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AI-Generated Evidence and the Indian Criminal Process: Challenges of Reliability and Admissibility

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Abstract

Artificial intelligence has transformed the evidentiary environment of criminal justice. Audio, video, images, documents and text can now be generated or altered with a degree of realism that makes ordinary visual or auditory inspection increasingly unreliable. India's new evidence framework, the Bharatiya Sakshya Adhiniyam, 2023 (BSA), recognises electronic and digital records while imposing specific safeguards concerning their source, integrity, certification and hash values. The Supreme Court's decision in Pune Bar Association v Union of India (2026) has upheld the constitutional validity of Section 63(4) and expressly recognised the heightened risks created by artificial intelligence and deepfakes. This article argues that admissibility, authenticity, reliability and probative weight must nevertheless remain analytically distinct. A technically compliant certificate can establish important aspects of provenance and integrity without establishing that an AI-generated representation is truthful, historically accurate or attributable to the person against whom it is tendered. The article examines synthetic media, AI enhancement, voice cloning, generated documents, algorithmic identification and machine-assisted forensic analysis. It analyses Sections 39, 61, 62 and 63 of the BSA, the relationship between the new regime and the Supreme Court's Section 65B jurisprudence, and the fair-trial implications of opaque or insufficiently testable AI processes. It proposes a five-stage AI Evidence Reliability and Admissibility Test based on provenance, integrity, methodological reliability, contextual attribution and independent corroboration. The article concludes that Indian courts should neither exclude digital evidence merely because AI was involved nor presume that technical authenticity establishes truth. A calibrated, process-sensitive approach is required to preserve both technological utility and the presumption of innocence.

Keywords: Artificial Intelligence; Electronic Evidence; Bharatiya Sakshya Adhiniyam 2023; Deepfakes; Admissibility; Digital Forensics

1. Introduction

Criminal adjudication depends upon the ability of courts to distinguish reliable information from misleading information. Artificial intelligence changes the conditions under which that distinction must be made. A photograph can be synthetically altered without obvious visual artefacts; a voice

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can be cloned from a short recording; a video can depict a person apparently saying or doing something that never occurred; and a document can be generated in a form that closely resembles an authentic institutional record. The resulting problem is not simply the emergence of a new category of evidence. It is an epistemic problem concerning how courts determine whether a representation corresponds to a historical fact.

The significance of the problem is amplified by the central role already occupied by digital evidence. Mobile phones, CCTV systems, cloud accounts, messaging applications, emails, location records, social-media material and computer systems routinely generate evidence used in criminal investigations. The BSA, in force from 1 July 2024, expressly recognises electronic and digital records and establishes a statutory framework for proving them (BSA, 2023, ss 61–63). The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) similarly incorporates electronic communication and audio-video technology into investigation and proceedings. The contemporary criminal process therefore depends upon digital records while confronting the fact that digital information can be copied, altered, transformed and synthetically generated.

The Supreme Court's decision in Pune Bar Association v Union of India (2026) is an important development. Upholding Section 63(4) of the BSA, the Court treated the susceptibility of electronic records to mutation and manipulation, including manipulation through artificial intelligence and deepfake technology, as a legitimate reason for enhanced safeguards (Pune Bar Association, 2026). The decision confirms that electronic evidence cannot be treated as technologically neutral: the manner in which a record is created and preserved matters.

Yet certification cannot solve the entire AI-evidence problem. A hash value can establish that a file has remained unchanged after it was hashed; it cannot establish that the underlying representation depicts a real event. Expert certification can assist a court in understanding a technical process; it cannot convert a synthetic representation into a historical fact. The central question is therefore broader than whether AI-generated evidence is admissible. The court must ask whether it is sufficiently reliable for the particular proposition for which it is offered.

This article develops that distinction. It argues that Indian criminal procedure should treat admissibility as a threshold inquiry and reliability as a separate substantive inquiry. It proposes a structured five-stage framework for AI-generated evidence and identifies institutional reforms for investigators, forensic laboratories, prosecutors, defence counsel and courts.

2. AI-Generated Evidence: Conceptualising the Problem

The expression "AI-generated evidence" covers technologically different phenomena. First, wholly synthetic evidence may consist of an image, video, voice recording, text or document generated without a corresponding real-world original. Second, authentic evidence may be manipulated through AI. Third, AI may enhance an authentic record through noise reduction, sharpening, super-resolution, transcription or restoration. Fourth, an algorithm may infer a fact from existing data, such as identifying a face or voice. Fifth, an AI-enabled system may automatically generate records that are later relied upon as factual information.

