

**PRE DEPARTURE INFORMATION MANUAL**

**FOR WORKERS ON**

**TEMPORARY CONTRACTUAL EMPLOYMENT**

**TO**

**THE ISLAMIC REPUBLIC OF AFGHANISTAN**

## **Part - I**

### **GENERAL INFORMATION FOR OVERSEAS MIGRANTS**

#### **Definition**

Emigration, in this context, means the departure of any person from India with a view to taking up any employment (whether or not under an agreement or other arrangements to take up such employment, with or without the assistance of a registered Recruiting Agent or employer) in any country or place outside India.

#### **The Present Situation**

Every year many Indian citizens emigrate in search of jobs. The effect of economic liberalization in India is visible on labour migration too. One of the striking features of labour migration from India is that more than 90 per cent of the total outflow is to the Middle East.

#### **The Emigration Act**

The Emigration Act, 1983, seeks to safeguard the interests and ensure the welfare of emigrants. Only the recruiting agents registered with the Ministry of Overseas Indian Affairs are eligible as per the Act to conduct the business of recruitment for overseas employment and they are required to obtain proper Registration Certificate (RC) from the Protector General of Emigrants.

The Ministry of Overseas Indian Affairs administers the Emigration Act through the eight offices of the Protector of Emigrants (POEs). The offices are located at Delhi, Mumbai, Kolkata, Chennai, Chandigarh, Cochin, Hyderabad and Thiruvananthapuram.

#### **Service Charge**

No recruiting agent shall collect from the worker service charges more than the equivalent of his wages for forty-five days as offered under the employment contract, subject to a maximum of Rs. 20,000, in respect of the services provided and shall issue a receipt to that worker for the amount collected in this regard.

### **Emigration Check Required (ECR) Category**

Categories of persons, whose passports have been endorsed as 'Emigration Check Required' (ECR), if intending to travel to an ECR country (listed below) for employment purposes, are required to obtain emigration clearance from the Protector of Emigrants (POEs) either directly or through the recruitment agents or through the employer concerned.

### **Emigration Check Not Required (ECNR) Category**

Section 22 of the Emigration Act, 1983 provides that no citizen of India shall migrate unless he obtains authorization from the concerned POE in the prescribed manner and form. However, with a view to facilitating the movement of the workers, 13 categories of persons (listed later in this chapter) have been exempted from this requirement and have been placed under 'Emigration Check Not Required' (ECNR) category. Such persons are not required to obtain any emigration clearance from the offices of POEs before seeking employment abroad.

### **Countries with ECR/ECNR status**

There are a total of 175 countries (called as ECNR countries) for which emigration clearance is not required, whereas 17 countries are listed as "Emigration Check Required" countries. These ECR countries are listed below:

### **List of Countries for which Emigration Clearance is Required (ECR)**

1	Afghanistan	2	Bahrain	3	Indonesia
4	Iraq	5	Jordan	6	Kuwait
7	Lebanon	8	Libya	9	Malaysia
10	Oman	11	Qatar	12	Saudi Arabia
13	Sudan	14	Syria	15	Thailand
16	United Arab Emirates	17	Yemen		

### **List of persons/categories of workers in whose case Emigration Check is Not Required (ECNR) :**

1. All holders of Diplomatic/Official Passports
2. All Gazetted Government Servants
3. All income-tax payers (including agricultural income tax payers) in their individual capacity

4. All professional degree holders, such as Doctors holding MBBS degrees or Degrees in Ayurveda or Homeopathy, Accredited journalists, Engineers, Chartered Accountants, Lecturers, Teachers, Scientists, Advocates, etc.
5. Spouses and dependent children of category of persons listed from (1) to (4)
6. Persons holding class 10 qualification or higher degrees.
7. Seamen who are in possession of CDC or Sea Cadets, Desk Cadets (i) who have passed final examination of three year B.Sc. Nautical Sciences Courses at T S Chanakya, Mumbai; and (ii) who have undergone three months pre-sea training at any of the government approved Training Institutes such as T S Chanakya, T S Rehman, T S Jawahar, MTI (SCI) and NIPM, Chennai after production of identity cards issued by the Shipping Master, Mumbai/Kolkata/Chennai.
8. Persons holding permanent immigration visas, such as the visas of UK, USA and Australia.
9. Persons possessing two years' diploma from any institute recognized by the National Council for Vocational Training (NCVT) or State Council of Vocational Training (SCVT) or persons holding three years' diploma/equivalent degree from institutions like polytechnics recognised by Central/State Governments.
10. Nurses possessing qualifications recognized under the Indian Nursing council Act, 1947.
11. All persons above the age of 50 years.
12. All persons who have been staying abroad for more than three years (the period of three years could be either in one stretch or broken) and spouses.
13. Children below 18 years of age.

### **Guidelines for Emigration Clearance**

The procedure for emigration clearance has been simplified. Emigration clearance to individuals/groups is granted on the same day on which the application is made at any of the offices of the Protector of Emigrants (POE)

### **Procedure for Emigration Clearance**

- 1) Emigration clearance will be made on the passport when the individual approaches either directly or through a registered Recruiting Agent or through the employer concerned.

- 2) In cases in which the profession indicated in visa does not tally with the profession indicated in the passport, an affidavit may be obtained from the Recruiting Agent/Employer concerned.
- 3) No clearance may be given for Iraq unless specifically authorized by the Indian Embassy in Iraq.
- 4) No emigration clearance shall be granted for recruiting Indian nationals for any Foreign Employer placed in 'Prior Approval Category ' (PAC).

