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LEGAL FRAMEWORKS FOR MUSIC FESTIVALS: STREAMING, TICKETING, AND CONSUMER PROTECTION

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ABSTRACT

The burgeoning music festival industry in India presents a dynamic convergence of entertainment, digital innovation, and evolving legal challenges. This paper undertakes a doctrinal and comparative analysis of the legal frameworks surrounding music festivals, with particular focus on three critical areas: streaming rights, ticketing mechanisms, and consumer protection. The proliferation of live-streaming platforms such as YouTube, Instagram Live, and Twitch has amplified legal concerns over copyright infringement, artist royalties, and digital licensing, exposing gaps in the Indian Copyright Act, 1957, and intermediary liability under the IT Rules, 2021.

Parallely, the rise in online ticketing has facilitated practices such as ticket scalping, black marketing, and price gouging—issues not adequately addressed by current Indian law. Although Section 112 of the Bharatiya Nyay Sanhita (BNS), 2023, marks progress by recognizing unauthorized ticket resale as a form of petty organized crime, enforcement remains inconsistent and fragmented. Case studies like the Coldplay and Diljit Dosanjh concerts, alongside legal precedents such as *Mandeep Singh v. UT of Chandigarh*, reveal the pressing need for clearer statutory language and centralized enforcement.

Drawing from global best practices in jurisdictions such as the United Kingdom, the United States, and Australia, this paper recommends the introduction of a dedicated national legislation regulating live events, streaming platforms, and ticketing practices. It further proposes the establishment of a specialized regulatory authority and robust consumer grievance redressal mechanisms. These reforms are essential to ensure legal clarity, safeguard stakeholders, and foster the sustainable development of India's concert economy.

1. INTRODUCTION

Coldplay, Diljit Dosanjh, Taylor Swift—how many more global artists are we going to miss before we start questioning the legalities and behind-the-scenes workings of the music industry? The rise in concerts and music festivals in India has stirred excitement among fans, but it also draws attention to the legal intricacies behind these massive events. From ticketing glitches to streaming rights and consumer grievances, the concert economy is no longer just about entertainment—it's a legal labyrinth demanding careful scrutiny.

This paper emerged from the curiosity of two law students seeking to explore how the law intersects with music festivals. The study focuses on three critical pillars: streaming, ticketing, and consumer protection. Post-pandemic, digital platforms like YouTube, Instagram Live, and Twitch have redefined how audiences experience concerts. But they've also amplified legal issues—particularly around content ownership, licensing, and fair artist compensation. Many creators find themselves disadvantaged due to outdated copyright provisions and exploitative revenue models.

India's festival economy is expanding rapidly, but its legal frameworks remain underdeveloped. Ticket scalping, price inflation, and black marketing remain persistent, particularly with events like Coldplay's Mumbai concert and Diljit Dosanjh's India tour. Even with new provisions like Section 112 of the Bharatiya Nyaya Sanhita (BNS), 2023¹, enforcement remains weak and fragmented across states. Comparisons with countries like the U.K., U.S., and Australia reveal stark differences in legal infrastructure and consumer safeguards.

Consumer protection, too, is becoming increasingly important as festivals move online. Data breaches, fake ticket scams, inaccessible venues, and safety lapses raise serious concerns. The pandemic highlighted the need for refund transparency and event liability, while recent tragedies like the Astroworld disaster underscore why robust regulation is essential.²

Music festivals are now complex legal ecosystems. They are shaped by the intersection of media law, entertainment law, consumer law, and digital technology. This paper analyses how these areas come together in India's festival scene and offers policy suggestions to ensure fair

¹ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 112, INDIA CODE (2023).

² Travis Scott's Astroworld Concert: What We Know About the Victims and the Investigation, CNN (Nov. 16, 2021), <https://www.cnn.com/2021/11/15/us/astroworld-victims-investigation/index.html>.

practices for all stakeholders—artists, organizers, and consumers alike.

2. CRITICAL ANALYSIS OF STREAMING LAWS AND ARTIST RIGHTS

Streaming laws are primarily designed to safeguard intellectual property and curb the unauthorized distribution of copyrighted content on digital platforms. These laws not only govern how content is shared but also outline the obligations of streaming services and individual users. In the United States, the Protecting Lawful Streaming Act of 2020 (PLSA) marks a significant development by criminalizing large-scale, for-profit unauthorized streaming. This law makes such activities a felony, especially when committed with commercial intent.

In the Indian context, streaming regulations are primarily framed under the Copyright Act, 1957³. A key provision in this act is Section 31D, which permits statutory licensing for broadcasting and online streaming. *As per Section 31D: “any broadcasting organization desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published, may do so subject to the payment of such royalty as may be fixed by the Copyright Board.”*⁴ This ensures that content creators and copyright holders are fairly compensated while enabling platforms to legally use such content.

Streaming platforms also have a significant legal duty to monitor the content shared on their sites. They must adopt systems to detect and remove infringing content and collaborate with copyright owners to enforce their rights. In India, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021⁵ extend certain responsibilities to digital intermediaries. These rules are also being considered for application to OTT platforms, requiring them to comply with content moderation and grievance redressal norms.

