

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

APPEAL NO. 953-03-2021

Khaliq Hussain

Versus

Higher Education Commission

Date: 28.7.2021

Fawad Malik: Information Commissioner

**APPEAL**

1. Mr. Khaliq Hussain, filed a request to the Chairman Higher Education Commission, Islamabad through official email address [chairman@hec.gov.pk](mailto:chairman@hec.gov.pk) , under the Right of Access to Information Act, 2017. The copy of the application is reproduced as under:

*“Most respectfully stated that the National Accountability Bureau, Lahore referred the Case (No. 1(33)/HQ/CVC/Comp/9218/18/DA/NAB-L) to your honour, on 30.11.2018, for further necessary action.*

*After passing about 01 year and 07 month, I could not receive any kind positive response, by the Higher Education Commission, Islamabad, as yet.*

*In this connection, I need the following public record of above said case, within 10 working days, under the provision of section 14 of the Right of Access to Information Act, 2017:*

- i. *Attested copy of the above said complete case.*
- ii. *Attested copy of the initial order of HEC on the above said case.*
- iii. *Attested copy of the report and para-wise comments, submitted by the administration of Government College University, Lahore.*
- iv. *Final order of HEC on the above said case.”*

2. Feeling aggrieved for no response the appeal is filed before the Pakistan Information Commission praying for the provision of the requested public record and display of the same on the official website of Higher Education Commission, Islamabad.

Appeal is annexed with the copies of letter dated 30.11.2018 issued by NAB, Lahore and a reference filed by the appellant before the Chairman, NAB against the illegal

appointments in the Government College University, Lahore and corruption of millions of rupees from the budget released by Higher Education Commission, Islamabad.

3. The Letter dated 30 November, 2018 from NAB, Lahore to the Chairman HEC, Islamabad is reproduced as under:

*“Disposal of Complaint No. 9218/18*

*Subject complaint against Vice Chancellor, Registrar of Government College University Lahore and others was under process in this Bureau. The same has been examined/analysed at appropriate level and after due deliberation Competent Authority has decided to refer the matter to Higher Education Commission for further necessary action as per law. Therefore, copy of complaint is forwarded for disposal at your end, please.”*

#### PROCEEDINGS

4. The notice of the Commission was responded by answering body as under:

*“It is stated that HEC received a communication from the National Accountability Bureau (NAB) Islamabad on April 9, 2018. The case, regarding application of Mr. Khaliq Hussain vs Chairman HEC and Chairman NAB, was primarily jurisdiction of NAB for investigation/inquiry under section 22 of NAB Ordinance 2002.*

*NAB Islamabad had requested HEC for comments for subsequent perusal of the Chairman NAB. HEC referred the case to the Government College University (GCU), Lahore and shared reply (duly approved by the Competent Authority) with the NAB Islamabad on July 4, 2018.*

*HEC also received a similar reference from NAB Lahore dated November 30, 2020 for necessary action. The same response, which was already communicated to NAB Islamabad, was shared with the NAB Lahore.”*

5. The reply is annexed with two letters detailed below:

- i. *Letter dated 9<sup>th</sup> April 2018 from NAB Islamabad to the Chairman, HEC reads as: “I am directed to enclose herewith a complaint submitted by one Mr. Khaliq Hussain, addressed to Chairman NAB on the subject captioned above.*

*It is requested to offer your comments on the said complaint for perusal of the Chairman NAB.”*

- ii. *Letter dated July 4, 2018 from HEC to NAB, Islamabad reads as:  
“Reference National Accountability Bureau’s letter No. 1-1[12]Coord/Cn Sectt/NAB HQ/2018 dated April 9,2018 on the subject cited above.  
I am directed to attach herewith Higher Education Commission’s views / comments on the subject case duly approved by the competent authority for your kind information, please.”*

6. The appellant is not satisfied with the response filed by the HEC. The appeal was fixed for hearing before the Commission on 28.7.2021. Mr. Waseem Khaliq Dad, Dy. Director, Media put in appearance on behalf of the HEC.