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These categories cannot be treated alike. An AI-enhanced CCTV image may retain a meaningful relationship with the original recording, whereas a generated video of an accused committing an offence may have no historical relationship with the alleged event. An AI transcription may contain errors despite being generated from an authentic recording, while a cloned voice may create an entirely new utterance. The fact that a record is digital or AI-assisted says little, by itself, about its evidentiary value.

The distinction between authenticity and truth is consequently crucial. Authenticity concerns whether the exhibit is what the proponent claims it to be and whether it has retained its identity through the chain of custody. Reliability concerns whether the process that produced or interpreted it can safely be relied upon. Probative weight concerns how much influence the evidence should have in deciding a disputed fact. A synthetic file may be completely authentic as a record of an AI generation event while being entirely unreliable as evidence that the depicted event occurred.

This distinction exposes a limitation in traditional approaches to electronic evidence. Digital forensics properly concentrates on preservation, extraction, integrity and source. Those functions remain indispensable. AI-generated evidence, however, requires an additional inquiry into how substantive content came into existence. The court may need to know the model or system used, its version, the input material, the transformation process, relevant limitations and whether independent evidence supports the proposition for which the output is tendered.

3. The Statutory Architecture under the Bharatiya Sakshya Adhiniyam, 2023

The BSA provides the principal evidentiary framework for electronic, digital and AI-related material in criminal proceedings. Section 61 provides that an electronic or digital record cannot be denied admissibility merely because it is electronic or digital and gives such a record legal effect subject to Section 63 (BSA, 2023, s 61). Section 62 provides that the contents of electronic records may be proved in accordance with Section 63. Section 63 establishes the conditions under which computer output is admissible.

Section 63(4), read with the Schedule, requires a certificate accompanying an electronic record. The certificate identifies the record and the device or source, addresses matters concerning regular use and proper functioning, and requires disclosure of the hash value. The Schedule also contains provision for expert certification. In Pune Bar Association, the Supreme Court upheld these requirements as constitutionally valid safeguards rationally connected to the object of ensuring authenticity and integrity in a technological environment increasingly affected by AI and deepfakes (Pune Bar Association, 2026).

The hash-value requirement is particularly important but should be correctly understood. A hash is a digital fingerprint of a file. If the file is altered, its hash will ordinarily change. Hashing can therefore support an inference that a preserved copy corresponds to the version that was hashed. It cannot establish that the file was truthful when first created. A perfectly preserved deepfake remains a deepfake.

Section 39 of the BSA separately recognises expert opinion on specialised matters, including information transmitted or stored in computer resources and other electronic or digital forms. The

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relationship between Sections 39 and 63 is significant. The expert can assist the court in understanding acquisition, manipulation, extraction, provenance and the limitations of analytical tools. The expert should not, however, become a substitute for judicial evaluation.

Pune Bar Association is also important because the Court rejected an unduly narrow understanding that the expert signing Part B of the Section 63 certificate must necessarily be confined to persons formally notified under Section 79A of the Information Technology Act, 2000. Persons with demonstrable special skill and experience in computer science and cyber forensics may qualify, subject to judicial scrutiny (Pune Bar Association, 2026). This reduces the danger that statutory safeguards become practically inaccessible because of an artificially restricted expert pool.

The BSA should therefore be understood as establishing an evidentiary foundation rather than a conclusive presumption of reliability. Compliance with Section 63 opens the statutory route to admission; it does not determine the ultimate weight of the material.

4. From Section 65B to Section 63: Continuity and Change

Indian electronic-evidence law under the former Evidence Act developed through Section 65B. In Anvar P.V. v P.K. Basheer (2014), the Supreme Court emphasised the special statutory regime governing computer output. In Arjun Panditrao Khotkar v Kailash Kushanrao Gorantyal (2020), the Court reaffirmed the importance of the certificate for secondary electronic evidence and explained that electronic records require safeguards because they are susceptible to alteration and manipulation (Anvar P.V., 2014; Arjun Panditrao Khotkar, 2020).

Section 63 of the BSA continues this logic while introducing a more structured certificate and hash-value requirement. The continuity is important because the underlying concern has not changed: the court must have reasonable assurance concerning the source and integrity of digital material. The change is that the statutory architecture now expressly responds to a more complex technological environment.

