

Position Paper on Public Performance Royalties from Non-Traditional Events in Wedding ceremonies in India

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Position Paper on Public Performance Royalties from Non-Traditional Events during or after Wedding ceremonies in India

Foreword:

The idea of Public Performance Royalties is not an alien concept - it is neither new nor exclusive to India. The concept is nearly a century year old, introduced in France first and even ratified and recognized by the World Intellectual Property Organization (WIPO)¹. The concept of collective management organisations (CMO) aka Collection Societies precedes the formation of WIPO². CMOs first started in France in 1777 with the Societe des Auteurs et Compositeurs Dramatiques (SACD) that dealt with collective management of authors' rights.

CMOs were later introduced by WIPO with the sole purpose of institutionalising collection societies and thereby facilitating ease of doing business with external stakeholders such as individuals seeking a public performance license for a one-off event, event management companies organising corporate events, retail outlets, and trade bodies representing the F&B industry. These collection societies in turn are responsible, by law, for the monetisation, management and distribution of rights and revenues for and on behalf of internal stakeholders whose numbers could run into tens of thousands given the nature of rights in the recorded music industry. The Government of India, a signatory of WIPO, also recognises Copyright Societies under the Copyright Act 1957³.

With the advent of liberalisation and globalization in the 1990's, traditional Indian wedding celebrations saw Western influences entering the traditional Indian Wedding ceremony in a big way and, hence, the extensive use of music or pop music or film soundtracks in non-traditional parts of wedding celebrations have become commonplace. This position paper attempts to capture:

¹ Understanding Copyrights and Related Rights, 2016, WIPO, accessible at https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf

² Collective Management of Copyright and Related Rights, Dr. Mihaly Ficsor, 2016, WIPO accessible at https://www.wipo.int/edocs/pubdocs/en/copyright/855/wipo_pub_855.pdf

³ Copyright Societies (explainer), WIPO, accessible at <https://copyright.gov.in/Documents/Copyright%20Societies.pdf>

1. The advent of Western influences into traditional Indian weddings.
2. The industrialisation of the Indian wedding arising due to western influences such as pre-wedding cocktails, and bachelor and bachelorette parties.
3. The economics and commerce behind the non-traditional part of the Indian wedding.
4. The way forward on Public Performances Royalties payable to Indian Copyright Societies/CMOs in terms of:
 - a. Ease of doing business for the individual consumer, in this case the wedding party.
 - b. Rationalisation of tariffs in terms of justification and reasonability / affordability.

The Central Government of India and the respective State Governments in the Indian Union do not waive taxes like GST and local taxes for the ceremonies constituting the traditional parts of the Indian wedding, so hence it is unfair of the competent authorities to request waiving off Public Performance (PP) fees for the non-traditional parts of the Indian wedding, where pop music and film music is used extensively. In fact, with over 1 crore weddings celebrated annually, per the studies conducted for this paper around 5% of these traditional wedding ceremonies have non-traditional celebrations attached to the traditional wedding ceremonies.

These non-traditional wedding ceremonies are held all over India at the 5 star & 4 star hotels, Clubs, Bars, Lounges, Banquet halls, Gymkhanas and Farm houses on a pan India basis. Non issuance of PP license due to the confusion caused by Public Notice No. 10-26/2019-CO issued by the Indian Copyright Office in August 2019, for the non-traditional ceremony at each of the Five Lakh non traditional wedding functions results in a loss of atleast INR 1,000 crore per year. Therefore, the non-collection of PP fees deprives thousands of individuals from the creative community: songwriters, authors, composers, publishers, Micro, Small and Medium Enterprises (MSME's), large record labels and various other stakeholders across the recorded music ecosystem, of their rightful share of royalties. These losses can be curbed if the competent authorities at the central or at the state-level issue the necessary clarifications.

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President

Abstract

Weddings in India are an elaborate affair involving a range of celebrations and associated service providers striving towards making the event a memorable one. The ceremonies involved in solemnising the weddings have been standard over time but the pre- and post- wedding events are evolving to meet the changing times. The celebration of the wedding is done with family and friends where music acts a foundation for the revelry.

This paper examines how the ceremonies in weddings can be distinguished between religious and secular and how music is integral to the celebration of weddings. And this is done in the background of the Public Notice No. 10-26/2019-CO issued by the Indian Copyright Office in August 2019 excluding the licensing fee for public performance of music at weddings.

However, weddings as such have evolved from the personal private ceremonies they are into mega events with big-ticket organising behind the scenes. This paper will elucidate the evolution of weddings into events and how there are a range of service providers dependent on the wedding industry. And it will finally argue for fair licensing fees for public performance of recorded music at the secular events at the wedding ceremonies.

1. *Introduction*

Music has been an integral part of the festivities associated with all Indian weddings, irrespective of the religion under which the wedding is performed. An Indian wedding is an elaborate affair of rituals, ceremonies, celebrations, spread over a day or often multiple days depending on the social and economic strata in which the wedding takes place.

By applying a sociological lens, the wedding rituals and associated festivities can be largely segmented into religious and secular categories⁴. The rituals and ceremonies associated with the solemnising of the marriage will necessarily fall under the category of religious ritual. The only exception here would be marriages conducted under the Special Marriages Act, 1954, which do not necessarily fall under the fold of religion or for those who want their marriage to be recognised beyond the normative provisions extended by the religious rules and norms for marriage.

Despite the difference in formalities and rituals, one crucial celebratory ingredient of any Indian wedding is music – Indian film soundtracks, Indian Pop, and in urban centres – Western pop. Some of these iconic songs have become synonymous with wedding rituals and functions across time periods and genres, an emotional rendition of *Raja ki aayegi baarat* or an up-beat number such as *Swag se karenge sabka swagat* present the range of music that is made and consumed for wedding ceremonies and associated rituals.

Moreover, such rituals and ceremonies have evolved from being purely religious and cultural practices to social events padded with cross cultural, and increasingly westernised, celebratory rituals. A key reason for such a transition is attributable to the phases of liberalisation and globalisation of India, the emergence of an aspirational demographic, and the expansion of the Indian diaspora in these past twenty years.

⁴ Sacred and Profane: Unusual customs and strange rituals, G.S Sachdeva, 2020, Sage Publications

Such trends are evident in popular Indian movies as well where the wedding ceremonies have seen a significant shift from being close-knit family affairs to events that flaunt social and economic status⁵.

Weddings in India have also seen the inclusion of newer more secular events such as pre-wedding parties organised in honour of the bride or groom, popularly known as bachelorette's or bachelor's party, cocktail soirees and so on.

High-end weddings often see the attendance of some of the biggest names from the Indian film, and music industries.

The culture of opulence in weddings has, by now, acquired a pan-Indian character. This is aided by the dynamic fluidity of cultural practices across the geography of India where for instance, the rituals of *sangeet* and *mehendi* which were predominantly seen in North Indian weddings are now part of weddings across India.

