

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## EDITORIALTEAM

### EDITORS

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpna

Assistant professor of Law

*Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **CRIMINAL LIABILITY FOR ACTS COMMITTED BY AUTONOMOUS AI SYSTEMS: GAPS IN EXISTING INDIAN LEGAL FRAMEWORKS**

AUTHORED BY - DR. BHAVISH GUPTA<sup>1</sup>

## **Abstract**

Current ideas of criminal law culpability based on mens rea and actus reus have serious problems with the seemingly growing acceptance of AI in vastly expanded areas and businesses. There is a lack of clarity under existing legislation, like Bharatiya Nyaya Sanhita, regarding the behavior of autonomous and stochastic AI systems. This study explores the question of AI legal responsibility by arguing about whether AI can form an intention to do a certain action or not. At last, it takes into account the risk-based approach of the European Union and ideas of electronic personhood as feasible worldwide control tools for these issues. The paper exhorts the Indian government to create legal frameworks that support artificial intelligence growth by means of risk classification, mandatory disclosures, and establishment of an AI ethical governance body to handle problems with responsibility. Specific AI entities should have restricted electronic personhood. Use cases, notably those involving high-risk components, should be disclosed. Developers and operators should be held strictly liable. We need an integrated approach that aims for accountability without limiting innovation, and India is no exception. India needs more progressive regulatory frameworks to address the legal concerns raised by AI-driven activities, protect the public interest, and encourage innovation.

**Key words:** Artificial intelligence (AI), transparency, electronic personhood, mens rea, mens reus, mens rea in criminal culpability, Bharatiya Nyaya Sanhita, and AI ethics.

Far too many AI researchers nowadays focus on following trends and only share their successful projects. Until AI discloses both its successes and its failures, it will never be considered a science.

John McCarthy (1956)

---

<sup>1</sup> Professor, IMS Law College, Noida (Affiliated to CCS University, Meerut, UP.)

## Introduction

A once unknown topic like artificial intelligence has rapidly found its field of application in everything, including technology and law, and generates challenging and pertinent problems in the always changing surroundings. Of them, the issue of criminal liability for actions carried out by autonomous AI systems is the most complex and pervasive. What used to remain an intellectual curiosity has become a real question with pragmatic concerns about how we will address them now for legislators, legal academics, businesses, and the general people. Risks arise when an artificial intelligence system—such as robotic health care support, self-driving cars, or automated financial consultants—that makes decisions and runs independently becomes part of an appliance. However, no comprehensive legal precedence for assigning criminal liability to AI exists at this time, either in India or elsewhere. Because it raises serious concerns about fairness and ethics and muddies the boundaries of commonly recognized cause and effect, the idea of AI liability casts doubt on the conventional wisdom around the preventative measures component of criminal law. Since such systems can sometimes operate autonomously and eccentrically, it is crucial to find how important legal concepts—intention, mens rea, and actus reus—pertain to—or do not pertain to—AI.<sup>2</sup>

For instance, addressing these challenges is critical since they are the driving force behind the creation of new and better police systems and other forms of monitoring.

The new legal and ethical conundrum is artificial intelligence's capacity to unintentionally discriminate or even damage as businesses strive to boost output and reduce the need of human intervention. However, these criteria are grounded in rationalistic principles that assume human accountability, purpose, and predictable danger., the BNS offers guidelines for liability; it recognizes culpability and punishment. The autonomy of artificial intelligence makes this basic structure—which defines knowledge as responsibility—problematic. A lack of AI renders the BNS criminal liability rules mostly dependent on subjective mental components. Conventional criminal liability cannot easily apply under Indian law as it depends on the mens rea theory; artificial intelligence is not a sentient machine and lacks "intention" in the legal sense or "knowledge" in the human sense. Still, as autonomous artificial intelligence systems proliferate across all spheres of life, pursuing common law that controls such systems became absolutely vital.<sup>3</sup>

---

<sup>2</sup> Hifajatali Sayyed, 'Artificial Intelligence and Criminal Liability in India: Exploring Legal Implications and Challenges' (2024) 10 *Cogent Social Sciences* 15–34.

