

PART - I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS,
PUNJAB

NOTIFICATION

The 4th January, 2013

No. 2-Leg./2013.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 4th January, 2013, is hereby published for general information :-

THE PUNJAB PREVENTION OF HUMAN SMUGGLING ACT, 2012

(Punjab Act No. 2 of 2013)

AN

ACT

to provide for the regulation of the profession of travel agents with a view to check and curb their illegal and fraudulent activities, and malpractices of the persons involved in the organized human smuggling in the State of Punjab and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-third Year of the Republic of India as follows :-

1. (1) This Act may be called the Punjab Prevention of Human Smuggling Act, 2012.

Short title and commencement.

(2) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless context otherwise requires,—

(a) "cheating" shall have the same meaning as assigned to it in section 415 and includes cheating by personation as specified in section 416 of the Indian Penal Code, 1860 (Central Act 45 of 1860);

(b) "competent authority" means an officer appointed by the State Government, by notification, to be the competent authority for the purpose of this Act ;

(c) "dependent" means any person, who is related to an emigrant

and is also dependent on that emigrant ;

- (d) "device" means any machinery or instrument that may be used or intended to be used for the purpose of forging or counterfeiting any document, passport, visa, entry permit or travel ticket ;
- (e) "document" means any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of these means, intended to be used or which may be used, as evidence of that matter;
- (f) "emigrant" means any citizen of India, who intends to emigrate or emigrates or has emigrated, but does not include,-
- (i) a dependent of an emigrant, whether such dependent accompanies that emigrant, or departs subsequently for the purpose of joining that emigrant in the country to which that emigrant has lawfully emigrated; and
- (ii) any person, who has resided outside India for a minimum period of three years after attaining the age of eighteen years or his spouse or child;
- (g) "human smuggling" shall mean and include illegally exporting, sending or transporting persons out of India or any type of facilitation thereto by receiving money from them or their parents, relatives or any other person interested in their welfare, by inducing, alluring or deceiving or cheating;
- (h) "illegally acquired property" means any property whether movable or immovable, acquired by illegal means by a travel agent in contravention of the provisions of this Act;
- (i) "license" means a license issued by the competent authority under sub-section (2) of section 4 of this Act;
- (j) "Licensee" means a person to whom a license is granted under this Act;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "State Government" means the Government of the State of Punjab in the Department of Home Affairs and Justice; and

