

Application of It Laws on Recent Musical Trends on Digital Platform

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ABSTRACT

This paper mainly deals with the application of IT Act, 2000, on various modern trends music in the digital platform. Firstly an overview of IT Act, 2000 is made where the scope of the same, the functionality of it is being defined. Followed by that what are the rights on a musical works under copyrighted framework, is eluded. Then he application of IT laws pertaining to various musical trends in digital platforms is being discussed. And such is inclusive of regulation of laws in OTT platforms, in AI generated music, the various contracts, formed, the checking obscenity in content for musical videos as well as digital concerts, There thorough analysis regarding the legal provisions is made inclusive of administrative as well as penal. An also to that case laws are cited, where on analysis the flaws are detected, Followed by that a holistic detection of the flaws from the perspective of making cyber laws of the country are made along with probable recommendations to it. Lastly the entire matter has been summarized shortly.

KEYWORDS: Music, Technology, Modern Trends, It Act, 2000

INTRODUCTION

Music has been always one of the most prioritized form of entertainment at all times. Experimentations with music has been a common feature since long. Now in the era for advancement of technology, the same even did not leave music to manipulate it owing to the public appeal. It has been in a prolonged manner creating various inventions through. And that would start from various OTT platforms to creation of concerts, contracts, etc. But the act is that for musical works, from the perspective of legality, it is always, that the laws of copyright which would prevail. But the way it is being adjacent with technology, IT Act, 2000 is inevitable to be applied. Thus how the technically of the musical works rare being regulated by the IT Act, 2000 apart from the copyright laws, but carrying the essence of the same , has been discussed in the paper.

RESEARCH QUESTIONS

1. As there has been an increase in modern trends developing regarding music in digital platform, are equivalents cyber laws are there to regulate it?
2. If IT Act has it's application over such trends are they sufficient enough to combat with the complexities to be arose in light of variability in these technical aspects?
3. Is the application of IT Act, 2000 on it's application over the musical trends having a proper balance of maintaining, commerciality in objective, protecting justice for the users as well as not affecting the society in long run?

INFORMATION TECHNOLOGY ACT, 2000 AND IT RELATION TO MUSICAL WORKS

As there has been considerably increase in various electronic devices, as the span of the Internet has been over folded up to a great extent, covering a huge amount of population, being a very vital part of the society, hence in such situation, keeping it detached from the legal regulations, is also opposite to something inevitable. Hence in our country throughout decades there has been the application of a particular law, known as the Information Technology Act, 2000, which really plays an important role in regulation of all the efficacies of the cyber space. The multi-faced dimensions of the particular act make the make the application of the law a dire necessity. Hence the main crux of IT laws or the laws headed under the Information Technology Act, 2000, can be defined as the legal discipline concerning the cyber space and its various sects, the inter relation between them, the handling of public of them, the utility of human activities from such medium etc. As we all know the law regulated by the legislature is actually enforced by the executive, hence this particular act acts as a bridge between the public as well as the outer people, being the cyber world a vital part of the society, making it the mode of surveillance over the public in such intangible mode.¹ Within that a very important sect especially with regard to the contemporary world are the musical works. Music has attained, one of the most commercial rigor with the periphery of the entertainment industry. In spite of having a part in popular holistic e platforms, the same within its own gene has created many platforms. But on the other hand the IP rights from the perspective of the musical works remain the very same. But the platforms, on other hand being presented differently, are having variations in nature. Hence in such situations in order to protect such IP rights pertaining to musical works, the need of the application of IT laws over the musical products comes into prominence.

RIGHTS IN MUSICAL WORKS UNDER COPYRIGHT REALM

Within the framework of the musical works under the ambit of copyrighted law, there are several rights, which the creator is found to be enjoying. Firstly comes the right to public performance. Here in this particular domain we find out that the actual creator of the music, while performing the same before the public has the exclusive right to control the same with respect to the propagation of it before the outer public. Secondly is the right of reproduction. These rights cater about the medium, through which a particular work is being propagated towards the public. Hence such rights are mainly enjoyed by the creators post the performance of the particular music. Due to the advancement of technology, it is found that there has emerged various modes through which the certain works can be communicated to the public. That can be through recordings, re-recordings, etc. There can be various assets through which a musical work is found to be communicated. And they were through CDs digital platforms, sheet music etc. For all such creations of the mediums, IP rights gives exclusivity to the creator. Now regarding the communication of the rights to the outer public, after getting assent from the performer, it also needs certain technical creativity. Hence that also comes within the ambit of the copyrighted framework as broadcasting rights in the copyrighted framework. Not only that from the previous works which has been created and broadcasted, after taking the permission of the creators, there comes another right which is also the right of the adaptation. In the contemporary scenario, due to the advancement of technology, musical actually be also be presented in a technical shape. And such is mainly based upon the previous made works, named as remixes or adaptations. And having exclusivity over such rights are known as the