<sup>3</sup> Dennis J Baker and Paul H Robinson, *Artificial Intelligence and the Law: Cybercrime and Criminal Liability*

Right now, mens rea and actus reus are the two legal theories that define criminal responsibility in India. The Bharatiya Nyaya Sanhita's foundational principles of criminal responsibility are anthropocentric, and it's hard to apply human views of criminals to non-human entities like AI. Thus, the question of who is legally liable for AI's independent activities remains unanswered. Similar questions have been raised on a global scale by other nations, with responses ranging from proposals to establish AI as a separate legal entity to simply blaming its creators. In retrospect, the benchmark for imposing a level of accountability on AI entities was set by the European Union's AI draft regulation. However, the problem persists, particularly in Indian law, due to the fact that AI technology advances at a quicker rate than the legislation enacted to regulate it. As a result, research into possible legal frameworks for AI accountability is both an intellectual need and a reflection of the need in contemporary criminal justice.<sup>4</sup>

## 2. CONCEPTUAL FRAMEWORK OF CRIMINAL LIABILITY

Assuming human actors as rational controlling liable for erroneous acts is the basic basis of the notion of criminal culpability, which has existed for millennia in legal culture. The mental component of criminal culpability might take the form of irresponsibility, knowledge, or purpose, while the physical component can lead to harm or unlawful outcomes. This paradigm is encapsulated by fundamental notions like as the mens rea, the mental aspect of a crime, and the actus reus, the physical aspect. There are still a lot of unanswered questions about how to include AI into contemporary criminal liability law, despite the fact that AI is becoming a more autonomous social force. The definition of the legal framework for business organizations is becoming more problematic as AI becomes more entrenched. From a criminal justice perspective, the problem is that AI systems are inherently anthropocentric as they do not need human intervention to function.

### 2.1 Traditional Criminal Liability Principles

Conventional criminal responsibility is closely related with ethics and human behavior. According to the Bharatiya Nyaya Sanhita (BNS) and other international criminal codes in effect today, the onus of proof and criminal liability is on the defendant to demonstrate a reasonable and voluntary control over his or her own conduct. The law presumes, for example, that a person or people acting as agents in a murder or robbery case know and may change the nature of the crime. This assumption and retributive justice theories of punishment work hand

---

<sup>4</sup> Nora Osmani, 'The Complexity of Criminal Liability of AI Systems' (2020) 14 *Masaryk University Journal of Law and Technology* 53.

in hand to hold an offender accountable for the ethical fallout of his reckless actions. Some parts of the BNS, such "Section 100" on culpable murder, presume knowledge of death or intent to kill, lending credence to the idea that individuals inherently value the consequences of their acts.

## **2.2 Mens Rea and Actus Reus: Key Components of Criminal Liability**

Among the most crucial components of criminal responsibility are still mens rea and actus reus doctrines. Mens rea refers to the mental element or guilty mind concept included into the actus reus of the crime. Both the requisite mental condition and proof of the components of the unlawful conduct (actus reus) are required for an individual to be found criminally responsible for an unlawful deed. A person's knowledge and purpose to commit a specific crime are the primary elements of a criminal prosecution in India, according to "Section 100" of the BNS. But as they lack consciousness, emotions, or a moral compass, artificial intelligence systems lack mens rea. While advanced AI systems are able to mimic human thought processes, their behaviour is more a product of code than deliberate design. Rather than "choose" to ignore a red light or run over a pedestrian, self-driving vehicles instead adhere to data inputted into the system and do computations in real-time. Because AI may generate actus reus without mens rea, it is difficult to apply traditional criminal culpability laws to such cases. The fact that systems are given new data as they evolve—what may be seen as a learning feature—only makes the problem worse. In the absence of the quirks shown by AI systems, it is possible to operate traditional machines and then blame a human or a programming mistake for an incorrect outcome. The intricacy of AI systems makes it difficult to determine criminal liability since their structure does not correspond to the distinction between mens rea and actus reus in criminal law.