Section 31D further aids in streamlining content usage through a statutory licensing model. *This section allows streaming services to broadcast already-published literary and musical*

³ The Copyright Act, No. 14 of 1957, INDIA CODE (1957).

⁴ The Copyright Act, No. 14 of 1957, § 31D, India Code (2023).

⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139(E), MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY, INDIA (Feb. 25, 2021).

works or sound recordings, as long as they pay royalties set by the Copyright Board. This mechanism reduces the need for individual negotiations and supports both platform efficiency and creator rights.

Content regulation is another critical aspect. Under the IT Rules, 2021, OTT platforms are obligated to classify their content according to age suitability—such as U, U/A 7+, U/A 13+, U/A 16+, and A ratings—and to implement tools like parental locks for restricted content. These guidelines are meant to protect younger audiences from age-inappropriate material. Moreover, the proposed Broadcasting Services (Regulation) Bill, 2023 is expected to introduce more comprehensive codes for content and impose penalties for violations, thereby strengthening oversight of both traditional and online broadcasters. As reported by *Law.asia*, the bill may bring OTT services under more formal regulatory control.

Finally, live streaming raises specific legal concerns. Content used in live streams—including background music, video clips, or visual elements—must be either original or properly licensed. Even incidental use of copyrighted material can result in legal consequences if the necessary permissions are not secured. To mitigate this, streamers are advised to use royalty-free assets or ensure licensing before including any third-party content.

Revenue Models in Streaming

Live streaming platforms and creators rely on several monetization models to generate revenue and sustain their work. One major model is the ad-based system, where creators earn money through banner ads, sponsored content, and pre-roll or mid-roll ads. Subscription-based models are also common, wherein users pay a regular fee to access exclusive or ad-free content. Another model is the pay-per-view system, used for one-time access to specific content without long-term commitment. Each of these models has its own advantages and caters to varying viewer preferences, playing a crucial role in content monetization.

Comparison of Royalty Rates Across Platforms

Streaming platforms offer vastly different royalty rates to artists. Spotify pays about \$0.003–\$0.005 per stream, while YouTube pays even less—approximately \$0.00069 per view. Apple Music offers slightly higher payouts, around \$0.01 per stream. ⁶These small

⁶ IFPI, *Global Music Report 2023: State of the Industry* (2023), <https://www.ifpi.org/resources/>.

earnings mean that independent artists need millions of streams to make meaningful income, putting them at a disadvantage compared to those supported by record labels with stronger negotiation power.

Challenges in Live Streaming

Live streaming, despite its dynamic growth, faces numerous legal and regulatory challenges due to the lag in adapting traditional laws to digital content. One of the most prominent issues is copyright infringement. Live streamers may unintentionally use copyrighted music or broadcast events without proper licenses, which can lead to takedown notices, content blockage, or even legal penalties. Even background music that plays without the streamer's awareness can result in infringement claims.

Privacy is another major concern. Streamers must obtain consent before featuring individuals in their streams. Without proper permissions, legal issues surrounding privacy violations may arise. This also intersects with laws concerning personal data protection, particularly in jurisdictions with strong privacy frameworks like the EU's GDPR.

Trademark infringement is also a risk, especially when logos or brand elements are displayed without authorization. This can result in lawsuits or financial penalties. Similarly, defamation remains a key legal issue; given the spontaneous nature of live streams, statements made in real time may be inaccurate, offensive, or false, leading to legal claims if not retracted promptly.

Streamers also face difficulties protecting their own content. Original material is vulnerable to theft and unauthorized use. Though copyright protections exist, registering works, adding visible watermarks, and issuing takedown notices can be legally burdensome. These enforcement mechanisms are often time-consuming and not always effective across jurisdictions.

Lastly, licensing and permissions pose a logistical hurdle. Getting proper licenses from performing rights organizations is tedious and complicated but essential to ensure legal compliance. Without these licenses, creators expose themselves to financial and reputational risks.

Reforms in Live Streaming

There is an urgent need to strengthen legal frameworks applicable to live streaming. Intellectual Property Law should be broadened in this space to include not just copyrights, but also trademarks and even aspects of patent law, where relevant. Creators should be educated on how these laws affect them, enabling better compliance and protection. Another vital reform area is revenue sharing. To resolve conflicts between platforms and artists, equitable revenue-sharing agreements must be institutionalized. Transparency in payouts and predictable compensation structures would greatly benefit artists, especially those who are independent.

A standardized global legal framework for streaming is also necessary. Given the international nature of online content, a harmonized set of streaming laws could reduce jurisdictional ambiguity, enabling smoother collaborations and enforcement across borders.

Artificial Intelligence can play a pivotal role in reforming this domain. AI-based tools can detect copyright infringement in real time, reducing human error and reaction lag. Such systems can also screen for potentially defamatory or privacy-violating content, offering a layer of legal risk mitigation.

