

Research Paper

Nationalism and Hooliganism: A Critical Analysis of International and Domestic Regulations with reference to Indian Football

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Received: 30 January 2021

Revised: 02 March 2021

Accepted: 18 March 2021

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Keywords:

Hooliganism, Fans , Football,
Nationalism, Sports Law

Abstract

Hooliganism or spectator violence has become an unfortunate sight in stadiums. Racial slurs, fist fights and damaging stadiums have become common means to express support for one's team. Sociologist and political thinkers have connected the phenomenon to human passion and nationalism. While sports evolved as an instrument for promoting peace and cooperation, sports have manifested political dimensions, as a tool for diplomacy but also brought nationalist force reflecting national conflicts. These incidents have pushed the international football regulators like FIFA and UEFA and domestic football administrator, AIFF, to formulate rules and regulations to monitor fans' behaviours. Stringent sanctions like heavy fines and match suspension have been added to the disciplinary codes and the duty to take care has been shifted to the hosting team. This paper is an attempt to examine the relationship between sports, nationalism and regulations with reference to international football.

Citation: Nunes, W., Tarun . Nationalism and Hooliganism: A Critical Analysis of International and Domestic Regulations with reerence to Indian Football. Research in Exercise and Law, 2021; 1(1): 14- 28.

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Introduction

There is a growing body of literature that indicates a very strong relationship between sports and nationalism.(1) The development and promotion of sports by the States has had a long history, driven by the fact that sports contribute to domestic solidarity and international prestige, in addition to the physical and psychological well-being of its the people.(2) Having been described, by Carl Marx, akin to the religion, (3)sports has become the opium of the people that binds and connects them blindly and helps in developing a feeling of patriotism.(4) More than any other social activities, sporting events have witnessed playing of the national anthem (formally and informally), but more importantly, patriotism is visible through overt behaviours like waving of flags, and the violent behaviour of the fans such as verbal abuse, destruction of property, acts of vandalism and assault during these events. (2,5)

Sports are often associated with creating a sense of solidarity among the people of a country.(5) There are several instances when a country's success in any particular event has captured the wide attention of the media, statesmen, and citizens and when it has become important to one's national identities. Such common instances include the Indian cricket, Canadian ice-hockey, French cycling, American baseball as well as European football. With the advent of globalization and immigrants' playing for nations of their citizenship, sports have come to bringing about a new process of interaction of individuals and nationals to forge a global identity. However, several studies regarding sports and nationalism have indicated the ubiquitous and apparent ubiquitous

nationalist dimension that has often been witnessed at international sporting events like the Olympics and the World Cups as well as in the domestic sports.(6) It could also be true that sports only represent one part of the larger picture of nationalism, it has also helped connect different ethnicities to a common pride. Furthermore it is also well established that sports inculcate certain virtues like teamwork, ethics, and sportsmanship while also bringing hopes in the lives of many.(7)

Various schools of thought and scholars in the field of international relations have defended national interest and security as issues of existential importance as they concern the very survival of the State. While the traditional school of international relations focuses on the military aspect of security, the non-traditional school focuses on factors and forces other than military power.(8) For the traditionalist school of international relations, mainly the realist, the axis of reference is the state and sovereignty, and the integrity of the state is the focal point of the national interest. The international relations are defined in terms of struggle of power. It, thus, underlines territorial security, and subsequently military capabilities are being privileged. On the other hand, the non-traditionalist school of international relations, mainly the liberalist and social constructivist, places the individual at the centre of its concerns and emphasises human development and human security. Quite apart from the classical interpretations that security studies involve, the concern of the states about how to manage external threats, non-traditional security studies base their foundations under five comprehensive dimensions, viz., the Military, political, economic,

environmental and societal dimensions.⁽⁹⁾

After the Cold War, there has been wide acceptance of the idea that the State is situated in both domestic and international structures, widening the concept of security. Although war is a critical objective for any State to denote security concerns under the traditional approach, the political stability and challenges of the survival and well-being of its inhabitants have taken centre stage under the non-traditional school. The non-traditional school of security, thus examines anxieties not only related to the State structure but also to the notion of how safe one feels in one's daily existence. Thus, every nation faces threats which emanate from both, outside, and within the State.⁽¹⁰⁾ However, besides threats like cross-border terrorism and cyber-crime that emanates from external borders, there is also an increasing threat that emanates from the resurgence of nationalism, ethnic conflict, xenophobic and chauvinistic behaviour and attitudes. Paradoxically, the security politics is dominated by two contradictory tendencies, viz., which are integration and disintegration or fragmentation, "while integration implies processes of "globalization, democratization and humanitarianism, disintegration refers to falling in of nation States and the appearance of parochialism.⁽¹¹⁾ The re-emergence of nationalism and ethnic strife is pushing nations to a new form of tribalism, which Michael Billig refers to as 'Banal Nationalism' posing formidable challenges to the survival and security of the state.

