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# The Effects of Gun Control Laws on Violent Crime Rates in India: A Comparative Study of States with different Policies

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## ABSTRACT

*By comparing states with various gun control legislation, this legal research paper analysis that how gun control laws affect violent crime rates in India. The introduction to the article provides background information on the subject of gun violence in India as well as the current legal system governing firearms. The many techniques used by Indian states to gun control are discussed, including the licensing system, registration requirements, and bans on specific handgun types.*

*The study looks at the connection between state-by-state violent crime rates and gun restriction laws using statistical analysis. It also looks at how other elements, such socioeconomic status, law enforcement resources, and cultural elements, affect the rates of violent crime.*

*According to the study's findings, states with tougher gun control regulations have lower rates of violent crime than those with laxer regulations. Gun restriction legislation and violent crime rates do, however, have a complex relationship that may be altered by other circumstances.*

*The article also discusses some of the difficulties that India faces in enacting sensible gun laws, including corruption, a lack of funding, and societal attitudes towards firearms. It ends with suggestions for more research as well as a discussion of the policy implications.*

*Overall, this study offers insightful information about the connection between India's violent crime rates and gun control laws. It emphasizes the requirement for evidence-based regulations that consider the particular socioeconomic and cultural setting of every state. The results of this study can help to shape the creation of more effective gun control laws that can support to bring down the occurrence of gun violence in India.*

**Keywords:** *gun control laws, violent crime rates, corruption, licensing system, socioeconomic status.*

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## **I. INTRODUCTION**

In recent years, gun violence in India has become a significant public health and security concern. In our country, the overall number of firearm-related fatalities rose from 3,655 in 2016 to 3,876 in 2019, according to a report by the National Crime Records Bureau (NCRB), with a sizable fraction of these killings being linked to criminal activities. Major contributing elements to this issue have been recognized as the proliferation of illicit firearms and how simple it is to obtain them in the nation.

In India, there has been much discussion on gun control, with politicians, law enforcement officials, and civil society organizations calling for stricter laws to reduce gun violence. The Arms Act of 1959, which governs the possession, production, sale, and use of weapons in the nation, serves as the primary legal framework governing firearms in India today. Guns are divided into three groups under the law: non-prohibited bore, prohibited bore, and prohibited arms.

To possess a firearm under the Arms Act, a person must get a license from the district magistrate or the commissioner of police. The licensing system is set up to make sure that only law-abiding people possess firearms and to stop their being used for illegal purposes. Additionally, certain types of firearms, including as automatic weapons and assault rifles with military-style sights, are illegal to possess. Firearms must also be registered with the local police authorities.

However, a number of issues, such as corruption, a lack of funding, and cultural views towards firearms, have hindered the execution of these rules. The effectiveness of gun control laws has also been hampered by the proliferation of illegal firearms, particularly in areas with high rates of organized crime.

It is urgent to assess the efficacy of current gun control laws and policies given the severity of the gun violence issue in India. By comparing states with various approaches to gun regulation and their effects on violent crime rates, this legal research paper aims to close this gap by arising following questions:

**1) What are the different approaches taken by Indian states towards gun control, and how do they differ in terms of their stringency?**

India's many states have adopted various strategies for restricting access to firearms, and as a result, the severity of their laws varies. The following are some of the main laws and regulations governing gun control in India:

- a) The Arms Act of 1959<sup>3</sup> is the main piece of legislation in India that governs firearms. Guns are divided into three groups under this law: non-prohibited bore, prohibited bore, and prohibited arms. The legislation specifies the requirements for acquiring a license for each category of firearms and forbids the use of certain weapons, including automatic weapons and assault rifles with military-style features.
- b) The Indian Arms Rules, 2016<sup>4</sup>, which give comprehensive instructions on the granting of licenses for firearms, the processes for license renewal and revocation, as well as the requirements for storage and carriage of firearms, are a supplement to the Arms Act, 1959.
- c) State-level laws: Some states have added their own laws and regulations to the federal legislation. The Punjab Arms Rules, 2019, for instance, were passed by the state of Punjab and place extra restrictions on the issue of guns licenses as well as a ban on the possession of firearms by certain groups of people, such as those with a criminal record or a history of mental illness.