## **2.3 Challenges in Applying Traditional Liability to AI Systems**

Conceptual difficulties arise when attempting to analyze AI systems via the lens of traditional criminal culpability, primarily as a consequence of the disparities between the functioning of the criminal law and the use of AI systems. To start, AI does not yet have the qualities necessary for mens rea: knowledge or intention cannot be ascribed to an entity devoid of consciousness or morality. Therefore, as is a necessary component under Indian criminal law, artificial intelligence cannot "intend" something in the legal sense. If an accident involving a self-driving vehicle occurs and someone dies, assigning blame might become complicated since the AI system is unaware that it is endangering human lives. Because carelessness

indicates a human inability to exercise reasonable caution, which is a very human shortcoming, many traditional legal efforts at remedy making, such as those envisioned under "Section 106" of the BNS and which pertain to death by negligence, do not adequately use artificial intelligence.

Thirdly, the question of accountability is made worse by the very nature of artificial intelligence's learning process. Most artificial intelligence systems use sophisticated formulas that change with time and might have unexpected results. These changes bring to a dilemma: When, for example, an AI system chooses on its own and causes harm or criminality, the question of who is to blame becomes contentious. This might be the programmer, the user, or the AI system itself. Furthermore, an artificial intelligence system cannot be held legally liable under current law since punishment and deterrence are not applicable to physical objects. Punishment is meant for human offenders; hence, artificial intelligence cannot learn a lesson from it or go through the same experience as human incarceration is experienced.<sup>5</sup>

#### **2.4 Laws Governing Artificial Intelligence (AI) In India**

Even while India does not yet have any legislation governing AI, the country's top officials are understandably concerned about the lack of such protections. The government of India is hesitant to establish AI regulations due to moral and ethical worries about the technology's potential growth in the country, according to Ashwini Vaishnaw, India's minister of information technology. MeITY stands for the Indian government's Ministry of Electronics and Information Technology. These statutes include provisions that fundamentally deal with AI:

**Information Technology Act, 2000:** In terms of digital governance, computer-related crimes, and online business, this act is foundational. Though artificial intelligence is not specifically mentioned, special legal provisions cover activities connected to it. Section 43A of the IT Act 2000 specified punishment and compensation should sensitive personal data be handled carelessly leading to a data protection breach. Regarding the AI systems managing millions of user data, this clause is especially crucial. The legislation also offers clauses allowing Intermediaries or platforms incorporating artificial intelligence;<sup>6</sup>

**Case of K Puttaswamy:** The Apex Court acknowledged the nine-judge reaffirmation of

---

<sup>5</sup> Thomas C King, Nikita Aggarwal and others, 'Artificial Intelligence Crime: An Interdisciplinary Analysis of Foreseeable Threats and Solutions' (2020) 26 *Science and Engineering Ethics* 89–120.

<sup>6</sup> Diya Saraswat, 'Laws Governing AI in India: Everything You Should Know' (Legal Service India, 2024) <https://www.legalserviceindia.com/legal/article-13111-laws-governing-ai-in-india-everything-you-should-know.html> accessed 19 May 2025.

fundamental right concerning privacy. Personal autonomy is as a basic entitlement compliant with Indian law. Human rights and the necessity of protecting personal data from artificial intelligence-based systems are highlighted by the court in the 2017 case of Retired Justice Puttaswamy v. Union of India;

**Personal Data Protection Bill 2019:**<sup>7</sup> The proposal is now being reviewed and is intended to provide a comprehensive framework for protecting personal data. The law details the organizations responsible for managing personal information. In addition to the location of data, entities should also have limitations on their destinations. Additionally, it recommends establishing an entity to monitor the provisions of the proposal. Additionally, this legislation contains several provisions about profiling and automated decision-making. In order to protect customers' rights and interests, it necessitates their explicit permission before AI system programs may utilize their personal data;<sup>8</sup>

**The Indian Copyright Act, 1957** restricts the duplication or unlicensed use of literary works and provides provisions for their official acknowledgment and preservation,<sup>9</sup> Artistic, Music and Dramatics with sole rights to their creators. Talks about copyright ownership and liability for infringement brought on by artificial intelligence produced works;

**Case Law: High Court of Delhi** decided in this conflict involving the Gramophone Company that the artificial intelligence generated lacks human originality. The court ruled that it does not qualify for copyright protection under the Indian Copyright Act, and hence, the protection was rejected. It is now crystal obvious from this verdict that material created by AI does not qualify for legal protection;

**Act of 2019 on Consumer Protection:** In India, regulators target artificial intelligence to guard workers and consumers. After financial institutions relied on new technology and flawed algorithms to cause wrongful foreclosures, vehicle seizures, and benefit cuts, the Consumer Financial Protection Bureau punished them in May 2023 for poor management of automated systems. To encourage constructive dialogue between the DoCA and stakeholders in August 2023, the department organized a workshop titled "Artificial Intelligence (AI) and Consumers." The goal was to address issues related to consumer interests, protection, and the use of AI in a favorable light.

