

ARMS REGULATION IN INDIA: PERCEPTION TOWARDS THE IMPLICATIONS OF RELAXED GUN NORMS IN INDIA

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Abstract

The Indian system of gun licensing is a comprehensive one as compared to some other countries like United States of America. The task of attaining a license in India is cumbersome and most gun license applications don't qualify. At this time of crime and victims being unarmed and easy preys, like in the case of women, does it make sense to carry a gun or is it another one of the hundreds of things that will only increase crime and embolden the criminals? In the wake of this question, what also remains a mystery is whether our country is mature enough to handle a population carrying guns, and furthermore, do the citizens have enough understanding of the true purpose of a firearm? A huge disadvantage of the current licensing system is the flurry of black market guns. A large number of homemade guns are flooding the market. India's strict licensing requirements are undermined by easy access to guns smuggled into the country through porous border areas in the north[9]. Four million guns in India are privately owned, of which only about 15 percent are registered (in the number of privately owned guns, India stands second). This paper is an attempt in learning about the people's perception about arms and safety. A structured questionnaire has been used to gauge and analyse the responses of the 100 respondents. The finding of the study is that people believe that although crime rates have been on the rise, the solu-

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tion is not to relax gun-laws. The Western concept of guns being a sign of democracy does not hold here. Thus the society is safer without relaxed gun norms.

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Introduction

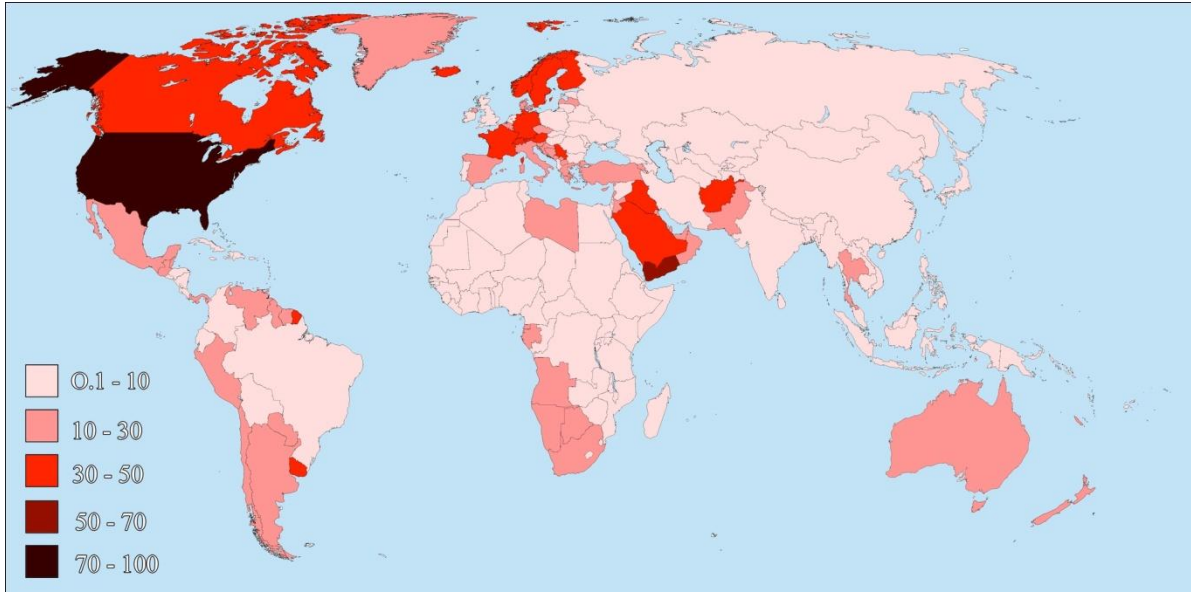
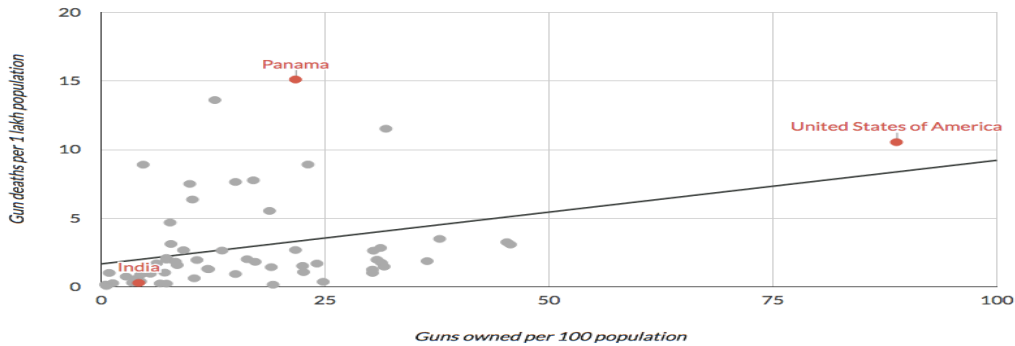


