

ASSESSING THE ROLE OF ACTION RESEARCH IN EDUCATIONAL AND LEGAL FIELDS

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INTRODUCTION

Action research works on the principle of engagement of the researcher who is involved in the collection of data to take an active part in the process of solving the problem by actually doing or causing to be done solution-oriented actions, in many ways it elevates the position of the research from simply being a data gatherer to that of a social engineer or social change expert. This form of solution-oriented research makes it all the more relevant in the diagnosis and solution ended process meanwhile making the entire solution regime even more practically suitable and pertinent. It is participatory and involves democratic values by involving people working at the grass-root level.

If there is a social problem, then that must be addressed from a holistic perspective. If take dowry as social problem, to arrive at such a comprehensive approach, the following steps must be taken:

- Realize the wide dimensions of the problem, i.e. in what ways is dowry affecting the bride's family, financially and mentally,
- Gather relevant data to support such assumptions regarding dowry and also,

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- Create a pool of experts who can accurately engage in analysis and statistical interpretation of that data,
- Build a realistic plan to tap this evil,
- Effective implementation of the plan,
- Engaging with apt instruments of implementation machinery and sensitizing them regarding the problem and the plan,
- Meticulous evaluation of the problems arising while implementation,
- Developing another short plan to eliminate the impediments to implementation, and
- Repetition of the process for a significant period until the instances of dowry are reduced to extremely minority cases.

Needless to say, all the above-mentioned techniques are nothing but a *'cycle of action'*¹ or simply, action research. This methodology of research involves enhanced coordination between the instruments of diagnostic and execution machinery, i.e., before endeavouring to bring changes in society; it endeavours to bring changes in the change-making process to generate specific and desired consequences. Rapport described action research as “*a type of applied social research differing from other varieties in the immediacy of the*

¹ The glossary of educational reform, Edglossary.org, available at: <https://www.edglossary.org/action-research> (last seen on 13.07.2022.)

*researcher's involvement in the action process'*².

It was in 1944 that German-American Kurt Lewin, the then Professor of MIT³ coined the term '*Action Research*' who believed that vide action research there can be two-fold outcomes:

- Theoretical advancement and
- Acceleration of desired social change.

The other positive outcomes of action research are as follows:

- Action research helps to better understand the problem and this, in turn, leads to tapping the social problem with more appropriate methods,
- As there is no one size fits all mechanism to solve versatile problems, action research methods are flexible enough and customized to suit the needs of the specific result in mind,
- It also helps the participants adopt better research practices since there is a liberty to deviate from orthodox research methods that do not serve any fruitful purpose,
- It helps the change makers in getting alternate and better perspectives of the problem and the people involved in or suffering from the problem,

² Background of Action Research, cei.edu.hk, *available at:* http://cei.hkust.edu.hk/files/public/ar_intro_background_of_action_research.pdf (last seen on 15.07.2022)

³ Ibid.

- It involves enhanced cooperation and coordination amongst the participants as the observations and suggestions of each participant, right from the diagnosis to plan to build and implementation is given due value,
- It provides room for the evolution of new approaches to regulating the targeted people or situation,
- Not only for change-making but it can also be used to verify the correctness or outcome of any particular policy or decision on the targeted people or community,⁴
- It helps to improve the overall work culture of any organization and enhance its quality of performance,⁵ and
- It provides the researcher with a more lucid partake of the situation and develops a better perception of it.

Action research has been described by Kurt Lewin in his paper *Action Research and Minority Problems* wherein he reduced to pen and paper his observation of people who were trying to eliminate problems faced by minority communities in American society as ‘*comparative research on the conditions and effects of various forms of social action and research leading to social action*’ that uses a spiral of steps, each of which is composed of a circle of planning, action, and fact-finding about the result of the action⁶. He expressed that quality research must

⁴ Action Research E Module, cukashmir, available at: https://www.cukashmir.ac.in/departmentsdocs_16/Action%20Research%20E%20Module.pdf (last seen on 17.7.2022)

⁵ Ibid.

