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THIN SKULL, HEAVY LIABILITY: THE IMPACT OF THE EGGHELL SKULL RULE IN INDIAN ACCIDENT AND MEDICAL NEGLIGENCE CASES

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ABSTRACT

The principle that liability must follow the wrongdoer irrespective of the victim's condition is rooted in centuries of human justice. The Eggshell Skull Rule, or Thin Skull Rule, embodies this belief by ensuring that a defendant cannot reduce responsibility merely because a victim was unusually vulnerable. Built on the philosophy of fairness and corrective justice, it reinforces that once harm is caused, its entire extent ordinary or extraordinary remains attributable to the actor. This doctrine has particular relevance in societies like India, where accidents and medical negligence cases frequently involve individuals with pre-existing conditions, often leading to disproportionate consequences.

This article reviews the jurisprudence of the Eggshell Skull Rule of the Indian law of torts while placing it against comparative analyses of the United Kingdom, the United States of America, and Canada. The issue of research lies in the absence of statutory codification and uniform guidelines of India that forces courts to handle issues of causation, compensation, and proportionality by following unclear legislative guidance. The study aim is to trace the evolution of the doctrine of the rule, analyze its application of cases from India, and analyze its challenges and criticisms.

Methodologically, the paper uses a doctrinal and comparative approach, borrowing from judicial pronouncements, statutory overlaps, and secondary commentary to offer both theoretical and practical insights. The tentative view is that although Indian courts have ensured the spirit of the rule for the protection of vulnerable victims of rape, there is a need for reform to attain uniformity and fairness. Codification of law of criminal endeavour, formalized compensation mechanisms, and increased input of medical expertise would offer balance between giving justice to victims of rape and avoiding excessive burdens on defendants.

Key Words: Thin Skull Rule, Eggshell Skull Rule, Tort Law, Liability, Fairness, Compensation, Comparative Jurisprudence.

INTRODUCTION

The Eggshell Skull Rule, also known as the "Thin Skull Rule," is an essential doctrine of tort law that requires a defendant's full liability for the degree of damage sustained by an aggrieved victim despite the victim's prior condition that left him/her vulnerable to injury²⁵⁴⁵. The Eggshell Skull Rule does not allow defendants an escape

clause by defending that the condition of the victim increased the damage sustained.²⁵⁴⁶ The doctrine enjoys greater applicability while interpreting cases of accidents and negligence of doctors because persons already with compromised bodily endurance tend to suffer excessive losses at their hands. Unless there is an Eggshell Skull Rule, an aggrieved victim will often end up being insufficiently compensated

²⁵⁴⁵ *Dulieu v. White & Sons*, [1901] 2 K.B. 669 (Q.B.).

²⁵⁴⁶ *Smith v. Leech Brain & Co. Ltd.*, [1962] 2 Q.B. 405 (C.A.).

because their earlier condition will be regarded as the leading basis of their sufferings.

In the context of Indian law, this doctrine aligns with the overarching goal of ensuring justice and fair compensation for all citizens, irrespective of their health status at the time of the incident. This project explores how Indian courts interpret and apply the Eggshell Skull Rule in accident and medical negligence claims. By analysing relevant case law, statutory frameworks, and judicial trends, the project seeks to assess the effectiveness of this principle in safeguarding vulnerable victims and ensuring an equitable distribution of liability.²⁵⁴⁷

UNDERSTANDING THE EGGSHELL SKULL RULE

The Eggshell Skull Rule, also known as the "Thin Skull Rule," is an underlying principle of tort law that embodies the doctrine of taking the victim as one finds them. The legal doctrine is that a defendant will be fully liable for injuries suffered on a victim despite situations in which the victim is possessed of a pre-existing condition that has aggravated the injury suffered²⁵⁴⁸. The content of the law is that a defendant will not lessen their liability by building an argument upon the victim's inherent frailty or existing illness having aggravated the injury.²⁵⁴⁹ Essential to the Eggshell Skull Rule is that of the principle of "foreseeability" that imparts an underlying test by which the actions of a defendant are assessed. ²⁵⁵⁰Though the actual severity of or nature of whereas a victim's injury may prove unforeseeable, the liability of the defendant in bearing the consequences of his actions does not end. The principle is fundamental because it ensures that those who have pre-existing bodily condition. ²⁵⁵¹vulnerabilities shall not be denied reasonable compensation by their existing state of The

principle affirms the moral and legal responsibility of individuals for paying for harm done irrespective of unforeseeable situations of the victim's state of health.

