

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

W.P No. 11948/2021

BETWEEN

Capt. Chethan Y K (Retd)

...PETITIONER

AND

1. Union of India

2. The State of Karnataka

...RESPONDENTS

**APPLICATION FOR IMPEADING FILED UNDER ORDER 1 RULE 10 OF
THE CODE OF CIVIL PROCEDURE, 1908**

For the reasons stated in the Affidavit attached herewith, it is prayed that this Hon'ble Court may be pleased to allow this application and consequently permit the below-mentioned impleading applicant to come on record as Respondent in the interest of justice and equity.

1. Proposed Respondent – Codava National Council, Represented by its President Sri N.U.Nachappa Codava.

PLACE

DATE

ADVOCATE FOR RESPONDENT

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AFFIDAVIT

I, N.U. Nachappa Codava, President of Codava National Council, do hereby solemnly affirm and state on oath as follows:

1. I state that I am the impleading applicant in the above matter. I know the facts of the case. Hence, I am swearing to this affidavit.
2. I state that this PIL has been filed by the Petitioner questioning the constitutional validity of the notification issued by the Ministry of Home Affairs extending the exemption for “every person of Coorg race and every Jamma tenure land holder in Coorg” from gun license till October 31, 2029.
3. I state that the Petitioner is contending that the Union government in the latest notification of October 2019 has not “in letter and spirit reviewed or reconsidered” its 1966 notification of granting exemption from obtaining gun licence indefinitely but has only restricted the period of exemption for 10 years, that is, till October 31, 2029 despite certain observations made by the High Court in earlier proceedings.

4. I state that the Petitioner is further contending that the MHA has done away with the scrutinizing persons before granting license in respect of the persons belonging to the 'Coorg race', and this itself is not only derogatory to the citizens of the entire nation other than the 'Coorg race' but also possess a threat to the life and liberty as the people exempted are permitted to hold arms and ammunition without any scrutiny of their antecedents or criminal records. The classification, "every person of Coorg race and every Jamma tenure holder in Coorg" is not based on any intelligible or, even, real factors and such classification is not necessitated by the objectives of the Arms Act of 1959, and this classification and use of term 'Coorg race' promotes discrimination between the citizens of Coorg region on the ground of caste, violating Article 15 of the Constitution.
5. The proposed impleading applicant states that special privilege to own firearms without a license was granted to the Kodavas, a small martial community in Kodagu (Coorg) District in Karnataka, by the British in recognition of their martial traditions. Kodavas, an ethno-linguistic community, consider themselves the original inhabitants of Kodagu district and are known for their martial culture. The community has its rituals around guns and weapons like swords.
6. The proposed impleading applicant states that The Ministry of Home Affairs has decided to continue exempting the Kodavas of Coorg, a well-known martial community in Karnataka, from obtaining license for firearms such as pistols, revolvers and double-barreled shotguns. The Kodavas worship weapons during the 'Kailpoldu' festival and the decision has been taken considering the cultural and religious

sensitivities of the community that belongs to the Coorg region of the state.

7. The proposed impleading applicant states that it is a well-known fact that the gun, the Odikathi (a small broad bladed sword) and the Peechekathi (a type of dagger) are as much a part of the life of a Coorgi as the kirpan is for Sikhs and the kukri for Gurkhas. In this regard, arms are inseparable linked with many ceremonial occasions of the martial culture of Kodavas. The Kodavas are a warrior community and many of their rituals and customs revolve around worshipping of arms including Guns. As a part of their customary practice, the Kodavas signal birth of a new born child with one single gunshot and death with two-gun shots. Therefore, the government has by the imposed notification protected the cultural, customary and traditional needs of the Coorg people.
8. The impleading respondent is a Trust working purely in the larger public interest and for the upliftment of the people of Kodagu, for protecting the lawful rights and interest of the microscopic community of Kodavas.
9. Any Judgment or Order passed in this Writ Petition will have a direct impact on Kodava community. This court may be pleased to hear the contentions raised by proposed Respondent.
10. It is submitted that if the above application is allowed no harm will be caused to the other side. However, if this application is not allowed grave harm and hardship will be caused to the Impleading applicant. Balance of convenience weighs heavily in favor of the impleading applicants.

WHEREFORE, it is prayed that this Hon'ble Court may be pleased to allow this application and consequently permit the impleading applicants to come on record as additional respondents in the interest of justice and equity.

Identified by me

Advocate

BANGALORE

DATE:

Deponent

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AFFIDAVIT

1. I, N.U. Nachappa. Codava, President of Codava National Council, the impleading applicant in the above matter. I know the facts of the case. Hence, I am swearing tot his affidavit.

2. The averments made in the accompanying application in paragraph No. 1 to 10 are true to the best of my knowledge, information and belief which I believe them to be true.

BANGALORE

DATE:

DEPONENT

VERIFICATION

I, N.U. Nachappa. Codava, President of Codava National Council, the impleading applicant above named do hereby solemnly verify to the contents in paragraph No.1 to 10 above are true to the best of my knowledge, information and belief which I believe them to be true.

BANGALORE

DATE:

Deponent

Identified by me

Advocate No. of Corrections: