

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

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The Thin Line between Aggression and Crime in Sports: A Legal Analysis

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ABSTRACT

This article discusses the difference between permissible aggression and a possible crime in the field of sports, with a focus on the Indian context: a country in which the concept of sports law is slowly gaining recognition. It juxtaposes the absence of a cohesive legal framework to deal with the complexities of sports aggression and crime in India with that of the countries where the judiciary has honestly embraced the concept of sports law jurisprudence. The focus of this article stems out from an intense examination of aspects such as the role of mutual consent in sports, the application of behavioral models such as the Social Learning Theory and the General Aggression Model, and the rationale behind the desirability of the Sportsmanship model to keep wastage in aggression in check. Finally, a comparative overview of the various ways such aggression is dealt with by examining the sports law framework as well as by highlighting the non-insignificant role of the international sports organizations for the same. The conclusion emphasises on the urgent need for a multi-pronged approach – involving sports organisations, legal reforms and a cultural change to bring in sportsmanship and respect – to tone down the aggression seen in sports in these times: the need to strike a balance between a competitive spirit and the criminal acts that may result out of it, but which also ensure the sanctity of sports while keeping the participants safe.

Keywords: *Sports aggression, criminal liability in sports, Indian sports law, consent in sports.*

I. INTRODUCTION

Sport encourages competitiveness; aggression can indeed be an integral part of success, as athletes are urged to exhaust their physical and psychological capacities to achieve excellence. And yet, this drive towards competitiveness can result in behaviour that falls just short of criminal conduct. The concept of sport becomes relevant when a judge or a jury must decide if and when behaviour that is part of the normal competitiveness of sport crosses the line and constitutes a criminal act.

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Sports law, in the Indian context, is a nascent discipline of law, which evolves criminal law as part of its framework mainly to deal with instances of violence and aggression in sports. Unlike in countries where sports law jurisprudence has had a longer span of development, in India also where sports law is yet to find firm foundations, it is only now that it is understood to necessitate a legal framework for the peculiar manner in which aggression and crime are involved with sports as it grows in national consciousness, professionalism, and competitiveness.

The line between aggression and crime in sport depends on a variety of considerations, including the type of action being conducted, its context, the internal and external intent, and the legal and regulatory framework that govern sports conduct. In boxing, for example, blows that would be a normal part of playing the game might be considered homicide for occurring outside the rules of sport, or assault for occurring with an intent beyond winning or accomplishing the competitive objectives of the specific sport.

II. AGGRESSION IN SPORTS

In general, courts have seen sport as a legitimate conduit for aggression. On one hand, aggression is a necessary, combustible force that fuels increased fervor and encourages competitiveness and a ferocious desire to win – all characteristics of athletic competition. On the other, it can be destructive, causing it to manifest as conduct that, for better or worse, goes well beyond the consecratory limits of play and results in someone being hurt – not just physically, but psychologically as well – or trying to intimidate or dominate a possible defeated participant. In the context of sporting competition, we do not find a specific legal definition of aggression. However, based on our general legal principles, couched in the social codes of sporting ethos, we can define it broadly as an objectively, rationally derivable set of acts or goals that, at its worst boils over into the realm of criminality.

(A) Criminal Liability

Criminal liability in the context of sport-related violence consists of a legal duty to be liable for acts that constitute offences under the IPC. This might refer to assault, battery, with the extreme consequences of homicide, and so on, in cases where sports violence tends to spiral out of control. For criminal liability to come into play, the case which has to be made legally is that the offender holds a guilty act (*actus reus*) as well as the guilty mind (*mens rea*), which are the two principal criteria for a person (athlete or non-athlete) to be liable of criminal conduct.

(B) Consent in Sports

Consent is a critical factor that demarcates between the legally sanctioned violence and crimes

in sports. It is the implied permission to the physicality of the sport, a tacit awareness and acceptance of the risk of injury entailed upon participation. The idea of consent in sports is not explicitly spelt out anywhere in the statutes in India. It has to be read into the general principles of consent under the IPC. Consent in sports is a sword that protects the law from granting a straight path to criminal liability in cases where injury is caused during the course of a game, provided such acts are carried out according to the rules of the game and within the accepted matrix of the sport.

III. THEORETICAL PERSPECTIVES ON AGGRESSION AND SPORTSMANSHIP

The connection between aggression and sportsmanship presents a complex picture that has been considered by different theoretical angles. These angles can help to explain both why sports contain aggression and why aggression can veer between being invited, admired competitive spirit, and criminal behaviour.

(A) Social Learning Theory

This social learning theory was made famous by the American psychologist Albert Bandura. He argues that young athletes can learn aggression by observing other people, being rewarded for threatening behaviour and imitating the aggression. This theory reminds me about how famous Indian athletes, who compete in two of the most popular sports in India – cricket and football – may transmit aggression to other sports persons. Many stars in these two sports are given a special status in India due to the immense popularity of their sports.

(B) General Aggression Model (GAM)

Specifically, the GAM helps us to consider the interactive relationship between personal and situational determinants of aggression, offering suggestion that aggressive tendencies in sports can be moderated by interconnecting pathways that include one's personal disposition, environmental cues (e.g., a crowd's response), or the perceived legitimacy of aggression in the sport. Further, it highlights how regulatory mechanisms in sport should manage these triggers to avoid the breakdown of aggressive impulses into acts of violence.

(C) Theory of Moral Disengagement

This theory conceptualizes the processes through which individuals can psychologically disassociate themselves from acts in which they feel compelled to engage in physically violent and harmful acts against others. Athletes can morally disassociate from opponents by dehumanizing them, blaming them or diffusing responsibility for their own behaviour ('I was just doing my job on the ice/field/court/etc'), among other processes. This theoretical

perspective is needed to understand how and why athletes allow themselves to engage in conduct that crosses the line from competition into criminal behaviour.

(D) Sportsmanship Model

In stark contrast to aggression theories, the sportsmanship model talks about the ethical values of respect for opponents and adherence to the rules of the game. It seeks to internalize these values as an antidote to unnecessary aggression that can lead to a healthier spirit of competition. The sportsmanship model is particularly relevant to the Indian sports ethos, which has traditionally been geared towards respect and propriety on and off the field.

IV. LEGAL PRINCIPLES GOVERNING SPORTS AGGRESSION

What is the fine line between permissible aggression (in sport) and crimes under the Indian Penal Code (IPC)? I will analyse this question on the basis of certain legal principles related to the doctrine of consent, the limits of such consent as well as the important distinction between aggressive play and criminal behaviour, i.e. the distinction between intent, recklessness and negligence in cases of aggression.

International sports law marks the first step: since sports aggression involves a threshold of violence, it sets the starting point for how aggression in sports might be understood and how we define the legal borders of that violence across jurisdictions. It is not possible to trace a general legal instrument addressing sports aggression. But there are several international conventions, declarations and the statutes of international sports organisations that mark precedents and provide norms in various dimensions. For example, the International Olympic Committee (IOC) and one of its affiliate entities – the Court of Arbitration for Sport (CAS) – have enforced the codes of conduct and dispute-resolution mechanisms that regulate the conduct of every Olympics. Such international norms and guidelines are implicitly part of the background that frames the Indian legal system and sports organisations in defining and discussing how to manage sports aggression and violence.

(A) Consent and Implied Consent in Sports

Ultra vires doctrine and consent: A legal distinction between lawful sports conduct and criminal behaviour turns on the doctrine of consent. In essence, consent means that athletes who participate in a sport are deemed to have implicitly consented to exposing themselves to infliction, and exposure to receiving, degrees of physical contact and aggression that are reasonably foreseeable in the context of the sport and consistent with the rules and spirit of play. This presumption of consent, however, does not mean that assent unrestricted by legal control.

Courts and regulatory bodies within the sport governance structure must be guided by the scope of the implied consent and the circumstances in which the threshold levels of demonstrably valid consent can or may be raised.

Limits of Consent in Sports

Consent guards against liability for what would otherwise be a crime (or a tort) only to the extent that it remains within the scope of the rules of the sport and the risks commonly assumed by the subject or victim. If a sportsperson assaults an opponent beyond the limits of fair play, or otherwise intends to cause a harm beyond the competitive objective of the sport, consent will not usually be a bar to the action. In the absence of a large body of Indian cases on point, Indian courts on occasion draw on principles announced in the common law jurisdictions to determine the scope of sports consent. The question is whether the sportsperson's conduct exceeded what a normally reasonable person in the victim's position would have consented to by taking part in the sport.

V. DISTINCTION BETWEEN AGGRESSIVE PLAY AND CRIMINAL BEHAVIOR

Importance of Intent: Intent is one of the key disinflectants of intentionality that separates aggressive play in recognizable sport from criminal conduct. In an act to be criminal, it must be proven that the act occurred purposefully with an intention to cause harm or harm that resulted from a reckless disregard of another's safety. This assessment is complex and ultimately risk-based with the outcome significantly dependent on context including the governing rules of the sport and the circumstances of the movement at issue. In the absence of an authoritative legislative guide to sports violence in India, judicial decisions reflect an interpretation of intent based on the evidence presented in accordance with the essential parameters of criminal law.

(A) Recklessness and Negligence

Beyond intentional harm, recklessness and negligence also serve important roles in legal determinations of sports aggression. Recklessness describes conduct that needlessly exposes others to an unacceptable risk of harm – usually harms that the actor knows could arise if the behaviour continues. Negligence is the failure to meet the standard of care that an ordinarily prudent person would meet in the same circumstances. Importantly, while recklessness requires an intentional disregard for the risk of harming others, negligence need not. Both concepts are necessary for cases in which intent to harm cannot be gleaned, but where the conduct is still outside the realm of accepted sport.

These distinctions are largely instrumental in Indian sports jurisprudence, guiding legal

analyses of cases having to do with sports violence. Violence in sports is not dealt with specifically under any statute but, in general, when applied through the IPC, the principles of criminal law provide the legal framework for its adjudication. Courts are thus tasked with applying often undifferentiated principles from criminal law to the particularized setting of sports, weighing the physical nature of athletic competition against the need to take steps to protect athletes so as to prevent unnecessary harm in those settings.

VI. CASE STUDIES AND LEGAL ANALYSIS

The legal and regulatory tradition of sports law regarding the potential criminality of assaultive aggressive play is abundant in precedents relevant to determining when the line has been crossed.

State of Punjab v. Gurmit Singh: This case provides clarity on the concept of consent in Indian law. Even though it tackles issues specific to rape and not sports-related aggression, the Supreme Court of India's interpretation in this case provides the basic framework of consent applicable in sports-related cases, which should render consent unequivocal.

R v. Barnes: This is not an Indian case but one that can be persuasive on the Indian Court for the principles of law it expounds. In this case Barnes was a semi-professional footballer who was held guilty of a charge of grievous bodily harm. The court observed that a person cannot be tried for causing injury in a sport of violence if there is a demarcation between what is permissible on pitch and what is criminal. The limits of permissible aggression cannot be drawn merely on the strength of grievous bodily harm but is contextual; so long as actions are within the play and form an integral part of the inherent risk associated with the game, they are not likely to be criminal. He was found not guilty by a jury and the judgment emphasized the importance of the element of intention tied to the conduct expected of any sportsman/woman.

(A) The Role of Evidence:

Evidence is crucial to establishing the legal facts of the case – i.e., whether the conduct was playful and within the rules of the athletic game, or aggravated and against the rules. If prosecutors have accused an athlete of targeting another athlete with a serious injury that resulted in a medical situation, they must prove at trial that the play did not fall within the bounds of game-play; instead, it was a deliberate threat of harm or gross disregard for the safety of others. The athlete must have indicated that the play was intended to harm someone. Thus, evidence could include medical findings, video clips, and the testimony of witnesses to fill in the details of the incident.

(B) Interpretation of Intent and Consent:

For this reason, athletic intent and implied consent become important factors in resolving incidents of sports aggression, as judges' office examine the accused's state of mind on the day: why he or she did what he or she did and whether it was malicious or outside the sport. The case of Barnes established the modern view that sport must, to some degree, interpret the actions of those captured on film, taking into account what is happening in the game or match, and where on a continuum of risk the act falls.

(C) Impact on Sports Rules and Regulations:

Legal proceedings arising from sporting aggression can renew calls to reformulate sport rules and regimens, establish sharper boundaries on allowable aggressive conduct, and sanction more emphatic redress when aggression turns into violence. When legal decisions emerge, sports associations might revisit governing principles, requiring more forthcoming rules, improved player education on sportsmanship, and more vigorous officiating of the boundary between competitive and unacceptable aggression.

