

BLACK MARKETING – A SOCIO-ECONOMIC OFFENCE

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ABSTRACT

The term 'black-marketing' is obscure and difficult to define precisely. However, attempts by sociologists, criminologists and jurists have been made from time to time to explain its true meaning. The actual origin of term 'black-marketing' is not clearly known, although it seems to have been identical with 'black' to indicate 'illegal activities' occurring under conditions of great-secrecy. It is common knowledge that certain professions offer lucrative opportunities for criminal acts and unethical practices which hardly attract public attention. There have been crooks and unethical persons in business, various professions and even in public life. They tend to become unscrupulous because of their neglect at school, home and other social institutions where people get training for citizenship and character building. These deviants have scant regard for honesty and other ethical values. Therefore, they carry on their illegal activities with impunity without the fear of loss of prestige or status. The crime of this nature is called 'black-marketing' and they are essentially an outcome of competitive economy of mid-twentieth century. The white-collar crimes which are common to Indian trade and business world are hoardings, profiteering and black marketing. Violation of foreign exchange regulations and import and export laws are frequently resorted to for the sake of huge profits.

INTRODUCTION

The term 'black-marketing' is obscure and difficult to define precisely. However, attempts by sociologists, criminologists and jurists have been made from time to time to explain its true meaning. The actual origin of term 'black-marketing' is not clearly known, although it seems to have been identical with 'black' to indicate 'illegal activities' occurring under conditions of great-secrecy. Black-market includes the risk of fraud, the possibility of violence, being saddled with counterfeit goods or adulterated products (which is especially dangerous in the case of medications), and the fact that the buyer has no recourse. Participating in the black market is not always a black and white matter. Suppose one is on vacation with his/her family in an exotic location and run out of formula for his/her baby? If there is nothing available in local stores and the only way to acquire baby formula is through a black-market transaction, few people would hesitate to make the purchase.

Black-marketing includes specific underground economies:

- Illegal Economy,
- Unreported Economy,
- Unrecorded economy,
- Informal economy

In this materialistic world everyone is supposing to earn more and more profits, for that they also choose to go in underground activities which include activities like: Illegal Drugs, Prostitution, Animals and Animal Products, Alcohol & Tobacco , Transportation Providers, Housing rental, Copyrighted Media, Cyber-Crime Black-market. The major effects of Black-Marketing are

- Affects public revenues,
- Degenerates the investable surplus,
- Delimits the national productivity,
- Drains the balance of payments,
- Distorts equity and equality concepts of economic distribution

- Increase gulf between have and have not means: disequilibrium between rich and poor people.

Organizations of these professional crimes has paralleled a similar trend not only in business communities but also equally in labour and men in professions. It is not longer limited in its nature and scope and has travelled beyond trade and business frontiers and has also pene Activities involved in Black-marketing:

Racketeering is the organized illegal activity of the business community to bypass these legislations, rules and regulations. It is resorted to either through profiteering or hoarding of consumer goods.

- **Profiteering** implies selling a thing at rate in excess of its controlled price or reasonable price.
- **Concealment** which include suppression of fact relating to acquisition or disposal of things controlled by different laws, rules and regulations for production, manufacture, supply, disposal, distribution, sale, rationing for production.
- **Hoarding** means storage of goods in excess of a permissible quantity

PREVALING LAWS ON BLACK-MARKETING

Black-marketing has become a global problem. All most each and every country faces problems caused by it. Specifically black-marketing of arms and weapons has recognized at international level, as it also leads to terrorist activities. Taking notice of this United Nations has also legislated treaties and resolutions to curb the black-marketing. At international level the efforts taken by Arms Trade Treaty (ATT) to Prevent and Control Black-Marketing of Arms, 2014, Resolution: - Weapons of Mass Destruction (WMD). In India, also has taken number of steps towards this problem. Number of committees and laws are there to witness the serious thought of legislature's intention to curb this problem.

