

A Study on the Vicarious Liability of Hospitals in Case of Medical Negligence

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Abstract: *In India, recently, there's been an increase within the litigation against the medical profession. In the legal parlance negligence has different meaning than from its general sense. In the general sense negligence simply means carelessness but in the legal world negligence is more than mere carelessness it is the failure of the person to do or perform a certain act which he was expected to do in the course of his duty. Further, an act to be negligent in the legal arena the failure of reasonable duty should be such that it results in an injury for a third party. There are other civil and criminal laws and tort laws which enumerated provisions regarding medical negligence and liability. The aim of this is to study the vicarious liability of hospitals for negligence, whether a doctor is responsible for medical negligence when there's a mistake of judgement. The present paper was analysed through the non-doctrinal research methodology and through a random sampling method where the survey was taken from the common public. The sample size in the present analysis is 205 samples, the data was collected and analysed through statistical tools and results were graphed. The result of the study was that negligent acts are more committed in the government hospitals in the semi-rural areas. Further, the majority of the educated people agreed that we need a legal framework to check negligence in the medical field and hospitals should be held vicariously liable for the acts of negligence from the hands of the doctor's.*

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