

Present: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ

ISHFAQ AHMED ---Petitioner

Versus

MUSHTAQ AHMED and others---Respondents

C.P.L.A. No. 1010-L of 2022, decided on 13th March, 2025.

(Against the impugned judgment dated 24.03.2022 passed by the Lahore High Court, Lahore in W.P. No. 75382 of 2021).

(a) Punjab Rented Premises Act (VII of 2009)---

---S. 19---Ejectment of tenant---Striking off defence---Petitioner/ landlord was aggrieved of judgment passed by High Court setting aside eviction order passed against respondent/tenant to vacate rented premises---Validity---Oral testimonies and documentary evidence produced by petitioner/landlord remained unchallenged, as right of respondent/tenant to cross-examine petitioner's/landlord's witnesses was struck off and that order attained finality, having remained unchallenged by respondent/tenant---In absence of any rebuttal or cross-examination, evidence led by petitioner/landlord stood uncontro-verted---Material on record conclusively established that petitioner/ landlord was lawful owner of the property---Rent proceedings, by their very nature, are summary in character and are intended to ensure swift and efficient resolution of landlord-tenant disputes, particularly in cases of default, so as to safeguard landlord's Constitutionally protected right to property---Petitioner/landlord remained embroiled in litigation for over seven years merely to recover possession of his property---Course of delay ran counter to the foundational objectives of rent legislation and summary adjudication---Such undue delays not only eroded Constitutional rights of property owners but had also given rise to broader economic and social justice concerns---For landlords, prolonged litigation entails financial strain, loss of rental income, and an inability to utilize their property for productive purposes, which can hinder economic growth---Conversely, tenants facing eviction proceedings often live in uncertainty, which can affect their social and economic stability---A just legal system must, therefore, ensure an equitable balance between rights of landlords and tenants, a balance that is fundamentally disrupted when cases are permitted to stagnate in judicial pipeline---Supreme Court set aside judgment passed by High Court and restored that of Lower Appellate Court, which had rightly upheld the claim of petitioner/landlord---Supreme Court directed respondent/tenant to vacate property in question within two months---Appeal was allowed.

(b) Constitution of Pakistan---

---Art. 10A---Right to fair trial and due process of law---Artificial Intelligence (AI), use of---Principle---Right to a fair trial before a competent, independent, and impartial judge is a fundamental principle of due process---AI must not overshadow the core guarantee of judicial autonomy--- While AI has potential to improve consistency and efficiency in legal processes, it also carries risk of introducing biases and limiting judicial discretion---Fairness and transparency must apply equally to AI-assisted rulings---Though AI may enhance efficiency and consistency, it cannot replicate normative judgment, ethical reflection, or contextual sensitivity essential to the act of judging---Dignity of judicial role lies not in mechanical generation of outcomes but in deliberative process of reasoning, listening, and responding a task that remains inherently and irreducibly human---Judicial reasoning involves not only logic but also humanity and it requires attentiveness, moral courage, and the ability to question unjust laws or outdated precedents---By contrast, AI operates within the constraints of existing data and lacks creative imagination and jurisprudential foresight necessary to develop new legal doctrines or safeguard emergent rights---Comparative jurisdictions have cautiously explored AI-assisted adjudication.

Article 10 provides: For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process. Article 37(d) provides: The State shall ensure inexpensive and expeditious justice. John Varghese, 'Artificial Intelligence Assisted Judicial Processes - A Primer' SSRN < https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5056102 > accessed 8 April 2025; Adrian Zuckerman, 'Artificial Intelligence in the Administration of Justice' in The Civil Procedure Rules at 20 (Oxford

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'Generative Pre-Trained Transformer (GPT) in Research: A Systematic Review' (2023) 15(2) Information 99 <https://www.mdpi.com/2078-2489/15/2/99> accessed 2 April 2025; Judge GPT has been conceptualized and extended to the FJA by Professor Elliott Ash and Professor Christoph Goessmann of ETH Zurich, and Dr. Sultan Mehmood of the New Economic School, Russia. The successful implementation of this AI initiative has been overseen by the Director General of the FJA, Mr. Hayat Ali Shah, along with Judge Shazia Munawar Makhdoom, former Additional Director (Programs and ICT), FJA; Judges using AI must ensure transparency, fairness, and accountability by disclosing AI assistance, avoiding overreliance on automated decisions, and maintaining human oversight. They should audit AI for bias, protect data privacy, and allow parties to challenge AI-generated inputs. Judicial training on AI's risks and limitations is essential, and decisions must remain explainable and contestable to uphold due process. AI should aid, not replace judicial discretion, with continuous monitoring to align with legal and ethical standards, preserving public trust in the justice system;

