

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No.:- CIC/REVDP/A/2022/152053-UM

Shri Subhash Chandra Agrawal

....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO

1. Department Of Revenue
Govt.Of Nct Of Delhi
5, Sham Nath Marg, Delhi-110054.
2. Lt. Governor (Delhi) Office
Rajniwas Marg, Delhi-110054
3. O/o Chief Minister (Delhi),
3d floor. Delhi Secretariat, I.P. Estate,
New Delhi-110002
4. O/o Chief Secretary (Delhi)
5th floor, Delhi Secretariat I.P. Estate,
New Delhi-110002
5. Delhi Waqf Board,
Vikas Bhawan-II, 7th Floor, A-Wing, Civil Lines,
Delhi - 110054

प्रतिवादीगण /Respondent

Date of Hearing : 18.11.2022
Date of Decision : 25.11.2022

Date of RTI application	16.02.2022
CPIO's response	25.02.2022
Date of the First Appeal	13.04.2022
First Appellate Authority's response	Not on record
Date of diarized receipt of Appeal by the Commission	10.11.2022

ORDER

FACTS

The Appellant vide his RTI application sought information on 12 points, as under:-

1. Complete and detailed information together with all related file-notings/correspondence/documents etc on decision taken to pay salaries/honorarium/monetary benefits in any other form by Delhi Government only to Imams and others in mosques of Delhi;
2. Total number of mosques in Delhi mentioning number of mosques where salaries/honorarium/monetary benefits in any other form are being provided by Delhi Government to Imams and others.
3. Amounts of salaries/honorarium/monetary benefits in any other form being paid to each of the Imam and some other in mosques in Delhi
4. Year-wise spent on salaries/honorarium/monetary benefits in any other form to Imams and others in mosques of Delhi ever since such salaries/honorarium/monetary benefits in any other form are being provided mentioning the day from which such salaries/honorarium/monetary benefits in any other form are being paid
5. Competent Authority in Delhi Government for providing salaries/honorarium/monetary benefits in any other form to Imams and Others in Delhi Mosques
6. Is there any information on record whereby such salaries/honorarium/monetary benefits in any other form will be provided by Delhi Government to priests of (a) temples of all other minority religions (b) Hindu temples
7. If not to (6), provide complete information on steps taken to provide salaries/honorarium/monetary benefits in any other form by Delhi government to priests of (a) temples of all other minority religions (b) Hindu temples
8. Total Number of (a) Gurudwaras (b) Churches (c) temples of other minority-religions
9. Total number of Hindu temples in Delhi
10. Competent Authority to approve for providing salaries/honorarium/monetary benefits in any other form by Delhi government to priests and others (a) temples of all other minority religions (b) Hindu temples
11. Any other related information.
12. File notings on the movement of this RTI application

The CPIO, Dept. of Revenue, vide letter dated 25.02.2022 transferred the request to the concerned Departments. Dissatisfied with the reply received from the CPIO at Dept. of Revenue, the Appellant filed a First Appeal which was not adjudicated by the First Appellate Authority.

Thereafter, the Appellant filed a Second Appeal before the Commission.

HEARING:

Facts emerging during the hearing:

The following were present:

Appellant: Present in Person

Respondent: Mr. Mukesh Kumar SO CM office, Mr. Vikas kumar Sr. Assistant Revenue Deptt., Mr. Manvinder Singh SDM HQ Revenue Dept., Mr. Pradeep Tayal DS , Mr JP Kothari DS LG office, Mr. Haider Ali HR Delhi Wakf Board, Mr Tariq UDC Delhi Wakf Board, Ms Shaista Siddique LO Delhi Wakf Board Present in Person

The Appellant while reiterating the contents of the RTI Application, submitted that incomplete information has been furnished to him that too after a delay of approximately nine months and after much dithering which indicated attempts to initially hide the information in violation of the spirit and even provisions of the RTI Act. He said that he had sought the information in reference to a Zee news-report dated 23.01.2019 (produced by the Appellant in his written submissions dated 16.11.2022) wherein it was clearly stated that

“ Delhi Chief Minister declared that salaries to Imams and helpers in mosques under Delhi Waqf Board will be increased by Delhi Waqf Board from rupees 10000 to rupees 18000 per month for Imams and from rupees 9000 to rupees 16000 for helpers.”

