Conclusion

Since the existence of human civilization, due to diverse social, economic, political and security reasons, human beings have been trying to migrate to foreign lands in search of green pastures throughout. The desire to explore new places, interact with new people, economic and security considerations have forced human beings to shift even to far of areas. The mankind has been marked by poverty coexisting with prosperity in some parts tempting people of poor countries to migrate to the rich ones where they could improve their economic conditions and break the vicious cycle of poverty, which they did not see possible in their native state. In contemporary times, the economic opportunities offered by the rich countries and extreme poverty, unemployment and political instability in poor countries have strengthened the urge to migrate to rich countries. Due to the pressure of migration, prosperous countries have laid down strict parameters for granting visa to the trans-border migrants. The strong zeal to migrate, notwithstanding, restrictions laid down by the destination countries deprived countless poor and needy the entry. In such circumstances, people from poor countries are also taking the risk to migrate for desired destinations through illegal methods. This has led to the criminalization of activity of human migration and emergence of trans-national criminal activities such as human trafficking and human smuggling and trans-national crime syndicates. Trans-national crime syndicates comprised of human traffickers and human smugglers arrange the entry of interested people to destination states illegally and clandestinely by charging heavily for illicit migration to green pastures. Thus at present, illicit migration activities – human trafficking and human smuggling – have emerged as third largest illicit trans-border business after the drug and arms smuggling involving the global mafias.

At global level UNCTOC has defined transnational organized crime as a group activity which includes at least three members in a group and is committed for financial gains in more than one state. The planning of such activity takes place in one state and the criminal act is committed in another. This act influences more than one state. The supplementary protocols have included human trafficking and human smuggling in the list of transnational crimes giving them a universally accepted
meaning. In this study, human trafficking and human smuggling have been treated as two distinct forms of illicit migration. Human trafficking includes recruitment, harboring, transfer and transportation of people from one country to another through means of force and fraud entailing exploitation. In this process, traffickers achieve the consent of people for recruitment or transportation either through force or with fraud. However, human smuggling is an illegal entry of a person with the help of a professional human smuggler. This activity is not forced as smugglers and smuggled persons know about the illegal modus operandi of the smuggler. Generally, it has been observed that the routes used for both smuggling and trafficking are not fixed. Mostly, same routes are used for both. The Balkan route is chosen for reaching Europe. African countries are the prime route for making an entry into Spain. Another route is from Middle East and Asia to Oceania and further to Australia. Bosnia is also used as route for entering into Europe. Mexico is the favorite for making an entry into US and Canada. Since the transnational mafias are involved in this process, thus it becomes difficult for the transit/destination countries to check illegal migration. Transnational mafias not only use legal businesses as the front cover to this illegal business; the fluid nature of their structures protects them from punishments. The countries of origin as not pay required attention to the menace as these countries treat illegal migration a ‘safety valve’ to pressure on them. Trans-border illicit migration is seen as source of employment and livelihood for their population and foreign remittances boast economy of the source country. In this process, traffickers and smugglers exploit the trafficked/smuggled persons before, during and after the journey in the transit/destination countries being abusive to the basic human rights’.

The focus of this study was the exploration of realities of human trafficking and human smuggling of the Indian Punjab to the rich countries primarily, Europe and North America. It emerges from the study, that rural areas of the Indian Punjab are the prime places of this phenomenon. Traffickers/smugglers have a strong network of sub-agents who recruit the prospective migrants. This is far less in the urban areas where activities of the traffickers/smugglers to recruit the potential migrants are minimal. In the total sample of the study, the people of the General category, Jatt caste of Sikh religion and agriculture community have been identified as main targets/victims of human traffickers/ human smugglers. Both farmers and
agricultural labour have suffered with the unemployment and indebtedness which are the dominant factor luring them to migrate for green pastures and in the process become the target of exploitation for traffickers/smugglers. The decreasing size of the land holdings and non-profitable nature of agriculture have made agriculture a non-viable profession for a vast majority of the farmers, and massive mechanization of this sector has led the agriculture to become more cost intensive. Thus, agricultural community found migration as an alternative to solve their financial crisis. Other communities are also looking to migrate for rich countries. However, this trend is not as dominant among other communities as it has been observed in the agriculture community (Jatt-Sikh). The age group of 21-25 having education upto senior secondary level has been identified as the most vulnerable age group to thus menace. Persons of this age group were unmarried and unemployed and were expected to bear the burden of economic responsibilities of the family. These circumstances acted as push factor for their illicit migration. Besides, wealth and high social status of Punjabi diaspora settled in foreign countries and perceived economic opportunities available in the rich/desired destinations served as pull factors, prompting the illicit migration of Punjabis for desired destinations. This provides an opportunity to the smugglers/traffickers to exploit them.

It has been found that in majority of the trafficked/smuggled persons sought the services of the travel agents (smugglers/traffickers) to migrate of the desired destinations. People also attempted to migrate through other methods such as marriage or on study basis. Since the travel agents have a strong network of sub-agents in the rural areas, they recruits the prospective migrants. Due to the complicated process of migration illiterate and semi-illiterate people of rural areas of Punjab take the services of these agents. Majority of them were introduced to the travel agents by the friends and relatives of the prospective migrants. In some of the cases, friends and relatives of the prospective migrants were themselves working as sub-agents of the main agents. As a result of this, prospective migrants were trapped in the traffickers/smugglers network without much effort. Besides, prospective migrants were also trapped by the traffickers/smugglers through the advertisements in the various newspapers and periodicals. They put posters and distribute pamphlets and other means of advertisements to attract the prospective migrants to their services.
Agricultural land is a major source of funding for migration. They mortgage/sell the land to pay the smugglers/traffickers. Prospective migrants pay amount to the traffickers/smugglers directly in form of cash as the smugglers/traffickers desire. Mode of payment both full one-time payment and in installment. In majority of the cases, migrants do not verify even the method and modus operandi that has to be adopted by the smugglers/traffickers for the smuggling/trafficking. Smugglers/traffickers entrap the desired migrants by deceptive methods. When the smuggled/trafficked persons are arrested in the transit/destination countries, majority of them did not contact the Indian embassy for their release. Whenever they contacted the embassy, adequate help was not provided. The role of human rights organizations is insignificant for rescuing the victims. Thus is primarily due to the ignorance of the victims regarding the existence of such organizations. Whenever these organizations were approached, lack of evidences prevented them doing anything against the smugglers/traffickers.