---

<sup>7</sup> The Personal Data Protection Bill 2019 (India) <https://loksabhadocs.nic.in/> accessed 19 May 2025.

<sup>8</sup> *ibid*

<sup>9</sup> The Copyright Act 1957 (India) <https://copyright.gov.in/> accessed 15 May 2025.

The government of India faces many difficulties with artificial intelligence. Here are a few drawbacks:

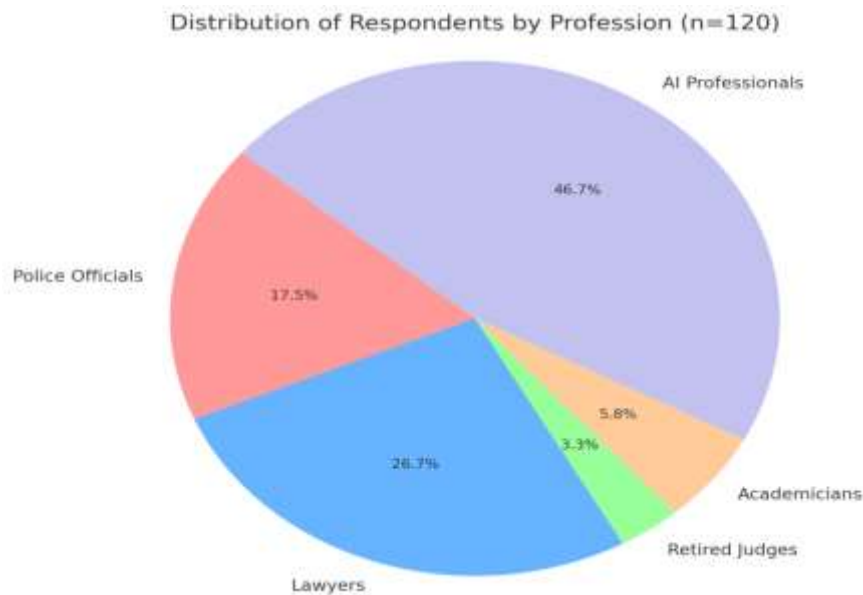
- a) **Lack of Comprehensive Laws on Artificial Intelligence:** India does not yet have any particular law addressing artificial intelligence. Though some current laws and clauses, such as the IT Act of 2000 and the forthcoming PDP Act of 2019 covering elements of artificial intelligence.
- b) **Sabbatical of Clear Guidelines and Absence of Enforceability:** When it comes to artificial intelligence (AI) systems, there are currently no enforceable ethical standards or regulations in India; this results in improper and ineffective addressing of the issues and complexity related with artificial intelligence. Lack of thorough direction may lead to uncoordinated practices and possible misuse of AI systems;
- c) **Bias and Discrimination Concerns:** As AI systems mostly depend on past data that could reflect social prejudices, they may unintentionally affect discrimination and bias. The present Indian legislation does not specifically address issues of bias and discrimination in AI algorithms, which leaves room for discriminatory practices;
- d) **Challenges of Liability:** Establishing transparency and culpability in the case of harm or mistake emerging from artificial intelligence systems is challenging due to their complicated nature and autonomy. Liability and obligation for AI events or catastrophes are not clearly defined under current regulations, which might cause legal disputes;
- e) **Insufficient Regulatory:** Though the draft Law on Personal Data Protection 2019 suggests the creation of a data protection body, there is insufficient specialized regulatory authority for thorough control of artificial intelligence. As a consequence, AI system control breaks down and monitoring becomes disjointed;
- f) **Intellectual Property Rights (IPR) Vagueness:** India's current IPR laws neglect to safeguard AI generated inventions and content. Questions about ownership of copyright material and also artificial intelligence produced patent works could lead to uncertainty and doubt. These problems are labeled as "attribution issues".