Further he said that the news-report also indicated that as per announcement by Hon’ble Delhi Chief Minister, monthly salaries to Imams and helpers of DWB mosques of Rs 14000 and Rs 12000 would also be given to Imams and helpers of mosques which are outside the domain of DWB. The Appellant further said that news-report also indicated that it was for the first time that salary expense of such mosques would be covered by a government body.

The appellant requested the Commission to take note of the fact that while Delhi Wakf Board (DWB) in its reply dated 02.11.2022 denied that it was giving salary to Imams or any other person but in its revised reply on 16.11.2022 given during the CIC hearing held on 18.11.2022, it informed that honorariums were being given to Imams and helpers by DWB which showed a clear attempt to hide the information in the first instance. The details of the honorariums are as below:

Financial Year	Honorarium
2014-15	Rs. 2,68,10,123.00
2015-16	Rs. 3,18,67,000.00
2016-17	Rs. 2,75,43,907.00
2017-18	Rs. 1,42,22,000.00
2018-19	Rs. 2,33,58,333.00
2019-20	Rs. 9,34,83,700.00
2020-21	Rs. 9,62,16,000.00

The Appellant requested that the details of the amounts provided to the Imams of those mosques who are not in domain of DWB, may also be provided by the concerned department of Government of NCT Delhi (GNCTD) to the appellant but now free of cost under Section 7(6) of the RTI Act, 2005, together with complete correspondence and file notings.

The Appellant averred that the reply furnished on point no 3 of the RTI Application is improper. He also said that point no 1 apart from DWB, also pertains to the concerned department of GNCTD giving salaries to Imams and helpers in the mosques of Delhi which are not under domain of DWB, and hence his RTI application should be forwarded there also. He alleged that it is wrongly claimed by the DWB that point no 5 does not pertain to them. The Respondent, DWB, in its reply had said that the point-numbers 5 to 12 pertain to GNCTD and not to DWB.

The Appellant pointed out that DWB during the CIC-hearing provided a copy of file notings on movement of the RTI Application as sought under query 12, but on rough papers and that too without any signatures. He demanded that proper file notings on movement of RTI Application with signatures of concerned officials should be provided by DWB as sought in query no 12 of the RTI Application.

The Appellant further requested the Commission to direct the Respondent authority (DWB) to furnish a revised reply on query nos. 1, 3, 5 & 12 of the RTI Application. For rest of the queries i.e no. 6 to 12 (and also query-number 1), the RTI application may be transferred to the

concerned public authority u/s 6(3) of the RTI Act 2005. The Appellant pointed out that the reply dated 16.11.2022 given by Delhi Wakf Board during the CIC hearing reveals that total honorarium given to Imams and others in mosques under control of DWB quadrupled since 2014. He said it first sharply declined from Rs. 2,68,10,123 (Approx. Rs 2.68 crore) in FY 2014-15 to Rs 1,42,22,000 (Approx. Rs 1.42 crore) in FY 2017-18, and then sharply increased to Rs 9,62,16,000 (Approx. Rs 9.62 crore) in FY 2020-21. Significantly, this sudden rise came subsequent to announcement said to have been made by Hon'ble CM of Delhi in the conference of Imams as per the news report placed on the file.

The appellant also demanded a copy of notings by any concerned department of GNCTD for implementing announcement made by Hon'ble Chief Minister of Delhi in the meeting of Imams and others for raising salaries of Imams and others in mosques of Delhi, as per news-report placed on file.

The representative of respondent public authority, DWB, clarified that DWB pays honorarium, and not the salaries, to the Imams and muezzins. He said that they have furnished a reply on the said RTI Application. The Appellant claimed that an incomplete reply has been furnished that too after a delay of approximately nine months. When queried as to why legitimate information was denied initially, the Respondent (DWB) said that there are huge number of RTI applications being filed on the same matter using the word 'salary' thus indicating misuse of the RTI Act. He said that in another RTI Application they have given the answers where the word 'Honorarium' is used. He further handed over a copy of revised information dated 16.11.2022 during the hearing.

Ms Shaista Siddique, Law Officer of DWB, said that Delhi Wakf Board was formed under a religious Act only for the purpose of religious and other charity matters. She tried to explain the matter of financial benefits to the imams by saying that while the temples are run by trusts which look after the needs of the priests, the Masjids under the jurisdiction of DWB do not get any kind of support from any trust. She said the honorariums to the Imams and Muezzins in Delhi was being given by DWB as per the 1993 order of the Apex court in the case between "*All India*

Imam Organisation And ... vs Union Of India And Ors” by Justice Sahai that it is the responsibility of the State and Delhi Wakf Board to maintain Imams and others.

