

**“Gun Violence and Prevention Policies: An International Perspective”**

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**ABSTRACT**

In recent days, we have witnessed several incidents which involved illegal firings leading to the death of innocents. When it comes to illegal arms and their smuggling, even the most developed countries are found engaged in it. Lately, on the 4<sup>th</sup> of July which is celebrated as Independence Day in the United States of America, nationwide firings took place which led to the death of at least 250 individuals so far and injured more than 500 so far. Easy access to arms and lenient laws associated with it have led to the killings done in broad daylight. One shocking incident which has generated a worldwide shock is the assassination of the former prime minister of Japan, Mr. Shinzo Abe. Here, the question arises What does the judiciary lack while dealing with such abhorrent crimes against society. Gun violence is perceived as a public health concern, not really a sociopolitical problem. It is more like an outbreak that requires study and substantial proof methods to minimize morbidity and death. Gun violence impacts individuals that belong to various ages and ethnicities. It is a known fact that doctors provide treatment for the victims that suffer injury due to gun violence. The doctors, who observe the significant effect that gun-related aggression imposed on the condition of the patients have the ability to enhance their health and well-being.

**Keywords:** Gun Violence, Death, Arms Act, Judiciary, Illegal Arms

**INTRODUCTION**

The violence that is created with the aid of illegal arms is more like an epidemic towards the overall public health. Though gun massacres are tragic and gain attention from the media, they are just one aspect of gun violence. Approximately 50% of the suicides and females being subjected to arms include weapons.<sup>1</sup> Likewise, women and children in the United States are more vulnerable to gun-related mortality. Illegal holding of arms is the third biggest threat among children, and the United States is responsible for about 90 percent of all

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<sup>1</sup> Gun Violence: Prediction, Prevention, and Policy, *available at:* <https://www.apa.org/pubs/reports/gun-violence-prevention> (last visited on Jul 11, 2022).

firearm-related fatalities among young children that are associated in industrialized, high-income countries.<sup>2</sup>

Preventing the incidences that involve gun violence derived from criminal malfeasance or suicide is an essential objective of larger direct and indirect preparedness and response measures.<sup>3</sup> Considering the pace at which, gun violence is increasing every day, the government should come up with certain solutions which align with the reversing behavioral causes and wider societal actions that eventually lead to the deaths and suicides by the usage of guns and firearms.

A multifaceted combination of danger and protection variables renders someone inclined towards the usage of illegal arms against themselves or anybody else for that matter. Nothing can predict when a person could be provoked enough to use a firearm in an act. However, there is one thing which could be held with surety that the behavior of a human is influenced by the individuals in its surrounding. The usage is generally associated with peers, family, social environment, and the upbringing of a child. One of the most credible factors that could help determine the behavior and engagement of a perpetrator in arms handling could be predicted if he has a history of violent conduct including illegal arms and weapons. Preventive measures could be imposed in such cases, however, even in that case, despite the presence of the prevention strategies, it is difficult to reduce the gun violence wherein the people suffering from mental illness took catastrophic steps claiming their own lives and lives of young and innocent kids.<sup>4</sup>

### **IMPORTANCE OF STUDY**

Every passing day, we come across news that is spine-chilling in nature such as mass shootings at school, celebrities being shot dead, and suicides using unlicensed firearms. Effective measures against the prevention of gun violence have become the need of the hour, hence the study is of relevance since it helps the readers assess the magnitude of this problem, which is creating worldwide rage and violence. It will further make the readers familiar with the issues which lead the young minds to take up arms and rebel against society which eventually turns fatal for all. Hence, the study is focused on rising gun violence and the fact that illegal arms are so easily available to the minds that could be easily influenced.

### **OBJECTIVE OF THE STUDY**

- To determine the magnitude of the issue of gun violence on both national and international platforms.
- To determine the factors that induce the individuals or group to take up arms.

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<sup>2</sup> James A Mercy, "Violence and Health: The United States in a Global Perspective", 65-98, International Journal of Medicine (2019).

