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# **“SECOND AMENDMENT RIGHTS AND THE DEBATE OVER GUN CONTROL” - A COMPREHENSIVE ANALYSIS FROM AN NATIONAL AND INTERNATIONAL PRESPECTIVE**

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## **Abstract**

Around the world, there has been intense debate over gun control laws, with proponents on both sides presenting their points of view. Gun control has always been a divisive topic in India as well as international level. Where numerous policies have been put up and put into place to govern firearms. The nation has seen a rise in gun violence occurrences in recent years, which has sparked debates over tougher gun control laws. Due to the intricacy of this problem, a thorough analysis of the legal and policy factors pertaining to gun control laws is required. As the world grows more interconnected, controlling firearms has become a challenging issue. The responsibility to ensure everyone's safety frequently conflicts with national legislation. This article examines the evolution of gun regulations in various nations, namely the United States, the United Kingdom, Taiwan, Japan, and India. It looks at how laws are applied, where they fall short, and how closely they conform to international law. Despite their differences, these nations all face comparable issues. National laws are less effective due to problems like weak background checks, gaps in online sales legislation, illegal arms dealing, and inadequate enforcement. The article also examines international accords like the Arms Trade Treaty and UN regulations, which seek to improve cooperation between nations and standardize gun legislation.

**KEYWORDS:** Firearm Regulation, Second Amendment, Gun Control, National law, International Law, Legal Loopholes, Arms Trade Treaty, Global Security.

## INTRODUCTION

One of the most difficult and contentious legal issues in the modern world is gun regulation. Nations strive to strike a balance between individual liberties, national security, public safety, and international obligations. These days, the discussion of gun restrictions transcends national boundaries. National laws alone appear to be less successful in the face of risks like international terrorism, illicit weapons sales on the internet, mass shootings, and increasing cross-border concerns. Gun control regulations are becoming a part of international legal frameworks, security strategies, and human rights debates. Collaboration amongst nations is necessary to solve this issue. To address vulnerabilities and develop appropriate gun laws, domestic initiatives must align with international standards. Crime rates in society are significantly impacted by gun control laws. Crime rates are significantly impacted by gun control laws.. The relationship between gun restriction laws and crime rates is one of the most controversial and closely examined in the world. The article that follows will examine this intricate interaction in two very different settings: India and the United States. Due to their fundamentally diverse approaches to gun ownership and regulation, the two major democracies offer a unique comparative perspective that clearly highlights these disparate circumstances. This glaring disparity in legal frameworks offers a fertile ground for examining the various gun control strategies and how they affect both public safety and crime rates. In that regard, by examining these two radically dissimilar settings. According to reports, India has one of the strictest laws pertaining to the acquisition and possession of firearms. Two The Arms Act of 1959 ("Act"), which oversees the rules pertaining to weapons (including firearms) in India, underwent major revisions in December 2019. A person could only own one firearm, according to the proposed revisions. Additionally, it suggested raising the penalty for possessing a weapon that is forbidden by Section 7 of the Act from five to ten years to seven to fourteen years. In a similar vein, in 2016, the Parliament passed the Arms Regulations<sup>4</sup>, which established new guidelines and procedures for the purchase, ownership, and use of firearms. The federal government was granted the power to grant licenses for such weapons. Paintball guns, air guns, replica firearms, and electronic disabling devices are just a few examples of the many types of equipment that require licenses to obtain and possess in order to be used for recreational purposes or to protect against wildlife.

Such amendments are opposed by organizations who support lax gun laws. These organizations contend that the right to self-defense must be supported by the capacity to do so, motivated by the lax gun restrictions in the United States. "A well-regulated Militia, being necessary to the

security of a Free State, the right of the people to keep and bear Arms, shall not be infringed," according to the Second Amendment<sup>5</sup> of the US Constitution. This implies that a free state's citizens have the right to possess arms in order to monitor the government. To uphold their right to self-defense, the people have the authority to keep a well-run militia. Six One interpretation of the Second Amendment is that when the States have the authority to maintain militias, those in positions of authority within the federal government are prevented from becoming desirous of gaining power, taking advantage of the populace, or preventing the people from exercising their rights. People feel safer when they have the ability to defend themselves, according to another interpretation of the Second Amendment. These individualists contend that the term "militia" refers to both an individual's right to carry arms and state-organized militias. It is thought that people defending their homes are better warriors than professional mercenaries fighting for their livelihood because of the history of how the USA gained freedom through a revolutionary conflict.