Figure-1: Country-wise rate of firearm ownership per 100 people (The Guardian, 2012)

Figure-2: Country-wise gun ownership and gun death rates



(Honduras, Venezuela, Switzerland, Guatemala, Jamaica, El Salvador, Colombia, and Brazil have near-median gun ownership rates but very high gun death rates. For clarity, they have been removed from this chart. SOURCE: Small Arms Survey 2007, Wikipedia.)

Guns have taken and saved millions of lives since their invention. These powerful objects are seen as an individual's right to safety and protection. Several countries feel this is a symbol of democracy, whereas several others have stringent gun laws. When placed in a civilian's possession, a firearm can be a boon or a curse. Homicides across the globe have sparked off the debate regarding degree of arms regulation. However in a country like India, this debate has not yet taken centre stage. In this light we have carried out a study to capture and analyse the views of the respondents from an Indian perspective. The main motivation behind conducting this research was a lack of in-depth studies carried out under this head. As fuel is added to this debate across the globe, how we as Indians feel about this becomes a question of increasing importance.

Literature Review:

The safety debate:

Safety or threat? This question has long been a topic of debate. On one hand, countries are working on gun control laws, whereas some consider right to arms a basic right for an ordinary citizen (a symbol of democracy).

Australia is one of the countries that falls into the former category having started an arms reduction campaign since 1996 that has resulted in an effective filter in curbing gun availability for a normal citizen. United States is a member of the latter.

The Second Amendment (Amendment II) to the United States Constitution protects the right of the people to contain in the Bill of Rights. The Supreme Court of the United States has ruled that the right belongs to individuals, while also ruling that the right is not unlimited and does not prohibit all regulation of firearms. State and local government are limited to the same extent as the federal government from infringing this right per the incorporation of the Bill of Rights.

Arms laws around the world:

Asia and Australia:

The Asian gun licensing is much more conservative than the rest of the world. The liberty of obtaining guns is highly restricted. The arms distribution in Japan, China, India, Philippines etc are all highly regulated and limited mostly to people who can either show cause for such a need or belong to the army or police and other governmental jobs. Pakistan, however, does not concur with the policies of its neighbours. It ranks sixth in the number of privately owned guns in the world.

Hence Asia and Australia (as mentioned above) are largely stringent about gun laws barring a few exceptions.

Europe:

The laws here are relatively relaxed as compared with Asia. Guns can be purchased if one can meet certain criterion. These criteria are largely a basic check on the purchaser of such equipments. However, to obtain a license in some countries, one must undergo certain background checks.

Hence the gun permits in European countries are by and large relaxed but are subject to some thorough background checks.

North and South America:

North America is at ease with issuing gun permits. Countries like Canada, USA, Mexico, etc. allow their citizens to obtain guns for personal safety. It is viewed as a basic right of the citizens. South American countries like Argentina and Brazil are at ease with issuing guns too.

However, Chile has very strict rules regarding guns. Thus in general, gun ownership licenses here are issued pretty easily although subject to certain conditions.

Progression of arms law in india:

The Arms Act of 1959 and the Arms Rules 1962 of India prohibits the sale, manufacture, possession, acquisition, import, export and transport of firearms and ammunition unless under a license and is a stringent process. Indian Government has monopoly over production and sale of firearms, with the exception of some breech loading smooth bore shotguns, of which a limited number may be produced and imported. The Arms Act classifies firearms into two categories: Prohibited Bore (PB) and Non-Prohibited Bore (NPB), where all semi-automatic and fully automatic firearms fall under the Prohibited Bore category. Any firearm which can chamber and fire ammunition of the caliber .303; 7.62mm; .410; .380; .455; .45 rimless; 9mm is specified as Prohibited Bore under The Arms Act of 1962. Smooth bore guns having barrel of less than 20" in length are also specified as Prohibited Bore guns.[8]

Before 1987, licenses for acquisition and possession of both PB and NPB firearms could be given by the *state government* or *district magistrate* but later, the issue of licenses for PB firearms became the responsibility of the *central government*. The license is valid of 3 years and needs to be renewed and this rule covers sale of firearms, both parties involved need to possess the permit.