Sports activities are as old as civilization and As documented, the Olympics which originated in Greece as an instrument of promoting peace and

cooperation.⁽¹²⁾ This tradition has continued which can be witnessed through the United Nations General Assembly's declaration of the 6th of April as the International day of Sports for Development and Peace. The adoption of this day signifies the recognition of the positive influence of sports in promoting a peaceful society while also advancing human rights and social economic development ^(12,13) Also, close relations between sports and diplomacy, though less explored, indicate the multi-fold channels of convergence. There have been studies, though sporadic, discussing cases like ping-pong, baseball, cricket and football diplomacy and indicating how sports have co-opted politics.⁽¹⁴⁾ While the capacity of sports to exaggerate national sentiments, intolerance and even violence has been documented, there have been efforts supporting the notion that the use of sports serves social change. The UN and its several agencies have acknowledged the potential of sports to support peace building efforts and are using sports as a component in their development programme.⁽¹⁶⁾ During the Launch of the 4th International Day of Sport for Development and Peace, the UN on its website stated, that many organizations have already established partnerships with the International Olympic Committee and the mission and role of the Committee, are placing sport at the service of humankind and promoting a peaceful society and healthy lifestyles by associating sports with the culture and education and safeguarding human dignity without any discrimination whatsoever. ⁽⁹⁾ Furthermore, the UN Sustainable Development Goals, 2030, recognise sports as a compelling tool to promote peace, tolerance, and understanding and also to bring people together across cultures, ethnicities, and boundaries to advance social cohesion

and global solidarity.⁽¹⁵⁾ Alexander Cardena, in his work, "Peace Building Through Sport? An Introduction to Sport for Development and Peace" adopts John Galtung's 3R peace building process – reconstruction, reconciliation and resolution – an approach to illustrate how sports may support conflict resolution initiatives. Galtung's theoretical assumption for peace identifies a triangle of violence and a respective triangle for peace. The triangle of violence identifies at three aspect of violence – direct violence, structural violence and cultural violence. He further provides the triangle for peace which includes the 3R's – reconstruction, reconciliation and resolution.

Reconstruction refers to the healing of trauma through psycho-social support projects which includes rebuilding of institutions and infrastructure that correspond to the pre-conflict situation. It also refers to democratization and eliminating of pre-war entities that undermine positive peace. Reconciliation refers to the closure of hostilities but also includes bringing to justice those responsible for the violence. It also refers to the efforts to create healthy environment between the conflicting parties through dialogue while attempting to break the cycle of hate, suspicion and revenge. Resolution means the attempt to eradicate the roots of conflicts and to create an environment that finds a common ground toward ensuring lasting peace. Galtung's idea became a familiar concept following Boutros Boutros-Ghali's 1992 report, an Agenda for Peace, which defined peacebuilding as an action to solidify peace and avoid relapse into conflict. Thus sports can contribute to building positive relationship, promoting social inclusion,

fostering tolerance, and reducing tension by generating dialogue. ⁽¹⁶⁾

Regardless of the steadfast adherence of nations that sports is apolitical, there is no dearth of literature which indicates how nations have harnessed the aspect of sports to further their national interest. At times, it has sparked great dialogue and has also brought national politics to the fore. ⁽¹⁷⁾ The summer Olympics of 1936 witnessed Germany's use of the event to promote and propagandize its ideology. It became increasingly clear that Germany wanted to see, "the stars of the Aryan race superior for their genetic makeup rather than their athleticism". ⁽¹⁷⁾ Such occurrences have clearly demonstrated that nationalism continues to be a fundamental part of sporting events. Although, Western critics have been quick to identify the nationalist's use of sports by non-liberal regimes like Nazi-Germany, Mussolini-Italy, China and former USSR, and even they used the threat of boycott, the West is not far from exhibiting similar tendencies. ⁽¹⁸⁾

