



Evaluating the Impact of Gun Control Policies on Crime Rates: A Comprehensive Analysis from an Indian and American Perspective

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ABSTRACT

In this paper, the complex relationship between gun control and crime rates in India and the United States will be discussed by examining the contrasting contexts within which these issues are practiced. Through historical data reviews, the implementation of policies, and related socio-cultural factors, this research aims to bring to light a more comprehensive understanding of these measures concerning crime rates in both societies. This paper discusses the effectiveness of the various adopted gun control strategies, the unintended effects of those policies, and the difficulties in implementation and enforcement. This study also explores the unintended effects of gun control policies, such as the possible consequences of increased black market activity and perhaps altered criminal behavior. In contrast, India has significantly stricter regulatory conditions than those under which the US operates, where gun ownership is arguably more of a privilege than a right. This study also explores the unintended effects of gun control policies, such as the possible consequences of increased black market activity and perhaps altered criminal behavior. India has a much stricter regulatory environment compared to the United States, where gun ownership is construed more as a privilege than a right. The Arms Act of 1959 and the following amendments imposed tough licensing requirements and severe restraints on civilian possession of firearms. With some 71

million firearms in civilian hands (5.3 guns per 100 people), the Indian approach to gun control has prevented a situation with lower rates of death from guns compared to that of the U.S., still experiencing illegal arms trafficking and the evident presence of organized crime. The paper also discusses the legal framework of gun control policies in the United States of America and India such as the licensing, registrations, requirements, and ban on certain types of weapons and firearms. Analyzing the influence of policies in Indian and American perspectives, Indian gun control policies are harsh and stricter due to their legal framework, and the right to carry a gun is a fundamental right in America due to the Second Amendment in the US Constitution. The contribution of this research lies in filling the noted gap in the existing literature for comparative studies about gun control between developing and developed countries. It further underscores the very necessity of longitudinal studies to assess the long-term effects of gun policies. Ultimately, this paper aspires to contribute to a gun policy debate that is of far greater scope and substance and is grounded in the facts of what gun control might look like across the world.

INTRODUCTION

Gun control policies have a significant impact on crime rates in the society. Gun control policies have a significant influence on crime rates. This paper will discuss the complex relationship between gun control and crime rates in India and the United States by investigating, respectively, the contrasting contexts within which these issues are experienced.

One of the most contentious and scrutinized relationships globally is that of gun control policies and crime rates. This paper will trace this complex relationship in contrasting contexts-India and that of the United States. The two large democracies present a unique comparative perspective since their fundamentally different approaches to firearm regulation and ownership distinctly illuminate these differing contexts. This clear difference in legal frameworks provides a fertile ground by which the different approaches taken toward gun control shall be looked at, and how such models influence crime rates as well as public safety. In that respect, by studying these two very different contexts, this study

will be able to shed more light on the effectiveness as well as the result of varied strategies of controlling guns, their unintended consequences, and the challenges when implementing them and enforcing them.

HISTORY OF GUN CONTROL LAWS IN INDIA

Before the introduction of the Indian Rebellion (Sepoy revolt) of 1857. There were few gun control laws in South Asia. In 1878, British Raj passed the Indian Arms Act, 1878 which regulated the manufacture, licenses, and carrying of arms. In 1907, British Raj banned in India the possession of rifles chambered in calibers. To prevent the anti-colonial activities.

In the Karachi session of the Indian National Congress in 1931, which enlisted the right of citizens to keep and bear arms following certain regulations. During the constituent assembly discussion in 1948, H V Kamat was the person who proposed to include the right to bear arms as a fundamental right by referring to Karachi Session.

After the post-independence of India passed two major gun control legislation:

1. The Arms Act of 1959¹
2. The Arms Rules of 1968².

Conversely, India operates under a stricter regulatory framework, where gun ownership is not a constitutional right but a privilege granted by the state. The Indian Arms Act of 1959, The Arms of 1969, and its subsequent amendments form the backbone of the country's gun control policies, emphasizing rigid licensing requirements and limitations on civilian firearm ownership.

The main objective of the Arms Act is to control and limit the sale of weapons, and ammunition. It contains the process of obtaining Licenses for specific types of ammunition of weapons, places restrictions on lethal weapons, so that citizens cannot get them, and specifies how to regulate dangerous weapons. Arms Rules, 1969 is a statute that regulates, controls, and grants licenses for the manufacturing, announcing, and transporting of weapons.