<sup>3</sup> Firearms law in India, *available at*: <https://www.legalserviceindia.com/legal/article-6983-firearm-laws-in-india-and-its-current-scenario.html> (last visited on Jul 12, 2022).

<sup>4</sup> Ian Ayers, *Weapon of Choice: Fighting Gun Violence while respecting gun rights*, 23-56 (Harvard University Press, 2020).

- To determine whether the current laws regulating gun violence are sufficient or not.
- To create awareness among the readers with regard to the possession of illegal arms and weapons.

### **RESEARCH METHODOLOGY**

The researcher has taken a doctrinal method in order to carry out this study. To conduct this research, a variety of sources of information were used, including textbooks, reliable articles, reports, journals, legislation, court judgments, and a limited number of websites. The researcher conducted an in-depth analysis of the legal structure by carefully analyzing the important legislations, case law, and actions implemented by the government that is related to the control of gun violence.

### **MEANING OF GUN VIOLENCE**

Gun violence is a modern worldwide concern regarding human rights. The most fundamental human right, the right to life, has also been put in danger by gun-related tragedies. Such violence is a complex tragedy that impacts the lives of people everywhere. Approximately, more than 500 individuals each day are killed by firearm-related violence.<sup>5</sup> Gun violence may harm anybody, however, in particular circumstances, it unfairly targets racial minorities, females, and other vulnerable groups of society. The sheer presence of arms may often cause individuals to feel intimidated by the gun holder fearing for their lives, which can have a significant and long-lasting emotional impact on an individual.

### **FACTORS LEADING TO GUN VIOLENCE**

It is the duty of the policymakers to address the social, political, and economic inequalities that eventually emerge as the root causes of gun violence. Below we have mentioned certain factors which are the reasons leading to such circumstances.<sup>6</sup>

- **Income disparity and Poverty:** One of the leading reasons which compel the citizens of a nation to indulge in such horrific activities is income disparity, whereas, people see gun violence as a source of easy money-making.
- **Injustice against the underprivileged:** Sometimes when the poor or the discriminated section of the society are subject to atrocities, they pick up guns as a rebel. As it is known that vengeance is the spirit of punishment, and when the law fails to implement the expected punishment on the wrongdoer, people generally take the law into their hands.
- **Peer Pressure and Social Environment:** There are times when young minds are influenced by the people around them, and it is extremely easy for teenage to get their hands on arms in developed countries like the United States. In the majority of the

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<sup>5</sup> John Gylmers, What the data says about Gun Deaths in the U.S?, *available at:* <https://www.pewresearch.org/fact-tank/2022/02/03/what-the-data-says-about-gun-deaths-in-the-u-s/> (last visited on Jul 10, 2022)

<sup>6</sup> Gun Violence-Key Facts, AMNESTY INTERNATIONAL, *available at:* <https://www.amnesty.org/en/what-we-do/arms-control/gun-violence/> (last visited on Jul 12, 2022)

cases of mass shootings, it has been observed that the perpetrator was subjected to bullying in school.

- **Psychological Order:** Individuals suffering from mental or psychological disorders tend to display violent behavior which generally results in catastrophic events that claim several lives.

### **RECENT INCIDENTS OF MASS SHOOTINGS AND GUN VIOLENCE**

A mass shooting is defined as an incident wherein at least 4 people die and the perpetrator remains alive.<sup>7</sup> Over the passage of time, several mass shootings have taken place which has shattered the world and compelled us to think that where are we leading as humans. So far, the United States has witnessed more than 300 incidents of Mass shootings in 2022.<sup>8</sup>

