PRESENT
Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Aqeel Ahmed Abbasi

C.P.L.A. No. 1010-L/2022
(Against the impugned judgment dated 24.03.2022 passed by the Lahore High Court, Lahore in W.P. No. 75382/2021)

Ishfaq Ahmed   *... Petitioner*

Versus

Mushtaq Ahmed, etc.

... Respondent(s)

For the Petitioner:	Mr. Moeen Ahmed, Advocate High Court with special permission (Through V.L. Lahore Registry)
For the Respondents:	Mr. Khalid Jamil, ASC (Through V.L. Lahore Registry)
Date of Hearing:	13.03.2025

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 courts[1] 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

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[1] High Court and the Special Judge (Rent).

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 10A[2] 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

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[2] 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.

[3] Article 37(d) provides: The State shall ensure inexpensive and expeditious justice.

[4] 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 University Press, 2020) and Yadong Cui, Artificial Intelligence and Judicial Modernization (Springer, 2020).

[5] J Juan David Gutiérrez, 'ChatGPT in Colombian Courts: Why We Need to Have a Conversation About the Digital Literacy of the Judiciary' (23 February 2023) Verfassungsblog https://verfassungsblog.de/colombian-chatgpt/ accessed 6 April 2025. Janus Rose, 'A Judge Just Used ChatGPT to Make a Court Decision' (3 February 2023) VICE https://www.vice.com/en/article/judge-used-chatgpt-to-make-court-decision/ accessed 6 April 2025.

[6] Bob Ambrogi, 'Should Courts Use ChatGPT? In This Appellate Opinion, Both the Majority and Dissenting Opinions Did' (10 March 2025) LawNext https://www.lawnext.com/2025/03/should-courts-use-chatgpt-in-this-appellate-opinion-both-the-majority-and-dissenting-opinions-did.html accessed 6 April 2025; District of Columbia Court of Appeals, 'Ross v. United States' (2025) Justia https://law.justia.com/cases/district-of-columbia/court-of-appeals/2025/23-cm-1067.html accessed 6 April 2025.

[7] Judge Amir Munir, Additional District & Sessions Judge (Punjab) in a civil appeal (Muhammad Iqbal v. Zayad) judgment dated 28.03.2023 < https://courtingthelaw.com/wp-content/uploads/DOC-20230413-WA0052..pdf> and a pre-arrest bail (The State v. AM (a juvenile) judgment dated 29.03.2023 < https://courtingthelaw.com/wp-content/uploads/ChatGPT-4-Abdul-Moaiz-v-State.-FIR-No.-15-2023.-Offence-376iii-511-P.S-Bhagat..-allowed.-29.03.2023.pdf> accessed 28 March 2025.

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 & 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 technologies[10] 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 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

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[8] AI-driven methodologies, including machine learning ("ML") algorithms, generative AI ("GenAI"), predictive modelling and advanced text analytics, e.g., natural language processing ("NLP").

[9] Joely Williamson, 'The Rise of AI in Legal Practice: Opportunities, Challenges, & Ethical Considerations' (21 March 2025) Colo Tech LJ https://ctlj.colorado.edu/?p=1297 accessed 6 April 2025. LexisNexis, 'The Power of Artificial Intelligence in Legal Research' (6 November 2023) https://www.lexisnexis.com/community/insights/legal/b/thought-leadership/posts/the-power-of-artificial-intelligence-in-legal-research accessed 6 April 2025.

[10] This includes the NLP, ML, and Large-Scale Data Analytics.