### **Applying for Emigration Clearance**

The application for emigration clearance should be made in the prescribed form with prescribed particulars by the applicant directly or through a Recruiting Agent or through the employer concerned to the POE.

### **Documents required for Semi-Skilled Workers**

Semi-skilled individuals who seek emigration clearance directly from the Protectors of Emigrants (and not through Recruiting Agents) are required to produce the following documents in original for scrutiny and return:

- 1) Passport valid for a minimum period of six months with valid visa.
- 2) Employment contract from foreign employer duly attested by the Indian Mission.
- 3) Challan towards deposit of prescribed fee.
- 4) Valid Pravasi Bhartiya Bima Policy

### **Documents required for Unskilled Workers**

Unskilled workers and women (not below 30 years of age) seeking employment abroad as housemaids/domestic workers shall continue to furnish (in original) the following documents at the time of obtaining emigration clearance:

- 1) Passport valid for a minimum period of six months with valid visa.
- 2) Work agreement from the foreign employer duly attested by the Indian Mission and signed by employer and employee or Permission letter from the concerned Indian Mission/Post.
- 3) Challan towards deposit of prescribed fee.
- 4) Valid Pravasi Bhartiya Bima Policy.
- 5) Approval of the Ministry of Overseas Indian Affairs, if the female worker is below 30 years of age.

## **Documents required for Emigration Clearance (Through Project Exporter)**

1. Valid Passport (Valid for at least 6 months)
2. Valid visa in English language.
3. Permit issued by Ministry of Overseas Indian Affairs, with effective date of validity.
4. Valid Pravasi Bhartiya Bima Policy.
5. Valid Bank Guarantee

The Protector of Emigrants (POE) shall, after satisfying himself about the accuracy of the particulars mentioned in the application and in the other documents submitted along with the application, grant emigration clearance in the prescribed manner and form. In case there is any deficiency, the POE shall intimate the same by order in writing to the applicant or, as the case may be, the Recruiting Agent or employer, through whom the applications have been made about the deficiencies and require him to make good such deficiencies within such time as may be specified in the order or reject the application.

## **Details of the Pravasi Bhartiya Bima Yojana (PBBY)**

- The Pravasi Bhartiya Bima Yojana (PBBY) was started in 2003. The PBBY was upgraded as the Pravasi Bhartiya Bima Yojana, 2006 to provide broader coverage to the emigrant workers.
- The scheme has been further modified in 2008. The emigrant workers get a minimum insurance cover of Rs. 10 lakhs (instead of Rs. 5 lakhs) and the policy will be for the period of employment contract, i.e. either 2 years or 3 years as the case may be. The reduced premium along with other benefits have been made effective from 01-04-2008.
- A comparative statement of PBBY 2006 and PBBY 2008 is as under:

<b>Item</b>	<b>PBBY 2006</b>	<b>PBBY 2008</b>
Minimum sum for which insured under PBBY	Rs. 5.00 lakhs	Rs. 10.00 lakhs
Hospitalization (Medical Expenses) covering injuries/sickness/ailment diseases	Rs. 50,000/-	Rs. 75,000/-
Repatriation cover for medically unfit	Actual one-way economy class air fare	Actual one-way economy class air fare
Family Hospitalization in	Rs. 25,000/-	Rs. 50,000/-

India		
Maternity	Rs. 20,000/-	Rs. 25,000/-
Attendant	Actual one-way economy class air fare	Actual one-way economy class air fare
Legal Expenses	Rs. 25,000/-	Rs. 30,000/-
Actual Premium to be charged (without any hidden costs)	Rs. 475/- for the contract period	Rs. 275/- for 2 years policy period. Rs. 375/- for 3 years policy period

This policy is available from undernoted insurance companies:-

1. Oriental Insurance Company Ltd.
2. United Insurance Company Ltd.
3. National Insurance Company Ltd.
4. ICICI Lombard.
5. Star Health & Allied Insurance Co. Ltd
6. IFFCO Tokyo
7. Bajaj Allianz General Insurance Co. Ltd.
8. Reliance General Insurance Co. Ltd.

### **Claim Procedure**

Insured worker is supposed to have the copy of PBBY insurance policy with him. Name of the nominee is mentioned on the policy, to be contacted in eventuality of death of insured.

In the event of claim, insured worker/claimant has to lodge a claim under the policy, with the respective insurance company's office wherefrom the policy was issued, if not specifically provided by the insurance company otherwise. While doing so, claimant has to indicate the policy number and details of accident. In the event of death, the nominee has to lodge the claim.

After intimation of reported claim, insurance company intimates the insured/claimant the details of documents required to settle the claim. After processing such requisite documents, claim amount is paid to the insured worker/claimant, as the case may be.

### **Do's and Don'ts**

In the Islamic Republic of Afghanistan, laws demand that you must not move about in public without your passport and identity card issued to all expatriates soon after they settle down on their jobs. The emigrant workers must get their

service agreements prepared in both English and Dari. They should not part with their passports and copies of the service contracts.

Non-payment or delayed payment of wages could be reported to Indian Missions, for redressal of grievances.

