**Application for sanction to prosecute**

**Date: 26.1.25**

30 / governor and others / application for sanction to prosecute DCP Sangram Nishandar / JT CP surplus are calculations 103(i)(3) MHADA act.

**To,**

The President of India

The Governor of Maharashtra State

Chief Secretary Maharashtra State

Addl Chief Secretary (Home)

DGP Maharashtra State

The Commissioner of Police, Mumbai

JT CP EOW

**There is no board disclosed outside the cabin of JT CP, DCP and ACP ( EOW, Mumbai) as required**

1. **under RTI section 4 as to who is the competent authority to whom this application for sanction to prosecute shall be addressed sanction**
2. **Regulation 9 of delay in discharge of duty act. Further confirms the dishonest intention and ulterior motives to mislead the citizens.**

**Subject: Application for Sanction to Prosecute under Section 197 CrPC, IPC Sections 166, 217, 218, 120B, 405, and 409**

**Reg:** wrongful and illegalorder dated December 20, 2024, in **RTI Appeal 29 and 30 of 2024** in the matter of complaint filed regarding fraud of 3 lacs crores by MHADA officers to deny information in connivance with ACP Dinkar Jadhav EOW.

Hereto annexed and marked as **Exhibit- A colly**  is copy of the RTI application, RTI reply received from ACP Dinkar Jadhav, and RTI appeal memo, RTI order by DCP Sangram Nishandar

**Reference of violations and blatant disobedience of law:**

1. Section 7(1), 7(3), 7(6), 7(8)(i), Section 19(5) of the RTI Act, 2005
2. GR dated 10.08.2009, 31.3.2008,
3. Judgment by Hon’ble Justice Daga in Writ Petition No. 4101 of 2007
4. Civil Conduct Rules, Section 3
5. Indian Penal Code, Sections 166, 167, 219, 405, 409 r/w 120B IPC and others
6. Sections to conduct enquiry and forward complaints disclosing cognizable offences as per Section 4(1)(b)(ii)(iii)(iv)(v), 4(c), and 4(d) of the RTI Act
7. Order is in form of a letter and not as required under law to be judicial order recording the submission of PIO and rebuttal of the appellant and thereafter the decision of FAA with reasoned order on each of the objections.
8. Willful and deliberate act of omission and commission by DCP EOW Sangram Nishandar in capacity of Quasi-judicial authority and disobeying almost every law under RTI act as well as Contempt of the order of Justice Daga in W.P. 4101 of 2007 with dishonest intentions and ulterior motives to save accused and violators of law from punishment and prosecution. All these illegal acts are done inspite of submission of every documents relied upon and DCP being aware of all the documents submitted.

**Sir,**

The applicant is an alert senior citizen aged 67 years. The applicant fight is against the corrupt system and not against any individual officers. if my submission is incorrect please educate me. All submission is with due respect and all humility and no intention to cause hurt and injury any person or institution.

1. **Breach of Section 7(8)(i) of the RTI Act, 2005.**

The order fails to provide adequate justification for refusing information, as explicitly required under Section 7(8)(i) of the RTI Act. This section mandates that the reasons for denial of information must be provided clearly, which has not been adhered to.

1. **Contravention of Section 19(5) of the RTI Act, 2005.**

Under this section, the burden of proof lies on the public authority to justify the denial of information. Conducting an RTI appeal without compliance with Section 19(5), including failing to substantiate the denial with evidence or reason, constitutes a serious procedural lapse.

Under this section, the burden of proof lies on the public authority to justify the denial of information. The DCP (FAA) order does not provide any material evidence or valid reasoning to substantiate the denial of the requested information.

The order passed does not mention the information sought and denied by PIO Shri Dinkar Jadhav. The DCP has given an irrelevant order to give inspection which was never sought at any point of time. DCP (FAA) has no legal authority to pass such order which is contrary to law, facts and materials on record.

1. **Violation of GR dated 10.08.2009, para 6,7,8 amongst others.**

The GR clearly outlines the procedures and obligations of the appellate authorities in RTI cases. The order disregards these prescribed guidelines, reflecting procedural lapses. To provide written submission 3 days before the date of appeal hearing and to recommend the action to be taken against PIO i.e. ACP Dinkar Jadhav

1. **Disobedience of direction of DOPT direction 23.6.2009 and DGP direction 22.6.2012**

The order does not refer to any of the above documents given and sent by email for ready reference. Further there appears to be clear attempt to disobey the direction and cause injury to the appellant. The above documents direct that the file notings and progress of investigation / enquiry shall be provided to the Complainant.

