

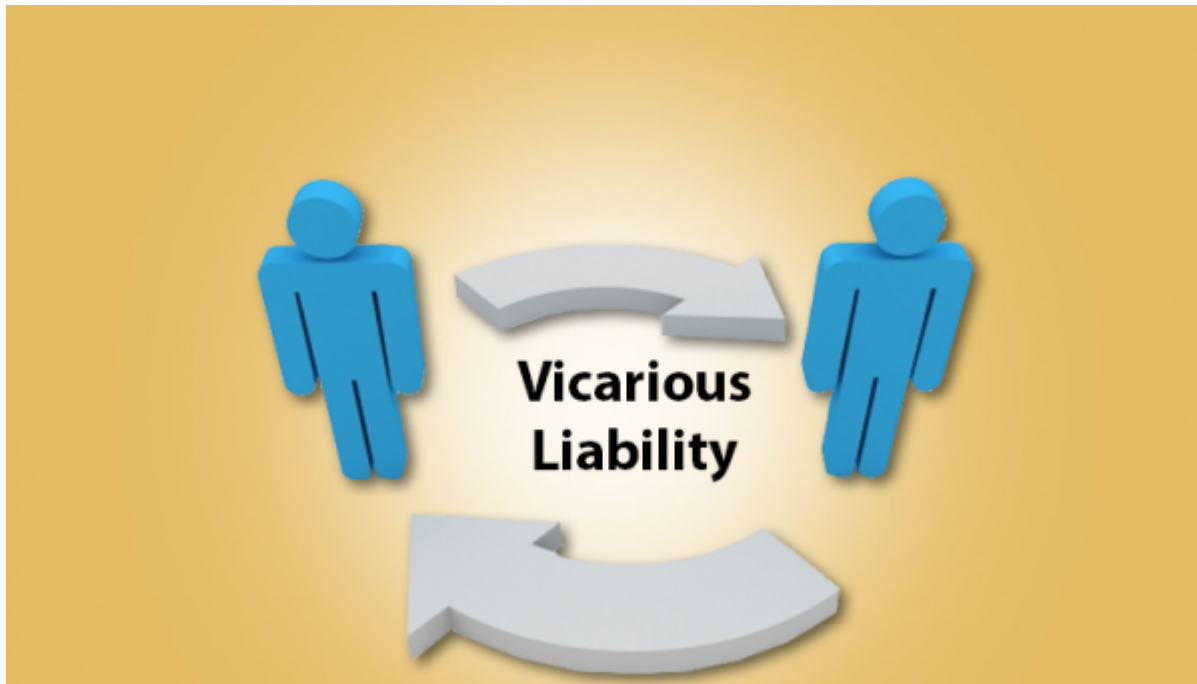
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Vicarious Liability

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Vicarious liability is a form of a strict, secondary liability that arises under the common law doctrine of agency – respondeat superior – the responsibility of the superior for the acts of their subordinate, or, in a broader sense, the responsibility of any third party that had the “right, ability or duty to control” the activities of a violator. It can be distinguished from contributory liability, another form of secondary liability, which is rooted in the tort theory of enterprise liability.¹⁾

In the [Dr. Nazrul Islam vs State Of West Bengal & Ors on 31 August, 2016](#) the court²⁾ stated that:

If such Officers did not discharge their duties, the department must own up responsibility for the same. The Department must accept the liability for any negligent act of commission or omission on the part of its officers in the course of their employment or discharge of their duty. **This is akin to vicarious liability**, a well- recognized tortious principle of law.

It is the Department who has to compensate a citizen for any loss, detriment or harassment suffered by him by reason of failure of its officers to perform their duty. It makes little difference whether such duty is statutory or non-statutory. It does not lie in the mouth of the Department to say that it is an inanimate or impersonal entity and responsibility and liability should be fixed only on its officers.

The Department must make good the loss suffered by a citizen by non-discharging of their duties by the Department's recalcitrant and indolent officers and, thereafter the Department is at liberty to take appropriate steps against its erring officers and bring them to books. In fact, the Department should recover from its concerned officers the compensation that the Department has to pay to the affected citizen.

More Common terms under RTI

- [Annual Confidential Report](#)
- [Citizenship under RTI Act 2005](#)
- [Competent Authority under RTI Act](#)
- [Deemed PIO](#)
- [Disproportionate Diversion of Resources](#)
- [What is Fiduciary Relationship](#)
- [File Notings under RTI Act](#)
- [Grounds for Rejection](#)
- [What is Information under RTI Act](#)
- [Investigation/Inquiry reports under RTI](#)
- [Justification for Denial of Information is mandatory](#)
- [Missing Files under RTI Act](#)
- [Pendency of Investigation](#)
- [Prescribed](#)
- [Privacy Rights of Public Servants](#)
- [What is Privacy under RTI](#)
- [Public Authority](#)
- [What is Public Interest](#)
- [Refund of Fees](#)
- [RTI Act or Statutory Rules for giving information under RTI Act 2005](#)
- [Severability](#)
- [Substantially Financed](#)
- [Suo Moto Disclosure under RTI](#)
- [Third Party under RTI](#)
- [Transfer of Application to other PIO](#)
- [Vicarious Liability](#)

Authors

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Created by *shrawan* on 2016/09/18 02:51.

1)

[Wikipedia](#)

2)

[dr-nazrul-islam-vs-state-of-west-bengal-ors-on-31-august-2016.pdf](#)

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