Introduction

Migration is an inseparable ingredient of human history and its civilization. Since the beginning of human civilization, human beings have always been in search of new horizons. Such strong zeal led them to migrate from one place to another. Prior to the origins of modern nation-state system, in the absence of conception of hard borders, movement of human beings across borders continued uninterruptedly without any requirement of passport and visa for entering into the territory of another state (Castles and Miller, 2003: 118). These modern nation-states due to their unequal control and distribution of resources, qualitative and quantitative structure of population and technological developments developed unequally. This unequal development, economic disparity and wider gap of technological advancement along with emergence of hard borders among the states are thus leading to a variety of global transnational organized crimes such as weapons smuggling, drug trafficking and illegal migration (Kumar, 2009: 90).

The existence of hard borders and vast economic disparity among developed and developing or underdeveloped states lure people of poor states to migrate to rich states at times violating the transnational rules and putting their lives in danger. The brawny ardor and fervor among people of underdeveloped and developing states have not only delivered the issue of transnational illegal migration but had also created opportunity for some people across the borders to exploit the situation for economic gains (Aas, 2007: 31). Moreover, globalization has affected local industries. Economic liberalization has resulted in the influx of mass produced foreign products into local markets in the developing countries, while trade barriers have remained to protect producers and workers in industrialized countries. This has seriously affected local opportunities for many poorer regions (Cameron and Newman, 2008: 25). In the era of globalization, the main focus is on human mobility and development in the process of preparing Human Development Index report. The report states that if number of migrants rises by one percent in destination country then the Gross Domestic Production also goes up by at least one percent. Some countries like Italy and Spain have recognized that unskilled migrants contribute a lot to their societies and economies (Singh, 2009: 9). Although,
migration benefits both recipient country and source country as remittances are send by migrants but it is observed that pressure for migration is many times higher than the demand. This has resulted in promoting illicit global business of human trafficking and smuggling.

The contemporary world has witnessed many revolutionary developments in the field of health, science, technology, communication and administration. These developments have helped in making the life of human being more safe, luxurious and long and also contributed in bringing world more closer. The United Nations Office on Drugs and Crime observed that more than 29 million flights were flown in 2007 by the airlines exist at globe which transported over 2.2 million passengers at 3750 airdromes of the different countries (United Nations Office on Drugs and Crime, 2012: NP). But along with positive impacts of these developments, the human beings have also witnessed anti social elements taking advantage of these developments and inventing new forms of crimes to make money by exploiting people and indulge in deadly crimes. The criminal elements easily escape from punishments with the help of modern gadgets and make fun of legal and judicial system. The functioning, powers and influence of political system over the lives of individuals have been changing with time and situation. In present times, the safety and powerfulness of state depends upon its efficiency to check crimes, which has become difficult due to reach of high technology in the hands of criminal syndicates and the changing pattern of world due to globalization. The criminal syndicates plan their course of action in one state, carry out action in other state and after committing crime move to yet another state from where they cannot be extradited easily. The master minds monitor whole operation with the help of technology from faraway places, from the area of operation. This kind of functioning is found in case of human trafficking and human smuggling. These two forms of illegal migration are not taken with seriousness they deserve, by the law enforcing agencies. With the passage of time the organized criminal organizations with bases in Asia, Africa, Europe and Americas are increasingly getting involved into both legal and Illegal migration. They are earning massively from illegal migration and are providing illegal migrants as labourers to farms and factories across border (Taran, 1994: 4). The flow of migration is always towards the countries where jobs are available. In
contemporary highly globalized world it is difficult to seal the borders of source, transit and destination countries of migrants (Naravane, 2013: 9). But every destination country tries its level best to curb migration into it. The illegal migrants are often exploited by their employers because of their illegal status. They are heavily under paid and are not paid for overtime. The girls from poor countries are being pushed into cold flesh trade and the violation of human rights of such migrants is a common phenomenon. They are usually involved in very dirty jobs which the natives are reluctant to do but even then the public mood of destination countries is against them (Singh, 2013: 8). In the given circumstances to deal with such criminal activities, the United Nations initiated a “Convention against Transnational Organized Crime” (UNTOC). The said UN Convention in its Article-3 paragraph (2) describes that an offence is transnational in nature if:

- It is committed in more than one state;

- It is committed in one state but a substantial part of its preparation, planning, direction or control takes place in other state;

- It is committed in one state but has substantial effects on another state (United Nations, 2004: 6).

The UN Convention against Transnational Organized Crime was supplemented by the following three protocols:

- Protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children;

- Protocol against Smuggling of Migrants through Land, Air and Sea;

- Protocol against the illicit manufacturing of and Trafficking in Firearms, their parts and Components and Ammunition.

These protocols mandate that human trafficking and human smuggling are also transnational organized crimes. Moreover the characteristics of human trafficking and human smuggling resemble with characteristics of transnational
organized crimes. To a large extent human trafficking and human smuggling are the products of human desires for migration to green pastures.

In a highly modernized and globalized world of twenty first century, human trafficking and smuggling has emerged as one of the most lucrative trade that needs low investment and generates huge gains. It is third largest transborder illicit business after drug and arms trade. This is being run by trans-border mafias such as “Snakeheads”\(^1\) and “Coyotes”\(^2\) and “Yakuzas”\(^3\). They indulge in illicit business of human trafficking and smuggling in the absence of strong legal mechanism in the concerned states having no fear of capital punishment if caught in such cases.