### Empirical Analysis

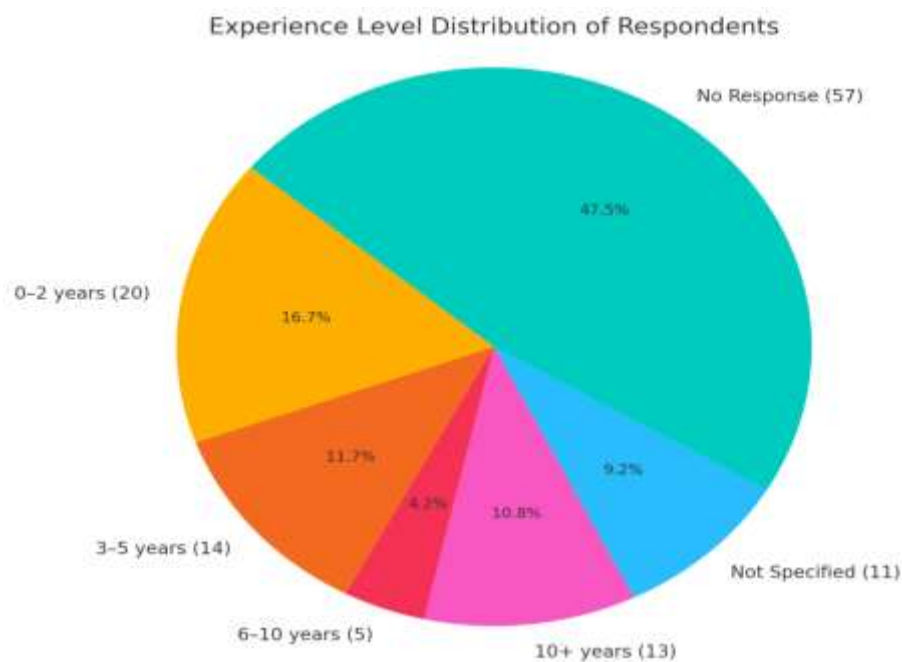
This study conducted an empirical investigation comprising 120 respondents in order to investigate the practical dimensions and stakeholder viewpoints on the issue of criminal liability for acts performed by autonomous artificial intelligence systems. Legal practitioners, law enforcement officials, judges, artificial intelligence experts, and other domain experts

whose insights help to provide a grounded knowledge of the current legal gaps and reform priorities within the Indian setting made up the sample.