However, in these celebrations, where all stakeholders/vendors responsible for ensuring the success of the event are paid, often at premium rates, for their services, it is now common knowledge that constituents of the Indian music ecosystem are deprived of rightful royalties from the public performance of their music at weddings. The question of royalties on public performance of music at weddings and associated ceremonies has been an issue of long debate. Notwithstanding the exceptions for marriages which were inserted in the Copyright Act, 1957 in 1994, public performance royalties for the use of music for social festivities related to marriages, hosted outside the confinements of one's home or neighbourhood, was a prevalent practice until August 2019 where a government circular ended the same.

This paper will examine and argue how music is a vital ingredient of wedding celebrations in India and how we can come to value the significance of the music being consumed at these events.

⁵ Inside the big fat Indian wedding: Conservatism, competition, and networks, The Conversation, 2017 accessible at <https://theconversation.com/inside-the-big-fat-indian-wedding-conservatism-competition-and-networks-70678>

To explain this transition, the paper will delineate how weddings in India have religious as well as secular rituals and how progressive traditions are paving way for popular and modern practices. Building on this, the paper will examine as to how these cultural practices have come to find a place in the social milieu of India and in light of this growing demand, we look at how weddings have become an ‘industry’ effectively providing employment and business to many vendors and individuals across the social and economic spectrum.

The paper will argue for fair licensing fees for the use of recorded music in non-sacred ceremonies or social functions associated with wedding celebrations which necessarily fall beyond the ambit of the religious rituals and events of holy matrimony.

2. Weddings in India

Weddings hold a special place in the lives of individuals. They are not only significant for the couple embarking on a new marital journey together after the nuptials; they also facilitate social bonding by bringing together the family and friends. The wedding ceremonies combined with pre-wedding and post-wedding events are spread anywhere from two days to a week-long celebration.

Broadly, these ceremonies can be categorised as those falling under the religious fold which are primary to the process of the wedding and are deemed sacred. These rituals solemnize the marriage. Then we have secular rituals where the bride, groom, their families and friends come together and celebrate the occasion.

Of course, there are a set of rituals which fall in-between and are a combination of both the sacred aspects and secular aspects. This section will examine which rituals come under the categories of sacred, secular, and a combination of both; and how weddings have transformed into a largely secular affair with additions of newer festivities to the traditional rituals.

Weddings ceremonies in India are largely rooted in religious traditions. Marriage is one of the fundamental institutions of society and wedding is the foundation of this institution. The weddings ceremonies have evolved with time, striking a fine balance between religious (sacred) and social (secular) ceremonies. India is a land of diversity, in religion and social practices; however, this paper will focus on the practices of three key religions.

A key aspect of weddings, irrespective of religion, is how they bring together a motley set of people as part of the celebrations and how the main rituals are preceded and succeeded by social events – events where music, dance, and revelry are the main or sometimes the only constituents.

Hindu weddings are elaborate affairs and are highly ritualistic⁶. Religious scriptures have laid out detailed guidelines on how to perform the wedding. Considering the diversity of India, the ceremonies have adapted to the social and cultural practices of the respective regions where the weddings are based. There are nuanced differences between the rituals of a Kannadiga wedding compared to a Punjabi wedding or an Assamese wedding.

However, certain key elements of the rituals and the passages of rite are fundamental to all these weddings. The use of fire or a *havan kund* to invoke the gods and solemnise the weddings in their presence, the ritual of having the bride's father or guardian offer her hand to the groom, the practice of the bride and groom taking seven steps, known as *Saptapadi*, together signifying the strength and permanence of their bond, the groom tying a holy thread or the *mangalsutra* and/or exchanging garlands around the neck of bride, these rituals and more are the sacred elements of weddings.

The precursor to the process of a Christian wedding is the public announcement of the forthcoming nuptial tie between the prospective bride and groom. It is announced in the respective churches that they belong to. The usual practice, in many places called the *reading of banns*, is to announce the wedding well in advance for anyone to raise their reservations or objections to the wedding. This is a way of gaining acceptance of society for the matrimony to be.

⁶ Roles and Rituals for Hindu Women, Julia Leslie (ed.), 1992, Motilal Banarsidass Publishers.

On the day of the wedding, the bride and groom arrive separately, and are led into the Church, the groom by his mother, and the bride by her father. The couple with their families stands in front of the holy altar where a priest performs the rituals and leads the prayers for the wedding ceremony.

Eventually, the couple exchanges the rings under the witnesses of God and the guests. This may be followed by other ceremonies – for instance in Kerala, certain churches practice the tying of a holy thread or a gold chain for the bride by the groom⁷. The marriage is then made official with the issuance of a certificate by the church. A reception follows the wedding ceremony.

The reception can be held at a venue adjacent to or within the church precincts or an alternate venue where the guests recongregate for revelry and merry making. The choice of the venue for these celebrations could be based on social and economic considerations of the families hosting the wedding.

There is always music to fuel the ‘party’, and most often the local band will use the wedding platform to show-off their vocal and musical abilities. Music is an essential component of Christian weddings. Within the Church, the choir aids the ceremonies as background to the hymns and prayers solemnising the wedding, and beyond the Church, commercial music takes the lead to bring the hosts and guests together and celebrate.

Weddings in Islam are civil contracts undertaken under the aegis of the religious priest which is in contrast with Hindu or Christian weddings. However, there are scholars who argue that within Islam wedding is still an act of devotion if not completely a sacred and pious event⁸.

⁷ The Tying of the Ceremonial Wedding Thread: A Feminist Analysis of Ritual and Tradition among Syro-Malabar Catholics in India, Sonja Thomas, 2016, Journal of Global Catholicism. Accessible at <https://crossworks.holycross.edu/jgc/vol1/iss1/5>

⁸ Concept of Marriage under Islam, Aligarh Muslim University, accessible at <https://www.amu.ac.in/emp/studym/99995934.pdf>

In present times, weddings are generally held in a secular location i.e., not in a place of worship, and it is a fairly straight-forward ritual where the bride and groom congregate separately in the same premises with their families and friends. There is an offer of the wedding known as *Ijab* and acceptance of the matrimony known as *Qubul*. This ritual is held under the watchful eyes of witnesses, acknowledged by both the parties. Once the groom and bride accept the proposition the Qazi pronounces the celebration of wedding. This is followed by a reception for the guests.

The numerous tribes of India also have their own unique customs and rituals of wedding. A common thread through these diverse rituals is the use of music, more so during the ancillary events associated with the main wedding ceremony.

Weddings in India are a common platform to bring together family and friends. The extension of rituals into social events is now a widely seen phenomenon across India. These rituals are further gaining cross country acceptance. The most prominent being the rituals of *sangeet* and *mehendi* which was essentially a ritual in Punjabi and North Indian Weddings but now weddings across India celebrate these prenuptial events.