The term “human trafficking” is closely linked to the concept of “human smuggling”. The United Nations’ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children(2000), considers trafficking in persons as: “the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”\((\text{United Nations, 2004: 42})\). In brief, it can be argued that human trafficking contains the components of recruitment, transportation and harbouring or receipt of persons by the traffickers. Traffickers do such things by using various methods like deception, threat or use of force or coercion or abuse of authority. The objective of the traffickers is exploitation of trafficked persons including sexual exploitation, forced labour or services, slavery or practices similar to slavery and servitude.

Generally, human trafficking is confused with human smuggling. Article- 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, defines human smuggling as, “ … the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident ….” (United Nations,
This incorporates unlawful border facilitation in entrance of a person into another country, by the smugglers, of which the smuggled person is neither a citizen nor a permanent resident and smuggler does this for material benefits. Smuggled persons pay huge amount to the smugglers and enter a country. They use deceptive methods including fraudulent documents for this purpose. Unlike trafficking victims as the US Department of State observes, “the smuggled person usually consents to be smuggled. The relationship between the smuggler and the smuggled person is a voluntary business transaction. This relationship usually ends after crossing the border. Apart from this, in smuggling, person being smuggled is not victim of fraud and coercion” (US Department of State, 2010: NP). As further US Department of States explains, smuggled person usually, cooperates with the smugglers and is free to leave or change the job in the destination country. This is a transborder activity. This “involves crossing of an international border. Human trafficking is a much bigger level of exploitation than that of human smuggling. Trafficking in human beings is crime against individuals as well as states whereas human smuggling is crime against state in which exploitation of person does not exist” (US Department of State, 2010: NP).

Thus, smuggling of migrant involves the consent of migrants to be smuggled. Trafficking victims have either never consented or consent is achieved through fraudulent means or coercion. Besides, smuggling ends with the migrants arrival at their destination, whereas trafficking involves continuous exploitation in some manner to obtain illicit profits for the traffickers. Furthermore, smuggling is always transnational whereas trafficking may not be. The later can occur regardless of whether victims have moved cross the borders or from one place to another within the same state (US Department of State, 2010: NP).

Inspite of these distinctions between human trafficking and human smuggling, sometimes creating a workable distinction between smuggling and trafficking becomes difficult. This happens when smuggled persons also become victims of trafficking. This makes it difficult to differentiate between trafficking and smuggling of persons. Numerous times traffickers use deceptive and fraudulent means to get the consent of the victims. Often they promise them a safe transportation and high standard job at the destination country. Such smuggled
migrants are exposed to abuse and exploitation either while being transported or on arrival. Hence, they are recruited as smuggled migrants, but turned into the human trafficking.

Punjab, although regarded as one the most prosperous state in terms of its Gross Domestic Production (GDP), is most vulnerable to the above said crime. Earlier Punjab was regarded as land of five rivers but storms of history took away much of its territory and rivers in 1947 and 1966. A regular pattern of migration from Punjab began with the introduction of Sikhs into Indian army after the annexation of Punjab by the British. Although the lands of Canada and USA were quiet familiar to Punjabis as many revolutionaries were operating from these lands but their doors were more opened for common Indians after the second world war, when Britain needed labor for reconstruction, Canada too initiated an economic expansion programme and so was the case of United States, thus paving way from Punjabis to move abroad (United Nations Office on Drugs and Crime, 2009: 20). The Gurdwara constructed in 1911 in Abbotsford in Canada proved light house for Punjabis reaching there (Bumrah, 2007: 2). The high earnings of those migrated Punjabis, their standard of living and stories about standards and technologies of those countries, shared by migrants, motivated youth in Punjab to migrate.

With the passage of time, Punjab witnessed many terrific incidents on its soil. The period from 1978 to near about 1992, witnessed terrorism. In this period, large number of youth, with the help of smugglers, although some became victim of trafficking, crossed international borders to save their lives from police and took political asylum in those foreign countries and parents even voluntarily planned to smuggle their wards to foreign lands to save them from getting involved in militancy, harsh attitude of security forces towards youths and fake encounters, further exaggerated the scenario. Punjab became vulnerable to human trafficking and human smuggling with failure of its agriculture. The figures in ‘The Statistical Abstract of Punjab 2010’ reveals that 63.44 percent of farmers in Punjab are having less than four hectares of land (Government of Punjab, 2010: 164). The increasing rates of diesel, fertilizers, pesticides and managing agricultural machinery on such small land holding has ruined the economic position of farmers of Punjab. With no compatible prices of crops, due to lack of market as majority of the states of Indian
union are now self sufficient in food grains, farmers came under debt forcing them to commit suicides. At such a juncture, the only alternative was thought of trying their luck in foreign countries. Apart from it, the social factors also play an important role in migrating to foreign countries. The presence of networks and access to information flow in desired country are equally important to economic factors in migration process and Punjabis have such networks and information access (Sekhar, 1997: 76).

