



Sociology & Cultural Research Review (SCRR)
 Available Online: <https://scrrjournal.com>
 Print ISSN: [3007-3103](#) Online ISSN: [3007-3111](#)
 Platform & Workflow by: [Open Journal Systems](#)



Artificial Intelligence as an Auxiliary Tool in Judicial Adjudication: Constitutional and Ethical Boundaries Drawn in *Ishfaq Ahmed v. Mushtaq Ahmed* (PLD 2025 SC 582)

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ABSTRACT

*The integration of artificial intelligence (AI) into judicial systems represents a transformative opportunity to address chronic delays and backlogs while raising profound constitutional and ethical questions. In *Ishfaq Ahmed v. Mushtaq Ahmed* (2025 SCP 112, reported as PLD 2025 SC 582), the Supreme Court of Pakistan, in a judgment authored by Justice Syed Mansoor Ali Shah, endorsed AI as an auxiliary tool for enhancing judicial efficiency without supplanting human reasoning or compromising core principles of justice. This landmark ruling arose from a routine tenancy dispute between brothers that spanned seven years, highlighting systemic delays that infringe on the right to fair and expeditious justice under Articles 10A and 37(d) of the Constitution of Pakistan, 1973. The Court affirmed the petitioner's ownership claim and set aside the Lahore High Court judgment but used the occasion to deliberate on AI's role, cautioning against over-reliance due to risks like hallucinations, bias, opacity, and erosion of public trust. Drawing on global precedents and Pakistan's constitutional framework, this article examines the judgment's implications, analyzes constitutional boundaries (fair trial, judicial independence, human dignity), and explores ethical dilemmas (bias amplification, accountability, transparency). It incorporates similar ideas from international cases, such as COMPAS in the US, Pretor IA in Colombia, and Smart Courts in China. Recommendations include developing comprehensive guidelines by the National Judicial (Policymaking) Committee (NJPMC) and Law and Justice Commission of Pakistan (LJCP), mandatory AI literacy training, algorithmic impact assessments, and human oversight protocols. The article concludes that AI can augment access to justice only if firmly subordinated to human judicial conscience, preserving the humanity essential to legitimate adjudication.*

Keywords: Artificial Intelligence, Judicial Adjudication, Auxiliary Tool, Constitutional Boundaries, Ethical Concerns, Fair Trial, Article 10A, Access to Justice, Human Reasoning, Judicial Autonomy, Large Language Models (LLMs), Algorithmic Bias, Pakistan Supreme Court

Introduction

Pakistan's judiciary grapples with an overwhelming caseload, with over 2.22 million pending cases nationwide as of 2024. Delays often render constitutional guarantees of fair trial and expeditious justice illusory, violating litigants' fundamental rights. In this context, *Ishfaq Ahmed v. Mushtaq Ahmed* (PLD 2025 SC 582) emerges as a pivotal decision. While resolving a property tenancy dispute where the petitioner sought eviction of his brother for rent default the Supreme Court addressed broader systemic issues, advocating cautious integration of AI technologies (Ahmad, 2025).

Justice Syed Mansoor Ali Shah observed that courts stand "at the intersection of innovation and tradition," urging a "calibrated integration" of AI that harnesses efficiencies without surrendering "the conscience, independence and humanity that justice demands." The judgment explicitly frames AI as an auxiliary tool for tasks like legal research, case management, drafting assistance, and administrative functions, while prohibiting its substitution for human adjudication. This stance aligns with global trends where judiciaries experiment with AI to combat backlogs. However, Pakistan's approach emphasizes constitutional safeguards under Article 10A (right to fair trial and due process) and Article 37(d) (inexpensive and expeditious justice). The ruling responds to real-world experiments, including a Pakistani judge's use of Chat GPT in civil and criminal matters, and international examples like a Colombian judge consulting Chat GPT for a ruling on medical treatment for an autistic child (Chen, 2026).

Factual and Procedural Background of *Ishfaq Ahmed v. Mushtaq Ahmed*

The dispute originated in 2016 when Ishfaq Ahmed (petitioner) orally rented a residential property in Moza Rajghar, Lahore, to his brother Mushtaq Ahmed (respondent) at Rs. 35,000 monthly rents. The respondent defaulted, prompting an eviction petition. Lower forums issued conflicting rulings: the initial eviction petition was dismissed, but the appellate forum allowed it in 2021. The Lahore High Court reversed this in 2022, leading to the Supreme Court appeal. After seven years of litigation, the Supreme Court restored the appellate decision, upholding the petitioner's ownership based on a 1999 registered sale deed and confirming the tenancy default. The Court criticized the delay as emblematic of broader inefficiencies, noting that such protracted proceedings undermine public confidence and access to justice. This context provided the impetus for discussing technological solutions, including AI, to expedite processes without compromising fairness. The judgment's obiter dicta on AI transformed a mundane civil appeal into a foundational precedent for digital judicial reform in Pakistan (De, 2026).

