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# **‘The Right Of Indigenous Communities To Possess Guns In India With Special Reference To The Kodava Community.**

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## 1. ABSTRACT:

*The Coorgs or Kodavas are an indigenous tribal community who live in the state of Karnataka, in the western ghats of India. They are mainly worshippers of nature, with a rich culture and varied traditions that include a deep respect for their elders and ancestors. Guns have been an integral part of this community's culture and traditions. In the earlier days, each Kodava house would be almost a kilometer far apart from the other thus, the birth and death of family members would be signalled through gunshots up in the sky. Guns are also cleaned and worshipped during the 'kailpodh' festival. Historical records show that the Coorgs hand-made their own guns called 'tiritoku' and possessed the legendary 'matchlock guns' even before the colonial era. Along with this, records also mention them visiting Maharajas in the past, with arms by their side. The British called them a 'martial race' during the Indian uprising of 1857 as they were considered loyal and suitable for military service. During the fight for Poorna swaraj as well as after independence, the contributions of this tribe to the nation have been more than significant. The Coorgs, therefore, have a history of legally possessing guns before, during, and even after colonial rule. Currently, The Indian Arms Act of 1959 allows Kodavas to possess guns without a license under the exception that they may apply for an exemption certificate from the government. Recently, an ongoing case in the Supreme Court has questioned this privilege and deemed it to be unconstitutional and violative of Fundamental Rights while also being an exemption that is against public interest. The objective of this paper is to analyze and determine whether and why the religious right of the indigenous Kodava tribe to possess guns is a fundamental right in itself and if this long-standing privilege is unconstitutional in nature.*

**Keywords:** *Indigenous tribal community, matchlock guns, martial race, fundamental rights.*

## 2. RESEARCH METHODOLOGY:

This Research paper has adopted a doctrinal mode of research methodology. In the matter of 'The rights of indigenous communities to possess Guns in India, with special reference to the Kodava community', the scope and extent of various legal provisions that are applicable to the topic have been analyzed in detail. In addition to legal analysis, all the said legal institutions have been reasoned with, and rationally deduced. Additionally, certain observations are made through historical records, along with pre-gathered statistical and surveyed data regarding the contributions of the Kodava community to the Nation have been put forth. The object of this

paper is to first, analyze and determine whether the Kodava community's right to possession of guns is in any way unconstitutional or violative of people's Fundamental rights. Secondly, it is to analyze and determine whether this right falls under the purview of Fundamental rights in itself. Therefore, to determine the same, the above-stated methodologies have been used along with references from the Gazetteer of Coorg itself. The main questions this paper seeks to answer are whether it is the Fundamental Right of the Kodava Community to possess guns and additionally, whether this possession of Guns is unconstitutional and violative of the citizens' Fundamental rights. It begins with an introduction, to establish the relevant history and context of the topic and moves forward to discuss the jurisprudence of gun rights and a related theory. Further ahead, this privilege and it being a Fundamental right in itself along with its associated duty is discussed, and immediately after, the very contradiction; all threats to Fundamental Rights through the unlicensed possession of guns by Coorgs, have been explored and analyzed. Through all the gathered data, the researcher aims to broaden the reader's perspective by shedding light on the legal as well as cultural, and humanitarian aspects of a matter as significant and sensational as this.

### 3. DEFENITIONS:

- a. **Kodagu/Coorg:** It is a district located in southern Karnataka, along the western Ghats of India and it is where the indigenous Kodava tribe reside.
- b. **Coorgs/Kodava people/ Coorgas:** The Coorgs or Kodava people are individuals living in Coorg or Kodagu. They are a tribe of approximately 1 lakh 50 thousand individuals and speak a language called kodavathakke
- c. **Kodagaru:** The Government of Karnataka call this race by this name in their Official list.
- d. **Kirpan:** It is a short sword or knife worn by the Sikh people.
- e. **Jamma/Jumma land holders**<sup>1</sup>: They are people residing in Coorg to whom historically, the Rajas of Coorg and British Officials gave land to. These individuals would in turn have to mitigate internal disturbances and repel external aggression. They would sometimes even be appointed as treasury guards.

