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An Analysis of Indian Arms Laws with respect to Licensing Procedures

VARSHITA GIRISH¹ AND PRIYANK JAGAWANSHI²

ABSTRACT

As per the crime records, in India each and every day crimes are increasing. Most of the crimes related with rape, murder, grievous hurt, robbery etc. involved dangerous weapons. Usage of firearms and arms are the ones which is one of the evidence in such crimes. Identification of the same for investigation plays a significant role. Governing the usage, purchasing and manufacture of such arms is governed within Arms Act, 1959 which got amended recently in 2019 along with its rules i.e. Arms Rules, 2016. One of the preventive measure as state can take is to maintain a legal framework to regulate such sale and purchase along with manufacture of arms. Several countries have faced grave situation due usage of such weapons for which at international level framing of gun laws or to make it stricter are taking place. This research paper will provide the brief analysis of the licensing procedure under Arms Act, 1959 and Rules 2016 in a descriptive Manner. World has seen some grave massacre which took the lives of several persons. Not just at international level but India is on second place for the usage of such arms and ammunition. Country made arms and unlicensed manufacture is the major hurdle in the proper and effective implementation of Indian arms laws. There is a need to look upon this aspects to effectively incorporated the preventive measures against such usage and manufacturers.

Keywords: *Licensing Procedures, Arms laws, firearms etc.*

I. INTRODUCTION

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

¹ Author is a student at Christ Academy Institute of Law, Bengaluru, India.

² Author is an Assistant Professor at Christ Academy Institute of Law, Bengaluru, India.

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, ammunition³, firearms⁴ and licensing of the same. Arm means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharp edged 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.⁵

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

⁴ S. 2(e), Arms Act, 1959, “firearms” means arms of any description designed or adapted to discharge a projectile or projectiles of any kind by the action of any explosive or other forms of energy, and includes— (i) artillery, hand-grenades, riot-pistols or weapons of any kind designed or adapted for the discharge of any noxious liquid, gas or other such thing, (ii) accessories for any such firearm designed or adapted to diminish the noise or flash caused by the firing thereof, (iii) parts of, and machinery for manufacturing, firearms, and (iv) carriages, platforms and appliances for mounting, transporting and serving artillery;

⁵ S. 2(c) Arms Act, 1959

Country-made guns are the major issues which is faced by the government as they are mostly found in any crime scene. Since such guns are not licensed, thus make it difficult for tracing the potential offenders. Some of the places in India are the hotspot for the manufacturing of such country -made guns which are locally known as 'Katta' or 'Tamancha' . Munger and Madhya Pradesh's Khargone were two top centres from where these guns came in bulk to Delhi-NCR.⁶ Apart from these places, several places have been involved in the illegally country-made guns mostly in Rajasthan, Uttar Pradesh and Madhya Pradesh. They are mostly available in cheap prices which make it more affordable to the small time criminals as well. Most of the crimes occurring in several places, majorly in New Delhi, have been committed by the country-made guns. Shahrukh the major protestors held guns in front of Police Officials on Delhi Violence on 24th February 2020 at Jafrabad. Bihar's Munger has once again proved to be the hub of illegal weapons following the seizure of a 7.65 bore country-made pistol from the house of Mohammad Sharukh on March 7.⁷ There are several instances where such types of crimes are committed with the help of Country-made guns. Licensing and regulatory mechanisms for the production of the such country-made guns is not present in India, which helps in the flourishing of such types of illegal manufacture of the weapons. This is one of the serious threat faced by India. The current amendment and the acts tries to provides a preventive measure for the punishment and regulation of such illegal manufacture of the guns and weapons but still deterrence is not very much effective.

This research paper will highlight the importance of such legal frameworks for arms and weapons. Along with that it will also highlight the significance of the governing regulation for the arms and ammunitions with respect to the investigation and tracing of the potential offenders through Ballistic Forensic. This will also highlight the current system of the legal frameworks and required modifications or amendment. This paper will also showcase the comparative analysis of the arms and guns laws framed by other nations such as United State of America, United Kingdom and News Zealand.

II. 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

⁶ Meerut becomes new gun hub for Delhi gangs, Accessed on <https://www.indiatoday.in/mail-today/story/meerut-becomes-new-gun-hub-for-delhi-gangs-1370962-2018-10-19>

⁷ Shahrukh's Gun Recovered, Made In Bihar's Munger: Delhi ACP accessed on <https://thelocalindian.com/news/delhi-shahrukh-munger-20053>, Published on 8th March 2020

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.⁸ 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.⁹ 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.¹⁰ 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:¹¹

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
- 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.

⁸ Gun Control and Indian Arms Act 1877 During the Days of the Raj Knoji, <https://knoji.com/article/gun-control-and-indian-arms-act-1877-during-the-days-of-the-raj/> (last visited Jan 7, 2021)

⁹ Ganesh Chandra Bhatt vs District Magistrate Almora, 1993 (1) BLJR 669

¹⁰ The Arms Act, 1959 (India).

