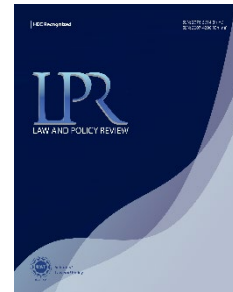
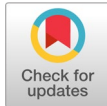


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Due Process and Algorithmic Governance: Rethinking Article 10A in Pakistan

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Abstract

Algorithmic decision-making has moved from peripheral experimentation to routine deployment within Pakistan's administrative framework. State agencies increasingly rely on data-driven systems to classify, prioritise, and trigger legal consequences in domains ranging from taxation and welfare to surveillance and administrative screening. This expansion has occurred in the absence of a coherent constitutional framework governing how such systems interact with procedural guarantees. Article 10A of the Constitution, which secures the right to a fair trial and due process, has been interpreted predominantly through the lens of adjudicatory proceedings and human decision-makers. Its capacity to regulate algorithmically mediated governance remains under-theorised. This study provided a doctrinal legal analysis of Article 10A in the context of contemporary automated decision-making within public administration. Drawing on constitutional jurisprudence, administrative law principles, and comparative legal scholarship on automated decision-making, the study examined whether existing procedural guarantees meaningfully constrain algorithmic systems embedded within public administration. The analysis identified a structural mismatch between Article 10A's doctrinal assumptions, centred on notice, hearing, and reasoned decisions, and the operational characteristics of algorithmic systems, including opacity, inference-based classification, and pre-adjudicatory impact. The findings revealed a constitutional lacuna: algorithmic decisions frequently shape legal outcomes before procedural safeguards are triggered, rendering judicial review an incomplete remedy. The study contributed by reconceptualising Article 10A as a design-stage constitutional constraint applicable to administrative decision-making frameworks involving automated systems, rather than solely as a litigation right. It situates due process as an embedded requirement of algorithmic systems deployed by the state, thereby extending Article 10A's normative reach to contemporary forms of public decision-making.

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Keywords: administrative law, algorithmic decision-making, Article 10A, constitutional law, digital governance, due process

Introduction

Article 10A represents a late yet decisive change, which puts procedural justice at a constitutional level in the Pakistani legal system. The adoption of Article 10A integrated the already fractured due process rights into one, enforceable right (Shaikh, [2022](#)). It authorises a fair trial and due process whenever the state makes any decision that relates to the legal position, rights, or status of a person. Article 10A is now used as a corrective tool against arbitrariness through the judicial interpretation that the prerequisites of a fair hearing, notice, and impartial decision-making are closely followed across the criminal, civil, and administrative legal domains (Abbas, [2024](#)). Such development of doctrine, however, has been carried on with a largely uncritical assumption: that identifiable human actors make decisions about rights, and that they act by intelligible procedures and leave a reviewable rationale.

Such an assumption is no longer true in public administration (Harrison & Luna-Reyes, [2022](#)). In contemporary public administration, certain decision-making functions are increasingly mediated through automated systems. Classification, prioritisation, and risk assessment are routinely addressed using data-driven models before any formal adjudicatory proceeding and are frequently carried out outside any formal legal process (Hamilton, [2021](#)). These systems do not just facilitate the work of officials; they define the circumstances through which discretion is applied, decide who is targeted for enforcement, and shape results prior to any hearing being held (Goudge, [2021](#)). The juridical moment usually comes when the definitive work has been achieved (Richards, [2013](#)).

Algorithmic governance has evolved from rule-based systems that automated predetermined administrative tasks to data-driven models that classify, rank, and predict, thereby shaping official discretion before a formal decision is made (Katzenbach & Ulbricht, [2019](#); Harrison & Luna-Reyes, [2022](#)). The shift is therefore not merely from paper to digital administration but from automating procedure to mediating administrative judgment.

Due process has evolved in response. Safeguards once centred on notices, hearings, and reasons follow a discrete human decision. Where

algorithms influence outcomes upstream, fairness must also address data selection, classification, intelligibility, contestability, and meaningful human review (Coglianese & Lehr, [2019](#); Suksi, [2021](#); Goudge, [2021](#)). For Article 10A, the issue is whether due process reaches these earlier technological stages rather than only the final administrative order.