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<sup>1</sup> Anonymous, Whose land is it anyway?, Deccan Herald, (April 19<sup>th</sup> 2:54pm), <https://www.deccanherald.com/content/64710/whose-land-anyway.html>

## 4. JURISPRUDENCE:

One of the strongest viewpoints on this topic is that a community being allowed to possess unlicensed guns legally, is a threat to public interest and general safety. Therefore, it must be banned and this exemption must be revoked. However, we must consider *the instrumentalist conception of technology*<sup>2</sup> which basically suggests that Guns in itself are not the cause of harm or injury, but the people operating them are. When we apply this concept in the case of other instruments or machines, we see that the application of this concept of sound and rational. If not, people would simply blame machines and technologies for all their mistakes.

In this case, the individual operating the gun should and will be held liable for any injury they cause. Thus, to blame the unlicensed availability of the Gun for such an injury to take place would be irrational.

In the case of Coorgs, it will be subsequently established how they have had possession of guns for centuries due to cultural, traditional, and religious reasons and how they too, like any ordinary citizen will be held liable for any gun-related offense they commit. Therefore, to take away the Guns of the Coorgs, while applying the antithesis of this theory would not only be irrational but violative of their cultural and religious rights, which are fundamental in nature.

## 5. INTRODUCTION:

Coorgs or the Kodava people are an ethnic, cultural, and linguistic minority who live in the southern part of Karnataka, in the western Ghats of India. There are about three historical theories that suggest the origins of this Tribe. The most popular one is that they are descendants of Indo-Greek soldiers, who came into India with Alexander the Great. The community however popularly believes in the foreign theory which suggests that Coorgs are decedents of the Brachycephalic stock or the 'broad-headed stock who entered the Indus valley during the Mohenjo-Daro period and later migrated to Coorg<sup>3</sup>. The kodava tribe are indigenous inhabitants of Coorg. They have become an entire civilization and prospered there over time,

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<sup>2</sup> Evan Salinger, The Philosophy of the Technology of the Gun, The Atlantic, July 24<sup>th</sup> 2012, <https://www.theatlantic.com/technology/archive/2012/07/the-philosophy-of-the-technology-of-the-gun/260220/>

<sup>3</sup> First Post Staff, Karnataka HC upholds Arms Act exemption for Kodavas: History behind community's right to own guns without a licence, First Post, (September 25<sup>th</sup> 11:50 am), <https://www.firstpost.com/india/karnataka-hc-upholds-arms-act-exemption-for-kodavas-history-behind-communitys-right-to-own-guns-without-a-licence-9997321.html>

for centuries. This community is known to be a war-like tribe and so, the usage of Guns is firmly intertwined with their culture and religion. Since their settlement in India, centuries ago, the traditions and religious practices surrounding guns have been practiced and continue to be practiced up to date and there are historical records that uphold the same. Now, this long enjoyed privilege has been put out for debate. Must a community be granted the sole privilege to possess unlicensed guns as it is part of their culture while we ignore the possible threat or risk that the rest of the citizens of this nation face due to such privilege. Would this privilege therefore be ultimately against public interest as such unequal, imbalanced grant of power by the state to the Kodagu race could even result in unequal treatment, discrimination and finally, chaos amongst the people of India.

Let us explore both ends of this topic and finally arrive at a sound conclusion.

## 6. The Cultural And Religious Usage Of Arms

### By The Martial Tribe

The Coorg culture is deeply intertwined with the usage of guns. The Hukumnama of Lingarajendra Wodeyar, Raja of Coorg has records that state that during the colonial rule, at the time of the takeover of administration by the British, the Coorgs were only concerned about the non-interfere of their civil and religious usage of guns. Later, even when the Rajas took over Coorg and followed a different religion, the Coorgs continued to practice their own faith and culture<sup>4</sup>.

Here are few significant historical practices of Coorgs that prove the same. All these practices have been practiced by the people of Coorg prior to, during, and even after the colonial era.