Weddings are important mirrors for the individual's status in society and are a platform to highlight social and economic standing. As weddings are deemed to be *a once in a lifetime event*, it becomes even more important to celebrate them with grandeur to make them memorable not only for the couple getting married but also the attendees.

Considering the significance of weddings in lives of the individuals and the families, the preparation for the ceremonies is done very well in advance. The dates are fixed months or sometimes a year in advance to facilitate the availability of the near and dear and also plan for the best venue according to tastes and expectations. The families expend savings where one estimate states that one-fifth of an individual's lifetime wealth is spent on the wedding event⁹.

⁹ How the Indian wedding industry will continue to scale despite changing economic scenarios, Sanna Vohra, 2020, bwdisrupt. Accessible at <http://bwdisrupt.businessworld.in/article/How-the-Indian-Wedding-Industry-will-Continue-to-Scale-Despite-Changing-Economic-Scenarios/23-01-2020-182610/>

Social status and financial prosperity play a vital role in determining the scale and extent of the wedding. According to the World Bank, in India, a daughter's marriage is the costliest event in life of an Indian family, and this even leads to spending money by taking on debt, sometimes at interest rates of over 200 per cent (in rural India)¹⁰. Significant amount of money is spent on the weddings mainly as status signaling by the families.

Wedding celebrations are a necessary reflection of the social status and prestige of the families of the wedded. This happens in rural societies as well as urban societies, perhaps at different scales.

3. *Weddings as an industry (economic aspects)*

a. Size of wedding industry in India and prospects

The wedding industry in India is deemed to be recession proof and has a key role to play as a contributor to India's overall economy¹¹.

According to a report published by KPMG in 2016, the Indian wedding market is sized at USD 50 Bn. It is second in value only to the US which is the largest wedding market in the world at USD 70 Bn¹². The Indian wedding industry is expected to grow at 25-30% per annum. It is estimated that annually India witnesses around 10 million (one crore) weddings across the social and economic categories¹³. Certain Indian weddings have even earned a place in the lexicon as 'The big fat Indian wedding' standing as a symbol of elaborate and expensive affairs to solemnise matrimonial ceremonies.

¹⁰ Weddings Celebrations as Conspicuous Consumption, Francis Bloch, Vijayendra Rao, Sonalde Desai, 2004, The Journal of Human Resources. Accessible at <http://jhr.uwpress.org/content/XXXIX/3/675.short>

¹¹ Op.cit no.09

¹² Zola's plan to take on the \$72 billion wedding industry, Elizabeth Segran, 2018, Fast Company. Accessible at <https://www.fastcompany.com/90212949/zolas-plan-to-take-on-the-72-billion-wedding-industry>; Four weddings and a pandemic: love under India's coronavirus lockdown, Alasdair Pal, Sudarshan Varadhan, 2020, Reuters. Accessible at <https://www.reuters.com/article/uk-health-coronavirus-india-weddings-idUKKBN21C226>

¹³ Indian Weddings: An opulent and expensive affair to remember, Prachi Singh, 2016, Fashionunited.uk. Accessible at <https://fashionunited.uk/news/business/indian-weddings-an-opulent-and-expensive-affair-to-remember/2016042220159>

The estimated cost of wedding with no expenses spared varies from Rs. 5 lakh- Rs. 5 crore. A person in India spends 1/5th of the wealth accumulated in a lifetime on a wedding ceremony¹⁴.

b. Nature of venues and associated celebrations

Weddings are held in a range of venues which are selected as a function of the social and economic status of the individuals getting married.

Following are the various categories of venues used for weddings and other social events.

The Ministry of Tourism of India and its Hotel & Restaurant Division classifies operational hotels under the star rating system¹⁵. Hotels are given a rating, from

1. One Star to Three Star, Four and Five Star with or without alcohol,
2. Five Star Deluxe,
3. Heritage (Basic),
4. Heritage (Classic),
5. Heritage (Grand),
6. Legacy Vintage (Basic),
7. Legacy Vintage (Classic)
8. and Legacy Vintage (Grand)

A web aggregator, weddingz.in, has the following categories of venues for weddings in Mumbai¹⁶.

1. Banquet Halls

¹⁴ The big fat wedding industry in India:Recap of 2015 and outlook for 2016, Usha Rani Das, 2016, Business Insider. Accessible at https://www.businessinsider.in/the-big-fat-wedding-industry-in-india-recap-of-2015-and-outlook-for-2016/articleshow/51008952.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

¹⁵ Hotels and Resturants, Ministry of Tourism, Accessible at <https://tourism.gov.in/hotels-restaurants>

¹⁶ List of Wedding venues and Halls in Mumbai, Weddingz.in, Accessible at <https://weddingz.in/wedding-venues/mumbai/all/?city=city-ec3c07ae-aecf-4446-bc58-2f413e2fa619&venueTypes=cocktail-party-venues>

2. Wedding Lawns
3. Villa / Farmhouse
4. 5 Star Wedding Hotels
5. Wedding Resorts
6. Cocktail Venues
7. Terrace Banquet Halls
8. Heritage Wedding Venues
9. Destination Wedding Venues
10. Mandapam / Convention Hall
11. Birthday Party Halls
12. Corporate Event Venues
13. Party Halls
14. Party Plots
15. Marriage Halls

Another website which plans weddings enumerates the following 11 categories¹⁷ –

1. Hotels
2. Marriage Gardens
3. Wedding lawns/Farmhouses
4. Banquet halls
5. Private Properties
6. Golf courses
7. Palaces & Forts
8. Beaches & Islands
9. Vineyards
10. Places of worship
11. Yachts or Cruises

¹⁷ 13 Types of weddings venues you must know before your D-Day, Anwasha Das. 2020, Weddingwire.in. Accessible at <https://www.weddingwire.in/wedding-tips/types-of-wedding-venues--c9869>

The key message is to understand that there are a wide range of venues where weddings are held suiting the needs and budgets of the families performing the weddings.

c. Weddings are Events

According to a report by Event & Entertainment Management Associations, weddings fall under the category of ‘managed events’ where an event management company will handle the event on behalf of a third party, i.e., the couple getting married or the family organising the wedding ceremony¹⁸.

There are other events too under the managed events category such as brand launches, dealer meets, concerts etc. It is interesting to note that the events management industry deems weddings as another event that they have to organize successfully. Interestingly, the managed events are the most common service offered by the event management industry. And within this category, the personal events such as weddings, birthday parties, anniversaries, etc were expected to grow at 25% in 2015, mainly on account of high disposable incomes and inclination of these clients to spend on a large scale for these events.

Samit Garg, Co-founder, & CEO, E-factor entertainment, quoted that the Indian wedding industry is getting further organized and the business has grown at a rate between 25 to 30%¹⁹.

The wedding ceremony as such is an extremely personal event necessitating the presence of the family and near and dear ones. The presence of guests during the wedding ceremonies has been used as social validation for the ceremony, as well as a gesture of blessings and good wishes for the couple to be.

