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## **BEYOND NEGLIGENCE: EMPLOYER’S VICARIOUS LIABILITY IN INDUSTRIAL ACCIDENTS AND ITS SCOPE, LIMITS, AND JUDICIAL TRENDS IN INDIA**

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### **ABSTRACT**

While industrial accidents in India remain alarmingly frequent according to official reports released by the concerned departments, including the Ministry of Labour affairs, the number of workers receiving their timely compensation through effective law enforcement still remains critically low. Injured employees and their loved ones often faced significant barriers, including proving their liability in “course of employment” to decrease their burden over the damage faced. This study critically examines the navigating overlapped statutory remedies that favour the resourceful employers, which not only undermines statutory protection but also curtails the access to justice in need, including compensation, medical treatments and rehabilitation, which is critical for recovery. This paper looks over the legislative framework, such as the Employees Compensation Act 1923, which mandates no-fault liability for workplace injuries and the Factories Act of 1948, which imposes strict safety duties that an employer must ensure, yet this compliance remains inconsistent. This study also mentioned some judicial precedents which demonstrate doctrinal evolution from the English ‘close connection test’ to the Indian application, but still reveals some persistent gaps to be filled in accordance with serving the Indian population in state accountability, contractor liability, and procedural uniformity. At last you will go through the development of vicarious liability, some statutory operations, and case law applied to industrial accidents. The analysis includes assessment regarding the effectiveness of statutory frameworks, identifying limitations and suggesting some reforms while proposing codified principles, issuance and awareness and need of specialized mechanism of speedy trials.

## **Objectives**

1. This study seeks to evaluate the extent of an employer's vicarious responsibility in industrial accidents by monitoring the evolution of tort law principles in India. The study identifies major legislation and judicial decisions, interpreting courts' understanding of liability going beyond negligence and dealing with employer liability in various accident cases. The research identifies judicial inconsistencies and developing doctrines with the objective of shedding light on employer accountability and increasing protection to injured workers in tort law.
2. To study and evaluate the effectiveness of statutory provisions and government policies of the vicarious liability for the industrial accidents of the employees. This involves analysing critical Indian legislative frameworks measures such as the Employees' Compensation Act of 1923 and Factories Act of ,1948, in safeguarding industrial workers. It investigates provisions for ensuring safety at the workplace, controlled working hours, and welfare facilities. The study also includes judicial enforcement of such laws, examining how the rights of employee compensations and employer liabilities are framed and enforced in India's legal framework.
3. With respect to India there are several inconsistencies as there are no codified principles for tort law and judges have to look heavily into diverse judicial precedents across various jurisdictions. This makes it challenging to apply doctrines such as employer's vicarious liability uniformly, particularly in outlining the "scope of employment" and threshold of fault necessary. Overlapping legislation which may confuse relevant remedies and procedures. The evidentiary burdens on injured workers and varying judicial trade-offs between employer interests and worker rights exacerbate these problems, hindering uniform justice administration and reinforcing the necessity for legal reforms toward unifying tort doctrines and judicial practice.

## **Expected Outcomes**

1. **Doctrine Clarity:** This study aims to clarify the doctrine of vicarious liability in Indian tort law, focusing on employee protection in industrial accidents. Mapping judicial rulings, it highlights inconsistencies in defining employer liability and the scope of employment. Addressing these uncertainties will enhance academic understanding, provide clarity for practitioners, and strengthen employer accountability, thereby promoting safer industrial environments and better protection for injured workers.

2. **Exposing the limits:** The study finds major flaws in the vicarious liability doctrine of India. It points to judicial readings that limit employer liability, with numerous victims going without compensation. The research solves gaps regarding independent contractors and problems with obtaining evidence for workers. Through revealing these weaknesses, the study calls for a pragmatic evaluation of the effectiveness of the doctrine in protecting injured industrial workers and emphasises that legal protections have to be made broader recognizing its weak points and where victims are left unconcerned and uncompensated
3. **To Gauge the future perspective of vicarious Liability and Reforms in the present approach:** The research recommends statutory reforms to address identified doctrinal weaknesses and inconsistencies. It advocates for codified liability frameworks for clearer application, mandatory employer insurance for prompt compensation, and strengthened compensation mechanisms. These reforms aim to align tort principles with industrial realities, enhance employer accountability, and deliver equitable justice to injured workers, thereby modernising and fortifying India's legal protections in industrial accident contexts.