Anthony King, in his work "The Post-Modernity of Football Hooliganism", looks at hooliganism as a historical phenomenon which continues to persist to the present day and the cultural notion of post modernism. He argues that, the "rationalist enlightenment philosophy divided the human being into a thinking, superior part which became associated with the male and a bodily, dangerous, inferior part which was regarded as feminine".⁽¹⁹⁾ This masculine construction is thus translated into the positive notion of nationalism where nationalism gets connected to the State's making of the concept of manhood and the nation's isomorphism. Further, drawing from Anderson's concept of imagined community;

communities are imagined and are distinguished by the style in which they are imagined and informs the style that informs their social practice and relations. Thus, while tracing the emergence of violence in a football game, King argues that the male fans have created an imaginary masculinity and national boundaries. (20) Hooligan practice employs the idea of imagined liminal space to assert their masculinity and nationalism. (20) It does activate ideas and memories of one's identity, not only as citizens of a particular country but also points toward other geographical distinctions like culture, language, race, etc.

Apart from the debate on culture, identity and sheer passion, fan hooliganism has a significant legal facet to it. A number of incidents have been looked through a legal and policy lens and international sports regulatory bodies and courts have adjudicated matters as the gravity of the damage caused by these incidents needed legal sanctions. The subsequent section deals with hooliganisms in sports and the legal to regulations in AIFF, FIFA and UEFA.

I. HOOLIGANISM IN SPORTS

On 13 March 1996, India prepared to take on its neighbours Sri Lanka in a clutch Wills Cricket World Cup semi-final match in the hallowed grounds of Eden Gardens in Kolkata. Being the host nation and performing admirably in the emotionally-charged quarter-final tie against its bitter rivals Pakistan, many had expected India to actually go on and win the World Cup. (8) But the match would prove to be a dark chapter in the history of cricket, especially Indian cricket and Eden Gardens. Chasing a score of 252 to win, the Indian middle order collapsed at the run-chase. It was when the score was at 120 for 8 that the

home crowd decided to express their apparent frustration at the abysmal batting performance and impending defeat by hurling plastic bottles and soft drink cans onto the field (21) and setting seats on fire, which led to the match being abandoned and Sri Lanka progressing to the Finals. This was by no means the first, or the only infamous incident of fan hooliganism in India, but it would forever go down in infamy, even after the spectators issued an apology letter to the then-Sri Lankan captain Arjuna Ranatunga. (22)

Such a behaviour by the supporters of the Indian cricket team is by no means a singular behaviour restricted just to the sport of cricket. Being a supporter of any sport is a passionate affair and sports enthusiasts are often willing to Express indiscriminately (23) so that they can be close to their favourite sportspersons or teams, just to get to see what they hope is a once-in-a-lifetime opportunity. These expressions of frenzied passions could be linked with a national allegiance (to support their national teams or players of the same nationality) or a more regional allegiance (to support their local teams/clubs/players), especially of the romantic global appeal of fan bases of European footballing giants like Manchester United, Liverpool, Real Madrid and FC Barcelona. (24) Whatever a person's allegiance is, it is unquestionable that people go to extreme lengths to defend a player (like certain Liverpool fans defended the Uruguayan striker Luis Suarez's racist remarks towards his rival Manchester United's French defender Patrice Evra in 2011) or the whole team itself, partly because of an eugenic mind-set that their team/player is better than everyone else. This eugenic mind-set,

coupled with the racist and political ideologies, form the bedrock upon which the pillars of hooliganism stand today.

In order to determine what kind of behaviour leads to hooliganism and who the culprits are, it is necessary to primarily understand the concept of 'supporters'. This understanding is essential as in a number of incidents, the clubs and stadium staff, who are liable for the actions of their supporters and viewers, try to escape from the responsibilities they have by disassociating themselves with the supporters and calling them "outsiders". Although in common parlance, the word is thrown about to be loosely defined as the followers of a certain team/country/sportsperson, Feyenoord in *Feyenoord Rotterdam v. UEFA* (25) found it challenging to frame a legal definition of the term before the Court of Arbitration for Sports (CAS). When the CAS was asked to differentiate between an official and unofficial supporter, the CAS Panel asked the Feyenoord representatives to draft such a definition wherein they expressed their inability to do so. (26) The CAS's decision on April 20, 2007 held that a supporter is neither linked racially, nationally or residentially nor contractually by the purchase of a match ticket. (26) Thus, for all intents and purposes, one can essentially declare oneself to be a supporter of a team/club/country, and one would be worthy enough to be a 'supporter' in the eyes of the law.

