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Laws Relating to Arms and Ammunitions in USA & India: Responsibility of a Country or a Citizen

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ABSTRACT

India and the United States, which will be discussed in this research study, are well-known arms-rich nations that possess not only conventional weapons such as firearms and cannons, but also nuclear weapons, missiles, biological and chemical weapons, etc. The two nations both have highly formidable militaries, but the military, military regulations, and large weapons are not the focus of this study. Rather, we focus on the lesser issues pertaining to the ordinary people, or rather the inhabitants of the country, and their access to pistols, revolvers, and rifles. In the United States, around 44% of Republicans and 20% of Democrats own weapons, while India possesses over 71 million firearms, making it the second biggest in the world. Gun ownership in both nations is further split by gender, geographic location, values, and level of education. It would be fascinating to examine further in this article how both nations have a well-organized licensing legislation and sanctions for breaking the law, but criminals are able to flee and sit in the comfort of their homes.

Keywords: Arms, India, USA.

I. INTRODUCTION

India is a diverse country in all aspects, including language, religion, values, tradition, clothing, culture, geography, political views, crime rate, and so on. It is difficult to govern such a country with just a single set of laws; instead, each state should be studied separately.

Similarly, the diversity in the United States is not as great as it is in India, but the split between Democrats and Liberals, Blacks and Whites is significant and must be recognized while gender, level of education, and family background are all taken into consideration.

(A) Glance at the laws of the Nations

In India the act guiding and controlling the use, sale, purchase, transporting, manufacturing, licensing, import or, export of arms and ammunition are known as the Arms Act 1959. This act

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also talks about the punishments and penalties if the laws are not followed. Now arms can be issued to any citizen who presents good reasons to own one. However, Article 14 of the act states that authorities can deny issuing the license for public peace and public safety reasons. It is to be noted that authorities are not obligated to give any reason for the denial of issuing the license. The job is not done once you get the license one has to renew the same after every 3 years. But still, 90% of the crime committed is committed using illegal weapons. Prohibitions are made on people if they are below the age of 21 years, anyone sentenced or convicted of crime involving violence or moral depravity and who has not completed 5 years after the end of the sentence, anyone who is of unsound mind at the time of sale, or even distribution or carrying the firearms in specified geographic reasons also it is unlawful on the part of dealer to sell any firearm without taking the age declaration from the buyer. Now it would be interesting to look at that where the laws and punishment go when people purchase, use, sell, and manufacture all these illegal weapons. The Act further got modified on 15th July 2016, which made it compulsory for every person or manufacturer applying for a license to complete a safety training course. But this was not enough so the parliament in 2019 tightened the laws by introducing the maximum punishment of life imprisonment for possession and manufacturing of illegal weapons also earlier a person could get 3 firearms registered on one license this amendment limits it to one per person.

The two laws which are currently govern the control in USA are National Firearms Act (NFA) of 1934 and Gun Control Act 1968. The NFA regulates manufacturing, transferring and possession of some deemed to be dangerous weapons for example short barreled shotguns, short barreled rifles, modified shotguns or rifles, machineguns, grenades, bombs, silencers. According to NFA all manufacturers, dealers, or importers should be registered and authorized by the attorney general and if transferring than the name of the person shall be updated. A person who violates or A person who violates or fails to adjust to the wants of the NFA is subject to a fine of up to \$10,000, imprisonment for up to 10 years, or both. 42 Firearms involved in violations are subject to forfeiture someone who violates or fails to befits the necessities of the NFA is subject to a fine of up to \$10,000, imprisonment for up to 10 years, or both. 42 Firearms involved in violations also are subject to forfeiture.²

India is also a far less violent society than the United States, with 2.78 homicides per 100,000 people, compared to 4.96 in the United States. However, Indian gun rights advocates believe that the country requires more firearms due to its low police-to-population ratio, which is among