⁶ *Supra* note 2.

result in bringing actual changes instead of being confined to books.⁷

Lewin's opinion and ideas have not only influenced modern problem diagnostic and solving techniques but have also been enriched by many researchers. Right from targeting social problems to extending the application of action research in the educational sector to the framing of laws role of action research has been constantly extending in the contemporary global world. Given the engaging nature of the process, it is also called *Participatory Action Research*⁸.

TYPES OF ACTION RESEARCH:

In the education sector, there are following four primary types of action-oriented research:

- **Individual Action Research:** Here there is a limited number of targets on whom action is supposed to occur for a social change, for instance, a teacher observing a class of students on whom experiments are to be conducted to make them more disciplined or address a problem prevalent in a particular community, it is interesting to note that it can rightly be called as practical action research,
- **Collaborative Action Research:** In this type of research the mentor or the researcher has to observe a larger section of the target to achieve the desired result, nevertheless, the social

⁷ How to carry out action research, Emerald publishing, available at:

<https://www.emeraldgrouppublishing.com/how-to/research-methods/carry-out-action-research> (last seen on 18.07.2022)

⁸ Action Research, tools hero, available at: <https://www.toolshero.com/change-management/action-research/> (last seen on 18.07.2022)

change sought to be brought is common to the entire targeted section. Comparatively more people are jointly engaged in the process of achieving the targeted end⁹. As a natural corollary, this type of research is more productive. It is interesting to note that this type of action research is called *Participatory Action Research*,

- **School-wide Action Research:** Here a problem about the school, for instance, in school management or course curriculum relevant to the students or students themselves, is the target and the entire fraternity is engaged in creating a solution to achieve the desired change.
- **District-wide Action Research:** Here a particular problem, specific to an entire district is targeted to be solved by the interdisciplinary members jointly, for example, the problem of tobacco consumption by men in the Ranchi district is a social problem that is proposed to be solved by the help of the researchers who present a survey report by conducting a field study of the entire District and later engage the District Collector and the local health corporation members along with the traders and police machinery to solve the problem.

ETHICAL DILEMMAS IN CONDUCTING ACTION RESEARCH

It is noteworthy to consider that while action research is increasingly gaining widespread prominence in the canvass of research methodology given its

⁹ Jenifer Van Baren, What are the types of action research design, Bizfluent, *available at*: <https://bizfluent.com/list-7608678-types-action-research-design.html> (last seen on 20.7.2022)

innovative and collaborative research mechanisms, certain ethical issues surround this noble concept. As the nature of action research methods is organically collaborative, meaning thereby that people are involved in the process of diagnosing and solution reaching multiple stages, it would not be wrong to assume that as humans are fallible by nature, there may be certain unfortunate cases in which incorrect data might have been gathered or incorrectly analyzed or to that end, people incorrectly arrive at a given solution or that there are many pitfalls in the implementation machinery. Such unfortunate circumstances are inevitable¹⁰. Hence to regulate such circumstances, there must be solid legislation or rules regulating such situations otherwise there can be two sets of situations; one would be where there is no accurate accountability of the defaulter who erred in the process and as a result, the entire team of the process gets blamed and the members who have worked hard get demoralized. Similarly, there can be a situation where a powerful or senior member scapegoats a junior for his fault, and ultimately the powerless junior is left prejudiced. More so, a lack of rules or legislation to deal with such a situation might inevitably lead to the team members taking their tasks leniently as there is no effective mechanism to evaluate their performance and get pointed out for their mistakes. Alternatively, the team members who are competitive and require recognition for demonstrating extreme dedication and hard work towards their role get no motivation to work relentlessly as there is no individual accountability. As a natural corollary, it is important to frame certain fine rules or legislation to deal with such circumstances and unfortunately, India

¹⁰ Leslie Gelling and Carol Munn Giddings, *Ethical Review of Action Research: the challenges for researchers and research ethics committees*, 7 (3) (2011) Sage publication, available at: <https://journals.sagepub.com/doi/pdf/10.1177/174701611100700305> (last seen on 20.7.2022)

has no such legislation in force to govern the abovementioned results.

