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## The Rising Gun Culture: Is it another trend India is taking from the US?

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*India is becoming more and more developed over time. It competes with most nations and is even far ahead in specific sectors compared to the rest of the countries despite being a newcomer. Unfortunately, it is also the case with some evil dispensations it is also travelled to India some of them are drugs, Hala system and well-known among them is the gun violence culture in the Americas it seems along with the urbanization and modernization India is absorbing the evil influence of some other culture alongside. There are emerging patterns of increasing gun-related crime in Indian cities which can be observed from the records. The prevalence is likely significantly more remarkable due to the volume of unregistered guns taking the lives of many and the inadequate quality of police data collecting. Despite being one of the most important topics, there is little to no discussion of the problem in parliament. The absence of gun violence from public security and development objectives contrasts with the prevalence of gun violence in the Americas, but considering the size of India's population, the Indian law, if not stern or reconsidered, can be detrimental to Indian society as a whole.<sup>1</sup>This article tries to find out:*

- 1. Why gun culture is gaining popularity in India;*
- 2. Its impact on the life of today's generation;*

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<sup>1</sup> 'India's gun control menace: Over 26,000 firearm-related deaths in one year and counting' (Timesnownews.com, 13 August 2019) <<https://www.timesnownews.com/mirror-now/in-focus/article/india-s-gun-control-menace-over-26000-firearm-related-deaths-in-one-year-and-counting/468466>> accessed 22 July 2022

3. *And what we can do to stop it.*

*Violence using guns has detrimental effects that cut across all facets of society. Gun violence can perpetuate cycles of intensely localized urban poverty, inequality, and vulnerability, in addition to causing death and injury.<sup>2</sup> There is an urgent need to reorient policies towards preventative frameworks and to concentrate efforts on rapidly expanding mid-size cities suffering from under-resourced police forces and rising youth unemployment.*

**Keywords:** *gun, culture, fire arms act, obsolete law, rise in murder, trend.*

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## INTRODUCTION

The tragic death of Punjabi musician Shubhdeep Singh Sidhu, known by the stage name Sidhu Moosewala, has sparked a political blame game and ignited the conversation about gun culture in Punjab. Sidhu Moosewala was a 28-year-old rapper killed in Punjab because of an inter-gang altercation one day after the Punjab government removed his and numerous others' security protection.<sup>3</sup> The controversial hip-hop artist has made songs like "Lifestyle" and "So High," which are notorious for supporting gun culture, more prominent.<sup>4</sup> The musician was also recently arrested for encouraging gun violence through his <sup>5</sup> song "Sanju," in which he linked himself to actor Sanjay Dutt, and most remarkable when he was found guilty under the Indian Arms Act and for target shooting at a police range. Violence using guns has detrimental effects that cut across all facets of society. Gun violence can perpetuate cycles of intensely localized urban poverty, inequality, and vulnerability, in addition to causing death and injury. There is an urgent need to reorient policies towards preventative frameworks and to concentrate efforts on rapidly expanding mid-size cities suffering from under-resourced police forces and rising youth unemployment <sup>6</sup> India has the second-highest rate of killings worldwide, although there is little discussion of the problem. The absence of gun violence from public security and

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<sup>2</sup> *Ibid*

<sup>3</sup> Arms Act 1959

<sup>4</sup> Timesnownews (n 1)

<sup>5</sup> Suchitra Karthikeyan, 'Guns and gun control laws in India' (*The Hindu*, 7 June 2022)

<<https://www.thehindu.com/news/national/guns-in-india-strict-laws-illegal-manufacturing-hubs-low-guns-deaths/article65476746.ece>> accessed 20 July 2022

<sup>6</sup> *Ibid*

development objectives contrasts with the prevalence of gun violence in the Americas and Africa.

## **HISTORY OF ARMS ACT**

It has its roots in colonial times when British settlers were scared of Indians because they saw them as a threat to their dominance in the area following the Rebellion of 1857. So, in 1878, they established the Indian Arms Act to rule out the possibility of another large-scale uprising. According to this law, no Indian was allowed to possess weapons without prior consent and the appropriate documentation. This regulation was passed and implemented during Viceroy Lord Lytton's reign. All Europeans were immune from this Act, but Indians who owned any weapon were subject to rigorous regulations and fines. National leaders like Mahatma Gandhi and others were adamantly opposed to it. He said, "Among the many misdeeds of British rule, history will consider the Act depriving an entire nation of arms as the blackest."<sup>7</sup> After India gained independence, the Arms Act, which went into effect on 1 October 1962, replaced the Indian Weapons Act of 1878.<sup>8</sup> The appropriateness of allowing law-abiding citizens to own and use firearms in specific situations was then determined. Thus, the Act became operative. As a result, The Arms Act of 1959 recognized the right to keep and bear arms as a civil right rather than a constitutional one.