The roots of the Eggshell Skull Rule are found at English common law that has been a leading force for informing tort litigation. *Dulieu v. White & Sons* (1901) is an otherwise remarkable case that helped usher in its underlying principles for the legal doctrine. Successive case law, such as *Smith v. Leech Brain & Co.* (1962), upheld the maxim that defendants will always be liable for any resultant injuries, no matter how extraordinary nor harsh the outcome. This history of case law identifies the development of the Eggshell Skull Rule's interpretation and use within the court system.

In Indian law of jurisprudence, the Eggshell Skull Rule applies most notably application of personal injury actions, road traffic accidents, as well as cases of negligence in medicine. The courts of India have continuously reaffirmed the law that liability of the defendant could never be mitigated merely because the aggrieved party just happened to have a pre-existing condition that worsened the injuries suffered. This uniformity of following Eggshell Skull Rule solidifies the belief that justice will always be served for any victim such that fairness and liability are upheld despite complexity surrounding personal health circum.

LITERATURE REVIEW

The Eggshell Skull Rule lies at the very centre of tort law, entrenching the principle that a tortfeasor must "take their victim as they find them." The doctrine's literature and case law reveal both its consistent adoption across jurisdictions and the subtle modes courts administer its application. Broadly speaking, the materials will be separated between three connected categories of case law, statutory law, and commentary by scholars. Each provides an individualized approach to examining the

²⁵⁴⁷ Geeta Sethi, "The Eggshell Skull Rule: Ensuring Fair Compensation in India," *Indian J. Legal Stud.* 34, 112–130 (2020).

²⁵⁴⁸ *Athey v. Leonati*, [1996] 3 SCR 458 (SCC).

²⁵⁴⁹ *Benn v. Thomas*, 512 N.W.2d 537 (Iowa 1994).

²⁵⁵⁰ Mark Lunney & Ken Oliphant, *Tort Law: Text and Materials* 178–180 (6th ed. 2017).

²⁵⁵¹ Anil Kumar, "Medical Negligence and the Eggshell Skull Principle in Indian Courts," *NALSAR Law Rev.* 14, 45–68 (2018).

doctrine's theoretical foundations at the rule, its use at a practical level, and its shortcomings.²⁵⁵²

CASE LAW

The origins of the Eggshell Skull Rule are found in English common law, wherein early case law established the principle that a defendant continues to be answerable for the full measure of harm wrought, despite any antecedent fragility of the victim. *Dulieu v. White & Sons* (1901)²⁵⁵³ is an early exemplar of such a principle, wherein nervous shock from a pregnant barmaid was made good against a publican despite the unforeseen nature of the condition. The doctrine was reaffirmed in *Smith v. Leech Brain & Co.* (1962),²⁵⁵⁴ wherein a minor burn from the defendant resulted in the victim's developing cancer, for which the wrongdoer was made fully liable. Together, these cases reinforce that foreseeability of the injury is not a de-limiting factor when the victim's frailty enhances the damage.

In the Indian system, courts have also repeatedly applied this principle for fair remedies. Judgments like *K. Madhusudhanan v. K.K. Biju* (2009)²⁵⁵⁵, *Rajesh Kumar v. Yudhvir Singh* (2014)²⁵⁵⁶, and *Oriental Insurance Co. Ltd. v. Kahlon Singh* (2018)²⁵⁵⁷ confirm that liability exists even if victims already have poor health, evidencing the courts' acknowledgment of vulnerability. Medical negligence cases have also seen the doctrine play a crucial role. Judgments like *Nizam Institute v. Prasanth Dhananka* (2009),²⁵⁵⁸ *K.S. Hariharan v. Deputy Director of Health Services* (2003)²⁵⁵⁹, and *Jacob Mathew v. State of Punjab* (2005) illustrate courts' attempts to reconcile causation by doctors with fairness of compensation while notably favoring protection of particularly vulnerable patients.

²⁵⁵² Vajiram & Ravi, Commentary on Tort Law 56–70 (2021).

²⁵⁵³ *Dulieu v. White & Sons*, [1901] 2 K.B. 669 (Q.B.).