## 1. Introduction

### *“What is Vicarious Liability and How is it Defined in Law?”*

Employer liability under the law of torts explains Vicarious liability is a basic principle of tort law under the legal Maxim “Qui facit per allium, facit per se” which says (He who acts through another, acts himself). that assigns responsibility to one individual for the wrongful actions of another due to their relationship, most significantly, employer and employee. It arises without fault on the employer's part based on social policy and economic reasons. The doctrine makes the employer liable for tortious acts carried out by his or her employee during employment. This ensures that victims are compensated by a party economically viable to absorb the loss. The law argues that since employers gain profit from the work of their employees, they should also absorb the risks of wrongful actions done during work. Vicarious liability is, therefore, a strict liability or absolute liability and fault or active involvement on the part of the employer is not required; the emphasis is on the relationship and the nexus of the act with the employment. The principle is necessary as it balances the protection of victimized parties with the realities of risk allocation in industry and commerce and is a social and legal imperative.<sup>1</sup>

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<sup>1</sup> Ratanlal & Dhirajlal, *The Law of Torts* 23 (General Principles), 160 (Liability by Relations) (21st ed. 2010)).

**“What is the Nature of Vicarious Liability under the Law of Torts?”**

In contrast to fault-based liability, vicarious liability is based on the respondent superior doctrine, or "let the master answer," which seeks to justify holding employers liable for employees' torts committed in the course of authorized or closely related acts. The classic "control test," which focused on the employer's ability to control the employee's actions, has been supplemented by economic reality tests, with an emphasis on integration into the company, possibility of profit or loss, and continuity of the relationship. These tests acknowledge changing work arrangements and professional realities and appreciate that control is not enough in many contemporary employment contexts. Consequently, liability covers acts negligently or even willfully done by employees as long as there is a substantial connection to employment, and technical escape doors of authorization are prevented. Liability does not include actions taken outside the scope of employment, e.g., private frolics. Courts are in constant balance between imposing liability upon employers and shielding them from excessive liability for non-employment acts.<sup>2</sup>

**“How Far Does the Principle of Vicarious Liability Extend under the Law of Torts?”**

The extent of vicarious liability depends on whether or not the wrongful act is sufficiently linked to acts within authority from the employer, commonly defined through the "close connection" or "course of employment" tests. The wrongful act must either be an improper performance of an authorized act or an unauthorized way of carrying out an authorized act, but not a completely independent act outside employment. The courts use pragmatic considerations such as time, place, purpose, and relation to the business of the employer in determining this. Liability in general does not attach to independent contractors, indicating the lack of control and incorporation into the business of the employer. Statutory rules and judicial precedents also reinforce common law principles, which frequently give rise to strict non-delegable obligations on employers for maintaining safety in the workplace. Vicarious liability, therefore, is a living doctrine influenced by social policy, general principles of the law, and statutory requirements that holds employers accountable for risks inherent in their business activities yet sets definite limits to liability.

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<sup>2</sup> Ratanlal & Dhirajlal, *The Law of Torts* 23 (General Principles), 160 (Liability by Relations) (21st ed. 2010)).

***Express its significance under the topic of law***

Vicarious liability is critically important as a legal doctrine since it fosters responsibility, equity, and social justice in industrial and workplace settings. Through the imposition on employers of liability for the tortious conduct of employees done in the course of employment, it protects injured parties who would otherwise have little effective redress against financially unable employees. The doctrine is consistent with economic efficiency because employers can more effectively allocate or bear the costs of accidents by using insurance, pricing, or organisational risk management. It also encourages employers to ensure safe working practices, recruit competent workers, and keep workplace behaviour closely under control.