When queried by the Commission about the yearly grant received by the Delhi Wakf Board, representative of DWB submitted that a total government annual grant of approximately Rs 62 crore is given to them by the Delhi Government which is further divided into five heads namely salaries of Imams and others, widows’ pensions, establishment, Wakf development, staff salary. Further he said the DWB receives rental amount of approx 30 lakhs every month from the rented Wakf properties.

The Appellant demanded that CM office (Delhi) may be directed to provide complete information relating to implementation of statement made by Hon’ble Chief Minister of Delhi in meetings of Imams as per the news report placed on the file. He also sought from the CM office information on query-numbers 1 and 6 to 12 by seeking inputs from the concerned department under section 5 (4) of the RTI Act 2005. He explained it was necessary because neither Delhi Wakf Board nor Department Of Revenue (Minority Cell) GNCTD is having any information on query nos. 6 to 12 related to similar salaries to be provided by Government of (NCT) Delhi to (a) priests of temples of other minority religions and (b) to priests of Hindu temples, further requesting complete information on steps taken to provide salaries by Delhi Govt. to (a) priests of temples of other minority religions, and (b) to priest of Hindu temples.

The Appellant in his written submission dated 16.11.2022 had pointed out the most pitiable condition of an 80-year-old priest of the temple located in the street where he lives, who gets a monthly salary of just Rs 2000 from the temple management, thus indicating discrimination against priests of temples of Hindus and other religions in violation of the spirit of the constitution guaranteeing equal treatment to all religions. He further said that his submissions made on PGMS portal of Delhi Government was disposed of by DC Central office as *“This is a policy matter and this office cannot take any action on the matter”*.

The Appellant further brought the focus of the Commission towards article 27 of the Indian Constitution which reads as under:

27. Freedom as to payment of taxes for promotion of any particular religion No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religions denomination

Thus he claimed that, the utilization of tax-payers' money for promotion or maintenance of a particular religion is against provisions of the Indian Constitution. He said by filing this Second Appeal, he has tried to bring to the notice of the Commission that the provisions of the Constitution should be preserved in letter and spirit by the State treating at par all religions but these were being violated in Delhi by paying honorariums to only Imams, and not to priests of other religions.

The Appellant requested for a befitting compensation from Delhi Wakf Board /Department of Revenue (Minority Division)/CM office for mental agony he underwent, the man hours he spent and the resources he was made to spend in pursuing this matter which ultimately forced him to take the important matter to the stage of Second Appeal at CIC.

DECISION:

Keeping in view the facts of the case and the submissions made by the parties, the Commission observes that it is apparent from the news report attached by the Appellant that the Chief Minister had announced increase in the salary of Imams in his public announcement dated 23.01.2019, whereas the Delhi Wakf Board initially denied that any salary was being paid to the Imams but later in their revised reply said that it is only an honorarium not salary. The Commission observes that there was a clear attempt to hide the information in the initial period by a play of words which showed complete lack of transparency on the part of the Respondent authorities in a case which in turn affects the provisions of the Constitution of India, and also social harmony and uniform applicability of laws for all the religion in keeping with the constitutional direction that the citizens of all religions should be treated equally. The representative of DWB during the CIC-hearing also said that it had received a huge number of RTI applications regarding salaries to Imams and others.

Therefore the Commission directs the CPIO (Delhi Wakf Board) to re-examine the matter and furnish correct, complete and detailed information on point numbers, 1, 3, 5, 6 and 12 of the RTI Application to the Appellant, as per the provisions of the RTI Act 2005. The Commission also directs the CPIO (Delhi Wakf Board) to transfer the RTI Application on query nos. 1 and 6 to 12 under Section 6(3) of the RTI Act 2005 to the concerned departments, strictly in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 30 days from the receipt of this order under the intimation to the Commission.

Further the Commission directs CM office to provide information on query numbers 1 and 6 to 12 of the RTI Application, and also complete information with all related documents on honorariums being paid to Imams and others in mosques of Delhi which are not in the domain of Delhi Waqf Board if needed, by collecting it from the concerned department/body of GNCTD u/s 5 (4) of the RTI Act 2005, strictly in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 30 days from the receipt of this order under the intimation to the Commission. All documents are now to be provided free-of-cost under section 7(6) of RTI Act, 2005.

