



In the Pakistan Information Commission, Islamabad
Appeal No 1830-03/22

Dr. Farid Malik

(Appellant)

Vs.

Higher Education Commission

(Respondent)

ORDER

Date: August 02, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated March 28, 2022 to the Commission, stating that he submitted an information request to the Chairman, Higher Education Commission on February 4, 2022 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:
 - i. *“As HEJ Institute is funded by HEC, Please give details of stipends/ salaries received by them while holding the office of CG COMSATS.”*

B. Proceedings

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on April 16, 2022 and its text is as under:
*“Please refer to your letter No. Ni dated 04.02.2022 on the subject
It is apprised that Higher Education Commission (HEC) provides annual recunting grant to Universities/ Centers/ Institutes (including HEJ Institute, University of Karachi) as grant in aid that becomes a part of overall budget of the Institution. The statutory bodies of respective institutions appropriate budget in different heads considering overall resource envelop which is comprised of federal grant, self-generated resources, donations, grant from provincial/regional government etc. As such HEC grant is not provided for any specific purpose/ budget head including salaries and other employee related expenditures. As per standard practice, HEC gets budget utilization report from all federally funded institution on quarterly basis on prescribed format, covering overall salary and non-salary expenses of the institution. The aforesaid report does not provide for the employee-wise salary detail. Therefore, the requisite information is not available in HEC record.
In view of the foregoing, it is advised to seek requisite information directly from the concerned quarter i.e. HEJ Institute, University of Karachi.
This issues with the approval of competent authority Le the Executive Director, HEC”*
4. The Appellant submitted his response on June 14, 2022 and its text is as under:
After the hearing of the above appeal on June 14, 2022, I am responding to the reply submitted by HEC in order to avoid dual salaries, seek the names of the all the individuals (Faculty, Consultants, Advisers Researchers, Staff etc.) on the payroll of HEJ Institute of Chemistry, University of Karachi for the last ten years (January 01 2012 to date) Salary details and breakdown is not required. As HEC provides public funds to the institute, it has the authority to seek this information, Please issue clear instructions to HEC as discussed during the hearing.

5. Hearing on the instant Appeal was fixed for June 16, 2022 vide letter dated May 17, 2022 .

The Respondent submitted its response and its text is as under:

“With reference to Appeal 1830-03/22, it is again requested that the appellant Dr. Farid Malik has sought detail of employees of HEJ Research Institute, a constituent institute of the University of Karachi.

The appellant has already been informed that HEC does not have detail of employees of any university or research institute that receives HEC funding. There is a detailed budget utilization proforma that each university or institute has to submit, however it does not contain any sort of employee-wise detail.

The appellant is requested to contact the Institute directly for further information.”

C. Issues

- 6 The instant appeal has brought to the fore the following issue:

Is the Respondent, HEC custodian of the requested information under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?

D Discussion and commission’s views on relevant issues:

7. The Respondent, HEC has submitted before this commission that “the appellant has already been informed that HEC does not have detail of employees of any university or research institute that receives HEC funding. There is a detailed budget utilization proforma that each university or institute has to submit, however it does not contain any sort of employee-wise detail”.
8. While laudable motives of the Appellant notwithstanding to check whether or not someone is getting double salary, the Respondent, HEC can only provide the information it is custodian of.
9. The Appellant may file request for information under relevant law to seek this information from HEJ Research Institute, a constituent institute of the University of Karachi.

E. Order

- 10 The Appeal is disposed of as the Respondent; HEC is not the custodian of the requested information.
- 11 Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: August 02, 2022

This order consists of 2 (two) pages, each page has been read and signed.