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Research Article

Impact of Artificial Intelligence on Indian Criminal Justice System: An Insightful Analysis

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Abstract

The domain of criminal justice administration is dynamic in nature and a plethora of changes is being witnessed by the same. It is indeed important to understand the fact that today the criminal justice system is functioning only due to the fact that it has adopted the new façade and is never stringent to not to cater to the ardent necessities which change from time to time. Also, the impact of the new technology on the criminal justice administration helps it to deliver justice easily and more effectively. Criminal Justice Administration in India has developed over a tumultuous period and understands the relevance to adopt to new technology. The paradigm of artificial intelligence helps in proper analysis of the system and also encourages the usage of advanced methods for crime detection and punishment of criminals. The critical aspect of artificial intelligence is that the elderly people and senior officials don't consider it as an easy access instead they consider that it is an unnecessary burden. They try to hold on to the stereotypical traditional methods of crime detection which ceases to lose importance in the current world. The paper focusses on the role played by artificial intelligence in crime detection and tracking of criminals. It emphasizes the need for using artificial intelligence in criminal investigation and suggests the measures that can be implemented for the benefit of the Indian Criminal Justice Administration.

Keywords: Artificial Intelligence, Crime, Criminal, Causation, Punishment

Introduction

Our recorded history shows us that every society framed laws to regulate human behaviour and judge offenders accordingly. The criminal justice system has developed and became more complicated during the period of time. However, due to the technological advancements our criminal justice system not only got developed but also encountered new challenges. For example, use of tracking devices facilitated for better surveillance[3] but at another side it is intrusion on personal liberty and right to movement[4] there are numerous examples can be cited where

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[3] Richard M Thompson, Governmental Tracking of Cell Phones & Vehicles: The Confluence of Privacy, Technology, & Law, CRS Report for Congress, Prepared for Members & Committees of Congress, available on https://fas.org/sgp/crs/intel/R42109.pdf.

[4] Katina Michael, & raw McNamee, MG Michael, The Emerging Ethics of Human centric GPS Tracking & Monitoring, University of Wollongong, https://www3.nd.edu/~cpoellab/teaching/cse40827/papers/tracking   pdf, further see. CELL PHONE PRIVACY, https://www.aclu.org/issues/privacy-technology/location-tracking/cell-phone-privacy.

technology and sciences not only helped and shaped criminal justice administration but also pose challenges as it is evident from United States v. Jones[5]

Now in the age of the information technologies, we are more surrounded by the technology and devices which at one side has made our life easier but at another side it has consequences[6]. There could be two types of the consequences, personal as well as social. The first category of the threat includes personal threat to the legal right[7] and physical damages. While For example, use of robotics[8] and artificial intelligence[9]. The robots and artificial intelligence[10] are commonly deployed not only experimental basis but also replacing/ substituting humans in manufacture units, hospitals, traffic control, self-driving vehicles[11] etc. One side deployment of nonhuman or artificial robots is not only revolutionary for development of science and technology but also increase profits, orderly traffic control, treating patients or household helpers. At another side, deploying robotics with artificial intelligence affecting jobs and livelihoods of the humans who have lost their job due to deployments of the robots. In a recent report, the World Economic Forum predicted that robotic automation will result in the net loss of more than 5m jobs across 15 developed nations by 2020[12]. The fact is that this effecting our daily life and more to come.

Further, as we witness the technological development, we are going to face legal challenges which we need to find answer today otherwise, when we have situation, we will not able to handle

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[5] United State Supreme Court, 565 US 400, 132 S CT 945 (2012) Does the attachment of a GPS tracking device to a vehicle & subsequent use of that device to monitor the vehicle's movements on public streets constitute a search or seizure Supreme Court answer affirmatively. Court determined that the Government's installation of the GPS device on defendant vehicle for vehicle's movements & monitor use of that device, constituted a "search." The Government physically occupied private property for the purpose of obtaining information. Such a physical intrusion would have been considered a "search" within the meaning of the Fourth Amendment when it was adopted. Defendant possessed the vehicle at the time the Government trespassory inserted the information-gathering device. Available on https://www.lexisnexis.com/community/casebrief/p/casebrief-united-states-v-jones. Further see, https://www supremecourt.gov/opinions/11pdf/10-1259 pdf. Also, at https://www oyez org/cases/2011/10-1259.

