

An Empirical Study on Vicarious Liability in Medical Negligence

Mythili Bhoobalan¹ and MRS. U. Ragavee²

BA.LLB (Hons)¹

Assistant Professor, Labour Law Department²

Saveetha School of Law, Saveetha Institute of Medical and Technical Science (SIMATS), Chennai, India
mythilideepalan1509@gmail.com and ragaveeu.ssl@saveetha.com

Abstract: *Vicarious liability is a legal principle that holds an employer or principal accountable for the wrongful actions of their employees or agents while acting within the scope of their duties. In the realm of healthcare, the doctrine of vicarious liability plays a significant role in cases of medical negligence, where patients seek compensation for harm caused by healthcare professionals. The term “medical negligence” is an omnibus one, which has come in vogue to refer to wrongful actions or omissions of professionals in the field of medicine, in pursuit of their profession, while dealing with patients. It is not a term defined or referred to anywhere in any of the enacted Indian laws. A basic knowledge of how judicial forums deal with the cases relating to medical negligence is of absolute necessity for doctors. The need for such knowledge is more now than before in light of higher premium being placed by the Indian forums on the value of human life and suffering, and perhaps rightly so. Indian society has been witnessing the growing awareness regarding the rights of patients. This abstract presents a comprehensive analysis of vicarious liability concerning medical negligence. It delves into the underlying principles, case precedents, and factors influencing the application of this doctrine in the healthcare context. The objective is to provide a clear understanding of the legal implications for healthcare institutions and professionals in such scenarios. Negligence in the medical field is now more careless and we can observe the significant failure. Medical negligence occurs due to not ensuring a standard of care that must be provided. Liability of the hospital as an employer for negligent act. The method used here is empirical research. The final observation from this research is that the medical negligence occurs due to negligence of hospitals and authorities.*

Keywords: Negligence, Reasonable man, Injury, Consumer form, Vicarious liability