete in their racial attire only under a licence.

It is manifest, therefore, that the immemorial right of persons of the Coorg race, continually enjoyed by them from the dim past, to acquire, possess and carry arms, especially of the categories of the gun, the Odikathi and the Peechaikathi, is inseparable from their culture and religion. This aspect of the sacredness of the right had been realised, appreciated and upheld through the years. Yet, none of the twenty two types of license forms prescribed with reference of the corresponding twenty two different purposes for which licenses may be granted, as contemplated by Schedule II to Rule 3 of the Arms Rules 1962, seems to envisage the purpose based on culture and religion of which acquisition, possession and carrying of arms is an indispensable element.

The first Arms Act of 1860, intended as a disarming Act by an alien ruler, preserved the right of persons of the Coorg race and Jamma holders without the least abridgement. The subsequent Act of 1878, which was an amending and consolidating Act, left the position unchanged. The right was, if at all, only affirmed in express terms

through notifications issued in that behalf or by the Arms Rules themselves. Subsequent amendments to the provisions of the Act and to the rules framed thereunder affected the right in no manner what-so-ever. The post-Independence Arms Rules 1951 alike continued to preserve the right to arms of persons of the Coorg race and Jamma holders unmutilated. The reason for it all is the same, that the use of arms by persons of the Coorg race and the Jamma holders is part and parcel of their culture, religion, usage and tradition.

No supervening ground offered itself between 1951 and 1962 to warrant an abrogation of the right. Meticulous care and circumspect caution have always marked the use of weapons by persons of the Coorg race and Jamma holders to whom preservation of peace and prevention of danger to life and property have been of the highest concern. The appreciation in this regard drawn from that eminent personage, the esteemed leader, statesman and administrator, the late Sardar Vallabhai Patel, the then Deputy Prime Minister and Minister for Home Affairs, is a lasting tribute to the discriminating use of weapons by persons of the Coorg race and Jamma holders, to the highly cultivated sense of social responsibility and to the peace-loving and law abiding character of these people and, thus, to their tested eligibility for continued exemption from Arms Act. The mischance of an individual occasional lapse or dereliction in the use of weapons was adequately met by clause (d) of Rule 3, Sub-Rule 1 of the Arms Rules 1951 which provided for the withdrawal of the exemption from any person of the exempted class and this was sufficient safeguard against a possible misuse of the right by an exempted person. Licensing is no insurance against such an eventuality which might occur in spite of licensing and, in that case, the licence becoming liable for cancellation. The Arms Rules 1951 had also provided at Rule 5, Sub-rule 1(b) and (c) for registration of fire arms in the possession of an exempted person and for report by him of loss or theft of fire arms in respect of which he was exempted. Yet, without reason

or excuse, a violent intrusion is made by an insupportable innovation upon the most precious right of persons of the Coorg race and Jamma holders to acquire, possess and carry arms which had sustained them through preserving their culture and religion over the ages.

As for military and police duties, specified as an adjunct to the right of the Jamma holders to acquire, possess and carry arms, although the duties were not insisted upon, the Jamma holders have at no time declined to provide the services, military or police. Military service is being rendered in a conspicuous manner considering that, proportionately, the largest contribution to the armed services is from this section. To the extent the Jamma holders have not demurred or declined to perform their part of the obligation, the withdrawal of the corresponding right, besides being hard on the Jamma holders, loses all justification what-so-ever.

It is perhaps little realised that Coorg, nestling among the Western Ghats, abounds in dense expansive forests and its economy is purely agricultural. The rural populace live in scattered homesteads, far from each other, surrounded by individual farms. The agricultural crops are constantly exposed to marauding wild animals which infest the forests and the isolated farm houses have need for fire arms, not only to protect the crop from wild animals but also the person and property of the famers from undesirable anti-social elements.

It would be futile to urge that the requirements of cultural and religious observances and protection of person and belongings could be met by arms obtained under licence. The authority empowered to grant a licence or renew it has also the power to refuse, revoke or suspend it in his discretion, any reason at all being sufficient for the purpose and then without having to reveal the reason on the ground of public interest. The appeal provisions are not within the reach of persons irrespective of their means and the connected procedural formalities are not conducive to that remedy being easily availed, not

to speak of attendant procrastination and delay and the time consuming effort required to secure licences after discharging the burden heavily on one to prove that he has good reason for obtaining the licence. There are also the several prohibitions and disqualifications which prevent a person from possessing a fire arm. Various conditions attach to the licences which radically alter the picture for persons of the Coorg race and Jamma holders in respect of possession of arms as an essential ingredient of their culture and religion. The need for licence substitutes a right with a permissive privilege, the two being intrinsically different in character and content. How different is the right of an exemptee from the privilege of a licence can be judged from the case of a servant using his master's gun covered by a licence for his own purpose becoming guilty of an offence of going armed without a licence while he would not be so guilty were his master a person exempted from Arms Act.