[6] Madison Julia Levine, Biometric Identification in India Versus the Right to Privacy: Core Constitutional Features, Defining Citizens' Interests, & the Implications of Biometric Identification in the United States, 73 U Miami L Rev 618 () Available at: https://repositorylaw.miami.edu/umlr/vol73/iss2/10.

[7] Ibid, further see, breach of privacy, unauthorized surveillance, phone taping.

[8] A robot is a machine capable of sensing & interacting with its environment.

[9] Artificial Intelligence is a computer program that mainly focuses on the development & analysis of algorithms which in other words means that AI is a computer program that is capable of creating a machine having its own intelligence & behaviour. https://www.cs.umn.edu/research/research_areas/robotics-&-artificial-intelligence#:~:text=&%20Artificial%20Intelligence, Robotics%20&%20Artificial%20Intelligence, behavior%20with%20minimal%20human%20intervention.

[10] Artificial Intelligence has played a very major role not only in increasing the comforts of humans but also by increasing industrial productivity which includes the quantitative as well as qualitative production & cost-efficiency Artificial Intelligence gives robots a computer vision to navigate, sense & calculate their reaction accordingly Robots learn to perform their tasks from humans through machine learning which again is a part of computer programming & AI.

[11] Müller, Vincent C, "Ethics of Artificial Intelligence & Robotics", The Stanford Encyclopedia of Philosophy (Fall 2020 Edition), Edward N Zalta (ed).

[12] Dan Shewan, Robots will destroy our jobs – & we're not ready for it https://www.theguardian.com/technology/2017/jan/11/robots-jobs-employees-artificial-intelligence further see. Calum McClell &, The Impact of Artificial Intelligence - Widespread Job Losses. available on https://www.iotforall.com/impact-of-artificial-intelligence-job-losses/. Will robots steal our jobs? World economic forum, Available on https://www weforum.org/agenda/2019/08/the-robots-are-coming-but-take-a-breath.

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properly. For example, today we are seeing use of driverless cars[13] on the road (even on an experimental basis). If such a car killed a person walking on the roadside, the question would be who is responsible? Because, there is no driver thus liability cannot be imposed on driver, may be owner but owner of the car was not physically or mentally driving the car even if he was setting inside car and may argue that he was not responsible it was not his work. If we see further, owner may shift the burden of accidents on car manufacturers where car manufacturers may again make responsible to the artificial intelligent (software developer). Thus, imposing liability for accident in given situation would be difficult. Likewise, we may face a similar situation in case of crime which may be possibly committed by the machine which is working on artificial intelligence.

The first reported cases where a robot killed a factory worker were reported in Japan, where a robot killed a worker who was repairing that robot[14] early in 1981[15]. This incident or accident was when Artificial intelligence was not much developed compared to today's days. Further, the use of robotics and artificial intelligence was limited than in the 20th century. However, the situation has changed. Now, robotics and artificial intelligence is widely used across the world and industry and factories not only increasing their production but making huge profits[16].

If we see around the world, we find that deaths have been also increased with increased of deployment of the intelligent machining in at work place. Thus, situation posing many legal questions[17] to deals with, such as what is liability in such case and who is liable. As human society, we have developed judicial administration system which deals with the disputes. The disputes are essentially divided in civil nature of dispute[18] or criminal nature of dispute[19] and accordingly dealt with the judicial administration. In human society, law prescribe not only rights but also duty and failure to respect the right of other human, attract liability in eye of law.

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[13]An& P V, Self-Driving Car on Indian Roads, https://towardsdatascience com/self-driving-car-on-indian-roads-4e305cb04198 further see, Self-driving cars a far future in India, but China expects to go commercial by 2025, https://www.deccanchronicle.com/technology/in-other-news/030320/self-driving-cars-a-far-future-in-india-but-china-expects-to-go-comme.html, Mart& Mishra. Self-Driving Cars in India All is Not Lost with Autonomous Carshttps://gomechanic.in/blog/self-driving-cars-in-india/#:~:text=Self%2Ddriving%20cars%20will%20not,self%2Ddriving%20cars%20is%20long.