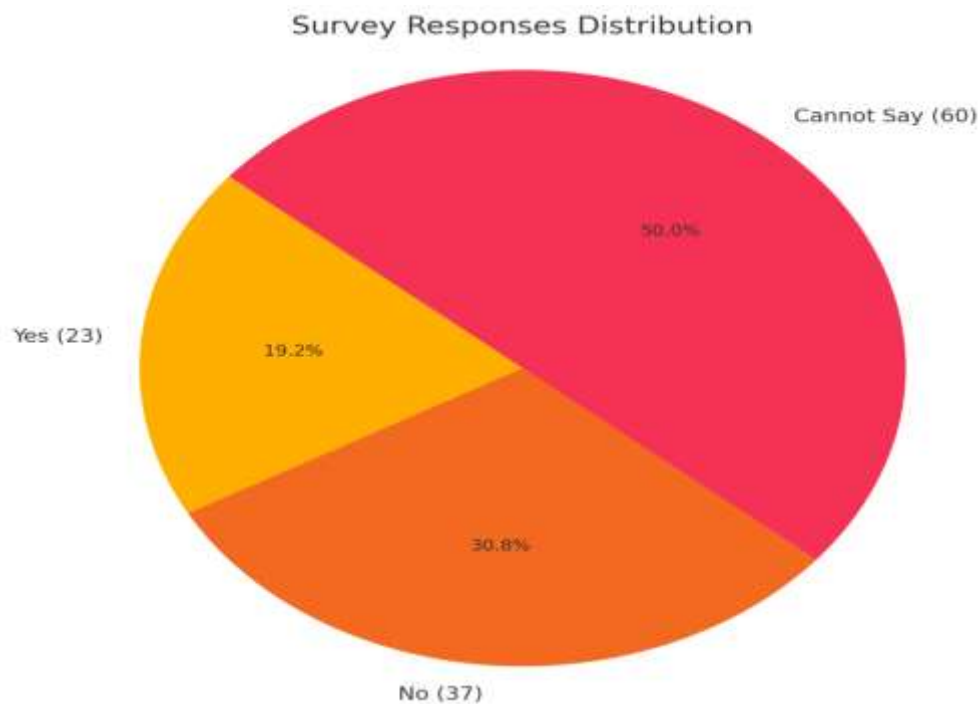
### Question. 1 Profession



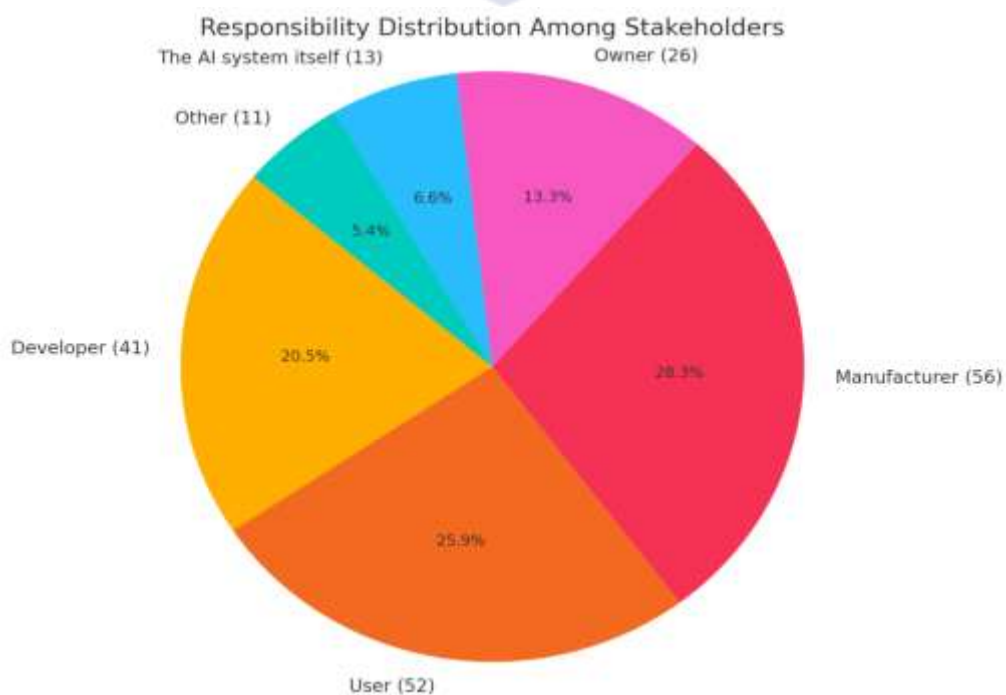
### Question. 2 No. of experience



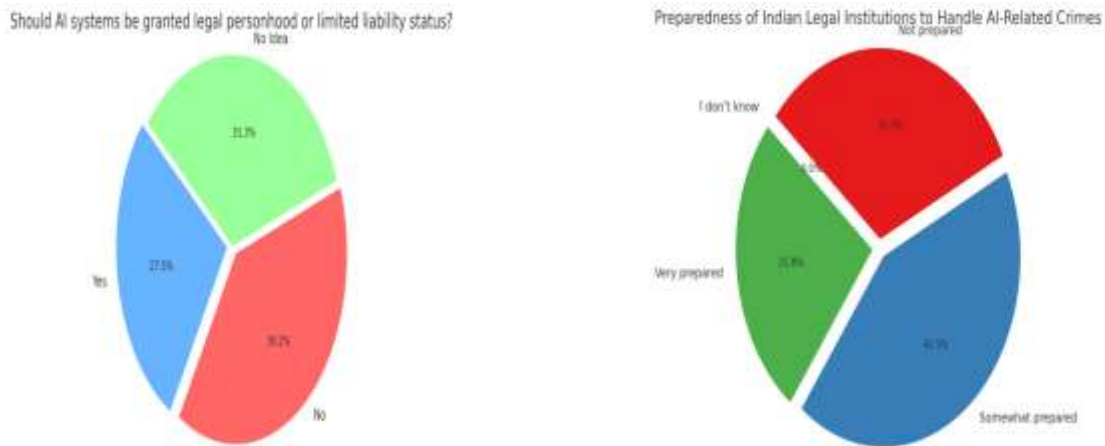
**Question: 3** In your view, can an autonomous AI system be held liable under existing Indian criminal law?