SCOPE OF ACTION RESEARCH

In the education sector it has gained widespread recognition for providing a better understanding of student behavior, gender disparity amongst students, stage phobia, causes behind the disparity in the performance of students, absenteeism amongst students, hesitation in attending physical activities or completing home-works. Moreover, it can lead to great improvements in classroom teaching methods and strategies, the interaction between teachers and students, and ultimately create a healthy learning environment for students. Here the teacher itself acts as the researcher and the practices adopted by him or her are the centrepiece of the research. It is reiterated that action research generates novel educative practices for teachers and hence higher educational values can be imparted to students. Be it noted that Stephen M. Corey applied the concept of action research in the field of education for the first time and the same has been rigorously followed in modern parlance.

In the agricultural sector, action research is addressed with slightly different terminology, it is known as *Farmer Participatory Research*¹¹. In the agricultural sector, this concept has brought a paradigm shift in the farming practices as it involves the farmers also in the identification and solution mechanisms of increasing agricultural productivity. In the domestic context, it is pertinent to note that during the time hybrid seeds were introduced in the Indian market, the government distributed the tons of hybrid seeds sought to be

¹¹ Van de Fliert, E., Braun, A.R., Conceptualizing integrative, farmer participatory research for sustainable agriculture: From opportunities to impact, 19 (2002), *available at*: <https://link.springer.com/article/10.1023/A:1015081030682> (last seen on 21.07.2022)

grown amongst the farmer community in parts of Punjab, Uttar Pradesh, and Maharashtra, and tracked the productivity, harvest timings and the overall experience of such hybrid farming by staying directly in touch with the farming community. Hence it has already proved its worth in the agricultural sector.

Importantly, in the commercial world action research has manifold room to bring improvements. The need of advancing customer service is a constant cause of deliberation amongst small to macro-level companies and organizations to maintain or create their popularity amongst the customer chain. Additionally, there is an emerging need of improving management practices in the industrial sector to balance customer and worker's interests, in this pursuit the manpower involved in management gets as much involved in the diagnosis of lacunas as does an outsider researcher and the entire process of reaching the result gets more adaptive to novel ideas and professional practices.

John French and Alfred Marrow, two close confidants of Kurt Lewin started the process of action research in a manufacturing plant and the legacy has continued since then. In this vein, it is important to note that action research practices can bring positive changes in the behavioral patterns of the employees and facilitate better collaboration amongst different units of a large corporation and coordination, thereby generating better work culture and monetary gains. Whether a particular corporate policy is gathering fruits or not can also be verified by the different methods of action research and as the process engages researchers, employees, and even manual workers, it gives a message to different levels of members of a company that their opinion equally matters.

Similarly, action research has proved to be of immense use in the health sciences as it facilitates currently relevant healthcare practices to find their rightful place in the set of medical practices that serve a lesser purpose. It allows the engagement of neutral persons inside the change process so that the outcome is fruitful.

Legal Participatory Action Research: It is also termed as applied legal research in general parlance. Action research would contribute towards our well-being in both theoretical and practical forms. There are zillions of problems on the international and national front that require a legal solution and finding the most suitable remedy would be like finding a needle in a haystack. Mari J. Matsuda once deliberated in public on the pressing need for the legal fraternity to analyze the social problems right at the bottom to effectively realize what justice and equality would mean in such a situation and what the law in turn must be.¹² She invoked the researchers to any particular problem to engage the community stakeholders in the process as they are the most appropriate in discovering, interpreting, and proposing a plan to solve the same as they are the ones who are directly affected by it. Many have for various reasons conducted social projects purely on scientific lines assuming that social science experiments must be “*value-free*” and rooted exclusively in scientific research methods¹³.