[14]From the archive, 9 December 1981: Robot kills factory worker, The accident was the first of its kind in Japan, a nation which has the largest robot workforce in the world, available https://www.theguardian com/theguardian/2014/dec/09/robot-kills-factory-worker.

[15]Ibid.

[16] Nikita Sharma, The Rise of the Machines: Industrial Robots 'Favouring' the Automation, https://www.eletimes com/the-rise-of-the-machines-industrial-robots-favouring-the-automation. Published on December 17, 2019.

[17] Murashov, Vladimir et al "Working safely with robot workers: Recommendations for the new workplace" Journal of occupational & environmental hygiene vol 13,3 (2016): D61-71 doi:10 1080/15459624 2015 1116700.

[18] Civil Nature of Dispute means In the suit, if the principal question relates to the determination of a civil right, then the suit is of a civil nature The expression suit of civil nature covers private rights & obligation of a citizen, The following can be held to be suits of civil nature: example Suit for damages for breach of contract, Suit for specific relief, Suit for conjugal rights, Suits for the right of worship , Suits for rent & so on, *Shiv Kumar Chadha Etc Etc* vs *Municipal Corporation Of Delhi*, 1993 SCR (3) 522 . *Samir Sajjad Ahmed* vs *Mohammed Ayub*, Rjasthan High Court, Decided on 19Feburary 2018, available on https://indiankanoon org/doc/39329000/.

[19]Crime is any act or omission of an act that is declared, prohibited & punishable by State. Four conditions must exist for an act or omission to be considered a crime: the act is considered wrong by society, the act causes harm to society in general or those in need of protection, the harm is serious, & the remedy must be held by the criminal justice system. Crimes are considered offenses against the state, or society as a whole & there is different objectives of the punishment.

Liability signifies "condition of affair which gives rise to an obligation to do particular thing to be enforced by action or one who is bound in law and justice to do something which may be enforced by action"[20]. Liability can arise out of contract[21] or application of any law/s. Failure to perform obligation properly by a person can cause damage to other person for which a person can be held liable.

Damage is defined as "loss or injury which result from an unlawful act or injury or deterioration caused by the negligence or accident of one person to another, depreciation in value whether such depreciation is caused by wrongful or law full act or any hurt or hindrance a man receive in his person"[22]. Damage means disadvantage suffered by a person as consequence of act or default of another. Thus, if person undertaking any activities, he is under obligation to safely to other person and society at large and if person fails to perform his duty and such action causes loss or injury to the other person or member of society, responsible person will be liable for his act of criminal activities or pay damages to victim or sufferer.

The basic principle for measuring damage is restituto in integrum. Compensation for damage should be equivalent to restoring the person suffering damage to the original position before damage. In general, different types of liabilities exist, such as fault-based liability, strict liability, vicarious liability and joint liability or criminal liability[23]. As we discussed above that now, robots with artificial intelligence deployed at our work place and they are continually inflicting damage to coworker who is human but it is too easy for it to escape from any king of criminal or civil liability[24].

Quest of Personality

In the human society- law impose legal obligation on the person[25] [23], be it human/ natural person or fictional such as corporate/ legal person or qusi judicial person status such as child, sick/ insane person. Where in case of natural person legal obligation is imposed directly on the person how is responsible for wrong. However, in case of the corporate personality- obligation is imposed not directly on corporate personality but to the person who are managing it, regardless of that person was involve or not for wrong committed by corporate.   But question is that is we have to impose legal obligation on the robot with Artificial intelligence. The objective of imposing legal obligation on the person is to making accountable to person before the law and judicial authority.

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[20]P. Ramanatha Aiyer, The Law Lexicon, (2nd Ed) 2007 pg. 1117.

[21] Contract may be express or implied or may be based on legal relationship such as quasi- contract.

[22] Supra Note 20.