The Arms Act is a restriction on the fundamental right to property, vouchsafed by the Constitution, which includes the right to acquire, hold and dispose of arms. The restriction imposed is justified only by the reasonableness of the limitation in the public interest. The public interest stipulation in the related Articles of the Constitution (Art 19(5)) existed at the time the Arms Rules 1951 were promulgated and the exemption from Arms Act extended by the Arms Rules 1951 to persons of the Coorg race and Jamma holders was not considered as offending public interest. In effect, the exemption of persons of the Coorg race and Jamma holders under the Arms Rules 1951 was deemed to subserve public interest in the circumstance that the gun, the Odikathi and the Peechaikathi are of cultural and religious significance to persons of the Coorg race as much as the Kirpan of the Sikh is his religious emblem. As a ground founded on the criterion of public interest for exemption under Section 41 of the Arms Act 1959, the essentiality of arms to the culture and religion of the persons of the Coorg race and Jamma holders cannot be excelled.

Conversation of distinctive culture, profession and practice of religion and non-interference with them are articles of faith respected by the Constitution through guaranteeing of fundamental rights in that regard. The withdrawal of the immemorial right of persons of the Coorg race and Jamma holders to acquire, possess and carry arms as the very essence of their culture and religion, in the selfsame manner of the Kirpan to the Sikhs, would be clearly incompatible with the related fundamental right enshrined in the Constitution. In seeking restoration of their traditional right to arms the persons of Coorg race and Jamma holders are not asking for something new and non-existent. It will be far-fetched to maintain that the constitutional provisions were overlooked or ignored when continuing the exemption in respect of persons of the Coorg race and Jamma holders under the Arms Rules 1951. If the exemption in respect of Kirpans and Khukris, possessed or carried by the Sikhs and the Gurkhas, from Section 4 of the Arms Act 1959 cannot be impugned as discriminatory, the exemption of the Odikathi, the Peechaikathi and the smooth bore gun in respect of persons of the Coorg race and Jamma holders cannot be discriminatory either. There is no respect on the basis of which the right of the Sikhs and the Gurkhas can be distinguished from the similar right of persons of the Coorg race and Jamma holders. The incorporation in Explanation to Article 25 of the Constitution that the wearing and carrying of Kirpans shall be deemed to be included in the profession of the Sikh religion can make no difference to the position. For whatever occasioned the non-inclusion of a similar provision in the Constitution in respect of the Odikathi, the Peechaikathi and the smooth bore gun of the Kodavas, the fact is indisputable that these weapons are equally an integral part of the profession of the religion of the Coorg race as established by tradition, usage and custom. In the light of the conservation of the right to the Kirpan and to the Khukri, it is persons of the Coorg race and Jamma holders who stand discriminated against. One would feel that the

people of free India should be encouraged to possess fire arms and learn to use them. From this angle, persons of the Coorg race and Jamma holders can have the least objection to liberalising the use of arms and extending the right to any or all sections of the people of India. In case public interest is a bar to such policy because of anti-social elements and persons whose possession of arms would be incompatible with maintenance of peace and good order, it would ill-suit to invoke the anti-discrimination provision of the Constitution to extinguish an existing right of persons of the Coorg race and Jamma holders and suffer them, vicariously, to sacrifice their time honoured sacred right. Although many on other ground could be marshalled to dispel supposed notions of discrimination as a ground for abolishing the right to exemption from Arms Act of persons of the Coorg race and Jamma holders, it would suffice to cite the conclusive decision of the Mysore High Court in Dr. Nanjundewarā VERSUS the State of Coorg at 26 Mysore Law Journal 1954 which rules the issue. By convincing reasoning and practical interpretation of the related Articles of the Constitution it has held that equality before the law does not mean that all distinction between one person and another or between one class of persons and another class of persons are wiped out, that the Constitution allows classification, that the classification must rest upon reasonable grounds of distinction and what equality before the law really means is that persons in the same classification must have equal rights. The classification in terms of Jamma and Sagu tenures was held reasonable and from it is clearly deducible that the classification as Sikhs, Gurkhas, Kodavas (persons of the Coorg race) and the like is well defined and in no sense arbitrary. The distinctive individuality which was noted in respect of the last class of people by the States Reorganisation Commission is in further proof of the validity of the classification distinguishing them from the rest. No question of discrimination can therefore, arise by an exemption from Arms Act in favour of persons of the Coorg race and Jamma tenure holders on

the ground of rights attaching to one class which do not appertain to the other class.