This evolution has not been treated adequately by the law. The study of administrative law has pointed to an increasing conflict between automation and procedural justice, in which automated systems, which are based on complex inferences and not on transparent logic, frequently avoid the very protections established to guarantee accountability (Coglianese & Lehr, [2019](#); Suksi, [2021](#)). Algorithms, according to the doctrinal studies, destabilise the very fabric of due process by making the rationale behind a decision opaque, thus eliminating the role of a human in controlling and influencing such systems (Goudge, [2021](#); Kushner, [1986](#)). However, the constitutional discourse in Pakistan remains largely fixed on the adjudicative context and the post hoc judicial review (Umar et al., [2025](#)). The use of automated decision-making within public administration is no longer merely theoretical (Ministry of Information Technology & Telecommunication, [n.d.](#)). Public sector digitised profiling and automated filtering have grown with organisations, such as NADRA, Federal Board of Revenue and welfare targeting mechanisms used in social protection programmes (Asian Development Bank, [2025](#)). Equally, data-driven monitoring and risk categorisation are evident in the surveillance systems, such as provincial Safe City authorities (Rana, [2024](#)). Although it is becoming increasingly influential in the process of defining access to basic rights, algorithmic governance has generally avoided the serious constitutional scrutiny that Article 10A guarantees.

The ensuing lack of control has severe practical implications. Procedural harm may be experienced even prior to the notification, hearing, or explanation being issued to affected persons when algorithmic classifications cause enforcement or loss of benefits, or heightened surveillance. Post hoc legal challenges are based on the possibility of tracing a decision to its logic, but algorithmic systems are frequently opaque, which makes it very difficult to effectively challenge them (Roig, [2017](#)). There is no explicit constitutional involvement, so it remains uncertain whether Article 10A constrains final adjudicatory actions only or also regulates the structure and implementation of the upstream determinative systems of

decision-making.

The current study addressed this doctrinal gap by examining whether the increasing reliance on automated decision-making within public administration is compatible with the constitutional guarantee of due process under Article 10A. In many contemporary administrative settings, decision-making processes are mediated by technological systems in which responsibility is distributed between institutional actors, data inputs, and automated processes. This development complicates traditional legal assumptions that administrative decisions are attributable to identifiable decision-makers whose reasoning can be scrutinised through judicial review. By situating automated decision-making within the framework of constitutional due process, the study evaluated whether existing interpretations of Article 10A are capable of addressing these emerging forms of administrative decision-making.

The study adopted a doctrinal legal approach to Article 10A. It examined constitutional jurisprudence and administrative-law principles, using selected comparative frameworks to illuminate how analogous procedural safeguards operate elsewhere. These materials support the doctrinal inquiry rather than constituting a separate methodology.

The study proceeds in eight sections after the introduction. The literature review situates algorithmic governance within constitutional, administrative, and comparative scholarship. The methodology explains the doctrinal approach and the illustrative use of comparative legal materials. The results identify four structural gaps in Article 10A, which the discussion evaluates through the idea of due process as a design-stage constraint. The remaining sections address the judicial, legislative, administrative, and academic implications of the analysis, propose micro- and macro-level recommendations, acknowledge the study's limitations and conclude.

Literature Review

Although Article 10A has been defined far beyond its original scope by jurisprudential Pakistani jurists, the conventional context remains the root of the doctrine, and is thus ill-suited to the digitalization of governance (*Federal Government Employees Housing Authority v. Ednan Syed*, [2025](#)). In their interpretation, the courts have scrutinised Article 10A as a guarantee to fair trial by referring to the principle of natural justice to support notice, hearing, impartial judgement, and prudent verdicts (*Pakistan Tehreek-e-*

Insaf v. Election Commission of Pakistan, [2024](#)). Courts have reiterated over the years that procedural fairness is not just limited to criminal proceedings but it applies to administrative and quasi-judicial proceedings in as far as state authority affecting rights or legitimate expectations are concerned. Although it has undergone expansions in the recent past, legal doctrine remains linear as it presupposes that every decision must have been made by a human and that it has to possess a rational course that can be scrutinised easily within the court. The upstream impact of technology is not a concern of the current jurisprudence (Rohila, [2025](#)). It is founded on final, formal orders and not on automated systems that might have predetermined the result (Munir, [2023](#)).