Different countries have gun regulations that are influenced by their political, cultural, and historical backgrounds, but increasing global risks necessitate a coordinated response. Inadequate legislation in one region can encourage trafficking or gun violence in another. A weapon that is sold illegally online or transported across borders may wind up being utilized in organized crime, terrorism, or killings in distant locations. According to the United Nations Office on Drugs and Crime, the illicit trade in small guns worth billions of dollars contributes significantly to violence both in quiet areas and during conflicts. The proliferation of unregistered or unlicensed firearms, which is frequently exacerbated by legal loopholes or lax enforcement, continues to be a major threat to international peace and human rights.

How human rights viewpoints be included into gun control legislation is one significant issue. Vulnerable communities are most negatively impacted by the proliferation of firearms, which can result in widespread violence, governmental crackdowns, and domestic abuse. The 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights both outline rights that are protected by international law, such as the right to life and personal safety. Countries risk being held accountable for violating these international standards if national laws fail to keep firearms out of dangerous hands.

The alignment of national gun regulations with international legal agreements is at the center of today's global weapons control concerns. Although independent nations still have the

primary authority to enact laws pertaining to the use of firearms, poorly drafted or inconsistent regulations can result in issues that transcend national boundaries. Closing legal loopholes and upholding international agreements is not only a legal obligation but also a moral and human rights necessity given the advent of globalization, technology advancements, and cross-border threats. Establishing just, trust worthy, and enforceable international arms regulations is still a critical objective as armed conflict continues to have an impact on the world.

## II. NATIONAL AND INTERNATIONAL POLICY'S OF VARIOUS NATION REGARDING GUN CONTROL

**i. Gun Control Policy of India:** In India, obtaining a firearm requires a lengthy and involved process. The Act provides import and export regulations, the classification of weapons, the processes for obtaining and renewing licenses, the deposit of weapons, the purchase of weapons from dealers, and the application for a license for dealers and manufacturers. The 2016 Arms Rules amended the 1962 Arms Rules. The procedures and regulations under the Arms Act are contained in these regulations in a more precise and unambiguous manner. The process outlined permits individuals to possess firearms for three uses: sport, crop protection, and self-defense. However, because these regulations categorize paintball and air guns as legal weapons under Schedule 1's category. Even these require a license to possess. Therefore, athletes who compete in air rifle or pistol competitions need to be licensed. Therefore, only air guns, paintball guns, or shotguns [as described in section 2(uu)30] used for skeet shooting are covered by sporting licenses. Farmers who raise cattle or crops can obtain crop protection licenses to shield their livestock and harvests from wildlife threats. Individuals may apply for a license on the grounds of self-defense if their lives, the lives of their family members, or their property are in danger. prior to the 1857 Indian Rebellion, also known as the Sepoy uprising. South Asia had very few gun control laws. The Indian Arms Act, 1878, which governed the production, licensing, and transportation of weapons, was passed by the British Raj in 1878. The British Raj outlawed the ownership of rifles chambered in calibers in India in 1907. to stop anti-colonial actions. During the 1931 Indian National Congress session in Karachi, residents were granted the right to keep and carry guns as long as they complied with specific rules. By citing the Karachi Session, H V Kamat was the one who suggested that the right to bear arms be included as a fundamental right during the 1948 Constituent Assembly discussion. The Arms Act's primary goal is to regulate and restrict the sale of firearms and ammunition. It outlines how to regulate hazardous weapons, restricts lethal weapons so that citizens cannot obtain them, and contains the

procedure for obtaining licenses for particular types of ammunition. A law known as the Arms Rules, 1969 governs, controls, and issues licenses for the production, distribution, and transportation of firearms.