### **Security scenario**

Indian nationals are being briefed regularly about the security scenario and precautions that need to be taken during their stay in Afghanistan. Since the security situation in Afghanistan still continues to be fragile, all Indians are advised to live in safe places and be cautious in their movements by changing their time schedule and also be pragmatic in choosing the routes to the respective destinations. It is also advisable not to move frequently and freely in crowded places like malls, restaurants, markets and hotels. If necessary, always move in smaller groups instead of individually, to thwart any type of kidnapping and abduction attempt. Keeping a safe distance from security convoys and typical government or security-related establishments, check-points and barriers is also reiterated, as they continue to be a target of Anti Government Elements (AGEs). Awareness of the prevailing security scenario via local visual/print media as well as through interaction with fellow colleagues is also suggested.

### **Registration with the Embassy of India**

Indian nationals arriving fresh in the country are encouraged to register with the Embassy so that they are also advised about the precautions to be taken about their personal security. The Registration Form is available with the Public Affairs Wing in the Embassy of India, Malalai Wat, Shar-e-Naw, Kabul. It is also available on the website of Embassy of India, Kabul i.e. [www.http//meakabul.nic.in](http://meakabul.nic.in).

### **Emigrants coming on 'Tourist visa' for seeking jobs**

Many Indian nationals are coming to Afghanistan in search of green pastures on tourist visas. Most of them are illiterate gullible labourers belonging to various parts of India. These Indians have been duped by the unscrupulous travel agents assuring them of arranging jobs, having paid in the range of Rs. 1.50 lakhs to 2 lakhs per person to agents. After coming to Afghanistan, they are sometimes kept in illegal confinement in shanty accommodations by the travel agents. In the last two years, the Embassy has repatriated many Indians back to India.

The Embassy has pursued the matter with the Indian Emigration authorities with the request to insist on production of a sponsorship letter from Afghanistan duly attested by the Indian Embassy along with return ticket for granting Emigration clearance. Similar request has been made to the Afghan Embassy in New Delhi which is under their consideration. A travel security advisory in this regard is available on [www.http//meakabul.nic.in](http://meakabul.nic.in).

### **Emigrants coming via Dubai not on Afghan Visa**

It has been observed that many emigrant Indians are coming to Afghanistan not on Afghan visa but via Dubai to military bases to work as labourers which is not legal according to the Emigration Act. Since these emigrants have been badly treated/exploited at the bases, hence it is always advisable that one should come on proper visa to Afghanistan through bonafide recruiting agents, as it is revealed that Indian expatriates have been exploited at these bases and wages are also not given according to the specified parameters.

### **Employment contract**

Indian workers are advised to obtain written contract signed by the sponsor/employer company and duly attested by the Embassy of India, Kabul before their arrival in the destination country.

### **Essential terms for a contract**

The contract should contain all important terms of employment as per Clause 15(2) of the Emigration Rules

- (i) Period of employment/place of employment;
- (ii) Wages and other conditions of service;
- (iii) Free food or food allowance provision;
- (iv) Free accommodation;
- (v) Provision in regard to disposal, or transportation to India, of dead body of the emigrant;
- (vi) Working hours, overtime allowance, other working conditions, leave and social security benefits as per local labour laws;
- (vii) Mode of settlement of disputes

## **Obtaining copy of the contract while in India**

As per instructions of the Government of India, recruitment agents are expected to provide a copy of the employment contract to each worker before his/her departure. To safeguard his/her own interest, an individual worker has to demand from the recruitment agent a copy of the duly signed contract before departure. Complaints may be lodged against defaulting agencies with the nearest Protector of Emigrants.

## **Important documents**

In addition to all the originals, copies of the following documents may be retained with the employee.

1. Employment contract
2. Passport
3. Visa and
4. Certificates of educational qualification

## **Guidelines for those Emigrating through Recruiting Agents**

- Be sure of your Recruiting Agent, ask him to show his Registration Certificate issued by the Protector General of Emigrants, Govt. of India. Do not deal with him unless he is registered and the registration is valid. In case of doubt, check with any of the offices of the Protectors of Emigrants (POEs) or the Protector General of Emigrants (PGE).
- Do not deal with sub-agents as they are not permitted under the Emigration Act, 1983 and Rules.
- Ask the Recruiting agent to show you the Demand Letter and Power of Attorney from the foreign employer.
- Also carefully go through the Employment Contract detailing the salary/wage levels and other service conditions.
- Do not pay the agent anything other than the service charge which should not be more than the equivalent of his wages for forty-five days as offered in the employment contract, subject to a maximum of Rs. 20,000.
- Make payments preferably by Demand Draft or Cheque and obtain a receipt.

Complaints of overcharging or cheating can be lodged with the concerned POE or with the Protector General of Emigrants (PGE)

### **Check before departure**

- Ensure your passport is valid at least for six months. A valid visa must be either stamped on or accompany your Passport. Always keep a photocopy of your passport and visa.
- You must possess a copy of the employment contract signed by you and your foreign employer duly attested by the registered recruiting agent.
- Insist on a copy of employment contract in English duly authenticated by the recruiting agent.
- Open a Savings Bank NRE account in one of the banks in India to enable you to send your remittances from abroad.
- Get familiar with the local labour laws, working and living conditions of the country of employment. Keep with you the complete address of the Indian Embassy.

### **In the country of your employment**

- Obtain a Resident Permit or Identity Card
- Do not part with your passport and copy of employment contract signed by you in India.
- Do not sign any other employment contract or any blank paper
- Do not strike work or resort to agitations. These are illegal under the labour laws of the Islamic Republic of Afghanistan. You could be arrested, imprisoned and also deported.
- Avoid all contacts that may result in AIDS - a dreaded disease.
- Keep in touch with the nearest Indian Mission and report any complaints about non-payment or delayed payment of wages or compensations or any other problem to the Indian Mission.