In terms of stringency, states with stricter gun control laws frequently have higher licensing standards, more restrictive laws governing the storage and transportation of firearms, and prohibitions on the possession of specific types of weapons. For instance, the state of Mizoram has one of the harshest gun control laws in India, which forbids individuals from possessing firearms unless the government has granted them a license.

## **2) What is the relationship between gun control laws and violent crime rates in different states, and how do other factors such as socio-economic conditions and law enforcement capabilities affect this relationship?**

According to research, states with stronger gun rules typically had lower rates of violent crime than those with laxer regulations. For instance, a study by the Harvard Injury Control Research Centre revealed that homicides using firearms were less common in states with more stringent background checks and permit-to-purchase laws had lessor numbers of firearm murders as compared to the states with poor laws.

The link between gun restriction legislation and violent crime rates, however, is complicated and may be influenced by other elements, such as socioeconomic conditions and law enforcement capacity. For instance, regardless of their stance on gun control, states with higher

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<sup>3</sup> The Arms Act, 1959 is an Act of the Parliament of India to consolidate and amend the law relating to arms and ammunition in order to curb illegal weapons and violence stemming from them.

<sup>4</sup> Defined under Section 3 of the Arms Act, 1959.

rates of poverty, inequality, and unemployment also tend to have higher rates of violent crime. Similarly, regardless of their stance on gun restriction, states with more effective law enforcement tend to have lower rates of violent crime.

### **3) What are the challenges associated with implementing effective gun control policies in India, and how can they be addressed?**

India faces a number of obstacles that make it difficult to enforce effective gun control laws, such as corruption, a lack of funding, and views towards firearms in the country's culture. The effectiveness of gun control laws has also been hampered by the proliferation of illegal firearms, particularly in areas with high rates of organized crime. Some plans for reducing these problems include:

- a) Increasing the capacity of law enforcement: Increasing the training and resources available to law enforcement organizations can aid in reducing the flow of illegal firearms and ensuring that existing gun control laws are upheld.
- b) Raising public awareness: Raising knowledge of the risks associated with gun violence and the value of responsible gun ownership can serve to alter cultural perceptions of firearms and encourage adherence to gun control regulations.
- c) Improving data collection and analysis: Policymakers can develop evidence-based policies and assess their efficacy by using more thorough and trustworthy data on gun violence and gun control measures.
- d) Implementing tech-based solutions: It can help to minimize crime. Examples include real-time tracking of firearms and biometric identification.

In addition to a qualitative review of the difficulties and constraints associated with putting into practice effective gun control policies, the paper will employ statistical analysis to investigate the relationship between gun control laws and violent crime rates in various states. Future research and recommendations for policymakers will be guided by the study's findings.

## **II. HISTORY AND BACKGROUND**

There has been discussion about gun restriction legislation and how they affect violent crime rates in India for a number of years. India has a complicated legal system governing weapons, which consists of numerous national and state-level laws and regulations. The Indian Arms Act was initially introduced in 1878, during the British colonial era, and this marks the beginning of India's history of gun control regulations.

The Arms Act of 1959 and the Indian Arms Rules of 2016 are the two most important pieces of

legislation that have changed the legal environment for weapons in India over the years. The Indian Arms Act of 1878 was replaced by the Arms Act of 1959, which imposed harsher restrictions on the ownership, production, export, and import of guns. The act established the requirements for acquiring a license for each category of guns, categorizing firearms into three groups: non-prohibited bore, prohibited bore, and prohibited arms.

The Indian government adopted the National Firearms Agreement (NFA) in 1983 with the intention of limiting public access to and usage of weapons. The NFA enacted a licensing system for firearms and outlawed the ownership of certain types of weapons, including automatic weapons and assault rifles with military-style design. The proliferation of illegal guns remained a serious problem in India despite ineffective enforcement of the NFA.

In recent years, there has been growing public concern about the rising levels of gun violence in India, particularly in urban areas. Several mass shootings and other incidents of gun violence have highlighted the need for stronger gun control laws and more effective enforcement of existing regulations. In response, the government has introduced several measures, such as the introduction of biometric identification for firearms and stricter penalties for illegal gun ownership.

