



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

No. 3924

/CID-CB Cyber Crime PS

Date: 21 /11/2017

Standard Operating Procedure

To

All District SsP / DCsP Cuttack/Bhubaneswar/
SsRP Rourkela/Cuttack/
SP STF/ EOW/ CID CB

Sub:-

Standard Operating Procedure for "Investigation of objectionable
Viral Pictures / Videos in various Social Networking Platforms".

In the present context; it is being noticed that internet availability is not limited to computers or laptops, only. Even mobile phones with internet facility are available at affordable prices helping the net to reach maximum number of users. Along with its innumerable benefits, internet is also becoming a platform for sharing illegal material, objectionable images, videos and other documents. It is observed that now-a-days, young people get involved in taking pictures / videos and make it viral in WhatsApp, YouTube, Facebook, various video sharing websites and other Social Media Platforms to grab attention and popularity. However, due to gradual degradation in moral & values, some people get involved in taking the videos of various sexual acts or of personal moments and make them viral in Internet with an intention to harass / blackmail and harm the reputation of the victimized persons in the society. The potential for cyberbullying as a result of viral videos has increased substantially. Due to the said illegal act, the victimized persons felt harassed & at times even harm themselves up to the extent of committing suicide.

Registration of FIR:-

Whenever any complaint is received by the Police Authorities relating to objectionable viral pictures / videos containing obscenity & sexually explicit on various Social Networking Platforms. The same must be registered under relevant penal sections (specified in the Compendium on Cyber Crime issued to all Police Stations) and the investigation shall be conducted by the Officers of the rank of Inspectors or above.

Applicable Sections of Law:-

Sec. 292 (2) IPC:-

Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever;

Sec. 294 IPC:- Obscene acts & songs

Sec. 354 IPC:- Assault or criminal force to woman with intent to outrage her modesty

Sec. 354A IPC: Sexual harassment and punishment for sexual harassment

Sec. 354B IPC: Public disrobing of woman

Sec. 354C IPC: Voyeurism

Sec. 354D IPC: - Stalking

Sec. 500 IPC:- Punishment for defamation

Sec. 506 IPC: - Punishment for criminal intimidation

Sec. 507 IPC: - Criminal intimidation by an anonymous communication

Sec. 509 IPC: - Word, gesture or act intended to insult the modesty of a woman,

Sec.66E of Information Technology Act, 2000:- Punishment for violation of privacy

Sec.67 of Information Technology Act, 2000:- Punishment for publishing or transmitting obscene material in electronic form

Sec.67A of Information Technology Act, 2000:- Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form

Sec.67B of Information Technology Act, 2000:- Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form

Sec. 6 of Indecent Representation of Women (Prohibition) Act, 1986

Relevant provisions of Protection of Children from Sexual Offences Act, 2012 & Any other Consequential offence

Steps to be taken by the Investigating Officer upon receipt of information regarding objectionable viral pictures / videos containing obscenity & sexually explicit act on various Social Networking Platforms:

Pre-Requisites:-

1. Alleged video file
2. Details of Social Networking Platform in which the alleged video file was posted & circulated
3. URL (Uniform Resource Locator) of the postings of the alleged video file
4. Screenshot containing posting & circulation of the alleged video file

Information to be gathered:-

When registering a case about objectionable viral pictures / videos containing obscenity & sexually explicit act in various Social Networking Platforms, as far as possible, the Police Officer concerned shall ascertain the following details from the complainant.

From the complainant:-

1. Nature of file [Video /GIF (Graphics Interchange Format)] posted & circulated in the Social Networking Sites
2. The source from which victim came to know about objectionable viral pictures / videos
3. Whether victim personally visited the concerned website and witnessed the said objectionable viral pictures / videos?
4. Details of websites (Domain Name & URL) / Social Networking Sites relating to posting & circulation of the said objectionable viral pictures / videos
 - a. In case of Facebook:- Profile Name & URL
 - b. In case of YouTube / Dailymotion /Flickr and other video sharing websites:- User ID, its URL and URL of the alleged video file
 - c. In case of WhatsApp / Telegram / WeChat:- Mobile Phone Numbers along with the Profile Name & Profile Photo
 - d. In case of Instagram:- User ID & URL
5. Date & time of the actual incident
6. Information about the accused persons involved in the said offence
7. Through which electronic equipment (whether mobile phone or video camera); the accused persons recorded the said incident

8. Name, addresses and phone numbers of the family members / relatives / friends / known persons who have witnessed the posting & circulation of the alleged objectionable viral pictures / videos on various social networking platforms
9. Name, addresses and phone numbers of the family members / relatives / friends / known persons who have received the alleged objectionable viral pictures / videos

Duties of Police Officer towards prevention of circulation of objectionable viral pictures / videos:-

1. Letter be made to the concerned Website / Social Networking Platforms to remove the objectionable viral pictures / videos form their website immediately without any delay and furnish the detailed information about uploading of the said video file in their website.
2. Media (Electronic & Print) House & Media Correspondents may please be requested not to circulate the alleged video file of the victim person in their Newspaper & TV Channels.
3. Awareness be created among the Youth through Print & Electronic Media about the penal provisions for circulation of the video file containing obscenity & sexually explicit act.
4. Training programmes be organized at district level to sensitize the police officers to tackle the menace.
5. School and college students are to be sensitized by the police officers ver this sensitive issue.