- On the 4<sup>th</sup> of July, 2022, Las Vegas witnessed the deadliest mass shooting that has ever happened in the United State of America.<sup>9</sup> A shooter started firing from the hotel he was staying in on a gathered crowd resulting in the deaths of 59 people and the injuries of more than 530 others. The incident occurred barely 14 months right after the deadly Pulse nightclub massacre took place in Orlando, Florida. In the incident, more than 49 individuals were killed, and injured many more.
- On May 14, a racist assault at a grocery in Buffalo, New York, resulted in the deaths of ten individuals and injured many.<sup>10</sup>
- On May 24<sup>th</sup>, 2022, a shooter in Uvalde, Texas, attacked a school, which resulted in the death of 21 young boys and girls. It is seen as one of the most insensitive shootings in the United States since it involved young kids.<sup>11</sup>
- The assassination of the former prime minister of Japan, Shinzo Abe shocked the entire world and compels the government to rethink the gun control laws and prevention policies.<sup>12</sup>
- A renowned Indian-Punjabi singer, Sidhu Moose wala was shot down right in his village and there was open firing which resulted in his death and injuring two of his friends who luckily survived the accident.<sup>13</sup>

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<sup>7</sup> Marissa Booty, “*Describing a mass shooting: the role of databases in understanding burden*”, 223 47 *Injury Epidemiology* (2021)

<sup>8</sup> Shyanne Gal, The US had at least 314 mass shootings so far in 2022, *available at*: <https://www.insider.com/number-of-mass-shootingsin-america-this-year-2022-5> (last visited on 10 Jul 2022)

<sup>9</sup> *Ibid* 8

<sup>10</sup> Bill Chappel, DOJ charges Buffalo gunman with hate crimes and says he apologized to a white victim, *available at*: <https://www.npr.org/2022/06/15/1105226662/buffalo-payton-gendron-federal-hate-crime> (last visited on Jul 12, 2022)

<sup>11</sup> Matt Murphy, Texas shooting: How a sunny Uvalde school day ended in bloodshed, *available at*: <https://www.bbc.com/news/world-us-canada-61577777> (last visited on Jul 12, 2022)

<sup>12</sup> Daisuke Bayashi, Assassination Shocks a Nearly Gun-Free Japan, *available at*: <https://www.nytimes.com/2022/07/08/world/asia/japan-abe-murder-guns.html> (last visited on Jul 12, 2022)

<sup>13</sup> Sidhu Moose Wala Murder: Supreme Court refers to hear plea seeking transfer of the case, *available at*: <https://www.ndtv.com/india-news/sidhu-moose-wala-murder-supreme-court-refuses-to-hear-plea-seeking-transfer-of-case-3147163> (last visited on Jul 12, 2022)

## **WHY THE GUN VIOLENCE IS EXTREME IN THE DEVELOPED STATES LIKE THE USA?**

People argue with one another, have racist beliefs, and struggle with their mental health in every nation on the planet. However, it is far simpler for those folks to pick up a gun and kill someone else in the United States. There are more fatalities caused by weapons wherever there are more guns available. According to the findings of studies conducted on both the state and national levels, this is the case. This is the case with killings, suicides, mass shootings, and even shootings committed by police officers. In most other affluent nations, possessing a weapon requires at the very least obtaining a license; this is the case even if the country does not restrict access to firearms. As a consequence of lax enforcement and legislative loopholes, even a background check is not always necessary in order to purchase a firearm in the United States. The United States will very certainly always have a higher rate of gun ownership, and as a direct result, a higher rate of gun-related fatalities. Legislators are up against significant roadblocks in terms of how far they can go because of the existence of the Second Amendment, the fact that public opinion is split, and the fact that the federal government is deeply divided. However, since American gun regulations are so lax, there is a significant amount of space for improvement, which might at the very least reduce the number of fatalities caused by firearms.

The majority of shootings that occur in the United States are never reported in the national media. The vast majority of those who were killed by firearms in 2021 took their own lives. Nearly half of the deaths were killings that took place in situations other than mass shootings; these were more normal acts of violence that took place on streets and in houses (and most involved handguns). Fewer than two percent of the fatalities that were caused by guns in 2017 were the result of mass shootings.<sup>14</sup> The more frequent fatalities caused by guns may be reduced if there were stricter gun control regulations. It doesn't matter where the violence occurs in a gang war in California, a suicide in Wyoming, or a school shooting in Texas, the underlying issue is the same: more firearms lead to more fatalities from gun violence.