² America's Complex Relationship with Guns(America, 22 June 2017)

the lowest in the world.³

Now in Guns Control act aims to stay the firearms out of illegal hands because of various reasons like age, criminal background, or incompetency which aims to scale back the weapon traffic, the most effective part about regulation Act is that it covers the weapons which were missed in NFA. If any importer, dealer, or manufacture wants to form, sell or deal in weapons must obtain a license from national and pay annual fees. so as to urge license, one should fulfill some criteria which are being 21 years old, compliance with applicable state and native laws and a correct record is maintained by Federal Firearms Licensees (FFL) together with this they also monitor identification of imported or manufactured firearms by the serial number (a unique number on each weapon which helps in identification). The FFL's can revoke the license if any firearm holder doesn't suit the foundations and regulations of the act. Now the question which pops into the mind is that how are people still able to sell, make, deal in illegal weapons well, certain terms like "engaged in business" and plenty of other similar loop holes are looked upon. The GCA also prohibits somebody who falls within the below mentioned 9 categories to ship, transport, possess, or receive any firearm or ammunition. The categories are: -

- i. may be a felon (i.e., someone who has been convicted in any court of against the law punishable by a term of imprisonment exceeding one year).
- ii. is a fugitive from justice.
- iii. is an unlawful user of, or is smitten by, any controlled substance;
- iv. has been adjudicated as a "mental defective" or committed to a mental institution;
- v. has been admitted to the us pursuant to a nonimmigrant visa or is an unlawfully present alien;
- vi. has been dishonorably discharged from the Armed Forces;
- vii. has renounced his or her U.S. citizenship;
- viii. is subject to a judicial writ preventing that person from harassing, stalking, or threatening an intimate partner (or that partner's child) or engaging in other conduct that may cause the partner to reasonably fear bodily injury to himself or herself or the child; or
- ix. has been convicted in any court of a misdemeanor crime of violence.⁴

From all the limited information we've gathered till now it's clear that the laws in USA are much

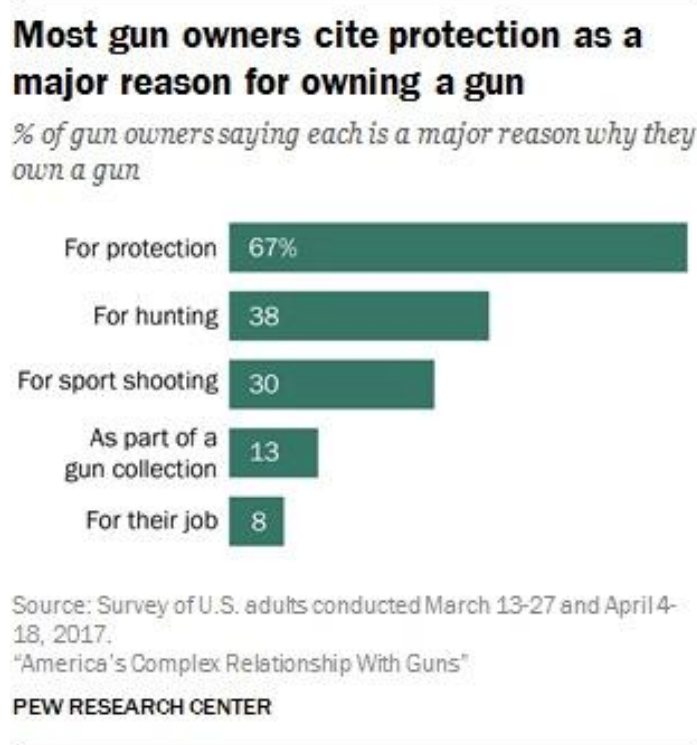
³ Gun Control Policy in India: Is Strict Legislation Effective in Bridling Violence and Crime? (India)

⁴ <https://crsreports.congress.gov/product/pdf/R/R45629>

stricter than India and involves a correct process for every step but on the larger picture USA still has 25 states which permit people to get guns without the requirement of license. during this research next, we'll examine more aspects which deals and differentiates in gun laws of the 2 nations.