In the process, various laws enacted by Parliament: -

- The Anti-Corruption Laws (Amendment) Act, 1964,

- Amending the Indian Penal Code 1860,
- The Code of Criminal Procedure, 1898,
- The Criminal Law (Amendment) Ordinance, 1944,
- The Delhi Special Police Establishment Act, 1946,
- The Prevention of Corruption Act, 1947
- The Criminal Law (Amendment) Act, 1952;
- The Foreign Exchange Regulation (Amendment) Act, 1964,
- The Prevention of Food Adulteration (Amendment) Act, 1964,
- The Essential Commodities (Amendment) Act, 1964 and
- The Wealth tax (Amendment) Act. 1964.

MEASURES TO CONTROL AND PREVENT BLACK-MARKETING IN INDIA

Black marketing is directly proportional to social loss. As much black-marketing will increase the social loss will increase simultaneously. Black-marketing is creating a gap between societies. The black-marketers earn more than the genuine businessmen, traders, etc. this affects the faith of society of law and government. Government has also take number of steps to curb this problem other than enforcing law. Various movements have been initiated by government to deal with the problem of black-marketing. Concept of consumerism has been focused to make masses aware about their rights. Under which Upbhokta Jagran, Jago Grahak Jago, etc are noticeable steps taken by government to curb the black-marketing. Various councils also have been established by government at root level to curb the problem of black-marketing. Recognizing the necessity of time recently government have started the concept of e-governance for transparency in government operations and public continence.

To provide for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith. The consumer protection act 1986 provides various rights which help to prevent consumer from black marketing. Such rights includes right to safety, right to information, right to be heard, right to seek redressed, right to consumer education. It establishes consumer redressed forum at district level, state level,

national level which helps the consumer from black-marketing of goods and services. Government of India also tried to control in price of various goods through monetary policy, fiscal policy and other policies. Another important remedial measure for controlling black-marketing is 'Public Distribution System' in India. Present system is suffering with many defects, such as distribution of essential commodities on bogus ration cards, diversion of ration illegally to open markets, converting good quality commodities into bad, mixing and adulterating the goods. For improving the existing system, it requires overhauling, streamlining and strengthening the infrastructure of distribution. A strong public distribution system would definitely be effective in controlling and curbing black-marketing operations from the society. The Public Distribution System (PDS) relates to distribution of essential commodities to a large number of people mainly weaker sections of the society through a network of Fair Price Shops (FPS) on recurring basis.

The major commodities covered under PDS are as follows:

- Wheat
- Rice
- Sugar
- Kerosene

As well as Bureau Of Indian Standards (Bis), Central Drugs Standard Control Organization also helps to curb the black-marketing in India. Government have enact various laws to curb the problem of black-marketing beside this government has feel the need to make aware the consumers to aware about their rights. In regard of this government has initiated by making consumer aware through multimedia advertisements. Councils have been set at state or center level for redressing the problems of consumers as described earlier. Black marketing is directly proportional to social loss. As much black-marketing will increase the social loss will increase simultaneously. Black-marketing is creating a gap between societies. The black-marketers earn more than the genuine businessmen, traders, etc. this affects the faith of society of law and government.

SUGGESTIONS TO CURB BLACK-MARKETING

Black-marketing is offence of new era, it emerges after World War II. It was due to scarcity of goods and demand of goods was more than supply of goods. At that time, most of economy was under employed. There was underutilization of resources. Means of production was also poor, which were insufficient to cope with demand of goods. Even though the scarcity of food and eatables was main cause of advent of black-marketing. That time there was lacuna in law to deal with problem of black-marketing but some of existing laws were used to deal with this problem. To make fully effective and to serve the purpose black-marketing shall put under cognizable offences category. Sometimes misuse of provisions by the authorities has been, the judiciary has intervened and interpreted the provisions from time to time. Black-marketing has effect the social life almost of every one, as it is affecting revenue of country and interrupts the development projects in country. Foreign companies feel risk to invest due to black-marketing, this also increase the unemployment. Government have enact various laws to curb the problem of black-marketing beside this government has feel the need to make aware the consumers to aware about their rights. In regard of this government has initiated by making consumer aware through multimedia advertisements. Councils have been set at state or center level for redressing the problems of consumers. A very important step taken by government is e-governance system which really helping government as well as society to curb the black-marketing. Government operations have become transparent and black-marketing and corruption has reduced to great extent. However, to curb this problem properly not only government people should also take it as their responsibility to not to involve in such activities and should stop buying products in black.