In this sad hour of our disappointment when the loyal persons of the Coorg race and the Jamma tenure holders, given to silently suffer their lot, are deprived of their priceless heritage, their thoughts turn to promises made and assurances given at various times, to the avowed regard for their individuality and respect for their rights and usages and to the hope of a fuller life of security, comfort and happiness. The distinctive individuality recognised by the States Reorganisation Commission as a justification for Coorg being maintained as a separate district of its own conveyed to the people of Coorg an earnestness about their special interests. The cessation of the right to arms of persons of the Coorg race and Jamma holders is a clear negation of the promise implicit in the accepted recommendation of the States Reorganisation Commission. At integration of the former "C" class State of Coorg in the new Mysore State, the Chief Minister of Coorg declared in the Legislative Assembly that integration would not endanger the interests of Coorg and that all special interests would continue to be safeguarded, integration notwithstanding. Although the regulation of arms is the central subject, in the light of assurances given at integration, a special responsibility lay with the Mysore Government to watch and protect the minority interests of persons of the Coorg race and Jamma holders in respect of their right to arms. It is hoped that the expressed willingness of the Minister piloting the Arms Bill of 1959 to let persons of the Coorg race and Jamma holders have more privileges than they have earlier had and the assurance given by him during the debate on the Bill and in answer to a sturdy plea of the Member representing Coorg and South Kanara for continuing the age-old exemption from Arms Act of persons of the Coorg race and Jamma holders that the right of these people will be left undisturbed will find fulfilment and in keeping faith with this minority class their venerated right to arms will be reinstated.

Sir, the withdrawal by the Arms Rules 1962 of the right of persons of the Coorg race and Jamma holders to acquire, possess and carry arms as a class exempted from Arms Act has hurt feelings, wounded sentiment and thwarted aspirations inducing frustration and disillusionment. An unprecedented, nay an unwarranted step has been taken to extinguish an ancient right which has its roots deep in the religion and culture of persons of the Coorg race and Jamma holders. The measure depriving these people of their traditional right to arms has stifled profession and practice of religion and impeded conservation of culture. The smooth bore gun, the Odikathi and the Peechaikathi are as much an emblem of the religion of the Kodavas as the Kirpan is of the Sikhs and the Khukri of the Gurkhas which, latter, are protected and preserved by the Arms Rules 1962. The right to arms of the Kodavas and Jamma holders does not offend equality of citizens before the law or the anti-discrimination provision of the Constitution. The persons of the Coorg race and Jamma holders have exercised their right to arms with approvable discrimination as to win uniform appreciation. No reason or excuse has offered itself for terminating a right so vital to the perpetuation of the race. A continuation of the right is of the highest public interest. We pray that the most invaluable right to arms of persons of the Coorg race and Jamma holders be restored through an appropriate notification to that end, thus bringing the law in so far as it affects persons of the Coorg race and Jamma holders in conformity with the position as it existed under the Indian Arms Rules 1951, to enable the community live its way of life honoured by tradition and hallowed by its religious practices.

Yours faithfully,
Members of the Committee for Preservation
of the right to arms of persons of the
Coorg race and Jamma Holders,

A.P. Appanna, M.A., B.L., M.L.A.

B.S. Kushalappa, B.A.D.E. (Lond.)

Former Speaker, Coorg & Mysore Legislative Assemblies.

K.P. Karumbaya, M.A.B.L., Ex-M.L.A.

M.M. Chengappa, M.B.B.S.,

K.T. Uthappa, B.A., District Magistrate, Coorg. (Retd)

N.B. Uthappa, Dental Surgeon.

B.C. Kuttappa, B.A.B.L., Planter, Kutta.

I.C. Subbiah, M.A.B.L., I.A.S., (Retd.)

P.C. Utaya, B.A., L.T., District Educational Officer, Coorg. (Retd)

T.M. Madappa, Planter, Siddapur,

C.M. Bhimaya, B.A., B.L., Virajpet.

An English rendering of the resolutions in Kannada passed at different meetings in various centres in Coorg and submitted to the Prime Minister, the Union Minister for Home Affairs, the Chief and Home Ministers of Mysore and to the Dy. Commissioner of Coorg.

RESOLUTION I.

From time immemorial arms of the description of the gun, the battle sword known as Odikathi and the dagger known as Peechaikathi have remained the lasting symbol of the culture and religion of the gallant people of the Coorg race and Jamma tenure holders. At birth and at death, in festivals and at ceremonial and other rites they are traditionally indispensable and imperative. The Odikathi and the Peechaikathi are, besides, an essential accompaniment, forming part and parcel of the traditional dress of the Coorg race.

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Whether to protect crops from devastation by marauding wild animals which abound this mountainous tract of thick forests or for personal safety of the inhabitants of Coorg, who live mostly in scattered isolated homesteads, possession of arms is an imperative necessity.

Persons of the Coorg race and Jamma tenure holders have been foremost at rendering Police and Military duties and they are performing this service to their sacred independent motherland with zeal and in numbers unsurpassed. They will neither flinch nor flag at this sacred duty now or in future.

For these among other reasons, the arms Act of 1860, the first disarming Act, exempted persons of the Coorg race and Jamma holders from the operation of the Act and continued uninterrupted their priceless heritage. The subsequent amendments to the provisions of the successive Acts and to the Rules framed thereunder, including the post-independence Arms Rules of 1951, protected and continued the ancient right born with the people and knit into their culture and religion. This right does not offend the anti-discrimination Article of the Constitution but, on the other hand, its removal would hit the cultural and religious fundamental rights vouchsafed under the Constitution.