#### COMMISSION’S VIEW

7. The appellant is the complainant in a reference filed before the Chairman NAB, against the illegal appointments in the Government College University, Lahore and also alleged corruption of Millions of Rupees in the budget released by the HEC. The appeal filed before this Commission is appended with a copy of the said reference and a letter dated November 30, 2018 written by NAB, Lahore to the Chairman, HEC, Islamabad. Through the said letter the NAB authority, Lahore has referred the matter to HEC for further necessary action and disposal of complaint in accordance with law, at their end. The substance of the letter is unambiguous and clear in its plain meanings.
8. The appellant being the complainant of the reference reserves the right to be aware of the result and outcome has asked for the copies of the complete case, the initial order of HEC, the report submitted by the Government College University, Lahore and the final order by HEC. Apart from being the complainant in the case he being the citizen of the country reserves his statutory and constitutional rights under the Right of Access to Information Act, 2017 and Constitution of Islamic Republic of Pakistan, respectively to desire the public record and information linked with the public importance.
9. The answering public body in the reply referred to an earlier letter dated April 9, 2018 by the NAB, Islamabad, wherein the Chairman, HEC was directed to offer his comments for the perusal of the Chairman, NAB in the cited subject matter. In compliance the HEC vide letter dated July 4, 2018 conveyed the views/comments of the organization after the approval of the competent authority. The comparison of the two letters i.e dated November 30, 2018 and April 4, 2018 make it clear that the NAB, Islamabad only asked for comments whereas the NAB, Lahore has visibly said that on the subject matter the

competent authority after examining/analysing at appropriate level and after due deliberation has decided to refer the matter to Higher Education Commission, being the regulatory body of the university in issue, for further necessary departmental action under the law and for final disposal at their end. The language of the letter is obviously directive in its interpretation. The public body has not rebutted and disproven the letter through any other document, later in time.

10. The NAB authority under section 22 of the National Accountability Ordinance, 2002 holds the jurisdiction to inquire and investigate any suspected offence and if required, may conduct any such investigation in conjunction with any other agency or any other person concerned with the matter.
11. The HEC releases the budget and funds to the Universities, hence is under legal obligation to keep a check as to whether the released funds are being utilized in transparent manner. The role of the HEC against the illegal appointments in the University cannot be ruled out. The appellant has pointed out the illegal appointments in the Government College University, Lahore and alleged the corruption of Millions of Rupees in the budget released by the HEC, in his reference. The NAB authority after probe and inquiry in the matter has referred the matter to the Chairman, HEC for further necessary action and disposal of complaint in accordance with law, at their end.
12. From the reply submitted it can be smacked and anticipated, lest HEC has not finalized the matter in compliance with the direction in letter dated November 30, 2018. Appellant has also apprehended in his application to the effect that after passing about 01 year and 07 month, he could not receive any response, from the Higher Education Commission, Islamabad. Be that as it may, the HEC has not denied the referring of the matter by the NAB to its Chairman perhaps stated that the HEC referred the case to the Government College University, Lahore and shared reply, duly approved by the Competent Authority with the NAB, Islamabad on July 4, 2018. HEC also received a similar reference from NAB Lahore dated November 30, 2020 for necessary action. The same response, which was already communicated to NAB Islamabad, was shared with the NAB, Lahore.
13. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism and inefficiency in the governance.

#### ORDER

14. The appeal is allowed. The designated officer, Higher Education Commission is directed to deliver the appellant the copies of the complete case, the initial order of HEC and the

report submitted by the Government College University, Lahore. The copy of the final order by Higher Education Commission would be delivered to the appellant, provided the matter has been finalized.

The designated officer is further directed to upload all the inquiries against the institutions regulated by HEC, that are finalized, on the official website of the organization, with in fifteen days of the receipt of this order under intimation to this Commission.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner  
Announced on 9.8.2021

Certified that this order consists of five (5) pages. Each page has been read and signed.