

Controversies with the Gun Laws

What is the issue?

The U.S. Supreme Court said that Americans have a right to carry firearms in public for self-defence.

What exactly was the Supreme Court ruling on guns?

- About half a dozen states have conditioned getting a license to carry a gun in public on the person demonstrating an actual need (good cause or proper cause) to carry the weapon.
- The U.S. Supreme Court struck down New York's proper cause requirement, but other states' laws are expected to face quick challenges.
- In its major gun decisions in 2008 and 2010, the court established a nationwide right to keep a gun for self-defence in a person's home.
- The Second Amendment of the U.S. Constitution assures citizens of the right to bear arms.

What is the response of the US Senate?

According to the Centers for Disease Control and Prevention (CDC), 79% of homicides in the US are gun-related killings.

- The U.S. has the highest gun ownership per capita in the world and the highest number of mass shootings annually among wealthy nations.
- The bill was introduced with the aim to make communities safer and has been called the Bipartisan Safer Communities Act.
- The Senate bill is the first significant gun control legislation to pass in three decades in the U.S.
- **Red flag laws**- The bill provides funding to help states adopt "red flag" laws to keep firearms out of the hands of those deemed a danger to themselves or others.
- **Boyfriend loophole**- It closes the "boyfriend loophole" by denying gun purchases to those convicted of abusing intimate partners in dating relationships.
- **Background check**- There will be stricter background checks for buyers younger than 21.
- It also allows states to add juvenile criminal and mental health records to national background check databases.
- **Safer schools**- The bill will also release funds for educational institutions, to expand their mental health resources and make schools safer.
- **Report submission**- The bill requires every state and federal agency to submit a detailed report consisting of information on removal from the system of records that no longer prohibit an individual from lawfully acquiring or possessing a firearm.
- **Straw purchasing**- The bill also puts penalties on straw purchasing, which is buying a firearm on behalf of someone else.
- **Gun trafficking**- The penalty for gun trafficking is 15 years of imprisonment.

To know about the recent Texas shooting, click [here](#)

What is the situation in India?

- In India, the Arms Act, 1959 aimed to reduce the circulation of illegal weapons and the resultant crimes.
- **Conditions for acquiring a gun licence in India**
 - Minimum age requirement is 21 years
 - Must not have been convicted of any offence involving violence or moral turpitude 5 years prior to commencing the application
 - Must not of an unsound mind
 - Must not be a threat to public safety and peace
- Property qualification is not a criterion for acquiring gun license.
- **Licensing authority**- The licensing authority is the Ministry of Home Affairs.
- **Number**- The Arms Act amended in 2019 reduces the number of firearms that an individual can procure from 3 to 2.
- **Validity of license**- The validity of the license has been increased from the present 3 years to 5 years.
- **Ban on firearms**-The Act bans manufacture, sale, use, transfer, import, export, conversion, testing or proofing of firearms without license.
- **New offences**- The Arms Act adds news offences such as forcefully taking a firearm from police or armed forces and using firearms in a celebratory gunfire which endangers human life or personal safety of others.
- **Prohibited arms**- Prohibited arms are those that either discharge any noxious liquid or gas, or weapons that seek pressure to be applied on a trigger for discharge.

Indian laws allow the use of smooth bore gun with a barrel of not less than 20 inches for crop protection or sport.

References

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