¹ <https://cleartax.in> IT Ac 2000, Objectives, Amendments
<https://blog.ipleaders.in> IT Act, 2000

rights of adaptations. Adding up to the creativity, where musical works are also contributory, having music being attached to various cinematic creations, there the essence brought on this, where music is a part, is brought by the rights, are in turned attached with musical rights i.e. right of synchronization. And lastly coming to the most important right i.e. the moral right, which is also known as the rights of acknowledgement. Here we find if any musical work is created where it is the derivative of any other person's musical work, then there's name must be shown. And this is mandated irrespective of any conversations, permissions, monetary transactions initiated with the particular creator.

APPLICATION OF IT LAWS ON MUSICAL OTT PLATFORMS

On application of laws to various OTT platforms, namely, the Apple, Spotify, Gaana, we find out there has been certain applications of the IT laws over the same, which has been discussed in the following .

Firstly, according to certain provisions of the Act, it is seen that the particular Act is actually involved in having certain regulations, in the form of prohibitions, which are mandated to be applicable to all the content uploads.

Firstly it prohibits in transmission of any artistic work. Here transmission means, not using it in any extra authorized manner with respect to the one who uploaded in regard to transmission o the same before the public.

Secondly it also mandates the user to have not to particularize the viewers of the public. If it uploads a particular work for the entire public, then the same regulation must be followed, or if it is found to have restricted the viewers in regard to that, then also in such situation, then even in such situation also that must be adhered. No extra regulation on the basis of the same be made.

Then another important prohibition, regarding the transmission is not to modify the content of the particular work. Such kind of practice is very much prevalent in the contemporary sector, where there has been high rise of particular data to be manipulated for defamatory or fraudulent purposes. Strict actions are initiated against such practice.

Apart from that the a same act also validates the various policies made by the appropriate government regarding the dos and dons for these content creators.

Coming to the controlling mechanism of the act, we get to see certain follow ups and checkings it makes before and after a content is actually created.

Firstly it checks, properly the various licensing agreements which the uploads has used before uploading a particular content in the media. It lays down regulations for scrutinizing each of the document being uploaded in the website, with regard to the same being licensed before making it uploaded in the particular medium. Being a music journal, it before making it published make a digital undertaking form signed of having obtained the licensing agreement. Before a particular video being uploaded it investigates regarding the originality of the same, and accordingly rejects it to be uploaded. Sometimes, it also does the same post a less period of time, of its upload.

Not only that, but also a very strong mechanism has been put in dealing with infringement cases. Within the various platforms, there has been certain cases of down load and upload of materials from one OTT platform to the other, with having not acknowledged the creation of the author. Hence in such situations, if proved the fact on complaint, adequate penal provisions, are being applied upon them, along with the damages as well as accounts of profit from both uploads as well as the platform. From that moment the infringed piece would stop being broadcasted in the material.

Lastly the most important part regarding it, is the intermediary guidelines of the Information Technology Act, which is inclusive of mandate publication of the licensing agreements, between the users and the creators. Secondly while presenting any musical video, there should be always specification of the fact of having some obscene things within the same, before the same getting presented. And lastly there should be a grievance taking cell for every such platform. If there is any case of defamation or infringement, then, that cell can be executed by the concerned authority, for the matter to be addressed. Then coming upon another case of Super Cassettes Industries Ltd Vs My Space Inc (AIR 2011) where the plaintiff complained against the defendant regarding the fact that they authorized the uploading of copyrighted content without the having verification. The Delhi High Court, made him liable under sec 79 of the IT Act, 2000. This shows the country lack in the regulating the laws with parity to the advancement of the technology. Though according to the recent guidelines the matter has been addressed, but still due to lack of laws on that, time, the plaintiff had to go through damage. And also sec 79 is also not that strong enough to substitute the loss created there. Then coming to Shreya Singha vs Union of India(AIR 2005), where it shows the lack of administrative procedure between the govt and the rest, showing lacking of administrative laws pertaining to it. Here according to the factual matrix, before presenting a government notice, the intermediary should not remove a particular content, which it did.²

APPLICATION OF IT LAWS ON AI GENERATED MUSIC

Then coming upon AI generated Music, which is very trending musical concept, having newness in evolution, compared to other forms of musical trends, being created with technical expertise, as also the application of IT laws over the same.