**Question: 4** Who should be held responsible when an AI system causes harm or commits an offense? (Multiple responses allowed, n = 120)



### Question. 5 and 6



### Key Findings and Gaps: Survey Report: Legal and Ethical Challenges in AI Accountability

With the increasing deployment of Artificial Intelligence (AI) in sectors like law enforcement, judiciary, governance, and commerce, this survey was conducted to assess the preparedness of Indian legal institutions and gather professional insights on the challenges AI poses to traditional legal frameworks. The aim is to identify legal reforms and ethical considerations necessary to ensure accountability in AI-related offenses.

#### Application of Legal Concepts Like Mens Rea to AI Systems:

**Findings:** Most respondents—especially academics and lawyers—emphasized the basic challenge in using conventional legal ideas like mens rea (criminal intent) to artificial intelligence systems. AI lacks sentience, moral consciousness, and intention forming ability. Operating on algorithms and data inputs, it undermines the basis of imposing individual criminal responsibility under present legal doctrines.

**Analyzed:** This generates a legal gray area whereby artificial intelligence systems could cause damage but no responsible entity fits the classical definition of guilt. This demands a review of liability rules and creation of legal definitions tailored especially for artificial intelligence.

#### Real-World Cases of Harmful AI Behavior in India

**Findings:** Although few respondents claimed direct court-handled AI damage cases in India, several experts in cyber security, digital forensics, and regulatory areas cited increasing cases of:  AI-generated deep fakes and misinformation

**Analysis:** In both HR and financial sectors, bias in algorithmic decision-making Though not yet subject to particular AI legal proceedings, these examples highlight the need of proactive legal frameworks and preventative monitoring before more major cases develop. Face recognition mistakes in police analysis.

### **Need for a Dedicated AI Legal/Regulatory Body**

**Findings:** Particularly legislators, technology consultants, and legal academics—who strongly supported the creation of a specialized regulatory body to monitor AI responsibility in India—responded significantly.

Reason: To manage the complexity of artificial intelligence systems outside conventional government capability.

To guarantee ethical growth and application of artificial intelligence technologies; to design industry-specific rules and certification for AI systems

**Analysis:** Combining legal, technical, and ethical knowledge, such a body would act as an interdisciplinary hub making sure India stays ready for the legal consequences of artificial intelligence.

**Ethical Direction of Punishment in AI-Related Offenses:** Finding Consensus among all professions was that punishment should be focused on human stakeholders—developers, businesses, operators, data handlers—rather than on artificial intelligence systems.

Ethical Defense: AI cannot react to penal policies and lacks moral agency.

Design, deployment, and monitoring of artificial intelligence systems fall to human actors.

Analysis: Accountability has to stay human-centered, so supporting the idea that technology is only a tool rather than an actor.

## **Recommendations and Conclusion**

- Changing criminal and civil laws to fit damage done by autonomous systems.
- imposing strict liability for AI-driven services in law enforcement, finance, and sensitive sectors including healthcare and manufacturing.
- Requiring in AI design openness, audit capability, and explain-ability.
- Developing an AI ethics code of behavior and regulatory sand boxing for new technologies.

- AI literacy and capacity building for judges, legislators, enforcement authorities, and lawyers generally.

In India, the idea of "AI" criminal culpability necessitates a multi-pronged approach that integrates ethically responsible technology development. With these ideas in mind, we can construct a balanced framework that is both safe for AI applications and conducive to the preservation and promotion of creative expression.

In Indian law, classification of artificial intelligence and other relevant autonomous systems is rather important. When it comes to legal interpretation, it's important to distinguish between various capabilities, such as machine intelligence, machine learning, and fully autonomous systems, based on factors like legal usability.

When it comes to the core principles of mens rea and actus reus as they pertain to AI operations, relevant criminal legislation, such as Bharatiya Nyaya Sanhita, must address AI-related culpability. Some of these clauses might allow the parties who merit it to be liable whenever the decisions taken by artificial intelligence cause damage. Still, India might decide on a risk-based regulation based on the degree of risk products could bring to people using the EU model divides products. This would make high-risk applications like predictive policing and self-driving cars even more risk and close observation, but other systems could be exposed to far less control.