The situation is exploited by various travel agents who function as traffickers/smugglers and immigration firms, working in the state, without any controlling or monitoring authority. The people are not aware and cannot understand the technicalities of the embassies. Most of them don’t fulfill the basic requirements like bank balance, educational qualifications, and do not have English speaking capability. Such things make them to take help of the travel agents and firms and thus making them vulnerable to human trafficking and smuggling. The mushrooming of immigration firms and agents have cheated innocent people of Punjab interested in migration and around 500 travel agents have cheated 50000 families in Punjab and extracted Rs. 20 billion. This scenario has lead to billion dollars exploitation of the Punjabis by the immigration cartels and most of it being pocketed by the overseas agents, although the actual amount of exploited amount can’t be confirmed because of the clandestine ways of taking money from prospect migrants are used (Singh and Kumar, 2012: 152-154). The involvement of overseas traffickers/smugglers in this illegal business clearly reveals the transnational and organized character of the organizations involved in human trafficking and human smuggling.

The United States and Canada are the most favoured countries for the Punjabis. North America covers an area about 93, 55,000 square miles. This comprises the territory of the countries such as Antigua and Barbuda, the Bahamas, Barbados, Belize, Canada, Costa Rica, Cuba, Dominican Republic, El Salvador, Greenland, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Trinidad and Tobago and the United States (US Customs and Border Patrol, 2010: NP). Economically, North American countries – the United States and Canada – are
considered as the wealthiest and most developed nations of the continent. Hence, the ‘push and pull’ factors have made the United States and Canada as the desired destination for legal and illegal migrants. Other North American countries act as transit routes for the trafficking. However, the United States, being a global economic and political power has only emerged as destination, but it does not serve as a source of transit for trafficking or smuggling of peoples.

The United States has approximately 5000 miles border with its neighbouring country Canada and 2000 miles along with Mexico. Besides, the existence of supplementary 93,000 miles of shorelines can also be observed. Therefore, guarding the borders is a mammoth responsibility for the US security forces. The US Department of Customs and Border Patrol have 20,000 Border Patrol agents (US Customs and Border Patrol, 2010: NP). It is difficult for Border Patrol agents to stop illicit cross border human trafficking. This often necessitates squads of different security agencies on border that should have the support of additional staff in isolated/inaccessible surveillance positions. When one group of migrants is apprehended, long stretches of the border may be left open. Transnational crime syndicates indulge in human trafficking and smuggling routinely, employ distraction strategies such as setting off sensors or sending scouts to draw Border Patrol agents away from their intended crossing points. Surveillance cameras and ground censors are only as good as there are agents able to respond. Therefore, human trafficking along with smuggling is an unlawful business that entices persons of different background having shrewd ideas on evading the border control. Increased restriction in the immigration policies of the United States and improved technology to monitor border crossings have only made transnational crime enterprises more organized and specialized because illicit migrants are depending on professional’s “coyotes” or “snakeheads” to ensure the entry into destination country. Trafficking organization have continued to explore innovative methods of transportation. The fluid character of migrant trafficking hinders attempt to stop it and border region people take trafficking and smuggling as side business. The taxi drivers, truck drivers and small boat owners are occasional traffickers often hired by organized by professional gangs (Taran, 1994:10).
Thousands of people are in the pipeline, at global level, being warehoused by the traffickers and are waiting for new routes to open up or documents to become available so that they may reach to their desired destinations. The US has served as a primary destination for trafficked persons. As a result, between 12 and 20 million illicit migrants are living in the United States (Camarota, 2004: 4). The majority of them are from Asia and Latin America.

Economic opportunities are a vital motivating force behind the transnational legal and illegal migration. Global integration of technology, intensification in world-wide opportunities for mobility in persons and resources has exacerbated global demand for cheap labour from the developing countries to developed countries. Adding to it, many regions of the world are experiencing population explosion which has lead to unemployment and other resource imbalance. More and more people want to migrate, but this is not possible using legal modus operandi. And while using illegal modus operandi, such migration barriers can’t be crossed without getting the assistance from traffickers or smugglers. Transnational criminal enterprises transport undocumented people into the rich and industrial countries of Europe and North America etc for work in illicit, semi-illicit and licit industries. To maximize the profit is the foremost objective of these enterprises which result into physical and mental exploitation of the trafficked/smuggled persons. Trafficking ensues largely for cheap labour in different sectors like domestic servitude, agriculture, manufacturing, janitorial services, hotel services, construction, health and elder care, hair and nail salons, and strip club dancing. The US labour market has seen chronic shortages in some sectors for decades. Being an economically developed country with a strong market-based economy, the United States has historically relied on the influx of migrants labour to meet the need of US producers and service-providers. It is no secret that much of the food-processing and agriculture industries of the United States depend heavily on foreign born often illegal workers for harvesting fruits and vegetables. There are about one million farm labourers at any one time and nearly 40 percent of them are illegal (Camarota and Webster, 2011: 8). Since the US employers are willing to hire undocumented foreign workers, the illegal job market has flourished in the United States. Florida with 350,000 illegal workers is the leading state where some farms have earned the
nick name “sweatshops in the sun” as the farmers and other businessmen prefer illegally trafficked workers who don’t complain and agree to work for low wages (Zhang, 2010: 7). This is exacerbated by the fact that often migrant accept the jobs that no one else will. Responding to the need, some trafficking organizations have even begun to provide transportation directly to the work sites.