II. PROTECTION BEING THE MAJOR REASON

It is fascinating to see that guns which actually amount to violence is also the reason why people feel safe. In USA 67% of the gun owners gives the protection being the main reason why they carry a gun.⁵



And around 15% of people claim that they have used their gun to threaten to fire or fired in order to protect themselves, or their family. In both the countries people especially gun owners feel that owning a gun is none of a public business and more of a personal concern. In USA 80% of people have no issues that others know that they have a gun, 14% don't want others to know and rest 6% actively don't want anyone else to know because they think people would invade in their privacy. In India self-defense is one of the criteria for issuing of license and tops the reason why gun owners own a gun. In this country it is not only limited to guns but also to smaller weapons like swords, kata, kirpan, wooden sticks etc. To get license in India one has to fill form 2 in which person needs to submit details like certificate of good mental health, tax

⁵ America's Complex Relationship with Guns(America, 22 June 2017)

records, and a declaration stating that the weapon will be kept out of reach of others. But owning a gun is always a threat to others life like in case of K.M Nanavati even a well-trained officer could not hold back himself. Many women gun owners in the country also state the reason that crime rate against women is extremely high especially in the capital and states like Haryana, UP, J & k, Rajasthan, North-east etc. The next categorization we are going to study in on the basis of gender and age.

III. OWNERSHIP ON THE BASIS OF GENDER

About 42% of adults in USA admits that they possess a gun in their homes and nearly 11% says they personally don't own a gun but someone else in their house does. About 42% of adults in USA admits that they possess a gun in their homes and nearly 11% says they personally don't own a gun but someone else in their house does. About 42% of adults in USA admits that they possess a gun in their homes and nearly 11% says they personally don't own a gun but someone else in their house does. Gun ownership varies considerably across demographic groups. For example, about four-in-ten men (39%) say they personally own a gun, compared with 22% of women. And while 36% of whites report that they are gun owners, about a quarter of blacks (24%) and 15% of Hispanics say they own a gun.

White men are especially likely to be gun owners: About half (48%) say they own a gun, compared with about a quarter of white women and nonwhite men (24% each) and 16% of nonwhite women. The differences in hunting and shooting participation between male and female gun owners are linked, at least in part, to early exposure to these types of activities. Among current gun owners, 52% of men say they went hunting and 46% say they went shooting at least once when they were fairly young, compared to about a quarter of women (23%) who say they did both when they were younger. When those who did and did not hunt or shoot as children are looked at separately, the disparities in the shares of men and women who now go hunting or shooting virtually disappear.

Like the gender gap, the education gap in gun ownership is particularly pronounced among whites. Overall, about three-in-ten adults with a high school diploma or less (31%) and 34% of those with some college education say they own a gun; a quarter of those with a bachelor's degree or more say the same. Among whites, about four-in-ten of those with a high school diploma or less (40%) or with some colleges (42%) are gun owners, compared with roughly a quarter of white college graduates (26%). There is no significant difference in the rate of gun ownership across educational attainment among nonwhites.

Most gun owners cite multiple reasons for owning a gun, but protection ranks first, with 67%

citing this as a major reason they personally own a gun. Approximately four-in-ten (38%) say hunting is a major reason they own a gun, while three-in-ten say sport shooting, which includes target, trap, and skeet shooting, is a major reason they own a gun. Fewer gun owners (13%) or their job (8%) cite a gun collection as a major reason. Men and women are roughly equally likely to say that protection is a major reason they own a gun: 65% and 71%, respectively. However, hunting (43% of men vs. 31% of women) and sport shooting (34% vs 23%) are more popular among male gun owners.

Regionally, Northeasterners stand out as the least likely to own guns: 16% of adults who live in the Northeast say they own a gun, about half the share who say this in the South (36%), Midwest (32%) and West (31%).⁶

Whereas in India Men own most of the guns, there are different reasons like inter gang rivalries and because of which a very famous singer in Punjab died so it would not be wrong to quote that the in spite of the laws being framed so well the implication of it is not that strict, safety issues, society status, in some cases the guns are also the ancestral property which is being transferred from generation to other, in the country some castes also have a tradition of gun firing in weddings, funerals and other personal celebrations. Women in the country own a gun for personal safety and for the safety of their children specially in NCR apart from guns kirpans, sharp knives, other pointing weapons can be easily found in the hands of the people in the states like Rajasthan, Punjab, Assam, Delhi, Uttar Pradesh. We will see this division based on geography as our next agenda of this paper.