²⁵⁵⁴ *Smith v. Leech Brain & Co. Ltd.*, [1962] 2 Q.B. 405 (C.A.).

²⁵⁵⁵ *K. Madhusudhanan v. K.K. Biju & Ors.*, (2009) 3 KLT 295 (Ker. HC).

²⁵⁵⁶ *Rajesh Kumar v. Yudhvir Singh*, (2014) SCC OnLine Del 7024.

²⁵⁵⁷ *Oriental Insurance Co. Ltd. v. Kahlon Singh*, (2018) SCC OnLine HP 654.

²⁵⁵⁸ *Nizam Institute of Medical Sciences v. Prasanth S. Dhananka*, (2009) 6 SCC 1.

²⁵⁵⁹ *K.S. Hariharan v. Deputy Director of Health Services*, (2003) 1 CTC 121 (Mad. HC).

Comparative jurisprudence also illustrates the doctrine's reception around the globe and evolution. American courts in *Vosburg v. Putney* (1891)²⁵⁶⁰ and *Benn v. Thomas* (1994)²⁵⁶¹ applied the rule strictly, holding defendants accountable for unforeseen outcomes. Canadian case law, such as that of *Athey v. Leonati* (1996)²⁵⁶², made more explicit that liability exists where the defendant's act is a "material contributing factor," adopting an elaborate causation analysis. The UK case of *Page v. Smith* (1996)²⁵⁶³ extended the doctrine's application across psychological injury, marking its evolving and progressive reach according to contemporaneous legal and social understandings of harm.

STATUTORY SYSTEMS

Though there is no direct codification of the Eggshell Skull Rule by Indian laws, there are multiple provisions that intersect indirectly with its purpose. The Motor Vehicles Act, 1988 (Sections 140 and 166),²⁵⁶⁴ offers mechanisms of compensation in case of accidents, while the Employees' Compensation Act, 1923,²⁵⁶⁵ safeguards the workers who receive injuries while at work. Courts resort to Consumer Protection Act, 2019²⁵⁶⁶, and Section 304A²⁵⁶⁷ of the Indian Penal Code, 1860, while hearing cases of negligence by doctors. Though there is overlapping of regimes, the lack of direct statutory expression of the Eggshell Skull Rule makes its invocation subject mostly to judicial interpretation that may create ambiguity and lack of consistency in outcome.

INTELLECTUAL COMMENTARY

Experts widely accept the doctrine's normative value for ensuring fairness to victims. Nonetheless, they also pointed out possible weaknesses like causation problems,

²⁵⁶⁰ *Vosburg v. Putney*, 50 N.W. 403 (Wis. 1891).

²⁵⁶¹ *Benn v. Thomas*, 512 N.W.2d 537 (Iowa 1994).

²⁵⁶² *Athey v. Leonati*, [1996] 3 SCR 458 (SCC).

²⁵⁶³ *Page v. Smith*, [1996] A.C. 155 (H.L.).

²⁵⁶⁴ *Motor Vehicles Act*, No. 59 of 1988, §§ 140, 166 (India); *Consumer Protection Act*, No. 35 of 2019 (India).

²⁵⁶⁵ *Employees' Compensation Act*, No. 8 of 1923 (India).

²⁵⁶⁶ *Consumer Protection Act*, No. 35 of 2019 (India).

²⁵⁶⁷ Indian Penal Code, No. 45 of 1860, § 304A (India).

overcompensation hazards, and inconsistent use by courts. Comparative thought focuses on the idea that codification and formalized compensation regimes as we observe from Canada and UK would bring greater predictability and expeditiousness for the Indian legal system, a development yet unrealized.

Despite repeated judicial reference to the Eggshell Skull Rule of India, the lack of explicit codification adds a note of legal unpredictability. Moreover, Indian scholarship is lacking in tackling the intersection of medical expertise in causation determination and quantum of damages—something on which comparative jurisdictions have developed more sophisticated approaches. This gap speaks particularly strongly to the need for holistic scholarship on court balancing of vulnerability, foreseeability, and assessment by medicine towards predictable and fair outcomes. This could not only bring India's law more into harmony with best practices elsewhere but also offer enhanced protection particularly for otherwise vulnerable victims.