Workers are victims of fraudulent recruitment practices in the trafficking cases. They come under the debt trap due to the payments made to the traffickers for promised employment in the destination country. This further enhances their vulnerability as they become susceptible to debt bondage and involuntary servitude. Trafficking cases also includes “passport confiscation, nonpayment or limited payment of wages, restriction of movement, isolation from the community, and physical and sexual abuse as means of keeping victims in compelled service.” Foreign victims are found in labour trafficking and sex trafficking. Primary countries of origin for foreign victims identified by the US government are Thailand, Mexico, Philippines, Haiti, Guatemala, the Dominican Republic and India (US Department of State, 2010: NP).

The main international trafficking and smuggling conduits stretch from Asia, across Europe through Central America and the Caribbean to the United States. The largest influx of trafficked persons to the United States and other developed states of the globe is coming from less developed regions of the world. Central America and Mexico are the most popular routes for Chinese, South Americans and South Asians. Panama is also a key transit state for trafficked people from Colombia, Ecuador, Peru, Cuba, Peoples Republic of China and India. Adding to this, South Africa has also become a major transit point into the United States. Transnational criminal enterprises are gradually exploiting the US-Canadian border as a corridor into the United States. The South-West border continues to serve as the biggest point of illegal entry point into the US. This is largely due to the fact of that criminal networks are able to get foreigners across without the required visa and other documents. Southern and Central Texas, Southern California, Tucson, Arizona and areas of New Mexico are major points of entry into the United States. The South-West border is often used as the main portal into the United States. Besides, traffickers are also moving the trafficked persons into the United States through
New York, Chicago and San Francisco. Moreover Atlanta, Houston, Washington D.C. and Orlando are the newly emerging ports of entry for the trafficked persons. The United States has observed a re-emergence of Chinese boat traffickers or smugglers using both the East and West coast (Camarota and Webster, 2011: 4-7).

People involved in trafficking and smuggling share a common objective of evading national legal frameworks and dodging the law enforcement agencies. They have formed concerted networks and coalitions in order to enhance their operational competence and revenue potential. Different groups have recognized the requirement to collaborate, to provide safe houses, local contracts and documentation so that the profit can be maximized. This can be observed in case of Italian organized crime groups in New York and New Jersey as they are collaborating with the Russian crime groups to supply women in nightclubs and peep shows. Smugglers from Mexico are being sub-contracted by the Chinese groups to smuggle Chinese migrants over the US-Mexican border. Trafficking networks are using legitimate businesses such as bus transportation companies and employment agencies as covers for their activities (Zhang, 2010: 6). Diplomatic and security agencies have identified dance and modeling agencies in the US that serve as front for trafficking operations for the larger Russian crime syndicates. There is a chain of operations involving in number of individuals and various means of travel to transport migrants through a network of safe houses and transit points. Larger operations have developed elaborate networks. These networks often contain travel agencies and local smugglers active in border areas. Both in sources as well as transit countries human traffickers/smugglers have nexus with the government officials. The Government officials are facilitating these covert actions of the traffickers/smugglers. Transnational criminal organizations have corrupted officials in key positions in immigration officials at airports, consular workers, embassies abroad, law enforcement agencies and border security forces of source, transit and destination countries. Dishonest government officials accept bribes and facilitate in the arrangement of passports, visas, citizenship and safe transit across borders for the trafficked/smuggled persons. In other words, corruption provides the lubricant to the transnational criminal organizations. This enhances the effectiveness of
operations of the transnational criminal organizations and reduces the risk factor involved in the said crime (INTERPOL, 2010: NP).

Punjab is terrible victim of human trafficking and smuggling. The burning desire and compulsion of Punjabi youth to migrate to Western developed countries has made it an epicenter of human trafficking. The Indian Punjabis are also contributing to boom this illicit trade. They are contributing between 2.5 lakh rupees to 20 lakh rupees every year. Mostly this depends upon the status and currency of the greener pastures abroad (Dogra, 2007: 3). The United States and Canada have been observed as the two main destinations which are the first choice for the trafficked/smuggled persons. Europeans countries particularly Australia, England, Italy, Greece, Germany, Spain and Holland are the destinations of second choice for illicit migration. Punjabis are so crazy for foreign lands that now they keep all values and customs aside to reach greener pastures. The marriages between sisters and brothers or contact marriages are not surprising phenomenon in Punjab. After legalizing of gay marriage in European states now many trafficker/smugglers and youth are in search to marry gays and settle abroad.

Human trafficking and smuggling networks active in Punjab, having a trans-border nexus and connections with foreign embassies’ officials, are using diverse modus operandi including sports groups, religious groups, and tourist visas to traffic or smuggle the Punjabis to foreign lands. The Punjabis, known for expertise in agriculture and successful carrier in Indian army, are most vulnerable to the “inhuman trafficking”. The main reason for their vulnerability are decreased land holdings, unemployment, lack of industrialization of state, threat of drugs to kids, the show off wealth by their NRI relatives, increasing crime rates, violent politics, no safe future of kids while business opportunities are offered by the developed nations and above all the risk taking nature of the Punjabis, that make them to venture into trafficking or smuggling.