Judicial Interpretation

In the case of *Roy Orbison vs. 2 Live Crew*⁷, the estate of Roy Orbison filed a copyright infringement lawsuit against the rap group 2 Live Crew for their song “Pretty Woman” which sampled Orbison's classic hit “Oh, Pretty Woman” without authorization. The case was heard in the United States District Court for the Southern District of Florida. The court found that 2 Live Crew's sampling of Orbison's song was not a fair use of the original work and that the rap group's reworking of the song was substantially similar. The court held that 2 Live Crew's use of the song was not transformative and that it was a direct copy of the original composition.

Similarly, in the case of *Spirit vs Led Zeppelin*⁸, Spirit alleged that Led Zeppelin had copied portions of their 1968 instrumental song, “Taurus”, in their 1971 hit single, “Stairway to Heaven”. The case went to trial in 2016 and after several appeals, the Supreme Court ultimately denied Spirit's petition to hear the case in 2019.

⁷ Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994).

⁸ Skidmore v. Zeppelin, 952 F.3d 1051 (9th Cir. 2020) (en banc).

3. TICKETING POLICIES: A NEED FOR REFORM

We realised the advent of digital technology has revolutionized the way tickets for music festivals, concerts, and events are sold. Now, notifications about upcoming events are easily accessible with the help of social media, booking platforms and the official websites of the artists. With tickets being sold online on various platforms such as Book My Show, Paytm insider, etc., the need to stand in long queues has been eliminated. These platforms offer a seamless ticketing experience, allowing consumers to purchase tickets from the comfort of their homes using smartphones or computers. But it comes with its own set of problems such as ticket scalping, unfair pricing practices, and proxy resellers. These pressing issues call for the need for comprehensive legislation to ensure fair access and transparency.

While online ticketing platforms have simplified the purchasing process, their structured sales strategies play a crucial role in managing demand and maximizing reach. Typically, the process begins with Early Bird tickets, sold at discounted prices to generate buzz and fast sales. This is followed by General Admission (GA) tickets, the most commonly purchased tier with standard access. For premium experiences, VIP or Exclusive slots are offered at higher prices and include perks like lounges or priority entry. Finally, Last-Minute Sales target spontaneous attendees with limited availability at elevated rates. These phases are designed to create anticipation and urgency while influencing consumer behaviour.

Beyond official channels, the secondary market plays a significant role. Here, individuals and organisations resell their tickets at much higher prices. While legitimate resale platforms exist, many buyers fall victim to fraudulent tickets sold through unverified or illegal websites, posing serious risks to consumer protection.

The Problem of Ticket Scalping and Black Marketing

Ticket Scalping, the very art of purchasing large quantities of event tickets, often through automated bots, with the intention to profit from them by selling at significantly inflated rates. This is famously also known as black marketing of tickets, the scalpers often exploit high-demand events such as concerts, sports matches, and festivals, where tickets sell out quickly. By creating artificial scarcity of the tickets, these scalpers manipulate the market, making it difficult for genuine fans to purchase tickets at face value. This unethical practice not only drives up prices in the market but also undermines fair access to events, true fans are left frustrated and excluded, while those who are rich are winning. We can also see how scalping

can change the reputation of event organisers, as it distorts the true demand for such events and creates a very negative consumer experience. Many countries have implemented legal measures to tackle problems like ticket scalping and fraudulent tickets, including restrictions on bulk purchasing, now platforms always have a maximum limit of tickets each person can buy, they even banned the use of bots, and regulations to ensure transparency in ticket sales.

Online marketplaces like Viagogo, StubHub, and unauthorized social media sellers contribute to this growing problem. Despite attempts to curb black marketing through CAPTCHA systems, purchase limits, and resale restrictions, tech-savvy scalpers and black-market traders still manage to manipulate the system.

This problem we are trying to describe has been so prominent in the recent *Coldplay concert*, in Mumbai, marking their first show in 10 years in India. Tickets were priced at a reasonable rate, starting from 2500rs going to 4000rs and highest ticket price ranging to 31,000rs, but to the horror of the people, tickets were sold out within minutes while lakhs of people were still in the waiting webpage on the official ticket platform, Book My Show.⁹ Though, the very same tickets appeared on secondary markets at exorbitant prices, reaching up to lakhs in amounts. This led to public outrage and allegations of black marketing. Amit Vyas, a Mumbai-based lawyer, filed a complaint against Book My Show, alleging that the platform facilitated scalpers by allowing bots to purchase large quantities of tickets, which were then resold at inflated prices.

Legal Landscape of Ticket Resale in India

Until 2023, India had lacked a comprehensive legislation that explicitly addressed ticket scalping. The regulation of ticket resale was largely dependent on state-specific laws, with the Maharashtra Entertainment Duty Act, 1923¹⁰, being one of the few statutes prohibiting unauthorized resale. However, in the absence of a nationwide framework, enforcement was not consistent or effective.

A major shift occurred with the introduction of the new Bharatiya Nyay Sanhita (BNS), 2023, which came into effect in July 2023. Section 112 of the BNS specifically addresses "petty

⁹ Coldplay Concert in Mumbai: Fans Allege Black Marketing of Tickets, Indian Express (Nov. 10, 2023), <https://indianexpress.com/article/entertainment/music/coldplay-concert-mumbai-black-marketing-tickets-9023144/>.