### **Customs formalities**

- Personal baggage - Customs checking is Very Strict. Kindly co-operate with the Customs staff at the International Airport.
- Ensure that you do not carry any narcotics or alcoholic drinks. Alcohol is strictly prohibited. Its consumption is a serious offence attracting severe punishment.
- Do not accept any unchecked parcel from anyone. If you have to take a parcel for someone, check thoroughly that it does not contain alcohol or narcotics. Otherwise, it may land you in serious difficulties on arrival in the country of employment.

### **Precautions**

- You must make and keep a photocopy of all the pages of your passport. Do not lose your passport or its photocopy.
- In case you misplace your passport, inform the nearest Indian Mission immediately giving them details, i.e. Passport number, date and place of issue, your name and date of your entry into the country of employment. You can give these details only if you keep a photocopy of your passport.
- Do not lose your copy of employment contract. Make photocopies and keep them with you always.
- You must have the full name, address, telephone/fax number of your foreign employer, before you leave India.
- If you have difficulty in locating your foreign employer, contact the nearest Indian Mission immediately.
- Do not accept temporary or permanent employment with any person or establishment other than the sponsoring company/establishment/person. Employment with persons other than your original sponsor is strictly prohibited and attracts severe punishment.
- Before the visa or employment contract expires, get them renewed. If you are returning to India for a short while during the tenure of your employment contract abroad, ensure that the validity period of visa does not expire before you return to the country of employment.
- Ensure also that your passport is valid. Get it revalidated from the concerned Indian Mission abroad or from the Regional Passport Office (RPO) in India, at least two months before its expiry.

### Important contacts

#### EMBASSY OF INDIA AND CONSULATES GENERAL IN AFGHANISTAN

	City	Address	Tel. /Fax No.	E-mail
1	<b>Kabul</b>	Embassy of India, Malalai Wat, Shar-e-Naw, Kabul	+93-020/ 2200181 Fax +93-020- 2203818	embassy@indembassy- kabul.com <a href="mailto:hoc.kabul@mea.gov.in">hoc.kabul@mea.gov.in</a> <a href="mailto:amb.kabul@mea.gov.in">amb.kabul@mea.gov.in</a>
2.	<b>Herat</b>	<b>Consulate General of India</b> Ameriat Cross Road, Near Ab Bakhsh Badmerghan, Herat	+93-040- 253637/ 251145	cg.herat@mea.gov.in cgiharat@yahoo.co.in hoc.herat@mea.gov.in
3.	<b>Jalalabad</b>	<b>Consulate General of India,</b> Ilaka No. 2, Habibabad Jalalabad	+93- 0793970123 / 0756003162	cg.jalalabad@mea.gov.in hoc.jalalabad@mea.gov.i n
4	<b>Kandahar</b>	<b>Consulate General of India,</b>	+93- 0753022512	cg.kandahar@mea.gov.in cgikandahar@yahoo.co.i

		Shahr-e-Nau, District 6 Kandahar-Herat Road Kandahar		n cons.kandahar@mea.gov .in
5	<b>Mazar-e-Sharif</b>	<b>Consulate General of India,</b> Darwaza-Balkh Mazar-e-Sharif	+93- 0702020268/ 69/71	cg. mesharif@mea.gov.in hoc.mesharif@mea.gov.i n

## MINISTRY OF OVERSEAS INDIAN AFFAIRS

Akbar Bhavan, Chanakyapuri, New Delhi-110021

1	Ministry of Overseas Indian Affairs Government of India	Tel No. 91-11-24197900 Fax No. 91-11-24197919	info@moia.nic.in
2	Shri Vayalar Ravi Minister Ministry of Overseas Indian Affairs	91-11-24676836/37/39 Fax (0)-91-11-24197985 Ph(R) 91-11-23792148/49 Fax (R)91-11-23792142	minister@moia.nic.in
3	Mr.Parvez Dewan Secretary Ministry of Overseas Indian Affairs	91-11-24674143/44 Fax: 91-11-24674140	secretary@moia.nic.in
4	Shri R.Buhril Protector General of Emigrants Ministry of Overseas Indian Affairs	Ph: 91-11-26874250 Fax: 91-11-24197984	pge@moia.nic.in

## List of Offices of Protector of Emigrants in India

1	New Delhi	Protector of Emigrants, Jaisalmer House, Canteen Block, Mansingh Road, New Delhi-110001	Ph. 011-23382472 Fax 011-23073908
2	Mumbai	Protector of Emigrants Building E, Khira Nagar, S V Road, Santa Cruz (West), Mumbai 400054	Ph. 022-26614393 Fax: 022-26614353
3	Thiruvananthapuram,	Protector of Emigrants Sugandh, 24/846(1), Thycaud, Thiruvananthapuram – 695014	Ph. 0471-2741790
4	Kochi	Protector of Emigrants 3 <sup>rd</sup> Floor, Putherikal Building, Market Road, Kochi 682035	Ph. 0484-2360187
5	Chennai	Protector of Emigrants, TNHB, Ashok Nagar Shopping Complex (Annexe), Ashok Nagar, Chennai 600083	Ph. 044-24891337