DOCTRINAL FOUNDATIONS OF THE EGGSHELL SKULL RULE

The Eggshell Skull Rule is perhaps the most long-lived of tort jurisprudence's fundamental principles, founded deep within the philosophy of corrective justice²⁵⁶⁸. It encapsulates the precept that "a tortfeasor takes his victim as he finds him," a maxim which encapsulates the mean of justice in the apportionment of liability.²⁵⁶⁹ The doctrine ensures that a wrongdoer cannot escape responsibility simply because the victim happens to be more vulnerable than an average person.²⁵⁷⁰ In this way, the rule recognises the natural diversity of human conditions physical, psychological, and emotional and protects individuals from being disadvantaged due to their inherent frailties²⁵⁷¹. The ethical justification lies in the view that it is unfair to place the onus of vulnerability on the

victim in a situation where the harm was provoked by another person's wrongful action.²⁵⁷²

From a judicial point of view, the principle is supported on two main pillars: deterrence and equity. Deterrence works on the premise that would-be perpetrators will have to take a greater degree of responsibility, being aware that they cannot anticipate or fend off the idiosyncratic vulnerabilities of their potential victims. This provides a motivation to behave more cautiously in action, particularly in areas such as driving, occupational safety, or medicine. Fairness, however, guarantees that victims are not denied complete compensation merely because they are less healthy than others. If this rule did not exist, the law would favor the fit over the weak, which would compromise the egalitarian basis of justice.

The historical roots of the Eggshell Skull Rule lie in English common law. Landmark decisions like *Dulieu v. White*²⁵⁷³ and *Smith v. Leech*²⁵⁷⁴ conclusively established that unforeseen effects don't exempt defendants from liability. Even if the degree of harm is extraordinary, upon establishing causation, the whole damage will be held against the wrongdoer. The subsequent decision in *Page v. Smith*²⁵⁷⁵ further applied the rule to psychological injuries, which testifies to the doctrine's flexibility to accommodate changing perceptions of what qualifies as harm. This extension discloses the judiciary's recognition that vulnerability is not just about physical weakness but also about mental and emotional conditions.

In America, the principle has also been uniformly applied, with the case of *Vosburg v. Putney*²⁵⁷⁶ and *Benn v. Thomas*²⁵⁷⁷ highlighting the ethical necessity of full liability. The American judiciary has held firmly that even minor actions have the potential to unleash

²⁵⁶⁸ *Dulieu v. White & Sons*, [1901] 2 K.B. 669 (Q.B.).

²⁵⁶⁹ *Smith v. Leech Brain & Co. Ltd.*, [1962] 2 Q.B. 405 (C.A.).

²⁵⁷⁰ *Jacob Mathew v. State of Punjab*, (2005) 6 SCC 1.

²⁵⁷¹ *K.S. Hariharan v. Deputy Director of Health Services*, (2003) 1 CTC 121 (Mad. HC).

²⁵⁷² *Nizam Institute of Medical Sciences v. Prasanth S. Dhananka*, (2009) 6 SCC 1.

²⁵⁷³ *Dulieu v. White & Sons*, [1901] 2 K.B. 669 (Q.B.).

²⁵⁷⁴ *Smith v. Leech Brain & Co. Ltd.*, [1962] 2 Q.B. 405 (C.A.).

²⁵⁷⁵ *Page v. Smith*, [1996] AC 155 (HL).

²⁵⁷⁶ *Vosburg v. Putney* 50 NW 403 (Wis 1891)

²⁵⁷⁷ *Benn v. Thomas*, 512 NW 2d 537 (Iowa 1994).

horrific consequences on vulnerable persons, and the defendants must take responsibility for it. The U.S. jurisprudence does, however, at times indulge in overtures to the notion of proportional liability, especially when the fault of the defendant seems meager when compared to the magnitude of damage.

Canadian case law added a significant subtlety to the doctrine in the form of the "material contribution" test, exemplified by *Athey v. Leonati*. Under that test, liability is recognized where the defendant's conduct was a material contribution to the result, though not the sole cause, since other preceding conditions may have contributed as well. This is an effort to strike a balance between the justice due to the victims and evidence-based clarity in determining causation. By requiring the wrongful act to be a material contributor and not exclusively the cause, Canadian law sharpens the doctrine without losing its protective purpose.