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(c) Administration of justice---

---Alternate Dispute Resolution---Mediation---Artificial Intelligence (AI), use of---Principle---AI lacks ability to feel emotional tenor, to de-escalate tension between parties, or to recognize the power of silence in a negotiation---AI also cannot build trust across the table through empathy, qualities essential to successful

mediation---This is where human mediators continue to hold the advantage---AI may be able to streamline many facets of legal practice, it cannot replicate deeply human process of mediation, where the emphasis is on understanding, negotiating, and resolving conflicts through human interaction---Mediation is emerging as the future power player in dispute resolution.

Muhammad Shahzar Ilahi, 'Most Lawyers I Know Will be Irrelevant in 10 Years' < <https://www.linkedin.com/posts/muhammad-shahzar-ilahi-44352b8b_most-lawyers-i-know-will-be-irrelevant-in-activity-7315385896659255296-PzHY/?utm_source=share&utm_medium=member_ios&rcm=ACoAABMfGrMBX_wunGlXSCmC6vWI765cPtD D2rI> accessed 9 April 2025; Sir Robert Buckland, 'AI, Judges and Judgment: Setting the Scene' M-RCBG Associate Working Paper No. 220, Harvard Kennedy School (November, 2023) and PhD Researcher in AI and Law, University of Buckingham (U.K.) rel.

Moeen Ahmed, Advocate High Court with special permission for Petitioner (through V.L. Lahore Registry).

Khalid Jamil, Advocate Supreme Court for Respondents (through V.L. Lahore Registry).

Date of hearing: 13th March, 2025.

JUDGMENT

SYED MANSOOR ALI SHAH, J.---

Application (C.M.A. No. 1402-L/2025). This is an application submitted by Mr. Moeen Ahmed, Advocate of the High Court, seeking permission to appear and argue the listed petition on behalf of the petitioner. It is stated therein that he had previously represented the petitioner before the High Court and is well conversant with the facts of the case. The matter pertains to a rent dispute, and the parties have been engaged in protracted litigation for the past seven years. In view of the foregoing, and in the interest of justice, the application is allowed. Mr. Moeen Ahmed, Advocate of the High Court, is permitted to appear and argue the case on behalf of the petitioner.

Main Case

2. The facts of the case, briefly stated, are that the petitioner is the lawful owner of a residential property, measuring five marlas, situated in Moza Rajghar, Tehsil and District Lahore ("property"). The said property was purchased by the petitioner through a registered sale deed dated 11.08.1999, executed in his favour by the previous owner, Muhammad Yaqoob. In the year 2016, the property was rented out to Mushtaq Ahmed ("respondent No. 1"), the real brother of the petitioner, under an oral tenancy agreement at a monthly rent of Rs. 35,000/-. Subsequently, respondent No. 1 committed default in the payment of the rent with effect from July 2016, compelling the petitioner to institute eviction proceedings against him on 06.07.2018. During the course of trial, the right of respondent No. 1 to cross-examine the petitioner's witnesses was struck off vide order dated 09.10.2019. The said order attained finality as it was not assailed before any forum. Consequently, respondent No.1 neither cross-examined the petitioner's witnesses

nor produced any evidence in support of his defence. Notwithstanding this, the learned Special Judge (Rent) dismissed the eviction petition vide order dated 01.03.2021, relying solely on the evidence led by the petitioner. The petitioner preferred an appeal before the learned appellate court, which was allowed vide judgment dated 11.11.2021. Aggrieved thereby, respondent No. 1 invoked the constitutional jurisdiction of the High Court which set aside the

judgment of the appellate court and dismissed the petitioner's eviction petition vide judgment dated 24.03.2022 ("impugned judgment"). Hence, the instant petition seeking leave to appeal against the impugned judgment.

