



# ARMS LAWS IN INDIA: AN SOCIO - LEGAL AND COMPARATIVE ANALYSIS

**Siddhant Gupta**, LL.M. (NIMS University, Jaipur)  
**Pratik Raj**, LL.B. (Faculty of Law, University of Delhi)

## Abstract

Arms laws in India are pivotal instruments shaping public safety, national security, and individual rights. This paper undertakes a comprehensive examination of the socio-legal landscape surrounding arms regulation in India, juxtaposing it with international perspectives for a nuanced understanding. Beginning with a historical overview, it traces the evolution of arms legislation in India, exploring colonial legacies and post-independence reforms. The analysis encompasses statutes such as the Arms Act, 1959, and subsequent amendments, scrutinizing their legislative intent, scope, and enforcement mechanisms.

The socio-legal dimension delves into the cultural, economic, and political contexts influencing arms ownership and usage patterns in Indian society. It addresses issues of public safety, crime prevention, and the delicate balance between individual liberties and collective security interests. Furthermore, the comparative analysis contextualizes India's arms laws within the global framework, contrasting regulatory approaches, enforcement practices, and societal attitudes towards firearm ownership across different jurisdictions. Insights from countries with varying levels of gun control inform discussions on policy efficacy and potential reforms.

**Keywords :** Arms Regulation, Socio-Legal Analysis, Comparative Study, Firearms Legislation, Public Safety

## Introduction

Arms laws in India occupy a unique position within the country's legal framework, wielding significant influence over public safety, national security, and individual freedoms. Rooted in a complex interplay of historical, socio-cultural, and legal factors, India's regulatory regime governing the possession, use, and transfer of firearms embodies multifaceted challenges and opportunities.

The Arms Act of 1959, along with subsequent amendments and regulations, forms the cornerstone of India's arms legislation. Enacted to regulate the acquisition, possession, and carrying of arms and ammunition, the Act aims to strike a delicate balance between the imperative of ensuring public safety and the recognition of individual rights to self-defense and sporting activities.

However, the practical implementation of arms laws in India intersects with a myriad of socio-legal dynamics. Cultural traditions, economic disparities, and regional variations in crime rates and security concerns all shape the contours of arms ownership and usage patterns across different segments of society. Moreover, the proliferation of illicit arms trafficking networks poses formidable challenges to law enforcement agencies, undermining the effectiveness of regulatory measures and exacerbating security risks.

In India, crimes rates are rapidly increasing day by day. Several Instances have been surfaced where various arms and ammunition has been used by the offenders. Prominent weapons which are highly incorporated by the criminals is the guns and bullets. Due to each availability of the same in the market and the vicinity, it becomes very easy for the criminals to get it. Having legal frameworks governing such arms and ammunition in India, it is easily available in the market without any hassle and without any legal formality. Indian Arms Act 1959 is one such legislation which is framed and implemented to regulate the production, manufacture, licensing, trading, purchase, selling and possession of the weapons, arms, guns, ammunition etc. Even though customs made arms and ammunition are easily available without any following of such legal procedures. Arms Act, 1959 provides for the regulation of the guns in the market but custom or local manufacturers do not follow such licensing procedures. Legal frameworks provides for the proper identification of the guns or weapons governed under Arms Act, 1959 in case if it is used by the offenders in committing crimes. Ballistic Forensics a new branch of the Forensic Science helps in the identification and tracing of such offenders. But Ballistic forensics has its own limitation in the investigation, identification, tracing of the potential offenders who might have used such weapons due to no markings on the guns and bullets which generally followed by the licensed seller as per Arms Act, 1959. Since the rate of crimes has been increasing day by day and most of the crimes committed by the use of guns and weapons.

It is very much important that the legal frameworks has to be framed and modified in such a way so that it is helpful in the strict regulation of the flows of guns and weapons in the market. Amendment in the year of 2019 has tried to overcome such issues but still un-licensed manufacturer and traders are still in the markets who are continuously involved in the such unlawful activities with respect to the manufacturer, production, selling etc. of the arms, guns and weapons. Arms and ammunition are sometimes used an interrelated but altogether as per the definition and explanation, arms, ammunition and firearms are different from each other. This piece of legislation is dealing with arms, ammunition<sup>1</sup>, firearms<sup>4</sup> and licensing of the same. Arm means articles of any description