Persons of the Coorg race and Jamma tenure holders have at no time in the annals of their long history and under no circumstance what-so-ever misused the right or provided an excuse for the abolition of it. There is no supervening ground for the abrogation of this right so sacred to them and which they have continuously enjoyed from the dim past, ages ago.

The abolition of this precious right negates the assurances given to the people of Coorg by the Chief Minister of Coorg on the floor of the then Coorg Legislative Assembly, at the time the assembly considered the integration of this former "C" class State, that their rights and privileges will be safeguarded against violation and integration will not anywise affect them. The retention of Coorg as a separate district of Mysore following the appreciation by the States Re-organisation Commission of the peculiar cultural characteristics of the people of Coorg loses significance if this most valuable of the right of persons of the Coorg race and Jamma holders to possess and carry arms is abolished.

Notwithstanding the position stated and irrespective of it, the Arms Rules of 1962 and the Ministry of Home Affairs Notification G.S.R. 991 of 13-7-1962 have abolished the right to arms of persons of the Coorg race and Jamma holders by withdrawing the exemption from Arms Act enjoyed by them without providing them even as much as an opportunity to express themselves on the subject which concerns them most, as though by reason of their small number in a large democracy they can be conveniently ignored. The Arms Rules of 1962 and the Notification of 13-7-62 have tended to destroy the very soul of a virile people, law-abiding peaceful and unvociferous, through seriously mutilating their culture and usage, leaving them to perish in consequence. No greater public interest can be conceived as a ground for exemption under Sec. 41 of the Arms Act of 1959

that to enable a whole race to live its way of life according to the sacred tenets of its culture and religion.

The loyal and patriotic persons of the Coorg race and Jamma holders who are laying down their lives in the cause of the country in proportionately the largest number and are sacrificing and ever ready to sacrifice their all in the present or in any future emergency in which their beloved motherland may find itself involved, feel anguished and hurt over this unwarranted and unreasonable inroad into their precious right and privilege which has in no small measure disappointed and agitated them.

RESOLUTION II.

The persons of the Coorg race and Jamma tenure holders view with deep anguish and disillusionment the abolition under the Arms Rules 1962 and the Ministry of Home Affairs Notification G.S. R. 991 of 13-7-1962 of their primeval right to arms uninterruptedly enjoyed from time immemorial and resolve to bring this inroad into their culture and religious observances to the benign attention of their beloved Prime Minister and Minister for Home Affairs through a memorandum to be submitted in this regard with a view to seeking a reinstatement of their age-old right and, further to send a competent deputation to wait on the Hon'ble Prime Minister and Minister for Home Affairs to the self same end.

This meeting further resolves that, while no effort should be spared in the defence of the motherland, the persons of the Coorg race and Jamma tenure holders should consistently with the present emergency, refrain from an agitational approach to the pursuit of their objective and that a request should be made for a suspension meantime of the active enforcement of the Rules and Notification to

the extent they operate to derogate from the right of the Coorg race and Jamma holders to exemption from Arms Act until a reconsideration of the position can be had following the memorandum to be submitted and the subsequent deputation.

Resolved also that adequate steps to taken to solicit and enlist the active support of the Hon'ble Chief Minister, Home Minister and the Minister for Commerce and Industry of Mysore as also that of the present and former members of the Lok Sabha representing this constituency and of the members of the Assembly from this District and for this purpose they be kept informed of the deep feelings engendered by the abolition of the right to exemption from Arms Act of persons of the Coorg race and Jamma holders and requested to extend their gracious help in exerting their utmost to the amelioration of the grievance set out in these resolutions.

V. Notification under the Indian Arms Act applicable to Coorgs

Part iv - Section 2-c-(ii)

Statutory orders issued by the state government under the central acts and state acts home secretariat notification

Bangalore, dated 27th May 1970

S.O. 1485 - In exercise of the powers conferred by the Central Government by Notification No. F. 18/1/63-P IV dated 28th November 1963 read with Notification No. 17/4/62-P IV, dated the 26th December 1966 and Notification No. F. 17/2/69-P., IV, dated the 17th November 1969 of the Government of Mysore hereby directs, that every member of the Coorg Race and every Jamma tenure holder in Coorg residing outside the district of Coorg.