The study also reveals that trafficked/smuggled persons have faced exploitation at hands of traffickers/smugglers leading to the human rights abuses. Majority of the recruited persons were deceived by the traffickers/smugglers on various pretexts. They had neither been informed about the illicit methods nor about the potential risks involved in the migration. Moreover, during the process of recruitment, traffickers/smugglers made tall and promising promises to the victims. Majority of them were promised high income a job in the destination countries in addition to safe journey, the legal work visas and permanent residency. In very few cases, victims had the knowledge about the illicit methods of traffickers and they were not given any false promise. Since the traffickers/smugglers operating in Punjab have transnational linkages, they don’t transfer and transport people directly to the destination country even if the direct connectivity from source country to destination countries exists. The dubious arrangements are made by the traffickers/smuggler to take prospect migrants. Main transit countries identified in this study are Russia, Indonesia, Singapore, Ethiopia and Morocco. More than half of the sample shows that their journey was quiet uncomfortable and more than two modes of travelling were used. In many cases three modes such as airways, waterways and roadways, which included walking on foot to reach other country. This transit points come as the handler doesn’t have the means to arrange genuine
visa for destination country. During these halts at transit points the exploitation of the trafficked/smuggled persons starts. Majority of the trafficked/smuggled either couldn’t contact or just once or twice contacted their family. They made this contact without being noticed by the handlers during the course of their journey which lasted from few days to many months. The reason to prevent them from contacting families back home was that they could not share their condition with the family as it could be problematic for the local level agents in future. The victims revealed about the extremely poor and risky conditions of stay and travel. They were often relocated from one place to another. This was done in order to conceal the illegal status of the trafficked/smuggled persons from law enforcing agencies of the transit and destination countries. This was also done to avoid the contact of prospect migrants with the local diaspora or natives as it could expose the racket of illegal migration. It has been observed that there is least scope of return of amount by smugglers/traffickers to the smuggled/trafficked persons even if the victims are deported to home state. Victims face excessive monetary exploitation along with exploitation of other kinds at the hands of smugglers/traffickers. In the process, not only they lost huge amount but also came under the burden of the heavy debt to be paid to the moneylenders. Trans-national network of the agents and their nexus with the police and politicians along with the weak financial position of the victims make the task of police and judicial system difficult to take any legal action against the traffickers/smugglers. After their deportation, victims tried to lodge complaints against the traffickers/smugglers, even then majority of the victims remained unsuccessful in booking the exploiters. They could neither got them booked nor extract money from them. After the deportation and bitter experience of exploitation, victims in majority of the cases, never re-attempted to migrate for the affluent countries.

Since the human trafficking and smuggling have adverse effects on the global community in general and Indian Punjabis in particular, they have developed a preventive mechanism to curb the menace. The global community has developed a legal framework in the form of UNTOC and three supplementary protocols and committed to take adequate measures including the adoption of innovative frameworks for repatriation and law enforcement cooperation; and training and
technical assistance for building or upgrading the necessary capacity of forces fighting against the menace.

As a source as well destination country, Indian state has prohibited the trafficking in persons through the Constitution of India. It has also formulated the Immoral Trafficking Act of 1956, Emigration Act of 1983 and Amendment Act, 2009. If article-23(i) of the Constitution of India prohibits human trafficking then the Immoral Traffic (Prevention) Act of 1956 along with the Emigration Act of 1983 and Amendment Act, 2009 have made trafficking in human beings a punishable offence. The Emigration Act of 1983 ensures the recruitment of Indian nationals for jobs in foreign countries only through a registered Recruiting Agent and/or by an employer with a valid Permit issued by the Protector General of Emigrants (PGE) and also made it mandatory for the Indian citizens to get the emigration clearance from the concerned Protector of Emigrants. When the Emigration Act of 1983 proved ineffective and cases of cheating, fraud and exploitation of prospective emigrants increased, it was amended in 2009 by introducing harsher provisions of minimum imprisonment for five years from the six months. The fine was increased manifold and registration of recruiting agents was also made compulsory. Besides the legal framework, the Ministry of Overseas Indian Affairs (MOIA) was created having functional service-divisions such as Diaspora Services, Financial Services, Emigration Services and Management Services to launch various preventive, rescue and rehabilitation programmes to help the victims.

The Government of Punjab enacted the Punjab Prevention of Human Smuggling Act, 2012. The Act empowered the police to check illegal human migration. The Act also prohibits various illicit activities of the fake unscrupulous agents by making the provision of severe punishments. This includes cancellation of licence, confiscation of property and rigorous imprisonment. All the offences under this act are cognizable, non-bailable and compoundable. The ‘Punjab State Human Trafficking Victim Relief Fund’ has also been established to rehabilitate the victims. Besides, the State government has tried to collaborate with the Indian government and foreign governments to deal with the issue of human trafficking and human smuggling.