6	Chandigarh	Protector of Emigrants Kendriya Sadan, Fifth Block, Ground Floor, Sector 9A, Chandigarh-160017	Ph. 0172-2741790
7	Kolkata	Protector of Emigrants Room No. 18, A-Wing. 3 <sup>rd</sup> floor, M S O Building, D F Block Salt Lake, Kolkata 700084	Ph. 033-23343407
8	Hyderabad	Protector of Emigrants Gruhkalpa, Ground Floor Opposite to Gandhi Bhawan, Nampally, Hyderabad	Ph. 040-24652557

### Information available on the Website of MOIA

- Revised emigration requirements
- Recruiting agents having suspended RC
- Online emigration clearance system
- List of Registered recruiting agents with valid RC at [poeonline.gov.in](http://poeonline.gov.in)
- Internal watch-list of recruiting agents
- Recruiting agents having cancelled RC
- Foreign employers on PAC
- Project Exporters at [poeonline.gov.in](http://poeonline.gov.in)
- Emigration Act, 1983
- Emigration Rules, 1983
- Pravasi Bhartiya Bima Yojana
- Redressal of Public Grievances Information on Recruiting Agents and Black listed foreign employers
- Guidelines for recruiting agents/guidelines for prospective Emigrant workers.

## PART - II

# FACTS ABOUT THE ISLAMIC REPUBLIC OF AFGHANISTAN

### **Introduction**

The Islamic Republic of Afghanistan got independence on August 19, 1919 and its present constitution came into existence on January 4, 2004

Afghanistan is situated in Asia with Pakistan on southern and eastern side, China Tajikistan, Uzbekistan, Turkmenistan on northern and Iran on western side.

It has total area of 652.230 sq. kms. and an estimated population of 32 million (July 2009) with a density of 46/km<sup>2</sup>. The capital of Afghanistan is Kabul with major cities like Herat, Jalalabad, Kandahar and Mazar-e-Sharif.

### **Topography and climate**

Afghanistan is land locked having topography of mostly mountain and deserts. Its climate is dry with cold winters and hot summers.

### **Population**

The nationality of people of Afghanistan is Afghan. However, its ethnically and linguistically mixed population reflects its location astride historic trade and invasion routes leading from Central Asia into South and Southwest Asia. While population data is somewhat unreliable for Afghanistan, Pashtuns make up the largest ethnic group at 42% of the population, followed by Tajiks (27%), Hazaras (10%), Uzbeks (9%), Aimaq (3%), Turkmen (3%), Baluch (2%) and other small groups like Pashias, Brahui, Kizilbash and Nuristani.

The population of Hindus-Sikhs in Afghanistan has presently shrunk down about 5000.

### **Language**

Dari (Afghan Farsi) and Pashto are official languages. Dari is spoken by more than one-third of the population as a first language and serves as a *lingua franca* for most Afghans, though Pashto is spoken throughout the Pashtun areas of eastern and southern Afghanistan. Tajik and Turkic languages are spoken widely in the north. Smaller groups throughout the country also speak more than 70

other languages and numerous dialects. English and Urdu are also spoken by general people in urban areas.

## **Religion**

Afghanistan is an Islamic country. An estimated 80% of the population is Sunni, following the Hanafi school of jurisprudence; the remainder of the population and primarily the Hazara ethnic group is predominantly Shi'a. Islamic practices pervade all aspects of life. Sufi sects like Chishties, Qadaries and Naqshbandis originated from Afghanistan and later spread into India in the medieval period.

Afghan society is largely based on kinship groups on ethnic identities, which follow traditional customs and religious practices, though somewhat less so in urban areas. Afghan Sikhs and Hindus follow their original religious rites & rituals.

## **History**

Afghanistan, often called the crossroads of Central Asia, has had a turbulent history. In 328 BC, Alexander the Great entered the territory of present-day Afghanistan, then part of the Persian Empire. Invasions by the Scythians, White Huns, and Turks followed in succeeding centuries. In AD 642, Arabs invaded the entire region and introduced Islam. In 1747, Ahmad Shah Durrani, the founder of what is known today as Afghanistan, established his rule. During the 19<sup>th</sup> century, collision between the expanding British Empire in the subcontinental and Czarist Russia significantly influenced Afghanistan in what was termed 'The Great Game'. During the ensuing conflict, the war-weary British relinquished their control over Afghan foreign affairs by signing the Treaty of Rawalpindi in August 1919. In commemoration of this event, Afghans celebrate August 19 as their Independence Day.

King Amanullah (1919-29) moved to end his country's traditional isolation. Faced with overwhelming armed opposition, Amanullah was forced to abdicate in January 1929. Prince Nadir Khan, a cousin of Amanullah was declared King Nadir Shah. Four years later, however, he was assassinated in a revenge killing. Mohammad Zahir Shah, Nadir Khan's 19-year-old son, succeeded to the throne and reigned from 1933 to 1973. Zahir's cousin, Sardar Mohammad Daoud, who served as his Prime Minister from 1953 to 1963 seized power in a military coup on July 17, 1973. Zahir Shah fled the country, eventually finding refuge in Italy.

On April 27, 1978, the People's Democratic Party of Afghanistan (PDPA) initiated yet another bloody coup, which resulted in the overthrow and murder of Daoud and most of his family. Nur Muhammad Taraki, Secretary General of

PDPA became President of the Revolutionary Council and Prime Minister of newly established Democratic Republic of Afghanistan. In September 1979, Hafizullah Amin, who had earlier been Prime Minister and Minister of Defence, seized power from Taraki. Over the next 2 months, instability plagued Amin's regime as he moved against perceived enemies in the PDPA. By December, party morale was crumbling, and the insurgency was growing.