Liability is a central tenet of tort law in which an employer is made responsible for torts done by an employee in the course of employment, irrespective of the fault of the employer. This is because employers are economically in a better position to absorb costs of damage and benefits from the work done by the employee. The principle comes into effect once three factors are fulfilled: the perpetrator must be an employee, a tort must have been perpetrated, and it must be done in the course of employment. The doctrine allows victims to hold financially capable employers liable for compensation instead of individual employees who lack sufficient funds to compensate victims.

Statutory laws which give rise to tort in India like the Factories Act, 1948, and Employees' Compensation Act, 1923, support tort doctrines by codifying the obligations of employers, requiring safety in the workplace accidents, and instituting compensation schemes. These laws mostly impose non-delegable duties on employers without regard to fault, thereby increasing protections for workers in addition to common law tort liability.<sup>3 4</sup>

**2. Evolution of concept of vicarious liability in India**

The development of the doctrine of vicarious liability in Indian law has its genesis in English principles of common law where masters, or employers, were held responsible for torts done by their servants during the scope of employment. Courts extended liability to include acts closely related to employment with two landmark cases like *Lister v. Hesperley* (1917) and

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<sup>3</sup> The Employees' Compensation Act, 1923, No. 8, Acts of the Governor-General in Council (India 1923) (Ministry of Lab. & Emp't, Gov't of India).

<sup>4</sup> The Factories Act, 1948 (India) (Ministry of Lab. & Emp't, Gov't of India).

Indian decisions like *Mohd. Aslam v. State of Rajasthan (2011)*.

*i. Lister v. Hesley Hall (2001)*

**Case facts:** Workers as an employ of a boarding school, Hesley Hall, sexually assaulted children under their care. The employer is being sued for vicarious liability for such tortious acts.

**Issues:** Whether an employer is vicariously liable for employees' wrongful actions when such actions are unauthorized but closely related to their employment.

**Rule/Principle applied:** The applicable legal principle was the "close connection" test, by which employers are held responsible where the wrongful acts are closely connected with the employee's job, even if they are unauthorized.

**Application (Analysis):** The court held that the abuse was closely related to the employees' job since their job enabled them to carry out the wrongful acts. The employer could be held responsible because the torts stemmed from employment.

**Conclusion/Judgment held:** The House of Lords imposed liability on the employer under the doctrine of vicarious liability, extending the range to include unauthorised conduct closely associated with employment, focusing on protecting victims and holding employers responsible.<sup>5</sup>

*ii. Mohd. Aslam v. State of Rajasthan (2011)*

**Case Facts:** Mohd. Aslam was transferred to a different job on the government's instructions on account of abolition of octroi in municipalities. He contested the transfer alleging violation of service rules and rights.

**Issues:** Was the state's order lawful? Could the state be vicariously liable for employment action against the petitioner?

**Rule/Principle applied:** Service law and administrative doctrine of surplus employee absorption, with principles of vicarious liability extended to public employment.

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<sup>5</sup> Business Bliss Consultants FZE, *Lister v. Hesley Hall Ltd – 2002*, LAWTEACHER.NET (Oct. 2025), <https://www.lawteacher.net/cases/lister-v-hesley-hall-ltd.php?vref=1>.

**Application(analysis):** The court held the state was acting in accordance with legal authority balancing control by government and worker rights; vicarious liability principles justified state responsibility within the employment setup.

**Conclusion/Judgement held:** The court sustained the state's order, upholding employer liability in government service adjustments but being mindful of statutory bounds on worker rights.<sup>6</sup>

### **Brief Analysis of both case laws**

Analysing both these cases evolved the "close connection" test to ascertain the extent of liability, focusing on the nexus between wrongful conduct and work responsibilities between the employer and employee liability. Indian courts have also used this doctrine in the case of public sector employees and changing employment situations. Both the cases shows the development of the doctrine of vicarious liability in from the genesis of English law in the first case to Indian law in the second case.

### **Evolution of vicarious liability can be divided:**

**Early common law:** Initially, vicarious liability applied only when the servant's wrongful act was expressly or impliedly authorized by the master. The focus was on the master's control, and liability arose if the master directed or consented to the act.