[11] Thomson Reuters, 'Westlaw: Legal Research Platforms' https://legal.thomsonreuters.com/en/westlaw accessed 29 March 2025; Thomson Reuters, 'Westlaw Expert Materials' https://legal.thomsonreuters.com/en/products/westlaw/expert-materials accessed 29 March 2025; Thomson Reuters, 'Compare Westlaw Plans' https://legal.thomsonreuters.com/en/westlaw/plans-and-pricing accessed 29 March 2025; Thomson Reuters, 'Westlaw Editorial Enhancements' https://legal.thomsonreuters.com/en/products/westlaw/expert-materials accessed 29 March 2025. Casetext, 'CARA A.I.: Case Analysis Research Assistant for Legal Professionals' https://www.casetext.com/cara-ai accessed 29 March 2025; Valerie McConnell, 'What Is CARA A.I. and How Do I Use It?' Casetext Help Center https://help.casetext.com/en/articles/1971642-what-is-cara-a-i-and-how-do-i-use-it accessed 29 March 2025. Stanford Law School, 'Putting Casetext's CARA to the Test' https://law.stanford.edu/2016/12/09/putting-casetexts-cara-to-the-test/ accessed 29 March 2025; Innovation, Science and Economic Development Canada, The Artificial Intelligence and Data Act (AIDA) – Companion Document, Government of Canada https://ised-isde.canada.ca/site/innovation-better-canada/en/artificial-intelligence-and-data-act-aida-companion-document accessed 29 March 2025; Casetext, 'What Is CoCounsel?' Casetext Help Center https://help.casetext.com/en/articles/7040012-what-is-cocounsel accessed 29 March 2025; vLex, 'Legal Research Platform Overview' https://vlex.com/legal-research accessed 29 March 2025; vLex, 'International Research Tools and Jurisdictions' https://vlex.com/international-research accessed 29 March 2025; vLex Networks Ltd, 'vLex: International Legal Research Platform' https://vlex.com accessed 1 April 2025; Sandeep Singh Sengar and others, 'Generative Artificial Intelligence: A Systematic Review and Applications' (2025) 34 Multimed Tools Appl 913 https://doi.org/10.1007/s11042-024-20016-1 accessed 29 March 2025; Zarif Bin Akhtar, 'Unveiling the Evolution of Generative AI (GAI): A Comprehensive and Investigative Analysis Toward LLM Models (2021–

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)*

2024) and Beyond' (2024) 11 J Elec Sys & Info Tech 22 https://doi.org/10.1186/s43067-024-00145-1 accessed 29 March 2025; Leonardo Banh and Gero Strobel, 'Generative Artificial Intelligence' (2023) 33 Electron Mkts 63 https://doi.org/10.1007/s12525-023-00680-1 accessed 29 March 2025; Qihao Zhu and Jianxi Luo, 'Generative Pre-Trained Transformer for Design Concept Generation' (2022) Proceedings of the Design Society https://doi.org/10.1017/pds.2022.185 accessed 2 April, 2025, and Deepti Raj and others, '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.

[12] 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, alongwith Judge Shazia Munawar Makhdoom, former Additional Director (Programs and ICT), FJA.

[13] 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.

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

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[14] Marcel Kahan and Troy A. McKenzie, 'Judge Shopping' (2021) 13 Journal of Legal Analysis 341 https://doi.org/10.1093/jla/laab007 accessed 6 April 2025; Shloke Singh Nair, 'Get in, Litigants: We're Going Judge Shopping!' (2025) 93 George Washington Law Review 159; Alexander Gouzoules, 'Choosing Your Judge' (2024) 77 SMU Law Review 699 (Fall); Paul R. Gugliuzza and J. Jonas Anderson, 'Why Do Judges Compete for Cases?' (2024) 104 Boston University Law Review 1963; Ahmed E. Taha, 'Judge Shopping: Testing Whether Judges' Political Orientations Affect Case Filings' (2010) 78 University of Cincinnati Law Review 1007 (Spring); Theresa Rusnak, 'Related Case Rules and Judge Shopping: A Resolvable Problem' (2015) 28 Georgetown Journal of Legal Ethics 913 (Summer); Tamar Kricheli-Katz and Keren Weinshall, 'Judging Fast or Slow: The Effects of Reduced Caseloads on Gender- and Ethnic-Based Disparities in Case Outcomes' (2023) 20 Journal of Empirical Legal Studies 961 https://doi.org/10.1111/jels.12363 accessed 6 April 2025; David N. Figinski and David Neumark, 'Workplace Disruptions, Judge Caseloads, and Judge Decisions' (2022) 205 Journal of Public Economics 104554 https://doi.org/10.1016/j.jpubeco.2021.104554 accessed 6 April 2025; Dragutin S. Avramovic and Ilija D. Jovanov, '(Im)Partiality of a Judge and Artificial Intelligence' (2023) Strani Pravni Zivot 161 (Apr–June).