1. **Contempt of Justice Daga's Order in W.P. 4101 of 2007, para 17 and 18.**
The order is contrary to the established principles of transparency and accountability upheld in the judgment by Hon’ble Justice Daga. This constitutes a serious disregard of judicial precedents and is tantamount to contempt of court.
	* 1. Submission of PIO not recorded to justify denial
		2. Oral submission and written submission not recorded
		3. No reasoned order with clarification on the submission made and objections raised by Appellant.
		4. Submission of the PIO also not recorded.
2. **Section 405, 409 IPC criminal breach of trust.**
3. Public servant being entrusted with information and having dominion over the vital information which is in the form of document and is a movable intellectual property of the nation and citizens at large. These public servants are duty bound
4. to share and use these documents which are intellectual properties held by the accused as public servant for larger benefit of the nation and society.
5. to make the citizens more informative and knowledgeable **and** thereby create a more informative citizenry which are vital to the function of an effective and successful democracy
6. to contain / reduce and wipe out corruption and to hold governments and their instrumentalities accountable to the governed.
7. By illegally holding and not sharing this intellectual national / public property held in the form of information the accused have
8. caused wrongful loss to the applicant which every citizen is entitled to enjoy.
9. Put the nation to wrongful loss by promoting corrupt practices and thereby causing wrongful gains to the corrupt and non performing public servants.
10. Have caused injury to body, mind, reputation and property of the applicant and / or any citizens which they could have used to have their rightful gains.
11. These accused public servants **have not acted in good faith** which is done or believed without due care and attention. i.e. by considering all rules and regulations.
12. RTI acts envisages that all the information held by the public servants shall be shared with the citizens / applicants except those falling under section 8 and 9 which shall be with accompanied with reasoning as required u/s 7(8)(i) RTI act.
13. **Disregard for Material Facts and Records.**

The decision rendered is contrary to key material evidence and relevant records, including how and under which provision of law each of the information sought is denied. These omissions prove the dishonest intent and ulterior motives of the DCP to protect the erring ACP and the accused namely MHADA officers who are well connected and super rich. Thus misconduct along with lack of integrity, faithfulness and devotion towards discharge of duty is clearly disclosed.

1. Willful and deliberate disobedience and Violation of oath before joining the police force / government job.
	1. **महाराष्ट्र पोलीस सज्जनांचे रक्षण करण्यास आणि दुर्जनांवर नियंत्रण ठेवून त्यांचा नायनाट करण्यास कटिबध्द आहेत.**
	2. **oath of allegiance to Indian Constitution**
2. **False and incorrect direction / procedure adopted without any legal authority under RTI act in an RTI appeal.**
	* 1. RTI application has sought all documents.
		2. Irrelevant and misleading order is passed to grant inspection which was never sought.
		3. To conduct appeal hearing without written submission made by the PIO.
		4. Even in appeal the PIO has not made any submission. The FAA was acting as an advocate for PIO rather than acting as a quasi-judicial authority.
		5. Order is in a form of letter and not a judicial order as required under law and direction of Justice Daga in W.P. 4101 of 2007 as it consequential GR issued by State of Maharashtra.
		6. Not disclosed the documents to falsely record that information has been given by letter dt. 28.11.24. as information is denied and not provided.
		7. Not disclosed the section which empowers you to direct to grant inspection of the preliminary enquiry conducted
		8. No section under CRPC is disclosed which the empowers EOW to conduct enquiry for years.
		9. No sections under CRPC is disclosed which empowers the investigating agency to forward the complaint disclosing commission of cognizable offences to Home dept and Housing dept and then to the accused department after lapse of two years.

**Notice to prosecute not replied by DCP Sangram Nishnadar**

1. The Applicant have issued notice to prosecute to the First Appellate Authority (FAA) DCP Sangram Nishandar with reminders. But he has failed to respond. Which further proves he has nothing to say against the allegations and that he has accepted the ingredients and offences mentioned in the notice.

Hereto annexed and marked as **Exhibit—B** is copy of the notice to prosecute dt.31.12.24 along with reminder.

**Request to JT CP EOW to take disciplinary action against DCP Sangram Nishnadar**

1. The applicant also filed complaint 20.12.24 against DCP Sangram Nishandar to JT CP EOW to initiate disciplinary action as he has committed culpable negligence. The Applicant has also sent reminders. No response from JT CP EOW.

Hereto annexed and marked as **Exhibit—C** is copy of the complaint filed with JT CP EOW along with reminder.

**Failure of JT CP EOW in violation of Civil Conduct Rules 1964 inspite of reminders**

1. The Applicant states that the JT CP EOW has failed in his duty as Supervisory officer of DCP and ACP inspite of written complaints being filed. The JT CP EOW has not also not provided the complaint register as per GR 17.6.2016. thus an offence under public record act is also committed.