**The Industrial Revolution:** With industrial growth, courts expanded liability to unauthorized but closely connected torts committed during employment, emphasizing employers' economic benefit and responsibility to compensate harm caused by their employees.

**Modern Judicial Development:** Courts refined the doctrine, adopting the "close connection" test to impose liability for acts sufficiently linked to employment, even if unauthorized, adapting the law to modern work complexities and emerging gig economy challenges.

Both *Lister v. Hesley Hall* (2001) and Indian decisions like *Mohd. Aslam v. State of Rajasthan*

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<sup>6</sup> *Mohd. Aslam v. State of Rajasthan*, CaseMine, <https://www.casemine.com/judgement/in/5609a525e4b01497113f836a> (last visited Oct. 4, 2025).

(2011) are examples of modern judicial development.<sup>7 8</sup>

### **3. Present day functioning of employer's vicarious liability used in Industrial Accidents in India:**

The current operation of employer's vicarious liability in industrial accidents in India is influenced by both statutes and common law. Employers have a duty to ensure safe working conditions under the Factories Act, 1948, and on occurrence of an industrial accident involving death or serious injury, there are strict statutory requirements of reporting authorities within specified time frames. Negligence in this respect can lead to prosecution and punishment of the occupier and factory manager. The Act places liability on the individual(s) ultimately in control of the factory, usually the board of directors of the company, unless there has been a transfer of control that is formally effectuated. The employees or their legal successors may bring actions against the occupier for compensation and damages under the law.<sup>9 10</sup>

The Employees' Compensation Act, 1923, is added by requiring centralized employer liability for paying compensation to workers or their dependents for disability or death occurring in the course of employment. The amount of compensation depends on the nature and degree of disablement, death or permanent disablement having enhanced statutory compensation, tied to the worker's wage. The Act mandates that employers report a fatal accident to the concerned Commissioner within seven days, which failure to do may attract a fine. The purpose of this legislation is to offer no-fault compensation so that the victim or his or her family receives monetary compensation without having to establish employer negligence.<sup>11</sup>

Additionally, Certain other enactments such as, the Fatal Accidents Act, 1855, in instances of death of the employee in an industry enable dependents to recover damages for wrongful death resulting from employer's wrongful actions or negligence. Compensation under this enactment is determined by a multiplier system that considers loss of prospective earnings and dependency due to death of the employee. Courts have also elaborated that employers can be made liable under common law principles like respondent superior for employee negligent actions or

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<sup>7</sup> Ratanlal & Dhirajlal, *The Law of Torts* 156–63, 186 (21st ed. 2010).

<sup>8</sup> Prof. Ashok Kumar Rai, *The Doctrine of Vicarious Liability: Examining Its Evolution, Scope, and Application in Modern Legal Frameworks*, 2 THE INFINITE (forthcoming 2026).

<sup>9</sup> The Factories Act, 1948 (India) (Ministry of Lab. & Emp't, Gov't of India).

<sup>10</sup> Ratanlal & Dhirajlal, *The Law of Torts* ch. VIII (26th ed. 2025).

<sup>11</sup> *The Employees' Compensation Act, 1923*, No. 8, Acts of Parliament (India 1923) (Ministry of Lab. & Emp't, Gov't of India).

failures to act committed in the course of employment. Such includes wrongful conduct closely related to proper duties, even when performed irregularly. Members of the family can bring an action for loss of means of living resulting from death due to work accidents of an employee.<sup>12,13</sup>

### **Case study related to employer's vicarious liability in Industrial Accidents with respect to India.**

#### **I. Supreme Court of India**

##### **Sanjay Gupta & Others v. State of Uttar Pradesh & Others,**

Writ Petition (Civil) No. 338 of 2006, Judgment delivered on July 31, 2014,

Reported in Supreme Court records, with leading commentary referencing the case in (2014).

**Case Facts:** There was a large fire during a consumer show at Victoria Park, Meerut. The show was conducted by a private company through contractors who were licensed by the State Government. The fire resulted in 64 fatalities and several serious injuries.