- (i) shall register such arms and ammunitions which have been exempted at the Police Station within the local limits of which he is residing within thirty days from the date of publication of this Notification and once in a year thereafter, within the 30th January, or as many times as he may be required to do so by the State Government by a Notification published in the Official Gazette by personally producing such arms and ammunitions before the officer in charge of the Police Station along with a declaration in Form I appended to this Notification;
- (ii) shall further register any arms and amunition which have been exempted and which have been acquired subsequent to registration under clause (i) at the Police Station within the local limits of which he is residing within thirty days from the date of acquisition by personally producing such arms and ammunition along with a declaration in Form II appended;
- (iii) shall in the event of a change in his residence report such change in Form III appended, to Police Station where Arms and Ammunition were first registered and to the Police Station within the limits of which he takes up residence and Re-register the arms and ammunition in his possession at the Police Station within the local limits of which he takes up residence, in Form I appended;

- (iii) shall in the event of a change in his residence report such change in Form III appended, to Police Station where Arms and Ammunition were first registered and to the Police Station within the limits of which he takes up residence and Re-register the arms and ammunition in his possession at the Police Station within the local limits of which he takes up residence, in Form I appended;
- (iv) shall furnish statistical information about the different descriptions of arms and ammunition in respect of which the exemption is granted in Form IV appended, to the Officer-in-charge of the Police Station within the local limits of which he is residing and to the licensing authority of the district, within thirty days from the date of publication of this notification and every year thereafter within the 30th of January, or as many times as he may be required to do so by the State Government by a Notification published in the Official Gazette; and
- (v) shall further, forthwith furnish statistical information of the acquisition of the arms and ammunition, if any, after furnishing statistical information under clause (iv) to the Officer-in-charge of the Police Station within the local limits of which he is residing and to the licensing authority of the district within a period of thirty days from the date of acquisition in Form V appended.

FORM - I

[See Clause (i)]

Form of Declaration to be furnished by every person of the Coorg Race and Jamma Tenure Holder in Coorg District.

| | |
|--|--|
| 1. Full name and address of the exemptee. | |
| 2. No. and date of exemption certificate. | |
| 3. (a) Whether he is a person of Coorg Race. | |
| (b) Whether he is a Jamma holder in Tenure Coorg District. | |
| 4. (a) Description of Arms possessed. | |
| (i) Type of weapon | |
| (ii) Make | |
| (iii) Number | |
| (iv) Bore | |
| (v) Other identifying marks. | |
| (b) Description of Ammunition. | |
| 5. Remarks. | |

I hereby declare that the above particulars are true and accurate to the best of my knowledge.

Place:

Date:

.....
Signature of the exemptee

FORM - II

[See clause (ii)]

Form of Declaration of Acquisition of Arms and Ammunition to be furnished by every person of Coorg Race and Jamma Tenure Holder in Coorg in respect of Arms and Ammunition acquired after the First Declaration.

| | |
|--|--|
| 1. Full name and address of the exemptee. | |
| 2. (a) Whether he is a person of Coorg Race. | |
| (b) Whether he is a Jamma Tenure Holder in Coorg District. | |
| 3. Number and date of exemption certificate. | |
| 4. (a) Description of Arms possessed under certificate referred to in Col. 3. | |
| (i) Type of Weapon (ii) Make. (iii) Bore. (iv) Other identifying marks. | |
| (b) Quantity and description of ammunition in possession. | |

| | |
|--|--|
| 5. (a) Description of Arms acquired after the registration referred to in Col.3 | |
| (i) Type of weapon (ii) Make. (iii) Bore. (iv) Other identifying marks. | |
| (b) Remarks | |

I hereby declare that the above particulars are true and accurate to the best of my knowledge.

Place:

Date:

.....

Signature of the exemptee.

FORM - III

[See clause (iii)]

Report of change of Residence of a Member of Coorg Race or Jamma Tenure Holder in possession of Arms/Ammunition in respect of which he is exempted.

To
The Officer in charge of
.....Police Station.
.....

Sir,

I son of who
is an exemptee in respect of..... have changed my
residence from.....and have been residing at the
latter place since.....

I produce herewith Form I duly filled up and the arms and ammunition
mentioned therein for registration.

(Signature)

FORM - IV

[See clause (iv)]

Form of Annual Statistical Information about the different descriptions of Arms and Ammunition to be furnished by every person at Coorg Race and Jamma Tenure Holder in Coorg District.

| | |
|--|--|
| 1. Full Name and address of the exemptee. | |
| 2. (a) Description of each weapon with details including Type, Make, bore and other identifying marks. | |
| (b) Number and date of exemption certificate. | |
| 3. Place of Registration that is Police Station. | |
| 4. Quantity and description of each kind of ammunition | |

| Possessed at the beginning of the year | Purchased during the year | Used during the year | Balance at the end of the year |
|--|---------------------------|----------------------|--------------------------------|
|--|---------------------------|----------------------|--------------------------------|

I hereby declare that the above particulars are true and accurate to the best of my knowledge.

Place:

Date:

.....
Signature of the exemptee.

FORM - V

[See clause (v)]

Form of Additional Statistical Information regarding the acquisition of Arms and Ammunition after Rendering Annual Statistical Information to be furnished by every person of the Coorg and Jamma Tenure Holder in Coorg District.

| | |
|---|--|
| 1. Full Name and address of Exemptee. | |
| 2. (a) Description of each weapon acquired with details including type, Make, Bore and other identifying marks. | |
| (b) Number and date of exemption certificate. | |
| 3. Place of Registration that is Police Station. | |
| 4. Quantity and Description of each kind of ammunition acquired. | |

I hereby declare that the above particulars are true and accurate to the best of my knowledge.