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

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[15] Guodong Du and Meng Yu, 'How Does the Chinese Court Decide Which Judge Will Hear Your Case?' China Justice Observer (16 June 2019) https://www.chinajusticeobserver.com/a/how-does-the-chinese-court-decide-which-judge-will-hear-your-case accessed 3 April 2025.

[16] Shucheng Wang, 'Guiding Cases and Bureaucratization of Judicial Precedents in China' (2019) 14 U. Pa. Asian L. Rev.96, 135 https://ssrn.com/abstract=3267339 accessed 3 April 2025; Susan Finder and Straton Papagianneas, 'Guidance on the Special Handling of Four Types of Cases & Its Implications' Supreme People's Court Monitor (21 February 2022) https://supremepeoplescourtmonitor.com/tag/judicial-responsibility/#:~:text=responsibility%20system,levels%20designated%20judges%20hearing%20cases accessed 3 April 2025; Changming Hu, 'Judicial Reform: Safeguarding Fairness and Justice', in Tian He and Yanbin Lv (eds), The Chinese Path of Rule of Law Construction (Springer 2021) 47-89; Information Office of the State Council, The People's Republic of China, Judicial Reform in China (October 2012) https://english.www.gov.cn/archive/white_paper/2014/08/23/content_281474983043170.htm accessed 3 April 2025; Supreme People's Court of China, 'An Overview of the 6th Five-Year Reform Outline of the People's Courts' (3 January 2025) https://english.court.gov.cn/2025-01/03/c_1078244.htm accessed 3 April 2025.

[17] Luis María Palma, 'Judicial Administration in Kazakhstan: Achievements and Perspectives' (2023) 15 Court Administrator Fall 35, 37.

[18] Katarína Staroňová & Emília Sičáková-Beblavá, Corruption and Anti-Corruption Measures in Central and Eastern Europe (NISPAcee Press 2009) https://www.nispa.org/files/publications/ebooks/nispacee-corruption2009.pdf accessed 3 April 2025; Ivan Remiaš, 'Judges Fired for Mismanagement' The Slovak Spectator' (23 August 1999) https://spectator.sme.sk/politics-and-society/c/judges-fired-for-mismanagement accessed 3 April 2025.

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,

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[19] European Network of Councils for the Judiciary (ENCJ), Minimum Judicial Standards IV: Allocation of Cases (ENCJ Report 2013 2014) https://www.encj.eu/images/stories/pdf/workinggroups/encj_report_standards_iv_allocation_of_cases_2014.pdf accessed 3 April 2025.

[20] OECD, Anti-Corruption Reforms in Georgia: Pilot 5th Round of Monitoring Under the Istanbul Anti-Corruption Action Plan (OECD Publishing 2022) https://www.oecd.org/en/publications/anti-corruption-reforms-in-georgia_d709c349-en.html accessed 3 April 2025.

[21] AI4SDGs ThinkTank Observatory, Prometea: Transforming the Administration of Justice with Artificial Intelligence Tools (AI4SDGs Website, 2020) https://www.ai-for-sdgs.academy/case/245 accessed 6 April 2025; Juan Gustavo Corvalán, Prometea: Artificial Intelligence to Transform Justice and Public Organizations (2020) 6 Int'l J. Digital & Data L.https://core.ac.uk/download/pdf/322501055.pdf accessed 6 April 2025.