[23] In criminal matters, it is usually the state prosecuting the defendant before a magistrate, or a judge. The basic assumption in criminal liability is that there is both a mental element & physical element to the offence. For example, theft involves "dishonestly" which is a question of mental attitude, & "appropriating" which is a physical act   The burden of proof for criminal offences is that of "beyond reasonable doubt." It should be realized that various offences in relation to, for example, road traffic law or environmental law have been so structured that the "mental element" is in fact not required for a conviction. This has been as a matter of public policy to make it possible to obtain convictions which otherwise would be very difficult. The penalties for criminal offences are fines & imprisonment, as well as other non-custodial punishments.

[24] Civil liability gives a person rights to obtain redress from another person, eg: the ability to sue for damages for personal injury. There is also the right to obtain an injunction. For there to be an award of damages, the injured party has to have suffered an actual loss, be it personal injury, damage to property, or financial loss.

[25] Lugosi C I (2006) Conforming to the rule of law: when person & human being finally mean the same thing in Fourteenth Amendment Jurisprudence Issues in Law & Medicine, 22(2-3), 119–303.

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The judicial authority or administrative authority by adjudication act of the person ensure that it not only send massage to the society but also ensure justice, equality, harmony, sense of security among the fellow citizen. Further, in human society – human act also become responsible on the basis of the pain and pleasure theory[26]. Even if we assume that in case of pain and pleasure do not works in case of artificial person but it brings damage of reputation, damage of business, damage of trust.

Types of Wrong

The wrong signifies an injury committed towards, person, and property of another, relative[27]. These wrongs are committed with or without force. Generally, law recognised two types of wrong, First, public wrong and secondly, private wrong. The public wrongs are those violations of public rights and duties which affect the whole society and community[28]. While, private wrong[29]is a violation of public or private rights that injures an individual and consequently is subject to civil redress or compensation[30]. The third type of wrong is, Torts, which is based on the negligence by ones against another person. The tort includes assault, battery, slander, mental distress, damage to property and negligence towards others legal right. The tortuous relation arises out of contractual relation or legal obligation.

The objective of the categorization of the wrong is to not only adjudicate but also treat act accordingly, such as if its act is falling in public wrong means criminal act which consider as wrong against society at large, treatment of the wrong doer must be according to the Criminal law. So that accused not only deter himself from committing more crime but also massage is sent to the general public that whoever do something will be dealt accordingly. While, in case of civil wrong, the wrong doer is compelled to pay expected damage or repatriate to the victim in original position or person who's right has been violated.

Crime Causation

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[26] Bentham, Jeremy, The Principle of Utility, 1822, Chapter 1, Part 1. Where author says, "Nature has placed mankind under the governance of two sovereign masters, pain & pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one h& the st&ard of right & wrong, on the other the chain of causes & effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate & confirm it. In words a man may pretend to abjure their empire: but in reality, he will remain subject to it all the while." Further see: Crimmins, James E, "Jeremy Bentham", The Stanford Encyclopedia of Philosophy (Summer 2020 Edition), Edward N Zalta (ed), URL = <https://plato stanford edu/archives/sum2020/entries/bentham/>

[27]Wrong (nd) A Law Dictionary, Adapted to the Constitution & Laws of the United States. By John Bouvier (1856) Retrieved August 21 2020 from https://legal-dictionary.thefreedictionary.com/Wrong.

[28] A public wrong is an act which is injurious to the public generally, commonly known by the name of crime, misdemeanour, or offence, & it is punishable in various ways, such as indictments, summary proceedings, & upon conviction by death, imprisonment, fin, further see. Edwards, James, "Theories of Criminal Law", The Stanford Encyclopedia of Philosophy (Winter 2019 Edition), Edward N Zalta (ed), URL = <https://plato stanford edu/archives/win2019/entries/criminal-law/>

[29] A civil wrong is an act that an individual commits against another, giving rise to a cause of action for damages & other appropriate relief such as repartition, a remedy which restores seized or stolen property to its owner.

[30]Damage means, monetary compensation that is awarded by a court in a civil action to an individual who has been injured through the wrongful conduct of another party. See damages (nd) West's Encyclopedia of American Law, edition 2 (2008) Retrieved August 28 2020 from https://legal-dictionary.thefreedictionary.com/damages.