- *Kailpodh* or *Kail muhurta* which is referred to as *Keilmotoo* and *Keilmurtha* in British texts is a festival where Weapons are worshipped. 'Kail' means Armory for weapons and 'Podh' means festival. This is a festival that is celebrated after the harvest festival called Putthari. Every year on the 3<sup>rd</sup> of September, agricultural tools along with arms are cleaned, adorned with flowers, and worshipped.<sup>5</sup> The Gazetteer of Coorg by G Richter has records of customs of Kodagu people worshipping weapons during this festival which proves the age long existence of the same practice.<sup>6</sup>

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<sup>4</sup> A J Curgenven, The Hukumnama of Lingarajendra Wodeyar, Raja of Coorg, Mercara 1911

<sup>5</sup> Horamale, Guns & Kodavas – The Rite of Passage, Coorg.com; The land of Coorg, (December 5<sup>th</sup> 2019) <https://www.coorg.com/guns-kodavas-rite-passage/>

<sup>6</sup> G Richter, Gazetteer of Coorg, C Stolz 1870

- The same Gazetteer of Coorg written in 1870 also has records of the usage of Guns in Coorg whenever there was a Birth, Death, Marriage or a housewarming event. The birth of a baby boy is announced by a gunshot up to the sky and a small bow and arrow made of castor oil plants are put in the hands of the baby. The child will be welcomed to the world as a future warrior and huntsman. On the death of a member, 2 gunshots are fired to the sky and all the people of the village are to cease their work and accompany the family for the disposal of the dead. Even before the aforesaid 'Putthari' festival commences, a gun shot is fired to the sky. One of the reasons why the British granted an exemption to the Coorgs was because, in earlier days, Gunshots were used as a means to communicate as houses would be almost a kilometer apart from each other.
- The age-old customs of the people of Coorg include presenting a child with *Kuppaya*; which is a long coat and a *Chele*; which is a sash that is used as a belt when they turn 4 years old. On attaining the age of 10, the child would be presented with a '*Peechekathi*' which is a small dagger that is held by the *Chele*. On turning 15, the child is now presented with a gun and an '*Odikathi*' which is a type of curved sword which can be used to chop wood. Now, this child is expected to learn to use these arms effectively to defend himself and learn to hunt and bring food to the table<sup>7</sup>. This shows us how arms and the usage of weaponry is so intertwined to the Kodagu culture.
- The Kodagu people also had civil usages of Guns in their daily lives. Guns were more of less part of the livelihood of this tribe as since Coorg is located in the western Ghats of India, with thick foliage and acres of coffee estates, Coorgs used guns to scare away wild animals like boars and snakes from attacking or harming them.
- There are also historical records of Coorgs visiting the courts of the Maharajas in India, while wearing their arms. The British official stated in his journal that while he was passing by several villages, he notices how the Maharajas approached the men and women of the Kodagu community. The men carrying guns paid their respects to the Rajas by drawing up in one rank to make their salaam and along with them, many other Coorgs armed with Matchlock guns and Kuttees' paid homage to the Raja too<sup>8</sup>.
- Apart from these main cultural practices, during temple festivals in Coorg, the people participate in martial games like coconut shooting and the Rajas would never interfere with their usage and possession of Guns because this tribe was known to be a martial

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<sup>7</sup> Horamale, *supra* note 5.

<sup>8</sup> Horamale, *supra* note 5.

tribe with inborn talent and valor to fight. Many Kodava people showed proficiency in the usage of fire arms and they were ready to fight, whenever summoned for the defense of the nation.

The Constitution of India, along with recognizing our Fundamental Rights, also enforces upon its citizens, Fundamental Duties. Article 51 (f) of the Constitution of India states that it is the duty of citizens to ‘value and preserve the rich heritage of our composite culture’<sup>9</sup> This means that the law just as it recognizes any distinct Indian community’s right to conserve their culture, language and script, also imposes a duty of its citizens to value any and all of the existing rich heritage of our Indian culture. Therefore, it is the duty of the nation to value and preserve the culture of the people of Coorg owing to it being a distinct part of the cultural practices followed in India.

## **6.1 Coorgs’ privilege to possess guns; a Fundamental Right?**

Article 25, 26, and 29 of the Constitution of India provide for the Right to Freedom of Religion and for Cultural and Educational rights, which are Fundamental Rights.

Article 25 guarantees us the right to freedom of conscience along with the freedom to freely profess, practice and propagate religion<sup>10</sup>. Subsequently, in the explanation clause it states that the wearing of Kirpans by the Sikhs can be deemed to be included as a ‘profession of religion’. Thus, usage of guns by the Kodava people too is a ‘profession of religion’ as recognized by the Constitution of India. They also practice their faith by worshipping guns in the Kailpodh festival and through all other religious practices like the birth and death of an individual. Therefore, the possession and usage of guns by the Kodava people are to be recognized as a Fundamental right.