Weddings have become a status symbol where the bride’s side and the groom’s side end up competing to outdo each other in terms of grandeur of the events they host. Today, weddings in

¹⁸ EEMA, Making experiences in India: The Indian events and activation Industry, 2015, Pg.9, available at https://eemaindia.com/uploads/whitepapers/pdf/1566819000_EEMA_Report_2015_-_EEMA_Final_lores.pdf

¹⁹ EMMA, E&Y; A Billion Screens of Opportunity, Pg.160, available at https://eemaindia.com/uploads/whitepapers/pdf/1555489891_EY-a-billion-screens-of-opportunity-min.pdf

India are also a platform for vying for status within the neighbourhood/ community. The elite wedding space in India, especially, has become an opportunity to show of strength and status²⁰.

This has led to the expansion of the number of events held before and after the wedding. Ceremonies such as *Sangeet* and *Mehendi* are cultural entities preserved within the communities and used to celebrate within the family and were earlier held in the homes or common community areas.

However, today, it is common knowledge that these private functions are being held with elaborate preparations involving event planners and a horde of other service providers. Music is a fundamental component contributing to the success of such events as these events are all about merry making and celebration.

With increased exposure of Indians to the Western world by virtue of their education or employment in foreign countries, there is an increasing influence of Western cultural practices as part of the wedding events. Bachelor parties, pre-wedding/post-weddings cocktail soirees are just some of the many new evolving practices.

d. The dependency of ancillary sectors on weddings

A wide range of ancillary industries thrive on the wedding industry in India. It ranges from Brass bands, to music DJs, to a plethora of clothing options including high-fashion, jewellery and so on.

The first service which comes to mind when we visualise weddings is the Brass band who lead the *baraat* procession or play at the wedding. In Mumbai and Thane region alone there are more than 100 brass bands which are come together under a set of associations²¹. Each of these bands

²⁰ Op cit. no. 05

²¹ No drumroll for brass bands this season as weddings in Mumbai go small and silent, Mohammed Wajihuddin, 2020, Times of India. Accessible at <https://timesofindia.indiatimes.com/city/mumbai/No-drumroll-for-brass-bands-this-season-as-weddings-in-Mumbai-go-small-and-silent/articleshow/79588094.cms>

would be at the size of 10-15 players with a different set of individual instruments, and an ancillary support team responsible for the logistics of the band.

Not to mention how in different states there are a different types of musicians who play at the wedding. For example in the southern states of Telangana, Andhra Pradesh, Karnataka, Kerala there are *Nadaswara brundams*²², in Kerala there is *Chenda Melam, Panchavadyam*²³, and in most of the North Indian states there are *shehnai baja* players. These musicians are more utilised for the traditional ceremonies of the wedding.

80% of Indian designers' business is through bridal couture²⁴. Designer Sabyasachi Mukherjee says wealthy clients are willing to spend USD 30,000 to USD 1.5 million on wedding wear. Anita Dongre had an annual turnover of INR 700 Crores in 2019 and is growing at a rate of 30 per cent annually²⁵. Likewise, a wide range of wholesale and retail markets cater to the clothing needs of weddings.

The wedding industry has led to a niche market and demand for specialist photographers/ videographers who conduct photo-shoots that could cover all the wedding events or just the wedding ceremony. The couple getting married want their celebrations and memories be captured in the most unique manner. This has only accelerated the growth prospects of this new breed of photographers who are celebrities in their own right and whose services are not cheap, starting with a price tag of a couple of lakhs of rupees.

4. *Music as an integral part of weddings*

²² These are the traditional musicians comprising at least minimum of three musicians, with a wind instrument, a drum, and a tuner.

²³ Panchvadyam literally translates to 'five forms of music' which is traditionally played at Temples but is also used in religious and auspicious ceremonies, sometimes at weddings too. More information at <http://panchavadyam.in/services.html>

²⁴ Op cit. no 14

²⁵ Millennials are transforming India's \$50 billion wedding industry, Rujuta Vaidya, 2019, Voguebusiness.com. Accessible at <https://www.voguebusiness.com/fashion/indian-wedding-fashion-millennials-lehenga>

This section draws out how the practices of *sangeet*, *mehendi*, *haldi* etc which are ceremonies predominantly seen in the wedding ceremonies of North India but are now part of most wedding celebrations from North to South and from East to West due to the influence of Bollywood and growing affluence and affinity and mobility of individuals from other regions.

Rituals and ceremonies reflect society, so does cinema which emulates and reflects current societal norms and values. One movie which has stayed with the mainstream and critical audience of Indian cinema is *Monsoon Wedding* by Mira Nair.

This movie, set around circa 2000, clearly captures the predicaments of a Indian household when it comes to family ties as exhibited through a wedding. In this film, we understand through the struggles of Lalit, an upper-middle-income businessman - the bride's father, played by the versatile Naseeruddin Shah, how expensive and draining the process of planning for a wedding is.

Lalit is seen arguing and haggling most of the time with one Mr. Dubey-ji who is a small-time vendor from Old Delhi who acts an event manager for weddings. The subtlety of the class element of the characters is evident when we notice that Lalit, running an upper-middle-income household chooses to hire a small-time vendor to outsource the preparations for weddings without having to resort to in-house expertise of relatives and other family members.

Additionally, every celebratory occasion in the film is underscored by an exceptional soundtrack. Few songs such as *Kawva...Kawva* and *Chunari... Chunari* got a fresh lease of life after this film and are still used as the go to songs in weddings across India.

The relevance of this movie to this paper is two-fold, firstly it indicates how individual households plan for a wedding throughout their lifetime. It also clearly shows how music ends up being central to celebrations in Indian weddings, with songs suiting every mood and emotion experienced in the wedding ceremony.

Likewise, *Band Baja Baraat*, another popular film where two youth from middle-income households aspire to set up a highly sought-after event management company exclusively catering to weddings is a reflection of how weddings are celebrated and how they have become an industry. Meanwhile, song & dance are the mainstay of most weddings and the film does not miss out on emphasising on that.