[22] Victor Saavedra & Juan Carlos Upegui, PretorIA and Automating the Processing of Human Rights Cases (Derechos Digitales Report, 2021) https://www.derechosdigitales.org/wp-content/uploads/05_Informe-Colombia-EN_180222.pdf accessed 6 April 2025; Lorenzo Villegas-Carrasquilla & Mariana Jaramillo, The Constitutional Court of Colombia Pronounces on the Use of Generative Artificial Intelligence Tools in Judicial Tutela Proceedings (CMS Colombia, 14 August 2024) https://cms.law/en/col/publication/the-constitutional-court-of-colombia-pronounces-on-the-use-of-generative-artificial-intelligence-tools-in-judicial-tutela-proceedings accessed 6 April 2025.

[23] Victor Saavedra & Juan Carlos Upegui, PretorIA and Automating the Processing of Human Rights Cases (Derechos Digitales Report, March 2021) https://www.derechosdigitales.org/wp-content/uploads/05_Informe-Colombia-EN_180222.pdf accessed 6 April 2025.

[24] André Corrêa d'Almeida, 'AI-Driven Innovations at the Brazilian Judiciary' (Columbia SIPA, Spring 2020) https://www.sipa.columbia.edu/aidriven-innovations-brazilian-judiciary accessed 6 April 2025; Fundação Getulio Vargas (FGV), 'Project Maps Artificial Intelligence Systems Used by Brazilian Judiciary' (FGV News, 10 October 2023) https://portal.fgv.br/en/news/project-maps-artificial-intelligence-systems-used-brazilian-judiciary accessed 6 April 2025.

[25] David Uriel Socol de la Osa and Nydia Remolina, 'Artificial Intelligence at the Bench: Legal and Ethical Challenges of Informing—or Misinforming—Judicial Decision-Making Through Generative AI' (2024) Data & Policy, Cambridge University Press https://www.cambridge.org/core/journals/data-and-policy/article/artificial-intelligence-at-the-bench-legal-and-ethical-challenges-of-informingor-misinformingjudicial-decisionmaking-through-generative-ai/D1989AC5C81FB67A5FABB552D3831E46 accessed 6 April 2025.

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

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[26] Artificial Intelligence (AI): Guidance for Judicial Office Holders, Courts and Tribunals Judiciary (2023) < https://www.judiciary.uk/wp-content/uploads/2023/12/AI-Judicial-Guidance.pdf>; Guidelines for Use of Generative Artificial Intelligence in Courts and Tribunals: Judges, Judicial Officers, Tribunal Members and Judicial Support Staff, Courts of New Zealand (2023) < https://www.courtsofnz.govt.nz/assets/6-Going-to-Court/practice-directions/practice-guidelines/all-benches/20231207-GenAI-Guidelines-Judicial.pdf> Martin Felsky and Professor Karen Eltis, Guidelines for the Use of Artificial Intelligence in Canadian Courts (2024) < https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf> Felicity Bell, Lyria Bennett Moses, Michael Legg, Jake Silove and Monika Zalnieriute, AI Decision-Making and the Courts: A guide for Judges, Tribunal Members and Court Administrators, The Australian Institute of Judicial Administration (2022) < https://aija.org.au/wp-content/uploads/woocommerce_uploads/2022/06/AI-DECISION-MAKING-AND-THE-COURTS_Report_V5-2022-06-20-1lzkls.pdf> accessed 27 March 2025.

[27] Carlos Zednik and Hannes Boelsen, 'AISB 2021 Symposium Proceedings: Overcoming Opacity in Machine Learning' (2021) Society for the Study of Artificial Intelligence and Simulation of Behaviour https://aisb.org.uk/wp-content/uploads/2021/04/AISB21_Opacity_Proceedings accessed 6 April 2025; Rt Hon Sir Robert Buckland KBE KC MP, 'AI, Judges and Judgment: Setting the Scene' (2023) M-RCBG Associate Working Paper Series, No. 220 https://www.hks.harvard.edu/sites/default/files/centers/mrcbg/working.papers/Final_AWP_220.pdf accessed 6 April 2025.