(D) Comparative Legal Frameworks

A comparative analysis of law and practice in the sporting context would be required to comprehend this grey area between aggression and crime in sport. This exercise would reveal how different legal and judicial traditions and international sporting authorities respond differently to sports violence, and might provide some insights for India on how to fine-tune its legal and regulatory framework.

(E) Common Law Countries

Established case law and tort and criminal law principles form the foundation of the legal approach to sports violence under the common law in the United Kingdom (in particular), but also in countries with which the UK shares its legal heritage, such as Canada and Australia. The examples of the UK approach are best illustrated by the facts of the case of *R v. Barnes*, where the coach of a rugby team was engaged in a physical scuffle during a match, 'favoring' his rival with blows to the head. The context of the incident was considered crucial to understanding which side of the law the clashing former opponents had fallen. For conduct to be characterized as part of the game, it must be not excessively dangerous purposefully and recklessly. That idea of context being fundamental emerged in other decisions on the matter. By utilizing precedents in a common law country, the law evolves with the times, assuming that sport, and the society in which it is played, will undergo changes.

(F) Civil Law Countries

In civil law countries, most notably found in much of Europe and Latin America, regulation predicated on codified statutes rather than precedent tends to produce more specific prescriptions for sports violence. For instance, France has legal provisions against violence in sports in its penal code prescribing the punitive consequences for violent acts. The clarity of the codification in civil law jurisdictions provides a much more exacting, albeit strict, solution for sports violence.

(G) Islamic Law and Other Legal Systems

Some Islamic law countries overtly blend moral and ethical considerations into their legal order, which in turn might influence legal approaches to sports violence. Placing emphasis on ethical behaviour and community values might incline such legal systems to penalize forms of sports violence more severely. And finally, countries with indigenous legal systems or other divergent legal orders may bring distinct models of community, respect and sportsmanship to bear on their handling of sports aggression.

VII. INTERNATIONAL SPORTS ORGANIZATIONS AND REGULATIONS**FIFA, IOC, and Other Governing Bodies**

In this context, international sport bodies – such as the International Olympic Committee (IOC), the Fédération Internationale de Football Association (FIFA) and beyond – can take on a greater normative function by devising anti-violence policies that are valid on a global scale. In particular, international sports organisations can formulate codes of ethics and behaviour that are capable of spelling out those values and norms of sporting behaviour to which athletes and teams are supposed to conform and can hold in check with sanctions those athletes, teams and/or national federations that don't abide by and respect such rules. Thus, by virtue of their global reach, international sports bodies have the possibility of making a real difference to forms of violence that in all aspects might be local.

Implementation of Anti-Violence Policies:

International sports organisations can effectively prevent and deal with violence in their sports under the right combination of education, regulatory governance and enforcement structures. These various bodies typically work together with national sports federations to put in place comprehensive programmes for violence prevention. These include training programmes for players, coaches and officials on matters of ethics and conflict resolution. Other mechanisms in place for enforcement include sanctions, fines and suspensions of individuals.

VIII. PSYCHOLOGICAL AND SOCIOLOGICAL ASPECTS

there is a hairline between aggression in sport and crime in sport and that hairline has as much to do with psychology and sociology as it does with the law. There is a psychological dimension to the obsessive level of aggression that features routinely in sport, a dimension that involves both the psyches of the athletes themselves and those who watch and even emulate them. There's also a sociological dimension, in relation to attitudes towards and perceptions of violence in sport. Last of these is the media dimension. All three relate to how sporting aggression is perceived and legislated. This section explores them in turn.

(A) The Psychology of Aggression in Athletes

Aggression in sports athletes can be caused by multiple psychological factors including competition, pressure, desire to dominate, and heat of the moment where the games reach its peak. From the psychological theories such as frustration-aggression to the hormones in blood of athletes, several factors can be inferred reasons that lead to aggression among sports. Frustration-aggression hypothesis assumes that aggression acts as an outcome of frustration experienced by the athlete participating in a sport. Situational causes for frustration can be unfair umpiring by technical authorities, injury or perception of injustice to one's self. Frustration can also be due to physical pain experienced by an athlete. Along with the above reasons, finding identity as a sports person can also push athletes toward aggression as they strive hard to prove their worth. In a country like India where sporting identity is incredibly linked with attaining excellence in sports such as cricket and hockey, various aggressive tendencies associated with these sports can be curbed if one understands psychological underpinnings from which these tendencies originate.

