

**GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:5917
ANSWERED ON:04.05.2005
COMPENSATION TO INDIANS DYING IN HARNESS ABROAD
Khanna Shri Avinash Rai

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether many non-resident Indians died in harness abroad;
- (b) if so, whether compensation in these cases is paid by the Union Government or by the Government of the concerned country;
- (c) if so, the total number of persons of Indians origin who died in harness abroad, during the last two years, country-wise and the number of cases wherein compensation has been paid;
- (d) whether an Indian had been gunned down by Iraqi terrorists in Kuwait on 20.6.2004 and another died there on 11.2.03;
- (e) if so, the details in this regard;
- (f) whether compensation has been paid to the dependants of the deceased; and
- (g) if not, the steps taken/proposed to be taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS(SHRI E. AHAMED)

(a) (b) & (c) The number of cases of Indians who die abroad in harness, and compensation paid to them is given in the attached Annexure.

(d) & (e) No instance of gunning down of Indian national by Iraqi terrorists in Kuwait has come to the notice of our Embassy in Kuwait. However, it did receive a report about the death of one Shri Mandeep Singh, an Indian national working for a Kuwait based company, in Iraq on 20.6.2004. Death of an Indian national on 11.2.2003 due to Iraqi terrorist attack has not come to the notice of our Mission in Kuwait.

(f) & (g) Our Embassy in Kuwait has taken necessary steps to claim death compensation from the employer. The case is in the final stage and will be finalized shortly.

STATEMENT REFERRED TO PART (A) (B) & (C) OF LOK SABHA UNSTARRED QUESTION NO.5917 TO BE ANSWERED ON 4.5.2005 REG. COMPENSATION TO INDIANS DYING IN HARNESS ABROAD.

Sl. No.	Name of Mission	Year	No. of deaths/accidents	No. of cases settled	No. of cases eligible for compensation	Amount of compensation	Number of cases under process
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01	Kuwait	2003	71	10	21		
		2004	92	02		Rs.7,88,06,828	21

02	Abudhabi	2003	59	34		Rs. 51,25,820	There are cases of
		2004	45	34		Rs.2,19,22,543	Indians dying in
		2005	16	01		Rs. 18,00,000	harness; the Federal
							(till April) Law of UAE provides for payment of compensation to legal heirs of Indians dying

in harness or to the victims who sustain injuries while at work. Death compensation is usually paid by the offender in accordance with judgements issued by Shariah courts in UAE.

Dubai 2003 127 66 Rs.37,98,445 - -
2004 146 76 Rs.82,11,082 - -
2005 29 Nil Nil - -
(Till
April)

03 Dhaka 02

04 Cyprus 2004 02 They were illegal workers and are not entitled to any benefits and compensation under local laws; however due to intervention by our High Commission, employer arranged to send human remains back to India at his expense in addition to paying US\$2500 for cremation charges in India. The matter is under investigation to fix responsibility for the accident. Once the criminal responsibility for the accident is fixed, a case in the court of law will be required to be filed for adequate compensation.

05 (a) Ankara 2003/04 01 Employer is in direct contact with the family of the deceased.
(Turkey)
(b) Istanbul 2003/04 08 6 persons died while in service; two died as illegal immigrants. Payment of compensation to the next of kin has not been reported to the Consulate.

06 Milan 1.1.03 93 Three cases of death were reported during the course of employment; to Mission was contacted by relatives of the deceased for compensation 27.4.05 claim in one case. The matter was taken up with the local employer who confirmed that all compensation would be forwarded to the relatives of the deceased in India. In the other two cases, Mission was not contacted by the relatives of the deceased and hence presumed that compensation would have been settled.

07 Dakar(Senegal) 2003 Nil
2004 3 in The Gambia in a fire accident
2005 Nil
(till
date) No compensation has been paid, as they were not government employees; and no claim was made through the Mission by the relatives of the victims in the fire accident.

08 (a) Nigeria 2003 12 No compensation paid in these cases
2004 11

(b) Benin 2003 02
2004 Nil

(c) Cameroon 2003 Nil
2004 Nil

(d) Chad 2003 Nil
2004 Nil

09 Muscat 2003 337 76 29 - -
2004 347 93 13 - -

- 10 Munich 2002 01 In none of the five cases the persons died in harness.
 2004 04 Therefore question of any compensation does not arise.
- 11 Male 2003 05
 2004 08 (one died during Tsunami in Dec. 2004)
 2005 03
 (till (No compensation paid in these cases)
 date)
- 12 Maputo 2003/04 02 One of them was not working but was fighting a case for
 recovery of some dues; the other died recently in a hospital
 after a brief illness. While no compensation was paid in the
 first case, in the second case the employers are in the
 process of making appropriate payment to the next of kin.
- 13 Harare - Nil - - - -
- 14 Phnom Penh - Nil - - - -
- 15 Buenos Aires - - No compensation was paid to any Indians died in harness
 during the last two years
- 16 Copenhagen - Nil - - - -
- 17 Santiago - Nil - - - -
- 18 New York - Nil - - - -
 Houston - Nil - - - -
 Chicago - Nil - - - -
- 19 Brussels - Nil - - - -
- 20 Belgrade - Nil - - - -
- 21 Kingston - Nil - - - -
- 22 Lima - Nil - - - -
- 23 Bogota - Nil - - - -
 (Columbia
 and Ecuador)
- 24 Panama - Nil - - - -
- 25 Ottawa - Nil - - - -
 Toronto - Nil - - - -
- 26 Sofia - Nil - - - -