The criteria which are considered during the issue of NPB firearm permits are whether the person faces threat to life. These firearm licenses are strictly regulated; PB firearms criteria is even more stringent, applicable for a person, especially having a government position who faces immediate danger or threats, family members of such people and a person whose occupation by nature involves open threats and danger. Acquiring a PB license has become next to impossible as of 2014 because these are highly regulated. Persons eligible for PB licenses are also frequently rejected on basis of national security grounds. Exceptions are, defence officers who are allowed to keep firearms without licenses under the Defence Service rule until they complete their service and a handful of professional shooters. The most common firearm among households is double barrelled shotgun of 12 gauges (also known as DBBL 12 Bore). Other common firearms are .315 Bolt Action Rifle (magazine capacity of 5 cartridges) and .32 Smith&Wesson Long revolvers (chamber capacity of 6 cartridges). The stringent laws have been beneficial to Indian society with arms related deaths ratio being a mere 0.28 per 10000 people. Also overtime India has

shown a decreasing trend in deaths via gun violence falling from 12,147 in 1999 to 10,363 in 2003 and further to 6,219 in 2008.[1]

However, there have been certain repercussions like -

- High costs of licensed guns
- High trade in black market which sells guns at a fraction of the price in the legal market.
- High gun trafficking and smuggling
- Increase in homemade guns and ammunitions.

Also certain facts like terrorists not using legal guns has been ignored by the government in their law formulation policy. They have never and will not in the future resort to legal hassle of gun purchasing. With an increasing crime rate and high women safety issues, it may be an effective policy to relax gun norms to enable people to safeguard themselves while also relying on the police.

Research Method

The research design chosen for the project undertaken is exploratory and cross sectional in nature.

Data Collection Method:

For data collection, an online questionnaire having 15 questions was prepared. It was then floated online and 104 responses were captured.

Measurement Technique:

Since all responses were arbitrarily chosen from respondents well versed in English and with internet access, a simple English questionnaire was used and all forms were requested to be filled online itself.

Sampling:

A simple random sample of 104 people was chosen. These subjects were provided with an online questionnaire and their responses were recorded. They provided information regarding their names (optional), age, sex etc., followed by the questions based on the study.

Data Sources:

Research is done on the basis of extensive study of both primary as well as secondary data. Secondary data was used to study known and existing facts such as- government policies, regulations etc. To perceive and understand the thoughts of individuals upon the safety state and measures used by them, primary data was used. Certain questions were prepared using projection techniques gathered from information on websites and journals.

Duration of Research:

The study was carried out for a period of 1 month.

Respondent Profile:

The research was conducted with the help of a Questionnaire. It was distributed to get a varied amount of preferences and opinions. The following data describes the respondent profile:

Table-1: Gender of the respondents

Gender	Number of Respondents
Male	76
Female	28
Total	104

Table-2: Age of the respondents

Age	Number of Respondents
Less than 18	3
18 to 25	98
25 to 35	2
More than 35	1
Total	104

Table-3: Occupation of the respondents

Occupation	Number of Respondents
Student	99
Working Professional/Services	4
Home-maker	1
Other	0
Total	104

Results and Analysis

Objective 1: To determine perception of respondents towards the implications of relaxed gun-norms in India.

A total of Five statements were used to judge the perception of respondents towards gun-laws. The responses to these statements were limited to two in order to get a clear and comprehensive idea.

The following tables mention the statements, the responses, and the number of respondents agreeing to a given statement. The statements were formed such that:

- A respondent agreeing to it shows favourable attitude towards relaxed gun-norms.
- A respondent disagreeing with it shows an unfavourable attitude towards relaxed gun-norms.