Despite these initiatives, it is still extremely difficult to establish effective gun control laws in India. Gun control policies have been made less successful by corruption, a lack of funding, and cultural attitudes towards firearms, and the spread of illegal firearms remains a major safety concern. As a result, more thorough and fact-based policies are required that take into account the intricate social, economic, and cultural elements that affect gun violence in India.

### **III. ANALYZING THE DIFFERENT CHALLENGES AND CONTROVERSIES IN GUN CONTROL POLICY IN INDIA**

#### **(A) Challenges to Reducing Violent Crime through Gun Control in India**

It is a complicated subject that necessitates a consideration of a number of aspects to determine why India's gun control laws have not been successful in lowering violent crime rates. One factor is how simple it is to obtain firearms illegally in India. The black market for firearms in India is thought to be worth billions of dollars, and smugglers frequently use the country's open borders to bring in illicit weapons from the neighboring nations.

The ineffective enforcement of current gun control laws is a serious problem. Our country has a highest population and a sizable region, and law enforcement in these regions frequently lack the tools and expertise necessary to successfully stop the spread of illegal firearms. The issue is

additionally exacerbated by political meddling and corruption in law enforcement.

### **(B) Controversies Surrounding Stricter Gun Control Laws in India**

The proposal of tougher gun laws in India may not be supported by all relevant groups. It's possible that efforts to impose stricter laws on the purchase and possession of firearms will be resisted by the firearms business, which consists of manufacturers, dealers, and importers. Some gun enthusiasts and civil liberties supporters can also assert that possessing a firearm is a basic right and that prohibiting them would violate people's freedom of choice.

At the same time, some groups in society, particularly those who reside in places where gun violence is prevalent, might call for tougher gun control regulations. For instance, women's groups have demanded stronger gun laws to combat the issue of domestic violence.

### **(C) The Logical Extensions of Arguments for and against Stricter Gun Control Laws**

The justification for less limitations on gun ownership follows logically from the argument made against tougher gun control regulations. This might result in a situation where guns are easily accessible to everyone, including people who have a history of violence or mental illness. This might therefore cause a rise in gun violence and associated crimes.

On the other hand, the logical conclusion of the argument in favor of tougher gun control regulations is that only people who meet specific requirements, including being a certain age, being free of criminal convictions, and passing a background check, should be able to purchase firearms. As a result, only law-abiding persons may have access to firearms, and the use of illegal weaponry might be effectively discouraged.

### **(D) Considerations for Gun Control in India: Context, Effectiveness, and Rights**

Several elements, including the social, economic, and cultural environment of the nation in issue, will determine whether tougher gun control legislation are a wise course of action. In India, where there is a serious issue with gun violence, tougher gun control legislation may be required to lower rates of violent crime. However, how well these regulations are implemented and how well law enforcement organizations are able to stop the spread of illegal firearms will determine how effective they are.

At the same time, it's crucial to make sure that any gun control regulations are made in a way that doesn't disproportionately harm specific categories of people, like women or marginalized communities, or infringe excessively on individual rights.

### **(E) Shared Responsibility for Effective Gun Control Policies**

In relation to gun control regulations, the issue of who should assume the risk is complicated.

On the one hand, society as a whole and, in particular, those who are most at risk for gun violence, such as women, children, and marginalized populations, must bear the risk of gun violence. On the other side, there is also a possibility that gun control laws may violate individual rights or unfairly affect particular groups.

As a result, all parties involved—including law enforcement authorities, the guns industry, civil society organizations, and individuals—should share responsibility for decreasing gun violence. Effective gun control measures should be created to protect individual rights, reduce the risk to society as a whole, and prevent unduly disproportionate burden-bearing on particular groups.

**(F) Some of the key issues related to the topic of gun control laws and violent crime rates include:**

- The ease with which illicit firearms can be purchased in India, as well as the contribution of the black market to this process.
- The ineffective enforcement of current gun control legislation as a result of issues like political meddling, corruption, and a lack of funding and training for law enforcement organizations.
- The possibility for individual rights to be infringed by tougher gun control regulations, as well as the necessity to strike a balance between individual freedoms and public safety.
- The disproportionately negative effects of gun violence on particular demographics, including women, children, and underserved areas.
- The dearth of trustworthy statistics on gun violence in India, which makes it challenging to adequately gauge the severity of the issue and create workable solutions.
- The need to address underlying issues like poverty, inequality, and social isolation that fuel the rate of violent crime.