According to the IT Act, 2000, as AI music is a creation devoid of human resource here the dons and liability pertaining to it is less for the various users except if the same is somehow produced or broadcasted, with the aid of unauthorized access of data. Then the concerned persons would be liable under sec 66 of the offence of hacking.

Apart from that if the person uses the AI generated music in combination with any obscene, hateful contents or do something to defame any entity with such musical work, then also the creator would be liable upon sec 69 of the IT act, 2000. It imposes criminal liability of 3 years imprisonment or fine or both for this, depending upon the intensity of the case.

And lastly on making AI generated music, if any voice of third party is used without his/ her consent, then the same would be liable under violation of right to privacy, substantiated by IT ACT, 2000. And the penalizations, would be according to the violation of the constitutional right.

The loophole pertaining to this, was found that that all regulations, pertaining to AI music is post facto in nature, which would always lead to the facing of loss by the concerned person. The question is then why on uploading the AI generated music in respective OT platforms, there would not be any laws of inspection especially for the AI music.³

² <https://jotwani.com> OTT AND LAEGAL COMPLIANCES

<https://www.ipandregalings.com> Media law: Impact of IT Rules

<https://www.khranaandjurana.com> Legal compliances on OTT platforms

³ <https://blogpleaders.in> Different types of E contracts

APPLICATION OF IT LAWS ON CONTRACTS BASED ON MUSIC

As the emergence of various OTT platforms, did lead the way, it did open the routes to various monetary acumens though the field of music. Before that for the various performing artists, the stereotypic ways of performance, where within that a majority right was within the hands of the performing artist. But as there were changing of preferences, as well as appeal to the human beings regarding the preference of the music, it resulted in the creation of various kinds of platforms, which would enhance the existence of various forms of music more strongly, as well as enhance the diversity of the same regarding t. Hence in such situations, re creation of the music, with parity to the accommodation of the particular platform were made. And as a result, the as there involved the concept of derivation of the music from a particular field, hence in such situation according to the copyright laws, the consent of the were very much needed. And for that there arise the concept f licensing also triggered in a great way. Hence for the purpose of licensing, the concept of contractual agreements comes into prominence. Also come into the focus. Hence to regulate such contractual agreements there has been also the regulations of law.

Hence for this, there are also arise the availability of certain types of contract

1. Artist - Label Contracts – These are the types of contract, where the artist him / herself enter into digital contracts, with the artists. These are such contracts, where we find that the artists not only created the same, but also broad casted. And as result, they are actually having the full ownership, over the particular form of contract. Hence in such situation, it is found that the entire form of contract actually happens through the digital mode.

And such forms of contract are actually a word format contract sent digitally to the concept of parties. There all the terms and conditions regarding the particular contract are actually mentioned. And the same is found to be encrypted through a digital signature, send to them . And the response to that particular proposal, would also have been initiated through the process of encryption. As a result, the security regarding the privity of the same is also found to be protected in that particular way.

2. Music streaming as well as licensing agreements- They are actually the second step of the agreement, to that, which was actually mentioned. Here in this type of contract, the parties are actually the labels and the OTT platforms in that regard do themselves enter into various contract with them As there has been much more increase of the OTT platforms, labels in it's individuality, are found to have lost their existence, making the customer to the particular one. As a result in order to have attained the larger customer base, with a stay to the present customers, from the perspective of the contemporary scenario, they are involved in making contracts, with these persons. As a result, they also involve through a particular prces i.e. through digital contracts. Known as smart contracts, in this regard. Smart contract are of such and which is actually acted through block chain technology. This contract mainly happens through block chain technology. Here there is no scope legal language to come. Rather the entire language us written through a programming code. And once the conditions are done for it form either of the parties, the expressions in the language i.e. the terms and conditions mentioned on it starts to be executed. And that payment would also be not done in any other platform, except the conditions, which are mentioned for the same. As the parties involved in the contract indicates highly commercial transactions, they are mainly initiated through licensing agreements, where the terms and conditions of the contract will be fulfilled in a monthly basis.
3. NFT Based Musical Contracts – They are such kind of contracts, which are also developed through block chain technology. Here mainly the artists sell their digital ownership. It is a kind of contract,

where on fulfilling the terms and conditions, the copyrighted material would automatically get, transferred to the another party in the digital medium. The same is mainly defined as a one-time contract.