In Pakistan, the same kind of restrictions can be seen within administrative due process. The administrative power and the judicial review have been investigated in the context of the prevention of arbitrary state power by means of the implementation of the principle of fairness and proportionality. In this paradigm, the courts are regarded as the central site of rectifying the wrongs of the law (Khokhar, [2025](#); Malik et al., [2023](#)). This literature also focused on remedies that come after the decision, with procedural failure being remediable by writ jurisdiction. Even in cases involving the application of Article 10A, it is normally used to determine whether a hearing was conducted or reasons were recorded at the time of final decision-making. What is still unexamined is how administrative systems produce classifications and risk triggers before actual decision-making. This doctrinal silence is especially relevant in Pakistan, where governance is increasingly digitised through identity infrastructures and automated filtering mechanisms, such as NADRA-based verification, welfare targeting, and risk-sensitive administrative screening in revenue and law enforcement spheres (Taib & Rehman, [2025](#)). The conventional structure of judicial review is anchored to a particular point of decision-making, which is non-existent in algorithmic processes. The decision is not made at one point in time by a particular official but is distributed throughout a set of automated processes.

Multinational technology vendors may also shape public decision-making through proprietary design, data-retention, disclosure, and governing-law policies. Such arrangements can limit a Pakistani authority's access to information needed to explain or review an automated outcome, particularly where suppliers invoke intellectual-property or contractual

restrictions (Government Digital Service, [2025](#)). Although choice-of-law clauses may govern the commercial relationship, they cannot displace Article 10A when a Pakistani public body uses the system to affect rights or legal status. The authority must therefore retain sufficient access to audit and explain the system's role.

The comparative administrative law scholarship has gone a step further to challenge this displacement. Empirical literature on automated decision-making shows that algorithmic systems destabilise procedural guarantees not through the overt denial but through structural reconfiguration. Transparency, which is commonly presented as a remedy, proves to be constrained in the context of systems based on complex models, proprietary code, or data correlations that are inexplicable to affected individuals or reviewing courts (Coglianese & Lehr, [2019](#)). The right to reasons that is core to administrative legality is made precarious in instances where the outputs are not based upon justificatory logic but probabilistic inference (Kushner, [1986](#)). The automated administration studies also show that human-in-the-loop models are symbolic due to the reduction in the scope of human judgement caused by automation bias and institutional dependence on system outputs (Suksi, [2021](#)).

These operational problems also raise ethical concerns. Biased data, opaque design choices, and unequal error rates may reproduce existing disadvantage while obscuring responsibility for the outcome (Koniakou, [2021](#); Abdelnour et al., [2023](#)). This has strengthened demands for transparency, explainability, human oversight, and effective challenge, not merely as policy preferences but as protections against arbitrary treatment. Under Article 10A, these concerns become legally significant whenever an algorithm materially affects a person's rights or status without a fair opportunity to understand and contest its basis.

Comparative frameworks increasingly embed safeguards before deployment. The EU Artificial Intelligence Act requires high-risk systems to maintain logs, support human oversight and, for specified public-sector uses, undergo a fundamental-rights impact assessment (European Union, [2024](#)). Canada's Directive on Automated Decision-Making requires federal departments to assess impact, ensure transparency, and provide recourse, while the United Kingdom's Algorithmic Transparency Recording Standard promotes publication of information about public-sector tools (Government Digital Service, [2025](#); Treasury Board of Canada Secretariat,

[2025](#)). These approaches differ in legal force but each recognises that post hoc review alone is insufficient. For Pakistan, their common lesson is to require traceability, human review, and advance assessment without mechanically transplanting foreign doctrine into Article 10A.