¹¹ Supra 7

It provided provisions relating to acquisition, possession, manufacture, sale, import, export and transport of arms and ammunitions.¹² 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.¹³

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.¹⁴ 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

¹² Id

¹³ Tanvi Sapra, All about Arms Act 1959, Latest law.com (Jan. 07, 2021) <https://www.latestlaws.com/articles/all-about-arms-act1959-by-tanvi-sapra/>.

¹⁴ Understanding recent amendments to the Arms Act, 1959 PRSIndia, <https://www.prsindia.org/theprsblog/understanding-recent-amendments-arms-act-1959> (last visited Jan 7, 2021)

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.

III. LEGAL FRAMEWORK FOR REGULATING ARMS IN INDIA

Currently the legal framework present in India for the arms is governed through the old legislation framed as Arms Act, 1959. Since before independence several local and groups were involved in the manufacturing of the arms in India. Even after the passing of Arms Act, 1959, they have been continue in the process of manufacturing arms without following the licensing norms. The arms laws have been disarming the people which results in the emergence of country-made gun manufacturer. Objectives of the act are to ensure that weapons which are potentially dangerous for the civilians, generally used in military should not be available to civilians. It provides for the provisions for the weapons for self defence which can be governed through the licensing mechanism as per the act and rules associated with it. According to this act, the person cannot posses or acquire any arms, ammunition, weapons or guns without applying for licences. Objective of the act is to also relate the manufacturing process of the arms and ammunition by the particular authority.

In the year of 2019, Arms Act, 1959 has been amended as the decades old legislation found with several lacunae to govern the arms and ammunition within the society. It has amended the act thoroughly by making it one of the stricter legal frameworks dealing with the arms and ammunition in the world. Classification of the arms and ammunition is provides in Schedule I of the Act, such as, light weapons, shotgun, semi-automatic guns, smooth bore guns, centre fire rifles (calibre of 7.26mm, 5.56 mm etc.), pistols, revolver handguns, .22 bore Rimfire rifles, etc.

(A) Amendment in 2019

Amendment in 2019 plays a pivotal roles in the history of the guns laws in India where the Parliament has gone through the various issues and challenges posed by Arms Act, 1959. They deliberately provides for the amendment in the act to make it more stricter and efficient in regulating the gun market in India. The act was inefficient in the crime control. Illegal gun manufacturer were into regulated through the act. Cheap and less complicated procedure for obtain gin the Guns made the country-made manufacturer an option for increased production.

IV. 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 2016.¹⁵ 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.¹⁶

(A) Licensing Procedure

As per Section 13, grant of license is done by licensing authority. An application has to be submitted by the applicant for the issuance of license to them with respect to arms and ammunition in the prescribed forms Form A-1 to Form A-12. Confirmation is required through NDAL, National Database of Arms License. Few procedural requirement has to be fulfilled by the applicant such submission of identification proof, residence proof, medical certificate declaring about mental health and physical fitness of the applicant, undertaking by the applicant for the safe and secure storage of the same.

Power of Licensing Authority

Licensing authority has special power with respect to grant of license as mentioned in Chapter III of the Act specifically including the provisions with respect to application made for grant of license to the licensing authority and granting of the same. It can go through the application and require the report of the officers incharge of the nearest police station. After inquiry with the report licensing authority can grant or refuse the license. Grant of an arms licence is a privilege and not a right.¹⁷

Licensing authority can refuse the issuance of the license in the following conditions:

License application for prohibited arms and ammunition.

If license authority thinks that the person is prohibited to acquire, possess or carry any arms and ammunition as per any law prevailing.

Refusal of such license can be done in case the person is of unsound mind.

In case, if licensing authority thinks that the person is not fit for the license, it can refuse such issuance of the license.

¹⁵ Arms License Online, Ministry of Home Affairs. Accessed on <https://ndal-alis.gov.in/armslicence/>

¹⁶ S. 2(f), Arms Act, 1959.

¹⁷ Kailash Nath v. State, 1985 AWC 493

(B) Special Categories for Licensing

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

1. ***Licence for destruction of wild animals which do injury to human beings or cattle and damage to crops.***¹⁸: 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
2. ***Licence for training and target practice***¹⁹.: 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.
3. ***Licence for sport shooting association.***²⁰ it can be granted to any sports shooting association or club to use arms within their premises subject to shooting ranges to their members.
4. ***Licence for shooting ranges***²¹: 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.
5. ***Licence for accredited trainers.***²²: 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.
6. ***License to Museum.***²³ : 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.
7. ***Licence for arms and ammunition for theatrical, film or television productions.***²⁴: for the purpose of theatrical performances and of rehearsals for such performances; in the

¹⁸ Rule, 35, the Arms Rules, 2016

¹⁹ Rule 36, the Arms Rules, 2016

²⁰ Rule 37, the Arms Rules, 2016

²¹ Rule 38, the Arms Rules, 2016

²² Rule 39 the Arms Rules, 2016

²³ Rule 41 the Arms Rules, 2016

²⁴ Rule 42, The Arms Rules, 2016

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.