The above discussions were mainly based upon the various kinds of contracts. Hence coming to the applications of the penal provisions, where we find out that such penal provisions, are mainly curative in nature. According to 66 c and 66d of the IT Act, 2000, it is penalizes the user for the crime of identity theft as well as for other fraudulent operations respectively. Whenever it is found that while making contracts in the digital medium, if there is any kind of manipulations of identity where the either party in reality does not enter with that party, with whom the same is intended to, or the contract has been signed to accomplish any fraudulent objective, then according to the previous mentioned sections, of the Act, the entity, would actually be liable for the fine of along with the imprisonment of or both.

Here on analyzing the penal provisions, we find that only in regard to identity, the curative measures are being implemented. While for the entire formulation of the contract the same concept is rather preventive measure. In such case if only one aspect of the contract is being curative, then the objective of the legislation would not get fulfilled.

Apart from that section 43A also speaks about compensation must be given to the artists, with regard to the party who leaks the financial agreements which were initiated in regard to the contract, which were created.

With regard to the same, we get the reference of certain case reference namely the Wrapper music vs Spotify, where the defendant leaked the financial transactions, which were initiated by the plaintiffs. And as a result, the Apex Court of the country did convict the person under section 43 A of the Act.

Analysis - Here also the same issue arouse where the entire law of contracts in digital mode was framed in such a way, that it reflects the utmost prevention against damages to the concerned person, but still the objective of the same is not getting fulfilled. To that the question arises when the entire formulation of the contract is made through encryption in digital mode, then why not the data regarding the financial transaction also, with a much more stronger form of encryption, and getting deleted after a certain period of time, to prevent further way of leakage.

Apart from that there are also cases where it has been found that the Indian laws really played an important role in promoting the true spirit of the contractual ship.

In the case of Sabew Mathew George vs Union of India, it were found that that Sabew Mathew was an also OTT platform, which on licensing certain videos just removed certain obscene content within the same making decreased the commercial utility to it. The Apex of Court of the country, in this regard, did declare that such policy formulation, does not go in parity with the Indian regulation, where the commercial extent in that regard fails to prevail

Analysis – Here though the fact that the commercial utility is getting compromised, but still, whenever, but still if it were allowed, then on addiction to such creation may led to an adverse effect of the society ,hence getting the particular platform defamed for the same. Here to this regard the laws must be seen to be amended or not.

Then coming upon the case of Shreya Singhal vs Union of India .Here also the Supreme court of India were found to be striking down the section 66 A of IT ct, 2000 which criminalized offensive speech for better monetization.

Analysis – Though the objective was for better monetization, it may create problem in the long run by having the creating disputes Iin micro level, which may span itself to affect the larger society as well as

the content creator.

APPLICATION OF IT LAWS ON OBSCENE MUSICAL VIDEOS

According to the recent musical trends another very dynamic concepts came to the musical domain. And such is all about making musical videos. The stereotypic definition pertaining to musical videos, where such the performing artists in that regard, would perform certain art, and accordingly regulations would be made pertaining to that particular video. Now new concepts pertaining to I actually prevailed. Now concept of music with a story having attached to it bring it's essence has come. Not only that in regard in order to draw audiences regarding the particular field, there has been also initiation of video clips combined together to make itself a short term video as a trailer to it. Apart from that according to recent trend also there are musical videos where such an entire cinematographic creation is made based on it. Apart from that musical videos based upon the community, religion is also made. Not only that but also the most innovative part with respect to the contemporary perspective is having created interactive videos. These are such videos, where the viewer has all the rights to choose the end part of the same. Hence within this periphery, as it broaden its ambit, there arises scope as well as need for the application of such IT laws over it.

