

## Introduction

A Legal maxim is a well-established legal theory, thesis, or doctrine and is typically emphasised in Latin.

In most circumstances, a person is accountable for his own conduct, but in a few situation, the law makes him vicariously liable for the deeds of another, whether or not he was at fault. They owe each other this duty as a result of their relationship. A well known latin maxim “**Qui facit per alium facit per se**” informs us and provides knowledge of “responsibility by relation. “Lets discuss this maxim in brief.



## Literal Meaning

He who does an act through another is deemed to do it by himself.

## Origin

Latin

## Explanation

When someone acts on his behalf, it is indeed him. Anyone who works for someone else is working for themselves. The broad argument upon which the law relating to the rights and obligations of principle and agent is based was asserted in this maxim. A principal acts via an assigned agent. This is the agency concept, according to which anyone acting on their behalf is doing so for themselves and is liable for the actions' results. This phrase is supported by the following explanation.

### 1. **Respondent Superior :**

Legally speaking, the superior should be held accountable for the activities of his inferior employees because the superior officer is in charge of instructing and ordering the inferior employees who carry out their tasks and fulfill their duties. He must thus answer

for the same. Because the master gains from the actions of his servant, he must also bear the costs of the related legal consequences and losses.

I.e A is the master who designates B as his servant to carry out a specific task on his behalf. If the task is successfully completed, the master benefits. If a loss occurs as a result of the servant's failure to complete the task as directed, the master will still be likely to cover the loss.

Basically, it means that the person taking the benefit should also bear the burden.

## 2. **Social reason :**

Typically, the servant is not in a position to substantiate damage claims, while the master's financial situation is stable enough to cover damages.

I.e A is owner of the car, B is hired by him as a driver, who has committed accident. Owner is liable to pay damages.

### **The prerequisites or conditions for vicarious liability.**

When a master and servant have a connection and the master is held accountable for the actions of the servant.

1. A relationship between master and servant is necessary.
2. The subordinate committed an illegal act (wrongful act).
3. This wrongful act must be done while on the job.

### **Case Laws:**

#### **[State of Rajasthan V/s Vidhyawati,1962](#)**

**Fact-** The driver of the District Collector of Rajasthan State was transporting the repaired jeep from the garage. He knocked down a pedestrian and met with an incident, Murdering the respondent's husband. The widow filed a claim for damages with the Rajasthan government. The Rajasthan High Court issued a ruling in the respondent's favour and upheld the vicarious liability doctrine by holding the government accountable. The Rajasthan government appealed this ruling to the Supreme Court.

**Held** – The Supreme Court upheld the ruling and accepted the vicarious liability principle. Between the government and its employees, there was a master and servant relationship that existed, and the wrongdoing was carried out while the employee was on the job.

#### **[Dharanidhar Panda V/s State of Orissa](#)**

Children were playing when a portion of the school boundary wall collapsed, causing injuries that led to their deaths. Because school administration failed to ensure that the school grounds were secure in every way, deaths had occurred. The Village Education Committee served as the State Government's agent for the maintenance of the school building. It was held that the State Government was Vicariously liable. Each child's parents received Rs.75000.

### A.H. Khodwa V/s State of Maharashtra

While sterilising a female patient in a government hospital, the doctor accidentally left a mop within the patient's abdomen. She subsequently suffered from peritonitis, which led to her death. The operation of a hospital was determined to have a non-sovereign function, making the State vicariously liable for it.

### **Conclusion**

Tort law is thought to be an exception to the basic rule that a person is exclusively responsible for his own actions. Qui facit per se per alium facit per se, which states that "He who commits an act through another is deemed in law to do it himself," is the foundation of the vicarious liability principle. As a result, in the situation of vicarious liability, both the individual carrying out the conduct and the person acting on their behalf are accountable. Therefore, employers are completely liable for whatever actions their workers take while on the job.

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