¹⁰ The Maharashtra Entertainment Duty Act, No. 22 of 1923, India Code (2023).

organised crime," explicitly including unauthorized ticket sales. The provision states: "Whoever, being a member of a group or gang, either singly or jointly, commits any act of theft, snatching, cheating, unauthorised selling of tickets is said to commit petty organised crime." Though we need much more than just one small line in a huge act, to deal with such a problem. Knowing that the concert economy is just in the starting stages of booming in India and has massive potential, India has not been at its best to tackle the problems. The growth of the concert economy is going to be beneficial not just for the economy, but for tourism, for the music industry and many more. It also plays a crucial role in generating employment. Concerts in India not only provide entertainment to the general public but also contribute to increased recognition for vendors and the development of supporting infrastructure.

Under this provision, offenders face imprisonment ranging from one to seven years, along with fines. However, despite the introduction of legal penalties, enforcement remains weak due to a lack of clear definitions and standardised procedures. The vague language around what constitutes unauthorized resale leaves room for inconsistent interpretation, making it difficult for authorities to act decisively. Furthermore, online platforms lack robust monitoring mechanisms, and manual enforcement is limited due to inadequate manpower. In practice, offenders often escape accountability, and consumers continue to suffer from inflated ticket prices and scams. Stronger, more detailed legislation and a dedicated regulatory body are essential for effective implementation and deterrence.

The case of *Mandeep Singh vs UT of Chandigarh*¹¹, the case highlights the legal ambiguity surrounding ticket scalping in India. The accused in the case was arrested under Section 420 of the Indian Penal Code (IPC)¹² for selling tickets at a price significantly higher than their face value. However, the Punjab and Haryana High Court ruled that no cheating was involved, as both parties engaged in the transaction with full knowledge of the ticket price. As a result, the court refused to take action against the accused, reinforcing the need for clearer legal provisions to address ticket scalping effectively.

Diljit Dosanjh's "Dil-Luminati India Tour 2024" also faced issues with ticket scalping. Tickets for his concerts were resold at unexplainable inflated prices on unauthorized platforms. Fans

¹¹ *Mandeep Singh v. State of U.T. Chandigarh & Ors.*, Criminal Miscellaneous No. 47625 of 2021, 2023:PHHC:063495 (P&H HC May 3, 2023).

¹² Indian Penal Code, No. 45 of 1860, § 420, India Code (2023).

expressed their frustration over the unavailability of reasonably priced tickets.¹³

International Laws on Ticket Resale

As the global demand for live events and music festivals continues to rise, countries around the world have implemented various legal frameworks to regulate ticket resale practices. These international laws offer valuable insights into how different jurisdictions address challenges such as online scalping, fraudulent resellers, and consumer protection. By examining the legal approaches of countries like the United Kingdom, we can identify best practices and strategies that could inform and enhance India's ticketing regulations.

United Kingdom

The UK is far ahead of India with the implementation of laws. According to the Digital Economy Act, of 2017, it is illegal to use bots to purchase large quantities. Consumer Rights Act, of 2015¹⁴ made it mandatory for resellers to disclose their unique ticket number helping buyers verify authenticity.

Furthermore, the 2021 Competition and Markets Authority (CMA) highlighted persistent non-compliance in the secondary market, recommending much stricter enforcement of laws.

In the case of, *R v. Andrew Lee and Peter Hunter*¹⁵, the UK has been successful in implementing their anti-scalping laws where Andrew Lee and Peter Hunter were convicted under the UK's Fraud Act 2006 for using automated bots to purchase large quantities of tickets for major events, including Ed Sheeran concerts. They resold these tickets at significantly higher prices through platforms like Viagogo. Subsequently, both individuals were given jail sentences.

United States

The US has BOTS, better known as Better Online Ticket Sales Act¹⁶ (2016) that prohibits the use of bots to bypass security measures on ticket platforms. There are heavy fines and potential criminal charges on violators and over 34 states have specific laws addressing ticket resale, pricing and licensing.

¹³ IANS, 'Fans Frustrated as Diljit Dosanjh Tour Tickets Sold at Inflated Prices' The Times of India (25 January 2024)

¹⁴ Consumer Rights Act 2015, c. 15, (UK).

¹⁵ Regina v Andrew Lee & Peter Hunter [2020] EWCA Crim 634.

¹⁶ Better Online Ticket Sales Act of 2016, Pub. L. No. 114-274, 130 Stat. 1401 (2016).

The case of *People v. Concert Connection*¹⁷ underscores the state's interest in regulating ticket sales to protect consumers where the defendants were charged with violating New York's Arts and Cultural Affairs Law by reselling event tickets at prices exceeding the legal limit. The court emphasized that ticket scalping leads to "fraud, extortion, exorbitant rates and similar abuses". Furthermore, in the case of *tick Fans v. Ticketmaster and Live Nation*¹⁸ (USA), the court has been efficient in taking action against Ticketmaster and Live Nation, for intentional deception, fraud, and antitrust violations during the ticket sales for Swift's Eras Tour.

