



EMBASSY OF INDIA  
KUWAIT

**PRESS RELEASE**

In case of death of an Indian national in a road accident / work-site accident / other accident, the Embassy has been invariably sending an advisory message through a registered letter to the legal heirs of the deceased (copy enclosed for circulation among the Indian community in Kuwait ) to appoint the Embassy as their Attorney and forward Power of Attorney and Legal Heirship certificate, duly attested by the concerned authorities in India (i) District Magistrate or First Class Magistrate; (ii) Authorized officer of the State Government (Home Department); (iii) Ministry of External Affairs, Consular Section, New Delhi or Branch Secretariat of the Ministry of External Affairs (outside Delhi) for filing a claim for death compensation on behalf of the legal heirs. The Legal Heirship certificate and Power of Attorney are required by the Kuwaiti authorities for processing the claim for death compensation. In India, the concerned State Government issues legal heirship certificate in form of “family member Certificate” or “ Certificate” which carry the same information which the local authorities required to be mentioned in the legal heirship certificate. Such documents are accepted by the local authorities at par with the legal heirship certificate. .

2. The legal heirs of the deceased can appoint any person of their choice, who is residing in Kuwait or Embassy of India, as their attorney for filing a case for death compensation with the concerned Kuwaiti authorities. According to the local laws, death compensation cases related to work-site accident should be filed within **ONE YEAR** and traffic accident case should be filed within **THREE YEARS** from the date of accident, otherwise it becomes time barred.

3. The Embassy has five qualified lawyers on its panel whose services can be utilized in these cases. The advocate normally charges ten percent of the total compensation / service dues awarded by the local court / employer as lawyer fee. Apart from this the actual expenses on translation, attestation of documents and court fees (usually 2.5% of the compensation amount) are also charged by the advocate. The remaining amount is transmitted to the concerned District Collector for reimbursement to the legal heirs. It may be noted that the Kuwaiti court does not award any compensation in those cases where the accident/ death was due to negligence / fault of the deceased.

4. If the legal heirs appoint a private lawyer by their own, then Embassy has no role in claiming insurance claims. The legal heirs should communicate directly to the lawyer in that case.

5. Generally, the local authority takes 3-4 years time for settlement of death compensation cases. In case, the case file is

referred to the Higher Appeal Court, it may take longer period for settlement.

6. Please circulate these information among the community members after translating in vernacular language so that the family members are aware of the facility available with Embassy and are not duped by local agents who have been promising them unrealistic amount and charging 30-50% of compensation money as their fees.

**3 February 2015**