3. Learned counsel for the petitioner contends that both the dismissal of the eviction petition and the impugned judgment of the High Court are vitiated by a manifest misreading and misappreciation of the record. It is submitted that the courts below erroneously relied upon purported inconsistencies between the pleadings and the testimonies of the petitioner's witnesses (AW-1 to AW-3), particularly misinterpreting the deposition of AW-1, the petitioner's mother. AW-1 deposed the property in question which had been given to her by the petitioner and that she rented it out and collected rent on his behalf. The courts¹ below erroneously construed this statement to imply that she was acting in the capacity of a "landlady," thereby undermining the petitioner's status as a landlord and negating the existence of a landlord-tenant relationship between the petitioner and the respondent No. 1. Learned counsel submitted that at no point, either in her affidavit or in her oral testimony, did AW- 1 disclaim the petitioner's ownership or assert

any independent propriety interest in the property. Her role was confined solely to that of an agent for the purpose of rent collection, a fact consistently corroborated by the testimonies of AW-2 and AW-3. It was further argued that the mere delegation of rent collection does not divest the petitioner of ownership, nor does it sever or extinguish the landlord-tenant relationship. When the pleadings and evidence are read in their entirety and in conjunction, they unequivocally establish the ownership of the property and respondent No. 1's status as a tenant in default.

4. Conversely, learned counsel for respondent No. 1 places reliance on the testimonies of AW- 1 to AW-3 particularly that of AW- 1 to contend that it was the petitioner's mother, and not the petitioner himself, who had rented out the property to respondent No. 1. It is argued that the deposition of AW- 1 undermines the existence of a landlord-tenant relationship between the petitioner and respondent No. 1. However, learned counsel for respondent No. 1 candidly conceded that none of the witnesses, including AW- 1, disputed the petitioner's ownership of the property or denied the obligation of respondent No. 1 to pay rent in terms of the oral tenancy agreement. Thus, notwithstanding the interpretive emphasis placed on AW- 1's testimony, the essential elements of the tenancy, including the petitioner's ownership and the respondent's liability, remain uncontroverted on the record.

5. We have heard the learned counsel for the parties and have carefully examined the testimonies of the three witnesses (AW-1 to

AW-3), as well as the documentary evidence brought on the record. The testimonies of the witnesses unequivocally establish that the petitioner is the admitted owner of the property. Not a single witness has refuted the title to the property of the petitioner. The evidence further reveals that the property was placed under the charge of the petitioner's mother (AW- 1), as the petitioner was residing abroad. Accordingly, the mother rented out the property and collected rent on behalf of the petitioner. The oral testimonies and the documentary evidence produced by the petitioner have remain unchallenged, as the right of respondent No. 1 to cross-examine the petitioner's witnesses was struck off vide order dated 09.10.2019, an order that attained finality, having remained unchallenged by respondent No. 1. In the absence of any rebuttal or cross-examination, the evidence led by the petitioner stands uncontroverted. The material on record conclusively establishes that the petitioner is the lawful owner of the property and that his mother merely acted as his agent for the limited purpose of renting out the property and collecting rent. Her role in managing the property or receiving rent does not, by any legal standard, confer ownership on upon her. While the law may recognize such agents as "landlords" for the procedural purpose of instituting eviction proceedings, such recognition is merely representative and does not derogate from the petitioner's legal title or his status as the actual landlord. The evidence, therefore, unequivocally confirms (i) the petitioner's ownership of the property, and (ii) respondent No. 1's persistent default in the payment of rent since July 2016. The core ingredients for the grant of eviction, namely, the existence of a landlord-tenant relationship under the oral tenancy agreement and continued default in rent payment stand fully established.

Nature and Purpose of Rent Proceedings

6. Rent proceedings, by their very nature, are summary in character and are intended to ensure swift and efficient resolution of landlord-tenant disputes, particularly in cases of default, so as to safeguard the landlord's constitutionally protected right to property. The very rationale of summary proceedings is defeated when such proceedings are allowed to linger for inordinate periods. The present case is a testament to this concern: the eviction petition was instituted before the learned Special Judge (Rent) in 2018, dismissed in 2021, and has only now come up for hearing before this Court in 2025. The petitioner-landlord has remained embroiled in litigation for over seven years merely to recover possession of his property, a course of delay that runs counter to the foundational objectives of rent legislation and summary adjudication. Such undue delays not only erode the constitutional rights of property owners but also give rise to broader economic and social justice concerns. For landlords, prolonged litigation entails financial strain, loss of rental income, and an inability to utilize their property for productive purposes, which can hinder economic growth. Conversely, tenants facing eviction proceedings

often live in uncertainty, which can affect their social and economic stability. A just legal system must, therefore, ensure an equitable balance between the rights of landlords and tenants, a balance that is fundamentally disrupted when cases are permitted to stagnate in the judicial pipeline.