Australia

The Australian Competition and Consumer Commission (ACCC) regulation (2017) enforces consumer protection laws in ticket resale. In 2019, an online reseller from Australia was fined heavily for violating pricing transparency rules.

Challenges And Loopholes in Existing Indian Laws

While the growing issues emphasize the necessity for robust legal frameworks, it is equally important to identify the existing challenges and loopholes within current Indian laws. Analyzing these gaps is crucial to developing effective solutions that address the root causes of these emerging problems.

Lack of Centralised Legislation

One of the most significant challenges is the absence of a unified, national-level law governing music festivals, ticketing, and streaming. Currently, regulations are fragmented across different state statutes and general provisions under acts like the Indian Penal Code or the Consumer Protection Act. This decentralisation results in inconsistent implementation and enforcement, making it difficult to respond effectively to large-scale issues like ticket scalping, black marketing, and streaming piracy. A country with a population as diverse and vast as India requires centralised regulation to ensure legal uniformity and better revenue governance in this emerging sector.

Weak Enforcement Mechanisms

Even when legal provisions exist, enforcement remains a major hurdle. Provisions like Section 112 of the Bharatiya Nyay Sanhita (BNS), 2023, do address unauthorized ticket resale under

¹⁷ *People v Concert Connection, Inc.* 221 Cal. App. 4th 1414, 1418 (2013)

¹⁸ *Barfuss v. Live Nation Entertainment, Inc.*, No. 22STCV37958 (Cal. Super. Ct. filed Dec. 2, 2022).

the umbrella of "petty organised crime", but they lack clarity and effective operational frameworks. Authorities often struggle to monitor online transactions, trace bot-based purchases, or prosecute foreign platforms. The shortage of trained enforcement personnel and the absence of a dedicated regulatory body mean that violations often go unchecked, leaving consumers and artists vulnerable.

Ambiguity in Legal Definitions

Another pressing issue lies in the vague and outdated language used in existing laws. Terms like "unauthorized resale" or "cheating" are not explicitly defined in the context of digital ticketing or live-streaming. This leads to misinterpretation and legal loopholes, as seen in *Mandeep Singh vs. UT of Chandigarh*, where the court ruled that there was no cheating since both parties were aware of the price. Such gaps create hurdles for prosecution and weaken deterrence against ticket fraud.

Challenges from Proxy Resellers and Cross-Border Platforms

A growing number of resellers and secondary market platforms operate from outside India, placing them beyond the direct jurisdiction of Indian regulatory bodies. These platforms exploit gaps in international cooperation, making it difficult to curb black marketing and ensure compliance. Even when foreign platforms are involved in illegal resales of tickets for Indian events, Indian authorities often lack the legal tools to enforce accountability. This creates a jurisdictional void that emboldens scalpers and reduces consumer trust.

Inadequate Consumer Awareness and Protection

Many consumers remain unaware of their rights when purchasing tickets or encountering fraud. This is especially problematic in the digital ecosystem, where fake websites, phishing links, and unregulated resellers are prevalent. Even when consumers recognize that they have been wronged, accessing legal remedies is a cumbersome process due to slow redressal mechanisms and complex legal procedures. Without widespread legal literacy and stronger consumer education campaigns, fraudulent practices will continue to thrive in the concert economy.

Reforms to Address Challenges and Loopholes

India's scattered legal framework across states creates various inconsistencies in regulating music festivals and the ticketing industry. A unified national act is essential to streamline regulations, ensuring consistency in enforcement and maximizing revenue generation. This

legislation should cover aspects of licensing, taxation, safety standards, and ticket sales regulations, creating a comprehensive framework that benefits both the industry and the economy.

National Legislation and Central Oversight

India urgently needs a centralised law to govern music festivals, ticketing systems, streaming rights, and consumer protections. A unified national statute should replace the fragmented state-level approach, ensuring legal clarity and uniform implementation across the country. This legislation must comprehensively address licensing, safety protocols, digital ticketing, refund policies, resale restrictions, and artist rights. Establishing a central regulatory authority—similar to SEBI in the securities market—can significantly strengthen oversight, improve enforcement, and serve as a single point of accountability.

Regulating Foreign Ticketing Platforms

A growing number of ticket resale platforms operate from jurisdictions outside India, making enforcement nearly impossible under current laws. To counter this, foreign platforms that wish to operate in India should be mandated to sign compliance agreements with the Indian government. These agreements should require them to adhere to Indian data protection, anti-scalping, and consumer rights laws. Additionally, concert organizers could be required to partner exclusively with Indian-registered vendors for ticket distribution, enhancing regulatory control and improving revenue transparency.

Explicit Prohibition of Scalping and Bulk Purchasing

Legislation should include a clearly worded ban on the purchase of event tickets for the purpose of commercial resale. Laws should also define what constitutes “intent to resell” and empower law enforcement with clear parameters for prosecution. Technological safeguards like CAPTCHAs, identity verification, and per-user ticket purchase limits should be made mandatory for all ticketing platforms. Violations must invite strict penalties, including heavy fines, blacklisting of users, and even imprisonment for organized scalping networks.