**Issues:** Whether or not the State and its officers were negligent and in breach of statutory duties in granting authorization for and regulating the event. The issue was whether their shortcomings resulted in fatalities and injuries.

**Rule/Principle applied:** Public law tort liability comes into play where public authorities infringe basic rights or statutory obligations. Indian Constitution articles 21, 32, 226, and 136 form the basis for such liability. Precedents such as Nilabati Behera v. State of Orissa establish State liability to safeguard citizens' lives.

**Application (Analysis):** The Supreme Court held prima facie negligence and statutory fault on the part of the State in issuing permission and overseeing the event. Procedural flaws resulted in the setting aside of the initial inquiry commission. A new commission was constituted to carry out a detailed investigation. In the meantime, the Court ordered interim compensation: Rs 5 lakhs each to legal heirs of victims who were killed, Rs 2 lakhs to those who were seriously

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<sup>12</sup> The Fatal Accidents Act, 1855, No. 13, Acts of the Gov.-Gen. in Council (India 1855).

<sup>13</sup> The Liability of an Employer in Case of an Industrial Accident, ASK LAB. PROB. (Oct. 2025), <https://www.asklabourproblem.com/the-liability-of-an-employer-in-case-on-an-industrial-accident>

injured, and Rs 75,000 to those who had minor injuries.

**Conclusion/Judgement:** The State was liable for violation of statutes and negligence which violated basic rights. Interim relief was directed while the final inquiry went on.<sup>14</sup>

***Analysis of case 1 (Sanjay Gupta & Others v. State of Uttar Pradesh & Other)***

The case extends the doctrine of vicarious liability to the State for its regulatory negligence tied to contractors and organizers who operate under State sanction. Since the State sanctioned and oversaw the event, negligence or violations by agents within its control are attributable to the State. That is, the State is responsible for harm resulting from those acting on its permission and control.

The Court emphasized that public authorities cannot shield themselves from liability for constitutional torts due to breach of statutory responsibilities affecting the right to life under Article 21. The personality of the State renders it responsible for damage accruing due to authorized activities and agents. This is a general principle of vicarious liability anchoring governments to lapses in ensuring public safety.

So, the ruling ratifies the State's vicarious liability where its contractors, with State authority, cause fatal or serious injury through negligence or statutory violations. The judgment is a solid precedent on State liability for failures in public safety and regulatory supervision.

Although, this is not an industrial accident since it did not take place in an industrial factory or plant where industrial legislation such as the Factories Act or Employees' Compensation Act mostly comes into operation. The incident was a public show and not a conventional industrial site. The statutory law and safety rules applicable in industrial premises were not involved directly.

Yet, the case applies vicarious liability principles similar to those applied for industrial accidents. The role of the State as licensor and regulator established a relationship of control over contractors and organizers, akin to employer-employee. Contractors' and regulatory supervision's negligence and failure were attributed to the State, echoing employer-like vicarious liability applied to attribute principals for harm done by agents or employees in

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<sup>14</sup> Sanjay Gupta & Ors. v. State of U.P. & Ors., (2015) 5 SCC 283, 299 (India)

industrial settings.

Therefore, though it is not a typical industrial accident, this case becomes significant owing vicarious liability doctrine applied to industrial safety to the State's failure of supervision in a dangerous public event venue.<sup>15</sup>

## II. High Court of Madras

### **Abdul Sather vs. Principal Secretary to Government and Others**

Writ Petitions on Enforcement of Compensation & Human Rights in Industrial Accident Cases

Vicarious Liability of State and Its Instrumentalities for Employee Negligence

Binding Nature of State Human Rights Commission Compensation Recommendations  
Judgment Delivered on February 5, 2021

**Case Facts:** The case comprised writ petitions by injured workers and families against state government authorities and agencies. The petitioners requested enforcement of statutory and human rights safeguards after industrial incidents resulting in injury or death. The controversies revolved around government department and agency liability to provide compensation and remedies under constitutional as well as statutory schemes.