Use of Artificial Intelligence ("AI") - An Innovative Road Ahead

7. There is an urgent need to examine the systemic causes of such delays and to devise innovative court and case management systems, particularly at the level of the District Judiciary, where the bulk of such disputes originate and where the pressure of case pendency is most acutely felt. While structural reforms are a must and require to continue with vigour, the present crisis compels immediate and pragmatic innovation. In Pakistan's overburdened courts, the integration of Artificial Intelligence ("AI") presents a promising path to operational reform, provided its adoption remains grounded in principled constitutional limits. Under Articles 10A² and 37(d)³ of the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution"), the right to fair and expeditious justice must not be rendered illusory. Within this constitutional framework, the thoughtful adoption of AI can serve as a viable instrument for access to timely justice and alleviating systemic backlogs.⁴

8. We notice that Commercial GenAI platforms like ChatGPT, Copilot, and DeepSeek have drawn increasing interest from judges around the world who seek new ways to conduct legal research, drafting, and decision support. In 2023, a Colombian judge expressly announced that ChatGPT was consulted when drafting a judicial ruling.⁵ By 2025, appellate judges in Washington D.C. publicly cited ChatGPT in their official opinions.⁶ More recently, a judge in Pakistan revealed using ChatGPT to adjudge a case both in a civil and a criminal matter, triggering a debate whether commercial AI is appropriate for official judgments.⁷ The promise and potential of AI to enhance the efficiency and working of the justice system cannot be ignored any longer. We find this to be a fit case to explore the use of AI by the judiciary in order to actualize the constitutional mandate of Articles 10A and 37(d) of the Constitution.

Use of Artificial Intelligence ("AI")⁸ to Enhance Judicial and Institutional Efficiency

Judicial Efficiency

9. AI, when deployed within principled boundaries, holds significant potential to enhance judicial and institutional productivity and efficiency. Its role is not to replace human adjudication but to supplement and support judicial functions, particularly in areas where judges themselves build expertise. Key applications can include: (i) Smart Legal Research: AI tools can rapidly process vast legal databases to extract relevant precedents, statutory provisions, and scholarly commentary, providing judges with timely, contextually rich legal material.⁹ Smart Legal Research is an emerging discipline that applies AI technologies¹⁰ to enhance the accuracy and efficiency of judicial research. Courts worldwide have adopted such platforms, recognizing that they uncover additional sources and insights complementing human research efforts. AI tools such as Westlaw, LexisNexis AI tools, Casetext: CARA AI & CoCounsel, Bloomberg Law, vLex, SUPACE, Judge-GPT, and AI-assisted writing platforms like BriefCatch, WordRake, PerfectIt, Clearbrief and ChatGPT are increasingly integrated into judicial workflows, offering substantial support in legal research and drafting.¹¹ These tools streamline processes by enhancing efficiency, clarity, and precision, and can improve textual quality by detecting errors and refining structure. Federal Judicial Academy ("FJA"), Islamabad has taken a momentous stride in judicial innovation by introducing Judge-GPT, an LLM-based AI mechanism devised in collaboration with ETH Zurich.¹² Approximately 1500 judges within the District Judiciary currently utilize this technology, which is tailored to conform with Pakistan's legislative framework, procedural statutes, and domestic jurisprudence rather than mirroring any commercial prototype. Preliminary observations include that Judge-GPT expedites case law research and better drafting of court orders, enabling judges to devote enhanced attention to substantive legal analysis. Judges must, however, undertake careful verification of all references suggested by Judge-GPT while adhering to established ethical and procedural protocols.¹³ Ongoing training in the system's evolving capabilities is likewise encouraged, ensuring that judges fully comprehend its scope and limitations. Should subsequent reviews affirm the reliability of Judge-GPT, a more extensive deployment may follow, marking a profound milestone in Pakistan's continued efforts to enhance judicial efficiency while preserving foundational principles of justice. (ii) Language Precision and Drafting: AI-powered platforms refine grammar, syntax, and structure, thereby enhancing the clarity, coherence, and