Specialized Act for Ticket Resale and Festival Regulation

Beyond amendments to general criminal or consumer law, India requires a dedicated legal instrument—such as a "Live Event Regulation and Ticketing Act"—to govern the specifics of ticket resale, artist contracts, event logistics, and festival safety. Such a statute should lay out

detailed rules for resale authorisation, fair pricing, refund rights, and dispute resolution. By drawing inspiration from international acts like the U.K.'s Digital Economy Act or the U.S. BOTS Act, India can build a contextually tailored but globally competitive legal system.

Consumer Education and Grievance Redressal Mechanisms

Awareness is the first line of defence against exploitation. The government, in collaboration with event organisers and platforms, should launch campaigns to educate consumers about identifying legitimate sellers, spotting fake websites, and understanding their rights. Ticketing platforms must also be required to display consumer protection advisories and establish 24/7 grievance redressal systems. Dedicated fast-track consumer redressal forums can resolve disputes efficiently and reduce public dissatisfaction with the festival industry. Legal empowerment of consumers will ensure a fairer and safer environment for all.

4. CONSUMER PROTECTION: A COMPARATIVE ANALYSIS

Consumers are the backbone for the functioning of any industry, serving as a driving force behind the economy's growth. They drive the demand, shape event dynamics, and influence the economic viability of festivals globally. Their purchasing power, decisions, feedback and experiences play's the most vital role in determining the success or failure of an event. From ticket sales to merchandise and concessions, every financial transaction revolves around consumer interest. This central role played by consumers shows the need for consumer protection frameworks to ensure their rights are safeguarded, especially given the growing commercialization and digitalization of music festivals.

With the global music festival industry valued in billions, consumer satisfaction is not only critical for event profitability but also for the industry's reputation. However, the rise of digital ticketing platforms led to the establishment of a secondary resale market which raises concerns about data privacy, fraudulent ticket sales, etc. As festivals are growing into large commercialized activities, the potential for consumer exploitation increases, highlighting the urgent need for legal frameworks that safeguard our consumer rights.

Moreover, music festivals are not just about entertainment—they are cultural experiences that audiences use to foster community, diversity, and inclusivity. For these values to thrive, consumers must be protected from unethical practices in which their financial security, personal safety, and overall festival experience might get compromised. Strong consumer

protection laws and proper implementation of these laws ensure fair access to events, transparent transactions, and accountability for organizers, creating a more equitable environment for all attendees. It is essential to guarantee safety and protection to the stakeholders involved whenever a problem arises.

In this comparative analysis, we are exploring India's legal framework for consumer protection, examining the best international practices, and highlighting the major challenges faced by consumers during music festivals. Through this lens, we aim to identify gaps in existing regulations and propose strategies for enhancing consumer rights in the ever-evolving landscape of live entertainment.

Indian Legal Framework for Consumer Protection

Consumer Protection Act¹⁹, 2019 as its name suggests, is a framework for protecting consumers from unfair trade practices, misleading advertisements, and fraudulent transactions. It focuses on their rights and remedies, and it deals with aspects related to consumer transactions, whether consumer-to-consumer transactions or consumer-to-business transactions. Under this act, festival attendees can file complaints regarding ticket scams, misrepresentations about events, and poor service quality.

The Information Technology Act, 2000, complements these protections by regulating online ticketing platforms, ensuring data privacy, cybersecurity, and fraud prevention in digital transactions. While consumer protection regulates issues relating to their violation or exploitation, the IT act deals specifically with online and cyber issues making sure that the potential digital world is safe for our consumers. Additionally, the Competition Act, 2002, addresses issues of anti-competitive practices in the ticketing industry, such as monopolies held by major platforms like Book My Show.

The Digital Personal Data Protection Act, 2023, is a landmark legislation that governs how platforms collect, process, and store personal data. Ticketing portals and streaming services are now classified as "data fiduciaries" and must obtain explicit user consent, disclose data usage, and implement security safeguards. The Act also establishes the Data Protection Board of India to penalize violations, with fines up to ₹250 crore. This has significant implications for concert-

¹⁹ The Consumer Protection Act 2019 (Act No. 35 of 2019)

related platforms handling user data. However, concerns remain over weak enforcement, broad government exemptions, and lack of clarity on cross-border data flows, especially involving foreign streaming and resale platforms.

Comparing Consumer Protection in Other Countries

Globally, countries have adopted diverse approaches to safeguard consumer rights in the entertainment sector. Here's how India compares with leading jurisdictions:

United States

- The U.S. has stringent regulations against scalping where consumers get to file complaints against deceptive tickets under Better Business Bureau (BBB) to ensure accountability.
- Ticketmaster, a major ticketing platform around the globe, even offers refunds or ticket exchanges in case of cancellation of events.
- The federal trade commission (FTC) plays an important role in regulating ticket sales, advertising standards, and consumer rights.
- There is even an Act, namely, Americans with disabilities Act, that mandates that events provide accessible venues, reserved seating, ramps, and assistive listening devices.