Crime Causation[31] is the relationship between action and its effect[32]. Thus, for Example, A will not be responsible for an act which he has committed but not effected or damage. This is because there must be relationship of the cause and its effect, its play as defence to the defence/ or wrongdoer. If the victim or the plaintiff could not establish causation between action and damage, he may not be able to claim damage. This principal also applies in criminal law, where it means, result of a person's conduct for the purpose of holding him criminally responsible[33]. However, if we apply this principal on the AI robots, one need to prove that AI robot was capable to understand effect of his action. But question whether, AI robot is capable of understand own action? If yes, he can be made responsible for his act but if he is not able to understand the consequence of his action, it would be very hard to impose criminal responsibility or civil responsibility. The concept liability or responsibility till now, has been created to make accountable to humans for their action or action which can be controlled by them if those actions are done by something else. Thus, there are various types of liability system has been developed such, vicarious liability[34], strict liability[35], product liability[36], limited liability[37], fault liability[38], absolute liability[39], joint liability[40] and duty of care[41]. Further, all these liabilities are imposed on human or group of humans based on their act/s. It should be noted that in civil wrong or tort, intention does not play substantial role, except

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[31] Moore, Michael, "Causation in the Law", The Stanford Encyclopedia of Philosophy (Winter 2019 Edition), Edward N Zalta (ed.), URL = <https://plato stanford edu/archives/win2019/entries/causation-law/>

[32] The Editors of Encyclopedia Britannica, Causation, Encyclopedia Britannica, February 02, 2009, https://www.britannica.com/topic/causation.

[33] Paul K Ryu, Causation in Criminal Law, University of Pennsylvania Law Review, Vol: 106, No: 6, published in 1958

[34] Legal concept that assigns liability to an individual who did not actually cause the harm, but who has a specific superior legal relationship to the person who did cause the harm See vicarious liability (nd) West's Encyclopedia of American Law, edition 2 (2008). Retrieved August 29 2020 from https://legal-dictionary.thefreedictionary com/vicarious liability.

[35] Strict liability is a theory that imposes legal responsibility for damages or injuries even if the person who was found strictly liable did not act with fault or negligence. This theory usually applies in three types of situations: animal bites (in certain states), manufacturing defects, & abnormally dangerous activities. See: strict liability (nd) Collins Dictionary of Law (2006) Retrieved August 29 2020 from https://legal-dictionary.thefreedictionary com/strict liability.

[36] The responsibility of a manufacturer or vendor of goods to compensate for injury caused by defective merchandise that it has provided for sale product liability (nd) West's Encyclopedia of American Law, edition 2 (2008) Retrieved August 29 2020 from https://legal-dictionary.thefreedictionary.com/product+liability.

[37] Limited liability can be achieved by private contractual arrangements, by the use of limited liability forms of enterprise, by other statutory limits on liability, See, "limited liability" TheFreeDictionary com 2020 Farlex, Inc: 29 Aug, 2020 https://legal-dictionary.thefreedictionary.com/limited liability.

[38] "Fault" is a type of liability in which the plaintiff must prove that the defendant's conduct was either negligent or intentional; fault-based liability is the opposite of strict liability, Fault Liability (Tort) (1970). The International & Comparative Law Quarterly, 19(4), 715-717. Retrieved August 29, 2020, from http://www.jstor.org/stable/758388.

[39] The rule of absolute liability is similar to the rule of strict liability with some modification. This rule applies without any limitation or exception & creates an individual completely liable for any fault. The rule of Absolute liability was laid down by the Honourable Supreme Court of India in the case of M. C. Mehta v. UOI 1987, Bharat Parmar & Aayush Goyal.

[40] Absolute Liability: The Rule of Strict Liability in Indian Perspective, http://docs manupatra.in/newsline/articles/Upload/2D83321D-590A-4646-83F6-9D8E84F5AA3C pdf, further see. Absolute Liability for Dangerous Things (1948) Harvard Law Review, 61(3), 515-523 doi:10 2307/1335529.