With the help of these human traffickers and smugglers, a large number of Punjabis have made successful and unsuccessful attempts to migrate to the many foreign countries, violating various national and international norms and exploiting the loopholes of the legal system of various countries. Almost seventy percent of the
Punjabi youth have migrated abroad through illegal means by the traffickers and smugglers (Baath, 2007:17). They select various destinations, pay huge amounts to traffickers and some succeed to reach their destinations. They face enormous human rights violations on the part of traffickers and smugglers, but ultimately, they get settled in these destinations.

The violation of human rights during journey and many times on reaching destination, at the hands of traffickers and smugglers remain highlights of media from time to time. Many Punjabi youth lost their lives while crossing hostile cold terrains of Russia and got buried under the snow and some were even killed by traffickers and smugglers, while saving themselves from security forces and law of the concerned transit country (Cheema, 2010: 53). The routes to the destination countries are circuitous and usually from Delhi to Dubai to Ecuador, Guatemala and then further to Mexico in case destination is United States. Some even travel via Russia and are forced to cross the dangerous forests of Guatemala on foot. Sometimes they are ferried through trucks to Honduras and Guatemala from Nicaragua and forced to live in dingy rooms for months in undisclosed locations. They are concealed in containers having little air and food, for shipping them into North America (Singh and Singh, 2014: 1). Almost three decades have passed; the lives of many youth of Punjab have been ruined by unscrupulous travel agents by killing large number of them during hazardous journeys or languishing in jails of various countries. The tragic Malta Boat Tragedy also gave maximum sorrows to Punjabi mothers as more than half, almost 170, victims of the tragedy were Punjabi youth hailing from rural areas. Recently, landing of Punjabi youth in the terrorist camp in Iraq on the pretext of giving them high salary job is hot issue in media. There are reports of 1500 Punjabi youths languishing in inhuman conditions in the prisons of Kiev and Ukraine alone and almost same number of youth have been missing or killed in other countries after being duped by the handlers in the foreign countries during the process of illegal migration(Gupta, 2012: 154). The traffickers/smugglers entrap people in such a way that they are left with no alternative except to surrender to them. They are allured by offers of good jobs, free accommodations and fake contracts are signed in India but the scene gets changed when they reach transit point or destination. They are given dirty jobs, paid much
less than promised and terms of the actual contact are extremely exploitative and are defacto bonded labourers (Bakshi, 2014: 4). Despite of all such tragic happenings, the state of Punjab have not come up with any strict law to curb this exploitation, though there are acts like The Immoral Traffic (Prevention) Act, 1956, Article 420 of Indian Penal Code, Emigration Act of 1983, Emigration Rules of 2009 and Ministry of Indian Overseas Affairs at central level, which are meant to keep check on human trafficking and smuggling of Indians. However, these acts have not proved effective to check this menace. The Punjab, most vulnerable to this transnational organized crime took initiative only after the pressure of an NGO named Malta Boat Tragedy Probe Mission and a political party named Lok Bhalai Party. The Chief Minister of Punjab, Parkash Singh Badal announced on 25th April, 2007 the appointment of the Additional Director General of Police (ADGP), to expeditiously deal with such cases and ensuring that unscrupulous travel agents were severely dealt with (Services, 2007:1). In 2008 after dilly-dallying for almost two years, Punjab Legislative Assembly passed an act on 1st October 2010 under the title “Punjab Prevention of Human Smuggling Act 2012”. This Act was notified in January 2013 and thus, the implementation of this act has yet to be tested. But apart from it no visible efforts seems to have been take by the Indian government in general and state government of Punjab in particular to hold its population within its territory by providing them other avenues which can generate equally glamorous income.

**Review of Literature**

The literature available on the problem under study has been reviewed as following:-

The United Nations Office on Drug and Crime (2008) in its study on human trafficking observes the emergence of human trafficking as a “global crime”. It argues that human beings are becoming target of this crime because it is a “low risk high reward crime.” In numerous countries victims are treated as criminals. Deceitful trans-border criminal organizations of human traffickers feat the poverty, hopes and incorruptibility of the people and thus, victims become desensitized and incarcerated. They breath in terror and become preys of ferocity. Therefore the study reveals the number of challenges such as ignorance, absence of legal framework
along with the lack of policy and capacity of the state to respond, protection of and assistance to victims and poor international cooperation are hindrance in the way of the eradication of human trafficking. The United Nations Office in this background not only identify the challenges that lie ahead the global community to curb the menace but also explain what has been achieved by the United Nations Office on Drug and Crime together with other international organizations. The United Nations Office while describing how traffickers operate and victimize the people suggest that necessary legal and technical assistance should be ensured by national and international communities as an effective counter measure so that the crime can be controlled and crushed.

Joyce Hart (2009) in his work discusses the causes, and effects of global trafficking in human beings along with the people who are working to stop and control the menace. Hart opines that the term “human trafficking” refers to modern form of slavery. Giving the instance of the African slavery in the past centuries, author argues that numerous people all over the world are being held captive and are also beaten by the transnational organized syndicates to force them to work against their will and to exploit them. People are also sold into slavery and kidnapped and tricked into becoming slaves. Author have noted that victims of human trafficking are given false promises of money, new jobs, education and better lives, the promises which are broken largely. Hence, the victims are trapped and some of which are even locked behind doors and chained up. Victims are also directed to continue to work to own money for their captors, bonded labour, involuntary servitude and prostitution, as Hart reveals, are the prime categories of human trafficking which required to be discouraged and eliminated on the part of state as well as societies at global level. Hence, the present study is useful to understand the conceptual paradigms of human trafficking.

