

Dated: 01.10.2017

To,
The Dy. Commissioner of Police,
Economic Offence Wing,
P.S Mandir Marg Complex,
Mandir Marg,
New Delhi - 110 001

Sub: First Appeal in r/o RTI Reg No:DEPOL/R/2017/51987

Respected Sir,

I, the undersigned, had filed an RTI dated 26.07.2017 vide Registration Number DEPOL/R/2017/51987 duly received by your office vide Dy.No:3593/Cyber Cell, EOW dated 02.08.17. The same has been replied vide letter No.1418 dated 25.08.17 received by the undersigned on 01.09.17.

Accordingly, being dissatisfied by the response, the following objections to the response submissions are made to the response:-

The application, wherein certified copy of Cyber Crime Investigation Manual recently launched by Commissioner of Police, Delhi, has been denied with basis taken on the provisions mentioned in Section 8 (1)(d) of the RTI Act. Furthermore, its exclusivity for Investigating Officials of Delhi Police has also been taken a ground for not providing the same.

The Section 8 (1)(d) of the RTI Act, 2005 reads as follows:-

Section 8(1)(d) in The Right To Information Act, 2005

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

The reliance placed by the learned PIO over Section 8(1)(d) is without merit and misconceived, as the requested information, i.e, the Cyber Crime Investigation manual, does not fall under the 3 categories listed in Section 8(1)(d), i.e, **Commercial Confidence, Trade Secrets or Intellectual Property.**

The Cyber Crime Investigation Manual, is a part of official document and the same cannot be denied to Parliament or state legislature, and thus, information which cannot be denied to these two has to be provided.

Seeking certified copy of Cyber Crime Investigation Manual will not only help in making the public more aware of the departmental functions and procedures, which are generally kept in closed guarded walls, but also help, those victimized by such

crimes, to cross-check any shortcomings in the investigations and take preventive measures thereof and will help the public in general.

Furthermore, the undersigned, being a law student and future lawyer would not only learn about the investigative procedures but will also be able to disseminate legal information in a simpler manner to public at large to make them aware and also will be able to keep a check (through Courts, if required) on the manner the Investigations are done and thus, helping in dispensing Justice.

The requested information cannot possibly be termed either to be the information of commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party or available to a person in his fiduciary relationship and the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.

Therefore, in the interest of larger public interest and in compliance of the applicable provisions of the RTI Act, directions may be given to the PIO to provide the certified copy of Cyber Crime Investigation Manual, free of cost, to the undersigned applicant.

Further, in-person hearing by the undersigned applicant, or his authorized representative, is requested while deciding on the First Appeal.

Thanking You,
Vikas Bhaskar,
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