So firstly we see according to section 67 of the It Act, 2000, we find out that if any musical video is turned to be obscene in nature, then the accused would be liable for fine as well as 3 years of imprisonment, or both if situation for such arises.

Here what is obscene is determined according to the average person's view on the same, any offense approach or something lacking in scientific, artistic, or literary rigor.

And to the extent to such section of 66 A, if within obscenity of any sexually exploitative videos are made in regard to that, then there may be penalty of 5 yrs imprisonment, or 10 lakhs rupees fine or both. On the other hand as per section 66 B of the concerned Act the period of imprisonment would increase to 7 yrs if any child matter is involved.

The same Act, also covers to intimate scenes in videos, if incorporated without consent. Such is mentioned in sec 67 of the IT Act, 2000

In the case of Kamlesh Vaswani vs Union of India, where we see that to a PIL filed, the Supreme Court did order to have made stronger the investigation procedures to find obscenity according to the Complaint in a musical video

Analysis - Shows again the lack of proper regulations made with regard to determination of obscenity.

In Prajwala Singh vs Union of India, the supreme court directed to have the properly monitored before making any content in the social media, where such content is found to be sexually exploitative which was actually there in the complaint, which again shows still there is a lack in the investigation procedure for the various OTT platforms. .⁴

APPLICATION OF IT LAWS ON VIRTUAL CONCERTS

Lastly another very dynamic concept has emerged regarding the musical trends i.e the virtual concerts, i.e. the concerts in the digital mode. The actual conception of the concerts actually came from the platform, where the artists are expressing their art form. But since we find that there has been a gradual shift from the physical mode of music into the hands of digitalization, the stereotypic conceptions,

⁴ <https://pib.gov.in> Curbing f bscenity and Vulgarity on Social Media Networks
<https://ipblofleaders.in> Sec 67 of IT Act, 2000

pertaining to the same, gradually finds it change. It has been found that the commercial value of the artist were also started to change. And now a days, it is also seen that a lot many artist are also very much active in various OTT platform, in lieu of commercial gain. Hence in such situation, we find out that the concept pertaining to making performance in concerts, also tends to change, hence getting itself converted into full digital mode. Hence from there the whole conceptions pertaining to the digital concerts actually do arise. Hence the same concept being globally popularized, it actually came under the ambit of the IT Act, 2000. Hence as usual certain concepts are also found to be binding in this juncture. Firstly comes sec 4 of the IT Act, 2000. This defines what actually a digital signature is, which is actually used by various governmental authorities. The entire process is found to be initiated through the process of encryption as well as decryption, allowing only the user to access the same. It says that due to rise of popularity of the same in the emerging markets, which actually results in high commercial gain, hence the organizing committee of the same, must also be acquainted with such concepts of digital signature. Hence the digital signature for the same would be the mode of proposal as well as acknowledgment to it from the side of the OC and the artist.

Then comes the entire process of ticketing. Here also all the procedures would be in compliance with the digital medium. The entire process of payment must be done through digital mode, through the given directions. And only after the successful payment to it the user ID to access the user, would be shown through encryption, and accordingly the user would access into the entire process of the visualization of the contract. And the dealings with the artists to be performed in such concert, would be initiated through such e contracts, whose procedure has been already discussed before.

Next regarding the penal provisions of the same, where we find out that it is almost the same, which as been discussed before. Firstly in sec 66 it criminalizes the offence of hacking. Hacking in this context, can be defined as the unauthorized access to a particular database. Here such thing occurs, whenever any person enters into the visualization of the concert, without getting the user ID, with the OC of such concert. This thing mainly occurs in situations, whenever there is no payment done, and the user ID of the same gets leaked.

Apart from that section 66 A, 67, protect the entire event of such concert, from any kind of obscenity. Here the artist, while performing a particular performance, expresses any obscene gesture from her part, or any thing obscene is shown in the concert, or if any kind of defamatory content is being presented before the concert, then in such situation, such person would be booked under such sections of the Act. Same applies for the viewers even in their reactions to such visualizations. And penalizations would be such as mentioned as above according to the veracity of the case.

Apart from that section 79 of the Act, would also apply here, where it regulates the various posters as well as websites contenting the particular programme. It strictly prohibits any kind of illegal content to be put there.