We also have a horde of reality television shows centred around the theme of weddings. *Band Baja Bride*, for instance, is a reality show wherein the bride receives a fashion makeover from a renowned fashion designer. It throws light over the intricacies of the preparation for the wedding events and how much the clientele are willing to stretch for making these events memorable. It indicates the expanding incomes of a generation as well their ability to spend on making memories that matter.

a. Pop culture - evolution of *Sangeet* ceremony as a key event of weddings

The transition from movies such as *Dilwale Dulhaniya Lejayenge* to *Kabhie Kushie Kabhie Ghum* illustrate how predominantly Punjabi cultural practices were converted into pan-Indian cultural practices via pop culture and Bollywood. As mentioned earlier, the rituals of *sangeet* and *mehendi* have gained currency across India irrespective of the nature of household. What changes is the extent of the celebration. In certain *sangeet* ceremonies we have the likes of Bollywood celebrities making exclusive appearances and even performing.

b. Destination weddings

The destination wedding industry in India is expected to reach a market value of INR 45,000 Cr. by 2020²⁶. Owing to social media, there is an increasing demand for ‘curated weddings’ that can then be displayed over social media. The best places to host such weddings are exotic locales both within India and abroad. Within India, the preferred locations for destination weddings are

²⁶ Destination wedding industry to reach market size of Rs.45,000 Cr by 2020, Anil Urs, 2019, Businessline. Accessible at <https://www.thehindubusinessline.com/news/variety/destination-wedding-industry-to-reach-market-size-of-rs-45000-crore-by-2020/article26912691.ece>

Rajasthan (royal themed weddings), Goa & Kerala for beach weddings, and, Uttarakhand for weddings in mountain resorts.²⁷

As per industry estimates in the top 15 Indian cities including Jaipur, Udaipur, Delhi, Mumbai, Hyderabad, Kolkata, Chennai and states such as Goa and Kerala, people usually spend between two million rupees (30,000 dollars) to 20 million rupees (300,000 dollars) for three to five days of elaborate celebrations, covering the various traditional parts of the wedding like *mehendi*, *sangeet*, *haldi*, *baraat* and *feras* to *bidai*²⁸.

c. High-end weddings/HNIs/NRIs as a market

The electronics giant Panasonic has introduced new projection-mapping technology where images can be projected into buildings and structures, especially to cater to high-end weddings in India. According to Shigeki Sumitani, this product is aimed at weddings with budgets in excess of INR 6 Crores. The high-end weddings are a market in themselves, where even major corporation design products to in anticipation of captivating the imagination of that market²⁹.

d. Foreigners coming to India for just the wedding experience

Wedding tourism turnover across India was projected to be valued at about Rs 458 billion in 2020, up from Rs 234 billion in 2017³⁰. Celebrity weddings such as Katy Perry and Russel Brand's wedding in 2010³¹ was a much talked about event in many countries and the fact that they decided to have a themed wedding in India mattered even more for the weddings industry in

²⁷Refer to HVS ANAROCK Report on Hospitality

²⁸ Op.cit no. 19

²⁹ The recession-proof big fat Indian wedding just got more corporatised, Deepali Nandwani, 2018, CNBC TV18. Accessible at <https://www.cnbc18.com/retail/the-recession-proof-big-fat-indian-wedding-just-got-more-corporatised-1012991.htm>

³⁰ Coronavirus unties the wedding business know amid lockdown extension, TE Narasimhan, 2020, Business Standard. Accessible at https://www.business-standard.com/article/companies/coronavirus-unties-the-wedding-business-knot-amid-lockdown-extension-120041500046_1.html

³¹ Glamour meets tradition at Russell, Perry wedding, PTI, 2010, Hindustan Times. Accessible at <https://www.hindustantimes.com/india/glamour-meets-tradition-at-russell-perry-s-wedding/story-mOdNXKtqVUhuQueVeax7SM.html>

India.

5. *How the music industry should get its due from weddings*

a. Rationale – re-emphasise the highly profitable wedding industry in India.

Today, Indian weddings are expensive affairs with entertainment activities used to add spice to traditionally religious ceremonies. A recent survey reports that 20% of all loans taken by young Indians in 2018-2019 was to fund their wedding expenses³².

For instance, according to MEA figures³³, the number of Indian students pursuing higher education programs abroad is estimated to be approximately about 10.9 lakhs, as of July 2019. While abroad they are exposed to Western ways of life and develop a global outlook. Eventually, they will get married and will have at least one ceremony in India. That ceremony will be an occasion to showcase Indian culture, as well as their own social standing; this along with their economic clout will determine the expense of the wedding.

They are most likely to invite their friends and colleagues from across the world to participate in the celebrations and will work toward providing their international friends a grand ‘Indian’ experience.

According to World Economic Forum, by 2030, India will move from being an economy led by the bottom of the pyramid to one led by the middle income households. It estimates that 80% of households in 2030 will be middle-income, up from the 50% as of 2019, The middle income

³² Indian’s youth borrowing big to get married, Disha Sanghvi, 2019, Livemint. Accessible at <https://www.livemint.com/money/personal-finance/india-s-youth-borrowing-big-to-get-married-1565369189817.html>

³³ Students Registration Portal, MEA website. Accessible at [https://www.mea.gov.in/Students-Registration-Portal.htm#:~:text=The%20number%20of%20Indian%20students,as%20of%20July%2C%202019\).](https://www.mea.gov.in/Students-Registration-Portal.htm#:~:text=The%20number%20of%20Indian%20students,as%20of%20July%2C%202019).)

group will drive 75% of consumer spending in India by 2030³⁴. The wedding industry will only grow even as the recorded music industry is deprived of royalties.

According to the KPMG Report on Weddings 2016, India celebrates about one crore weddings annually. Even if a small fraction of these weddings is covered for licensing, it will lead to significant increase in revenues for different stakeholders within the overall music industry.

b. Right of owners/authors of Copyright to receive royalties for use of music

Public performance licenses for recorded music and underlying lyrics and musical works are legally required to be taken per the Copyright Act, 1957 – for playing recorded music in any public place or commercial establishments and also in case of a live performance. The music owners, music publishers and authors are entitled to royalties collected by issuing such licenses. In India, a public performance license is generally administered through copyright societies/sound recording collection organisations, which are authorised by the copyright owners as their assignees and by authors and are responsible for collecting their share of royalties from users.

Commercial utilisation of music without obtaining a license amounts to infringement under the Copyright Act, 1957. In 2017, Phonographic Performance Ltd. (“PPL”) instituted several suits against certain restaurants, pubs, bars and other venues (collectively referred to as the “defendants”), which resulted in two orders being passed by the Bombay High Court³⁵ and the Madras High Court³⁶ respectively, effectively restraining the defendants from playing songs belonging to PPL’s repertoire without obtaining appropriate licenses or making adequate payment to PPL.

c. Bring to attention other countries which pay royalties for such ceremonies.

³⁴ How India will consume in 2030: 10 mega trends, Nikhil Prasad Ojha, Zara Inglizian, 2019, World Economic Forum. Accessible at <https://www.weforum.org/agenda/2019/01/10-mega-trends-for-india-in-2030-the-future-of-consumption-in-one-of-the-fastest-growing-consumer-markets/>

³⁵ PPL v. Avion Hospitality &Ors. Accessible at <https://spicyip.com/wp-content/uploads/2017/12/ordjud-1.pdf> .

