

The Supreme Court has observed that where public functionaries are involved and a matter relates to the violation of fundamental rights or the enforcement of public duties, a remedy would still be available under public law notwithstanding that a suit for damages could be filed under private law. In this case, the Court was dealing with an appeal filed by the Union of India and the Indian Railways challenging the... The Supreme Court has observed that where public... The Supreme Court has observed that wherever public functionaries are involved and where a matter relates to violation of Fundamental Rights or enforcement of public duties, remedy would still be available under Public Law notwithstanding that suit for damages could be filed under Private Law. In this case, the court was dealing with an appeal filed by Union of India and Indian Railways challenging the judgment of the Calcutta High Court which had awarded a sum of Rs. 10 lakhs as compensation to a Bangladeshi national, Hanuffa Khatoon, who was gang-raped by several employees of the Railways at the Yatri Niwas at Howrah. The Calcutta High Court in 2000 had granted compensation of Rs. 50,000 to Smt. Hanufa Khatoon, a Bangladeshi national, who was gang-raped in Howrah Railway Station in 1999. The Calcutta High Court had directed the State of West Bengal to pay a sum of Rs. 50,000 as compensation to Smt. Khatoon. The State of West Bengal had challenged the order of the Calcutta High Court before the Supreme Court. The Supreme Court set aside the Calcutta High Court's order and remanded the matter back to the Calcutta High Court. The Calcutta High Court again directed the State to pay a sum of Rs. 1 lakh to Smt. Khatoon as compensation. The State of West Bengal challenged the Calcutta High Court order before the Supreme Court again. The Supreme Court upheld the Calcutta High Court order directing the State to pay a sum of 1 lakh to Smt. Khatoon. The Supreme Court has held that the Central Government is vicariously liable to pay compensation to a Bangladeshi national who was gang-raped in a Yatri Niwas run by the Indian Railways in West Bengal in 2004. A bench comprising Justices L. Nageswara Rao and B.R. Gavai said that the Central Government is liable to pay compensation to the victim as it is vicariously liable for the act of its employees. "The Central Government is liable to pay the compensation to the victim. It is vicariously liable. The employees of the Central Government who are deputed to run the railways and to manage the establishment including the railway stations and Yatri Niwas are essential components of the Central Government machinery which carries on the commercial activity. If any such employee commits an act of tort the Central Government of which they are the employees can be held vicariously liable to the person wronged by the employees," the bench said. The court was dealing with an appeal filed by the Central Government challenging the Calcutta