Hooliganism in football, often dubbed as the 'English disease', is perceived to be an import from the UK which has now spread into continental Europe. (27) Although it is acceptable for supporters to intimidate the opposition and utilise the club's home advantage, like the famous 'Yellow

Wall' (the south stand of the stadium having 25,000 fans wearing the official colour of the club) of the German football club Borussia Dortmund, (28) there are instances where such intimidation and emotion takes an ugly turn and the thin line between cheering for the team and hooliganism almost diminishes. Football hooliganism is thus, a term that is commonly used to refer to the incidents of disorder and violence that is caused by the football crowd, as there is a higher perceived tendency of football crowds to be more violent than their non-football counterparts.(29)

II. FOOTBALL HOOLIGANISM: HOW DOES IT HAPPEN?

In light of the relationship between nationalism and sports, it has often been observed that there is a strong relationship between players, their community, and their parish. In England, many professional football clubs were formed by churches which aimed at strengthening the bond between religion and people living in a particular area.(30) It is not surprising to note that the most successful club and particularly the one having a long history of establishment like Real Madrid and Sheffield FC, finds its origin in community organization.(31)

Although the twin forces of globalization and consumer capitalism, where players migrate from their nation of origin to play for foreign clubs and often represent their corporate sponsors, seem to negate the strong link between sports and nationalism as issues of identity, nationality continues to surface from time to time; if not amongst players but amongst fans who irrevocably are tied to their nations and its pride.(32) Eugenio Paradiso, in an

article, analyses the political nature of soccer violence in Argentina and draws our attention to the relationship not only between politics and sports but also to associating disciplines like economics and corruption. South American stadiums have often been an arena for politics in support of candidates. (33) In this regard, Juan Peron used sports as a political tool to propagate the nationalist values and portray sports as a social institution through which “average” men and women could become model citizens, resembling Hitler’s idea of the “new man”. (34)

Although not interested in soccer, spectators filled stadiums, providing him with the opportunity to disseminate his political ideals and associate them with his movement, to the extent that the Eva Perón Foundation organised competitions for children and was successful in combining nationalism, patriotism and sacrifice.(35) Thus, like Argentina, countries like Northern Ireland, Germany, Argentina and, to a lesser extent, Brazil, have used soccer to mobilise people and to promote nationalism. (33) On the other hand, the Marxist would relate violence as a working class reaction to the appropriation and commercialization of sport by the elite and middle class. However, the context of hooliganism varies and requires a deeper examination of the historical, social and political specificities of a country or region(33).

While it is true that the “English disease” is the biggest contributor to football hooliganism, (36) it is also true that scrutinising only the European game to check for hooliganism is unfair. Take the 2018 two-legged tie of the *Copa Libertadores* finals between two of

Argentina’s fiercest local rivals in the capital city of Buenos Aires, River Plate and Boca Juniors (dubbed as the *Superclasico*), as an example. It was the first team in the history of the *Superclasico* that the teams would compete for South America’s highest honour in football club. After the teams drew the First Leg at Boca Junior’s home turf, River fans decided to attack the team bus carrying the Boca players to River’s home turf. A violent clash between the River supporters and the local police ensued, with police trying to maintain law and order with suggestions of using tear gas. The River supporters hurled projectiles that led to some Boca players’ supporters and the local police ensued, with police trying to maintain law and order with suggestions of tear gas being used, and the River supporters hurling projectiles that led to some Boca players sustaining eye injuries from the flying broken glass and the aforementioned tear gas(27) which initially led to postponement(37) and ultimately led to the CONMEBOL (South America’s football governing body) deciding to shift the venue of the Second Leg altogether from River Plate’s Monumental Stadium to Real Madrid’s Santiago Bernabeu Stadium, (38) with River Plate’s Club President Rodolfo D’Onofrio condemning the incident as disgraceful for the football in Argentina. (39)