The aim, intent, and validity of the act are discussed through the case laws:-

Ramanbhai Naranbhai Patel v. State of Gujarat³:-In this case, the Supreme Court held that the right to bear arms is not a fundamental right under the Indian constitution and that the government has the power to regulate firearms in the interest of public safety.

Lakshman Singh v. State of Bihar:-It directed the central and state governments to take immediate steps to deal with the menace of illegal weapons and violence in the country. It held that requisite data gathering and analysis are necessary for evidence-based policy formulations.

HISTORICAL IMPORTANCE OF GUN CONTROL LAWS IN THE UNITED STATES

In 1791, the US Constitution's Second Amendment enshrined "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms" thereby giving the country a unique legal and cultural context with regards to gun ownership. Constitutional protection has been interpreted in various forms and policies across the 50 states, with differences ranging from tight regulations in certain parts of the country to much looser applications elsewhere. Public debate about gun control in the United States can often be focused on balancing public safety concerns against individual rights to life.

The Second Amendment of the US Constitution safeguards the individual's right to keep and bear arms. When the U.S. Supreme Court decided in *District of Columbia v. Heller* (2008)⁴ when the Amendment identified and protected an individual right unrelated to militia service, this protection became legally explicit.

The Court invalidated New York's may-issue policy of requiring "proper cause" to be given a concealed carry license in *New York State Rifle & Pistol Association, Inc. v. Bruen*.⁵ (2022), but permitted the states to use "shall-issue" policies under which applicants were subject to objective qualifications, such as a background check to purchase the firearm. It further ruled that without proof otherwise, a firearm restraint infringes upon the Second Amendment of the United States Constitution. This test was improved in *United States v. Rahimi* (2024)⁶, where the Court maintained federal laws limiting the right to bear arms for victims of domestic abuse and stated that lower courts should examine similar analogies and broad principles rather than exact comparisons when examining the historical tradition.

The main legislation of gun control policies in America is incorporated by the Gun Control Act of 1968⁷, which was the primary legislation regarding the Interstate and foreign commerce in firearms including importation of weapons and licensing provisions. Other statutes incorporated under the Gun Control Act of 1968 are:-

(1) Firearms Owners Protection Act, 1986⁸

(2) Brady Hand Gun Violence Protection Act of 1993⁹

(3) NICS Improvement Amendment Act of 2007¹⁰

(4) Bipartisan Safer Communities Act¹¹

These acts were enacted after the assassination of Dr. Martin Luther King Jr and Senator Robert F. Kennedy. An executive order was given by Joseph R. Biden. It specifically mentions the policy regarding gun control policies and the implementation of the bipartisan Safer Communities. There was a need for an additional agency to reduce gun control policies.

International treaties and conventions on firearms

Firearms Directive (EU) 2021 /555¹²:-

It was initiated by the European Union and it replaces the previous directive(EEC 91/477) as revised in 2017. It extends the cooperation between the EU countries by improving the exchange of information, and traceability of firearms by improving the tracking of legally held weapons/firearms to reduce the risk of diversion into illegal markets.

Firearms protocol¹³:-

The project was initiated by the United Nations. It provides a basis for states on which they may find ways to control and regulate the illicit arms and arms flows, prevent their diversion into illegal circuits, and facilitate the investigation and prosecution of an offense.

The convention on certain conventional weapons:-

It was a united nation initiated by the United Nations. These conventions talk about the prohibition of the use of certain conventional materials that are harmful to humans.

Arms Trade Treaty¹⁴:- It is a multilateral treaty designed to regulate International trade in conventional arms. The us was the 91st state to sign the treaty all parties must not authorize arms that would violate the United Nations Security Council Article 7, or break any international treaties or attacks against the civilians. Importing states must take information about the authorization of imports and exports.

Relationship between crime rate and gun control policies

Gun control policies and crime rates are complex issues addressed in India as well as the United States. India has had quite strict gun control laws since the colonial era, requiring licenses and further

restrictions on civilian access to firearms. However, the United States carries a different paradigm shaped by the Second Amendment of the U.S. Constitution; it guarantees an individual's right to bear arms. This has led to differing interpretations and regulations at the state level, which prevents uniform gun control. Socio-cultural also contributes to crime rates. In India, strict regulation means relatively low rates of violence by guns; however, there are many illicit arms—the case in Delhi and Punjab. The United States has out-of-control gun violence with high rates of mass shootings and deaths due to guns. Black markets are typical of both countries and create a blur over enforcement, as India's weapons are only accessible but the U.S. has high legal ownership making it easy for illegally acquired firearms to circulate freely.