ii. **Gun Control Policy of USA :** The universal federal law governing gun regulation in the United States is the Gun regulation Act of 1968. It outlines the laws and processes pertaining to the purchase, licensing, sale, import, export, and production of firearms in the United States. In accordance with Section 923, a dealer or importer must pay fees to the Secretary of the Treasury in order to receive a license. The requirements for purchasing weapons from a dealer are outlined in Section 922(b). Dealers are not allowed to sell firearms to anyone they know or have good reason to suspect is under the age of eighteen or does not reside in the same state as the licensee. Additionally, it is illegal to sell any destructive weapon, including machineguns, short-barrelled rifles, shotguns, and armor-piercing projectiles.

The US Constitution's Second Amendment, which established "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms" in 1791, gave the nation a distinct legal and cultural framework for gun ownership. The 50 states have interpreted constitutional protection in a variety of ways, ranging from strict laws in some areas of the nation to far more lax implementations in others. In the US, public discussion of gun regulation frequently centers on striking a balance between individual rights to life and public safety concerns. The right to keep and bear arms is protected by the US Constitution's Second Amendment. This guarantee became legally clear when the U.S. Supreme Court ruled in *District of Columbia v. Heller* (2008) <sup>4</sup>When the Amendment recognized and safeguarded an individual right unrelated to militia service. In *New York State Rifle & Pistol Association, Inc. v. Bruen*. <sup>5</sup> (2022), the Court invalidated New York's may-issue policy, which required "proper cause" in order to grant a concealed carry license. However, the Court allowed the states to implement "shall-issue" policies, which subjected applicants to objective requirements, like a background check, in order to purchase the firearm. It additionally decided that a firearm restriction violates the Second Amendment of the US Constitution unless there is evidence to the contrary. This test was enhanced in *United States v. Rahimi* (2024)<sup>6</sup>, where the Court upheld federal laws restricting victims of domestic abuse's right to bear arms and declared that lower courts should look at similar analogies and general principles rather than precise comparisons when analyzing the historical tradition.

iii. **Gun Control Policy of Taiwan:** Taiwan has lax gun laws, allowing people to get rifles and shotguns provided they pass a background check and have no criminal records or connections to extremist organizations. The Chinese government's Controlling Guns, Ammunition, and Knives Act<sup>9</sup> serves as a national law for Taiwan. According to the Act, people must obtain a license in order to buy firearms. Those who are eighteen years old can purchase rifles and shotguns for hunting and target practice. Hunting is a part of Taiwanese culture. For them, having a gun is a source of pride. Getting a gun for self-defense is uncommon due to their low crime rate. A hand license is required in order to purchase and carry a firearm for self-defense. After a week of waiting, individuals who pass background checks and mental health screenings and are at least 21 years old are granted these licenses.

iv. **Gun Control Policy of Japan:** With just 15.91, Japan has the third-lowest crime rate in the world, according to another report. The fact that Japan comes in at number five on the list of nations ranked by per capita ownership of firearms is noteworthy. There are barely 0.3 civilian weapons per 100 inhabitants in Japan. Taiwan's crime rate is only 16.22 on this list 11. The police in Japan only began carrying firearms in 1942, and the country has highly tight weapons laws. Swords and whips are prohibited for civilians, while permits are needed for air guns and nail guns. Realistic-looking replica firearms are forbidden. Before a gun control act was adopted in 1958, it was illegal for citizens to own firearms. For hunting, sports, self-defense, research and testing, and crop protection, the government only permits a small number of firearms. The Public Safety Commission of the county in which one resides must receive an application. Civilians are not allowed to possess handguns other than for testing and research. Additionally, it is forbidden to lend, borrow, or transfer firearms. Additionally, the number of firearms that citizens of the nation are permitted to possess has been declining yearly, from 830000 in 1980 to 270000 in 2011, according to a report. If a licensee's spouse is accused of employing a sword or weapon to endanger another person's life or property, the legislation even goes so far as to limit possession. This demonstrates the severity of these gun control laws.