[41] When two or more persons are both responsible for a debt, claim or judgment. It can be important to the person making the claim, as well as to a person who is sued, who can see that anyone with joint liability for the alleged debt or claim for damages be joined in (brought into) the lawsuit with them. See: joint liability (nd). The Free Dictionary.com (2020) Retrieved August 29 2020 from https://legal-dictionary.thefreedictionary.com/joint+liability

some exception[42]. Under tort, one needs to prove actual damage or infringement of legal right not intention[43]. If we apply, these rules, AI robot may not be fit for the legal action because it has not been recognised as legal personality in India. Further, it has no independent conscious and dependent of the software developer who has developed for doing specific thing. Thus, describing characteristics, of human may denote to good and bad behaviour of a person like kindness, weakness, emotion, sharing food, caring for infants, and socialisation or depending on society. Which means, essentially AI Robot not having characteristic of which human person possess, it may possess the characteristic of being.

Element of Crime

 As we saw there are two types of the wrong, first one is civil wrong including Tort as we discussed above, there is another wrong which is known as criminal wrong, for constituting criminal wrong there must be certain element which need to prove. Firstly, for criminal activity it is necessary there must be human being and he or she may have committed or worked something[44]. If the wrongdoer is an object or an animal then it may not be considered crime[45]. Secondly, there for committing a crime, human being must have Mens Rea which also known as guilty intention[46]. Thirdly, Actus reus means the act or omission that include the physical elements of a crime as required by law[47]. The bother elements such as intention and act must be there together, is known as "actus non facit reum nisi mens sit rea" means the guilty intention and guilty act together

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[42]A duty of care is the legal responsibility of a person or organization to avoid any behaviors or omissions that could reasonably be foreseen to cause harm to others, person act toward others & the public with watchfulness, attention, caution & prudence that a reasonable person in the circumstances would   If a person's actions do not meet this standard of care, then the acts are considered negligent, & any damages resulting may be claimed in a lawsuit, see further, The Free Dictionary [Internet]   "duty of care"   Collins Dictionary of Law, W J   Stewart, 2006 [cited 29 Aug, 2020]   Available from: https://legal-dictionary.thefreedictionary.com/duty+of+care

[43]There are certain acts where intention is necessary to prove such as assault, battery or defamation.

[44]Damnum sine injuria is a Latin maxim which means damage without legal injury. When there is an actual damage caused to the plaintiff without an infringement of his legal right, no action lies against the defendant. In order to make someone liable in tort, plaintiff must prove that he has sustained legal injury. Damage without injury is not actionable in the law of torts, Injuria sine damnum is a Latin term which means legal injury without any damage   This implies an infringement of the legal rights of a person without any actual loss. Loss in this sense could mean loss of health, monetary loss etc. Since there is an infringement of legal right of a person, right to sue for a remedy is available against the wrongdoer regardless of the fact whether any actual loss is sustained or not.

[45]Jerry Norton & Hans-Heinrich Jescheck, Criminal law, Encyclopedia Britannica, Encyclopedia Britannica, inc, February 27, 2020, available on https://www.britannica.com/topic/criminal-law

[46]Mens rea (nd) West's Encyclopedia of American Law, edition 2 (2008) Retrieved August 31 2020 from https://legal-dictionary.thefreedictionary.com/mens+rea, See, the mens rea means: criminal must act "deliberately," means, he or she must have actual, consciously formed intent to achieve consequence. Secondly, "knowingly," meaning a conscious awareness his conduct will produce consequence. Thirdly, "recklessly" means conscious disregard of the fact that his conduct is creating an unreasonable threat   Fourthly, "negligently, means inadvertence to danger that would have been apparent to person.

[47]Actus reus is the Latin term used to describe a criminal act. Every crime must be considered in two parts-the physical act of the crime (actus reus) & the mental intent to do the crime (mens rea). To establish actus reus, a lawyer must prove that the accused party was responsible for a deed prohibited by criminal law. See further, actus reus (nd) Collins Dictionary of Law (2006) Retrieved August 31 2020 from https://legal-dictionary   thefreedictionary.com/actus+reus.

constitute a crime[48]. However, some exception[49] is also available[50] but that is only to bring justice and punish the offender. Further, injury is forth element of the crime, if the action doesn't succeed and the injury didn't occur than, it is not a crime. There could be stages of crime such as preparation, attempt & accomplishment/commission of crime. If we apply these principals on the AI robot, we find that even though Robot may act independently but question is whether it has intention or mens rea, or more precisely independent intention to harm someone. There could be some AI robot that could be deployed for the arm forces, or police for handling unpleasant situation, but AI robot for such propose will be specifically developed and deployed not ordinary or any AI robot.