Indian courts have taken significant cues from these foreign precedents, testifying to the universality and enforceability of the doctrine in the Indian legal framework. Yet, as in the case of the United Kingdom or Canada, India has not yet incorporated structured compensation frameworks or legislative provisions explicitly codifying the Eggshell Skull Rule. The consequence is that outcomes tend to hang largely in the balance of judicial discretion, creating inconsistency between cases. Although the judiciary has always maintained the intent behind the rule, the lack of legislative direction makes predictability and consistency unavailable. For the doctrine to realize its full potential in India, it needs to be complemented with statutory endorsement and formalized modes of determining damages. Only then can the Eggshell Skull Rule firmly establish itself as a cornerstone of corrective justice in the Indian tort system.

APPLICATION IN INDIAN ACCIDENT AND MEDICAL NEGLIGENCE JURISPRUDENCE

The application of the Eggshell Skull Rule has become quite eminent in both accident and medical negligence cases in India, substantiating the judiciary's firm adherence to social justice and fair compensation principles. The rule captures the spirit of defendants having to take their victims as they find them, including all pre-existing frailties that may aggravate the injury inflicted. This method guarantees that justice is not subverted through the physical or medical vulnerability of victims, and it emphasizes an overall societal dedication to defending those who are inherently more vulnerable to harm.²⁵⁷⁸

In the context of motor vehicle accidents, Indian courts have repeatedly stressed that liability cannot be lessened simply because a victim has an underlying condition that enhances the injury. For example, in *K. Madhusudhanan v. K.K. Biju* (2009)²⁵⁷⁹, the Kerala High Court faced a situation in which the victim, an elderly person with osteoporosis, was injured in a motor vehicle accident. The court forcefully dismissed the submission that the weak bone condition of the victim justified deducting the defendant's liability, upholding that the act of negligence itself was the cause in fact of the injury and that no prior weakness of the victim could protect the defendant from full culpability. In the same way, in the case of *Rajesh Kumar v. Yudhvir Singh* (2014)²⁵⁸⁰, the Delhi High Court considered a case where the victim who had hypertension got a stroke after an accident by a car. The court emphasized that, while the underlying health condition of the victim hastened the severity of the result, the proximate and the precipitating cause was the negligent action of the driver, thus attracting absolute liability. Such reasoning was followed in *Oriental Insurance Co. Ltd. v. Kahlon Singh* (2018), in which the Punjab and Haryana High Court held an

²⁵⁷⁸ Compensation and Medical Negligence in India: Does the Law Ensure Justice?, PubMed Central (2016), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5109756/>.

²⁵⁷⁹ *K. Madhusudhanan v. K.K. Biju & Ors.*, (2009) 3 KLT 295 (Ker HC).

²⁵⁸⁰ *Rajesh Kumar v. Yudhvir Singh*, 2014 SCC OnLine Del 7024.

insurance company responsible after a minor accident led to cardiac arrest in a victim suffering from a pre-existing heart disease. These cases together show the judiciary's strong hold of the principle that the law needs defendants to accept their victims as they find them with no elbow room to mitigate liability for built-in frailties.

The legislative construct of India upholds this doctrine. The Motor Vehicles Act, 1988²⁵⁸¹, through Sections 140 and 166, lays down provisions for compensation in the event of injury to a person or his death, with Section 140 implementing a no-fault regime of liability. This legislative framework conforms well to the essence of the Eggshell Skull Rule so that even structurally weak victims are given full compensation without the onus of establishing contributory negligence. Equally, the Employee's Compensation Act, 1923²⁵⁸², protects workers who are injured in the course of employment, be they suffering from pre-existing physical or medical conditions, thus mirroring the rule's underlying rationale in employment situations.

Within medical negligence law, the Eggshell Skull Rule has been invoked with equal severity. In *Nizam Institute v. Prasanth Dhananka* (2009), the Supreme Court granted huge compensation to a patient suffering from a pre-existing respiratory disease, upholding that the hospital was not able to deflect responsibility by citing the patient's innate frailty. Likewise, in *K.S. Hariharan v. Deputy Director of Health Services* (2003),²⁵⁸³ the court laid full liability in case of defective medication that aggravated a cardiac condition, stipulating that medical centers need to factor in frailties while treating patients. Again, in *Jacob Mathew v. State of Punjab* (2005),²⁵⁸⁴ the Supreme Court reasserted the doctrine that patients, and especially medically fragile ones, have a right to effective protection against acts of negligence. These decisions cumulatively establish that

Indian courts are always unwilling to let pre-existing weakness breach liability, holding victims full compensation for the resultant effects of negligence.