(B) Societal Attitudes Towards Violence in Sports

If sportive violence is the accepted norm in the collective psyche of a given society, and if it is not considered wrong, but even morally desirable, then it will further fuel calls for stricter regulations, not just from within the sport but also from the general populace. Public opinion is undoubtedly important, it can push for regulations and penalties beyond the hard administrative constraints. The cultural context also determines the tolerance and perception of sports violence. In societies that laud aggressive behaviour in a sport, they are more likely to have a blurred line between acceptable aggression and criminal liability. In India, where heroic players are glorified in the media and in sports culture, there is an ongoing need to emphasise on the need to respect sport and to play as one amongst the competitors.

(C) The Role of Media in Shaping Perceptions

Media coverage of sports events has the ability to shape popular attitudes towards sporting competitions and the aggression and violence that occurs in sport. In their coverage of sporting events in news broadcasts and feature stories, sports publishers and reporters have the ability to condemn or celebrate an aggressive act when it occurs in the sports arena. In some cases, the coverage (positive or negative) of an aggression incident can in turn stir public sentiment in one direction or another, and that sentiment can in turn prompt regulatory interventions (positive and negative) on the part of sports leagues and associations. In India, where every other sporting event attracts mass media coverage, the way in which a sports show or the evening news treats player altercations or aggressive plays can have a significant effect on what might be considered prosocial or antisocial behaviour within sports. Focusing on providing sensational coverage of aggression incidents can exacerbate the problem by inculcating an implicit culture in which violence on the sports field is winked at or even encouraged. When the mass media focuses on the pros and cons of aggressive behaviour, it can provide some balance to the role of national sporting spectacle.

IX. PREVENTIVE MEASURES AND RECOMMENDATIONS

The narrow path between aggression and crime in sport involves not only action by national and international sporting bodies, but also pertinent legal reforms and policies that can function as preventative measures, as well as offering a legal framework from which to work. The following section explores preventive measures and recommendations that are capable of curbing sports aggression, shielding athletes from the dangers of reckless illegality, while also ensuring the transparent conduct of competitive sport in India 8. Preventive Measures and Recommendations To mitigate sports aggression for the protection of athletes and the integrity of competitive sport in India, the following preventive measures and recommendations can serve as a legal framework: 8.1 Administrative Action The sports administration in India comprises Indian Olympic Association federations and associations under the supervision of the office of the minister of Sports in the Union Government. Moreover, the Sports Authority of India is entrusted with the responsibility of soliciting the interests of young citizens in sports, which constitutes a prime step in spreading good sportsmanship. The sports administration, or the sports' governing body in India, including the SAI, should adopt the 'Flag Code of India' and disseminate it amongst athletes, coaches and administrators at every level of sports competition, thereby inculcating the belief that the true emblem of sports is the Olympic flag. The sports administration, SAI included, should impose standard procedures to curb doping, corruption and betting in high-profile sports competitions in India, proportionately akin to the prescription of incense, not fire, by the counsel in the island-kingdom of Lesbos to cure the

gods.

(A) Role of National and International Sports Organizations

Expanding Education Programmes: National and international sport federations and governing bodies need to make comprehensive education programmes for athletes, coaches and officials a high priority. Such programmes must focus on the ethical dimension of sports culture, emphasizing, among other aspects, such things as the value of sportsmanship, the costs of aggression and harassment, and how to handle competitive stress. The real hope for change in the culture of aggression in sports may rest with such education initiatives, to help bring about a shift from win-at-all-costs mentalities to a demonstration by professional athletes and coaches of respect when things do not go their way.

Instigate Clear Codes of Conduct and Regulation With scrutiny: sports organisations should develop clear and enforceable codes of conduct that explicitly spell out what is permissible and impermissible on the playing field and off of it, and they should be updated regularly to reflect shifts in the nature of sport and societal values regarding aggression and violence.

Enhancing Monitoring and Enforcement: The forthcoming codes of conduct will only be effective if backed up by robust monitoring and enforcement mechanisms, for example, the use of data collection and review systems to track incidents of aggression, the appointment of compliance officers, and the establishment of independent panels to adjudicate disputes and handle allegations of misconduct.