Current Statistics on Gun Ownership in the us and India

United States: The U.S. has an estimated 393 million civilian-owned firearms – the highest number of guns per capita in the world (120.5 guns for every 100 of its inhabitants). And that the bar is lowered to such an extent adds up not only to the sheer number of guns but also to public opinion where gun ownership is normalized.¹⁵

India: On the other hand, India has some 71 million firearms. It is about 5.3 guns per 100 people. The difference marks a stark contrast in gun culture, where ownership is broadly controlled and often frowned upon. Data kept by the Gun Violence Archive, a nonprofit that tracks gun violence incidents around the country, indicates that 2022 will be the second-most deadly year for mass shootings in the United States's history. The US saw 692 mass shootings in 2021, making it the worst year on record since the Gun Violence Database started keeping track of such incidents in 2014.

In 2014, firsts accounted for 33,599 deaths in the U.S., with 63% of these represented by suicides, and 34% homicides. The authors note that while media concentration on mass shootings makes them sensationalized and publicized, the real issue is the everyday gun killing—"one death every seventeen minutes; that is an average of 87 deaths every day." Such a scenario presents a glimpse of a genuine public health issue, and a tough measure needs to be implemented to address it.¹⁶

Regarding firearm sales and background checks are steps in the right direction, the ongoing ban on federal funding for research into gun violence severely limits understanding its effects. This funding freeze originated after a 1993 study revealed that homes with firearms were more likely to experience homicides, prompting Congress to enact the Dickey Amendment in 1997, which prohibited the CDC from using federal funds to advocate or promote gun control.

They explored such a range of important questions whether the availability of more guns leads to more crimes, whether gun laws are effective, and how people use guns in terms of personal protection or otherwise purposes.

Obtaining a license to carry arms in India

The process commences in India when an individual obtains application forms from their district police superintendent. Citizens can have Non-Prohibited Bore (NPB) guns under the Arms Act of 1959 unless they are proven to be in imminent danger of safety. An applicant must be at least 21 years of age to apply. You will also be required to show a valid ID and tell the police officer why you need the gun to protect yourself or from wild animals, etc. Once you have submitted your application, the police determine that the individual applying for a gun license does not have any criminal records in his/her past and that everything the individual said is correct.

Gun violence in us has changed a lot in the past 40 years. This change shows how society thinks now, how laws have changed, and how we study this issue better. At first, people didn't seriously study gun control. Many early studies were seen as biased and not very well done. During this time, there wasn't much good research so people argued about guns based more on what they believed than on facts. As time went on, people started to study gun violence in new ways. Experts in crime, money, and health began to write more about owning guns and how this affects crime. They looked into important questions like whether having more guns leads to more crime, if gun laws work, and how people use guns to protect themselves.

Obtaining a license for firearms in the US

In the US, getting a gun license requires completing several steps that differ from state to state. People who apply must be 21 or older and can't have things like felony convictions or a history of mental health issues. The process often starts with sending an application to local police, getting fingerprinted, and going through a thorough background check⁸. Also, many states want proof that you've taken a gun safety course and specific information about the gun, like its serial number. After looking over the application, there might be more steps like an in-person interview. Then, the application could be approved or denied based on whether it follows federal and state rules. The whole licensing process in the US tries to balance public safety and the right to own guns, which leads to different rules in different states.

PROHIBITED WEAPONS IN INDIA AND US

In India, the Arms Act of 1959 controls gun ownership. This law groups weapons and lists those that civilians can't own. The law bans civilians from having automatic guns like machine guns and submachine guns. It also stops people from owning certain guns seen as too dangerous such as hand grenades and explosives. To own a gun, people need to get a license. To get this, they must pass background checks, prove they're fit, and show why they need a gun, like to protect themselves or for sports shooting. Even with a license, there are strict rules about carrying guns in public.

The US has a more complex scene when it comes to banning weapons because of the Second Amendment. Federal rules under the National Firearms Act (NFA) ban civilians from owning automatic weapons without strict registration and tax rules. Other controlled items include short-barreled rifles, shotguns, and silencers. Some states have passed laws to ban specific types of firearms or add-ons seen as extra dangerous—like assault weapons or high-capacity magazines—but gun laws differ a lot across states. This means that the various states have pretty different laws regarding firearms. At the core, both countries have developed legislation around firearms, which bans and restricts others, but do so in different ways and towards broader cultural attitudes about guns, personal ownership, and public safety.