Article 26 guarantees us the right to manage religious affairs<sup>11</sup>. This means that the State cannot interfere with matters that are essentially religious and the Coorgs worshipping their guns is a religious affair. Therefore, the possession and usage of it must again be recognized as a Fundamental right. Finally,

Article 29 guarantees protection of the interest of minorities and falls under the purview of Cultural and Educational rights, which are Fundamental Rights. Article 29 (1) states that ‘any

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<sup>9</sup> The Constitution of India, 1950, Art. 51 (f)

<sup>10</sup> The Constitution of India, 1950, Art. 25

<sup>11</sup> The Constitution of India, 1950, Art. 26

section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same'<sup>12</sup>. Now, the Coorgs are a tribe residing in India with a distinct language and culture of its own. Therefore, they have the right to conserve their culture of the usage of guns and this very practice is recognizable as a Fundamental right of this community.

## **7. Is the Coorgs' privilege to possess guns without a license unconstitutional?**

The Coorgs are one of the three communities in India who are legally permitted to carry a weapon. The others include the Sikhs who are permitted to carry with them their Kirpans and the Gurkhas who are permitted to carry with them their kukris. These are the only 3 communities that were granted exemptions from the state as the usage of their weapons fell under the purview of religious practices. However, the fact still stands that there is an evident imbalance of power when there are individuals in society that have weapons while the majority do not. This may eventually also create division amongst members, and instigate violence and oppression. It may also lead to the dominating class of individuals subjugating the others. In the case of the Kodavas, they are allowed to possess and carry with them their guns and therefore, as compared to any other ordinary citizen, they wield more power with their privilege to freely carry unlicensed guns. Therefore, ultimately, unless the exemptions granted by the state to these communities follow the basic structure of the Constitution of India, they would be unconstitutional and violative of the Rights of the citizens.

### **7.1 Unlicensed possession of Guns; A threat to people's Right to Equality.**

Article 14 of the Constitution of India is regarding the Right to Equality and states that the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India<sup>13</sup>. The Right to equality also means that the State must ensure equal treatment amongst equals and unequal treatment amongst unequals. This means that we simply cannot treat individuals who are different from ordinary citizens by way of their practices, history, geographical location or any other criterion the same way as we treat ordinary citizens who majoritarily live similar lives, under similar circumstances because, if so, that would be

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<sup>12</sup> The Constitution of India, 1950, Art. 29 (1)

<sup>13</sup> The Constitution of India, 1950, Art. 14

unequal treatment in itself. Thus arises the concepts of reasonable classification which helps determine if the State is acting in an arbitrary manner by imposing legislations that favour one class of individuals over the other. To qualify the test of reasonable classification, the law in question must have an intelligible differentia and a rational nexus. This means that the class of individuals being granted a privilege must have some definite, evident difference in circumstances as compared to ordinary citizens who are not granted the same privilege and along with this, there must be a rational nexus or in other words, a rational relation between the said privilege being granted and the different circumstance. In the case of Kodavas, many opine that there is a gross imbalance of power amongst ordinary citizens when one class is permitted to carry guns while the others are not and hence, being violative of the Right to equality. However, this privilege of having legal permission to possess guns while others are not, fulfils the test of reasonable classification. There is an intelligible differentia as this martial community is the only minority that worships only arms that include guns as opposed to the majority of religious people who worship idols or both arms and idols and they also are the only community that celebrate religious ceremonies like the birth and death of an individual with the usage of guns. Therefore, along with it being their most significant religious practice, it also falls under their Fundamental Right to Freedom of Religion recognized by the Indian Constitution. Additionally, they also reside in a unique geographical location, that requires them to communicate with guns as well as use them for civil purposes like protecting themselves from wild animals. There also exists a rational nexus as it is reasonable and rational for the State to grant this exemption to the Kodava community owing to the fact that the Coorgs are the only community that solely worship arms and thus, it would be their fundamental right to enjoy this privilege.