## **ARMS POSSESSION, PROHIBITION, AN OFFENCE UNDER ACT**

Those who do not possess a license given in compliance with the Act are not permitted to purchase, possess, or carry any firearms or ammunition under this Act. Additionally,<sup>9</sup> nobody else outside a gun dealer or a member of a rifle association recognized by the Central government is allowed to carry more than two firearms at once.<sup>10</sup> The Center later revised the Indian Arms Act of 1959 to permit athletes (including world champions and renowned shooters)

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<sup>7</sup> 'The Arms Act 1959' (UPSC with Nikhil, 5 May 2022) <<https://upscwithnikhil.com/article/polity/the-arms-act-1959#:~:text=The%20Arms%20Act%20of%201959,the%20breach%20of%20its%20provisions.>> accessed 22 July 2022

<sup>8</sup> Indian Weapons Act 1878

<sup>9</sup> UPSC with Nikhil (n 7)

<sup>10</sup> *Ibid*

to travel with up to twelve firearms for target practice. Any young or prospective target shooter may own two guns. In addition to these exemptions, these shooters are permitted to carry a total of two firearms, just like any other licenced citizen. Any license granted will be valid for five years from its date. The applicant can seek renewal of such a license for the same duration.<sup>11</sup>

Firearm sales and possession are forbidden in the following situations:<sup>12</sup>

- Anyone who is younger than 21
- Anyone who has not served their complete five-year sentence after being found guilty and condemned for offences involving violence or moral turpitude
- Anyone out on bond must maintain good behaviour
- Anyone who is mentally unstable at the time of the sale<sup>13</sup>

Any justification for the authority's denial of a license must be written. In specific troubled locations, the Center may forbid carrying or possessing weapons. On firearms, names, numbers, or other identification marks cannot be changed, removed, or faked.<sup>14</sup> The offence started in the law.<sup>15</sup> A person who violates the Act by using, selling, transferring, converting, repairing, testing, or exposing firearms or ammunition, or by forging firearms or transporting them, may receive at least seven years in jail, which may be increased to life in prison and pay a fine.<sup>16</sup> Parallel to this, anyone found in possession of, selling, or transporting an illegal firearm faces a minimum seven-year prison sentence, which in some circumstances may be extended to life in prison, as well as a fine. Any attempt to hide weapons while a vessel or place is being inspected is punishable by up to ten years in prison and a fine. Those who carry, manufacture, or trade firearms in violation of the law and who are members of an organized crime group may be imprisoned for at least ten years, extending to life and a fine. Arms that are part of the standard equipment of any sea-faring vessel or aircraft are exempted under the Act.<sup>17</sup> Persons under

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<sup>11</sup> Arms Act 1959

<sup>12</sup> Arms Act 1959, s 8-12

<sup>13</sup> *Ibid*

<sup>14</sup> *Ibid*

<sup>15</sup> Arms Act 1959, s 25

<sup>16</sup> *Ibid*

<sup>17</sup> *Ibid*

orders of the Central government, public servants, or members of the National Cadet Corps are also exempt from the provisions of this Act.<sup>18</sup>

### **WHY SHOULD WE BE CONCERNED ABOUT THE MOOSEWALA MURDER CASE?**

Sidhu Moosewala was a 28-year-old rapper killed in Punjab because of an inter-gang altercation one day after the Punjab government removed his and numerous others' security protection. Gun culture is on the rise in India, given that sophisticated assault rifles are smuggled through Nepal. The neighbouring country was unaware of the AN-94 shipments to India. Police and intelligence officials believe that other state-based gangsters also receive high-tech weapons. They also question the possibility of a global ring being involved. "In Mumbai, AK-47s were frequently supplied via the water route. Even Moosewala's security personnel were armed with AK-47s. However, first, we must emphasize the AN-94 and its underworld purchasers and sellers," the sources said, adding that such weapons can only be purchased after making payments through a hawala channel.<sup>19</sup> According to a Punjab news report<sup>20</sup> Chief electoral commissioner Dr. S.Raju, Punjab has 3,54,075 licenced weapons deposited in the state during the assembly election, putting into prospect a state in India with only 2 % of the population with around 10 % licenced guns. If we take into consideration of population, then it is third after j&k and Himachal Pradesh in the number of guns licenced between 2018 – 2020. Moreover, it is data of only licensed guns, and we do not have any data regarding the unlicensed guns, which we know are not less. However, according to the national crime bureau report 2020, Punjab's seizure under the arms act has around 839 unlicensed guns, which means we do not know much about unlicensed guns.<sup>21</sup> The correlation between poverty and gun violence has shown a link between higher rates of social and economic inequality and violence, particularly gun violence. The economic advantages of crime typically increase when the poorest people have hardly any

