

GLIMPSE OF VICARIOUS LIABILITY

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In general, one is only held accountable for his own wrongdoing and is not held accountable for the wrongdoing of others. However, under certain exceptional circumstances, a person can be held responsible for the wrongdoing of another person. It is known as "vicarious liability" when a person is held accountable for another person's wrongdoing without having any involvement. The most typical illustration of vicarious liability is the master's responsibility for the wrongdoings of his servants.

There are other connections that can result in vicarious liability. Those are mainly:

- 1)The principal is accountable for the wrongdoing committed by his agents;
- 2)Partners' responsibility for their fellow partners' torts committed in the course of the firm's regular operations;
- 3) Parental or guardian responsibility for the wrongdoing of their wards or dependents;
- 4) The master's responsibility for his servants' wrongdoing while under his supervision employment;
- 5) State accountability for the wrongdoing of its personnel.

Because it was widely held that after marriage, a woman's personality was entirely merged with her husband's and that she had no autonomous personality, there was yet another case of vicarious responsibility under English common law, namely, a husband's liability for the wrongdoings of his wife. The Law Reform (Married Woman & Tort-feasors) Act of 1935, however, repealed this norm.

1. The Principal's Liability for His Agent's Wrongdoings

When an agent violates the law while conducting business for his principal, the principal is also held accountable. While the principal is liable because of the agent-principal relationship, the agent is guilty because he committed the wrongdoing. The maxim serves as the basis for the principal's liability. "He who acts through another is deemed in law to be doing it himself," is the

Latin phrase *qui facit per alium facit per se*. Both of them are accountable and can be sued jointly or severally for any act authorised by the principal and carried out by the agent.

The agent may have been acting on the principal's behalf with express or implied authority. No principal will typically give his or her agent permission to commit a crime or other wrongdoing, but when the agent does so while carrying out his or her duties as an agent, the principal is held accountable even though the action may not have been authorised by the principal. For instance, in the case of *Lloyd v. Grace Smith & Co.*, the managing clerk of a law company defrauded a female customer and got exchanged her immovable property for his. This was done while acting in the course of business. The principal was held responsible for the agent's actions as well.

In *Dharnidhar Panda v. State of Orissa*, the State was deemed vicariously liable for the deaths of children brought on by the abrupt collapse of the pillars and fence wall of the school, which was managed by the local village Education Society, which was acting as an agent of the State Government.

2. Partners of a firm are liable:

Partners in a company have a relationship similar to that of a principal and agent. As a result, in the event of partner liability, agency rules apply. Any wrongdoing committed by one or more partners throughout the course of the company's activity may subject all partners to liability, either jointly or severally. For instance, in the case of *Hamlyn v. Houston & Co.*, one of the defendant's firm's partners bribed the plaintiff's clerk and persuaded him to break his employment contract with the plaintiff by disclosing trade secrets. This was done while acting within the general scope of his authority as a partner. Even though just one of the firm's partners committed the wrongdoing, it was held that both of them were responsible for it.

3. Parental Responsibility for Children's Wrongdoing:

The fundamental tenet of tort law is to ensure that the party at blame makes amends for their wrongdoing. Because this goal of the law would have been defeated if the parent or guardian was

not held vicariously liable for the wrongdoing of their children or ward, as the case may be, it is imperative that they be held responsible. The parent or guardian's implied failure to keep their children or wards in adequate control forms the basis of this liability.

However, if the child or minor has a source of income of his own, his parent or guardian will not be held responsible because the responsibility can be assumed by the delinquent himself.

4. Master's Responsibility for the Servant's Torts:

In the past, the idea of vicarious liability appears to have developed around the middle of the 19th century as a result of escalating economic pressures. It appears to have developed from situations in which the boss had specifically told his employee to do wrong. However, in the modern meaning, this is not at all vicarious liability because one who directs the commission of a wrong is in fact a direct participant in the wrongdoing. As a result, the existence of an employment relationship is not really relevant in such circumstances. The implied authority of the master makes him vicariously liable for the wrongdoings of his servant committed while doing his duties. Evidently, the 18th century Industrial Revolution in England served as the impetus for the idea of "implied authority," which ultimately resulted in the 19th century doctrine of "scope of employment" due to the power of progressive social and economic advancements throughout the world.