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Though prima facie a principal is not thus criminally responsible for the acts of his servants, yet the Legislature may prohibit an act or enforce a duty in such terms as to make the prohibition, or the duty absolute. In such a case the principal is to be made liable if the act, in fact, has been done by his servant. However, a master is not criminally responsible merely because his servant or agent commits a negligent or malicious or fraudulent act. A master cannot be made criminally liable for the act of his servant where the latter had acted for his personal benefit or beyond the scope of his employment.

The similar opinion is upheld by the court in the case of *T. D. Board v. S. N. Moothathu*. A master is not criminally liable for the unauthorised act of his servants. He is responsible only when he has given his consent to the servant for doing so.

In exception to the general rule stated above a master is criminally liable for the act of his servants in the following cases: — (1) Statutory Liability: The law may impose a criminal liability upon the master for the acts and omissions of his servants as in licence cases. For example, if a servant of a licensed vendor of arms and ammunition sells these things to an unauthorized person, the licensee is criminally responsible for the act committed by his servant under the Indian Arms Act. A master would be criminally liable for the act of the servant where such liability is imposed by the terms of a statute. Prevention of Food Adulteration Act, Gambling Act and Opium Act are some of the statutes which impose liability on the master. In *Emperor v. Harjivan*, the accused was made responsible for the act of the

driver of a hired lorry who avoided the payment of octroi duty. Under the Indian Penal Code, the owners and occupiers of land are vicariously liable under Sections 154 and 155 for unlawful assembly or riot taking place on their land, although he may be ignorant of the act of his agent or manager.

(2) Neglect of duty: Certain acts likely to cause danger to others require to be performed by persons skilled in them.

The master is liable where he entrusts their performance to unskilled hands as a result of which there is loss of life or some injury is caused. (3) Public Nuisance: A master is liable for the public nuisance caused by the acts of his agents in carrying on his work for his profit as in manufacturing process. The master cannot escape liability by showing that he expressly forbade the act; owners of the land are under duty to manage their property so as not to injure the right of others. Section 268, I. P. C. deals with public nuisance.

It provides that anyone who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general is liable for public nuisance. A dealer in hides and skins shall be liable for the exposure of such hides and skins in an unfinished state by his servants in a manner injurious to public health.