professionalism of judicial writing. Some of the AI-assisted writing platforms are: BriefCatch, WordRake, PerfectIt, Clearbrief and ChatGPT (iii) Comparative Jurisprudence: With increased access to international legal databases, judges can engage with foreign jurisprudence more efficiently, enabling domestic legal thought to evolve in dialogue with comparative and international law. (iv) Decision-Making Support: AI assists in organizing complex case files, identifying key legal questions, and summarizing voluminous records, thereby enabling more informed and timely decision-making. (v) Consistency and Coherence: By identifying conflicting precedents and promoting jurisprudential uniformity, AI promotes predictability and stability in legal outcomes, reinforcing public confidence in the judiciary. These functions establish AI as a valuable supplementary resource. However, AI tools remain subordinate to judicial reasoning and must never be mistaken as a substitute for the exercise of judicial conscience, discretion, or interpretive judgment. It is strongly underlined that the judicial role requires that AI tools be viewed as supplementary aids rather than substitutes for human reasoning. The responsibility for ensuring the accuracy, ethical integrity, and confidentiality of judicial determinations rests entirely with the judge.

Administrative Efficiency

10. Case allocation stands as a critical administrative function in any judiciary. The manner in which these allocations are executed can have a significant impact on both the neutrality and efficacy of adjudication, given that the judge presiding over a matter may influence its outcome. Traditionally, allocations are overseen by court administrators or senior judges, occasionally prompting concerns of partiality, judge shopping, or disproportionate caseloads.¹⁴ In response, courts in a variety of jurisdictions have increasingly adopted AI-driven mechanisms designed to enhance objectivity. These range from straightforward random-assignment programs to advanced algorithms that categorize and assign cases based on their nature or complexity. A principal objective of this approach is the promotion of transparency, achieved by clarifying and standardizing the rules that govern allocation, thereby mitigating any suspicion of favouritism or manipulation. The allocation of cases within judicial systems is a foundational element of procedural fairness, and courts worldwide are increasingly adopting AI-driven frameworks to eliminate discretion, reinforce transparency, and prevent manipulation. Recognizing the risks of partiality, judge shopping, and imbalanced caseloads associated with manual allocations, jurisdictions such as China, Kazakhstan, and various European countries have institutionalized automated, random, or algorithm-based distribution systems often backed by constitutional or statutory mandates. (i) China's "Smart Courts": Historically, the assignment of cases in China was managed by court personnel or senior authorities, thereby introducing the risk of personal discretion.¹⁵ To safeguard impartiality, the Supreme People's Court promulgated directives mandating computer-based random assignment, with narrow exceptions permitted for major or sensitive matters, related proceedings, and circumstances requiring direct leadership supervision.¹⁶ Any departure from this protocol must be substantiated, and any alteration to the initially assigned judge must be transparently disclosed. (ii) Kazakhstan: Kazakhstan's AI-driven case distribution functions as a central component of the nation's judicial digitization efforts, with the Supreme Court offering clear guidance for judicial officers to adopt fully automated protocols that allocate new cases based on defined algorithmic factors such as jurisdiction, classification, and caseload.¹⁷ By analysing whether cases fall into civil, criminal, administrative, or other categories, the system directs matters to judges with the appropriate specialization while continuously monitoring workloads to uphold equitable distribution and procedural efficiency. (iii) Europe: Multiple European judiciaries have adopted automated case allocation to enhance transparency and reduce corruption risks. Slovakia pioneered this approach in 2002 with a computerized random assignment system (colloquially called an "electronic filing room"), effectively transferring authority from court presidents to software-driven algorithms.¹⁸ Under this framework, most Slovakian courts operate through a lottery principle that assigns incoming cases randomly, thereby preventing the selection of pliable judges for specific proceedings.¹⁹ Between 2017 and 2018, Georgia introduced a similar randomized electronic method, that balances factors including case type and judges' existing workloads.²⁰ Comparable technological mechanisms are employed in Poland, the Czech Republic, and Romania, reflecting a broader commitment to mitigating judicial bias and preserving impartial adjudication. Empirical analyses across these jurisdictions suggest that random allocation strengthens judicial independence

and curtails undue influence. (iv) Argentina: Prometea an AI-based platform implemented in Argentina in 2017 fulfils an integral role in case allocation by classifying and triaging routine filings.²¹ (v) Colombia: The Constitutional Court of Colombia adopted PretorIA, an AI system inspired by Argentina's Prometea, to address the large volume of tutela proceedings - petitions for constitutional protection.²² It constructs a hierarchy of these cases based on urgency and fundamental rights considerations.²³ (vi) Brazil: The judiciary has adopted AI-driven systems that govern case allocation and clustering, thereby enhancing transparency and efficiency.²⁴