Place:

.....

Date:

Signature of the exemptee.

[No. HD 232 PAA69]

By Order and in the name of the Governor of Mysore.

N. LAKSHMAN RAU,

Secretary to Government, Home Department.

VI. Clarification given by the Additional Secretary of Government of Karnataka, Home Department, Bangalore to the : letter No. A3.ARM.1744/76-77 dated 18.12.1976 with respect to grant of Exemption Certificates.

No. HD.44.KAA.??

Karnataka Government
Secretariat Vidhana Soudha,
Bangalore Dated 5-7-78

From

The Additional Secretary to Government of Karnataka,
Home Department, Bangalore.,

To

The District Magistrate,
Kodagu District, Madikeri.

Sir

Sub:- Grant of exemption Certificates clarification regarding.

With reference to your letter NO.A3.ARM.1744/76-77 dated 18-12-1976 on the above subject, I am directed to state as under:-

- (a) According to the Government of India Notification N.17/4/62-PIV dated 6-7-63, every person of Kodagu Race and

other Jamma Tenure holder in Coorg is exempted from the provisions of sections 3 and 4 of the Arms Act in respect of Arms and Ammunitions except the categories coming under items I and II of schedule I of Arms Rules 1962. Section 3 and 4 of Arms Act relate to the requirement of Licence for, possession of firearms. The condition prescribed in the above mentioned notification is that the arms and ammunitions carries or possessed by any person so exempted. While residing or travelling outside the District of Kodagu shall not exceed one Rifle with 100 rounds of Ammunition for the same and one smooth Bore Breech or Muzzle loading Gun with 500 cartridges or the equivalent in lead on shot and gun powder. This condition restricts the number of arms and ammunition that may be carried or possessed by the exemptees while residing or within the District there seems to be no restriction to the number of weapons that may be possessed by them.

- (b) In the circumstances explained above, there is no objection to grant exemption certificate to the exemptees to possess Revolvers and Pistols of Non-prohibited bore so long as the exemptees are residing with in Kodagu District while they are travelling or residing outside Kodagu District they are not entitled to possess Revolvers and Pistols.
- (c) According to category 1(c) of Schedule 1 to the Arms Rules, the following are the prohibited bores.

Belt action or semi-automatic rifles of "303" or 7.62mm bore or any other bore which can chamber and fire service ammunition of "303" or 7.62mm Caliber muskets of 410 musket ammunition, pistols, revolvers or carbines of any bore which can chamber and fire .380" or .455" rimmed cartridges or Service 9mm or .45" rimless cartridges.

- (d) 30 Rifle and 30 Carbine come under the category 1(b) of schedule I. Rifles of .303 bore come under category 1(e) in schedule I. The exemption allowed by the Government of India is not applicable to the categories of Arms coming under the category I of Schedule I. Therefore, you cannot issue exemption certificate to person of Kodagu race and Jamma Tennure holder in respect of these weapons.
- (e) There are no restrictions to possess more than two weapons to the exemptees who are residing within Kodagu District.

Yours faithfully,

Sd/- S.S.Banvalikarure

Under Secretary to Government

Home Department

VII. KODAVA & HIS GUN

STAR OF MYSORE SUNDAY 28TH OCTOBER 2012

Kodavas of Kodagu always lived in the rain forests of Kodagu with rolling verdant mountains and valleys of paddy fields. Being a highland of thick forests, it was also a place of habitation for wild animals like tigers, elephants, bisons, cheetah, deer, antlers, wild boars etc., that often destroyed their agricultural crops. These animals were also a danger to their life. Thus, to protect themselves from these wild animals as also to protect their agricultural crops, Coorgs always bore weapons ranging from swords, knives, daggers to guns. Since these are the weapons of self defence, they began to worship these weapons, including the gun, ever since it was invented some time towards the end of 15th century. Which means, Coorgs have been using and worshipping guns for the last over 400 years as part of their religious rituals.

Kodavas of Kodagu have acquired and inherited the rights to possess and retain Arms and Ammunition without obtaining the Arms Licence from time immemorial. the Immemorial right of persons of Kodava (Coorg) Race and the Jamma tenure holders to acquire, possess and carry arms was protected and prescribed over the ages. The Hukumnama No. 19 of Veerarajendra Wadiyar who ruled over Coorg between 1788 and 1809 has to be referred to. It enjoined on his armed subjects that on a behest from the ruler each person should proceed post-haste to the palace fully armed.

The Lingayat Raja who had the full trust on the Kodavas and they were continuously armed, whether in the field or at home without any restrictions. The Jamma Tenure holders in Kodagu are not only

Kodavas, but there are Mohammadens (Mapillas), Gowdas, Gollas, Peggades, Scheduled Castes, Bunts and Jenu kurubas.