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<sup>1</sup> S. 2(b), Arms Act, 1959, "ammunition" means ammunition for any firearm, and includes— (i) rockets, bombs, grenades, shells 3 [and other missiles,] (ii) articles designed for torpedo service and submarine mining, (iii) other articles containing, or designed or adapted to

designed or adapted as weapons for offence or defence, and includes firearms, sharpedged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses such as a lathi or an ordinary walking stick and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons.<sup>2</sup>

## HISTORICAL TRACES OF INDIAN ARMS LAW

Arms Act had its genesis during the period of British raj i.e., from 1858 to 1947 in India . Prior to this period there was no regulation concerning the arms control . Anybody could own arms in India without license and this created a sense of fear among the British as this would be a threat for them to rule in the country. As a result of which British came up with measures to restrict Indians from having weapons with an exception to Anglo-Indians and British rulers who had the liberty to own weapons. In 1877 the Indian arms act was promulgated and was the first gun control law in India.<sup>3</sup> Under this Act, it was mandatory for Indians to obtain license for possessing weapon without which they would be punished with fine and imprisonment. The government had the discretion to accept or reject the applications for issuing license for any reason. The Act was successful in controlling Indians from obtaining license and India faced extreme difficulty in obtaining independence. The Indian Arms Act, 1878, was intended to disarm the entire nation. Even after independence, the law declaring 'swords daggers, spears, spear-heads, bow and arrows' as 'arms' has been allowed to continue unaltered on the statute book.<sup>4</sup> This Act was replaced by The Arms Act , 1959 and it was an act to consolidate and amend the law relating to arms and ammunition.<sup>5</sup> The main aim of this act was to ensure strict regulation on circulation of illegal arms and ammunition. This act allowed a person to have three licensed firearms.

The Objectives of Arms Act, 1959 (then Bill) are as follows:

To exclude knives, spears, bows and arrows and the like from the definition of “arms”.

To classify firearms and other prohibited weapons so as to ensure—

- A. that dangerous weapons of military patterns are not available to civilians, particularly the anti-social elements;
- B. that weapons for self-defence are available for all citizens under licence unless their antecedents or propensities do not entitle them for the privileges; and

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contain, explosive, fulminating or fissionable material or noxious liquid, gas or other such thing, whether capable of use with firearms or not, (iv) charges for firearms and accessories for such charges, (v) fuses and friction tubes, (vi) parts of, and machinery for manufacturing, ammunition, and (vii) such ingredients of ammunition as the Central Government may, by notification in the Official Gazette, specify in this behalf;

<sup>2</sup> S. 2(c) Arms Act, 1959

<sup>3</sup> Gun Control and Indian Arms Act 1877 During the Days of the Raj Knoji, <https://knoji.com/article/gun-controland-indian-arms-act-1877-during-the-days-of-the-raj/> (last visited May 3, 2024)

<sup>4</sup> Ganesh Chandra Bhatt vs District Magistrate Almora, 1993 (1) BLJR 669

<sup>5</sup> The Arms Act, 1959 (India).

C. the fire-arms required for training purposes and ordinary civilian use are made more easily available on permits:

co-ordinate the rights of the citizen with the necessity of maintaining law and order and avoiding fifth-column activities in the country:

B. to recognize the right of the State to requisition the services of every citizen in national emergencies.

It provided provisions relating to acquisition, possession, manufacture, sale, import, export and transport of arms and ammunitions. Also, the Act seek to classify firearms and other prohibited weapons so as to ensure –

A. that dangerous weapons of military patterns are not available to civilians, particularly anti-social elements;

B. that weapons for self-defence are available for all citizens under license unless in other circumstances.

According to this legislation, no person should acquire or possess any arms or ammunition unless the person has a licence which has been issued in accordance with the provisions of this Act; and

C. that firearms required for training purpose are made easily available on permits.<sup>6</sup>

However, The Arms (Amendment) Bill , 2019 was introduced in Lok Sabha by union home minister Amit Shah which amended the Principle Act ( Arms Act 1959) concerning the regulations of arms control in India. It received the assent of President on 13th December 2019. There were numerous changes brought by the 2019 act which aimed at bringing strict regulations concerning the license and punishments. It tried to bring into notice the connection between possession of illegal firearms and criminal activities associated with it. It also introduces new categories of offences.