Raimo Vayrynen (2003) makes a distinction between unlawful migration, human smuggling and trafficking. He argues that different categories of illegal movement of human beings across the international borders have different legal, economic and political consequences. According to Vayrynen, poverty and warfare are contributing to the rising tide of migration. Involvement of criminal groups in migration automatically results into human rights violations of the people. The study
conducted by Vayrynen helps to understand the conceptual paradigms of human trafficking and smuggling.

Maggy Lee’s (2007) edited volume provides a critical analysis of trafficking in human beings. The volume addresses the keys issues of human trade in the broader context of global organized crime and also the “internationalization” of crime control. Lee adopts a wider discursive approach and use historical, comparative and empirical method to substantiate the arguments related to human trafficking and smuggling. The present volumes develops theoretical insight into globalization, exclusion and governance while making comparisons of specific regional case studies of Asia and Eastern Europe and also analyse how trafficking and smuggling is governed and controlled by the concerned entities/authorities.

Kevin Bales (1999) being a leading authority on the subject of human trafficking defines slavery as the total control of one person for the purpose of economic exploitation. The control facilitated by violence and the foreclosure of personal violence. Bales connects the menace with the world economy and argues that human traffickers are the new share holders in the world economy who frequently insulate themselves against the legal prosecution by maintaining the fraudulent work contracts. The author while making an emotional and heart felt journey to several places such as Mali, Brazil, Burma, Thailand, India and Pakistan makes a convincing argument that the new forms of slavery such as houses slaves, Child prostitutes, charcoal workers, brick kiln operators, bonded farmers and prisoners of war are directly related to trends in global economy. Hence Bales book is helpful in understanding the diverse forms of slavery which are closely connected with the intra-national and trans-national organized crime of human trafficking and smuggling.

Kathyram Cullem Dupant (2009) while defining and outlining the problem of human trafficking and smuggling both globally and domestically argues that despite the prohibition by the United Nations it is continuing uninterruptedly. The author describe the sufferings caused by the said crime along with the social, economic, cultural and other conditions which make trafficking/smuggling within national and international borders and between “origins, transit and destination”
countries possible. Dupant discusses the efforts of the United Nations, national government and non-governmental organizations to prevent the human trafficking and also the efforts that are made to giving direct relief and assistance to the victims of human trafficking. The author also examines that how human traffickers operate in the US, the Netherlands, Nigeria and India and lists the pattern and categories of exploitation and that why these countries have not succeeded to halt the human trafficking. Besides that what type of preventive measures has been adopted by the governmental as well as non-governmental organizations to eliminate the human trafficking?

Vikram Jit Singh (2007) in his study of Punjabi migration to Western countries focuses on caste angle of the problem. He argues that although migration of Punjabis across the border is a cross-caste phenomenon, it has been fuelled by the deep rooted social, economic and caste inequalities. According to Singh, in Doaba region of Punjab, dalits have raised their economic status by making the use of path of illegal migration. They have seen it as an escape route from oppressive caste regime and agrarian system. Author argues that dalits are the real gainers out of this illicit business as helps to breakdown the caste barriers.

Jarnail Singh Sekha (2002) discusses the problems which are faced by the Punjabis after being trafficked or smuggled to the desired destinations. They face the problem of language, and social, economic and racial discrimination and above all a crisis to secure a residence and work for themselves. They are forced to work below their dignity and sell their soul and integrity to settle in that country. They live in worse conditions. In his study Sekha argues that taking the lessons from past incidents and keeping in view the worst conditions Punjabis should avoid migrating to western countries especially with help of human trafficking and smuggling networks. Focusing on Punjabis migration to the United Kingdom, Jarnail Singh Sekha (2003) in his other study analyzes the modus operandi used by the human traffickers. He points out that human traffickers harass the people to the extreme point, take the whole money from them and also keep their passports with them to control the trafficked people. Traffickers or smugglers use risky routes for trafficking while lives of trafficked people in danger. Sekha in this study suggests the Punjabis to avoid the travel agents who are involved in the said illicit business.
Parmvir Singh Bath (2007) discusses the circumstances which force the Punjabis to be the victims of human trafficking and smuggling. He argues that it is the hostile social, economic and political conditions in Punjab that are compelling the people to go abroad. The attraction of green pastures has taken the lives of numerous people. Bath highlights that most interesting aspect of this illicit business in Punjab is that somehow this is flourishing with the consent of the people. Therefore, study is helpful to understand the role of Punjabi psyche and culture in the promotion of human trafficking and smuggling.