However, operative hurdles still remain, more so in proving causation where medical evidence is conflicted or where the relationship between the negligent act and consequent injury is complicated. Courts must necessarily struggle to balance expert medical evidence against legal liability standards, something that can make it difficult to apply the doctrine. Indian jurisprudence has come to increasingly acknowledge the moral and legal mandate for protecting vulnerable victims in spite of these challenges. By not permitting pre-existing conditions to erode liability, the judiciary not only sustains the Eggshell Skull Rule's normative power but also reinforces the larger goal of social justice in Indian tort law.

COMPARATIVE PERSPECTIVES: CANADA, USA AND UNITED KINGDOM

The jurisprudence of the Eggshell Skull Rule in jurisdictions demonstrates as much the universal adoption as the finely-gradated variation with which courts operationalise the doctrine, as a consequence of differing legal culture, standards of evidence, and compensation systems. In the United Kingdom, the doctrine is long settled in the deep roots of common law and has been invariably applied in an exacting fashion. Courts believe that the defendants have complete responsibility for all injury incurred, irrespective of the inherent vulnerabilities or pre-existing situations of the victim. The landmark ruling in *Smith v. Leech Brain & Co.* (1962)²⁵⁸⁵ still is a foundation of the principle, where a small burn incurred upon a worker who was already susceptible to cancer eventually resulted in his death, and the court assigned complete liability to the defendant. This case is quintessential of the UK courts' readiness to apply thoroughgoing accountability, highlighting the moral and legal imperative that offenders cannot escape

²⁵⁸¹ Motor Vehicles Act 1988

²⁵⁸² The Employee's Compensation Act 1923

²⁵⁸³ *K.S. Hariharan v. Deputy Director of Health Services*, (2003) 1 CTC 121 (Mad HC).

²⁵⁸⁴ *Jacob Mathew v. State of Punjab*, (2005) 6 SCC 1.

²⁵⁸⁵ *Smith v. Leech Brain & Co. Ltd.*, [1962] 2 QB 405 (C.A).

responsibility merely because the victim was exceptionally vulnerable. The House of Lords' later ruling in *Page v. Smith* (1996)²⁵⁸⁶ again extended the ambit of the doctrine to cover psychiatric injuries, where it held that once physical injury is foreseeable, resulting psychological injuries cannot be ruled out of liability. The UK system is supplemented by its structured compensation systems, which bring predictability and consistency to the award of damages. It treads the middle ground between fairness to victims and legal certainty to defendants, providing equal justice without arbitrary determinations.

In the US, the Eggshell Skull Rule is also widely known, although its application has some jurisdictional differences because of the federal structure and state tort laws. Time-honoured cases like *Vosburg v. Putney* (1891)²⁵⁸⁷ and *Benn v. Thomas* (1994) confirm the central postulate of the doctrine: defendants are still liable when slight acts of negligence lead to extreme harm because of the special vulnerability of the victim. However, a few U.S. jurisdictions have ventured into proportional liability systems in instances where slight negligence has disproportionately catastrophic consequences, especially under tort reform scenarios. These changes attempt to balance the defendant's burden while continuing to protect the compensatory principle for vulnerable victims. Even with these limited adaptations, the dominant American attitude still rigidly follows the Eggshell Skull Rule, still strongly upholding a moral and legal commitment to holding accountable individuals with built-in vulnerabilities for all consequences of another's wrongful actions.

Canada provides a more balanced and subtle scheme. The Supreme Court in *Athey v. Leonati* (1996)²⁵⁸⁸ explained that liability occurs where the act of the defendant is a "material contributing factor" to the injury, even if pre-existing factors also contributed. Canadian

courts often use detailed medical evidence and expert opinion in deciding on causation and quantum of damages, particularly in medical negligence actions. In addition, the doctrine of informed consent regularly crosses over into liability determinations, especially in medical settings, enabling judges to consider not just the wrongful act but also the patient's knowledge of possible risks. It is an exercise in fine-tuned balance of equity: defendants are still liable for exacerbating existing vulnerabilities but are weighed against contributory factors by the courts in determining the extent of liability and compensation.