## **7.2 Unlicensed possession of Guns; A threat to people's Right against discrimination on the grounds of Religion, Race, Caste, Sex, or place of birth.**

Article 15 (1) of the Constitution of India states that the State must not discriminate against any citizen on the grounds of religion, race, caste, sex, place of birth or any of them<sup>14</sup>. It is believed that due to the privilege granted to the Coorgs, there is an existence of gross injustice due to unequal treatment of people amongst the Kodava community amongst the original Coorgs and the new settlers even to this date. The Kodavas do not have any caste system as

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<sup>14</sup> The Constitution of India, 1950, Art. 15 (1)

part of their faith. Unlike the still existing caste system amongst people of the Hindu faith, they remain to be a mere martial tribe who worship guns and if anything, respect and revere the elders of the community for their wisdom and knowledge and make offerings to their ancestors for a blessed future. Therefore, the unlicensed possession of Guns by the Coorgs is not a threat to the citizen's Right against discrimination on the grounds of Religion, Race, Caste, Sex, or place of birth.

The chronicles of Mir Hussein Ali Khan Kirmani along with others state that when Tipu Sultan, the Raja of Mysore waged war against the Coorgs, he massacred 80,000 people<sup>15</sup>, which was almost three fourth of their population and later, the Rajas of Coorg made many outsiders to migrate into Coorg to build back the population and they over time, began to mimic the age-old practices of the Coorgs and thus, it became part of their cultural practices too. However, it still does not hold the same religious sanctity that it does to the original Coorgs, who inherently worship weapons. Therefore, there exists no caste system or any social stratification within the Kodagu community as the settlers too enjoy the same privilege despite it not being their inherent, historically indigenous culture.

### **7.3 Unlicensed possession of Guns; A threat to people's Right to Life and Personal Liberty**

Article 21 of the Constitution of India guarantees us the right to life and personal liberty. The exemption granted to the Coorgs to possess guns could threaten the lives of ordinary citizens who do not have the same privilege by ways of intimidation etc. Therefore, would this privilege be unconstitutional? In the case of Capt. Chethan Y K v. Union of India, the High Court held that the possession of Guns by the Coorgs is not violative of the Right to Life and Liberty as this privilege is regulated by a series of checks and balances. This exception is granted only if the Coorgs and Jumma holders receive exemption certificates from the government which again will only be given on certain conditions. One such certificate permits the holder to take 2 guns out of Coorg. Therefore, the State keeps track of all the certificates.

Furthermore, one must consider the nature of this tribe. The Kodavas are peace-loving individuals who have been granted this privilege since the British era. When the Queen of

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<sup>15</sup> Vikhar Ahmed Sayeed, Tipu – fact & fiction

England took over the East India Company, a proclamation was made declaring that the British would not interfere with the civil and religious usage of guns by the Kodavas. Sardar Vallabhai Patel in the constituent assembly debates mentions that the Coorgs, owing to this privilege granted to them, have done zero acts of violence with guns.

The Coorgs are not simply given this privilege to possess guns. They are mandated to obtain exemption certificates from the government for such possession and this certificate is given only on certain conditions like appropriate age, soundness of mind, no criminal records, etc. Along with this, all exemption certificates granted are officially recorded. Moreover, this privilege is not binding forever, the State can at any time revoke this privilege if it finds the Coorgs abusing this privilege in any manner. The Indian Penal Code was enacted in 1860 and it has no exemption for gun offenses by Coorgs, therefore, all citizens will be treated equally under the ambit of the Indian Penal Code and the Coorgs too will be punished by law, if they commit offenses. The first census report of India was made between 1865 to 1872 and in this report, there were no violations made by the Coorg race regarding gun violence.

The Coorgs have made monumental contributions to the Armed forces. This race brought forth the first commander in the chief of the army, Field Marshal Cariappa, and another chief of army staff, General Thimmaiah. Along with them, there are several retired lieutenant generals including 3 current lieutenant generals and several major generals, brigadiers, and colonels. They have also given us more than 20 Olympic athletes representing the nation. Moreover, soldiering is ingrained in the blood of the Kodavas. During the second war in 1939-1945, this community contributed 4000 stalwart soldiers to the army, and 200 of them were commissioned as officers above the rank of a lieutenant. For a community of a mere lakh of people of which leaving half as women and of the remaining half only about 10000 being youth of eligible age the number 4000 in the army is an all-time record even excelling the Sikh community. Even to this date, while there are 800 clans in the Kodava community, there is at least 1 member of the clan who is a member of the armed forces of the nation. Therefore, it seems reasonable to rule out the fact that a martial community serving the nation would threaten the peaceful living of ordinary citizens through their possession of guns and it is, in fact, in public interest to give this clan the recognition and respect it deserves for its significant contributions.

