

COMPENSATION CLAIMS FROM KUWAIT

EMBASSY OF INDIA KUWAIT

COMPANY DUES/COMPENSATION CLAIMS DUE TO WORK- SITE ACCIDENT/TRAFFIC ACCIDENT

COMPANY DUES:

It is the experience of the Embassy that reputed companies/sponsors settle the outstanding dues of the deceased (unpaid salary, gratuity etc.) to the next of kin promptly. Where the legal heirs have not received it from the company, the fact should be brought to the Embassy promptly for advice. The next of kin is advised NOT to follow the procedure for giving Power of Attorney etc. to the Embassy in the case of company dues without the advice of the Embassy as the efforts and expenditure involved to procure the legal heirship certificate and Power of Attorney may not be worth the amount of dues available; and secondly, the sponsor may eventually give the dues without these documents as the amount is normally not substantial as in the case of blood money for claims as due to work-site accident or traffic accident.

Please note that in case of claim of company dues (outstanding dues of salary and gratuity), the case should be filed within one year from the date of death, otherwise the claim would become time barred.

COMPENSATION CLAIMS DUE TO WORK-SITE ACCIDENT/TRAFFIC ACCIDENT

A proper claim through the Embassy is advisable in all cases of death due to work-site accident/traffic accident.

The amount of compensation can be filed for an amount of KD 10,000/- or more in the case of work-site accident cases. In work-site accident case claims, the claim can be filed for a higher amount of compensation under the Kuwait labour law. Please note that in case of work-site accident, the case should be filed within one year from the date of death or the date of decision of the primary court, otherwise the claim would become time barred.

In Kuwait when a person dies in a road accident his/her legal heirs are entitled to file a claim for death compensation for KD. 10,000/- or more. It is pointed out that the local court does not award compensation in those cases where the fatal accident was due to negligence of the deceased. In case of road accident, the case should be filed with the concerned authorities within a period of three years from the date of death or decision of the traffic court, otherwise the case would become time barred.

The possibility of securing maximum amount of compensation also depends upon the nature of job held by the deceased, number of persons dependent upon the deceased and other humanitarian considerations. The Embassy's lawyer in all cases will file the claim for the maximum amount. It is the experience of the Embassy that the local insurance companies do not remit the compensation due to the legal heirs expeditiously and try to delay it on one pretext or another, unless the legal heirs appoint local lawyer to file a case for the death compensation. There have been instances where the family of the deceased has been duped by relatives/ friends who were given Power of Attorney. The Embassy will not give any guarantee in respect of claims with Power of Attorney in the name of relatives or friends. In these circumstances, in the interest of legal heirs, it is advisable to appoint Embassy of India, Kuwait as their attorney and the claim is filed through the Embassy. The Embassy's lawyer normally charges ten per cent of the total compensation/service dues awarded by the local court/employer plus expenses on translation, attestation of documents etc. This is in addition to the court fees (usually 2.5 per cent of the compensation amount).

Procedure /Documents required from India for claims of death compensation (blood money) in case of death due to work-site accident/traffic accident.

The next of kin are required to submit application for issue of legal heirship certificate (specimen) with the District Authorities.

The legal heirship certificate should be submitted to the District Magistrate/First class Magistrate's office for his signature.

Legal heirship Certificate, duly signed by District Magistrate, should be submitted to the Attestation Department of Home Ministry of their respective State Government, for attestation.

Legal heirship certificate, duly attested by District Magistrate and Attestation department of Home Ministry of respective State Government, should be submitted to the Consular Section, Ministry of External Affairs, Patiala House, New Delhi for attestation.

The next of kin are also required to prepare Power of Attorney, jointly or separately, in favour of the Embassy of India, Kuwait (Specimen).

Power of Attorney should also be submitted to the Attestation Department, Home Affairs of the respective State Government, for attestation.

Power of Attorney, duly attested by Authorised Officer of the Home Ministry of the respective State Government, should also be submitted to the Consular Section, Ministry of External Affairs, Patiala House, New Delhi, for attestation.