In addition to the legal doctrine, the legal and policy scholarship increasingly examines automated decision-making as part of the institutional functioning of the state. It states that such systems are being embedded within the daily operations and the organisational structure of the government. Research on algorithmic governance sees these systems as a means by which administrative power is exercised instead of as a technical instrument, thereby showcasing how power is exercised through technical design, data choice, and institutionalisation of these systems (Katzenbach & Ulbricht, [2019](#)). Digital government research shows that algorithmic systems are operational at all times. They regulate the access to services and enforcement with no discrete decision-making moments that the traditional law typically observes (Harrison & Luna-Reyes, [2022](#); Hjelholt, [2024](#); van Toorn et al., [2024](#)). Human rights studies underline that safeguards should be embedded in all phases of a digital system lifecycle, as once these systems get too opaque to be corrected by individualised correction, traditional legal redress ceases to be effective (Abdelnour et al., [2023](#); Koniakou, [2021](#); Roig, [2017](#)).

Although this international scholarship is sophisticated, its interaction with the Pakistani constitutional doctrine is minimal (Saleem, [2025](#)). Article 10A has been discussed substantially in domestic legal writing in terms of criminal justice and courtroom procedure, and digital governance has been considered as peripheral or merely regulatory. When technology is discussed, it is often viewed through ethical or policy discussions as opposed to the constitutional issue of due process. The procedural guarantees of Article 10A have not been discussed coherently regarding institutional developments, such as the implementation of algorithmic systems of taxation, surveillance, and administrative screening by the state (Hjelholt, [2024](#)). The outcome is the absence of legal regulation at a time when constitutional scrutiny is most required.

The disparity is, thus, not in lack of theory but in lack of a doctrinal interaction. The Pakistani constitutional law has not been able to address the way procedural justice functions when decisions are generated by hybrid assemblages of data, code, and institutional practice. The studies all over

the world confirm that automation transforms the preconditions of fairness, coherent thinking, and judicial review. The question still awaiting an answer is how these revelations balance the meaning and scope of Article 10A in the Pakistani constitutional order. The current study addressed that gap, which links the due process doctrine to algorithmic governance but has a strictly constitutional focus as opposed to a regulatory one.

Research Methodology

This study adopted doctrinal legal research as its sole methodology. It interprets Article 10A, relevant judicial decisions, and principles of administrative law to assess whether existing constitutional doctrine can address algorithmically mediated decision-making in public administration. Comparative legal and policy materials are used illustratively within this doctrinal inquiry, rather than as a separate qualitative or empirical method.

The first stage of analysis is the doctrinal legal interpretation of Article 10A. This includes a rigorous interpretation of constitutional text and judicial arguments to find out procedural assumptions inherent in the right to a fair trial and due process. Instead of listing cases, this study determined the key requirements of Article 10A, namely, notice, hearing, impartiality, and review, as the essence of legality. This examination evaluated how Pakistani courts conceptualise these rights and where the doctrine reaches its limits when decision-making is no longer exclusively human.

Secondly, Pakistani constitutional and administrative jurisprudence is examined through doctrinal analysis of relevant judicial decisions. Relevant decisions are reviewed to find out common trends in judicial engagement with procedural fairness and how the courts have approached discretion, arbitrariness, and post-decisional remedies. The analysis focused on leading constitutional decisions that clarify the scope of procedural fairness and judicial review under Article 10A. It aimed to trace the operationalisation of procedural guarantees in practice, as well as to find any points on which judicial reasoning assumes transparency of decision-making and human agency. Cases are evaluated based on their doctrinal implications, and not the empirical frequency or representativeness.

Thirdly, the doctrinal analysis evaluates whether contemporary governance practices involving automated decision-making are consistent with the procedural guarantees recognised under Article 10A. It identifies gaps between constitutional standards and administrative practices and

considers how existing duties may be operationalised in automated settings. The inquiry therefore asks whether current interpretations of Article 10A can respond to procedural harms arising before formal adjudication.

Finally, the doctrinal inquiry draws illustratively on the EU Artificial Intelligence Act, Canada's Directive on Automated Decision-Making, and the UK Algorithmic Transparency Recording Standard. These materials are examined in relation to advance assessment, transparency, traceability, human oversight, and recourse. They are treated as persuasive examples rather than directly transplantable rules and are assessed against Article 10A's constitutional structure (European Union, [2024](#); Government Digital Service, [2025](#); Treasury Board of Canada Secretariat, [2025](#)).