The older Section 65B jurisprudence cannot nevertheless be transferred mechanically to generative AI. The earlier framework principally addressed the admissibility of computer output representing information stored or processed by a computer. Generative AI creates an additional question: what historical fact, if any, does the output represent? If a model generates a photograph of a fictitious event, the proper operation of the computer does not prove that the event occurred.

Consider CCTV footage allegedly showing an accused entering a building. If the original footage is extracted from a functioning camera and properly certified, the ordinary electronic-evidence framework applies. If AI enhancement is then used to improve visibility, the court should know what transformation occurred and whether material features were introduced. If a generative model instead creates a new video showing the accused entering the building, certification of the model's operation cannot establish that the entry occurred.

Section 63 should therefore be treated as a threshold of evidentiary integrity, not as a complete reliability code for synthetic media. Courts should preserve a separate inquiry into the historical relationship between the digital record and the fact it is offered to prove.

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5. Reliability: The Missing Middle Between Authenticity and Weight

The central conceptual difficulty in AI evidence is the tendency to collapse authenticity, reliability and probative weight. Authenticity asks whether the exhibit is what it is claimed to be. Reliability asks whether the process that produced or interpreted it is dependable. Probative weight asks how strongly the evidence should influence the finding of fact.

The distinction matters because technical sophistication can create a technological halo effect. AI systems are often designed to produce plausible outputs. A realistic image, natural-sounding voice or fluent text can therefore appear persuasive even where it has no connection with a historical event. Plausibility is not truth.

The prosecution's burden in a criminal trial is not displaced by technology. Where an AI-generated representation is central to identity, intention, conduct or causation, technical certification cannot substitute for proof beyond reasonable doubt. The accused must have a meaningful opportunity to test the underlying file, relevant metadata, acquisition process, transformation history and expert methodology.

This is also a constitutional issue. Article 21 requires fair procedure, and fairness is weakened if an accused cannot meaningfully challenge an incriminating technological output. The problem is particularly acute where the prosecution relies on a proprietary or opaque system whose operation cannot be independently examined.

The Supreme Court's 2025 White Paper on Artificial Intelligence and Judiciary supports the institutional principle that AI should operate as an aid rather than a substitute for judicial reasoning (Supreme Court of India, 2025). Applied to evidence, that principle means that a court should not delegate factual judgment to an algorithmic output merely because the output is expressed in numerical or technical terms.

6. AI-Generated Audio, Video and Images

Synthetic audio and video are especially difficult because human perception is frequently used as an informal authenticity test. A judge, investigator or witness may believe that a recording "sounds like" a person or that a video "looks real". Such impressions should carry limited weight where the technology is capable of realistic fabrication.

Voice cloning illustrates the problem. A relatively short authentic recording can be used to imitate a person's voice. The resulting conversation may therefore be acoustically persuasive while having no historical existence. Conventional voice-identification reasoning is inadequate if the possibility of synthesis has not been considered.

Video evidence presents similar challenges. Deepfake systems can manipulate facial expressions, lip movements and apparent conduct. At the same time, authentic videos may be selectively edited or stripped of contextual material. Forensic examination must therefore address both fabrication and selective alteration.

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A blanket rule excluding audiovisual digital evidence would be inappropriate. CCTV, body-camera, mobile-phone and surveillance evidence remain valuable. Instead, heightened scrutiny should be required where the evidentiary proposition depends on features that are readily generative, such as speech, facial expression or reconstructed scenes.

Investigators should preserve the earliest available source rather than relying only on forwarded copies or social-media downloads. The acquisition device or platform, method of acquisition, timestamps, relevant metadata, hash values and every material transformation should be documented. Original and processed versions should be preserved separately whenever practicable.

An AI-generated transcript of an authentic recording should not ordinarily replace the recording where the content is disputed. The transcript can assist interpretation; the recording remains the object capable of direct forensic examination. Likewise, an enhanced image should be accompanied by the original so that the court can assess what the AI process changed.

The governing principle is that the more an AI process contributes to substantive factual content, the more demanding the reliability inquiry should become.

7. AI-Generated Documents and Textual Evidence

Generative AI can create documents that imitate institutional letterheads, signatures, seals, formatting and language. Appearance is consequently an increasingly weak indicator of authenticity. A digital document tendered to prove a transaction, authorisation, communication or admission should be examined through its provenance rather than its visual appearance alone.