IV. DIVIDED BY BORDERS UNITED BY WEAPONS

With a whopping 12.77 lakh people authorized to carry weapons, Uttar Pradesh tops the list of states with active gun licenses, followed by militancy-hit Jammu and Kashmir, which has 3.69 lakh. According to the home ministry's statistics, the country had 33,69,444 active gun licenses as of December 31, 2016. The most gun licenses were issued in Uttar Pradesh, where 12,77,914 people are authorized to carry weapons, the majority of which were obtained for personal security. Uttar Pradesh has a population of 19,98,12,341 people, according to the 2011 census. Jammu and Kashmir, that has been plagued by militancy for three decades, has 3,69,191 licensed firearms owners, including those with prohibited bore and non-prohibited bore arms. According to the ministry, the total population of the state in 2011 was 1,25,41,302. Punjab, which experienced terrorism in the 1980s and 1990s, has 3,59,349 active gun licenses, the

⁶ From small arms to AK-47s, this Munger village is India's 'biggest illegal firearms hub' (India, 13 November, 2018)

majority of which were issued during the state's two decades of militancy. Madhya Pradesh has 2,47,130 active gun licenses, followed by Haryana, which now has 1,41,926 people authorized to carry licensed weapons, based on the report. Rajasthan (1,33,968 licenses), Karnataka (1,13,631), Maharashtra (84,050), Bihar (82,585), Himachal Pradesh (77,069), and Uttarakhand are the other states with a large number of registered gun owners (64,770) West Bengal (60,784) and Gujarat (60,784) (60,525). In accordance with the statistics, Delhi has 38,754 conceal carry permit holders, Nagaland has 36,606, Arunachal Pradesh has 34,394, Manipur has 26,836, Tamil Nadu has 22,532, and Odisha has 20,588 licenses. Assam has 19,283 active gun license holders, Meghalaya has 18,688, Jharkhand has 17,654, Mizoram has 15,895, and Kerala has 9,459 active gun license holders. According to India's National Crimes Records Bureau, 80,000 violations of the Arms Act were recorded in 2009, involving the possession, design and build, and public transit of illegal weapons, an 8% increase from 2007. Despite the increase, knives, machetes, and other weapons are still employed in the majority of homicides in this city, with guns accounting for only 14% of all killings.

The United States is the principal cause of firearms entering Brazil and concluding up in the hands of armed bandits and drug traffickers. A study of more than 10,000 arms seized by police in Rio de Janeiro since 2014 discovered that approximately 1,500 guns originated in the United States. Guns from the US tended to be assault rifles and larger caliber handguns, so even though guns already in circulation in Brazil or arriving from other countries tended to be smaller handguns. Violence fueled by illegal firearms has increased in Brazil as a deep recession from 2015 to 2017 led to significant in funding cuts for many police forces across the country. Last year, the federal government sent troops to Rio de Janeiro and other areas to quell generalized violence. Guns from the United States typically enter Brazil via direct shipments of assembled weapons, shipments of gun parts, or indirect shipments via a third country, with Paraguay serving as the predominant intermediary.

Outside of the military, Brazilians can legally own guns only if they pass a series of stringent checks and can only purchase small caliber weapons. Guns are permitted in these cases for rural residents who require them for daily subsistence, hunters, and those who can demonstrate a need for a gun for self-defense.

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checks and can only purchase small caliber weapons. Guns are permitted in these cases for rural residents who require them for daily subsistence, hunters, and those who can demonstrate a need for a gun for self-defense.