**Central Civil Services (Conduct) Rules, 1964**

**Rule 3: General Conduct**

* **3(1):** A government servant shall at all times maintain absolute integrity, devotion to duty, and do nothing which is unbecoming of a government servant.
* **3(2):** Every government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all government servants for the time being under their control and authority.

This rule makes it explicitly clear that senior officers are responsible for monitoring and ensuring that subordinates act with integrity and devotion to their duties.

1. **Violation of Civil Conduct Rules, Section 3. By the above officers of EOW**

The applicant states that conduct in issuing the impugned order by DCP (FAA) and denying information wrongfully is by ACP (PIO) is in clear violation of Section 3 of the Civil Conduct Rules. All the essential ingredients of ethical and professional conduct under this section have been disregarded, reflecting gross misconduct and culpable negligence namely:

* + 1. To maintain absolute integrity.
		2. To maintain devotion to duty
		3. To do nothing which is unbecoming of a public servant.
		4. Commit himself to uphold the supremacy of the constitution and democratic values.
		5. To defend and uphold the sovereignty and integrity of India, the security of the state, public order, decency and morality.
		6. To maintain high ethical standards and honesty.
		7. To act according to own judgement.
		8. To promote the principles of merit, fairness, impartiality in discharge of duty.
		9. To maintain accountability and transparency.
		10. To maintain responsiveness to public.
		11. To maintain courtesy and good behavior with the public.
		12. To take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically.
		13. To not to misuse his position as civil servant for personal or family gain.
		14. To make choices, take decisions and make recommendations on merit alone.
		15. To act with fairness and impartiality and not discriminate against anyone.
		16. To refrain from doing anything which is or may be contrary to any law, rules and regulations.
		17. To act in good faith i.e acts which are done with due care and precautions.
		18. **महाराष्ट्र पोलीस सज्जनांचे रक्षण करण्यास आणि दुर्जनांवर नियंत्रण ठेवून त्यांचा नायनाट करण्यास कटिबध्द आहेत.**
		19. **oath of allegiance to Indian Constitution**
1. **Non-compliance with Sections 4(1)(b)(ii)(iii)(iv)(v), 4(c), and 4(d) of the RTI Act**:
The order fails to disclose as well intention to direct to disclose CRPC sections for conducting an enquiry and forwarding complaints that reveal cognizable offences to the appropriate authorities, including the Home and Housing Departments. This omission violates the proactive disclosure requirements under Section 4 of the RTI Act and **reflects culpable negligence in fulfilling statutory duties.**
2. **The order passed on 20.12.24 in RTI appeals 29 of 24 and 30 of 24** are in clear violation of the RTI Act, 2005, established records and material facts, judicial precedents, government resolutions, clearly proves the willful and deliberate illegal acts which violates civil conduct rules, and provisions of the Indian Penal Code, amounting to gross culpable negligence and abuse of authority. Such actions are detrimental to the principles of transparency and accountability enshrined in the RTI Act.

**NO sanction is required for offences which do not fall within the ambit of official discharge of duty.**

1. The Applicant has filed this application for sanction to prosecute without prejudice to his rights and contentions that the offences committed by DCP Sangram Nishandar in connivance with ACP Dinkar Jadhav do not fall within ambit of the official discharge of duty.
2. The applicant states that the Competent authority shall give reasoned order along with materials relied upon to come to conclusion and names, designation of the officers who have signed noting, within the stipulated period as prescribed under law. The Competent authority along with concerned officers shall be personally held responsible for all consequences, consequential actions if any illegal, false and incomplete, irrelevant reply is provided which dishonest intentions to save and protect the accused persons from prosecution and punishments. The law has casted the responsibility on every public servant to be faithful, devotional, truthful and full of integrity while discharging the official duty.
3. The applicant has nothing personal against Mr. Sangram Nishandar in person and ACP Shri Dinkar Jadhav. The action is against the DCP who in capacity of FAA and ACP in his capacity as PIO who have blatantly failed to discharge their duty and have caused prejudice, injury and annoyance to the alert senior citizen. He being supervisory officer 1has set a wrong and illegal precedent to disobey the direction of law and pass illegal / incorrect orders which is contrary to law, facts and materials on record.

Applicant Prays:

* 1. **Sanction to prosecute** be granted against **DCP Sangram Nishandar**, **ACP Dinkar Jadhav**, under all prevailing and applicable laws.
	2. Appropriate action be taken initiate action for culpable negligence to uphold public rights and ensure compliance with the transparency guaranteed under the Right to Information Act, 2005.

**Enclosures:**

1. Copies of the RTI Application, PIO Reply and First Appeal, order passed by First Appellate authority.
2. Copy of the Notice for Prosecution.
3. Copy of the request sent to **Jt. CP, EOW Mumbai** for a meeting and disciplinary action.

Jai Hind