Table-4 & 5: Responses to the given statements

Statement	Agree	Disagree
"That rifle on the wall of the labourer's cottage or working class flat is the symbol of democracy. It's our job to see that it stays there." - George Orwell	44	69
The certainty that a potential victim is un-armed is an encourage-	79	25

Statement	Agree	Disagree
ment to an armed criminal.		
By owning a gun, most people are humbled by the power and become more responsible of its use.	26	78
Guns help us when political structures fail us. For example, in situations where people are caught in riots.	31	73
Total	170	236

Statement	Society-A	Society-B
There are two societies, A and B, with similar crime-rates (non-zero). Both have residents with respectable jobs. However, all the residents of society-A own a licensed gun, whereas none of the residents of Society-B own a gun. Which, according to you, is a safer society overall?	37	67
Total	37	67

Table-6: Percentage of respondents

	Relaxed Gun-norms	Percentage
Agree	207	39.80%
Disagree	313	60.20%
Total	520	100%

Based on the individual responses, it can be inferred that a majority (60.20%) of the responses are in favour of strict gun-norms, which is already present in India. Therefore, there is a negative perception of respondents towards the implications of relaxed gun-norms.

Objective 2: To determine whether Gender influences satisfaction-level of respondents towards their current system of security.

To determine whether gender of the respondent affected their satisfaction towards the existing system of safety, the respondents were asked to rate their satisfaction with the system of safety which they currently use. The respondents were asked to rate these items on a 5 point Likert's scale ranging from 1 to 5; 1 denoting High Dissatisfaction, 2 Dissatisfaction, 3 neither Dissatisfaction nor Satisfaction, and 5 High Satisfaction.

The responses to this question along with the gender of the respondent were analysed using Chi Squared test for independence of variables, the variables being 'Gender' of the respondents and their corresponding responses to 'Likert's scale'.

Table-7: Number of respondents by Gender

	Observed N	Expected N	Residual
Male	76	52.0	24.0
Female	28	52.0	-24.0
Total	104		

Table-8: Satisfaction-level of respondents towards their current system of safety (Likert's Scale)

	Observed N	Expected N	Residual
Highly Dissatisfied	1	20.8	-19.8
Dissatisfied	10	20.8	-10.8

	Observed N	Expected N	Residual
Neutral/Indifferent	54	20.8	33.2
Satisfied	32	20.8	11.2
Highly Satisfied	7	20.8	-13.8
Total	104		

Table-9: Test Statistics:

Chi-Square	22.154	92.635
Df	1	4
Asymp. Sig.	0.000	0.000

- 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 52.0.
- 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 20.8.

Since the P-value of the test is smaller than the significance value with degrees of freedom 1, hence, we accept the Alternative Hypothesis. This implies that the Gender of the respondent influences satisfaction-level towards their current system of security, i.e. for a given system of security, males and females showed different satisfaction-level towards their safety.

Other Results:

- A majority of people think that crime-rates in their locality have either increased (39.4%) or remained same (37.5%).
- CCTVs and Security Guards are most people's preferred choice of safety arrangements.
- A majority of the respondents(64.4%)feel that a society with strict Gun-norms is safer than a society with relaxed gun-norms.

- Assuming that the Government of India decides to relax Gun-norms, 57.7% of respondents think that the legal age to acquire fire-arms should be 25 years or above.
- Of the total number of respondents, 79.8% think that there should be no separate laws for Males and Females in India.
- A majority of the respondents (76%) agree that a potential un-armed victim is an encouragement to an armed criminal.
- A majority of respondents (75%)think that owning a gun will not necessarily make the owner of the gun responsible of its use.
- A high majority of respondents (85.6%) believe that criminals do not bother to acquire a gun by legal means.
- A majority of respondents(70.2%) believe that carrying a gun will not necessarily improve hostile situations such as riots.
- A high majority of respondents (87.5%) think that increased road rage will be a direct outcome of relaxing gun-norms. Increased gun-trafficking and increased number of suicides are believed to be other repercussions.

Conclusion

The primary objective of this research project was to study the opinion of people towards fire-arms, as a system to increase their safety in their day-to-day life. After analysing the responses of 104 respondents, out of which a majority belongs to the Age-group of 18-25, and are students, the basic conclusion which can be drawn is that people are not comfortable with living in an environment where guns are easily accessible. However, there is a sense of security among people given that the fire-arms are used responsibly, but the majority don't think that with the current situation and mindset of people, India can be a country with relaxed gun-norms, like its western counterparts.

With increasing number of cases of road-rage, especially in the metropolitan cities, where majority of the respondents are situated, there is a belief that relaxing gun-norms would only aggravate the situation, since 87.5% of total respondents think that direct repercussion of relaxing gun-norms would be an increase in road-rage incidents. Hence, the current belief of people is that in-

roduction of guns in the Indian society, by relaxing gun norms, would affect the personal safety of citizens negatively.

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