The Supreme Court's Holdings on AI as an Auxiliary Tool

The Court "welcomed AI with careful optimism," recognizing its potential to reduce backlogs through tools like Large Language Models (LLMs) for research, case profiling, handwriting recognition, contract evaluation, and forensic analysis. Permissible auxiliary uses include jurisdiction assignment, case allocation to minimize arbitrary discretion, data furnishing for informed decisions, and pattern recognition in surveillance or evidence (Fine, 2025).

Crucially, AI must remain auxiliary: it cannot substitute human reasoning, write judgments, record evidence, or render decisions. Pakistani law requires judgments to exhibit human reasoning (e.g., Section 367 Cr.P.C mandates the presiding officer to write or dictate orders). AI lacks legitimacy as a "Judge" under Article 260, which defines judicial roles in human terms (Ozaki, 2025). The Court highlighted AI's limitations: hallucinations (fabricating information), unreliable reasoning, technological faults (Gentile, 2022), data privacy risks, and absence of empathy or moral discernment. Excessive reliance could prejudice fair trial rights under Article

10A by introducing algorithmic bias or opacity, eroding public trust. Justice Shah emphasized: "The human part of justice lies in its moral and emotional core, the qualities that AI can never replicate" (Qureshi, 2025). Directions were issued to the NJPMC and LJCP to formulate comprehensive guidelines, with a copy of the judgment dispatched for this purpose. Rules of superior courts may be amended to integrate AI administratively while preserving human oversight. This balanced approach efficiency tempered by constitutional fidelity sets Pakistan apart from more aggressive implementations elsewhere (IPRI, 2025).

Constitutional Boundaries

Pakistan's Constitution anchors judicial processes in human-centric principles. Article 10A guarantees every person the right to a fair trial and due process, encompassing reasoned decisions, impartiality, and the ability to contest outcomes (Qureshi, 2023). AI-assisted processes must not render this illusory; opaque algorithms could violate the right to know and challenge the basis of decisions (Surden, 2019). Article 37(d) mandates inexpensive and expeditious justice, providing a positive obligation for technological innovation to alleviate delays. However, this cannot justify compromising Article 14 (inviolability of dignity) or judicial independence (Articles 191, 202 for rule-making powers).

The judgment draws boundaries by requiring human judges to retain ultimate authority. AI outputs must undergo mandatory review, with disclosure in judgments where used. This echoes due process requirements for transparency and accountability. Comparative constitutionalism reinforces this: in *State v. Loomis* (US, 2016), reliance on the opaque COMPAS tool raised due process concerns, though upheld with caveats (Watcher, Florida & Mittlestadt, 2017).

In Pakistan, any AI framework must align with Islamic principles of justice (Thomas, 2024), emphasizing mercy and individualized consideration qualities algorithms lack. The Court implicitly invokes these by stressing compassion over "the rule of data" (Javed, 2025).

Potential conflicts arise in high-stakes matters (criminal sentencing, constitutional petitions), where AI's predictive analytics could inadvertently discriminate based on historical biased data. Constitutional fidelity demands algorithmic impact assessments to ensure non-discrimination under Article 25 (equality) (Farid, 2025).

Ethical Boundaries and Challenges

Ethical concerns dominate the judgment: AI systems risk amplifying societal biases embedded in training data, leading to discriminatory outcomes against marginalized groups. Hallucinations undermine the integrity of legal reasoning, as seen in cases where lawyers submitted AI-generated fictitious citations. Transparency ("explainability") is ethically imperative; black-box models prevent litigants from understanding or contesting decisions, eroding legitimacy. Accountability poses another dilemma: who bears responsibility for AI errors the judge, developer, or system provider?

Privacy and data security are critical, given courts handle sensitive personal data. Compliance with emerging data protection frameworks is essential to prevent breaches. The judgment warns that AI lacks "impartiality, emotional empathy, and judicial propriety," potentially reducing justice to a "mechanical exercise." This aligns with UNESCO's Ethics of AI Recommendation (2021), emphasizing human rights, transparency, and oversight (UNESCO, 2021).

AI's Tangible Promise in Addressing Judicial Backlogs

Pakistan's judiciary faces an existential crisis of pendency. With millions of cases clogging courts from district levels to the apex, delays exacerbate inequality: the wealthy can afford prolonged litigation, while the marginalized suffer prolonged injustice. AI offers multifaceted solutions here. First, in legal research and knowledge management, AI-powered platforms can analyze judgments, statutes, and commentaries with unprecedented speed and accuracy. Tools similar to those piloted in other jurisdictions could generate case summaries, identify analogous precedents, and even flag inconsistencies across benches. This frees judges to focus on interpretive and equitable aspects rather than rote retrieval.

Second, case management and analytics represent another frontier. Predictive analytics can prioritize cases based on urgency, complexity, or backlog patterns, optimizing court calendars. Sentiment analysis on filings or evidence could assist in preliminary triage, though always subject to human review. In enforcement proceedings, AI could track compliance with decrees, reducing administrative burdens.