Gaps in the AI Systems - A Warning

11. Although AI may yield significant advantages its adoption likewise generates pressing ethical considerations that necessitate rigorous examination.²⁵ Therefore, the responsible use of AI in judicial systems must be grounded in a robust framework of constitutional, ethical, and international legal principles.²⁶ These principles, inter alia, include: (i) Transparency and Explainability: Contemporary deep learning AI models often function as "black boxes" - a system where inputs and outputs are visible, but the internal decision-making process is unclear or too complex to interpret. This lack of transparency makes it difficult to understand how or why the model reaches its conclusions.²⁷ A lack of "explainability" mechanisms further undermines accountability: AI-generated outcomes may lack adequate justification, compromising transparency and public trust.²⁸ (ii) Hallucination: In AI, a hallucination is a fabricated or unfounded output that arises from a purely statistical pattern-matching process rather than an internal fact-checking mechanism.²⁹ LLMs like ChatGPT can confidently cite non-existent cases or procedural facts if their training data suggests it.³⁰ Many courts have already disciplined attorneys for filing briefs containing such ghost citations, which erodes trust in the legal process.³¹ Therefore, hallucinations present both a technical and judicial challenge. Technically, models like GPT-4 have shown a significant incidence of fabricating legal references (58% in one study), underscoring their reliance on statistical predictions over fact verification.³² These invented authorities can distort court proceedings, undermine evidentiary accuracy, and raise due process concerns if false information slips into the record. Some courts now require attorneys to certify that any AI-generated text has been thoroughly checked before filing.³³ Therefore, judges apply a trust-but verify approach to maintain factual accuracy and protect the rule of law. (iii) Accountability and Human oversight: Accountability is a central principle of judicial proceedings, especially when AI may inform or influence a ruling.³⁴ It requires that identifiable human authorities hold final responsibility and that mechanisms exist to question and correct any uncertain or objectionable outcomes arising from AI outputs.³⁵ Judges retain sole accountability for rulings, ensuring that AI acts only as supportive guidance rather than dictating final outcomes. Its function must remain strictly auxiliary, supporting judges while preserving their indispensable role in administering justice.³⁶ Therefore, many jurisdictions employ a human-in-the-loop or human-in-command approach.³⁷ Although AI tools might suggest risk scores or prepare draft decisions, a judge ultimately delivers and authenticates the final ruling and retains complete liability. We reiterate the necessity of human oversight, emphasizing that judges should examine and, when necessary, override AI-generated recommendations to preserve judicial integrity. This process also ensures that while developers or other associated parties may be held accountable for technical errors or biases, overarching responsibility rests with the judiciary. Courts must view algorithmic recommendations as advisory rather than conclusive, thereby protecting judicial authority over legal determinations. (iv) Fairness and non-discrimination: AI-driven tools for bail, sentencing, and comparable judicial decisions frequently replicate or exacerbate existing biases, especially when their underlying training data incorporate historical inequities.³⁸ AI systems must not influence judicial reasoning by embedding latent demographic or ideological biases. This Court warns against "automation bias", the undue deference to algorithmic recommendations and affirms that any AI adoption must maintain institutional independence and judicial impartiality. Accordingly, many legal frameworks now require more stringent oversight and emphasize that fairness must shape AI adoption in the judiciary, thereby honoring constitutional imperatives and reinforcing judicial integrity.

Artificial Intelligence ("AI"), Judging and Fair Trial

12. The right to a fair trial before a competent, independent, and impartial judge is a fundamental principle of due process. AI must not overshadow the core guarantee of judicial autonomy. While AI has the potential to

improve consistency and efficiency in legal processes, it also carries the risk of introducing biases and limiting judicial discretion. This Court emphasizes that fairness and transparency must apply equally to AI-assisted rulings, in alignment with Article 14 of the International Covenant of Civil and Political Rights³⁹ and General Comment No. 32⁴⁰ of the United Nations Human Rights Committee. UNESCO's 2021 Recommendation on the Ethics of Artificial Intelligence and its 2022 Global Toolkit on AI and the Rule of Law similarly call for accountability and oversight in AI deployment.⁴¹ In Europe, the European Commission for the Efficiency of Justice Ethical Charter

and the Council of Europe Convention on Artificial Intelligence

and Human Rights, Democracy and the Rule of Law, 2024 emphasize transparency and accountability within judicial systems.⁴² Moreover, Article 22 of the EU General Data Protection Regulation restricts fully automated decisions with significant legal consequences⁴³, while the EU AI Act, 2024 designates judicial AI as high-risk, requiring bias-free data, thorough documentation, explainability, and human oversight in accordance with the EU Charter of Fundamental