This approach is suitable since the constitutional consequences of algorithmic governance arise only at the structural and doctrinal level of the public law. A doctrinal legal method lets the research assess the conformity of new forms of governance to the conventional constitutional principles without needing a technical review of individual algorithmic systems.

Results

The doctrinal legal analysis yields four interrelated findings concerning Article 10A and algorithmic decision-making in public governance. These findings draw on Pakistani constitutional jurisprudence, administrative law doctrine, documented institutional practices, and comparative legal materials used to illuminate analogous safeguards.

To begin with, Article 10A jurisprudence assumes human decision-makers to be the main carriers of constitutional responsibility (*Federal Government Employees Housing Authority v. Ednan Syed*, [2025](#)). The process of fair trial and due process is organised around certain officials who have the authority to use discretion, make decisions, and issue written decisions. The procedural protections expressed by the courts assume a decision-making process leading to a distinguishable act of decision that can be ascribed to a human authority (*Khalid Mehmood v. Pakistan*, [2025](#)). In the cases studied, Article 10A is operationalised in terms of the opportunity of hearing, application of mind, and reasoned orders, all of which presuppose that the locus of legality is human cognition and judgment. No judicial reasoning was found that specifically considers decision-making being mediated by automated or algorithm-assisted systems, and no reasoning that questions the allocation of constitutional

responsibility when the functions of decision-making are spread across technical infrastructures (Rohila, [2025](#)).

Secondly, the recognised existing procedural safeguards under Article 10A do not accommodate automated and algorithm-assisted decisions. Jurisprudence considers procedural fairness that relates to the ultimate decision and is concerned with notice, hearing, and reasons at the terminal stage (*Jawwad S. Khawaja v. Federation of Pakistan*, [2024](#)). This structure goes in line with administrative procedures wherein discretion is applied in a sequential and retrospective reviewable manner. In situations where algorithm-based systems conduct upstream classification, prioritisation or risk assessment, the decisive procedural effects occur before the issuing of any formal decision. The contemporary jurisprudence does not address this change in procedural effect and does not consider the intermediate automated stages in connection with Article 10A.

Thirdly, the practices of algorithmic governance, which are recorded in institutional disclosures and policy context, are characterised by repeated lack of procedural features normally linked to due process. Such practices usually deprive affected persons of the criteria or data used in an algorithmic classification and restrict transparency in a functional sense (Coglianese & Lehr, [2019](#)). The limited reason-giving is a frequent characteristic where the explanations are generic due to statistical inferences instead of the logic behind an individualised outcome (Kushner, 1986). Contestation or review mechanisms are also highly limited, because people are not usually aware of the part that automated systems play in triggering enforcement or the denial of benefits, and there are no specific mechanisms to challenge algorithmic determinations directly (Roig, [2017](#); Thouvenin et al., [2022](#)).

Fourthly, there are few judicial principles to review algorithmic decisions in the Pakistani constitutional landscape. Judicial review presupposes the availability of a history of recorded reasons and a recognisable decision-maker whose rationale may face a test for legality, reasonableness or mala fides (Baig et al., [2023](#)). These assumptions are not valid where algorithmic systems inform or determine the results. There are no well-defined criteria to determine the level of opacity, inference-based reasoning, data quality, and system design under the current principles of judicial review (*Jawwad S. Khawaja v. Federation of Pakistan*, [2024](#)). Consequently, constitutional review mechanisms continue to be geared at rectifying discrete administrative actions instead of assessing systems of

decisions that run continuously and at scale (Goudge, [2021](#)).

Combined, these results suggest the existence of a structural disjuncture between the procedural logic that is contained in Article 10A and the nature of algorithmic governance. Article 10A doctrine still governs the decision-making process at the time of the formal adjudication. However, algorithms are becoming more influential in determining legal outcomes at earlier, less noticeable levels. Lack of doctrinal interaction with automation gives rise to procedural gaps not managed by the current safeguards or review criteria, and the available safeguards do not apply to the procedures of algorithmically mediated decisions to any meaningful extent.