In case, the Power of Attorney is in favour of one of their relative or friend in Kuwait, the said relative/friend will submit an affidavit before the Embassy, stating that he/she would remit the full amount received from the concerned authorities in Kuwait, to the legal heirs through demand draft and a copy of demand draft will be submitted to the Embassy. The procedure is followed when the holder of the Power of Attorney approaches the Embassy for attestation of documents for compensation at the Embassy.

The legal heirs are required to forward Legal Heirship Certificate and Power of Attorney, duly attested by concerned authorities, to the Embassy for necessary action in case they wish the Embassy to process their claim. They may forward the documents alongwith a letter indicating the following information:-

- a) Description of the job held by the deceased before death;
- b) The difficulties which are likely to be faced by the legal heirs due to the death;
- c) Any other particular and special circumstances to be brought to the notice of the local court relevant in fixing the quantum of death compensation.

Contact for clarification/more information:

Embassy of India
(Labour Section)
Diplomatic Enclave
Arabian Gulf Street
PO Box No.1450-Safat
13015-Safat, Kuwait
Tele:965-2530600,2530612,2530613,
2530614,2523568.2527246
Fax No.965-2525811,2571192
E-mail: indemb@qualitynet.net
indecok@qualitynet.net

POWER OF ATTORNEY

We,(1).....
2.....
3.....

do hereby constitute, nominate and appoint the EMBASSY OF INDIA, KUWAIT, to do any or all the acts, deeds and things given here below:

- i. To appoint a local lawyer in Kuwait, to take all other necessary steps to secure the death compensation and service dues for the legal heirs of late.
- ii. To settle the terms of payment to the said lawyer and arrange payment to him out of the compensation amounts, service dues that would be receivable and actually received.
- iii. To engage Lawyer/s, Advocate/s, Consul, Solicitors or any Person/s, Firm, Company as may be deemed proper and necessary on such terms and conditions as our said attorneys, in their absolute discretion may feel fit, settle their fees, obtain legal advice pay the fees etc.
- iv. To attend courts, offices, tribunals and to execute all such deeds, documents etc. As may be necessary for the said purpose.
- v. To compromise, to receive the amounts for and on our behalf to give valid receipt, discharge etc.
- vi. To incur all such expenses as may be necessary for effectively carrying out the above purposes and with a view to obtain for heirs of said deceased....., all such amounts as may be due and payable to us and receivable by us his/her heirs.
- vii. To do all such acts, deeds and things as in the opinion of our said attorneys are proper and necessary for carrying out the above purpose.

2. It is hereby stated that Mr./Mrs.....is the legal guardian of minors mentioned at S.No. in the legal heirship certificate.

3. And I hereby confirm and convenient that all such acts, deeds and things done and executed by our said attorney ie; THE EMBASSY OF INDIA, KUWAIT by virtue of this Power of Attorney shall be binding on me and shall be ratified by me and be deemed as acts, deeds and things done by me.

Signature

Signed and delivered in my presence by the above named Signature of witnesses.

Note: Please write full name including sur name, father's/husband's name of the Executant(s), their present address and relationship with the deceased. Name(s) of the Executant(s) should be similar to the name(s) mentioned in the legal heirship certificate.

LEGAL HEIRSHIP CERTIFICATE

Upon the application made by Mr./Mrs.....
..... and after hearing the testimony given by each
of (1) Mr./Mrs.....it is ascertained that the de-
ceased Mr/Mrs.....
expired in Kuwait on..... and his/ her inheritance is confined to
the following persons:

S.No.	Name, surname/ father's/husband's name	Relationship with the deceased	Age Major/Minor
i)			
ii)			
iii)			
iv)			
v)			

2. There are no other legal heirs except those named above.
3. is the legal guardian of minor children mentioned above.

**Magistrate
Signature & Seal**

Place:

Date:

Note: Please mention the name and address of Head of family or Major Legal Heir.

Please omit para 3 if there are no minor legal heirs.

The name of the legal heir should be written in this order.

Name, surname, father's/husband's name. The local Government does not accept document if surname and father's/husband's name is not added to the individual's name. The name of legal heir should include surname and father's/husband's name.