## 8. International treaties, conventions, and national laws on the topic:

(A) International Conventions, Treaties, Agreements:

### 1. The United Nations Declaration on the Rights of Indigenous peoples (UNDRIP) September, 2007<sup>16</sup>

It provides for the protection of the distinct identity and cultural integrity of indigenous peoples through:

- The right to maintain and strengthen their distinct cultural institutions.
- The right to belong to an indigenous community or nation in accordance with the customs of the community or nation concerned.
- The right to practice, revitalize and transmit their cultural traditions and customs.
- The right to control their education systems and institutions providing education in their own languages.
- The right to promote, develop and maintain their institutional structures, customs, spirituality, traditions, and juridical systems.
- The right to maintain, control and develop their cultural heritage and traditional knowledge.
- The right not to be subjected to forced assimilation or destruction of their culture.

This Declaration basically addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It outlaws' discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own priorities in economic, social and cultural development. The Treaty Rights and the UN Declaration on the Rights of Indigenous Peoples explicitly encourages harmonious and cooperative relations between States and indigenous peoples.

(B) National legalities:

#### 1. The Arms act 1878.

After the Sepoy Mutiny of 1857, the British enforced the Arms Act of 1878. Later, in recognition of their martial traditions, the Kodagu community was granted a special

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<sup>16</sup> International Institute for environment and development, <https://biocultural.iied.org/un-declaration-rights-indigenous-peoples>, 26<sup>th</sup> November 2022

privilege to own firearms with license in 1861<sup>17</sup>.

## 2. Indian Arms Act 1959

The exemption for the Kodagu community to require a license to possess guns was issued by the Union government in 1963 under the provisions of the Indian Arms Act, 1959. This exemption is provided to persons of Coorg race and Jamma tenure holder under **Section 41 of the Arms Act** i.e. power to exempt, which satisfies the test of reasonable classification under **Article 14 of the Constitution of India**

There are certain conditions, however, to the exemption.

In a notification, the Ministry of Home Affairs, said, *"The arms or ammunition carried or possessed by any person being from Kodagu by race and every Jamma tenure holder in Kodagu and herein exempted while residing or traveling 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 leaden shot and gunpowder."*<sup>18</sup>

According to reports, a proposal to do away with the privilege under the Arms Act was made in 1964 by the Center. But the move was dropped, apparently, at the behest of Field Marshal K M Cariappa — the first Indian Commander-in-Chief of the Indian Army — and the then Union Minister C M Poonacha, who was also the former chief minister of Coorg state, before its merger with Karnataka.

3. **In 2019, the Union government passed a notification** granting exemption to Kodavas and Jamma landholders in the Kodagu district from obtaining a license to possess and carry firearms as required under provisions of the **Indian Arms Act, 1959**. The exemption is currently valid till 2029.

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<sup>17</sup> Mohd Aqib Aslam, Firearm Laws in India and its current scenario, Legal Service India, 20<sup>th</sup> October 2022, 4:50pm, <https://www.legalserviceindia.com/legal/article-6983-firearm-laws-in-india-and-its-current-scenario.html>

<sup>18</sup> Kodavas' right to carry arms extended till 2029, Times of India, 14<sup>th</sup> August 2022 5pm, <https://timesofindia.indiatimes.com/city/mangaluru/kodavas-right-to-carry-arms-extended-till-2029/articleshow/71830685.cms>

## 9. Conclusion

This topic was chosen as it was recognized to possess great constitutional significance and the deeper intention of this paper was to broaden the minds of readers regarding the constitutionality of the kodava privilege to possess guns. All the laws in the country must uphold the basic structure of the Constitution of India. There cannot be an existence of any law that acts in contravention to any of the provisions of the constitution, especially the fundamental rights. Article 13 of the Constitution states that all laws that are in force, which are inconsistent to the provisions of the fundamental rights shall to the extent of such inconsistency, be void. Therefore, we must consider that firstly, this race is entitled to possess weapons as the usage of guns are a integral part of their faith just as the holy crucifix is to Christians, the Quran is to Muslims and idols are to Hindus and this privilege cannot be deemed unconstitutional as it is not an absolute right granted to this race. Moreover, because it is not violative of the basic structure of the Constitution of India. The Kodavas have therefore been given not a right, but a privilege to possess guns by law and this is governed and regulated by a series of checks and balances to ensure that this privilege is never abused.