Procedure of Investigation:-

1. Objectionable viral picture / video files which was posted & circulated in websites / Social Networking Platforms preferably in a CD or DVD be seized upon production by the victim complainant
2. Properties of the said video file (Date of creation, Size, Type of file) be reflected in the Seizure List
3. Screenshots relating to posting & circulation of the said objectionable viral pictures / videos in various websites / Social Networking Sites be seized upon production by the victim complainant
4. Mobile Phone or Desktop or Laptop through which the victim visited the said video file be seized upon production by the victim complainant
5. Certificate u/s 65B of Indian Evidence Act, 1872 regarding admissibility of electronic record (CD / DVD & Screenshots) be obtained
6. Hash value of the said objectionable viral pictures / videos is to be calculated and reflected in the Seizure List

7. As per provisions of Criminal Law Amendment Act, 2013, statement of victim be recorded by a lady Police Officer u/s 161 of Cr.P.C.
8. Videography of such statement of the victim
9. As per provisions of Criminal Law Amendment Act, 2013, prayer be made for recording of statement of victim u/s 164 of Cr.P.C.
10. In the Seizure list, details of website (Domain name & URL) and of Social Networking Sites be mentioned
11. Correspondence be made with the concerned website / Social Networking Sites u/s 91 of Cr.P.C. to remove the said viral video file having Hash value _____, immediately and furnish the following details:-
 - a. Account Registration Details along with IP Details of the User ID through which the said objectionable viral picture / video files was uploaded in the website
 - b. Detailed information furnished by the user at the time of registration of the profile in the website:
 - i. Profile Name
 - ii. Profile Photo
 - iii. Mobile Phone Numbers
 - iv. E-mail accounts
 - v. Bank Account Number if any,
 - c. IP address along with date & time in respect of the objectionable viral picture / video files uploaded in the website
 - d. Log details in respect of the fake Profile/ID which was used for uploading the said obscene video clippings

Details about steps in investigation of Cyber Crimes (with Case Studies) have been deliberated in above Compendium on Cyber Crime for ready references by SsP/ IOs

Details of relevant websites:-

(A) Facebook Law Enforcement Response Team,

1 Hackers way,
1601 Willow Road,
Menlo Park, California 94025,
USA
E-mail ID:- records@fb.com

(B) Legal Investigations Support,

Google Inc., 1600,
Amphitheatre Parkway,
Mountain View, CA 94043,
USA
E-mail ID:- lis-apac@google.com
legal@support.youtube.com

(C) WhatsApp Inc.

Privacy Policy
1601 Willow Road
Menlo Park,
California 94025
United States of America
E-mail ID:- whatsappLEC@subpoenasolutions.com
records@whatsapp.com

(D) Nodal Officer,

www.dailymotion.com
140 boulevard Malesherbes- 75017
Paris
E-mail IDs:- webmaster@dailymotion.com
feedback@dailymotion.com

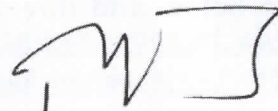
(E) Mr. Robin Fernandes,

Executive Compliance,
Yahoo India Pvt Ltd.,
www.flickr.com
Unit No. 1261, 6th floor,
Building No.12, Solitaire Corporate Park,
No. 167, Guru Hargovindji Marg,
(Andheri-Ghatkopar Link Road),
Andheri (East),
Mumbai - 400 093,
E-mail ID:- [Robin.Fernandes <robinfe@yahoo-inc.com>](mailto:Robin.Fernandes@robinfe@yahoo-inc.com)

13. After receipt of the report from the concerned website, notice u/s 91 of Cr.P.C. be submitted to the E-mail Service Provider to furnish the report as regards the account registration details & IP details of the e-mail account along with the Certificate u/s 65B of Indian Evidence Act, 1872.
14. Correspondence to be made with the Internet Service Provider to furnish the end user details of the IP addresses through which the said objectionable viral picture / video files was uploaded in the website / Social Networking Platform along with the Certificate u/s 65B of Indian Evidence Act, 1872.
15. Correspondence to be made with the Nodal officer of Mobile Service Provider to furnish the information (Subscriber Details, Date of activation, Customer Application Form, Call Details Record) in respect of the mobile phone number of the accused used at the time of registration of the Profile / ID in the website along with the Certificate u/s 65B of Indian Evidence Act, 1872.
16. Arrest & Seizure:-
At the time of arrest, the investigating officer will seize the following incriminating articles from the possession of the accused and prepare the seizure list in presence of two independent witnesses:-

- Mobile Phone Handset
 - SIM Cards
 - Memory SD Card
 - Laptop
 - Computer system, its other components (Monitor, CPU, UPS, Keyboard, Mouse)
 - Hard Disk from the seized CPU
 - Modem
 - Pen Drive /USB Drives
 - Dongles
 - Telephone Bills
 - ID proof document of the accused
 - Documents pertaining to the ownership of the house
17. Seized exhibits be sent to the Director, Central Forensic Science Laboratory, Kolkata for forensic examination and opinion.

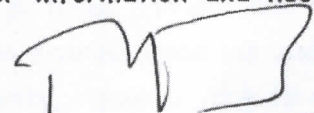
Prosecution of cases should also deserve due attention of SsP/ DCsP. Depending on the sensitivity of the case, Holding IO should be appointed and day to day trial closely monitored. Regular reports regarding progress of trial and final disposal of case must also be sent to Crime Branch.


21.11.17

Director General of Police,
Odisha, Cuttack

Memo No. 3925 /CID-CB Cyber Crime PS Dt. 21.11.2017

Copy to Commissioner of Police, Bhubaneswar-Cuttack / Addl. DGP, Railways / All Range IsGP / All Range DIsGP for information and necessary action.


21.11.17

Director General of Police,
Odisha, Cuttack

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