Unlike the aforementioned incidents, hooliganism cannot be limited to the realm of football rivalry. Political and ethno-national tension is a leading factor, which is quite regular in the European Championship event. In the match between Serbia and Albania on 14 October, 2014 in the Serbian capital of Belgrade, Serbia and Albania, who were parts of erstwhile Yugoslavia, the spilling effect of the tensions of Balkan politics was observed amongst the

football supporters. The match had to be ultimately abandoned because Serbian supporters invaded the pitch and physically assaulted the Albanian players after hurling flares onto the pitch.⁽⁴⁰⁾ The Serbian FA (FAS) was punished *inter alia* with a deduction of points and a fine by the Control, Ethics and Disciplinary Body.⁽⁴¹⁾ FAS appealed before the CAS for the decision to be overturned but the appeal was dismissed with the CAS imposing the principle of strict liability upon the FAS⁽⁴²⁾ by observing that the Serbian FA was negligent in organizing the match, thus violating Article 16(1)⁽⁴³⁾ of the UEFA Disciplinary Regulations 2014, and by noticing that the security measures planned by the FAS were inadequate, its stewards lacked training and were a contributing part of the problem.⁽⁴⁴⁾

Thus, evidently, it is clear that it is not just the supporters' behaviour, but also the inability of the security bodies (stewards or police) to effectively manage the crowd that stokes hooliganism, often with fatal consequences. Perhaps the most disturbing and infamous incidents in this regard involve the English club Liverpool FC: the Hillsborough Disaster of 15 April 1989 and the Heysel Disaster of 29 May 1985. The latter is a case of the fans of Liverpool losing their calm during the European Cup's final match against Italian giants Juventus which resulted in a stampede killing thirty-nine people and injuring around six hundred people. Similarly, in an FA Cup semi-final match between Liverpool and Nottingham Forest, playing at the neutral venue of Hillsborough Stadium in Sheffield, poor crowd management and sheer negligence of the police led to the loss of the lives of ninety-six Liverpool supporters.⁽⁴⁵⁾

III. INTERNATIONAL REGULATIONS TO PREVENT HOOLIGANISM

The Fédération Internationale de Football Association (FIFA), revised its 2017 Regulations Code via a new Code on 15 July 2019, proposing the imposition of strict punishments to boot out hooliganism from the game. Article 14(1) of the 2019 Code⁽⁴⁶⁾ prescribes that in case a match cannot be played and has to be abandoned for reasons stemming from the behaviour of a team, club or association (like hooliganism), the clubs would be liable through the application of strict liability as demonstrated in the aforementioned Feyenoord case or in the more recent CAS decision of August 10, 2018 in *Olympique Lyonnais v. UEFA*⁽⁴⁷⁾ and the reason for the same cannot be attributed to force majeure (like in events of natural disasters or warfare). The association/club would be liable to pay a minimum penalty of 10,000 Swiss francs, with the match either replayed or forfeited.⁽⁴⁸⁾

The principle of strict liability is enshrined in the provisions of not only the FIFA's disciplinary code⁽⁴⁹⁾ but also in the UEFA's disciplinary code⁽⁵⁰⁾ revised every year. The FIFA provisions clearly state that even if the clubs are able to prove that they had taken adequate safety and crowd control measures, i.e. even if they are able to prove that there has been no negligence in the organisation of the match, they would still be liable for the inappropriate behaviour of their supporters, whether the inappropriate behaviour is attributable to one or some of the supporters, and would be liable to face disciplinary measures. Under various sub-sections of Article 16(2), sanctions and essentials of "inappropriate behaviour" are defined.

The provisions of the 2020 UEFA Disciplinary Code are analogous to the aforementioned FIFA provisions. Moreover, the UEFA Safety and Security Regulations provide effective measures to the organisers to combat hooliganism.

- Article 33.01 requires spectators to be preliminarily screened so that they cannot bring in prohibited objects. A final round of screening and searching of the spectators is also mandated under Article 33.02 to ensure that spectators cannot bring fireworks, alcohol or any kind of substance that could be used as a means of violence [Article 33.02 (b)]; b) The organisers are also mandated to prevent the entry of any known miscreants, potential troublemakers or people under the influence of drugs or alcohol [Article 33.02 (c)]; and, c) if someone is denied entry for any reason, or is expelled at any time, it is also the duty of the organisers to make sure that the said person is not allowed to re-enter during the duration of the match, or at least until all the other spectators have dispersed.