Now going onto certain case laws on this basis obscenity, where we find out that In *Shreya Singhal Vs Union of India* (AIR 2015) where, Article 19 i.e. talking about freedom of speech and expression is snatched on the ground of obscenity, with respect to such expressions in a digital concert, according to the judgement of the court.

Christian Laboutin SAS Vs Nakul Bajaj (AIR 2018), the Delhi High Court found that the intermediaries are not responsible for trademark infringement, if contained in the website or any entirely related to it. Here the protection which is given under sec 79 of the IT Act, 2000, should be exempted because of the fact that it being inevitable with respect to its high commercial value.

Analysis- Though trademark infringement would be usual in such high commercial deliberations, but still, if the practice goes on then in such situation, it on getting popularized would create suffrage to the parties involved, and such is inevitable in the absence of any kind of regulations against it in lieu of its limitless utilization. So certain maintenance of regulations determining till what extent a trademark must ne used should be determined.⁵

ISSUES REGARDING APPLCATION OF IT ACT AND PROBABLE RECOMMENDATIONS

One of the most cumbersome problem which India, is actually facing is that regarding the cyber laws is that is that lack of clarity. While making laws on the basis of IT Act, 2000, it is having applied both preventive as well as curative theory. Unlike offences tested in physical mode where investigation procedure is there along with the penalizations, is not same as that of cyber laws. Here we see that the investigation procedure is completely cannot be done in whole sense, owing to the fact that the entire the data has high probability to get leaked. So as preventive theory is actually there imbibed in various processes of investigation, hence in such situation, to keep such technology, the owner's money is getting compromised, as well as drive of money is also happening in the initiation of the offences. So the best solution to that can be that the best preventive measures should be adhered in every possible aspects, which would be inclusive of performance of contracts, the datas related to after effects of it, increment of data to create identity of the accounts, so that identity thefts can be discovered. Along with that penal provisions should also be there , for extra protection.

And regarding obscenity of the content it is seen that the penal provisions are totally restricted upon imprisonment from 3 years to 5 lakhs for the offenders. But the question is whether such penalization would actually be instrumental in determining the veracity of the offence. Does the intensity remain the same , as always do for such kind of offence is actually the question. All kinds of obscenity cannot be actually determined through similar provisions. Hence in such situation, there should be guidelines provided which would actually analyze the intensity of the crime, and determine the punishment for it.

Another important part which is needed to be addressed is that the cyber laws are basically having an one-sided approach in dealing with their users. The main focus of these laws are to regulate the commercial essence which is associated with the same. And after that, other constitutional rights, are actually coming into the preference. Their main objective was to utilize their rights up to a maximum extent of commerciality. For that they are lessening certain violations with regard to the constitutional rights .But the fact is very much clear that as these entities utilizes their commerciality upto a great extent, hence the liberalizations, which the law is giving to them against other constitutional rights, may in long run, due to excessive violation of the same, create adverse effect to the society, as a result, the people of the country, may gets affected for that.

Another very prominent lack with regard to cyber laws is that it does not have any proper mechanism of investigation as in cyber crimes especially with references to forensic evidences. The relevant data provided along with the general principles of investigation, is the soul contributory to it. Hence proper guidelines regarding investigation must be brought out in that regard, which would also open to various aspects, regarding the areas where still there was a lack, from the perspective of making preventive measures by the legislation.

⁵ <https://artandmedialaw.com> The virtual stage : licencing and leagl considerations for virtual concerts.

Lastly, which is rather the most important need is the universal application to IT Act, 2000, must be eradicated. As there are emerging concepts pertaining to musical trends, hence in such situations complexity in pros and cons becomes complex. So from that perspective having an universal application of The IT laws is much complex. Hence in such situation, several laws based on the nature of the emerging technicalities must be provided. As these trends are prevalent throughout the country, there would be also easy for the legislature to make laws over the same.

CONCLUSION

It is obvious regarding the facts that the way in which the technology is getting bloomed, which is aiding to increment in the commercial rigor, the law would it make at parlance, with the same. The various efficacies in the sections of act, the various approaches of interpretation, there would be disputes I handling with the rising pace of technologies. Even for making amendments, that is also a very time taking process. Same would also apply for making individual laws to it, But still attempt should go on in addressing the particular issues, on raising equal concern for IT matters , with that of other matters, which is lacking in reality, and also separate legal consortium should be made, in regard to address the disputes of the case.