Taiwan and Japan are two examples of nations with extremely low rates of crime and gun ownership, but they also have quite diverse gun control laws. Taiwan has a culture of gun ownership and a lax legal system. The ability to hunt is quite rare in Aboriginal societies. Due to Taiwan's dense population and limited resources, citizens are prohibited from hunting. Taiwan's low crime rate and efficient law enforcement, which removes the need for firearms for self-defense, are the obvious causes of the country's lower gun ownership rate.

### **III. Obtaining a license to carry arms in India**

In India, the procedure starts when a person receives application forms from their district police superintendent. The Arms Act of 1959 permits citizens to possess Non-Prohibited Bore (NPB) firearms unless it is demonstrated that they pose an immediate threat to public safety. To apply, a candidate must be at least 21 years old. Additionally, you will have to present a legitimate ID and explain to the police officer the reason why you need the gun—for example, to defend yourself against wild animals. After you submit your application, the police verify that the person requesting a gun license has no criminal history and that all of the information provided is accurate.

#### **Special Categories for Licensing**

The special types of licenses that can be granted to the following are discussed in Chapter III of the regulations: permission to destroy wild animals that harm people, cattle, or crops. Such a license may be issued according to the Wild Life (Protection) Act of 1972, provided that it is deposited with a police station or a licensed dealer following harvest season, as determined by the State Government.

Training and target practice licenses: Under the supervision and direction of an adult teacher, people in this age range are permitted to use the appropriate category of weapons for training and target shooting. Such a license can only be utilized in the approved practice area; it cannot be used anywhere else.

Sport shooting association license. Any sports shooting association or club may be allowed to use firearms on its property as long as its members have access to shooting ranges. Shooting range licenses are available for both indoor and outdoor locations, subject to the Central Government's technical and security requirements. Any State Rifle Association or National Rifle Association of India may affiliate with such an association or groups. Sports Authority of India, National Rifle Association of India, State Sports Authority, or State Rifle Association of India are granted the authority to conduct inspections.

### **IV. Obtaining a license for firearms in the US**

In the US, obtaining a firearms license involves a number of state-specific requirements. Applicants must be at least 21 years old and cannot have a history of mental health problems or felonies. Typically, the procedure begins with submitting an application to the local police, having your fingerprints taken, and undergoing a comprehensive background investigation. Additionally, a lot of states require specific details about the firearm, such as its serial number,

and documentation proving you have completed a gun safety course. There may be additional procedures, such as an in-person interview, after reviewing the application. Depending on whether the application complies with federal and state regulations, it may then be accepted or rejected. The US licensing procedure as a whole attempts to strike a balance between the freedom to bear arms and public safety, which results in varying regulations among states.

## **V. Effect of Gun Laws on Globalization**

The way nations control firearms has evolved as a result of globalization. As they attempt to control firearms, national governments now face new opportunities and challenges. Trade, technology, and international travel have an impact on the arms industry as they bring economies and societies closer together. Guns, both legal and illicit, now go across borders more frequently. It is now more difficult for individual nations to remain unaffected by external influences due to the increasing interconnectedness of the world. To control firearms, nations must take more robust and coordinated international action. Illegal arms trafficking is made simpler by globalization. Due to lax export regulations, insecure borders, and a lack of international collaboration, legal weapons manufactured in one location frequently wind up in conflict zones or with criminals elsewhere. The influence of foreign gun lobbies and ideology on national laws has expanded due to globalization. The Second Amendment-based American gun rights debate has begun to impact discussions in other nations, such as South Africa and India. Individual rights organizations have advocated for easier access to firearms in those areas. Advocacy groups have disseminated views that promote citizen self-defense and oppose stringent governmental regulation of guns due to the growth of international media and internet platforms. Even though there is ample evidence that more weapons might increase violence, these common beliefs have slowed down legislative changes in various nations. Countries can now exchange best practices, technical standards, and enforcement strategies because to globalization. Countries with some of the strictest gun control regulations, like Japan, demonstrate how legal frameworks and cultural values may coexist. Federal democracies with overlapping powers between the federal and state governments, such as the US and India, have witnessed how globalization draws attention to governance shortcomings and the need for improved policy coordination. Although globalization has made it more difficult to regulate gun regulations, it has also created opportunities for international collaboration and cohesive legal strategies. Countries must advocate for domestic reforms and increase their participation in international legal frameworks and capacity-building initiatives in order to solve current shortcomings and fulfill their duties under international law.