When considering the impact of US-sourced guns on other countries, the most obvious place to start is with the immediate neighbors. Much has been written about the impact of US guns arming Mexican perpetrators of violent crime. In Mexico, organized criminal groups use firearms to wage brutal wars against rival criminal groups and government agencies, as well as to extort civilians. Many of the firearms used by these criminal organizations are manufactured in the United States. ⁵ According to data from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), 70 percent of the 106,001 guns recovered by law enforcement as part of a criminal investigation in Mexico from 2011 to 2016 and submitted for tracing were purchased from a dealer. In the United States, you must be a licensed gun dealer. ⁶ Because they only account for guns recovered by law enforcement during a criminal investigation and submitted to ATF for tracing, these U.S.-linked guns are likely only a fraction of the total number of guns that cross the southern border. ⁷ According to other estimates, approximately 213,000 firearms are smuggled across the US-Mexico border each year. ⁸ According to the US Government Accountability Office (GAO), nearly half of the US-sourced guns recovered in Mexico are long guns, such as high-caliber semi-automatic rifles like the AK and AR variants. ⁹ This is a source of concern for Mexican law enforcement officials, who have reported that assault rifles have become the weapon of choice for Mexican drug trafficking organizations, in part due to the availability of such weapons. because they are easily convertible into fully automatic rifles According to the GAO, the majority of crime guns recovered in Mexico that were originally purchased in the United States came from three southern border states between 2009 and 2014: 41 percent from Texas, 19 percent from California, and 15 percent from Arizona.⁷

The consequences of rampant gun trafficking from the United States to Mexico have been disastrous. Mexico experienced its highest level of homicides in 20 years in 2017, with 20.5 homicides per 100,000 people. ¹² While high levels of impunity for criminal behavior have contributed to this figure,¹³ access to firearms has also been a key driver of the increase in homicides. ¹⁵ 15 percent in 1997 In 2017, approximately 66 percent of homicides in Mexico were committed with a firearm. ¹⁴ The use of firearms in armed robberies has also grown. In 2005,

⁷ 6 Real Ways We Can Reduce Gun Violence in America

guns were used in 58 percent of robberies; by 2017, that number had increased to 68 percent.

In India Arming and training Northeast insurgents to fight the Indian state began in the 1950s, with the Pakistani Army providing weapons such as self-loading rifles, light machine guns, and mortars to the Naga rebels. It has been noted that the majority of this smuggling occurs from China's Yunnan province into the region via Myanmar and Bangladesh. Intelligence reports even suggest the existence of historical ties between the Northeast insurgents and China, as well as claims that Chinese armor is smuggled into the Northeastern states via Thailand, Bangladesh, and the Sino-Myanmar border. India has over 1600 km of border with Myanmar and 4000 km with Bangladesh. Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura are among the northeastern states that share these borders. Those same borders are susceptible to security breaches for a variety of reasons, including inadequate fencing, frequent influx of immigrants, the rough terrain of the border areas, and so on. Insurgent groups in Myanmar such as the Karen National Union (KNU), Kachin Independence Army (KIA), and United State Army (UWSA) facilitate this smuggling, and Pakistan's ISI also facilitates the shipping of contraband arms through the Bay of Bengal. Firearms, assault rifles, and grenades are readily available at hubs throughout Assam, Manipur, Nagaland, Arunachal Pradesh, and Meghalaya, with Offerings that are compatible for the vast majority of all arms consignments. Mizoram has emerged as South Asia's largest smuggling hub for ecstasy drugs, gold, and guns among the Northeastern stat. Many of the Chin refugees who have illegally settled in Mizoram have died. They were apprehended for their involvement in various international arms smuggling networks, which were closely linked to the UWSA. In May 2018, the Directorate of Revenue Intelligence (DRI) and the Assam Rifles jointly busted a major racket involving firearm smuggling from Myanmar into India via the Mizoram border for further delivery to insurgent groups in Bangladesh. According to the NCRB, West Bengal, which borders Bangladesh, ranked fourth in the country for unlicensed firearms seizures in 2017.

V. CONCLUSION

Both countries must pass laws and implement policies that curb illegal weapon violence while making the procedure more challenging for dealers, manufacturers, and buyers. It is high time to take strong action and lock up a few major importers, exporters, manufacturers, dealers, and even buyers to set an example in society. To reduce gun violence, both countries must address political clashes and corruption (particularly in India).