[28] Jocelyn Maclure, 'AI, Explainability and Public Reason: The Argument from the Limitations of the Human Mind' (2021) 31 Minds and Machines 421 https://link.springer.com/article/10.1007/s11023-021-09570-x accessed 6 April 2025; David Uriel Socol de la Osa and Nydia Remolina, 'Artificial Intelligence at the Bench: Legal and Ethical Challenges of Informing—or Misinforming—Judicial Decision-Making Through Generative AI' (2024) 6 Data & Policy e59 https://doi.org/10.1017/dap.2024.53 accessed 6 April 2025.

[29] Michele Salvagno, Fabio Silvio Taccone and Alberto Giovanni Gerli, 'Artificial Intelligence Hallucinations' (2023) 27 Critical Care, Art. 180 https://ccforum.biomedcentral.com/articles/10.1186/s13054-023-04473-y accessed 6 April 2025; Negar Maleki, Balaji Padmanabhan and Kaushik Dutta, 'AI Hallucinations: A Misnomer Worth Clarifying' (2024) arXiv https://arxiv.org/abs/2401.06796 accessed 6 April 2025.

[30] Andres Algaba, Carmen Mazijn, Vincent Holst, Floriano Tori, Sylvia Wenmackers and Vincent Ginis, 'Large Language Models Reflect Human Citation Patterns with a Heightened Citation Bias' (2024) arXiv https://arxiv.org/html/2405.15739v3 accessed 6 April 2025.

[31] Sam Skolnik, 'Lawyer Sanctioned Over AI-Hallucinated Case Cites, Quotations' Bloomberg Law (26 November 2024) https://news.bloomberglaw.com/litigation/lawyer-sanctioned-over-ai-hallucinated-case-cites-quotations; Dan Milmo and Agency, 'Two US Lawyers Fined for Submitting Fake Court Citations from ChatGPT' The Guardian (23 June 2023) https://www.theguardian.com/technology/2023/jun/23/two-us-lawyers-fined-submitting-fake-court-citations-chatgpt accessed 6 April 2025; Sara Merken, 'Judge Fines Lawyers in Walmart Lawsuit Over Fake, AI-Generated Cases' Reuters (25 February 2025) https://www.reuters.com/legal/government/judge-fines-lawyers-walmart-lawsuit-over-fake-ai-generated-cases-2025-02-25/ accessed 6 April 2025.

[32] Sascha Schweitzer and Markus Conrads, 'The Digital Transformation of Jurisprudence: An Evaluation of ChatGPT-4's Applicability to Solve Cases in Business Law' (2024) 33 Artificial Intelligence and Law https://link.springer.com/article/10.1007/s10506-024-09406-w accessed 6 April 2025; Lexi Aida, 'Evaluating

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

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GPT-4's Impact on Legal Document Review' The Legal Wire (15 December 2023) https://thelegalwire.ai/evaluating-gpt-4s-impact-on-legal-document-review/ accessed 6 April 2025.

[33] Jamie Eggertsen, 'What You Need to Know: AI Disclosure Rules in Legal Filings' Eve Legal Blog (19 March 2025) https://www.eve.legal/blogs/what-you-need-to-know-ai-disclosure-rules-in-legal-filings accessed 6 April 2025; Hon. Ralph Artigliere (Ret.), 'AI Hallucinations in Court: A Wake-Up Call for the Legal Profession' EDRM (21 January 2025) https://edrm.net/2025/01/ai-hallucinations-in-court-a-wake-up-call-for-the-legal-profession/ accessed 6 April 2025.

[34] Francesco Contini, Elena Alina Ontanu and Marco Velicogna, 'AI Accountability in Judicial Proceedings: An Actor–Network Approach' (2024) 13 Laws 71 https://www.mdpi.com/2075-471X/13/6/71 accessed 6 April 2025.