Third, document drafting and linguistic support hold particular value in a multilingual context like Pakistan. AI can assist in producing clear, consistent judgments, translating legal texts, or ensuring procedural compliance in summary proceedings like rent cases. The *Ishfaq Ahmed* Court itself highlighted how such tools could expedite rent disputes, which are designed for swift resolution to balance landlord rights and tenant protections while fostering economic stability. These applications align with global trends. In advanced systems, AI has demonstrably reduced processing times. However, the judgment tempers enthusiasm with realism: AI's "weaknesses in terms of accuracy" compared to human adjudication—stemming from hallucinations in LLMs, data biases, or lack of contextual understanding—necessitate safeguards. Implementation must include rigorous testing, judicial training, and fallback mechanisms to human oversight.

Similar Reported Ideas and Comparative Perspectives

Global experiences mirror and expand the *Ishfaq Ahmed* principles. In the US, COMPAS risk-assessment tools for bail and sentencing faced criticism for racial bias, prompting calls for human oversight (ProPublica investigations; *Loomis* case).

China's "Smart Courts" (e.g., Shanghai 206 System, Hangzhou Internet Court's Xiao Zhi) deploy AI for evidence analysis, sentencing suggestions, and drafting, but maintain human signing of judgments. Efficiency gains are notable, yet concerns persist over opacity and state control.

Colombia's Pretor IA assists the Constitutional Court in screening tutela actions for fundamental rights, while a judge famously used Chat GPT in a 2023 ruling prompting guidelines. Argentina's Prometea automates paperwork and predicts outcomes, evolving from assistive to contributory roles.

Estonia experimented with "robot judges" for small claims but stalled due to legitimacy concerns, favoring AI for transcription and anonymization. India's SUVAS translates judgments; SUPACE aids research. Brazil's Victor and Sócrates systems screen cases and analyze appeals.

The EU AI Act classifies high-risk judicial AI (e.g., predictive tools) with strict transparency and oversight requirements. CEPEJ's Ethical Charter (2018) outlines principles of non-discrimination, data quality, transparency, and human oversight echoed in Pakistan's emerging framework.

These cases reinforce *Ishfaq Ahmed's* auxiliary model: AI excels in administrative and research tasks but falters in nuanced ethical or empathetic adjudication. Common themes include mandatory disclosure, audit trails, and training to mitigate hallucinations and bias. In Pakistan,

analogous risks appear in proposals for AI in case scheduling (Lahore High Court, 2023) and calls for an "AI Judiciary Act" addressing accountability and privacy.

Recommendations:

1. **Develop Comprehensive Guidelines:** NJPMC and LJCP should promptly draft binding guidelines, incorporating UNESCO principles, CEPEJ Charter, and *Ishfaq Ahmed* boundaries. Specify permissible uses (research, summarization, scheduling) versus prohibited (final decisions, evidence weighing in sensitive cases).
2. **Mandatory Human Oversight and Disclosure:** Require judges to review and verify all AI outputs independently. Judgments must disclose AI assistance, with reasons for acceptance/rejection, ensuring auditability.
3. **Algorithmic Impact Assessments and Bias Audits:** Mandate pre-deployment assessments for fairness, non-discrimination, and explainability. Establish an independent Judicial AI Oversight Committee under LJCP with technologists, ethicists, and civil society.
4. **Judicial Training and Capacity Building:** Integrate AI literacy into Federal Judicial Academy curricula, covering bias detection, hallucination risks, and ethical evaluation. Pilot programs in district courts for low-stakes matters.
5. **Legislative Framework:** Enact an AI Judiciary Act harmonizing with PECA 2016, Draft Data Protection Bill, and constitutional rights. Include data localization, encryption, and liability provisions.
6. **Pilot Implementation and Monitoring:** Start with administrative tools in select courts, scaling based on annual reports on usage, efficacy, and complaints. Publish transparency reports to build public trust.
7. **International Collaboration:** Engage with global bodies (UNESCO, CEPEJ) for best practices while adapting to Pakistan's socio-legal context, including Islamic ethical dimensions.
8. **Ethical Safeguards for High-Risk Areas:** Prohibit or strictly regulate AI in criminal sentencing, family matters, or constitutional cases where empathy and individualized justice predominate.

These steps would operationalize the *Ishfaq Ahmed* vision, balancing innovation with safeguards.

Conclusion

Ishfaq Ahmed v. Mushtaq Ahmed (PLD 2025 SC 582) marks a mature judicial response to technological disruption, positioning AI as a valuable auxiliary ally rather than a replacement for human judges. By grounding its analysis in constitutional imperatives of fair trial, expeditious justice, and human dignity, the Supreme Court has drawn clear boundaries that prioritize ethical integrity over unchecked efficiency.

As Pakistan's judiciary confronts persistent backlogs, AI offers tangible promise in research, management, and analytics. Yet, the judgment rightly insists that justice's "moral and emotional core" remains irreducibly human. Comparative experiences from COMPAS biases to Chinese Smart Courts validate this cautionary optimism. Implementing the recommended guidelines, training, and oversight mechanisms will determine whether AI enhances or erodes access to justice. Ultimately, technology must serve humanity, not supplant it. By upholding judicial autonomy and public trust, Pakistan can pioneer a model of responsible AI integration that respects constitutional values while modernizing justice delivery for future generations.

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