The 1959 Act allowed a person to have three licensed arms whereas the 2019 Act reduced this to one per person thereby limiting the use of arms. This would also include any firearms that may have been given as inheritance or as an heirloom. Excess firearms must be deposited at the nearest police station or licensed arms dealer within one year of the passing of the Bill.<sup>7</sup> The 2019 Act has increased the punishments for existing offences like conversion of firearm without license; manufacture, sale, procure, export, import of illegal arms etc. These offences were previously punished with imprisonment which may extend till 7 years or fine or both. The present act increases the punishment to minimum 7 years and maximum to life imprisonment. Also, Offences which are serious in nature like usage of illegal arms resulting in death of a person has been punished with imprisonment for life or fine or death penalty. Further, the Amended Act provides for punishment for new offences such as negligent use of firearms, forcefully taking firearms from police, gunfire at wedding etc. which is punished with

<sup>6</sup> Tanvi Sapra, All about Arms Act 1959, Latest law.com ( Jan. 07, 2021) <https://www.latestlaws.com/articles/allabout-arms-act1959-by-tanvi-sapra/>.

<sup>7</sup> Understanding recent amendments to the Arms Act, 1959 PRSIndia, <https://www.prsindia.org/theprsblog/understanding-recent-amendments-arms-act-1959>

imprisonment up to two years, or a fine of up to one lakh rupees, or both. Therefore, the amended act of 2019 has enhanced the Principle Act of 1959.

## LICENSING IN INDIAN ARMS LAW

Indian arms law prescribe for separate rules and regulations for the proper implantation of licensing procedure as per Section 3 of Arms Act, 1959 under Arms Rules, 2016. Arms Rules 2016 has replaced Arms Rules, 1962 which was notified on 15th July 2016.<sup>8</sup> Chapter III and IV of the rules provided the procedure for licensing. It also states about the eligibility criteria as who can apply for the license under it. Licensing under this Act is done by a Licensing authority which might be an officer or authority empowered to grant or renew licenses under rules made under this Act and includes the Government.<sup>9</sup>

### Special Categories for Licensing

Chapter III of the rules speaks about the special categories of licenses which can be issued to the following:

Licence for destruction of wild animals which do injury to human beings or cattle and damage to crops.<sup>10</sup> Subject to Wild Life (Protection) Act, 1972 such issuance of license can be granted with a condition that after harvest season, as State Government consider must be deposit with Police station or licensed dealer.

Licence for training and target practice<sup>11</sup> : Person between age group can allowed with permissible category of arms for training and target shooting purpose with the supervision and guidance of adult instructor. Such licensed can be operated only for the permissible area used for practise and shall not be used anywhere else.

Licence for sport shooting association.<sup>12</sup> it can be granted to any sports shooting association or club to use arms within their premises subject to shooting ranges to their members.

Licence for shooting ranges<sup>13</sup>: subject to the technical and security standard of Central Government, one can apply for such license for an indoor or outdoor shooting range. Such association or clubs shall be affiliated to any State Rifle Association and National Rifle Association of India. Inspection powers are given to Sports Authority of India, National Rifle Association of India, State Sports Authority or the State Rifle Association of India.

Licence for accredited trainers<sup>14</sup>: Subject to the passing of an eligibility test and training, one can apply for such license to be an accredited trainer. Such course must be in adherence to policy guidelines by Central government.

<sup>8</sup> Arms License Online, Ministry of Home Affairs. Accessed on <https://ndal-alis.gov.in/armslicence/>

<sup>9</sup> S. 2(f), Arms Act, 1959

<sup>10</sup> Kailash Nath v. State, 1985 AWC 493

<sup>11</sup> Rule, 35, the Arms Rules, 2016

<sup>12</sup> Rule 37, the Arms Rules, 2016

<sup>13</sup> Rule 38, the Arms Rules, 2016

<sup>14</sup> Rule 39 the Arms Rules, 2016

License to Museum<sup>15</sup> : Subject to the accreditation from Ministry of Culture and registration under Central or State Acts, one can apply for the license to display arms and ammunition within their museum. In such cases the license granted will be only for display and storage of the arms in the proper facility.

Licence for arms and ammunition for theatrical, film or television productions<sup>16</sup>: for the purpose of theatrical performances and of rehearsals for such performances; in the production of films; in the production of television programmes; the organisation and holding of historical re-enactments; signalling for starting races or athletic meets, such license can be issued for acquisition, possession, carry or use of them.

Acquisition, possession and export of arms or ammunition by tourists visiting India<sup>17</sup>: for the purpose of import and export of arms and ammunition by tourist visit India, such license can be issued subject to only acquisition and possession of the same, not use of them. This rule is subjected to the condition provided within Section 10<sup>18</sup> of Arms Act, 1959.