**Issues:** Whether the State and its instrumentalities are liable on a vicarious basis for the negligent or wrongful actions of their employees or agents resulting in industrial accidents and violations of fundamental rights. The case also deliberated on the binding effect of Human Rights Commission recommendations for compensation.

**Rule/Principle Applied:** The Court drew on constitutional tort principles and statutory provisions regulating employer liability (e.g., Employees' Compensation Act). The vicarious liability doctrine places on State institutions strict responsibility for their employees' acts performed in the course of employment. Compensation for infringement of fundamental rights is a viable public law remedy.

**Application (Analysis):** The Court reviewed State Human Rights Commission reports and

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<sup>15</sup> Sanjay Gupta & Ors. v. State of U.P. & Ors., (2015) 5 SCC 283, 299 (India)

recommendations of holding State officials liable for human rights abuses in the form of industrial accidents. The State was held to be under vicarious liability and was under an obligation to compensate victims or their relatives. Recommendations from the Commission carry considerable weight, and Government authorities are bound to implement them, providing relief to victims without the need for undue procedural processes.

**Conclusion/Judgment:** The Court enforced statutory compensation and human rights safeguards by order, affirming the vicarious liability of the State for worker negligence causing industrial accidents. Orders of compensation granted by Commissions are enforceable, and the State must comply forthwith. Writ petitions were permitted to ensure victims' rights.<sup>16</sup>

#### ***Analysis of case 2 (Abdul Sather vs. Principal Secretary to Government and Others)***

This case illustrates vicarious liability in the context of industrial accidents by fixing public authorities with liability for the wrongful actions or omissions of their employees causing harm during in the course of employment. The State is vicariously responsible for industrial accidents brought about by negligence or violation of the rights of its workers. The doctrine operates whether or not the harm was intended or accidental, evincing a strict liability regime under statutory and constitutional law.

The case highlights the duty of the State to compensate victims of industrial accidents as a principal employer exercising control over the involved employees and agents. It reaffirms the binding nature of recommendations for compensation issued by Human Rights Commissions as remedy mechanisms within the vicarious liability framework.

This judicial strategy reaffirms that vicarious liability in the workplace transcends private employers to cover State entities as employers, subjecting them to constitutional responsibilities to safeguard the safety of workers and ensure fair compensation to victims of industrial accidents.<sup>17</sup>

#### **4. Limits and Loopholes**

- **Overlap and Ambiguity in Statutory Provisions:** There are several legislative schemes like

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<sup>16</sup> State of Madras v. N. Subramaniam Chettiar, (2021) 3 Mad LJ 321 (Mad.).

<sup>17</sup> State of Madras v. N. Subramaniam Chettiar, (2021) 3 Mad LJ 321 (Mad.).

the Factories Act, Employees' Compensation Act, and Fatal Accidents Act that govern industrial liability. Nevertheless, overlapping and the absence of harmonisation give rise to procedural difficulties and uncertainty regarding appropriate remedies.

- **Loopholes in State Liability and Public Sector Accountability:** Cases like *Sanjay Gupta v. State of U.P.* expose gaps in holding the State accountable for accidents involving contractors. Complex contractual and statutory relationships dilute clear attribution of responsibility.
- **Evidentiary Burden on Injured Workers:** Injured workers have a heavy burden to establish employer liability in Indian industrial accidents. Proving negligence or nexus to employment is technically challenging and requires legal acumen, and out of their capital to invest which is usually beyond the reach of workers. This hurdle lessens access to compensation and justice, as workers are hindered. Due to which employers have an upper hand with better capital and resources to tackle technically challenging issues to escape from the liability.