US and India Weapon Manufacturing Rules

Weapons manufacturing is strictly regulated under the Arms Act of 1959, as amended from time to time. The Act classifies weapons and indicates which types of weapons can be manufactured by whom. Only licensed manufacturers are allowed to produce firearms, and their products require clearances from the Ministry of Home Affairs, also paying due attention to strict scrutiny before licensing. In addition, manufacturers are also kept in tight restraints on the type of guns they are allowed to produce, whereby civilian use of automatic weapons is completely prohibited. The act further requires all the guns produced under it to be registered and bear markings for identification purposes to ensure traceability.

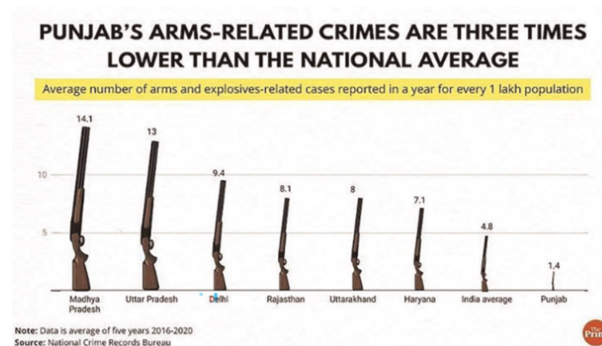
In the United States, producing firearms is controlled by federal and state laws. The federal law that primarily controls the manufacturing of firearms is the Gun Control Act of 1968. Under this act, any person or firm engaged in manufacturing firearms must obtain a Federal Firearms License. The ATF must award this license. Manufacturers with this license are subject to many requirements. Examples include criminal investigations of the staff and several stringent safety requirements. Some states impose additional regulations that may consist of stricter licensing requirements or bans on specific

types of firearms. Moreover, while manufacturers are allowed to produce a wide range of firearms, certain categories—such as fully automatic weapons—are subject to more stringent regulations under the National Firearms Act (NFA).

BLACK MARKETS OF WEAPONS AND FIREARMS IN INDIA AND US

In India, it is said that illegal markets for weapons thrive, especially in places such as Delhi and Punjab. Weapons of every kind, from crude handguns called kattas to highly sophisticated automatic weapons, are available. These arms are sold at highly variable prices. While kattas are being sold between Rs 4,000 and Rs 25,000, the advanced firearms may include an AK-47 that range from Rs 60,000 to Rs 5 lakh depending on how original they are and where they were procured¹⁴. There is alarming proliferation of illegal firearms, of which police data point to the fact that in Delhi illegal weapons outnumber legal ones by a ratio of eight to one; even more than 90 percent of violent crimes are committed using unlicensed firearms¹. The small-scale factories across Uttar Pradesh and Bihar states manufacture these weapons, whose distribution structures have already been organized by local gangs.

Punjab's problem is particularly pertinent since it is culturally more prone to carrying guns. The state has four lakhs of active gun license holders and a lot of private weapons compared to the strength of its police. Most of the illegal weapons come to Punjab from neighboring states like Madhya Pradesh and Uttar Pradesh as well as from over the border with Pakistan. Besides the criminal elements, demand for illegal firearms is also precipitated by civilians who would want status symbols in a gun-valuing culture. This has significantly created teething problems for the enforcement since licensed gun houses have been implicated in the illegal sale of ammunition.



(A PICTURE FROM NCRB RECORDS)

The northeastern region of India, comprising states such as Assam, Manipur, Nagaland, and Tripura, has long been a hotspot for various forms of militancy and insurgency. These wars have roots deeply embedded in an interplay of historical grievances, ethnic diversity, and socio-economic challenges. Most of the insurgent groups are thus demanding autonomy or total freedom.¹⁷ Even though most of these insurgent groups thus demand autonomy or complete freedom from India, they are moved by sentiments of alienation and neglect by the central administration. The geographical segregation of the northeast, in the form of this narrow Siliguri Corridor connecting it to the rest of India, enhances these feelings and forges fertile grounds for militancy. It encourages regional insurgencies but provides routes for the illegal arms trade, including weapon exportations to other regions.