Courts should consider the original file format, metadata, creation history, source account, server records, access logs, document-management systems and corroborating communications. If a document purports to originate from an institution, independent institutional records should be checked where practicable.

AI-generated text creates a subtler attribution problem. A message can be genuine as a file while being generated by an AI assistant rather than personally written by the account holder. Account ownership therefore cannot automatically establish authorship. The prosecution should distinguish between access to an account, transmission from an account, authorship of content and intentional adoption of content.

This does not mean that AI assistance necessarily destroys authorship. People use predictive text, translation software, grammar tools and generative systems for ordinary communication. The legal issue is whether the accused intentionally adopted the content and whether the relevant mental element can properly be attributed. Stylistic similarity or account access alone should not be treated as conclusive evidence of authorship.

The concern is particularly serious where a generated message is offered as an admission, threat or instruction. Independent evidence connecting the accused to the generation, adoption or transmission of the message becomes important. Otherwise the evidence may establish only that a particular account produced or transmitted material, not who intentionally authored it.

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8. Expert Evidence and the Limits of Forensic Authority

AI evidence often reaches court through expert testimony. Expert evidence can be indispensable, but technical vocabulary should not replace legal reasoning. The expert assists the court on specialised questions; the ultimate finding of guilt remains judicial.

Section 39 of the BSA and the expert component of Section 63 therefore require careful application. Expertise should be evaluated functionally. A person may be generally qualified in information technology while lacking specialised experience in deepfake detection, digital forensics or the particular analytical system used. Conversely, a cyber-forensic practitioner with demonstrated skill may be able to evaluate provenance and manipulation even without belonging to a particular notified category.

Expert methodology should be sufficiently disclosed to permit meaningful challenge. The expert should identify the evidence examined, acquisition method, tools and versions used, relevant settings, analytical steps, known limitations and, where practicable, reproducibility. AI detectors should not be treated as infallible. They may produce false positives and false negatives, and their performance can vary with compression, language, model generation, post-processing and adversarial manipulation.

Courts should distinguish between an expert's observation and an ultimate inference. An expert may identify indicators consistent with synthetic generation. That is different from establishing that the accused created the file, or that the depicted event never occurred. Attribution and historical truth generally require additional evidence.

The correct judicial posture is therefore neither blind trust nor technological scepticism. Expert evidence should be evaluated by competence, methodology, data quality, transparency, error risk and consistency with independent evidence.

9. Chain of Custody, Provenance and Preservation

AI evidence makes chain of custody especially important because a digital object may undergo numerous transformations before reaching court. A social-media video may be downloaded, compressed, re-encoded, clipped, enhanced, analysed by a detector and converted into another format. Each step can alter metadata or content.

Chain of custody is therefore not merely administrative. It helps identify the object that the court is actually evaluating. The Parliamentary Standing Committee examining the BSA recognised that electronic and digital records are prone to tampering and recommended secure handling through proper chain-of-custody procedures (Department-related Parliamentary Standing Committee on Home Affairs, 2023).

Investigators should maintain an evidence ledger recording acquisition time, source, device or account, acquisition method, hash algorithm and value, storage location, access events, analytical transformations, software versions and persons responsible for handling. Cloud and platform

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evidence should be preserved promptly because relevant server-side information may not remain available indefinitely.

The BNSS's increased use of electronic communication and audio-video technology reinforces the need for institutional preservation standards. The Ministry of Home Affairs has reported implementation measures and capacity building under the new criminal laws, including electronic modes of proceedings (Ministry of Home Affairs, 2026). Expansion of digital processes without equally robust preservation practices would increase uncertainty rather than reduce it.

The defence should receive reasonable access to the material necessary to test prosecution evidence. Where the prosecution relies on a processed output but does not preserve the original source or relevant forensic logs, the court should consider whether the gap affects fairness and evidentiary weight. Unexplained breaks in provenance should reduce probative value and, where fundamental reliability cannot be established, may justify exclusion.

10. The Fair-Trial Dimension

AI-generated evidence can alter the balance between prosecution and defence. The State generally has greater access to forensic laboratories, investigative technology, platform records and expert resources. If an accused is confronted with sophisticated AI-derived evidence without access to its underlying data or methodology, the formal opportunity to cross-examine may become practically inadequate.