The Arms Act was introduced for the first time in the year 1860, which was commonly called Disarming Act. The then Chief Commissioner of Coorg, General Mark Cubbon got a notification issued by which the provisions of The Arms Act 1860 were declared not applicable to "The Gallant People of Coorg" (Kodagu) has a similar ring as that of the Hukumnama in as much it recalls "The exalted honour, loyalty and intrepidity characteristic of this little nation of warriors" meaning under the Arms Act 1959, a Kodava by race and Jamma Tenure holder and as such is exempted from the operations of Sec. 13 to 15 of the Arms Act.

Even under the schedule of the Arms Act 1959, every person of Coorg (Kodava) by race and every Jamma Tenure Holder in Coorg (Kodagu), the Arms & Ammunition carried or possessed by any person here in exempted whilst residing or travelling outside the district of Coorg (Kodagu) shall not exceed one Rifle with 100 rounds of ammunition for the same and one smooth bore breech or muzzle loading gun with 500 cartridges or the equivalent or in leaden short and gun power.

Further a reference has to be made to the notifications dated 6.7.1963 as well as 26.12.1966. Under the circumstances, what ever privileges we have got have to be protected in the larger interest of the Kodavas. This privilege is not of 50 or 60 years, but it is much more than 500 years, when the Arms Act was unknown to India.

The gun is an inseparable component of the culture of Kodavas. T.P. Vijay, a scholar of Mangalore University, had said that Lingarajendra Wadiyar, a Kodagu Raja had also permitted the Kodavas to possess and retain weapons in every household.

Guns are revered and play a very important role in the Kodava culture. At births, deaths and housewarming ceremonies, gun shots are fired in the air to announce the event. At the Kodava festivities such as Kailpodu, Hutri gun shots are fired in the air. At Kailpodu arms are worshipped by performing Ayudha Puja. It is also customary that many worship the weapons as a daily ritual.

It is a strong belief that the guns represent our ancestors and Kodavas being ancestor worshippers cannot be denied of this privilege. It is most important to note that the privilege given to a Kodava has never been misused i.e., the guns are not used in any sort of crime. For this I rely on a write up (Viewpoint) of C.M. Ramachandra who had written in Deccan Herald news daily on 2.6.2007. This further clarifies that a Kodava has never misused the weapon under any circumstances.

In our country, the election for the Legislature, Parliament, Local Bodies etc. will be held once in five years or some times more often. At that time the licence holders will be directed to deposit their weapons in the jurisdictional Police Stations etc. But the Election Commission of India had exempted the Kodavas from depositing the weapons. Whenever notices were issued to deposit the weapons, I used to make an application to the District Magistrate, Belgaum, to exempt me from depositing my weapons since I wanted the weapons for my daily pujas or to worship them daily. Accordingly, the District

Magistrate has always exempted me from depositing the weapons. I have even approached the Government of Karnataka for a permanent exemption. It was not granted but I was advised to file the required applications whenever notifications are published to deposit the weapons since there is no such provision under the Arms Act or Rules to permanently exempt depositing the weapons. The Right to possess weapons given to a Kodava by birth has to be protected at any cost.

The Government officials posted in Kodagu District, specially the forest officials, without applying their mind pass erratic orders to cancel the exemption granted to the Kodavas or Jamma Tenure Holders of Kodagu.

Hence I request every Kodava whether he is in Kodagu or not as well as every Jamma Tenure holder to fight for the noble cause of preserving our rights to possess Arms and Ammunitions which we have inherited from our forefathers, old Lingayat Rajas of Kodagu and the British Rulers as well as our Government after 1947 i.e. after Independence and we should see that this right, rightly devolves upon our successors (children, grandchildren etc.), Hence I request Kodavas to protect the rights bestowed upon us.

A Kodava can own/possess any number of weapons within Kodagu district but if he wants to carry it and possess it outside the Kodagu district, he/she can do it only by obtaining the exemption certificate from the District Magistrate, Kodagu. He or She can take only two weapons.