[35] Lady Chief Justice Baroness Carr, Sir Geoffrey Vos and Sir Keith Lindblom, 'Artificial Intelligence (AI) - Judicial Guidance' (12 December 2023) Courts and Tribunals Judiciary https://www.judiciary.uk/guidance-and-resources/artificial-intelligence-ai-judicial-guidance/ accessed 6 April 2025.

[36] Changqing Shi, Tania Sourdin and Bin Li, 'The Smart Court – A New Pathway to Justice in China' International Journal for Court Administration (Volume 12, Issue 1, 2021); Marco Fabri, 'From Court Automation to e-Justice and Beyond in Europe' International Journal for Court Administration (Volume 15, Issue 3, 2024) and Tania Sourdin and Archie Zariski (eds.), The Responsive Judge: International Perspectives (Springer 2018).

[37] Orrie Dinstein and Jaymin Kim, 'Human in the Loop in AI Risk Management — Not a Cure-All Approach' (21 August 2024) IAPP https://iapp.org/news/a/-human-in-the-loop-in-ai-risk-management-not-a-cure-all-approach accessed 6 April 2025; Catelijne Muller, 'Artificial Intelligence: Europe Needs to Take a Human-in-Command Approach' (31 May 2017) EESC Press Release, Ref. No. 27/2017 https://www.eesc.europa.eu/en/news-media/press-releases/artificial-intelligence-europe-needs-take-human-command-approach-says-eesc accessed 6 April 2025.

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 & 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 Rights[39] and General Comment No. 32[40] 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

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[38] Rubén González-Sendino, Emilio Serrano, Javier Bajo and Paulo Novais, 'A Review of Bias and Fairness in Artificial Intelligence' (2023) International Journal of Interactive Multimedia and Artificial Intelligence, University of Minho, Portugal https://www.diva-portal.org/smash/get/diva2:1741613/FULLTEXT01.pdf accessed 6 April 2025; 'Quantifying Health, Proxy Bias: Simple Explanation + Example' (2023) Quantifying Health https://quantifyinghealth.com/proxy-bias/ accessed 6 April 2025.

[39] United Nations Office of the High Commissioner for Human Rights (OHCHR), International Covenant on Civil and Political Rights (16 December 1966) https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

[40] United Nations Human Rights Committee, General Comment No. 32, Article 14: Right to Equality Before Courts and Tribunals and to Fair Trial (23 August 2007) https://digitallibrary.un.org/record/606075?v=pdf accessed 6 April 2025.

[41] UNESCO, Global Toolkit on AI and the Rule of Law for the Judiciary (2023) https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p::usmarcdef_0000387331&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_import_166bac11-442c-4e26-9091-33532c191d84%3F_%3D387331eng.pdf&locale=en&multi=true&ark=/ark:/48223/pf0000387331/PDF/387331eng.pdf accessed 27 March 2025; UNESCO, Recommendation on the Ethics of Artificial Intelligence (2021) https://unesdoc.unesco.org/ark:/48223/pf0000381137 accessed 6 April 2025.

[42] Council of Europe, CEPEJ European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment (4 December 2018) https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment accessed 6 April, 2025; Council of Europe, The Framework Convention on Artificial Intelligence (5 September 2024) https://www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence accessed 6 April 2025.

consequences[43], 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

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[43] European Parliament and Council, Regulation (EU) 2016/679, Art. 22: Automated Individual Decision-Making, Legislation.gov.uk (Apr. 27, 2016) https://www.legislation.gov.uk/eur/2016/679/article/22 accessed 6 April 2025.

[44] OECD, OECD Framework and Good Practice Principles for People-Centred Justice, OECD Digital Library (2021), https://www.oecd.org/en/publications/oecd-framework-and-good-practice-principles-for-people-centred-justice_cdc3bde7-en.html accessed 6 April 2025; Amnesty International, The G20 Must Put Human Rights and the Public Interest at the Heart of Its Response to the COVID-19 Pandemic, Amnesty International (Mar. 20, 2020), https://www.amnesty.org/en/documents/ior30/2010/2020/en/ accessed 6 April 2025.