(B) Legal Reforms and Policy Recommendations

Amplifying Player Education and Awareness: A key feature of legal reforms in this area should be the requirement for education and awareness programmes, both for athletes and in the wider sports community, on: the relevant legal consequences of sports aggression; the line that separates competition aggression from criminal behaviour; and the potential legal consequences on either side of that line. A basic educational initiative of this kind could readily be included in existing training programmes, and could be supported by relevant legal materials developed by sports law specialists.

Penalties and discipline: to discourage violent behaviour that could escalate into criminal behaviour, penalties and discipline should be strengthened in sports regulations. Law reform can invoke a graded penalty framework considering the gravity of the gamut of offences, the athlete's history of aggression and the context of the incident; heightened penalties such as fines, suspension or ban from competition in certain situations would send a message about transgressive aggression in sports.

Facilitating Collaboration Between Legal and Sports Authorities: Successful implementation of the proposed reforms will need close cooperation and coordination between legal authorities and sports authorities. Reform to the legal regime should encourage collaboration and cooperation between legal and sports officials by sharing information, implementing joint training programs, and developing mutually agreed-upon guidelines for bolstering the gulf between sporting practice and the principles embodied in the law.

Promoting Research and Dialogue on Sports Aggression: To advance ongoing legal and policy reforms, it is necessary to encourage more research into the causes, forms and consequences of aggression in sports play. Encouraging a dialogue among law reformers, psychologists, sports bodies and athletes may also be helpful to better appreciating the issues and identifying innovative, effective solutions to violence and aggression.

X. CONCLUSION

This discussion on the legal response to a display of aggression and crime in sports exemplifies the crucial juncture wherein law, ethics and competitive sports collide. Our analysis, as it ought to be, took a lateral, circular journey through legal concepts, psychology, culture and the media to explain the fine line dividing aggression from criminal act in sports contexts.

The conceptual exposition set out definitive declarations and theoretical frameworks that would lend fair understanding to sports aggression and its legal contours. The case studies and legal analyses purported to show the fine line that separated aggression within the ambit of the competitive spirit of the game, and conduct that ventured into the ilk of criminality. The comparative legal frameworks threw light on the dissimilar global sporting trajectories on the management of sports violence thus introducing possibilities of lessons and ideas that could supplement the Indian scenario. The psychological and sociological insights probed the multilevel nature of the sports violence, signaling its contributory factors and the organic implications it brought into the wider sporting society.

The legal response to sports aggression highlights how balancing a commitment to the competitive fairness of sport with the protection of athletes' health and rights remains a fundamental dilemma. Ethical norms command respect for opponents and recognition of the 'spirit of the game'. In all sporting codes in India, acknowledgement of cultural and social values imbues these norms. Judges, legislators and enforcers should not lose sight of these values when framing responses to sports aggression that ensure that the laws and regulations, they create serve the purposes for which they are made – not just the letter of the law, but its spirit, too.

Reducing cheating in sport is therefore a complex venture that involves more than merely legal reforms intended to improve player education, awareness and incentives. That players, sports organisations, fans and other stakeholders must be motivated to thrive is also critical for changing culture; these same stakeholders should also play a role in ongoing efforts to reinvigorate athletes' commitment to sportsmanship. Mere animalistic aggression will not thrive. Legal reform and policy recommendations for increased player education, awareness, and incentives are very much warranted. From the Olympic games to sport for development programmes, new moral combinations infused with sportsmanship must be embraced.

National and international sporting bodies can also contribute to setting standards and to making policies that discourage violence and encourage fairness and respect. Newspapers can also help by reporting on good sportsmanship and the harmful effects of aggression.

Finally, the road that guides us toward a clearly-marked and properly-monitored line between aggression and crime in sport is long and still undetermined. It's up to us all, as fans and as a society, to keep working on it. We should want sport to be a place where competition is celebrated without losing sight of respect, safety, and without demonstrating that it has gone beyond reasonable ethical and legal norms. The dialogue between jurisprudential principles, ethical principles and the ever-changing nature of sport must persist for generations to come and we should push for and expect a society where competition is celebrated without resorting to criminal behaviour.

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