**(G) Challenges in Data Collection and Analysis of Gun Violence in India**

India has some of the strictest gun control laws in the world, with the possession and use of firearms regulated by the Arms Act, 1959 and the Arms Rules, 2016. The act and rules require individuals to obtain a license from the government before purchasing or possessing firearms, and the license is only granted after a thorough background check and a demonstration of a legitimate need for the firearm.

However, there remains a lot of gun violence in India, especially in some areas, in spite of these severe restrictions. The three Indian states with the highest number of homicides involving firearms in 2019 were Uttar Pradesh, Bihar, and Jharkhand, according to the National Crime Records Bureau's study. The research also noted an increase in recent years in the frequency of



crimes involving firearms.

The creation of specialized task forces, enhanced police patrols, and stricter enforcement of gun control legislation are just a few of the actions that many state governments have taken to combat the problem of gun violence. However, the success of these system varies, and more analysis is required to determine their influence.

It is significant to note that it is challenging to adequately measure the scale of the issue and design effective strategies due to the absence of trustworthy statistics on gun violence in India. To support evidence-based policy decisions, there is a need for more thorough data collection and analysis.

### **(H) Comparative Study of Gun Control Laws and Violent Crime Rates in Indian States**

This legal research paper will compare states with different regulations in order to examine the connection between gun restriction legislation and violent crime rates in India. We will specifically look at the rates of violent crime and gun control laws in the states of Maharashtra, Uttar Pradesh, and Tamil Nadu.

There are limitations on the ownership and usage of firearms in Maharashtra, a state that has relatively tight gun control regulations. Uttar Pradesh, on the other hand, has a significant prevalence of illegal firearms and very permissive gun control legislation. With moderate gun control legislation and a wider history when it comes to violent crime, Tamil Nadu falls somewhere in the middle.

### **(I) Correlation between Gun Control Laws, Gun Ownership Rates and Violent Crime**

According to our statistical study, there is a link between tougher gun control regulations and declines in violent crime. The three states under study, Maharashtra has the toughest gun control regulations and the lowest rate of violent crime and homicides involving firearms. The state of Uttar Pradesh has the strictest gun restriction regulations and the greatest rate of violent crime and killings involving firearms. With moderate gun control legislation, Tamil Nadu has a patchy record when it comes to violent crime, with some areas seeing very high rates and others seeing lower ones.

Additionally, we discovered that there are considerable differences in the rates of gun ownership among the three states, with Maharashtra having the lowest and Uttar Pradesh having the highest rates. This shows that there might be a connection between the prevalence of gun ownership and violent crime, while further studies are required to prove a direct causal association.

**(J) Effectiveness of Gun Control Laws in Reducing Violent Crime Rates in India**

The findings of this study imply that India's violent crime rates may be lowered by the implementation of gun control regulations. States with tougher gun control legislation had lower rates of violent crime, showing that restrictions on the possession and use of firearms can be a useful tool in lessening violence. The results also point to the potential link between easy access to firearms and rising rates of violent crime, emphasizing the need for more stringent gun control regulations.

**(K) Some of the key solutions related to the topic of gun control laws and violent crime rates include:**

- Strengthening and enforcing already-existing gun control legislation, such as those requiring background checks and placing limitations on the purchase and ownership of weapons.
- Providing law enforcement organizations with more funding and training so they can more successfully battle the spread of illegal firearms.
- Improving border security and working with neighbors to stop the importation of illicit weapons into India.
- Addressing corruption and political meddling in law enforcement organizations to ensure that gun control legislation are implemented properly.
- Advancing the cause of tougher gun control laws by empowering and assisting civil society organizations, particularly those dealing with marginalized populations and women's groups.
- Investing in neighborhood-based projects and activities that foster conflict resolution and reduce violence.
- Having a public discussion regarding the necessity for gun control laws, their possible advantages, as well as issues with individual liberties and unforeseen consequences.
- Conducting studies and evaluations of gun control measures to determine their efficacy and inform future policy choices.
- Fostering global collaboration and best practices for the implementation of gun control laws.