Fair procedure therefore requires meaningful disclosure. The accused should ordinarily know the nature of the AI process used, the source material, the identity and qualifications of the expert, the principal methodology and material limitations. Where an automated system contributed to identification or interpretation, that contribution should be capable of challenge.

The problem is particularly acute when AI is used at the investigative stage. Facial-recognition, voice-comparison and other algorithmic systems may influence investigative decisions before any output is formally tendered. A false algorithmic lead can create confirmation bias, encouraging investigators to seek evidence that confirms the initial identification.

Courts should therefore distinguish investigative intelligence from trial evidence. An AI-generated lead may be useful for directing investigation, but investigative usefulness does not establish admissibility or reliability at trial. The prosecution must still prove the underlying facts through legally admissible evidence.

The presumption of innocence also requires caution with algorithmic probabilities. A system may assign a high confidence score to a proposed identity, but statistical confidence is not the legal standard of proof. Algorithmic probability must not be transformed into a judicial conclusion of guilt without independent evaluation of the evidence.

11. The Proposed AI Evidence Reliability and Admissibility Test

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Indian courts would benefit from a structured framework that separates threshold admissibility from ultimate probative assessment.

11.1 Provenance and Identity

The court should determine what the exhibit is and where it came from. The proponent should identify the original source, acquisition method, device or account, relevant date and time, and subsequent handling. Section 63 certification and hash-value disclosure should form part of this inquiry where applicable. Material uncertainty about provenance should require explanation before substantial weight is assigned.

11.2 Integrity and Transformation

The court should determine whether the exhibit has remained materially unchanged and, if transformed, what changes occurred. Hash values, metadata, forensic logs and comparison with the original should be considered. AI enhancement, compression, editing, transcoding and reconstruction should be disclosed. Preservation of a file after transformation does not establish that the pre-transformation content was authentic.

11.3 Method Validity and Technical Reliability

If an AI system generated or interpreted the evidence, the court should consider the system used, version, inputs, relevant settings, reproducibility and known limitations. If an AI detector or classifier is relied upon, the expert should explain its validation, error possibilities and suitability for the particular material.

11.4 Contextual Reliability and Attribution

The court should ask whether the evidence proves the proposition for which it is offered. Does a synthetic voice establish that the accused spoke the words? Does an account message establish authorship? Does an enhanced image establish identity? Does a deepfake detector establish that the depicted event did not occur? Technical certification cannot answer these questions alone. Independent evidence connecting the material to the accused or event should be considered.

11.5 Corroboration and Probative Weight

Finally, the court should assess independent support from witnesses, contemporaneous records, physical evidence, device data, financial records, platform logs or other reliable sources. Where AI-derived evidence is the principal or sole basis for a serious incriminating inference, the court

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should demand particularly careful proof. Algorithmic confidence cannot substitute for proof beyond reasonable doubt.

The intensity of the framework should correspond to the role of AI. If AI merely performs benign formatting or technical conversion without altering substantive content, scrutiny may be limited. If AI creates the substantive content relied upon to establish identity, conduct or intention, the full framework should apply.

12. Judicial Treatment: Admissibility Is Not Conviction

The most important discipline in AI-evidence cases is to resist the assumption that admission equals acceptance. Indian evidence law distinguishes admissibility from evidentiary value. The distinction becomes indispensable for synthetic evidence.

The Supreme Court's electronic-evidence jurisprudence demonstrates why procedural safeguards matter. Anvar P.V. treated the special statutory regime as central to proof of electronic records, while Arjun Panditrao reaffirmed the importance of certification and the need to address the susceptibility of electronic records to alteration (Anvar P.V., 2014; Arjun Panditrao Khotkar, 2020). The BSA now strengthens this architecture through Section 63 and its Schedule.

Pune Bar Association should consequently be understood as confirming a minimum evidentiary infrastructure rather than declaring every certified digital file reliable. Hash values and expert certification address important questions of integrity and technical provenance. They do not eliminate the court's responsibility to determine whether the content is accurate, whether the method is dependable and whether the evidence proves the factual proposition asserted (Pune Bar Association, 2026).

A court should therefore avoid saying that a certificate proves that a video is "genuine" if genuine is being used to mean historically true. The certificate may establish statutory compliance and support the integrity of the electronic record. The court must still decide what the record establishes.