Punishment

The purpose of criminal justice administration is to punish the criminal or wrongdoer. It is duty of the state to punish the criminal. For determining objective of the punishment, numbers of the theories have been developed, which elaborate upon purpose of punishment. When person committee a crime, he is punished for wrong amounting to the crime, thus punishment is mainly prevention where its object is to show the futility of crime. Further, by punishing to the guilty, teach lesson to others. The deterrence means to abstain from doing or committing the act amounting to crime. The objective of this theory is to deter/ prevent crimes. The deterrent theory, serves a warning to the criminal as not to repeat such wrong crime in the future. There are other theories of punishment; objective is explained by each theory of punishment, like the Retributive Theory suggests that to provide punishment reciprocally. The target of the idea is to form the wrongdoer realise the suffering or the pain. The majority or Jurists or Jurists, Criminologists, Penologists and Sociologists don't support this theory as they feel it's brutal and barbaric. Retribution essentially means the bad person pays for his wrongdoing, since someone WHO is wronged would love to retaliate himself. Further there is preventive theory explained the idea behind this theory is to stay the bad person aloof from the society. The offenders are penalised with death, imprisonment of life, transportation of life etc. Some Jurists criticize this theory because it is also done by reforming the behaviour of criminals. Reformative Theory objective is to reform the behavior of the criminals. The thought behind this theory is that nobody is born as a Criminal. The criminal may be a product of the social, economic and environmental conditions. it's believed that if the criminals are educated and trained, they will be created competent to behave well within the society. The reformatory theory is provided to achieve success in cases of young offenders, Expiatory Theory, Expiatory theory of penalization relies on morals. per this theory self-reproach or expiration by wrongdoer itself could be a punishment. If the wrongdoer expiates or repents, he should be forgiving. Propitiatory theory of penalization was prevailing in ancient Indian legal code. Expiations were performed by manner of uttering mantras, abstinence or perhaps burning oneself to death.

Now question is, what punishment can be cost upon the robot. Can it will be given chance to reform itself, as reformatory theory but question is whether Robot will be able to understand the

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[48]Douglas, G (1983) Joint Liability in the Penal Code, Malaya Law Review, 25(2), 259-270, Retrieved August 31, 2020, from http://www.jstor.org/stable/24863966.

[49]There are various conditions in which a person is not unable to have mens rea, ie. unsound mind, involuntarily intoxicated, Minor, working in good faith, bound by their occupation & mistaken by facts etc.

[50]David A   Thomas, Donald C   Clarke & Others, Punishment, Encyclopedia Britannica, Encyclopedia Britannica, inc, https://www.britannica.com/topic/punishment.

objective of the punishment or even if punishment is given and even if serve the punishment. The question will remain that whether non-human entity will understand the value of freedom of movement, reason of punishment, pain, pleasure, or social boycott and damage of social reputation.

Conclusion

Since, AI robotics are being deployed at various place and even it is increasing day by day thus it necessary to understand that it liability must be recognized. The, there are various legal debate as to recognized it as person. If we recognized it as person will be responsive as, in terms of caring, emotion, affection towards other human, showing emotion of anger, sadness, happiness, or making decision on the basis of morality, ethics, value of the society, custom, practice. As human, we are surrounded by the ecosystem and accordingly, human respond in case of danger. Thus, it suggested that instead of recognizing it as person, we should be considering it as "thing" and owner, should be responsible for damage/ accident or crime. Further, there should be mandatory insurance amount, which need to bear by the owner of AI robot. If there is any accident then same system must be followed as it is followed in case of the motor accident or aviation accident. Thus it will cater to a better development and advancement of the criminal justice system and usher an era of expediency and suggest appropriate reforms for the betterment of the system.