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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