



Gun Control Legislation

For Prelims: Arms (Amendment) Act 2019

For Mains: Challenges and Issues related to Society, Arms (Amendment) Act 2019

Why in News?

The United States recently witnessed two episodes of mass shootings in a span of 11 days that killed more than 30 people including elementary school children.

- US recorded a total of 24,576 homicides in 2020, of which approximately 79%, or 19,384 incidents, involved the use of a firearm.
- Regulation of firearms in the US is convened through the shared authority between the federal, State and local governments.
- The US Supreme Court previously held that the second amendment of the US Constitution protects the right to “keep and bear arms” for self-defence, whilst federal courts argue about a potential infringement if federal, state and local firearm regulations circumvent this right.

What is the Gun Control Legislation of India?

- **The Arms Act, 1959:**
 - **About:** It aims to be as extensive as possible to cover all aspects relating to the acquisition, possession, manufacture, sale, import, export, and transport of arms and ammunition in India.
 - **Requirements for Acquiring Gun License:**
 - The **minimum age requirement** for acquiring a gun license in India **is 21 years**.
 - The applicant **must not have been convicted of any offence involving violence or moral turpitude five years prior** to commencing the application, not of an ‘unsound mind’ and not a threat to public safety and peace.
 - **Property qualification is not a criterion** for acquiring gun license.
 - Upon receiving an application, the **licensing authority (i.e., the Home Ministry)**, asks the officer in-charge of the nearest police station to submit a report about the applicant after thorough vetting within a prescribed time.
 - **Other Features of the Act:**
 - It defines ‘**prohibited arms**’ as those that **either discharge any noxious liquid or gas, or weapons** that seek pressure to be applied on a trigger for discharge.
 - It allow the use of smooth bore gun with a barrel of not less than 20 inches for crop protection or sport.
 - No entity is permitted to sell or transfer any firearm which does not bear the name of the maker, manufacturer’s number or any other visible or stamped identification mark.
- **Amendment to the Arms Act:**
 - The Arms Act amended in 2019 reduces the number of firearms that an individual can procure from 3 to 2.

- The **validity of the license has been increased from the present 3 years to 5 years.**
- It also **enlists specific provisions** on curtailing the use of licensed weapons to ensure social harmony.
- **Punishment:** The **punishment of imprisonment is increased between 7 and 14 years**, along with a fine for the offense of acquisition, possession or carrying of prohibited ammunition without a license.
 - It prohibits the conversion of one category of firearms to another without a license.
 - Unlawful manufacture, sale and transfer are liable **for an imprisonment term not less than seven years** which could be extended to life, with a fine.

Way Forward

- One way is to impose severe gun controls and severely restrict who can buy or own a weapon. **American laws are too loose** and too lenient in this regard.
- India too needs to review and tighten laws relating to the acquisition and possession of firearms.

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