



# The Indian Journal for Research in Law and Management

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## ABSTRACT

*The blog concerns India's gun control regulations, highlighting recent developments and changes to the legislation. The government's decision to amend the 1959 Arms Act suggests that their initial attempts to do so were successful because it would have made it much harder for district administrators and state governments to grant permits for the holding of firearms. The blog further concerns about gun license and the current status of the gun laws.*

## INTRODUCTION

As British influence in India expanded during the mid-1800s, discontent among Indian soldiers grew progressively. Various issues, such as meager salaries, instances of racial violence, cultural insensitivity, and the imposition of unfavourable pension terms by unyielding British officials, fueled this dissatisfaction. Although the 1857 rebellion ultimately proved unsuccessful, it emerged as a culmination of these grievances. Fearing potential uprisings, the British authorities became apprehensive about the substantial threat to their colonial rule in India.

In response to the illicit use of weapons during the 1857 rebellion, the British government enacted the Arms Act of 1878. This legislation aimed to restrict Indians from owning firearms unless they could unequivocally demonstrate loyalty to the Crown. By implementing this regulation, the British underscored their strategic determination to maintain control and prevent further insurrections. Ironically, the Arms Act of 1878 remained in effect until 1959.

## **WHAT IS ARMS ACT**

The Indian Arms Act of 1959 presently sets down the laws pertaining to firearms in India and establishes rules for the permissible ownership of firearms. This legislation's main goal is to avoid the threat of violence resulting from the misuse of firearms by addressing the possible risks connected to unlawful gun ownership. In addition to arms act The Arms Rules of 1962, make it expressly illegal to manufacture, sell, own, acquire, import, export, or transport firearms and ammunition without a licence.

Further changes to the Arms Act were made in 2016, necessitating that applicants for an arms licence take a safety course on weapons and ammunition. This instruction covers safe handling procedures in addition to basic knowledge of weapons and ammunition. The licence can then be issued by the appropriate authorities within 60days.

A later amendment in 2019 sought to lower the maximum quantity of licenced guns that an individual might possess. The amendment also called for harsh punishments for unlawful gun ownership and careless shootings that endanger the lives of others. Offenders risk a fine of Rs 1 lakh, two years in prison, or both. In addition, the amendment included a clause that imposed a life sentence on anyone found guilty of producing weapons without a permit.

## **WHO CAN ACQUIRE GUN IN INDIA**

The Arms Act classifies guns into two groups: Prohibited Bore (PB) and Non-Prohibited Bore (NPB). Non-prohibited bore weapons include handguns in calibres 0.35, 0.32, 0.22, and 0.380, while Prohibited Bore firearms encompass 40-caliber handguns, 0.303 rifles, 9 mm handguns, and fully or semi-automatic guns.

Initially, Prohibited Bore (PB) firearms were restricted to armed forces and individuals with family heirlooms predating the 2008 Mumbai attacks. However, gun ownership laws changed post-2008, extending eligibility to those facing threats, residents of terrorism-prone areas, targeted government employees, participants in anti-terrorism efforts, and their relatives.

Until 1987, licenses for these firearms were issued by the District Magistrate or relevant state agency, but national control over Prohibited Bore licenses was established after 1987.

## **HOW TO ACQUIRE GUN LICENSE**

In India, licences to possess firearms are only issued for self-defence, crop protection, and sporting purposes; the first two need substantial proof. A licence requires the holder to be at least 21 years old. In addition to providing confirmation of identity, residency, age, and education, applicants must also submit an application form detailing their criminal background, four photos, and the income tax returns for the previous three years.

After the application is submitted, the applicant and their family are interviewed by the police as part of a background check.

The licence must be obtained through arms training after approval, and it needs to be renewed every three years. India has tight gun prohibitions, yet there are some communities that are exempted. For example, it is legal for Kodavas from Karnataka to carry firearms.

## **WHAT IS THE CURRENT STATUS OF INDIA'S GUN LAWS?**

The Ministry of Home Affairs is set to establish a National Database of Arms Licenses, encompassing both new and existing holders, as part of its efforts to monitor all arms license holders. Each weapon bearer will be assigned a Unique Identification Number for tracking purposes. This proactive measure aims to

monitor both legal and illegal gun owners, serving as a preventive step to reduce crimes involving unlicensed firearms.

The 2019 amendment to the Arms Act brought significant changes, including reduction in the permissible number of firearms one can acquire from three to two. Additionally, the validity of the license has been extended five years. The amended act explicitly includes provisions to restrict the use of licensed weapons, promoting social harmony.

Illegal activities such as manufacturing, selling, and transferring firearms now carry severe penalties, with a minimum imprisonment of seven years, extendable to life, and fines. These revisions underscore a comprehensive approach to firearm regulation, discouraging unlawful conduct, and enhancing public safety.

## **CONCLUSION**

Governments must prioritise maintaining public safety worldwide. Careful control of weapons is necessary to strike a balance between preserving societal peace and defending individual rights. The existence of illicit firearms exacerbates security issues, highlighting the necessity of stringent laws to avoid abuse. In a democratic society, respecting and protecting individual rights is just as vital as putting public safety first. Indian law acknowledges this by allowing the limited possession of firearms subject to strict guidelines. This method demonstrates a sophisticated comprehension of the complex interrelationship between preserving individual liberties and guaranteeing public safety.