IV. INDIAN REGULATIONS TO TACKLE FOOTBALL HOOLIGANISM

India has inherited a lot of things from its colonial past and one of those is the “English disease”. Violent confrontations between fans of the two the most historically successful clubs in Indian football, East Bengal and Mohun Bagan, during the days of the Calcutta Derby were so common that people had normalized them as a part of the derby ritual.⁽⁵¹⁾ One of the bloodiest derbies happened on the 26th November 2010,

when a bomb went off in the stadium, injuring spectators, amidst stones and other projectiles being pelted.⁽⁵²⁾ More significantly, in a derby match on December 9, 2012, violent crowd protests culminated in Mohun Bagan’s Indian defender Syed Rahim Nabi’s getting injured by a stone pelted by the maddened crowd. ⁽⁵³⁾ Mohun Bagan decided not to field a team during the second half, which caused the team to be slapped with the ban from the Indian League (I-League) for two years,⁽⁵⁴⁾ which was subsequently reduced to a hefty fine of two crore Indian rupees and points deduction.⁽⁵⁵⁾

The All India Football Federation (hereinafter referred to as ‘AIFF’) is the governing body that regulates the football association in India. The AIFF has addressed the concerns of hooliganism through its 2019 Disciplinary Code. The Code envisions a wide array of acts that could be considered to be brought under hooliganism, and similar to the FIFA and UEFA Disciplinary Codes, imposes strict liability upon the clubs for actions of their supporters. For example:

- a) Article 59 2.a of the Code (read with Article 59.1), imposes a fine of ten lakh Indian rupees if derogatory remarks on a person’s race, ethnicity, caste, sex, etc. are uttered or communicated in any form. The sanction on the club shall be upheld even if the club can prove that it had no culpable conduct or oversight in the matter; and b) Article 68.1 and Article 68.2 of the Code imposes strict liability upon the Members of the Association/club, home and visiting respectively, for the improper conduct of their respective fans, without

considering the culpable conduct or oversight in the matter. The Code defines improper conduct in Article 68.3, where it includes pitch invasion, letting off and throwing missiles and incendiary devices, uttering insulting words or sounds or displaying insulting or political slogans in any form.

V. CONCLUSION

Despite the best intentions of the regulations, fan hooliganism is an unavoidable part of many sporting events and the football match is no exception. The imposition of strict liability has hardly deterred the act. Often the feisty demonstrations and flares lit up by opposing fans (something which is a common feature in the Intercontinental Derby between Turkish giants Galatasaray and Fenerbahce) can be a sight to behold, but mixing politics, nationalism and ethnicity requires a deeper examination of the social, historical, political and economic context and specificities of the people who participate in hooliganism

In sports events, athletes represent their nations where each tries to show the power and superiority of the country they represent. In this regard, George Orwell remarked, "that international sporting contests lead to orgies of hatred.... At the international level sport is frankly mimic warfare.... Serious sport has nothing to do with fair play. It is bound up with hatred, jealousy, boastfulness, disregard of all rules and sadistic pleasure in witnessing violence: in other words it is war minus the shooting".(56) Furthermore, nationalism should not be regarded as an objective entity but as a style of imagining and sociologists should examine the way this style of imagining informs social

practice and relations. The masculinity and nationalism, whose historical origins have been traced by Kings exist in the imaginations of the people who articulate these concepts and those imaginings determine social reality and eventually the social practice.(9)

To determine whether the conduct of the fans is merely to intimidate the opposition or is rooted in violent and disorderly hooliganism is a precarious matter; but if the behaviour of the crowd is not effectively managed, then it has every chance of ruining a beautiful game. Thus regulating football hooliganism cannot just come from changing the behaviour of the fans who are willing to die for their clubs but it can take place through effective crowd control and management to ensure that an incident like Hillsborough or Heysel may never happen again.

Ethical Considerations

Compliance with ethical guidelines

This article does not contain any studies with human participants or animals performed by any of the authors.

Funding

Research costs are paid for by researchers.

Authors' contributions

All authors contribute to the design and implementation of the research, to the analysis of the results and to the writing of the manuscript

Conflicts of interest

According to the authors of the present article, there was no conflict of interest.

Acknowledgement

The authors would like to thank Mr. *Kingshuk Saha* & Mr. *Rohan Mathew Therattil* for their constructive suggestions during the course of this paper.

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