³⁶ O.A.No.1258 of 2017. Accessible at https://spicyip.com/wp-content/uploads/2017/12/PPL_Madras-HC.pdf

Italy:

The mere performance of a song live or recorded in Italy makes one liable to pay royalties in the form of Società Italiana degli Autori ed Editori³⁷ (SIAE taxes) and no matter who the musician is, one will need to pay royalties to the copyright owner of that song. A list of music or the music program, called the *bordereau*, is needed to be submitted before the wedding day to the SIAE authorities, who then prescribe the rate of royalties that need to be paid. After paying the SIAE tax and complying with certain SIAE rules, one gets a certificate that their *bordereau* and musicians are SIAE-approved. Owners of Italian wedding venues require this certificate before they approve any contract in relation to the wedding. The cost of the SIAE tax varies based on the following factors:

- a. Size of the guest list, whether it is less than 100, 100 to 300, or over 300 to 1000.
- b. Classification of the wedding venue, whether standard or luxury.
- c. The type of performance, whether with dancing or without.

Malaysia

Weddings in Malaysia involve a series of events which include multiple pre-wedding ceremonies - *merisik* (visiting each other), *meminang dan bertunang* (Proposal and Engagement), *akad nikah* (Solemnization), and *bersanding* (Enthronement Ceremony)³⁸.

Public Performance Malaysia (PPM) Berhad issues licenses and collects royalties from commercial users of sound, music videos and karaoke recordings for the copyright protected activities e.g., public performance, communication to the public, reproduction for the purpose of public performance and communication to the public and commercial rental. Based on

³⁷ Licences for private parties, SIAE.it. Accessible at <https://www.siae.it/en/online-services-term/licences-for-private-parties>

³⁸ Malay weddings: Pre-wedding traditions, Haliza, 2019, Concorde Hotel. Accessible at <https://shahalam.concordehotelsresorts.com/malay-weddings-pre-wedding-traditions>

information available on PPM’s website, under the Single Event Category SE01 which includes wedding receptions, the royalties charged are³⁹ –

For Featured Entertainment

- First 50 persons –Malaysian Ringgit (RM) 250
- Every additional person – RM 1

For Non-Featured Entertainment, a flat rate of RM 250 is charged.

Philippines

Weddings are considered as public events in Philippines. It is a social event where many people including the family's closest social acquaintances as well as people outside the normal circle of a family assemble to celebrate the union of the bride and the groom.

Sound Recording Rights Society, Inc. PH (hereinafter referred to as “SRRS”) is a Collective Management Organization (CMO) in Philippines which issues licenses for the commercial use of sound recordings owned by its member record producers in the Philippines. Sounds right issues licenses for broadcasting, communication, and public performance of copyright protected sound recordings as well as mechanical reproduction of sound recordings for digital storage.⁴⁰

SRRS charges the following rates under the Venues category for use of sound recordings⁴¹ -

Venue	Basis of Rate	Standard Rate per Event (PHP- Philippine Peso)
Events Venue for Weddings	Capacity of 100 persons or less	800.00
	Capacity of 101-300 persons	1250.00

³⁹ Application Form for Copyright Licence Event, PPM. Accessible at https://ppm.my/uploads/document/PPM_application_form_event.pdf

⁴⁰ Soundsright – Sound Recording Rights Society Inc. Accessible at <https://soundsrightph.weebly.com/about.html>

⁴¹ Soundsright website. Accessible at https://drive.google.com/file/d/1LU8TFINiqQDcWeL_ZasRQ5XxQoY8KCBy/view

	Capacity of 301-500 persons	1500.00
	Capacity of 501-700 persons	1700.00
	Capacity of 701 – 1000 persons	1900.00
	Capacity of over 1000 persons	2000.00

d. Highlight existing legal position under Section 52 (1) (za)

Copyright law in India enumerates certain set of acts which constitute a fair dealing of copyrighted works [Section 52(1) (a)] and also stipulates various use case scenarios which are deemed as “exceptions” to copyright infringement, detailed under Section 52 of the Copyright Act, 1957. Various situations mentioned under Section 52 of the Act, include use of work in educational institutions, residential buildings for its residents, in clubs and similar organisations for non-commercial audiences, etc. However, one such circumstance which even though clearly mentioned but was open to confusion is sub clause (za) which states:

(za) the performance of a literary, dramatic or musical work or the communication to the public of such work or of a sound recording in the course of any bona fide religious ceremony or an official ceremony held by the Central Government or the State Government or any local authority.

Explanation. — For the purpose of this clause, religious ceremony including a marriage procession and other social festivities associated with a marriage.

e. Notice issued by the Copyright Office exempting royalty collection for weddings

The Indian Copyright Office, in August 2019, clarified (in a Public Notice No. 10-26/2019-CO) that

“In view of the provision contained in Section 52(1) (za) of the Act, read with the explanation thereto, it is evident that the utilization of any sound recording in the course of religious ceremony including a marriage procession and other social festivities associated with a marriage does not amount to infringement of copyrights and hence no license is required to be obtained for the said purpose.”

While the clarification released by the Copyright Office states that use of a sound recording during the course of religious ceremony including a marriage procession and other social festivities associated with it is not tantamount to infringement of copyright, we believe it is important to deconstruct the notice issued by the Copyright Board in spirit.

As earlier discussed in this paper, from a sociological point of view, the wedding rituals and associated festivities can be broadly classified into traditional and western influenced non-traditional ceremonies. The rituals and ceremonies which form the core or the basis of such marriage, as recognised by law, customs and practices will necessarily fall under the category of traditional rituals. The cultural practices inspired from different countries that have now come to form a part of the extravagant Indian weddings and support the burgeoning weddings industry in India would come under western-influenced non-traditional categories. Arguably, the notice issued by the Copyright Office refers to traditional rituals and not to the western-influenced non-traditional aspect of an Indian wedding.

Weddings in India involve exorbitant expenditure on western-influenced non-traditional rituals, so much so that a lucrative wedding industry sector has evolved over the years, with wedding planners, wedding tourism, specialised vendors, and even shows around Indian weddings and matchmaking and where service providers getting a substantial piece of the economic pie. Guest lists at these weddings are comprehensive with no one left out and generally no expenses are spared by the bride, groom, and their families, to make their big day a gala event.

Essentially, one can notice a trend shift in Indian weddings from being an intimate private affair to a public event. Since the expression ‘in public’ or ‘public’ is not defined under the Copyright Act, 1957, one may place reliance on Halsbury’s explanation of the meaning of ‘in public’⁴².

“The question whether a work is performed, or a sound recording, film or television broadcast seen or heard in public is solely one of fact. In determining this question, the following considerations and tests have been applied: whether there has been admission of any portion of the public with or without payment to the injury of the author, i.e., to say, of the class of persons who would be likely to go to a performance if there was a performance at a public theatre for profit, or whether the performance was private or domestic, a matter of family or household concern only.”

Here, it becomes important to reference Section 52 (1) (k) of the Copyright Act, 1957 (as provided below)

Section 52 (1) (k)

“the causing of a recording to be heard in public by utilising it,— (i) in an enclosed room or hall meant for the common use of residents in any residential premises (not being a hotel or similar commercial establishment) as part of the amenities provided exclusively or mainly for residents therein; or (ii) as part of the activities of a club or similar organisation which is not established or conducted for profit.”