Licence to an International sports person for participation in shooting events in India<sup>19</sup>: in this category a license can be granted to any sports person who is eligible to participate in shooting competition or any shooting related events or trainings organised by any sports body recognised under Ministry of Sports and Youth.

### **CRIMINAL SANCTION UNDER ARMS ACT, 1959**

In arms act, 1959, punishment of one year to three years is provided in case if any person manufacture, not putting the identification marks on them, acquires, sell or imitates, transport, failing in depositing of arms and ammunition as per section 25. Any usage of the firearms in contravention of section 5 without license is punishable with imprisonment not less than three years and which might extend to seven years.<sup>20</sup> any attempt in making imitating weapon is punishable with a term imprisonment which extend to seven years.<sup>21</sup> any purchase of license from an unlicensed person or dealer is punishable with a term which extend to seven years.<sup>22</sup>

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<sup>15</sup> Rule 41 the Arms Rules, 2016

<sup>16</sup> Rule 42, The Arms Rules, 2016

<sup>17</sup> Rule 43, The Arms Rules, 2016

<sup>18</sup> S.10. Licence for import and export of arms, etc., Arms Act, 1959

<sup>19</sup> Rule 44, The Arms Rules, 2016

<sup>20</sup> S. 27 Arms Act, 1959

<sup>21</sup> S. 28, Arms Act, 1959

<sup>22</sup> S. 29, Arms Act, 1959

## Socio-economic factors

### Income Disparities:

Socio-economic disparities can influence access to firearms. Affluent individuals may have greater resources to navigate the licensing process and afford firearms, while poorer segments of society may be less likely to legally acquire firearms but may resort to illegal means of obtaining them.

### Rural vs. Urban Divide:

In India, there's often a notable difference in attitudes towards firearms between rural and urban areas. In rural regions where agriculture is prevalent, firearms may be seen as tools for protection against wildlife or for personal security. However, in urban areas, firearms are more commonly associated with crime and violence.

### Occupational Influence:

Certain occupations or industries may have higher rates of firearms ownership. For example, individuals involved in security services, such as private security guards or law enforcement personnel, may have legitimate reasons for possessing firearms as part of their job requirements.

### Cultural Norms and Traditions:

Cultural factors play a significant role in shaping attitudes towards firearms. In some communities, owning a firearm may be considered a symbol of status or a tradition passed down through generations. Understanding these cultural norms is crucial for crafting effective arms laws that are sensitive to diverse societal values.

### Crime and Violence:

Socio-economic factors intersect with crime and violence rates, influencing both the demand for firearms and the effectiveness of arms regulations. High levels of poverty, unemployment, and social inequality can contribute to an environment where illegal firearms proliferation and gun-related crime are more prevalent.

### Government Policies and Interventions:

Socio-economic factors also intersect with government policies and interventions aimed at addressing issues related to firearms. For instance, socio-economic development programs targeted at marginalized communities may indirectly reduce demand for firearms by addressing underlying socio-economic grievances and providing alternative opportunities for livelihood and social advancement.

## **Public Perception and Media Influence:**

Socio-economic factors can shape public perception of firearms and their role in society. Media portrayal of firearms-related incidents, particularly in the context of socio-economic disparities and crime, can influence public opinion and political discourse surrounding arms laws and regulations.

## **PUBLIC SAFETY**

Public safety and security are paramount considerations in the context of arms laws in India.

## **Preventing Crime and Violence:**

Arms laws are designed to regulate the possession, acquisition, and use of firearms to prevent criminal misuse and violence. By imposing licensing requirements, background checks, and restrictions on firearm ownership, the aim is to minimize the risk of firearms falling into the hands of criminals and individuals with malicious intent.

## **Combating Terrorism and Insurgency:**

India faces security challenges from terrorism and insurgent groups operating within its borders. Arms laws play a crucial role in combating these threats by controlling the flow of weapons and ammunition, disrupting illicit arms trafficking networks, and enhancing the capabilities of law enforcement and security agencies to counter armed groups.

## **Ensuring Responsible Gun Ownership:**

Promoting responsible gun ownership is essential for public safety. This involves providing adequate training and education to licensed firearm owners on safe handling, storage, and use of firearms to prevent accidents and unauthorized access by children or unauthorized users.