Suneel Kumar (2009) in his article focusing on Punjab provides a detailed account of human trafficking. In his analytical study, he terms human trafficking “a criminal act”, which have global implications. He argues that strong zeal among Punjabis to migrate to the rich foreign countries by “hook or by crock” have given an opportunity to the human traffickers to make them easy target of their exploitation. Human traffickers, those active in Punjab, having trans-border connections have “ill-treated, cheated and bamboozled” their respective clients and have often put their lives in danger. Moreover, author also emphasis that victims of trafficker’s mala intentions and imperious designs have sometimes prosecuted by the transit and/or destination counties by categorizing them as criminals rather than as the victims. Kumar also traces the background of people involved in human trafficking and diverse modus operandi which is used by them in the recruitment and transportation of their clients/victims. In the study author, also make a critical analysis of pros and cons of human trafficking on, and/among Punjabis. Candidates those who have succeeded to reach and settle on their desired destinations, as author observes, have sent huge money back to their families at native places due to which they are leading luxurious life. Nevertheless, as Kumar highlights, unsuccessful attempts by the candidates through human traffickers has subsequently resulted into “deportation, exploitation, indebtedness, imprisonment”. Moreover, this has also resulted into the death of the trafficked persons. The study also includes the discussion on different preventive measures that have been adopted by the “foreign countries”. Thus, Kumar’s study helps to understand the diverse dimensions of human trafficking in Punjab from a broader perspective. However, the said study
does not differentiate trafficking of persons from smuggling in case of the Indian Punjab.

Sheldon Zhang (2007) in his book discusses the methods of smuggling people into United States. He gives fairly a good idea about the misuse of legal travel documents by migration cartels. He highlights the various factors responsible for the craze of entering into United States and the various operations conducted by the security agencies to curb the menace of illegal migration including the operation in which Snakehead Queen Sister Ping was caught. His work reveals the links between human smuggling and terrorist threats as the terrorist organizations are always in search of using smuggling cartels to enter into a country like United States with men and material. Finally he discusses the various routes used by smuggling cartels all over the globe and suggests some remedial measures.

Gyan Singh (2014) in his article highlights the impacts of migration on Punjab and argues that migration of Punjabis to foreign countries is overall a losing proposition. In the beginning of migration wave, the Punjab use to get lot of remittance as those people always wish to settle or uplift their status in native land but with the migration of young educated professionals this trend has also came to halt as they are no more interested in returning back. The state is severe victim of ‘brain drain’ and ‘capital drain’. The glamour of NRIs is encouraging the youth of Punjab to reach foreign shores by hook or crook which is proving very fatal for them. The craze of foreign shores is also deteriorating the moral values of the Punjabis as the mismatched marriages with the foreign grooms is often heard off in state and later on divorce between such couples after getting their aim of settling their family abroad is fulfilled. He further suggests that youth migrating abroad should sign a job that if don’t serve his state and return back than he will have to pay the amount spent by state on his education.

Afrik Singh Lubana (2009) argues that the travel agents contributing immensely the economic growth of the state and of the individuals. The state earns in the form of remittances sent by their clients and upliftment in the living standard of the foreign returned are clearly visible but even then the travel agents are looked with suspicions. He criticizes the judicial process of India and proves ‘Bhola’, the
main kingpin in Malta boat tragedy as innocent. He is very sympathetic towards all
the convicts in the Malta case and had given a detailed account of the role of ‘Bhola’
and his shipping firm and the victims of the tragedy.

Radhika Chopra (2011) in her book “Militant and Migrant” highlights the
role of militancy in the migration process. She reveals the various social
compromises made by the well off families of then Punjab with the NRI boys/girls
to marry off their children with them. She further reveals that some families in
patriarchal society of Punjab also use to spend more on education of their girl child
so that they could marry them NRI boys and then reach their with whole family. In
addition to it, the zeal of Punjabis to keep their ancestral property intact is
responsible for migration as the property can be kept intact only if other heirs of the
property get settled abroad leaving only one here. Her study gives detail account of
illegal turn to migration process and the hardships meted out by them during journey
and on reaching destination like United Kingdom.

Research Questions

The problem analyzed in the study is a global phenomenon. It has been recognized
by the numerous governmental and non-governmental organizations and agencies
around the globe. Irrespective of this, academicians and researchers have given little
attention to this menace. Though, the question of illegal migration including human
trafficking and smuggling, of Punjabis along with other nationalities has been able to
get the attention of journalists, other media persons, and of a few politicians,
however, a serious attempt has not been made on the part of scholars to study the
problem highlighted under the proposed research work. It demands a deep, detailed
and critical analysis of phenomenon of trafficking in human beings. Hence, the
objective of the present study would be to seek the answers to the following related
and questions:-

1. Since transnational organized crime – human trafficking and human
smuggling – are complicated terms, it is necessary to define the terms such
as transnational “organized crime”, “human trafficking” and “human
smuggling” and how these are different from each other and related to each
other?
2. As trafficking and smuggling in human beings is one of the hottest issues at national and international level and is dominating the media and decision making process of the countries, it requires to explore what are the social, economic, political, cultural and other factors which have encouraged them to follow such illicit methods to migrate?

3. Human beings are direct victims of such illegitimate global industry, which leads to human rights’ abuses at large scale. Hence, it is necessary to analyse what type of treatment is meted out by the trans-national syndicates, in the beginning of their illegal journey and after that, to their Punjabi clients?

4. The traffickers/smugglers are trafficking and smuggling human beings to various destination using diverse methods. Apart from this, governments of recipient countries are well aware of the same. Hence, it is important to find out what steps have been taken by the state to prevent or control such activities?

5. Since the travel agents are indulged in human trafficking and smuggling, there is need to investigate what steps the state has taken to check these groups?