Rights. Similar initiatives by the OECD and G20 also stress a human-centric and transparent approach to justice.⁴⁴ While AI can assist in legal research and streamline tasks, it must not replace the critical human role of considering nuance, moral judgment, and equity.

Judging with AI - A Note of Caution

13. It must be unequivocally affirmed that AI is not, and must never become, a substitute for judicial decision-making. Adjudication is a constitutional function rooted in legal reasoning, institutional independence, and human empathy, qualities no automated system can replicate. The human part of justice lies in its moral and emotional core, the qualities that AI can never replicate (atleast today). While AI may process data and identify legal patterns, it lacks the capacity for compassion, ethical discernment, and the nuanced understanding of human suffering. Judges, juries, and lawyers bring empathy to their decisions, weighing not just the letter of the law but the spirit of fairness, the context of actions, and the possibility of redemption. Justice requires discretion, knowing when to show mercy, when to challenge unjust laws, and when to adapt to evolving societal values. It demands moral courage to uphold equity over rigid logic and the wisdom to balance punishment with rehabilitation. Most importantly, justice must be seen as legitimate by those it serves, and this legitimacy stems from the belief that a fellow human has truly listened, understood, and acted with conscience. Without these irreplaceable human elements, justice becomes a mechanical exercise, devoid of the very humanity it seeks to protect. Therefore, delegating core adjudicative functions to AI would constitute a dereliction of judicial duty constituting misconduct and compromise foundational principles such as impartiality and due process. The courtroom is not a site for algorithmic governance but a space for reasoned, principled deliberation, attentive to both legal nuance and the lived experiences of litigants. Judges must maintain vigilant oversight to ensure that AI remains an assistive tool, not a decision-maker. While such engagement demonstrates a progressive outlook, it also underscores the urgent need to delineate clear boundaries. The deployment of AI within judicial contexts especially those implicating rights, liberties, and access to justice must be approached with caution. Though AI may enhance efficiency and consistency, it cannot replicate the normative judgment, ethical reflection, or contextual sensitivity essential to the act of judging. The dignity of the judicial role lies not in the mechanical generation of outcomes, but in the deliberative process of reasoning, listening, and responding, a task that remains inherently and irreducibly human. Judicial reasoning involves not only logic but also humanity. It requires attentiveness, moral courage, and the ability to question unjust laws or outdated precedents. By contrast, AI operates within the constraints of existing data and lacks the creative imagination and jurisprudential foresight necessary to develop new legal doctrines or safeguard emergent rights. Comparative jurisdictions have cautiously explored AI-assisted adjudication. In China and Estonia, limited-function AI systems resolve low-stakes disputes under strict human oversight. While AI can support judicial functions, it cannot replace the human conscience that animates the judicial role.⁴⁵ AI remains merely an auxiliary resource, while indispensable human judgment and individualized discernment remain paramount in judicial decision-making.

14. Judiciaries in the USA, UK, Canada, Australia, and Singapore are methodically incorporating AI-driven tools into legal research.⁴⁶ In the US, Chief Justice John Roberts had acknowledged AI's potential while emphasizing that its use demands caution and humility.⁴⁷ Reflecting the same circumspection, the Illinois Supreme Court adopted a policy, effective January 1, 2025, that permits AI in court workflows but requires human oversight and accountability, thereby addressing concerns about algorithmic reliability.⁴⁸ In England and Wales, 2023 guidance authorizes AI for administrative tasks but excludes it from substantive legal analysis.⁴⁹ Similarly, the Canadian Judicial Council issued guidelines in 2023 encouraging AI exploration while reaffirming that judges alone retain responsibility for final rulings.⁵⁰ Courts in Australia and Singapore have introduced comparable measures, including Singapore's 2024 guide, which holds court users accountable for AI-generated content.⁵¹ These developments embody a measured approach to AI integration, preserving judicial prudence and upholding the integrity of judicial processes.