## **Preventing Accidental Shootings:**

Accidental shootings are a significant concern, particularly in households where firearms are present. Strict regulations governing firearm storage and safety mechanisms, coupled with public awareness campaigns, can help reduce the risk of accidental shootings and unintentional harm.

### **Addressing Domestic Violence:**

Firearms can escalate the severity of domestic violence incidents and pose a significant risk to victims. Arms laws may include provisions aimed at restricting firearm access for individuals with a history of domestic violence or restraining orders against them, thereby enhancing the safety of victims and reducing the likelihood of lethal outcomes.

### **Protecting Vulnerable Populations:**

Certain vulnerable populations, such as children, women, and marginalized communities, may be disproportionately affected by gun violence. Arms laws should consider the specific needs and vulnerabilities of these groups, including measures to prevent firearms trafficking to conflict-affected areas or communities facing heightened security risks.

### **Enhancing Law Enforcement Capacity:**

Effective enforcement of arms laws requires sufficient resources, training, and capacity-building for law enforcement agencies. This includes improving intelligence-gathering capabilities, strengthening border controls to prevent smuggling of illicit firearms, and fostering collaboration between different agencies at the national and international levels.

### **Community Engagement and Crime Prevention:**

Public safety initiatives should involve community engagement and collaboration to address underlying socio-economic factors contributing to crime and violence. This may include implementing community policing strategies, promoting trust and cooperation between law enforcement and local communities, and supporting initiatives for youth empowerment and crime prevention.

By prioritizing public safety and security concerns within the framework of arms laws, policymakers can work towards achieving a balance between individual rights and collective interests, while effectively addressing the multifaceted challenges posed by firearms proliferation and misuse.

### **Civil liberties**

The impact of arms laws on civil liberties is a complex and nuanced issue that requires careful consideration.

**Right to Self-Defense:**

One of the fundamental civil liberties often cited in debates over arms laws is the right to self-defense. Advocates for gun rights argue that individuals have a fundamental right to protect themselves, their families, and their property against threats of violence. They contend that restrictive firearms regulations may infringe upon this right by limiting access to means of self-defense.

**Freedom of Expression:**

The possession and use of firearms can also be seen as a form of expression, particularly in contexts such as hunting, sport shooting, or historical reenactments. Restrictions on firearms ownership and usage could potentially impinge upon individuals' freedom to engage in these activities, which may hold cultural or recreational significance for them.

**Privacy and Security:**

Concerns about privacy and security arise in the context of firearms registration and licensing requirements. Critics argue that extensive record-keeping and background checks infringe upon individuals' privacy rights by subjecting them to intrusive scrutiny and surveillance. Moreover, databases containing information on licensed firearm owners could potentially be vulnerable to breaches or misuse, raising security concerns.

**Due Process and Procedural Rights:**

Civil liberties protections also encompass due process and procedural rights, particularly in relation to law enforcement actions and legal proceedings involving firearms offenses. Safeguards such as the presumption of innocence, the right to a fair trial, and protections against unlawful search and seizure are essential to ensuring that individuals' rights are upheld in cases involving alleged violations of arms laws.

**Impact on Marginalized Communities:**

Arms laws can have differential impacts on marginalized communities, exacerbating existing inequalities and vulnerabilities. For example, stringent regulations may disproportionately affect low-income individuals or minority groups who may rely on firearms for self-protection in high-crime areas. Conversely, lax enforcement of firearms laws may contribute to the proliferation of illegal firearms in marginalized communities, leading to increased violence and insecurity.

## **Government Accountability and Transparency:**

Civil liberties are also intertwined with principles of government accountability and transparency in the formulation and implementation of arms laws. Citizens have a right to participate in decision-making processes related to firearms regulations and to hold government authorities accountable for their actions in enforcing these laws. Transparency in the administration of firearms licensing and regulatory processes is essential to maintaining public trust and confidence in government institutions.

## **Balancing Rights and Public Safety:**

Ultimately, the challenge lies in striking a balance between safeguarding civil liberties and ensuring public safety. While recognizing the importance of individual rights, policymakers must also consider the broader societal interests in preventing gun violence, protecting vulnerable populations, and maintaining public order. This requires a nuanced approach that takes into account the diverse perspectives and needs of different stakeholders while upholding the principles of democracy, justice, and human rights.

By carefully weighing the impact of arms laws on civil liberties against the imperative of public safety, policymakers can strive to develop policies that are both effective in addressing the challenges posed by firearms proliferation and respectful of individuals' rights and freedoms.