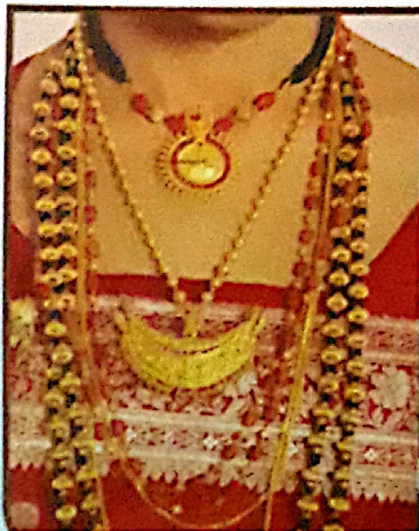
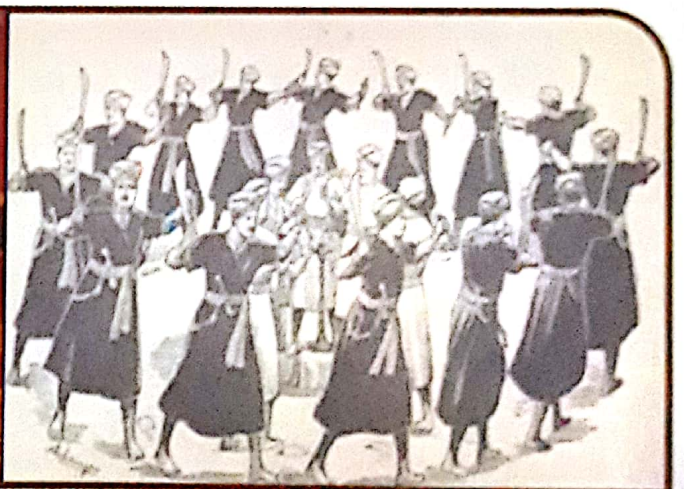
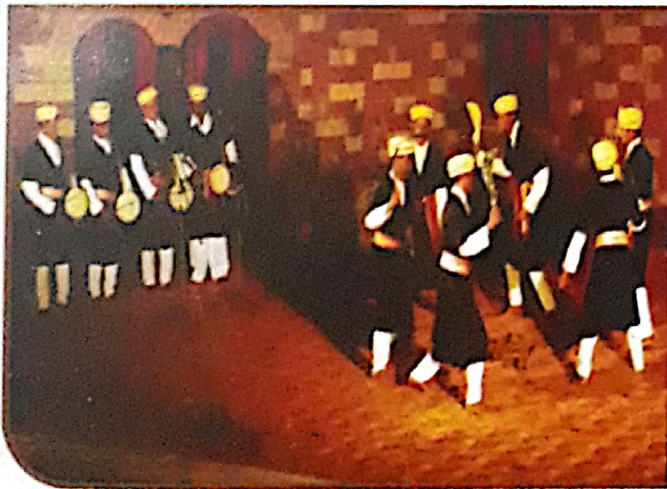
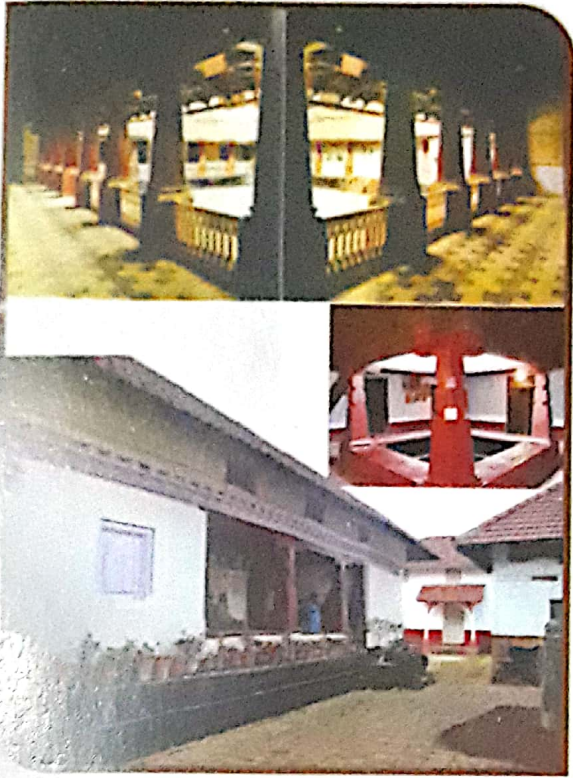
A Kodava or a Jamma tenure holder can possess one rifle with 100 rounds of ammunition and one smooth bore breech or muzzle loading gun with 500 cartridges or the equivalent or in leaden short

and gun powder. That is to say outside Kodagu one can possess only two weapons with an exemption certificate. Such a person shall also inform the jurisdictional Police about his/her possessing a weapon/weapons.

There are instances that Kodavas or Jamma tenure holders have obtained arms licence when they have gone out of Kodagu to possess weapons. It could be that it has happened due to ignorance of the exemption granted to a Kodava under the Arms Act or the individual found obtaining the gun licence is more easier than obtaining the exemption certificate due to the distance or other constraints. But the accrued right of a Kodava is not taken away when he/she has obtained the gun licence. His/her rights to possess a weapon without licence always prevails and he/she can possess other weapons even if he/she has taken a licence once.

Lastly, it is pertinent to note that the Kodava child inherits the gun by birth unlike others. If the licence holder under The Indian Arms Act a Non Kodava - dies, the son or the legal heir automatically cannot inherit the property "The Gun". He gets the right over the gun if he obtains a fresh licence in his name. The automatic succession to the weapon "Gun" is there only for a Kodava by race i.e., by birth and to a Jamma tenure holder as an exemptee. Not only that, if a licence holder dies, the gun shall have to be deposited in the jurisdictional Police Station which is not applicable to a Kodava.

Unique Traditions & Weapons of Kodavas





THE GALLANT KODAVA & HIS GUN



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