The Future

15. While the integration of AI in the judicial process offers promising avenues for reform along with serious limitations, we must remain mindful that this assessment is being made today. The rapid advancement of AI technologies, their applications, and their potential consequences within the judicial system are still unfolding and may with time overcome the gaps identified above. We stand at the intersection of innovation and tradition. For any justice system to remain fair and just in the age of AI, certain core universal values must be preserved as non-negotiable ethical foundations. First and foremost, human dignity and compassion must remain central, ensuring that algorithms never override mercy or individualized consideration in judgments. Fairness and anti-discrimination principles must be hardwired into AI systems to prevent the replication of historical biases, guaranteeing equal treatment under the law. The rule of law must always prevail over the rule of data, with human judges retaining ultimate authority to interpret evolving legal and moral standards. Due process protections, including presumption of innocence and right to confront evidence cannot be compromised by automation. Finally, the system must preserve space for restorative justice and rehabilitation, recognizing that punishment should serve societal healing rather than mere efficiency. These principles form the essential guardrails ensuring that technological advancement enhances rather than diminishes justice, keeping the human element at the heart of legal systems even as AI capabilities grow more sophisticated. As we explore AI's role in the judicial system, we must continue to be vigilant in ensuring that these advancements do not undermine the core principles of justice, fairness, and impartiality. What the judicial landscape will look like in the coming years is uncertain, but the values that underlie our legal system must always remain the foundation upon which any innovative technological edifice is to be built.

The Enduring Role of Mediation and ADR in the AI Era

16. It is interesting to note that as AI continues to revolutionize the legal profession, especially with its ability to automate tasks such as legal research, case law summaries, contract review, drafting, and argument building, it raises an important question: what will be left for lawyers to do? While the more logical and fact-based aspects of legal work are increasingly replaceable by AI, the human qualities that underpin mediation and alternative dispute resolution ("ADR") remain irreplaceable.⁵² AI lacks the ability to feel the emotional tenor, to de-escalate tension between parties, or to recognize the power of silence in a negotiation. It also cannot build trust across the table through empathy, qualities essential to successful mediation. This is where human mediators continue to hold the advantage. While AI may be able to streamline many facets of legal practice, it cannot replicate the deeply human process of mediation, where the emphasis is on understanding, negotiating, and resolving conflicts through human interaction. In fact, mediation is emerging as the future power player in dispute resolution. For lawyers in the Global South, there exists a unique opportunity to lead this shift in the legal profession. As AI continues to take over repetitive and fact-based legal tasks, lawyers can position themselves as experts in mediation and ADR, offering services that AI simply cannot replicate. The growing emphasis on mediation as a core skill set presents an exciting opportunity for the next generation of legal professionals to shape the future of dispute resolution in the brave new world of AI.

17. In sum, AI must be welcomed with careful optimism. It can streamline judicial functions, reduce delays, and expand access to legal knowledge. But it cannot replicate the moral, ethical, and empathic reasoning that

lies at the heart of judging.⁵³ Courts must thus pursue a calibrated integration harnessing AI's efficiencies without surrendering the conscience, independence, and humanity that justice demands.

18. We strongly recommend that the National Judicial (Policy Making) Committee in collaboration with the Law and Justice Commission of Pakistan considers developing comprehensive guidelines on the permissible uses of AI within the judiciary. These must delineate clear boundaries, ensuring that AI is used only as a facilitative tool and never in a manner that compromises human judicial autonomy, constitutional fidelity, or public trust in the justice system. Let a copy of this judgment be dispatched to both the Law and Justice Commission of Pakistan and the National Judicial (Policy Making) Committee for preparing guidelines to regulate this emerging intersection of law and AI.

19. In light of the foregoing discussion, we affirm the judgment of the appellate court, which rightly upheld the petitioner's claim. Consequently, the impugned judgment of the High Court is set aside. This petition is converted into an appeal and allowed and respondent No. 1 is directed to vacate the property in question within two months from the date of this judgment.

20. Before parting with this judgment, we acknowledge with appreciation the invaluable assistance rendered to the Bench by Ms. Beenish Chaudhary⁵⁴, University of Buckingham (U.K.) and Mr. Umer A. Ranjha, Judicial Law Clerk, Supreme Court of Pakistan.

MH/I-7/SC Appeal allowed.