

Ishfaq Ahmed v. Mushtaq Ahmed

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The use of Artificial Intelligence (‘AI’) in judicial proceedings is a new phenomenon which has been considered efficient in reducing the backlog of pending cases, which stood at 2,221,512 (2.22 million) nationwide as of 2024.¹ The recent judgment of *Ishfaq Ahmed v. Mushtaq Ahmed*², delivered by Justice Syed Mansoor Ali Shah and Justice Aqeel Ahmed Abbasi, paved the way for the use of AI in the judicial system of Pakistan. It calls for judicial officers to gain assistance from modern AI tools. The Court discusses the legitimacy of AI use in judicial work, while also underscoring its weaknesses in terms of accuracy in comparison to human adjudication. The judgment prescribes AI as an auxiliary tool to facilitate and expedite the judicial process, rather than substituting human reasoning.

The brief facts of the case are that Ishfaq Ahmed (‘petitioner’) and Mushtaq Ahmed (‘respondent’) are real brothers who have been involved in litigation regarding tenancy rights since 2018. The petitioner claims to be the owner of immovable property situated in Moza Rajghar, a tehsil of Lahore district. He rented the property to the respondent on a monthly rent amounting to Rs. 35,000/-, who later committed default in the payment of the same. The petitioner filed an eviction petition against the respondent, which was dismissed. Subsequently, he challenged the dismissal order before the appellate forum, which allowed his appeal in 2021. Being aggrieved by the appellate court’s judgment, the respondent invoked the constitutional jurisdiction of the Lahore High Court (‘LHC’), which resulted in his favour in 2022. Consequently, in the present case, the petitioner challenges the LHC judgment before the Supreme Court of Pakistan (‘Court’).

¹ Law & Justice Commission of Pakistan, *3rd Bi-Annual Report* (June 2024) <<https://ljcp.gov.pk/SiteImage/Misc/files/3bar%20%282%29.pdf>> accessed 25 November 2025.

² *Ishfaq Ahmed v. Mushtaq Ahmed* 2025 SCP 112.

The Court affirms the holding of the lower appellate court as it upholds the petitioner's claim of ownership and sets aside the judgment passed by the LHC. After settling the original controversy of the case, Justice Shah brings attention to the inordinate delay of 7 years in the final disposal of this case and emphasises the need to adapt to technological advancements to help curtail delays that infringe upon the rights of the parties. He recommends the use of AI in the Judicial system to expedite court proceedings. However, the Court warns against excessive reliance, prescribes AI use as only a facilitative tool, and never in a manner that compromises human judicial autonomy, constitutional fidelity, or public trust in the justice system.³

The judgment holds significance in the present context when AI is rapidly integrating into all domains of life, and it is more required than ever before to amplify technological assistance in the legal system. Such an approach is in tandem with the fair trial guarantee under Article 10(A) of the Constitution,⁴ which envisions efficient judiciary for the timely delivery of justice. However, it goes without saying that automated decisions may not find any legitimacy under the existing laws. The Constitution of Pakistan defines a 'Judge' under Article 260 as any person who is acting as a Judge of the court.⁵ The Pakistan Penal Code defines the word 'Judge' as 'every person who is officially designated or empowered by law to give a definitive judgment in legal proceedings of a civil or criminal nature'; while the word 'Court of Justice' denotes a judge who is empowered by law to act judicially, or a body of judges that is empowered by law to act judicially.⁶ Whereas Section 367 of the Criminal Procedure Code states that '*every judgment shall, except as otherwise expressly provided by this code, be written by the presiding officer of the court or from the dictation of such presiding officer and shall be signed by him*'.⁷ Consequently, the laws of Pakistan require judgments and orders to exhibit human reasoning. The decisions of AI are often based on biased algorithms that can prejudice the right to a fair trial⁸; therefore, human input is necessary to preclude various technical errors.

³ Ibid [18].

⁴ Constitution of the Islamic Republic of Pakistan 1973, art 10(A).

⁵ Ibid [260].

⁶ Pakistan Penal Code 1860, s 20; Gul Muhammad, *Criminal Major Acts* (KLR 2024).

⁷ Code of Criminal Procedure 1898, s 367.

⁸ Majid Burfat, 'Incorporating AI into the Legal System' *Dawn* (Karachi, 17 May 2023). <<https://www.dawn.com/news/1753343/incorporating-ai-into-legal-system>> accessed 25 November 2025.

