

## Uber rape case: Victim seeks Rs 100 crore as compensation

Harsimran Julka & Aditi Shrivastava, ET Bureau Jan 28, 2015, 08:41PM IST

NEW DELHI | BENGALURU: The woman allegedly raped by a driver for Uber is demanding a hefty payout from the taxi app which is valued at \$40 billion (Rs 2.5 lakh crore). New York-based [Wigdor LLP](#), which is representing the Delhi-based victim, is seeking a compensation for the incident that allegedly took place on December 6 and led to a ban on taxi app services in the national capital.

Uber and other taxi aggregators Ola and Taxiforsure have since been forced to comply with amended radio taxi laws and obtain licences to operate in the city. "My client's goal is to make sure that nobody else is sexually attacked by an Uber driver and that she be fairly compensated for what Uber permitted to happen," Douglas H. Wigdor, a partner at the law firm said in an email.



Three people with knowledge of the development told ET that the victim is seeking about Rs 100 crore. Wigdor declined to discuss specifics of the compensation. Uber declined to comment. Uber, which in the immediate aftermath of the incident had indicated in an interaction with ET that it would be willing to 'help' the victim financially and aid in her recovery, is not likely to shell out the steep compensation being sought now, according to one source.

The jurisdiction of the case is one major challenge that the victim may face in pursuing her claim according to four lawyers that ET spoke to, all of whom are practising in India. Wigdor represented the maid who settled out of court with former IMF chief Dominique Strauss-Kahn. The compensation was speculated to be worth \$6 million. "The chance of getting the case admitted in the US court is reasonable. But the victim is from India, the transacting company is from Netherlands," said Vaibhav Parikh, partner at law firm Nishith Desai Associates.

"The victim's lawyer can only argue that the US parent (of Uber) should have put in policy and processes to make sure that their subsidiaries follow reasonable practices," he said.

A corporate lawyer, who did not wish to be identified, was of the view that only way the victim can sue Uber is under the Alien Tort Statute. The Alien Tort allows foreign citizens to seek legal remedy in a US court for human rights violations committed outside the US. "Her US lawyers may have a tough time proving that due diligence wasn't done on the driver, who was not even an employee of Uber," he said. The experts concur that it is prudent on the part of the victim to approach US courts as in India the case for such compensation is very weak.

"The only case in India where an organisation was asked to pay damages to a rape victim is when it took place in a Railway Station, and the amount was meagre Rs 5 lakh," said a lawyer.

Uber has been registered as a witness in the ongoing case in India, where the alleged rapist [Shiv Kumar Yadav](#) is being tried. This is not the first instance where Uber has been sued for damage caused by its registered drivers. Last March, a woman passenger in Chicago sued the company on the count that a driver registered with the company had sexually assaulted her and refused to let her out of the cab.