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<sup>18</sup> Arms Act 1959

<sup>19</sup> PuneMirror Bureau, 'Gun culture on the rise in India' (*PuneMirror Bureau*, 5 June 2022)

<<https://punemirror.com/news/india/Gun-culture-on-the-rise-in-India/cid7753328.htm>> accessed 24 July 2022

<sup>20</sup> *Ibid*

<sup>21</sup> *Ibid*

opportunities, and the wealth and poverty gaps widen. Even in towns and municipalities with comparable poverty levels, inequality increases the frequency of violent crime.<sup>22</sup>

### AMERICA'S POSITION AND WHAT CAN WE LEARN

The United States has a long-standing and close relationship with firearms. Since they have been part of American society from the beginning, guns continue to be a source of pride for many people. Most gun owners view the right to keep and carry guns as essential to their freedom, whether they use them for hunting, sporting clays, or personal defence.<sup>23</sup> The consequences of gun-related violence have rocked the country simultaneously, and arguments over gun control laws continue to be highly divisive. Between 1968 and 2017, there were 1.5 million of them, more than the total number of US soldiers killed in all wars since the American War for independence in 1775. More Americans perished by suicide or homicide with a gun in 2020 than in any other year in history – more than 45,000. The statistic indicates an increase of 43% from 2010 and 25% from five years ago. However, it is a very political subject that pits gun control proponents against groups of people who vigorously defend their constitutionally guaranteed right to keep and carry guns. According to data from the CDC, homicides accounted for 19,384 deaths in 2020 or 43% of all fatalities. The statistic indicates a rise of 34% from 2019 and a 75% increase over the preceding ten years.<sup>24</sup> The statistics show that in the US, a firearm claims the lives of close to 53 individuals every day. The research also reveals that 79 percent of killings were committed with firearms. That represents a much higher percentage of homicides than in several other nations, including Canada, Australia, England, and Wales.<sup>25</sup>

Implications for gun-related crime policies and legislation in Indian cities.<sup>26</sup> In India, there is essentially no public discussion of the issues surrounding violence, including violence with

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<sup>22</sup> Robert Muggah & Jaideep Gupte, 'Tackling Gun Violence in India' (*ResearchGate*, 2015)  
<[https://www.researchgate.net/publication/303820750\\_Tackling\\_Gun\\_Violence\\_in\\_India/citation/download](https://www.researchgate.net/publication/303820750_Tackling_Gun_Violence_in_India/citation/download)>  
accessed 20 July 2022

<sup>23</sup> *Ibid*

<sup>24</sup> Kim Parker & Ors, 'America's Complex Relationship With Guns' (*Pew Research Center*, 22 June 2017)  
<<https://www.pewresearch.org/social-trends/2017/06/22/americas-complex-relationship-with-guns/>>  
accessed 25 July 2022

<sup>25</sup> *Ibid*

<sup>26</sup> Robert Muggah (n 22)

firearms.<sup>27</sup> Although sporadic outbreaks are linked to high-profile sexual violence, India's public security issues are underestimated in scope and severity. The difficulties that weapons and armed violence represent for Indian society are likewise met with a deafening silence from diplomats and policymakers in India. India is glaringly absent from the UN's Small Arms Programme of Action<sup>28</sup> and the Arms Trade Treaty (ATT)<sup>29</sup>. Perhaps a contributing factor is that India manufactures weapons and ammo.<sup>30</sup>

## CONCLUSION

After the Sepoy Mutiny in 1857, the British enacted the Arms Act of 1878,<sup>31</sup> which prohibited Indians from owning firearms unless they could prove their allegiance to the Crown to the British. This regulation was repealed after independence and replaced by the Indian Arms Act of 1959<sup>32</sup>. But now the parliament should amend the law relating to firearms and ammunition to reduce the use of illegal weapons taking in the rise in usage of illegal arms, which cause the widespread carnage. Although it might take some time to change other aspects, thanks to the internet, we can now reverse the order of customary reforms, which often begin with the parliament and end there. As fans of pop culture, it is our generation's responsibility to act rather than continue to blame politicians. If we see gun culture being promoted in the music industry or the use of words like "Katta," "Goli," or "rifle," which can persuade people to own guns as well as serve as status symbols, we should be extremely cautious of it. If such videos are promoted on YouTube because they support violence, we should not support them, and instead of praising it, we should all work together to put an end to it.

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<sup>27</sup> *Ibid*

<sup>28</sup> 'Programme of Action on small arms and its International Tracing Instrument' (*United Nations*, 2014) <<https://www.un.org/disarmament/convarms/salw/programme-of-action/>> accessed 20 July 2022

<sup>29</sup> Arms Trade Treaty 2014

<sup>30</sup> Kim Parker (n 24)

<sup>31</sup> Arms Act 1878

<sup>32</sup> *Ibid*