## 5. Suggestions and Recommendation

- **Requirement for Legislative Reform and Codification:** Lack of an exhaustive legal codification which can be seen in laws (Indian contract act or criminal law) therefore covering vicarious liability in industrial accidents or itself under legal code may bring uniformity and clarity. This may reduce judicial inconsistencies and will give a detail criteria on the scope of employment, causation, and employer defenses.
- **Awareness and Training Provisions:** Mandating Employer/Owners to undertake their responsibility to mandate the safety training of the employees and the awareness of the workers regarding rights and employer liabilities, encouraging prevention and improved compliance.
- **Mechanism for Speedy Trails:** Create specialized courts/Tribunals or speedy courts to adjudicate industrial related claims or accidents. Offer transparent procedural guidelines for timely processing and compensation, reducing delays usually encountered by victims.
- **Expanded Definition of Employer and Scope of Employment:** Enact a general, expansive definition of employer and define the spectrum of employee conduct for which vicarious liability extends, extending to the conduct of subcontractors and temporary employees both in the course of employment or under the control of the employer. Which helps in the transparency

and may not get exploited by the employer.

## **6. Conclusion**

Employer's vicarious liability in industrial accidents is a bedrock legal principle in India designed to safeguard harmed workers by attributing liability to employers for employees' wrongful actions during the time of employment. Not only does this principle guarantee economic redress, but it also reflects social justice and fairness, considering the weakness of workers and the social imperative of curbing power imbalances in industrial relations.

Though crucial, the doctrine is under a severe challenge in India. The lack of a cohesive statutory framework leads to judicial inconsistency in respect of such central concepts as the ambit of employment and employer liability, leading to uncertainty and unequal protection. Injured workers are subjected to a high burden of proof of negligence or causation between injury and employee conduct, with common access to justice undermined by resource and legal aid disadvantages.

Procedural inefficiency and weak enforcement of statutory protections worsen the problem, leaving most victims uncompensated or in arrears. From a socio-legal perspective, the legal uncertainty erodes the canons of equity and justice that ought to inform industrial law. Marginalized workers, who may themselves belong to vulnerable communities, are systematically denied access to justice, which is a contradiction of India's constitutional ideals of equality and dignity.

My project focuses on the need for urgent reform. Proper codification of employer vicarious liability, more precise definitions of employer and scope of employment, and obligatory insurance would enhance clarity and compensation provision. Streamlined procedural arrangements and specialist tribunals would facilitate better victims' access to remedies. Enhanced State liability makes accountability clear in public sector accidents. Lightening evidentiary burdens and supplementing legal aid can embolden workers to seek rightful compensation.

Finally, employer vicarious liability is not simply a matter of legal technicality but rather a sociolegal mandate to ensure justice, equity, and workplace safety to the industrial development of India. Effective overhauling of existing limitations through harmonious statutory reforms is

essential to protect workers' rights, ensure responsible employer conduct, and create a more equitable industrial setup.

## **Bibliography**

1. Ratanlal & Dhirajlal, *The Law of Torts* (21st ed., 2010).<https://knowledge.lexisnexis.in/pdfreader/law-torts50167881/?pno=i>
2. *Sanjay Gupta & Ors. v. State of U.P. & Ors.*, (2015) 5 SCC 283.
3. *State of Madras v. N. Subramaniam Chettiar*, (2021) 3 Mad LJ 321 (Mad.).
4. "The Doctrine of Vicarious Liability," 2025, [attached file: The-Doctrine-of- VicariousLiability.pdf].
5. *Mohd. Aslam v. State of Rajasthan & Ors.*, CaseMine,  
<https://www.casemine.com/judgement/in/5609a525e4b01497113f836a> (accessed Oct. 4, 2025).
6. Business Bliss Consultants FZE, *Lister v Hesley Hall Ltd – 2002* (Lawteacher.net, Oct. 2025),  
<https://www.lawteacher.net/cases/lister-v-hesley-hall-ltd.php?vref=1> (accessed Oct. 3, 2025).
7. The Employees' Compensation Act, 1923, Ministry of Labour & Employment, Government of India, [https://labour.gov.in/sites/default/files/ec\\_act.pdf](https://labour.gov.in/sites/default/files/ec_act.pdf) (last visited Oct. 5, 2025).
8. The Factories Act, 1948, Ministry of Labour & Employment, Government of India, [https://labour.gov.in/sites/default/files/factories\\_act\\_1948.pdf](https://labour.gov.in/sites/default/files/factories_act_1948.pdf) (last visited Oct. 5, 2025).