In December 1978, Moscow signed a new bilateral treaty of friendship and cooperation with Afghanistan, and the Soviet military assistance program increased significantly. The regime's survival increasingly was dependent upon Soviet assistance as the insurgency spread and the Afghan army began to collapse.

Faced with a deteriorating security situation, on December 24, 1979, large numbers of Soviet airborne forces began to land in Kabul. They killed Hafizullah Amin and installed Babrak Karmal, exiled leader of the Parcham faction, as Prime Minister.

Following the invasion, the Karmal regime, although backed by 120,000 Soviet troops, was unable to establish authority outside Kabul. An overwhelming majority of Afghans opposed the Communist regime, either actively or passively. Afghan *Mujahideen* made it almost impossible for the regime to maintain a system of local government outside major urban centres. Popular displeasure with the Soviet presence and the Karmal regime led to its demise in May 1986, Karmal was replaced by Muhammad Najibullah.

By the mid-1980s, the tenacious Afghan resistance movement was exacting a high price from the Soviets. In 1988 the Geneva accords were signed, which included a timetable that ensured full Soviet withdrawal from Afghanistan by February 15, 1989. About 14,500 Soviet and an estimated one million Afghan lives were lost between 1979 and the Soviet withdrawal in 1989. Significantly, the *Mujahideen* were party neither to the negotiations nor to the 1988 agreement and, consequently, refused to accept the terms of the accords. As a result, the civil war continued after the Soviet withdrawal, which was completed in February, 1989. Najibullah's regime was able to remain in power until 1992 when it collapsed.

When the victorious *Mujahideen* entered Kabul to assume control over the city and the central government, a new round of internecine fighting began between the various militias. With the demise of their common enemy, the militias' ethnic, clan, religious, and personality differences surfaced, and the civil war continued.

Meanwhile, the Taliban had risen in the mid-1990s in reaction to the anarchy and warlordism that arose after the withdrawal of Soviet forces. Many Taliban had been educated in *madrassas* (religious schools) and were largely from rural southern Afghanistan. In 1994, the Taliban developed enough strength to capture the city of Kandahar and expand its control throughout Afghanistan, occupying Kabul in September 1996. By the end of 1998, the Taliban occupied about 90% of the country. In 2001, as part of a drive against relics of Afghanistan's pre-Islamic past, the Taliban destroyed two huge Buddha statues carved into a cliff face outside of the city of Bamiyan.

Al-Qaida provided both financial and political support to the Taliban. Al-Qaida have acknowledged their responsibility for the September 11, 2001 terrorist attacks against the US. Following the Taliban's repeated refusal to expel Bin Laden and his group and end its support to international terrorism, the US began a military campaign on October 7, 2001, targeting terrorist facilities and various Taliban military and political assets within Afghanistan. Under pressure from US military and anti-Taliban forces, the Taliban disintegrated rapidly, and Kabul fell on November 13, 2001.

Under the 'Bonn Agreement' an Afghan Interim Authority was formed and took office in Kabul on December 22, 2001 with Mr. Hamid Karzai as Chairman. The Interim authority held power for approximately 6 months while preparing for a nationwide '*Loya Jirga*' (Grand Council) in mid-June 2002 that decided on a Transitional Authority. The Transitional Authority, headed by President Hamid Karzai, renamed the government as the Transitional Islamic State of Afghanistan (TISA). One of the TISA's primary achievements was the drafting of a constitution that was ratified by a Constitutional Loyal Jirga on January 4, 2004. On December 7, 2004, the country was renamed as the 'Islamic Republic of Afghanistan'.

## **Political System**

Afghanistan has a Presidential form of Government with bicameral legislature of Wolesi Jirga (Lower House-249 seats) and Meshrano Jirga (Upper House-102 seats). It has suffrage at the age of 18 years (universal) It has 34 provinces, which are headed by the Provincial Governors. These provinces have been further divided into 364 districts and approximately 153 municipalities.

## **Economy**

Afghanistan has a GDP of US \$27 billion (2009 estimate) with per capita income of US\$ 760 (172<sup>nd</sup>). It has a sector profile like Agriculture (38%), Services (38%) Industry & Mining (24%) with a growth rate of 15.1% (2009) & 7.1% (2010)

forecast). Its currency is Afghani, whose exchange rate is 1 US\$ = Af. 45.00. Its inflation rate is 10% (2009).

### **Agriculture**

An estimated 80% of Afghans are dependent upon agriculture and agri-business for their livelihood. The major food crops produced are: corn, rice, barley, wheat, vegetables, fruits and nuts. The major cash crops are: cotton, tobacco, madder, castor beans, and sugar beets. Agricultural production is constrained by an almost total dependence on erratic winter snows and spring rains for water; irrigation is primitive. Relatively little use is made of machines, chemical fertilizer, or pesticides. Opium production has also a significant monetary share of the country's agricultural economy. However, both this share and the number of farmers growing poppy continue to decline, as more farmers are taking advantage of opportunities to produce and market alternative crops. Licit commercial agriculture is playing a significant role in increasing the income of rural populations.