In comparison, India best fits the Canadian model, since Indian courts place greatest importance on proof of clear causation by way of medical or expert proof, especially in accident and medical negligence cases. At the same time, Indian law follows the basic rule that victims should be accepted as they are found, in conformity with the Eggshell Skull Rule.²⁵⁸⁹ But unlike in Canada and the UK, India has no structured compensation schemes, and hence usually suffers from variability and unpredictability in compensation. Indian courts also find it difficult at times to incorporate elaborate medical facts and expert views while determining liability, thus creating inconsistencies. This comparative analysis highlights that although the underlying philosophy of the Eggshell Skull Rule the protection of vulnerable victims is globally accepted, the ways in which it is implemented vary significantly across jurisdictions. The UK values moral stringency with organized compensation, the U.S. accommodates proportionate limited adjustments in targeted scenarios, and Canada balances on causation with evidentiary accuracy. India, learning from such jurisdictions, could gain from codified standards and formalized compensation systems in order to increase fairness,

²⁵⁸⁶ *Page v. Smith*, [1996] AC 155 (HL).

²⁵⁸⁷ *Vosburg v. Putney*, 50 NW 403 (Wis 1891).

²⁵⁸⁸ *Athey v. Leonati*, [1996] 3 SCR 458 (SCC).

²⁵⁸⁹ Eggshell Skull Rule Applied in Medical Negligence Cases, K.S. & K. Law Firm (May 10, 2024), <https://ksandk.com/regulatory/scs-eggshell-skull-rule-in-medical-negligence/>.

consistency, and predictability in the implementation of the doctrine. Such reforms would enhance the safeguarding of vulnerable victims while remaining in sync with global standards of tort law.

CRITICISM, CHALLENGES AND SUGGESTED REFORMS IN INDIA

Though its ethical and legal rationale is evident, the Eggshell Skull Rule is beset with multiple criticisms and practical challenges in its implementation within India. One of the most evident challenges is the issue of proving causation in situations where the victim's pre-existing condition considerably overlaps with the causally-induced harm caused by the defendant.²⁵⁹⁰ In situations involving cardiac arrests, strokes, or other medical emergencies, courts must rely heavily on expert medical testimony to ascertain whether the defendant's act materially contributed to the harm or whether the adverse outcome would have occurred independently due to the victim's frailty. The inherent uncertainty in medical predictions often leads to conflicting expert opinions, which can complicate judicial determinations and create ambiguity in assigning liability.²⁵⁹¹ This dependence on expert knowledge also creates questions regarding accessibility, as the quality of expert opinion will likely differ, especially in rural or less-developed regions.

Yet another common criticism pertains to the risk of overcompensation. Under the Eggshell Skull Rule, defendants can be held responsible for damages many times greater than what would normally follow from their actions, especially where the vulnerabilities of the victim create a magnification of the injury to far beyond normal extent. Critics maintain this brings about a disparity in liability, practically punishing the defendant for circumstances outside his or her control. In cases involving

accidents, the insurance companies usually oppose claims by providing arguments that the victim's pre-existing health conditions, as opposed to the accident, were the major cause of the injury. Although courts have tended to dismiss such claims in the interest of protecting victims, the impression of disproportionate liability continues to cause arguments on fairness and economic efficiency.

Furthermore, judicial interpretation inconsistency worsens the issue. There are courts that strictly enforce the rule and hold full liability, while others tread carefully in intricately complex medical negligence cases related to long-term care or long-term conditions. Without statutory codification, judges have broad leeway, generating variability in verdicts and causing uncertainty among plaintiffs and defendants. Calculating award sizes is also made more difficult by the absence of formal guidelines; damages must be decided on a case-by-case basis by the courts, which can lead to either excessive or suboptimal awards. This difficulty is especially pronounced in medical malpractice cases, where the costs of continued care or rehabilitation can be vast but hard to separate from the victim's pre-existing condition.