As is evident from the section above, a recording to be heard in public must be done in an enclosed room or hall for common use of residents, or as part of activities of club or similar organisations, provided that it is not a hotel or commercial establishment, or organisation established or conducted for profit. Section 52 (1) (k) excludes hotels and other commercial establishments like banquet halls wherein secular ceremonies associated with marriage and other gatherings are run for profit, from the ambit of fair act of recording being heard in public.

⁴² Halsbury’s Laws of England, Vol. 9, 4thedn (Butterworths, London), para 918

f. Case Analysis – PPL v. State of Punjab⁴³

The case involved a copyright claim by Phonographic Performance Ltd. (PPL) against Light Sound and DJ Association, Amritsar for payment of royalties for a DJ performance in a marriage hall. The DJ association relied on the copyright exception in Section 52(1) (za) to argue against payment of royalties to PPL. The P&H HC dismissed the DJ Association’s claim and observed as follows:

“[...] It would make no difference, even if it were to take place in a religious ceremony. A sound reproduction by a DJ performing at such an event is surely a function that is connected to marriage. It is not as if a DJ’s performance amounts to conducting the marriage. Marriage is definitely different from the functions connected to the marriage and the tariff regime applies to performances at such functions even if it has a religious overtone.” [Emphasis supplied].

g. Fair Use Exemption not applicable to the weddings industry

Fair Use under the US Law

The fair use doctrine finds its origin⁴⁴ in the United States and is codified under Title 17 of the US Code, to maintain a balance between the economics of copyright law vis-à-vis social objective. Under the fair use doctrine, certain uses of a copyright-protected work, which the owner of such copyright is exclusively entitled to, are permitted. For use of a work to qualify as “fair use”, four factors need to be considered-

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes.
2. The nature of the copyrighted work.

⁴³ Civil Writ Petition No.7772 of 2011 (O&M)

⁴⁴ Folsom v. Marsh, 9 F. Cas. 342 (C.C.D. Mass. 1841)

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

The four-factor test used to evaluate the fairness of a use in the US also applies to sections under the Copyright Act, 1957 to determine fair dealing, as also held in *India TV Independent News Service v. Yashraj Films Pvt. Ltd.*⁴⁵ In order for use of a work to not amount to copyright infringement in India, it must constitute fair dealing and also fall within the purposes mentioned under Section 52 of the Copyright Act, 1957.

International Conventions/Treaties

The Berne Convention for the Protection of Literary and Artistic Works, 1886 (“**Berne Convention**”) and the TRIPS Agreement, to which India is a signatory, provide for the inclusion of the fair use concept in the national legislations.

Three-step test under the Berne Convention

Article 9.2 of the Berne Convention mandates the “three-step test” that establishes three essential conditions as to the limitations and exceptions applied to copyrights, in essence establishing the legal parameters for reproducing a work.

Article 9.2 states that the legislation of countries must provide for the reproduction of the work-

- a) in certain special cases.
- b) the reproduction should not exploit the original work, and
- c) it should not cause prejudice to the interests of the author.

Article 13, TRIPS

“Members shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights holder”.

⁴⁵ Accessible at <https://indiankanoon.org/doc/115992789/>

Fair Dealing under the Indian Copyright Act

A provision for fair dealing in India, akin to the fair use provision available under US laws, exists under Section 52 of the Copyright Act, 1957 which lays down certain acts not amounting to infringement of copyright. The doctrine of Fair Dealing permits a person to use any work which is protected under the Copyright Act, 1957 with limited usage of such work to maintain the sanctity and originality of such work as well as the registered proprietor of the work.

The term “Fair Dealing” has not been defined under the Indian Copyright Act; however, this term has been interpreted by the courts on several occasions by judging the economic impact it has on the copyright owner. However, fair dealing is not a license to violate the exclusive right of the copyright owner. In *Academy of General Education, Manipal and Anr. v. B. Malini Mallya*⁴⁶, the Supreme Court observed that while there can be fair dealing of a literary or dramatic work for the purposes mentioned in Section 52, there cannot be any copyright infringement.

As highlighted previously in this paper, weddings are a very expensive affair in India, also considered to be an event to showcase a certain ‘image’ of grandeur as defined by one’s local circles, stirred by social media induced aspiration. The weddings industry in India has always been a robust contributor to the nation’s economy and powers multiple ancillary industries – wedding planning, wedding management, wedding couture, wedding videos, shows based on weddings – to name a few. The reputation of Indians indulging in wedding extravaganzas has now transcended borders with everyone aware of the concept of the “big fat Indian wedding”.

Given the commercialization of weddings in India with elaborate events spanning days at a stretch and sometimes a week or more, the sheer variety of services and products involved, the number of people engaged in putting together the grandest of events and the different types of license required to be taken for a wedding in India, it is only fair that license for usage of music

⁴⁶ Civil Appeal No. 389 of 20

for the non-traditional parts of the wedding ceremonies in a highly commercial setting be paid for in the form of royalties.

6. *Conclusion*

1) **Western influences**: In the recent decades, with increased exposure to the western culture through popular media and diaspora, the western culture got integrated into our mainstream Indian Wedding culture sometime in the late 90's. The three driving factors were –

- a) A liberal foreign exchange policy by the Reserve Bank of India
- b) Globalisation
- c) Growth in the middle income groups

2) **Liberal Foreign Exchange Regime**:

- a) Exporters from India were the first set of the new middle income group to have access to ample foreign exchange. The diamond exporters planned weddings of their family members in Belgium. Destinations like Bali, Koh Samui had hotel complexes specially designed for destination weddings for ASEAN markets. As foreign exchange rules were relaxed these destinations became easier for exporters to access as they had access to foreign exchange.
- b) Exporters also used these social platforms to invite their business associates from all over the world, hence separate social events were planned around the wedding or during the wedding, where there would be free flow of alcoholic beverages and non-vegetarian cuisine. These are not typically associated with a traditional Indian wedding.

- c) Flying a contingent of attendees from the groom and bride side to a destination wedding also meant staying at the destination for nearly a week. To keep the guest engaged every evening, there came in the concept of a bachelor's party, the traditional *sangeet* ended at the toniest night club at the destination or the nightclub in the hotel.
- d) By the first decade of the 21st century as the middle income group grew in India, destination weddings became more common and destinations like Dubai, South Africa, Maldives became popular, adding to the Western culture component.

3) **Globalisation:**

- a) Easier access to flights: Today there are multiple options to access the far east, middle east, Africa and Europe from each metro, this means more and more destination weddings and the Western influence grows stronger. It is no longer seen as a taboo to serve alcohol and non-vegetarian food at an Indian wedding and the traditional *sangeet* now is a Western event with disco lights, recorded film music and even hired dance performers.
- b) The software boom: All H1B visa holders who returned to India to get married introduced the concept of a bachelor's party or a bachelorette party, normally held at a venue hired for the night with recorded music.
- c) The number of students going overseas to study came back and embedded Western cultures in their traditional weddings.