The Commission further directs CPIO, Delhi Wakf Board, to provide compensation of Rs 25000/- to the Appellant keeping in view the mental agony he faced and man hours and resources he lost due to stonewalling of the information by DWB for almost nine months. Here the Commission also takes note of the appellant's submission that he had also tried to ensure necessary action by directly writing to CM office and through PGMS & CPGRAMS portals.

Further with regard to the judgment by the Supreme Court in the case between "*All India Imam Organisation And ... vs Union Of India And Ors*" on 13 May, 1993, that opened the doors to special financial benefits from public treasury to only Imams and muezzins in the mosques, the Commission observes that the highest Court of the country in passing this order acted in violation of the provisions of the Constitution, particularly Article 27, which says that the tax payers money will not be used to favour any particular religion. The Commission notes that the said judgment set a wrong precedent in the country and has become a point of unnecessary political slugfest and also social disharmony in the society.

It is necessary to go into the history when it comes to giving special religious benefits to Muslim community by the State. A religious (Islamic) nation Pakistan was born out of the demand of a section of Indian Muslims for partition of India along religious lines. Despite Pakistan choosing to be a religious (Islamic) nation, India chose a Constitution guaranteeing equal rights to all religions. It is necessary to note here that it was the policy of giving special benefits to Muslim community before 1947 that played a key role in encouraging pan-Islamic and fissiparous tendencies in a section of Muslims ultimately leading to the nation's partition. So giving salaries to Imams and others only in mosques, amounts to not just betraying the Hindu community and members of other non-Muslim Minority religions but also encouraging pan-Islamist tendencies amongst a section of Indian Muslims which are already visible. Steps like giving special religious benefits to Muslim community only like the one taken up in the present matter, in fact severely affects interfaith harmony as they invite contempt for the Muslims as a whole from a section of ultra nationalist population.

Lastly, it is pertinent to take note of the fact that the Delhi Wakf Board gets an annual grant of approximately Rs 62 crores from the Delhi Government while its own monthly income from its own independent sources is just around Rs 30 lakhs a month. So the monthly honorarium of Rs 18,000 and Rs 16,000 being given to the Imams and Muezzins of DWB mosques in Delhi is being paid by the Delhi Government virtually from the tax payers money which in turn is in sharp contrast with the example quoted by the appellant in which the priest of a Hindu temple is getting a paltry Rs 2,000 per month from the trust controlling the said temple.

Those who justify such steps in the name of protection to religious minorities raise a question that if a particular religious Minority has a right to protection, the Majority community too has a right to protection in a multi-religious country where it is incumbent that the rights of the members of all religions are protected equally in the interest of inter-faith harmony and unity of the nation.

The Commission therefore deems this matter of extreme importance for the unity and integrity of the nation and interfaith harmony, and directs its registry to forward a copy of this order to Hon'ble Union Law Minister with the Commission's recommendation for

suitable action to ensure enforcement of provisions of Articles 25 to 28 of the Constitution of India in letter and spirit, to keep all religions of India at par in terms of payment of monthly remuneration of priests of different religions at the cost of the public exchequers (both Central and State) and also other matters.

The Appeal stands disposed accordingly.

(Uday Mahurkar) (उदय माहूरकर)
(Information Commissioner) (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित एवं सत्यापित प्रति)

(R. K. Rao) (आर. के. राव)
(Dy. Registrar) (उप-पंजीयक)
011-26182598 / drtoic8@cic.nic.in
दिनांक / Date: 25.11.2022

Copies to:

Hon'ble Union Minister of Law
Shastri Bhawan, New Delhi-110001

Department of Revenue
(Government of NCT Delhi)
5, Sham Nath Marg, Delhi-110054.

Lt. Governor (Delhi) Office
Rajniwas Marg, Delhi-110054

O/o Chief Minister (Delhi),
3rd floor, Delhi Secretariat, I.P. Estate,
New Delhi-110002

O/o Chief Secretary (Delhi)
5th floor, Delhi Secretariat I.P. Estate,
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Delhi Waqf Board,
Vikas Bhawan-II, 7th Floor, A-Wing,
Civil Lines, Delhi - 110054