The present judgment prescribes ways to prevent AI takeover of the judicial system by ensuring its use as a supplemental tool only. The judgment does not support the arbitrary use of AI for recording evidence, writing judgments, or substituting human adjudication; instead, it identifies its rational use in assigning jurisdiction and allocating cases to avoid the arbitrary exercise of discretion by the senior judiciary. This way, AI algorithms can be employed to overcome human bias that derails the process of justice. Additionally, AI can also assist judges in case profiling, recognising handwriting, and evaluating contracts of various natures.⁹ It enables judges to make informed decisions by furnishing them with precise and comprehensive data.¹⁰ AI also facilitates the utilisation of forensic evidence and surveillance videos to determine the identities of potential perpetrators.¹¹ The integration of AI into the judicial system in the modern world is desired mainly due to its feature of predictability, which assists in the outcome of cases. The potential usage of artificial intelligence may also prevent miscarriages of justice in Pakistan's criminal justice system by preventing unjust and wrongful convictions.¹² Therefore, AI tools can be used in meaningful ways to assist the administration of courts without compromising the spirit of judicial reasoning.

However, such assistive use of AI in the administrative functions of the judiciary in Pakistan requires amendments to the rules of the superior courts. Under the Constitution, the Supreme Court and the High Courts are exclusively empowered to make rules regulating their practice and procedure.¹³ These rules regulate the case allocation and formation of benches, service of summons and notices, management of cause lists, procedure for pronouncement of judgments, record keeping, and related functions of the court.¹⁴ The present judgment therefore offers an opportunity to the higher judiciary to bring about such meaningful reforms in the court rules as required for the integration of AI into the routine court proceedings.

⁹ Daniel Susskind and Richard Susskind, *The Future of the Profession* (OUP, 2015).

¹⁰ Slava Jankin Mikhaylov, Marc Esteve and Averill Campion, 'Artificial Intelligence for the Public Sector: Opportunities and Challenges of Cross-Sector Collaboration' (2018) *Phil. Trans. R. Soc. A* 376 <<https://royalsocietypublishing.org/doi/10.1098/rsta.2017.0357>> accessed 25 November 2025.

¹¹ Deniz Susar and Vincenzo Aquaro, 'Artificial intelligence: Opportunities and Challenges for the Public Sector' 12 *International Conference on Theory and Practice of Electronic Governance Proceedings* (2019) <https://www.researchgate.net/publication/333233412_Artificial_Intelligence_Opportunities_and_Challenges_f_or_the_Public_Sector> accessed 25 November 2025.

¹² Amir Latif Bhatti and others, 'Preventing Miscarriage of Justice Using Artificial Intelligence in Pakistan' (2024) 5(3) *Qlantic Journal of Social Sciences* 248 <https://www.researchgate.net/publication/384803442_Preventing_Miscarriage_of_Justice_Using_Artificial_Intelligence_in_Pakistan> accessed 25 November 2025.

¹³ Constitution (n 4) [191] and [202].

¹⁴ Supreme Court Rules 2025.

Despite the potential advantages, the judgment has discussed the limitations of AI that result in ethical concerns. These challenges include, but are not limited to, transparency issues, technological faults, data privacy concerns, and erosion of public confidence. According to Jawad Raza, despite the remarkable advancements made by the current generation of Large Language Models ('LLMs') in mimicking human-like intelligence, these systems exhibit hallucinations, provide irrelevant context for the real world, and demonstrate unreliable reasoning, which raises concerns regarding the safety, robustness, and true intelligence of AI systems.¹⁵ Judicial adjudication requires human reasoning, impartiality, emotional empathy, and public confidence, which are not reflected in AI systems.

In this backdrop, the judicial community requires enhanced technical proficiency to effectively utilise and assess AI systems to ensure judicial propriety. The incorporation of artificial intelligence in the judicial system holds a promising impact on the overall justice system in Pakistan.¹⁶ However, there is a dire need to establish specific regulations for adopting AI tools in a manner that addresses the ethical concerns. In this regard, the judgment calls on the National Judicial Policy Making Committee and Law and Justice Commission of Pakistan to develop comprehensive guidelines for permissible uses of AI within the judiciary. These policy directives would require incorporation in the court rules to bring into effect the desired regulatory framework to address ethical concerns.

In conclusion, the judgment presents a pragmatic vision for enhancing the efficiency and speed of justice in the country. It provides direction for improving the judicial system through technological advancements that can effectively reduce backlog and curtail delays. While the judgment recognises the upsides of AI, it does not acknowledge its use in matters of reasoning and decision-making due to ethical considerations and apprehensions of miscarriage of justice. Therefore, the benefits of AI can be leveraged to expedite justice; however, necessary caution is required to adhere to the principles of fair trial and avoid technological bias in the judicial system.

¹⁵ Sara Danial, 'Regulating AI' *Dawn* (Islamabad, 23 September 2024) <<https://www.dawn.com/news/1860390>> accessed 25 November 2025.

¹⁶ Umair Ahmed, Zaryab Fatima, and Touqeer Abbas, 'Implementing Artificial Intelligence (AI) into the Judicial System in Europe: Challenges and Opportunities' (2024) 8(1) *Pakistan Social Science Review* <<https://ojs.pssr.org.pk/journal/article/view/417>> accessed 25 November 2025.