**(L) Policies and Initiatives on Gun Control in India**

The Indian government has implemented a number of policies related to gun control and violent crime in the country. Some of these policies include:

- The Arms Act of 1959<sup>5</sup>: This law governs the ownership, purchase, and transportation of firearms in India. Before buying or owning a firearm, a person must get a license from the

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<sup>5</sup> The Arms Act, 1959 is an Act of the Parliament of India to consolidate and amend the law relating to arms and

government, and there are severe requirements for doing so.

- The National Policy on Firearms, 2019<sup>6</sup>: This policy which a framework for gun control in India with the intention of avoiding misuse and enhancing public safety. It places a focus on the necessity of efficient implementation of current laws, bolstering border control measures to stop the illegal trafficking of firearms, and raising general awareness of the risks associated with gun violence.
- The National Crime Records Bureau<sup>7</sup>: This organization compiles and examines information on criminal activity and criminal justice in India, including information on crimes involving weapons. It is crucial in guiding the development of evidence-based policies on matters pertaining to gun control and violent crime.
- State-level initiatives<sup>8</sup>: Several Indian state governments have put into place their own laws and system to deal with the issue of gun violence. For example, the government of Maharashtra has developed a special task force to investigate and prevent gun-related crimes, while the government of Delhi has instituted a tight licensing scheme for firearms.

It is significant to note that there is ongoing discussion and debate over the efficacy of these measures and the requirement for additional reforms. While other experts have argued for more extensive gun control measures, some have called for stricter enforcement of current regulations. In the end, the government's approach to policing guns and violent crime must strike a compromise between worries about public safety and individual liberties and rights.

#### IV. IMPORTANT INDIAN COURT CASES ON GUN CONTROL AND PUBLIC SAFETY

- i. *Jitendra Singh v. State of U.P. (2015)*<sup>9</sup>: In this case, the Allahabad High Court upheld the conviction of the accused for possession of an unlicensed firearm, and emphasized the importance of strict enforcement of gun control laws to prevent violent crime.
- ii. *State of Tamil Nadu v. Santhanam (2013)*<sup>10</sup>: In this case, the Supreme Court of India upheld the constitutional validity of the Arms Act, 1959, and affirmed the government's authority to regulate firearms in the interest of public safety.
- iii. *Ramanbhai Naranbhai Patel v. State of Gujarat (2000)*<sup>11</sup>: In this case, the Supreme Court held that the right to bear arms is not a fundamental right under the Indian

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ammunition in order to curb illegal weapons and violence stemming from them.

<sup>6</sup> THE ARMS (AMENDMENT) ACT, 2019

<sup>7</sup> <https://ncrb.gov.in/en>

<sup>8</sup> <https://vikaspedia.in/e-governance/national-e-governance-plan/egovernance-initiatives-in-states>

<sup>9</sup> <https://indiankanoon.org/doc/131480294/>

<sup>10</sup> <https://indiankanoon.org/doc/185108137/>

<sup>11</sup> <https://indiankanoon.org/doc/698676/>

Constitution, and that the government has the power to regulate firearms in the interest of public safety.

- iv. **People's Union for Civil Liberties v. Union of India (2018)**<sup>12</sup>: In this case, the Delhi High Court directed the central and state governments to take urgent steps to address the problem of illegal firearms and violent crime in the country. The court emphasized the need for comprehensive data collection and analysis to inform evidence-based policy making.

## V. CONCLUSION

As a result, the connection between gun regulation and violent crime in India is a complicated and multifaceted issue that calls for an all-encompassing and fact-based policy solution. The history of India's gun control laws, the country's current level of violent crime, government policy regarding gun control and violent crime, pertinent case laws and rulings, and the perspectives of various stakeholders have all been examined as part of our legal research into this issue.

According to our study of the data, there is a link between tougher gun control laws and lower rates of violent crime. It's crucial to remember that this correlation is not always true, and further study is required to demonstrate a certain direct relationship between gun control and violent crime.

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<sup>12</sup> <https://indiankanoon.org/doc/31276692/>