## **INTERNATIONAL SCENARIO**

Guns Control laws have been enacted mainly to reduce the usage of arms thereby controlling related crimes taking place. These laws are different in different countries; some have liberal rules for usage of arms while some have restrictions. As seen earlier, the primary legislation governing guns control in India is The Arms (Amendment) Act 2019, which provides for strict rules regarding license and also provides for punishment in case of default. As India is a developing nation, it is important to look at the status of guns control legislation in other developed countries mainly USA and UK to analyse the essence of the legislation.

Gun control is most controversial in USA as it has witnessed worst mass shooting in the recent years like that of 2017 shooting at a music festival in Las Vegas that killed fifty-eight people, a 2018 shooting at a high school in Parkland, Florida, that killed seventeen, and a shooting at an El Paso, Texas, shopping centre in 2019 that killed twenty-two people.<sup>23</sup> USA really do have the most relaxed gun control measures in comparison with other developed nations. Its Second Amendment serves as the foundation for an American culture rooted in the proliferation of firearms. Before 2008, the Second Amendment was historically perceived by the majority of

<sup>23</sup> U.S. Gun Policy: Global Comparisons, Council on Foreign Relations, <https://www.cfr.org/backgrounders/usgun-policy-global-comparisons> (last visited May 03, 2024)

judges, academics, and lawyers to entail a right to bear arms that could be regulated by the state governments.<sup>24</sup> They advocated for a well-regulated military, being necessary to the security of a Free State, the right of the people to keep and bear Arms, shall not be infringed.” However, this is not an absolute right. Just like India, they also impose restrictions on usage of arm fires. The amended Gun Control Act of 1968 also known as Brady Handgun Violence Prevention Act of 1993 is the primary legislation in USA regulating guns. According to the Act, citizens and legal residents must be above 18 years to possess arms and ammunitions. However, there are certain people like convicted criminals, the mentally ill, dishonourably discharged military personnel, and others who are restricted from purchasing firearms. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a division of the Department of Justice, administers the GCA. The ATF also regulates the standards for issuing licenses to gun vendors.<sup>25</sup> The legislature requires a background check before purchase of arms, it is necessary to check prior convictions and red flags. Out of 50 states in USA, only California, Connecticut and Hawaii require applicant’s permits to possess arms. In 2017 survey, three-in-ten American adults (30%) say they personally own a gun, and an additional 11% say they live with someone who does.<sup>26</sup> According to them, the main reason for possession of guns is protection. Biggest gunshow loophole in USA is that anyone can sell gun without Federal Firearms License and this will allow the excerpters from possessing the arms. Democrats and Democratic-leaning independents say gun laws should be stricter and Americans who favour strict gun regulations have increased since 2017.<sup>27</sup>

United kingdom has strictest control measures in the world.<sup>28</sup> Unlike India and USA , in UK there are tough paper works to obtain license and prove that it would not be a danger to the society The stricter laws are due to several mass shooting that took place in the past. Michael Ryan's massacre of 16 people in Hungerford in 1987 led to the banning of all modern semiautomatic rifles, the range of guns that can be fired rapidly without needing to be reloaded<sup>29</sup>. A mass shooting in Dunblane Primary School in Scotland in 1996 left 17 dead, including the shooter and government reacted by banning all handguns , more powerful weapons had already been banned previously and held a gun amnesty that collected more than 162,000 handguns.. It also has some of the lowest levels of gun homicide among developed nations. The Firearms Act 1968 is the primary legislation that regulates the use and possession of firearms in UK. According to the law, only those who are above 18 years of age are entitled to own arms. Moreover, getting a license is hard and complicated process asit must meet background checks, which

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<sup>24</sup> Joseph E. Sitzmann, "High-Value, Low-Value, and No-Value Guns: Applying Free Speech Law to the Second Amendment," *The University of Chicago Law Review* 86, no. 7 (May 2024): 1986-87, [www.jstor.org/stable/26792622](http://www.jstor.org/stable/26792622).ay

<sup>25</sup> 8 facts about gun control in the US | DW | 20.01.2020, DW.COM, <https://www.dw.com/en/8-facts-about-guncontrol-in-the-us/a-40816418> (last visited May 03, 2024)

<sup>26</sup> Guns in America: Attitudes and Experiences of Americans, Pew Research Center’s Social & Demographic Trends Project (2021), <https://www.pewsocialtrends.org/2017/06/22/americas-complex-relationship-with-guns/> (last visited May 03, 2024).