European Union

- In the EU, the Consumer Rights directive guarantees the right to refund if an event is canceled or significantly altered.
- Many EU countries prohibit the resale of tickets above face value and implemented stringent anti-scalping laws.
- Festivals take health and safety standards as a priority and make sure to comply with stringent crowd control, emergency planning, and health safety standards.
- Festivals are required to provide accessibility features like the U.S. for disabled attendees, including designated seating and on-site support services.

Australia

- Australian Consumer Law (ACL) provides strong protections against misleading ticket sales and ensures refunds for cancelled events.

- Platforms like Ticketek and Viagogo must disclose reseller information and pricing transparency showcasing strong regulations in ticket resale.
- Event organizers must have insurance to cover injuries, damages, and other unforeseen incidents at festivals and make sure public liability is taken into account
- The Australian Competition and Consumer Commission (ACCC) enforces strict penalties against misleading advertising and price gouging in the secondary ticket market.

Challenges Faced by Consumers During Music Festivals

Despite the presence of various legal frameworks aimed at safeguarding consumer rights, festival goers continue to encounter numerous challenges that affect their overall experience. These issues span ticketing irregularities, safety concerns, accessibility barriers, data privacy risks, and misleading marketing practices. Understanding these challenges is crucial for formulating more comprehensive consumer protection measures in the music festival industry.

1. Ticketing Issues

One of the most significant challenges faced by consumers revolves around ticketing, which has been plagued by problems such as scalping, price inflation, counterfeit tickets, and opaque refund policies.

Scalping and Price Inflation: Unauthorized resellers, often using bots, purchase large quantities of tickets as soon as they are released, creating artificial scarcity. These tickets are then resold on secondary markets at exorbitantly inflated prices, making it nearly impossible for genuine fans to purchase them at face value. This practice not only exploits consumer demand but also undermines the event organizers' pricing strategies, effectively excluding average-income individuals from accessing live music experiences.

Fake Tickets: The presence of counterfeit tickets is another pressing concern, as fraudulent sellers exploit high-demand events, especially when official tickets sell out quickly. Consumers purchasing tickets through unofficial platforms often fall victim to scams, resulting in financial losses and entry denials at the event gates. The lack of stringent verification processes on many resale platforms exacerbates this issue. Awareness needs to be built on how well one can identify fake websites and sellers.

Opaque Refund Policies: Ambiguity regarding refunds for canceled or rescheduled events remains a persistent issue. Many event organizers and ticketing platforms have complex, non-transparent refund policies that leave consumers struggling to reclaim their money. For example, during the COVID-19 pandemic, countless music festivals were canceled, yet numerous consumers faced significant hurdles in securing refunds, highlighting gaps in consumer protection laws.

The *Sunborn Festival* which was scheduled, had to be cancelled because the Government had withdrawn permission to host the festival due to COVID-19. Ticket holders faced difficulties obtaining refunds and despite complaints, there was no clear regulatory action enforcing consumer rights.

2. Event Safety Concerns

Safety is an essential at large-scale gatherings, yet event safety measures often fall short, putting consumers at significant risk.

Overcrowding: Poor crowd management has led to tragic incidents, such as the Love Parade in Germany²⁰ (2010), where a stampede caused the deaths of 21 people and injured over 500. Similarly, a crowd surge during Travis Scott's performance in the *Astroworld Festival(2021)*²¹ led to the deaths of 10 people and injuries to hundreds. Lawsuits were filed against the organizers, performers, and security companies for inadequate safety measures, poor crowd management, and negligence.

Overcrowding occurs typically when there's overselling of tickets, inadequate barriers, poor crowd management and most importantly lack of emergency evacuation protocols. These situations not only pose risks of major physical accidents but can have lasting trauma and anxiety among attendees.

Lack of Medical Facilities: Many music festivals lack sufficient on-site medical services, leaving attendees vulnerable during medical emergencies. This issue becomes critical in outdoor festivals where environmental factors like heat exhaustion, dehydration, drug

²⁰ Love Parade Disaster: 21 Killed in German Stampede 'BBC News (25 July 2010)

²¹ Jem Aswad, 'Travis Scott's Astroworld Tragedy: A Timeline of Events and Legal Fallout 'Variety (10 November 2021)

overdoses, and injuries are common. Delayed medical response due to inadequate facilities can exacerbate health issues, sometimes leading to fatalities.

Subpar Security Measures: Inadequate security arrangements create an environment, ripe for theft, harassment, violence, and even terrorist threats. Events with poor surveillance, insufficient security personnel, and lack of proper screening at entry points fail to provide the necessary safeguards against physical and psychological threats. High-profile events are particularly vulnerable, incidents like the *Manchester Arena bombing*²² (2017), where an Islamic terrorist bombed the happening of Ariana Grande's concert, thereby killing 22 people and injuring about 1017 people; emphasize the need for stringent security protocols.

3. Accessibility Issues

While music festivals are celebrated as inclusive cultural events, accessibility remains a significant barrier for many, especially individuals with disabilities and those from marginalized communities.