All artificial intelligence systems scheduled for deployment in significant sectors should be required to offer openness and explain-ability in response to the black box issue. This will be useful for establishing and adhering to standards for how AI makes choices, as well as for tracing those decisions back to their original creators and holding them accountable in the event of harm or misconduct.

In order to ensure that AI is used in a responsible manner and in accordance with its principles, India may establish a regulatory body for AI ethics. To further ensure that AI applications remain ethically grounded, such an organization might supplement the Digital Personal Data Protection Act, 2023, which addresses data protection.

The only way to ensure that those responsible for AI-related harm are held accountable is to

implement stringent liability regulations for the industry as a whole. This is particularly important when it comes to self-initiated actions. In cases when it is difficult to pinpoint a single responsible "mind," this approach might be useful for streamlining the process in order to provide secure design and implementation solutions.

AI often crosses national boundaries and causes India to establish relations with other nations in order to balance many liabilities of AI by means of well-defined structures. This could also be helpful in establishing international natural cooperation that would allow the development of enforcement mechanisms spanning the globe to handle artificial intelligence crimes.

India might investigate giving some high-risk artificial intelligence systems limited electronic person hood, even if the legal person hood for AI is still a contentious issue. This would allow some artificial intelligence entities to have unique legal personality while simultaneously limiting legal responsibility to particular acts.

It would be advisable to evaluate artificial intelligence impact analyses prior to deploying autonomous systems in pertinent domains to prevent risks and liabilities. This will enable authorities evaluate the hazards of artificial intelligence systems as well as the possible mistakes and strategies for better including this technology into society.

Since AI is ever-evolving, laws must also be flexible to accommodate new developments in the field. A legislative review committee focused on artificial intelligence may help lawmakers better align legislation with technology advancements, protecting both society's interests and lawmakers' ability to craft effective laws.

These recommendations concentrate on the public good, responsibility, and flexibility and aim to create a whole legal framework suitable to handle the problems raised by this advanced technology. In order to tackle the issue of criminal responsibility that artificial intelligence brings, India can equip itself with clear legislation, ethical monitoring, and, most crucially, multilateralism.

This poll highlights professionals' increasing awareness and worries about the moral and legal dilemmas artificial intelligence presents. Although present Indian institutions are rather ready (as 51 respondents indicated), legal theory, institutional readiness, and regulatory control still

show a clear gap. In the era of intelligent machines, urgent reforms and the building of a dedicated AI regulatory framework are indispensable to guarantee justice, openness, and responsibility.

## Bibliography

### Books:

- Dennis J Baker and Paul H Robinson, *Artificial Intelligence and the Law: Cybercrime and Criminal Liability* (Publisher, Year).  
(Update with actual publisher and year when available)
- Sadaf Fahim, *Ethico-Legal Aspect of AI-driven Driverless Cars: Comparing Autonomous Vehicle Regulations in Germany, California, and India* (1st edn, Oxford University Press 2024).

### Journal Articles:

- Thomas C King, Nikita Aggarwal and others, 'Artificial Intelligence Crime: An Interdisciplinary Analysis of Foreseeable Threats and Solutions' (2020) 26 *Science and Engineering Ethics* 89–120.
- Nora Osmani, 'The Complexity of Criminal Liability of AI Systems' (2020) 14 *Masaryk University Journal of Law and Technology* 53.
- Hifajatali Sayyed, 'Artificial Intelligence and Criminal Liability in India: Exploring Legal Implications and Challenges' (2024) 10 *Cogent Social Sciences* 15–34.

### Web Sources:

- Diya Saraswat, 'Laws Governing AI in India: Everything You Should Know' (Legal Service India, 2024) <https://www.legalserviceindia.com/legal/article-13111-laws-governing-ai-in-india-everything-you-should-know.html> accessed 19 May 2025.

### Legislation and Government Documents:

- The Copyright Act 1957 (India) <https://copyright.gov.in/> accessed 15 May 2025.
- The Personal Data Protection Bill 2019 (India) <https://loksabhadocs.nic.in/> accessed 19 May 2025.