4) **Growth in Middle Income Group:**

- a) The economic boom has resulted in a middle income group that is estimated to be 450 million strong.

- b) Those families who cannot afford destination weddings have the same elaborate fanfare laced with Western influences in their own city.
- c) Easy and cheap access to domestic flights today makes it easier to have destination weddings in Goa, Pondicherry, Rajasthan.
- d) The hotel industry has also geared up for the demand with the number of properties that have been built to cater to wedding events in each of these destinations.

Current Situation:

- a) The Indian consumer or the family hosting a destination wedding abroad does pay public performances fees willingly as these fees are collected by the respective societies in the country where the wedding is held.
- b) The potential annual loss caused by the waiver of public performance fees to stakeholders in the music ecosystem is estimated as Rs 1000 crs, Songwriters, authors, composers, publishers are deprived of their only source of revenue - namely a continuous flow of royalty. Regional labels and the smaller labels are largely dependent on these royalties from public performance revenues which act as rolling finance in their business cycles.
- c) The Public Notice No. 10-26/2019-CO issued by the Indian Copyright Office in August 2019 is now being misused by the public at large, events that attract a PP license are being camouflaged as “wedding events” to avoid PP license charges.

But Governments both at the centre and state continue to accrue revenues both from the sacred ceremonies part of the Indian wedding and the non-sacred ceremonies of the Indian wedding:

- a) The state does not waive of the liquor license fees, which must be obtained for serving alcohol for a private event. If these events were part of our culture, then the centre should impress upon state government to waive of liquor license fees for marriage related events.

- b) The Central Government does not waive off GST on three of the most sacred and holy aspects of any Indian wedding:
 - a) Mangal sutra 3%
 - b) Jewellery making charges 8%
 - c) Mandapam / Marriage Gardens / Baugs 18%

- c) The GST on outdoor catering is 5%

- d) The GST on wedding photography and videography is 18%

- e) The GST on wedding decorations is 18%

- f) The GST on make-up artists and beauty services, Bridal Mehndi is 15%

- g) Wedding Invitation Card 18%

- h) Commercial rates are levied for hall hires for marriage purposes for properties belonging to the Central & State Govts, Services and Civil Services.

- i) The government at the centre by way of GST collection on *Mandapams/WeddingHalls/Baughs & Mangalsutra/Jewellery* making or purchases and the state government by way of excise fees for pre – wedding cocktails are beneficiaries of the USD 50 billion wedding economy. Why are stakeholders in the Indian Music Ecosystem ranging from authors and composers, publishers, copyright holders deprived their rightful share in the USD 50 billion industrialization of the

Indian wedding? It does not make economic and business sense.

- j) Due to the above, the potential estimated loss to the stakeholders in the music ecosystem is Rs 1000 cr on an annual basis depriving livelihood across the creative community.

7. **Prescriptions/ The Way Forward:**

- a) Collective Management Organization's should be charging for public performances for use of music in weddings.
- b) CMO's should also be encouraged to have a tiered fee structure. A few recommendations for CMO's:
 - i. Waiving of fees if the recorded music is played for a marriage related event at the club houses in the condominium / society or RWA hall, or the colony community hall which could be seen as an extension of the individuals' house.
 - ii. A separate tariff for club halls, marriage halls, farmhouses depending on city classification by GOI.
 - iii. A separate tariff for various categories of hotels depending on the stars accredited by the hotel federation, again by city classification given by GOI.
 - iv. Single window clearances for licenses for individuals seeking these permissions.
 - v. Wedding Season Licenses to establishments: clubs / hotels / farmhouses - this will help in ease of doing business.

- c) State governments should also make it mandatory that Public Performance licenses are acquired at all venues where alcohol is served during non-traditional wedding events. These venues do not permit the proceedings of the non-traditional wedding function if an excise permit is not in place. Their local state author and composers, publishers, copyright holders are the deprived of income. Both State and Central governments also lose out on GST. State governments must pass the same in their respective finance bills in 2021-22.

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Annexure – I

Proposed tariff cards to charge weddings for use of music.

Key presumptions: -

- For the purpose of this tariff card, the classification of cities is based on Population as we deem it to be the least cumbersome criteria. NCCS (National Consumer Classification System) is another popular system of classifying consumers, but that is done at a household level and will not serve our purpose of submitting a blanket rate for wedding events.
- Our proposed tariffs are based on the **nature of venues** and **not** based on the number of PAX (following is the rationale)
 - Per PAX charge is usually for ticketed events or when you have to extract a per unit cost such as expenses of food or beverages.
 - The use of music is universal, and its utility is to uplift the spirit of the celebrations at the venue – irrespective whether there are 100 people or 1000 or more.
 - The nature of venue determines the economic standing of the individuals commissioning the event. Hence, the levy of the costs for the service is naturally to be based on the venue.
- There will be exceptions with cities such as Udaipur, Jodhpur, and similar tourist towns in Rajasthan, Uttarakhand, Kerala, Karnataka, Goa, etc. where the population might be low, but the presence of a luxury hotel/resort should be a sufficient reason to levy a reasonable tariff on use of music.

<u>Cities⁴⁷/Categories of hotels</u>	Luxury Hotels, (7 star/ Heritage/Palaces/ Forts), 5 Star Hotels	Resorts	Clubs	Farmhouses	3-4 Star Hotels	1-2 Star Hotels	Non-star hotels	Convention Halls (A/c) ⁴⁸⁺ Standalone Banquet halls	Gardens /Function Halls /Exclusive wedding-party venues
A+ Metro cities	20,000	20,000	20,000	20,000	10,000	7,500	5,000	5,000	5,000
A Population above 20 lakhs	20,000	20,000	20,000	20,000	10,000	5,000	5,000	5,000	5,000
B Population between 10-20 lakhs	20,000	20,000	15,000	15,000	7,500	5,000	4,000	4,000	4,000
C Population between 3-10 lakhs	20,000	20,000	10,000	10,000	5,000	4,000	3,000	3,000	3,000
D Population between 1-3 lakhs	20,000	20,000	7,000	7,000	5,000	3,000	2,000	2,000	2,000
Other Cities with less than a 1 lakh	20,000	20,000	5,000	5,000	5,000	2,000	1,000	1000	1,000

⁴⁷ Here we are using the classification applied by the Central Govt. to classify the cities for radio licensing fees. It is a convenient criteria deployed on the basis of population alone.

⁴⁸ These are standalone venues catering to a range of social, private, corporate events. The definition of Conventional Halls is flexible, but for our purpose, the use of completely pre-installed air-conditioning is a criteria to differentiate a Convention Hall from a normal Function Hall.

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