Likewise, an expert's statement that no detectable manipulation was found should not automatically become a finding that the recording accurately depicts the alleged event. The absence of detected manipulation is not logically identical to proof of historical truth.

Technological innovation does not change the criminal standard of proof. AI may alter the means by which evidence is produced, but it does not lower the State's burden to prove guilt beyond reasonable doubt.

13. Institutional and Legislative Reforms

First, India should develop a national protocol for AI-related digital evidence. It should establish minimum standards for acquisition, preservation, hashing, metadata capture, forensic imaging, disclosure of AI processing and retention of original material. The protocol should be periodically revised as technology develops.

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Second, forensic laboratories should develop specialised capabilities for synthetic-media examination, including deepfake detection, voice-cloning analysis, image provenance, model identification, adversarial manipulation and validation of AI forensic tools. Accreditation and continuing education should accompany expansion of capacity.

Third, judicial education should address AI evidence in practical terms. Judges need not become technologists, but they should understand the difference between generation, enhancement, classification and forensic detection and should recognise the limits of automated confidence scores.

Fourth, disclosure rules should be strengthened where AI materially contributes to prosecution evidence. Subject to legitimate privilege and security concerns, the defence should receive enough information to reproduce or meaningfully challenge the analysis. A generic assertion that an algorithm is proprietary should not automatically defeat meaningful scrutiny.

Fifth, access to qualified experts should be expanded. Pune Bar Association reduces the danger of an excessively narrow expert category, but institutional capacity remains essential. A statutory certificate is of limited practical value if qualified experts are unavailable or if the defence cannot obtain independent assistance.

Sixth, courts should consider preservation directions where synthetic-media manipulation is reasonably alleged. Original platform records, server-side material, device images and metadata may disappear quickly. Early preservation can prevent later disputes from becoming impossible to resolve.

Seventh, provenance technologies, including cryptographic signing and content-authenticity standards, should be encouraged without treating any one technological standard as conclusive. Provenance can improve confidence but remains subject to evidentiary scrutiny.

Finally, legislative reform should favour technology-neutral principles rather than definitions tied to a particular generation of AI. Rules concerning provenance, integrity, reliability, disclosure and fair testing are more durable than rules that become obsolete when a new generation of models appears.

14. Conclusion

AI-generated evidence presents Indian criminal justice with a technological, evidentiary and constitutional challenge. The difficulty is not simply that courts encounter more digital material. Modern AI can generate evidence-like artefacts whose appearance, voice and textual form may closely resemble authentic records while lacking the historical connection that gives evidence its factual value.

The BSA provides an important statutory response. Sections 61–63 recognise electronic and digital records while imposing safeguards directed towards authenticity and integrity. The certificate and hash-value requirements are particularly important, and Pune Bar Association confirms their constitutional validity while recognising the special risks associated with AI and deepfake technology. The decision provides a strong foundation for future digital-evidence jurisprudence.

But certification is not truth. A hash value can establish the continuing integrity of a file; it cannot establish that the event represented by the file occurred. Expert certification can establish

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technical competence and aspects of provenance; it cannot by itself establish authorship, intention or historical accuracy. AI detection can identify indicators of synthesis; it cannot necessarily reconstruct the truth of the underlying event.

Indian criminal courts should therefore adopt a layered approach. First, ask whether the material satisfies statutory requirements for admission. Second, examine provenance and integrity. Third, test the reliability of the technical process. Fourth, determine whether the evidence actually supports the proposition for which it is tendered. Fifth, assess independent corroboration and probative weight. The proposed AI Evidence Reliability and Admissibility Test provides a structured method for doing so.

The constitutional objective should be neither technological prohibition nor technological enthusiasm. It should be accurate adjudication. A court must be capable of saying both that a digital record is genuine as an electronic object and that its contents are nevertheless unreliable as evidence of a historical fact. Equally, it must be capable of accepting technologically assisted evidence when its provenance, methodology and contextual reliability have been demonstrated.

The future of Indian criminal evidence will therefore depend less on whether courts permit AI-generated material and more on whether they develop disciplined methods for understanding what that material proves. Technology may produce evidence, transform evidence or assist in analysing evidence, but it cannot itself supply the judicial finding that evidence is true. That determination remains the responsibility of the court, constrained by statutory safeguards, adversarial testing, the presumption of innocence and the constitutional demand for a fair trial.

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