### **Trade and Industry**

Afghanistan is endowed with natural resources, including extensive deposits of natural gas, petroleum, coal, copper, chromites, talc, barytes, sulphur, lead, zinc, iron ore, salt and precious and semiprecious stones. Unfortunately, ongoing instability in certain areas of the country, remote and rugged terrain, and an inadequate infrastructure and transportation network have made mining these resources difficult, and there have been few serious attempts to further explore or exploit them.

### **Transport and Communication**

Roadways are the principal means of transportation within Afghanistan. Railways and waterways do not exist. Major airports include Kabul, Kandahar, Herat, Mazar-e-Sharif, Jalalabad and Kunduz. Domestic airlines like KamAir, Safi Airlines and the Government-owned Ariana Air operate between these airports. From Kabul, international flights operate to various destinations like Dubai, Delhi, Dushanbe, Frankfurt, Istanbul, and Islamabad.

Communication facilities are well developed with adequate telephone main lines and mobile cellular telephones in use. Radios and televisions also exist in large numbers. Internet services and websites are also developing.

## **Power & electricity**

For nearly 3 decades, the availability of secure energy supplies in Afghanistan was significantly disrupted by conflict. Much of the country's power generation, transmission, and distribution infrastructure was destroyed, and what remained was stretched far beyond capacity. More than 90% of the population had no access to electricity. However, in January 2009, with the help of the Asian Development Bank and the Indian Government, electricity began to flow into Kabul along a newly constructed transmission line running from neighbouring Uzbekistan. For the first time in more than a generation, the majority of the capital's 4 million people enjoy the benefits of power.

## **Medical facilities**

Adequate medical facilities and medicines are available in most of the major cities in Afghanistan but not in all the outlying areas. To strengthen the private medical sector and foster best practices, the private hospitals are also contributing to the medical facilities.

## **Social and cultural scenario**

The ethnic Afghan Sikh and Hindu population has been maintaining some community and historical Gurudwaras in Kabul, Jalalabad, Ghazni and Kandahar. Hindu temples in Kabul and in Jalalabad are also being maintained by reminiscent Hindu population. The traditional Sikh and Hindu festivals are celebrated by these minority communities in which some expatriate Indians also participate.

## **Local culture, social customs and traditions**

### Language

Afghanistan has very strong historical, cultural, linguistics and religious ties with India. Most of the urban population understand Urdu mixed Hindi but it is better as a foreigner to understand and express yourself in Farsi (Dari). Dari grammar has lot of similarities with Sanskrit grammar.

### Culture

Cultural ethos of Afghans are very much akin to Indians because of very strong historical, linguistic and cultural ties, between the two countries. Afghans food habits are very similar to Indians though they are voracious meat eaters. Vegetarian food is also available easily.

Afghans are very fond of Indian music, specially Bollywood music, and Hindi films. One can hear very frequently Indian music in taxis, restaurants and in social functions. Afghans traditional string instrument *Rabab* is the base of Indian *Sarod* and from *Tamboora*, the Indian *Sitar* was developed.

Many Afghan students who go on scholarships offered by the Govt. of India (approximately 1000 per year) to study in various institutions and universities in India are also bridging cultural gaps between the two countries. Govt. of India has pledged US\$ 2 billion to develop Afghanistan and enable it to stand on its own feet.

### Dress

Both western and traditional dresses are prevalent among Afghan population. The western influenced and urbanite population wears western dresses. However, the traditional Afghans like to wear their traditional dress like *salwar kameej* and *lungi* (turban) by men. Urbanite women wear both *salwar kameej* and western dress but majority of the women also prefer to wear *Hijab* (Burqa). For expatriate population, there is no restriction of dress, but men should avoid wearing shorts in public.

### Greetings

It is important to greet local people in correct way. The most common greeting in Afghanistan is *Salam alaykum* (Peace be upon you) and the correct reply to which is *Wa alaykum as-salam* (And upon you be peace). For expressing thanks, the common phrase is used '*Tashakkur*'. For 'Yes', Afghans use '*Bale*'.

### Social Conduct

During visit to an Afghani house, one should not enter the *Zanana* (female) enclosure because it is not appreciated in Afghan custom.

Alcohol is strictly prohibited in social gatherings and in open areas. It is advisable that one should not consume alcohol in Afghanistan. When any Afghan house and office is visited, the visitors are invariably offered green tea which one should accept appreciatively.

Afghan society is still a very traditional tribal society in which adultery, illicit marital relations, flirting with woman is considered very serious and grave offence for which strict punishment is prescribed. Afghans give utmost importance to their pride and honour so there is very severe punishment for

adultery. Honour is so important to Afghans that sometimes they go to the extent of honour killing. Right social conduct is highly imperative in this society.

### **Criminal laws**

Criminal laws in Afghanistan have to some extent been guided by elements of Islamic *Shariat*. Penalties for breaking such laws are very severe. Person violating Afghan criminal laws, knowingly or unknowingly, may be expelled (repatriated), arrested or imprisoned. Penalties for the possession and use of, or trafficking in, illegal drugs are severe and usually result in very lengthy imprisonment and heavy fines. Adultery and extra marital relations are also heavily punished. Anybody seen in public with other woman/man without plausible justification is liable to be punished strictly. White collar crimes like fraud and cheating may result in imprisonment and fine. Drinking alcohol in open/public area is illegal and might result in arrest, fines and imprisonment. However, drinking of alcohol for expatriates in private is not objectionable.