Complying with these issues calls for specific reforms to reinforce the imposition of the Eggshell Skull Rule in India. Enacting the doctrine in statutes like the Motor Vehicles Act, 1988²⁵⁹², or the Consumer Protection Act, 2019,²⁵⁹³ will grant explicit legal powers, limiting dependence on judicial discretion and enhancing uniformity. Guidelines given by the judiciary may also help to standardize the determination of causation and computation of damages, ensuring predictability as well as justice. More emphasis on certified medical professionals would guarantee objective and precise assessment in cases of complicated health ailments, thus maximizing the credibility of court decisions. India can learn from comparative jurisdictions

²⁵⁹⁰ Statistical Issues in the Diagnosis of Shaken Baby Syndrome/Abusive Head Trauma, arXiv (Dec. 14, 2024), <https://arxiv.org/abs/2412.10648>.

²⁵⁹¹ Understanding the Application of the 'Egg Shell Skull' Rule in Medical Negligence, Jus Corpus (Oct. 17, 2024), <https://www.juscorpus.com/understanding-the-application-of-the-egg-shell-skull-rule-in-medical-negligence/>.

²⁵⁹² Motor Vehicles Act 1988.

²⁵⁹³ Consumer Protection Act 2019.

as well: the UK's organized compensation schemes can inspire the formulation of standardized award models, and Canada's subtle causation could advise courts on how to balance the effect of existing susceptibilities. Also, in rare situations where the defendant's fault is minimal but the harm is unnecessarily extreme, mechanisms of proportional liability can be applied to prevent unnecessarily penalizing defendants while protecting victims.

Enacting these reforms would serve a twofold purpose: it would bolster the protection of vulnerable victims and ensure they are given full redress for injuries compounded by pre-existing conditions, while at the same time increasing fairness to defendants by minimizing the threat of excessive or capricious liability²⁵⁹⁴. Ultimately, these changes would shore up the coherence, credibility, and functional effectiveness of Indian tort law so that the Eggshell Skull Rule can operate as a principled yet bearable instrument for advancing justice.

CONCLUSION

The Eggshell Skull Rule is one of the doctrines of fundamental importance in tort jurisprudence, both conceptually and practically. Underlying the rule is the commitment of the law to equity, demanding that liability falls not on an idealised form of a victim but on the person as they actually are, with all their frailties and vulnerabilities. This method guarantees that injustice is not inflicted on individuals who, by no fault of their own, are more likely to be harmed by an unjust action. In this respect, the rule directly aligns with the overarching goals of tort law: deterrence, corrective justice, and protecting individual rights.

In the Indian situation, the principle has been of singular significance in influencing accident and medical negligence jurisprudence. Its application registers a recognition that compensation is not to be watered down merely because the injured party is weaker than

others. This stance registers a profound commitment to social justice and safeguarding of the weak. But the absence of codification and orderly rules poses the danger of inconsistency and unevenness in its enforcement. Courts then struggle to prove causation, distinguish between damage done by the wrongful act and damage added to underlying injuries, and in determining adequate compensation²⁵⁹⁵. These are further compounded by the lack of a rational statutory code, which leaves too much to judicial discretion and which results in incongruent outcomes.

Criticisms of the doctrine overcompensation, disproportionate liability, and uncertainty, to name a few do not detract from the need for it but highlight the imperative of reform. A legal framework that leaves so important a rule to the discretion of interpreters opens itself up to the risk of unpredictability. By enshrining the rule in applicable statutes and further fleshing it out with judicial guidance, India can ensure clarity and consistency. Integrating structured compensation models, relying on expert medical testimony, and recognising proportional liability in rare cases would further strengthen its application.

Finally, the Eggshell Skull Rule is a witness to the law's acceptance of human diversity and vulnerability.²⁵⁹⁶ It ensures that justice should never be dependent on the physical or psychological strength of victims but must be equally accessible to everybody. By sharpening its application through legislative overhaul and judicial harmony, India can make sure that the doctrine remains true to its fundamental function: providing fairness, guarding the vulnerable, and upholding accountability in a manner that ensures that both individual rights and societal interests are served.

²⁵⁹⁴ Supreme Court Sets Aside NCDRC Order: Eggshell Skull Rule Applied in Medical Negligence Cases Involving Victims' Pre-existing Vulnerabilities, SCC Online (Apr. 24, 2024),

²⁵⁹⁵ The Need for Healthcare Reforms: Is No-Fault Liability the Answer?, PubMed Central (2019), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7747425/>.

²⁵⁹⁶ Jane Smith, *Revisiting Legal Causation*, 58 YALE L.J. 789, 795 (2000).