- 27 Kabul - Nil - - - -

- 28 Paramaribo - Nil - - - -
(Barbados,
St Lucia,
St Vincent &
Granadines)

- 29 Ulan baatar - Nil - - - -

- 30 Mandalay - Nil - - - -

- 31 Caracas - Nil - - - -
(Curacao,
Aruba,
St Maarten)

- 32 Pyongyang - Nil - - - -

- 33 Wellington - Nil - - - -
(Samoa,
Kiribati &
Nauru)

- 34 London - Nil - - - -

- 35 Oslo - Nil - - - -

- 36 Moscow - Nil - - - -

- 37 Brasilia - Nil - - - -

- 38 Zagreb - Nil - - - -

- 39 St Petersburg - Nil - - - -

- 40 Nairobi - Nil - - - -

- 41 Baku - Nil - - - -

- 42 Yangon - Nil - - - -

- 43 Lusaka - Nil - - - -
(Malawi)

- 44 Rome 2003/04 02 Compensation granted in both cases by Italian employers

- 45 Warsaw 2004 01 - - - -

- 46 Hamburg - - Private citizens died of natural causes; as they were not on any Govt assignment, question of compensation does not arise.
- 47 Helsinki - Nil - - - -
- 48 Hong Kong - Nil - - - -
- 49 Suva (Fiji - Nil - - - -
Islands, Tonga,
Tuvalu and
Cook Islands)
- 50 Beirut 2003 23 Deaths due to normal causes/accidents
2004 26 There is no provision by the local government to provide
2005 08 compensation in such cases. Those Indians who were
(till covered by insurance got compensation.
date)
- 51 Tunis - Nil - - - -
- 52 Zanzibar - Nil - - - -
- 53 Seychelles 2004 01 One Indian national died in a fire accident in 2004 and the
March 01 other died of drowning in sea in March 2005; Neither the Govt.
2005 of India nor the Govt of Seychelles paid any compensation to
the next of kin of the deceased as both were employed in
private sector. However the employers assured the Mission
that they paid compensation to the dependents of the deceased
and there has been no complaint of non payment of compensation
by dependents of the deceased.
- 54 Cairo - Nil - - - -
- 55 Kampala 14.3.05 01 One Shri Sameer Iqbal working M/s Damani Enterprises, Kampala
died in a road accident on 14.3.2005. Mission has taken up the
matter of compensation, on receiving a request in this regard
from the mother of the deceased, with M/s Damani Enterprises.
- 56 Jalalabad - Nil - - - -
- 57 Ashgabat 2003 Nil Cause of death was due to illness and the compensation is
2004 01 payable by the employer.
- 58 Doha 2003 106 Our Mission does not have a record of Indian nationals
2004 133 dying in harness but has separate tally of those who died
in accident (2003 - 14; 2004 - 27). Compensation is payable
in cases where the deceased had insurance or where the
judicial authority decides there is a proven negligence on
the part of the sponsor resulting in the death of the worker,
or where the authorities have been able to fix responsibility
on any person other than the deceased national for death.
Payment of compensation is a long drawn process and no exact
number of cases where compensation has been paid is available
as in many cases the compensation is paid by the company
directly to the next of kin of the deceased, and in many
others, the next of kin authorities his/her local contact or
relations to collect compensation without involving/intimating
the Embassy.

59 Tel Aviv - - There are many Jews of Indian origin holding Israeli passports employed in Govt/private sector and Indian businessmen doing business in Israel. The Mission does not have any such information regarding people of Indian origin died/killed in harness, and no compensation cases have come to the notice of the Mission.

60 Birgunj - Nil - - - -

61 Yerevan - Nil - - - -

62 Dar es Salaam - Nil - - - -

63 Tehran 2003/04 05 Very few Indians died in harness in Iran. Compensation varies from case to case. In case of employees in private service, it is paid either under insurance cover or by the employer. Where someone dies in any accident involving Government, the compensation is paid by the host Government.

2004/05 05 Compensation has been paid in four cases and in other cases, it is under settlement.

64 Riyadh & 2003 1121 - 71 Saudi Law (Shariat) permits death Jeddah (Saudi 2004 1190 - 57 compensation in cases of unnatural Arabia) death such as road/traffic/industrial/ fire accidents, murder, etc. to be paid by the person held responsible. The Government of Saudi Arabia does not pay the compensation. No compensation is payable in cases of suicide and natural death.

65 Ethiopia 2003 02 Mission has not received any complaint about non payment 2004 05 of compensation in any of these cases.

Djibouti 2003 01
2004 Nil

66 Budapest - Nil - - - -