### **Labour laws**

The Labour Code in Afghanistan has been implemented in 2008 by the present regime after the fall of Taliban. All Labour matters are being dealt with under the supervision of the Ministry of Labour and Social Affairs. This Labour Code is quite exhaustive document with 14 chapters, having 153 articles dealing with various provisions of labour issues. Under this Code, the Government of Islamic Republic of Afghanistan has issued **Statutes on the employment of Foreign Citizens in Afghanistan Organizations**, which is as follows:

#### Purpose (Article 1)

These Statutes are enacted according to Article (4) of Labour Laws for the purpose of regulating the criteria for the employment of Foreign Citizens employed on the contract basis in Afghanistan organizations.

#### Terms (Article 2)

- (1) 'Organizations' are all of governmental, joint ventures, private and Non-Governmental Organizations stationed in Afghanistan.
- (2) A 'Foreign Citizen' is a person who does not have the Afghan citizenship.
- (3) An 'Agreement' is a document relevant to employment, signed between governmental, joint ventures, private, and Non-Governmental Organizations stationed in Afghanistan on one hand and foreign countries and International Organizations on the other hand.
- (4) 'Foreign and Domestic Non-Governmental Organizations' are organizations registered with the government and work in economical and social sectors according to the law.

(5) A 'Work Permit' is a printed endorsed document, issued by the Ministry of Labour and Social Affairs to the qualified foreign citizens according to the provisions of these Statutes.

(6) A 'Work Contract' is a written document signed by a foreign citizen and the organization, containing work conditions, obligations of the two parties, terms of validity, norms and criteria for payment of salaries and other benefits.

#### Employment (Article 3)

Foreign citizens may be employed in the organizations on the basis of bilateral and multilateral agreements according to the provisions of these Statutes.

#### Observance of Laws and the enforced Statutes (Article 4)

Foreign citizens employed in organizations are obliged to observe the provisions of the enforced laws and these Statutes and respect the beliefs and traditions of the people of Afghanistan.

#### Tax payment (Article 10)

(1) Tax is collected from the monthly income of foreign citizens employed in the organizations according to the Income Tax Law.

(2) The employing organization is obliged to withhold tax from the monthly salary/wages of foreign staff on the basis of Article 5 and item (1) of this Article, according to the Income Tax Law and norms and transfer it to the incoming account of the Government.

(3) If the employing organization does not withhold the percentage of tax from foreign staff's salary and does not transfer it to the incoming account of the Government and the term of contract is terminated and the employee leaves Afghanistan, the relevant organization shall pay his/her taxes.

#### The Right to Rest and to Take Leaves (Article 11)

(1) Foreign Citizens employed according to the provisions of these Statutes, have the right to take paid leave on the basis of relevant legal work documents.

(2) The Weekend for Foreign Staff is Friday like domestic staff in the governmental organizations.

### **Chapter Two - Final Provisions**

#### Recruitment of Foreign Expatriates in Joint Ventures & Private Sector

*(Article 12)*

(1) Joint Ventures and Private Sector, in which foreign entrepreneurs or International Organizations invest, may employ the concerned foreign staff and expatriates according to the provision of these Statutes in line with the Afghanistan Private Domestic and Foreign Investment Law.

(2) Foreign Citizens employed in the organizations, whenever needed shall issue their educational documents to the Ministry of Labour and Social Affairs.

*The Position of Already Employed Staff (Article 13)*

With the enforcement of these Statutes, Staff and expatriates employed by the organizations prior to the enforcement of these Statutes, shall observe the provisions of these Statutes.

*Procedure for Employment*

*(Article 14)*

Procedures for the employment of Foreign Citizens in the organizations shall be designed, prepared and approved by the Ministries of Foreign Affairs and Labour and Social Affairs.

*Criteria for Employment (Article 5)*

(1) Foreign citizens who have completed 18 years of age, have not reached the final age for retirement, which is enacted in Labour Law, holds the health certificate from the country of citizenship and the Ministry of Public Health of Afghanistan, may be employed in the following forms in the organizations in Afghanistan :

- (a) On the basis of agreement based on the request of governmental organizations and the countries and processed through the ministries of Foreign Affairs and Social Affairs.
- (b) On the basis of individual request of the foreign citizens who have obtained the stay permit (visa) in Afghanistan and the organizations need them.

(2) Employment of foreign citizens outside their field of specializations is not allowed.

(3) The employing organization shall supervise the activities of the employee from time to time.

Restrictions on the Employment (Article 6)

If both domestic and foreign workers are available, priority is given to domestic workers.

Issuance of Work Permit (Article 7)

- (1) The Ministry of Labour and Social Affairs issues the Work Permit against a fixed cost.
- (2) The cost of the permit mentioned under item (1) of this article considering criteria from time limit shall be fixed by the Ministries of Labour and Social Affairs and Finance.
- (3) Identification of employee such as location of work, work specification, date of beginning of duty and time validity, shall be specified in the Work Permit.

Validity of Work Permit is one year. If the Work Permit is extended, it may be for another term.

Specimen of Work Contract (Article 8)

Work Contract for foreign staff employed in the organizations shall be designed and fixed by the Ministry of Labour and Social Affairs.

Information about Changes (Article 9)

Organizations are obliged to inform the Ministries of Foreign Affairs and Labour and Social Affairs of the changes occur in foreign staff and expatriates' work and its specifications during the term of work.

*(Article 15)*

Foreign Citizens, who travel for work to Afghanistan, shall obtain work visa against costs.

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