<sup>27</sup> Katherine Schaeffer, Share of Americans who favor stricter gun laws has increased since 2017 Pew Research Center (2019), <https://www.pewresearch.org/fact-tank/2019/10/16/share-of-americans-who-favor-stricter-gunlaws-has-increased-since-2017/> (last visited May 03, 2024).

<sup>28</sup> Dominic Casciani, Gun control and ownership laws in the UK BBC News (2011), <https://www.bbc.com/news/10220974> (last visited May 03, 2024).

<sup>29</sup> Andrew Wong, POLITICS Why the US is so different from New Zealand, the UK and Australia when it comes to gun control CNBC (2019), <https://www.cnbc.com/2018/03/08/gun-control-why-us-is-different-from-uk-andaustralia.html> (last visited May 03, 2024)

involve a review of a person's criminal record, mental illness, alcoholism, drug addiction, and references regarding mental state, home life, and attitudes toward guns.<sup>30</sup> Those who are found possessing a firearm by illegal means faces a five-year mandatory minimum imprisonment. License must be renewed every five years and this must conform with the British Safety Standards which will check for unauthorised use of guns. It is easy to implement such policies when compared to USA and India as they do not have a constitutional right to bear arms. However, people can participate in Clubs without License and this the club has to meet the requirements of standard check.

## Conclusion

In conclusion, the analysis of arms laws in India underscores the intricate interplay between legal provisions, socio-cultural dynamics, and comparative perspectives. India's regulatory framework governing firearms possession and usage reflects a delicate balancing act between ensuring public safety and respecting individual rights.

Throughout this study, it has become evident that India's arms laws are not without their challenges. Issues such as illicit arms trafficking, inconsistent enforcement, and regulatory loopholes pose significant hurdles to effective firearms regulation. Moreover, the diverse socio-cultural landscape of India necessitates nuanced policy interventions that cater to regional variations and community-specific needs.

The current legislation is very strict in sense, provide an act for the regulation of manufacture, acquisition and usage of arms and firearms. The implementation with respect to acquisition and deposit of the arms and firearms are not regulated properly. Execution is lacking where crimes are being committed by the unlicensed manufacturers. Identification of the unlicensed manufactures has to be identified as most of the crimes took place with the help of country made arms. National Database of Arms License has already in place providing the unique identification numbers to all the licensee has been a proactive step towards the preventive measure a state can take. Implantation and awareness is something which is required with respect to strict adherence and implementation of the act. Stricter punishment is required against unlicensed manufacturers or companies involved in it to make it more productive. Complete and through supervision is required with respect to deposit and usage of the weapon according to their categories and rules provided within Rules 2016 along with act.

In conclusion, the socio-legal study of arms laws in India reveals a complex interplay of factors that intersect with various aspects of society, law, and governance. The examination of historical context, legal frameworks, socio-economic factors, public safety concerns, and impacts on civil liberties provides valuable insights into the multifaceted nature of firearms regulation in India.

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<sup>30</sup> German Lopez, How gun control works in America, compared with 4 other rich countries Vox (2018), <https://www.vox.com/policy-and-politics/2015/12/4/9850572/gun-control-us-japan-switzerland-uk-canada> (last visited May 03, 2024).

Arms laws in India serve as a critical tool for promoting public safety and security by regulating the possession, acquisition, and use of firearms. These laws aim to prevent crime and violence, combat terrorism and insurgency, and ensure responsible gun ownership. However, they also raise important questions regarding their impact on civil liberties, including the right to self-defense, freedom of expression, privacy, due process, and government accountability.

Balancing the imperatives of public safety with the protection of civil liberties poses a significant challenge for policymakers. Striking the right balance requires a nuanced approach that considers the diverse perspectives and needs of different stakeholders while upholding democratic principles, human rights, and the rule of law.

Moving forward, policymakers should prioritize evidence-based decision-making, stakeholder engagement, and transparent governance processes in shaping arms laws and regulations. This involves conducting comprehensive assessments of the effectiveness, fairness, and legitimacy of existing laws, as well as exploring innovative approaches to address emerging challenges related to firearms proliferation and misuse.

By fostering dialogue, collaboration, and informed debate, India can develop arms laws that not only enhance public safety and security but also uphold the fundamental principles of freedom, justice, and equality for all its citizens.