**Hypotheses**

The study is aimed at to test the following hypotheses:

1. That the question of migration of Punjabis has both legal and illegal dimensions. Encouraged and forced by various social, economic, political and cultural factors, Punjabis are using both illegal and illegal methods to go abroad giving chance to flourished illicit trade of human smuggling as well as trafficking.

2. While using illicit methods to migrate for green pastures Punjabis either themselves contract the trafficking/smuggling network or they are contracted by the network while offering their facilitation services for migrating abroad. They are recruited by the members of transnational human trafficking and
smuggling networks by making false promises of better jobs and better life in the destination.

3. Since element of consent is involved, the trafficking of Punjabis to developed countries, begins in the form of smuggling and ends in the form of trafficking as they face various human rights abuses and exploitation on the part of the trafficking and smuggling networks during the journey between the country of origin, transit as well as destination countries.

4. People of agrarian Jatt Sikh background inhabited in the rural areas are the one most vulnerable to the said transnational crime. Cultural background of the community particular social, economic and political is making them a soft target of traffickers/smugglers.

5. Even though certain laws are there under which action can be taken against travel agent for defrauding the innocent youth yet it is bureaucratic, political–agent nexus has made it ineffective and the exploitation continues unabated.

The study is divided into six chapters for answering the above raised research questions. The first chapter of the study is introduction to the problem under study. This chapter includes the introduction of the problem, review of the existing literature, research questions, chapter scheme, research methodology, and relevance and limitations of the study. This chapter is followed by second chapter entitled “Theoretical Postulations” which analyzes certain fundamental questions as what is transnational organized crime, its relation with human trafficking and human smuggling. What are various forms of human trafficking? Third chapter “Political Economy of Human Trafficking and Human Smuggling in Punjab” elaborates the nature, structure and other internal and external dimensions of trafficking and smuggling of human beings and political, economic factors responsible of trafficking and smuggling of Punjabis. In the fourth Chapter, “Sociology of Human Trafficking and human Smuggling in Punjab”, efforts has been made to explores that what is the magnitude of this problem in Punjab, what is the level of exploitation of Punjabis, violation of human rights during journey and on reaching destination and socio economic impacts on Punjabis after being
unsuccessful and modus operandi of traffickers/smugglers to allure the youth and trafficking/smuggling them to various countries and their transnational networks. Fifth chapter, “Preventive Mechanism At Home and Abroad” focuses on that what types of deterrent mechanism has been evolved to curb the menace by the Indian state, Government of Punjab and along with destination country United States of America. And why and how the traffickers have succeeded in dodging or circumventing these efforts? The loopholes in the laws and in the security of the source and recipient state, encouraging trafficking and smuggling, will also be analyzed.

This chapter concludes the findings of the study. Some suggestions have also been made to resolve the problem.

Research Methodology

The study is of empirical in nature. A questionnaire was prepared to collect the first hand information of the experience of victims of human trafficking and smuggling during their journey for various countries. The questionnaire was divided into three parts. First part was focused on gathering information about his personal profile followed by his travel experience and final part about how he/she reconstructed his/her life after getting failed in the attempt. It includes unsuccessful cases. For the interview, snow ball method is used. Although the questionnaire was prepared in English but they were interviewed in Punjabi because of their poor understanding of the English language. The sample comprise of 450 respondents from three regions of Punjab. Besides, discussions with the academicians and those engaged in dealing with prevention and processing of illegal migrants was also of immense help. Besides, data available in an assortment of local, national and international newspapers, magazines, journals, pamphlets, books and official documents is also brought in use to understand and explore the diverse aspects of the problem.

Relevance of the Study

The study is of great help to understand the diverse aspects of illegal migration including human trafficking and smuggling of Punjabis at global level. One may able to find out the various reasons which are encouraging this illegal
business among the Punjabis. It also make easy to understand the execution of
different methods in human trafficking/smuggling by the criminals network and
their effects on the concerned people and may help the law enforcers in the country
of origin (Punjab - India), transit and destination to apprehend, prevent and punish
the facilitators involved in this trade. The violation of human rights of the people of
Punjab and the political, economic and social factors responsible for illegal
migration, highlighted in the study will help the government to check the brain drain
and form exemplary policies to curb the menace.

Notes

1. The term “snakehead” refers to the underground Chinese mafias. These
Chinese mafias recruit and transport the Chinese migrants illegally into
countries like the United States and other Western countries. “The term
originated as the lines of emigrants sneaking under borders is said to look
like a snake. Operating in an extensive transnational black market,
snakeheads reap huge profits from their smuggling and trafficking
operations.” Snakeheads project themselves as a “resourceful guides” and
not consider themselves as criminals. “Snakehead operations have expanded
enormously into other countries. Nevertheless, majority of the customers
originates from the Fujian province of China.” For details see, Patrick
Radden Keefe, *The Snakehead: An Epic Tale of the Chinatown Underworld

2. Coyotes are the Mexican smugglers. These smugglers facilitate the illegal
migration of people across the US border. These are “well-organized”
syndicates. They have established the smuggling and trafficking as a major
industry in Mexico. Moreover, they use advance technology to make their
operations more sophisticated.

3. The term “Yakuzas” refers to the Japanese criminal organization actively
involved in illegal migration for the purpose of prostitution and financially
very sound structure. Initially they owe tremendous respect among Japanese
masses for their helping attitude towards down trodden people although
being illegal in the eyes of government.
References