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

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[45] Maxi Scherer, 'Artificial Intelligence and Legal Decision-Making: The Wide Open?' Journal of International Arbitration (Volume 36, Issue 5, 2018); Ryan McCarl, 'The Limits of Law and AI' University of Cincinnati Law Review (Volume 90, Issue 3, 2022); Giovanni Sartor and Karl Branting (eds.), Judicial Applications of Artificial Intelligence (Springer Dordrecht, 2013), and European Commission for the Efficiency of Judges, 'Ethical Charter on the Use of Artificial Intelligence in judicial systems and their environment' (2018).

[46] John Nay, 'Natural Language Processing and Machine Learning for Law and Policy Texts' (2022) 3(1) Computational Law Journal 12; Hiral Modi, 'Leveraging Natural Language Processing for Legal Research: Trends and Future Directions' (2021) 5(2) International Journal of Legal Technology 45; Enas Mohamed, Ali Quteishat, Ahmed Qtaishat and Anas Mohammad Ali Quteishat, 'Exploring the Role of AI in Modern Legal Practice: Opportunities, Challenges, and Ethical Implications' (2024) 20-6s J Electrical Systems 3040; Brian Haney, 'Applied Natural Language Processing for Law Practice' (2023) 7(3) Journal of Legal Innovation 98.

[47] John Roberts, '2023 Year-End Report on the Federal Judiciary' (31 December 2023) https://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx accessed 28 March 2025;

[48] Illinois Supreme Court, 'Policy on Artificial Intelligence' (Effective 1 January 2025) https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/e43964ab-8874-4b7a-be4e-63af019cb6f7/Illinois%20Supreme%20Court%20AI%20Policy.pdf accessed 28 March 2025

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 alongwith 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

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[49] Judiciary of England and Wales, 'Guidance on the Use of Generative AI in Judicial Contexts' (December 2023) <https://judiciary.uk/guidance-generative-ai/> accessed 28 March 2025.

[50] Canadian Judicial Council, 'Guidelines for the Use of Artificial Intelligence in Canadian Courts' (First Edition, September 2024) <https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf> accessed 28 March 2025.

[51] Supreme Court of Victoria, 'Guideline for the Responsible Use of AI in Litigation' (2024) <https://www.supremecourt.vic.gov.au/forms-fees-and-services/forms-templates-and-guidelines/guideline-responsible-use-of-ai-in-litigation> accessed 28 March 2025; Supreme Court of New South Wales, 'Practice Note: Use of Generative AI by Legal Practitioners and Court Users' (21 November 2024) <https://supremecourt.nsw.gov.au/content/dam/dcj/ctsd/supreme-court/documents/Practice-and-Procedure/Practice-Notes/general/current/PN_Generative_AI_21112024.pdf> accessed 28 March 2025; Judiciary of Singapore, 'Guide on the Use of Generative AI Tools by Court Users' (October 2024) <https://www.judiciary.gov.sg/docs/default-source/news-and-resources-docs/guide-on-the-use-of-generative-ai-tools-by-court-users.pdf?sfvrsn=3900c814_1> accessed 28 March 2025.

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.

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[52] 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_wunGlxSCmC6vWI765cPtDD2rI> accessed 9 April 2025.

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 Chaudhary[54], University of Buckingham (U.K.) and Mr. Umer A. Ranjha, Judicial Law Clerk, Supreme Court of Pakistan.

Judge

Judge

Islamabad,
13th March, 2025.
Approved for reporting
Iqbal

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[53] Sir Robert Buckland, 'AI, Judges and Judgment: Setting the Scene' M-RCBG Associate Working Paper No. 220, Harvard Kennedy School (November, 2023).
[54] PhD Researcher in AI and Law, University of Buckingham (U.K.).