There is also a disturbing interrelationship between these local insurgent groups and wider networks involved in arms trafficking. Many details have emerged that northeast insurgents have collaborated with Maoist factions in other parts of the country to obtain weapons. This boosts their firepower as well as arms moving across states. The porous border with Myanmar and Bangladesh adds to the complexity, so firearms easily land in India. Another hotly debated issue is the Armed Forces Special Powers Act which grants special powers within the boundaries of an area declared disturbed to the security forces. It does help curb militancy, but that often involves human rights abuses, thus fostering more resentment in the local population.

This movement of Khalistani has been associated with weapon and arms transport, as there were a lot of militant factions who wanted to make themselves armed to propel the separatist cause. Khalistani militancy had the result of spawning groups such as Babbar Khalsa and Khalistan Liberation Force, who carried out sufficient violent activities such as bombings and targeted killings. These groups heavily used smuggling through Pakistani routes to get arms and exploited the open borders between the two countries to bring advanced hardware into India.

The United States presents a much different view of black market guns. That would be a very profitable marketplace in which one can easily obtain firearms if he had the money and appropriate connections in his social circle. The dark web now represents a sizeable marketplace for illicit firearms as an estimated 60 percent of weapons listed online can be traced back to the United States. From handguns to assault rifles, the types of guns differ, and so do the circumstances surrounding sales which take place without background checks in gun shows or private sales. The cross-border weapons trafficking between the U.S. and Mexico is another highly pertinent issue kindling violence and turmoil in both countries.

CONCLUSION:-

The policies of the two countries, India and the U.S., concerning gun control, have proven that there exists a connection between the legislation and cultural attitudes in addition to crime rates. In the U.S., the relevance of the Second Amendment as a constitutionally guaranteed right to bear arms opens up space to a society where owning firearms is normalized as well. Despite the enactment of several policy measures, including the Gun Control Act of 1968, and Brady Handgun Violence Prevention Act, and so forth.

There is, however, a question of these measures' effectiveness. There is no uniformity in gun control laws between states. The Arms Act of 1959 and subsequent amendments have imposed stiff licensing requirements and an overall curb on civilian possession of firearms. Despite some 71 million guns held in civilian hands, India still has much lower rates of deaths associated with firearms as compared to the U.S. Challenges continue, however, especially in the light of illegal arms trafficking and organized crime.

Both countries, then, illustrate in different ways the role of cultural factors in shaping public perception and the effectiveness of policies on guns. Gun ownership is mainly, in the U.S., a matter of personal liberty and, at the very bottom line, of self-defense. In India, it is often seen as something of a threat to society, which needs regulation. Such a dichotomy shapes not only legislative frameworks but also societal attitudes toward guns.

Endnotes:

¹THE ARMS ACT, 1959, ACT NO. 54 OF 1959

²The Arms Act, 1959

³Ramanbhai Naranbhai Patel v. State of Gujarat, (2000) 1 SCC 358

⁴District of Columbia v. Heller, 554 U.S. 570 (2008)

⁵New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1

⁶United States v. Rahimi, No. 22–915 (2024)

⁷The Gun Control Act of 1968 (GCA or GCA68)

⁸The Firearm Owners' Protection Act (FOPA) of 1986

⁹Brady Handgun Violence Prevention Act of 1993 Pub.L. 103–159, 107 Stat. 1536

¹⁰H.R.2640 - NICS Improvement Amendments Act of 2007

¹¹Bipartisan Safer Communities Act

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- ¹²Directive (EU) 2021/555
- ¹³<https://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>
- ¹⁴<https://thearmstradetreaty.org/>
- ¹⁵Lynch, Kellie R., et al. “Gun Violence in the U.S.: Prevalence, Consequences, and Policy Implications.” *Agenda for Social Justice: Solutions for 2016*, edited by Glenn W. Muschert et al., 1st ed., Bristol University Press, 2016, pp. 93–102. *JSTOR*, <https://doi.org/10.2307/j.ctt1t8968r.15>. Accessed 10 Oct. 2024.
- ¹⁶Winker, Margaret A., et al. “Unsafe and Understudied: The US Gun Problem.” *BMJ: British Medical Journal*, vol. 352, 2016. *JSTOR*, <https://www.jstor.org/stable/26941524>. Accessed 9 Oct. 2024.
- ¹⁷Kikhi, Kedilezo. “What Ails the North-East? Challenges and Responses.” *Sociological Bulletin*, vol. 58, no. 3, 2009, pp. 346–66. *JSTOR*, <http://www.jstor.org/stable/23620663>. Accessed 9 Oct. 2024.