- 8. *Acquisition, possession and export of arms or ammunition by tourists visiting India.*²⁵:** for the purpose of import and export of arms and ammunition by tourist visit India, such license can be issues subject to only acquisition and possession of the same, not use of them. This rule is subjected to the condition provided within Section 10²⁶ of Arms Act, 1959.
- 9. *Licence to an International sports person for participation in shooting events in India.*²⁷:** 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.

(C) Prohibition for license in Certain Conditions:

As mentioned in chapter ii of arms act, 1959, it provides for the certain circumstance where issuance of license for arms and ammunition is prohibited. Such circumstances are as follows:

Prohibition of acquisition or possession, or of manufacture or sale of prohibited arms or prohibited ammunition: as per section 7 of arms act, 1959, complete prohibition is imposed on the person to carry, acquire, possess, use, manufacture or sell certain prohibited arms and ammunition. It can be done only with the prior permission and approval of central government.

Prohibited of sale and transfer of firearm not bearing the identification marks: any arms or ammunition without carrying any identification marks cannot be sold or transferred to any person. Complete prohibition is identified within section 8 of arms act, 1959.

Certain class of people are prohibited under section 9 of arms act, 1959 to acquire, carry or possess any firearm and ammunition, who are as follows:²⁸

Any person below the age of 21 years of age.

Any person who has served conviction for offence involving violence or moral termite at any time of 5 years after expiring the same.

²⁵ Rule 43, The Arms Rules, 2016

²⁶ S.10. Licence for import and export of arms, etc., Arms Act, 1959

²⁷ Rule 44, The Arms Rules, 2016

²⁸ S. 9, Prohibition of acquisition or possession by, or of sale or transfer to, young persons and certain other persons of firearms, etc, Arms Act, 1959

Any person who furnishes security/bond to keep peace and good behaviour under crpc.²⁹

People who are notified by central government to deal with import and export of arms.³⁰

(D) Identification Marks On Firearms

It is the duty of the licensing authority to put seal and marks on the firearms to make it distinct from each other³¹. Person who hold or in possession of such firearms has to duty to obtain such identification marks from the licensing authority with approval. Such identification marks can be a number, any such distinct letters prescribed by state government, trial numbers of the arm licensee, year of stamping etc.

V. 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.³² any attempt in making imitating weapon is punishable with a term imprisonment which extend to seven years.³³ any purchase of license from an unlicensed person or dealer is punishable with a term which extend to seven years.³⁴

VI. COMPARATIVE STUDY OF GUN LAWS IN 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

²⁹ Chapter VIII Code of Criminal Procedure, 1973

³⁰ S. 11, Power to prohibit import or export of arms, etc., Arms Act, 1959

³¹ Rule 34, Arms Rules, 2016

³² S. 27 Arms Act, 1959

³³ S. 28, Arms Act, 1959

³⁴ S. 29, Arms Act, 1959

an El Paso, Texas, shopping centre in 2019 that killed twenty-two people.³⁵ 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 judges, academics, and lawyers to entail a right to bear arms that could be regulated by the state governments.³⁶ 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.”³⁷ 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.³⁸ 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.³⁹ 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 2017.⁴⁰

³⁵ U.S. Gun Policy: Global Comparisons, Council on Foreign Relations, <https://www.cfr.org/backgrounder/us-gun-policy-global-comparisons> (last visited Jan 21, 2021).

³⁶ 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 (November 2019): 1986-87, www.jstor.org/stable/26792622.

³⁷ id

³⁸ 8 facts about gun control in the US | DW | 20.01.2020, DW.COM, <https://www.dw.com/en/8-facts-about-gun-control-in-the-us/a-40816418> (last visited Jan 21, 2021).

³⁹ 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 Jan 21, 2021).

⁴⁰ 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-gun-laws-has-increased-since-2017/> (last visited Jan 21, 2021).

United Kingdom has strictest control measures in the world.⁴¹ 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 shootings that took place in the past. Michael Ryan's massacre of 16 people in Hungerford in 1987 led to the banning of all modern semi-automatic rifles, the range of guns that can be fired rapidly without needing to be reloaded⁴². 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.⁴³ . 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 as it must meet background checks, which 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.⁴⁴ 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.

VII. CONCLUSION

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

⁴¹ Dominic Casciani, Gun control and ownership laws in the UK BBC News (2011), <https://www.bbc.com/news/10220974> (last visited Jan 21, 2021).

⁴² id

⁴³ 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-and-australia.html> (last visited Jan 21, 2021).

⁴⁴ 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 Jan 21, 2021).

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.