Discussion

The findings reveal a constitutional issue, which is structural, but not incidental. Article 10A is an assurance but firmly rooted in a human-based model of government. It is based on the assumption that there is a natural state of transparency and intelligibility, and human agency is the ultimate source of all decisions (*Pakistan Tehreek-e-Insaf v. Election Commission of Pakistan*, [2024](#)). All of these assumptions are shaken by automated decision-making by public authorities. The issue lies not in the imperfect use of the current procedural safeguards but whether they are conceptually plausible in situations where the logic of decisions is opaque, decentralised, and inaccessible to the operators of the system.

This disruption revolves around opacity. Procedural fairness assumes that individuals who are subject to a decision can know at least in functional terms why the decision has been made and upon what grounds it can be appealed (*Jawwad S. Khawaja v. Federation of Pakistan*, [2024](#)). There are no reasons generated by algorithmic systems, particularly when they are based on statistical inference and correlation (Taib & Rehman, [2025](#)). Their outputs are probabilistic but not justificatory. The constitutional doctrine is based on the provision of reason-giving to ensure accountability and allow it to be meaningfully reviewed but this role is eliminated by the opaque nature of algorithmic systems. This lack cannot be addressed by disclosure of the source code or high-level descriptions of the system design because such disclosures cannot be transformed into reasons to relate individual facts to individual outcomes (Coglianese & Lehr, [2019](#); Kushner, [1986](#)). This non-transparency is, however, not a minor obstacle to overcome but an inbuilt flaw that essentially undermines the constitutional right to a fair

procedure (Goudge, [2021](#)).

The combination of obscurity with the pace and sheer magnitude of these systems also undermines procedural protection. The algorithmic systems are constantly at work categorising people and triggering consequences well before a decision is made. Article 10A doctrine, nevertheless, is still tied to the adjudicating moment (*Khalid Mehmood v. Pakistan*, [2025](#)). Notice, hearing, and review are viewed as a series of processes that follow a discrete administrative act. These protective measures are too late as the automated systems carry out the final work upstream. Procedural harm has already occurred by the time the legal system recognises a justiciable event has occurred (*Pakistan Tehreek-e-Insaf v. Election Commission of Pakistan*, [2024](#)). The results highlight that existing jurisprudence is unable to deal with this temporal displacement by continuing to treat algorithmic influence as an extrinsic determinant to the decision and not comprising it.

When the responsibility issue is considered, the incompatibility of algorithmic decision-making and procedural fairness is more structural. Article 10A presupposes the existence of a discernible person in charge of decision-making who can be legally evaluated in terms of his application of mind (*Jawwad S. Khawaja v. Federation of Pakistan*, [2024](#)). Through algorithmic governance, responsibility is spread among the designers, data sources, institutional users, and automated mechanisms. This dispersion thwarts standard principles of responsibility and review. The courts that are used to question the logic behind what officials do now face systems where no party can provide a complete account of how an outcome was generated. In areas where human control remains, it does not guarantee constitutional compliance when such control is based on the reliance on the automated outputs or when access to the inner logic of the system is not available (Goudge, [2021](#); Suksi, [2021](#)). The findings suggest that judicial review, in its current form, does not have the doctrinal instruments to interact with such a form of governance (*Khalid Mehmood v. Pakistan*, [2025](#)).

Contextualisation of these findings in wider discussions about digital constitutionalism helps to understand the importance of the findings. The trend of comparative scholarship is a growing awareness towards how constitutional rights should be used as a limiting feature in the design of systems, rather than as the solution once the harm has been done (Beduschi, [2021](#); Koniakou, [2021](#)). Digital governance has led courts and academics to

rethink the ways in which legality is ascribed to infrastructures and not to individual acts. In this discussion, due process is seen as a condition that needs to be incorporated in administrative decision-making structures to maintain contestability and legitimacy. This transition has not occurred in the constitutional system of Pakistan (Munir, [2023](#)). Article 10A still remains a litigation right that is activated when a dispute is taken to court, not as a principle that defines the exercise of administrative power using technology.

This disconnection is the source of the danger of constitutional dilution wherein legal development is unable to cope with technical advancement. In public administration, algorithmic systems are supposed to be efficient and neutral when normalised. Article 10A would need to be reinterpreted and applied to the case of algorithmic mediation or the procedural guarantees may be formalistic and fulfilled by nominal hearings and generic explanations which do not engage with the actual sources of decisional power (*Jawwad S. Khawaja v. Federation of Pakistan*, [2024](#)). Procedure would remain formally safeguarded by the Constitution but the important steps of governance would be far above law. This result does not need open derogation from rights; rather, it would develop over time. This is because the doctrinal silence permits new types of authority to be exercised outside the constitutional checks and balances.