## VI. POTENTIAL SOLUTION

The problem of gun control in India can be resolved in a number of ways. Strengthening the current laws and regulations by eliminating loopholes and stiffening the penalty for infractions is one strategy. Enhancing the resources and infrastructure for licensing and regulation, such as hiring more staff and implementing new technology to expedite the procedure, is another strategy. Fitness exams and appropriate background checks must be carried out. A number of actions are required to solve the issue of gun violence in India. First, there must be a concentrated effort to successfully implement current gun control legislation. To do this, law enforcement organizations must be strengthened, especially their ability to track and intercept illicit firearms. Addressing the underlying causes of gun violence, such as poverty, injustice, and social isolation, must also be a priority. Strong policies and a multifaceted strategy are needed to reduce this threat, including tackling the socioeconomic causes of crime and expanding access to healthcare, education, and other important services.

## VII. CONCLUSION

Arms regulation is a contentious and dynamic legal field that is shaped by the balance between state sovereignty, individual liberties, and international security. Gun restrictions extend across national boundaries in today's globalized society. Treaties, international crime, terrorism, and changing political opinions all influence them. Comparing the laws pertaining to weapons in countries such as the United States, the United Kingdom, Japan, and India demonstrates how various political environments, cultural values, and historical periods influence regulatory strategies. In order to prevent violence and safeguard public safety, certain countries, including the UK and Japan, place a strong emphasis on gun control. In contrast, nations such as the United States consider gun ownership to be a constitutional right rooted in their history and culture. It has become clear from this analysis that there are issues with India's gun laws. Effective guns regulation is severely hampered by problems including illegal arms trafficking, uneven enforcement, and regulatory gaps. Furthermore, India's varied socio cultural terrain calls for sophisticated policy interventions that address local differences and community-specific requirements.

Dealing with significant loopholes in weapons laws presents difficulties for legislators and judicial systems. Weak background checks, lax regulations governing private or internet gun sales, and the proliferation of 3D-printed or unregistered firearms are examples of loopholes.

Poor implementation of these regulations is a problem in many areas, which has resulted in an illicit arms trade that contradicts the concept of gun control. Fixing these problems is further complicated by limited data sharing, lobbying by the armaments industry, and political pressure. For instance, the Arms Act in India imposes stringent regulations on gun ownership and licenses, yet its application is frequently inconsistent and unfair. Similarly, the controversy over Canada's long-gun registration, which was eventually abandoned, demonstrates the persistent tensions between claims for individual liberties and public safety.

## VIII. LIST OF REFERENCES

1. The Arms Act, 1959, Act No. 54 OF 1959
2. The Gun Control Act of 1968 (GCA or GCA68)
3. The Firearm Owners' Protection Act (FOPA) of 1986
4. Lynch, 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 26 December. 2025.
5. Winker, 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 26december. 20245.
6. Kikhi, 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 26 december, 2025.
7. Stohl, R. "The Arms Trade Treaty: A Step Forward in International Arms Control," *Disarmament Forum*, UNIDIR, 2015.
8. Chad Brooks, *The Second Amendment and the Right to bear arms*, Livescience.com (Jun. 28, 2017) <https://www.livescience.com/26485-second-amendment.html>.
9. *Gun Ownership by Country 2020*, *World Population Review* (Apr. 07, 2020), <http://worldpopulationreview.com/countries/gun-ownership-by-country/>
10. *Crime Rate by Country 2020*, *World Population* <https://worldpopulationreview.com/countries/crime-rate-by-country/>
11. Sayuri Umeda, *Firearms- Control Legislation and Policy: Japan*, Library of Congress, (February, 2013) <https://www.loc.gov/law/help/firearms-control/japan>
12. *Why Taiwan is So Safe – A Glimpse at a World Without Guns*, Chineseconnects.com (July 22, 2015) <http://chineseconnects.com/taiwan-gun-laws>