Discrimination Against Disabled Consumers: Despite international conventions on disability rights, many festivals lack the basic infrastructure to support disabled attendees. This includes wheelchair-accessible paths, ramps, disabled-friendly restrooms, and sign language interpreters that are not just present but also known to the people in need and easily accessible to them. The absence of such facilities restricts participation, denying disabled individuals an equal opportunity to enjoy cultural events.

Geographical Barriers: Festivals are often concentrated in urban or affluent areas, limiting access for people from rural regions or economically disadvantaged backgrounds. High travel costs, limited transportation options, and lack of affordable accommodations create additional barriers, reinforcing socio-economic inequalities in cultural participation. Non availability of parking or having huge distances from parking to the concert grounds, without proper facilities is an unnecessary burden.

4. Consumer Data Privacy

In the digital age, consumer data privacy has emerged as a critical concern, especially with the increasing reliance on online ticketing platforms and even online payments.

²² Josh Halliday, 'Manchester Arena Bombing: Inquiry Finds "Significant Failures" in Security' The Guardian (17 June 2021)

Unauthorized Data Sharing: Ticketing platforms frequently collect vast amounts of personal data, including names, contact details, and payment information. Many of these platforms share consumer data with third-party advertisers without explicit consent, leading to intrusive marketing practices and potential misuse of personal information. This lack of transparency violates data protection principles, exposing consumers to privacy breaches.

Cybersecurity Threats: Data breaches are a growing threat, with hackers targeting ticketing platforms to steal sensitive consumer information. Such breaches can result in identity theft, financial fraud, and unauthorized transactions. High-profile cybersecurity incidents involving ticketing companies have highlighted the urgent need for robust data protection regulations and stronger cybersecurity measures to safeguard consumer data.

5. Misleading Advertisements

Deceptive marketing practices are another area where consumers often find themselves at a disadvantage, especially when not everyone is aware of misrepresentations and what relative remedies exist.

False Advertising: Event organizers sometimes engage in misleading promotional tactics, promising star-studded line-ups, exclusive experiences, or premium amenities that are not delivered. Consumers, lured by these promises, often pay premium prices, only to face disappointment when events fail to meet the set expectations. Such practices not only cause financial losses but also erode consumer trust.

One of the most prominent examples is the *Fyre Festival*²³ (2017, USA) where this festival was initially promoted as a luxury festival, but it turned into a disaster with inadequate food, shelter, and safety measures. The attendees were left stranded without basic amenities. Consumers ended up suing the organizers under fraud and breach of contract claims, leading to the imprisonment of the festival's founder, Billy McFarland.²⁴

While music festivals are vibrant celebrations of culture and community, consumer protection remains a pressing concern. From ticketing fraud and safety risks to data privacy violations and

²³ David Fear, 'Fyre Festival: The Greatest Party That Never Happened' Rolling Stone (15 January 2019)

²⁴ Joe Coscarelli, Organizer of Fyre Festival Is Sentenced to 6 Years in Prison, N.Y. Times (Oct. 11, 2018), <https://www.nytimes.com/2018/10/11/arts/music/fyre-festival-billy-mcfarland-sentencing.html>.

misleading advertising, the challenges faced by consumers are multi-faceted. Addressing these issues requires strong legal frameworks, rigorous enforcement mechanisms, and a consumer-first approach from event organizers and ticketing platforms. Ensuring a safe, inclusive, and transparent environment is not just an ethical obligation but a necessity for the sustainable growth of the music festival industry.

6. CONCLUSION

The legal architecture surrounding music festivals in India is still at a nascent stage, struggling to keep pace with the exponential growth of the live entertainment sector. As festivals transform into multi-dimensional experiences involving digital streaming, large-scale ticketing, and consumer interactions, they expose critical gaps in India's existing legal frameworks. Laws governing intellectual property, online platforms, and consumer rights remain fragmented, outdated, or inadequately enforced, resulting in unchecked issues such as copyright violations, artist exploitation, ticket scalping, and privacy breaches.

Although the inclusion of unauthorized ticket resale under Section 112 of the Bharatiya Nyay Sanhita, 2023, marks a step forward, its vague language and lack of procedural clarity undermine its effectiveness. Likewise, existing provisions under the Copyright Act, 1957, and IT Rules, 2021, fail to adequately protect creators and consumers in an era dominated by streaming and data-driven commerce. Case studies, such as the Coldplay concert and the Astroworld tragedy, underscore the urgent need for comprehensive legal oversight that prioritizes safety, transparency, and fairness.

Drawing from global best practices, it is evident that India must adopt a centralized, specialized legal framework tailored to the unique challenges of music festivals. A dedicated statute—comparable to the BOTS Act in the U.S. or the Digital Economy Act in the U.K.—should regulate ticket resale, artist contracts, digital licensing, consumer rights, and public safety protocols. This must be complemented by a regulatory authority equipped to enforce compliance, resolve disputes, and evolve with industry trends.

Ultimately, the protection of artists, organizers, and consumers must lie at the heart of India's festival economy. Legal reforms must not only address present-day concerns but anticipate future risks, ensuring a vibrant, inclusive, and legally sound ecosystem that promotes creativity while upholding justice and accountability.