The redesigning of Article 10A within the digital age does not entail the use of foreign law or the perversion of constitution text, instead, it entails the recognition that due process is not depleted by such procedural rituals which are appended to final judgments. In situations where the state uses algorithms to categorise, prioritise, or generate legal outcomes, the procedural fairness conditions must be established in the algorithms as an element of the decision-making procedure (Koniakou, [2021](#)). This implies that intelligibility, contestability, and accountability cannot be deferred to a point where results are already structured in an automated process. Rather, these constitutional imperatives ought to determine how systems are formulated, implemented, and incorporated into the administrative processes.

Consequently, Article 10A is not only discussed as an instrument of obtaining redress but also as a restriction that ought to affect the forms of administrative governance. This reading supports the basic principles of procedural justice and renders them feasible even in the context of their

adoption of the shifting appearance of modern state power. It also coincides with the enhanced fidelity to legality and non-arbitrariness in the Constitution that the technological innovation should not be used to take away the procedural security by means of complexity and scale. In the absence of such a corrective measure, Article 10A might get even less tied to reality. It would maintain a thin layer of fairness as the real decision-making power would shift to unregulated technical areas.

Implications

The results of this research have judicial, legislative, administrative, and academic implications, all of which involve the functioning of Article 10A in the context of algorithmic governance.

From a judicial perspective, the analysis indicates that there is a need to develop a doctrinal framework of standards of review to apply to algorithmically mediated decisions. Current review systems assume the availability of justifications and recognisable decision-makers. In the context of automated systems determining outcomes, the courts may be called upon to refocus their attention on procedural intelligibility and traceability. This determines whether individuals who are affected by them can meaningfully access and object to the foundational basis of the decisions. It does not necessitate courts to evaluate algorithms in technical terms. However, it does mandate the acknowledgement that reason-giving requirements can apply to systems, and not only to the final administrative acts (Goudge, [2021](#); Kushner, [1986](#)).

Legislatively, the study indicates that procedural safeguards should be put in place before automated systems are put into effect, to ensure that there is oversight that is factored into the pre-deployment phase. There is an increasing overlap of statutory frameworks that govern public administration with digital infrastructures. Incorporating transparency and documentation into the authorisation procedure of new technology guarantees that the digital tools of the government are based on fairness. These protections would not broaden Article 10A but would implement its logic in the modern governance settings (Roig, [2017](#)).

On the administrative level, the implications are related to accountability mechanisms within digital systems. In cases where agencies are dependent on algorithmic assistance, constitutional compliance is based on recordkeeping, audit trail, and institutional accountability of system

outputs. Administrative legality under Article 10A cannot be maintained easily in cases when the decisions cannot be reconstructed or explained. Hence, procedural integrity relies on the capacity of the government to justify the rationale of its systems (Suksi, [2021](#)).

With legal scholarship, the review recommends that further research is needed that would incorporate the constitutional doctrine with research of digital governance practices. Future studies might take into account what would happen to courts when algorithmic decision-making in litigation becomes more apparent and how the principles of the doctrines adjust towards it. Such an undertaking would be a complementation of doctrinal analysis in that the constitutional theory would be based on the growing use of automated systems by the courts.

Recommendations

Safeguards should operate at both the level of individual decisions and the broader institutional framework. At the micro level, an affected person should be informed when automation materially influences an administrative outcome and should be able to correct inaccurate data, obtain an intelligible explanation, and seek genuine human reconsideration. Agencies should designate a responsible official, preserve decision logs, train staff against automation bias, and secure access to relevant technical documentation from system suppliers. These measures would improve contestability and prevent responsibility from being obscured by either the system or its vendor (Government Digital Service, [2025](#); Suksi, [2021](#); Treasury Board of Canada Secretariat, [2025](#)).

At the macro level, courts should treat traceability, intelligibility, data reliability, and meaningful human oversight as relevant considerations when reviewing algorithmically influenced decisions under Article 10A. This would direct judicial scrutiny towards the process that produced the outcome rather than the final order alone.