## **LAWS GOVERNING GUNS AND ARMS IN INDIA**

The Indian Arms Act, which was passed in 1959, is the primary piece of legislation that dictates how citizens may legally acquire and keep weapons in their possession. The only intent of this regulation is to put a stop to the danger posed by unlawfully maintaining firearms, which might lead to an increased risk of physical conflict just due to the fact that they are in one's possession. In addition to the Arms Act, there is also a set of rules from 1962 called the Arms Rules.<sup>15</sup> These rules stipulate that it is illegal to manufacture, sell, hold, acquire, import-export, or transport weapons and ammunition without a license that is currently in effect. According to reports, it has been found that the MHA has now decided to

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<sup>14</sup> Jonathan M Metzel, “*Mental Illness, Mass Shootings, and the Politics of American Firearms*”, 67-189 PMC (2021)

<sup>15</sup> Guntara, India’s stringent laws but does it protect them from the holding of the guns, *available at*: <https://www.news18.com/news/immersive/guntantra-guns-in-india.html> (last visited on Jul, 2022)

keep a database of Arms Licenses in order to possess an official record of the individuals who possess arms including both old and new holders. This will ensure that there is no confusion regarding who holds which licenses.

In addition, a one-of-a-kind identification number will be provided to each of these bearers of weapons. The next step has been made a consider these things to be responsible to observe and track both legal and illegal gun holders. This step was done as a result of the previous step. This is a preventative measure to reduce the number of crimes that result in the loss of life as a result of gunshots or shootings with unlicensed firearms or weapons.

### **LAWS GOVERNING GUNS AND ARMS IN THE UNITED KINGDOM**

The legislation regarding firearms in the United Kingdom is comparatively stringent. It is quite a task to obtain a gun in the United Kingdom. Concerns have been raised, however, about the ease with which illicit guns may be obtained. According to the data collected by the Office of National Statistics, a maximum of 7,866 incidents involving guns were reported in 2015.<sup>16</sup> This represents a rise of 2% from the previous year as well as the first rise in the number of such offenses in almost a decade. The number of fatal injuries was at its lowest level since records began being kept in 1969, coming in at 19 out of a total of 7866.<sup>17</sup> This is a decrease of 10 from the previous year's total and the lowest level ever since records began being kept.

### **CONCLUSION AND RECOMMENDATIONS**

- Bans on assault weapons would make it more difficult or impossible to acquire certain types of guns, which are often used in shootings. Some experts believe that a prohibition would encourage people to use weapons that are less lethal, which would reduce the number of people killed in mass shootings.
- Stringent laws should be formulated to keep a check on gun holders and enhance the punishment in the cases of gun violence and mass shootings.
- Legislations that are known as "red flag" laws make it possible for law enforcement personnel to seize firearms from individuals who exhibit warning indications of violence, such as making threats against their friends or family members. It is possible that the rules would have applied to the shooter in the school massacre in Parkland, Florida, in 2018.
- Laws governing the Arms Act shall be uniform in the nations since it is a crime against humanity as it violates the very basic human right that is the right to health.

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<sup>16</sup> Fire Arm Laws in India: The Current scenario, *available at*: <https://www.legalserviceindia.com/legal/article-6983-firearm-laws-in-india-and-its-current-scenario.html> (last visited on Jul 12, 2022)

<sup>17</sup> Ibid 16

*“This strife among ourselves wastes our energy and destroys our unity. My message to those of you involved in this battle of brother against brother is this — Take your guns, your knives... And throw them into the sea.”*

*-----Nelson Mandela<sup>18</sup>*

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<sup>18</sup> Nelson Mandela, *Nelson Mandela: The Struggle Is My Life: His Speeches and Writings Brought Together with Historical Documents and Accounts of Madela in Prison* 24 (Pathfinder Press, London. 2<sup>nd</sup> edn., 1992).