Legislation and administrative policy should also require pre-deployment impact assessments, auditable decision pathways, public disclosure of consequential systems, and independent oversight for high-impact uses (European Union, [2024](#); Roig, [2017](#)). These safeguards would identify constitutional risks before deployment and create a record against which legality can be assessed.

Further empirical research should examine particular uses in taxation,

welfare, identity management, and law enforcement so that future judicial and legislative responses are grounded in the operation and effects of actual systems.

Limitations

There are some limitations to this study that restrict its conclusions. To start with, the analysis is based on doctrinal legal research as opposed to empirical research. Although this method is suitable when considering constitutional coherence and normative compatibility, it fails to address how algorithmic systems operate in a practical sense in various spheres of administrative operations. Consequently, the results determine that structural tensions are present in the Article 10A doctrine regardless of measuring the frequency, accuracy, or distributional impact of algorithmic decision-making in the realm of Pakistan's public administration.

Secondly, there is limited judicial involvement in algorithmic governance in Pakistan. The lack of continuous constitutional litigation on automated or algorithm-aided decision-making limits the amount of jurisprudential content (Werner, [2025](#)). It is a weakness which limits the level of inquiry into doctrinal development and necessitates the use of inference based on existing procedural fairness principles instead of formal judicial determinations on automation. Therefore, some conclusions predict doctrinal issues which are yet to be expressed by the courts.

Thirdly, the development of technology is an inherent constraint. Algorithmic systems, data practices, and administrative decision-making frameworks change at a rapid pace and in many instances exceed the ability of legal analysis to reflect the operational complicatedness of such systems in real time. The study, therefore, at a conceptual and structural level does not deal with specific technical settings which may change with time.

These shortcomings do not weaken the major findings but show areas where future empirical and case-based studies would be able to improve constitutional analysis.

Conclusion

The current study addressed the connection between Article 10A and the increasing use of algorithmic decision-making in the Pakistani state administration, and found a structural misalignment in the constitution. As shown in the analysis, Article 10A jurisprudence continues to dominate the

decision-making processes by assuming about human agency, sequential work processes, and post-decision reviews. In comparison, algorithmic systems possess a final upstream influence, by classification and inference, that decide the result of legal affairs a long time before actual adjudication occurs. In this paradigm, pre-existing safeguards are activated when the most crucial decisions are already made, thus operating according to a very narrow and partial sense of how modern governance operates.

The primary value of the study lies in its ability to put Article 10A into this new form of governance. Rather than interpreting the right to fair trial and the right to due process as a redressive right that is activated by litigation, the analysis clarifies how this right functions as a constitutional constraint on the structures of decision-making. Article 10A can be applied to the design of automated systems based on this discussion. The study applies the rules to the present-day problems yet it does not change the principles according to which the law was developed.

This is also a methodological contribution as by basing the analysis on the doctrinal interpretation of constitutional jurisprudence in the context of the contemporary governance practises, the study proves that constitutional law can deal with automated decision-making without the necessity of the court to intervene in technical regulation or ethical statement. It bridges the gap between Pakistani constitutional jurisprudence and international jurisprudence of automated governance and continues to be founded on the internal logic of Article 10A. The analysis does not propose a new constitutional right; rather, it identifies institutional and procedural measures through which existing duties under Article 10A can be applied to technologically mediated governance.

The proposed safeguards would have both immediate and systemic effects. Notice, access to relevant information and genuine human reconsideration would make individual decisions easier to understand and contest, while audit trails, impact assessments, and institutional oversight would provide courts and regulators with a more reliable basis for reviewing legality (European Union, [2024](#); Suksi, [2021](#)). At the policy level, these measures would guide the procurement and deployment of automated systems before constitutional harm occurs, inform future legislation and administrative practice, and align technological innovation with Article 10A. Their broader significance lies in preserving due process as public power increasingly shifts from visible administrative acts to data-driven

systems.

Author Contribution

Sibghat Ullah: sole author

Conflicts of Interest

The author of the manuscript has no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

Data Availability Statement

Data availability is not applicable as no new data was created or analysed in this study.

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