Nevertheless, advocates of legal action research criticize this existing

¹² Mari J. Matsuda, Looking to the Bottom: Critical Legal Studies and Reparations, Harvard Civil Rights-Civil Liberties Law Review, 22 323 324 (1987) *available at*: <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1032&context=mjrl> (last seen on 25.07.2022)

¹³ Emily M.S. Houh and Kristin Kalsen, It's Critical: Legal Participatory Action Research, 19 Michigan Journal of Race and Law 295(2014) *available at* <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1032&context=mjrl> (last seen on 22.07.2022)

proposition as untenable on the ground that the objectivity reflected by purely scientific methods is devoid of realism as those methods fail to realize the root of the problem and ultimately all the grievances of the community stakeholders are not properly addressed by the law framed or amendment introduced. They back a complementary relationship between law and realism.

Action research in law helps in linking the problem and the outcome of the plan by bridging the gap with the social realities and facts as against fundamental legal research which is mostly aimed at applying and advancing the theoretical body also. The three-member Committee on Reform of Legal Education suggested the constitution of the National Legal Knowledge Council (NLKC) comprised of legal jurists and luminaries who purge legal education of less useful legal education, and the first meeting was held in 2010¹⁴.

For instance, the Bar Council of India has kept open a portal on its digital website¹⁵ under the window of '*legislative research*' to invite suggestions from people to bring greater participation in the democracy; nonetheless, they invite suggestions on the legislation only from legal fraternity. This restricts wider dimensions in the coming invitations. The role of action research in the implementation of constitutional goals is ever-growing as the state tries each year to establish itself even more as a welfare state as per the directives enunciated in the Directive Principles of State Policy.

¹⁴ The Bar Council of India, Bar Council of India, *available at*: <http://www.barcouncilofindia.org/about/legal-education/national-legal-knowledge-council/> (last seen on 21.07.2022)

¹⁵ Legislative research, Bar Council of India, *available at*: <http://www.barcouncilofindia.org/about/legislative-research/> (last seen on 22.07.2022)

Moreover, it is pertinent to note that law and society where the changes are sought are not watertight compartments, especially in the context of the Indian legal system where every legal statute gives room for compliance with certain customs. For instance, Article 13(3)(a) of the Constitution of India, which is the supreme document of the country uses the phrase “*customs and usages having the force of law*”¹⁶ are also included within the definition of law and they cannot be abridged. Therefore, to even identify the various customs that exist in different parts of our religiously plural country, it is pertinent to introduce action research in the various social surveys undertaken so that the status of the customs and their followers can rightly be traced. In this light, it is important to note that acclaimed Professor Upendra Baxi once stated that, “*the lawyer must know much of sociology and the sociologist must know much of law*”¹⁷.

Action research accords mobilization in research roles and therefore researchers can mingle with the targeted people and identify the problems in their hesitation to comply with the law.

Scheme for Action Research and Studies on Judicial Reforms¹⁸: Since 2013, National Mission for Justice Delivery and Legal Reforms has been implemented and is still in the process of complete implementation of the above-mentioned Scheme. This Scheme is aimed at facilitating monetary assistance to surveys, projects, and schemes for effective utilization of action research methodology, and from Financial Year 2021 to 2022 it is

¹⁶ Art.13, Constitution of India.

¹⁷ Dr. Manish Singh, Socio-legal research, E-content for post graduate courses, *available at*: http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/law/09._research_methodology/04._socio-legal_research/et/8151_et_et.pdf (last seen on 23.07.2022)

¹⁸ Scheme for Action Research and Studies on Judicial Reforms, Department of Justice, *available at*: <http://www.doj.gov.in/scheme-for-action-research/> (last seen on 23.07.2022)

demarcated as ‘non-scheme’ under the Department of Justice. National Judicial Academy and various State Judicial Academies, Indian Institute of Public Administration (IIPA), etc. are among the many authorities supposed to implement this noble Scheme. Numerous projects were sanctioned under this Scheme by 2019 and one of them was a project to study major hindrances in the culmination of criminal trials owing to procedural delays undertaken by the Judicial Academy of Jharkhand¹⁹ and the final reports²⁰ submitted by the various legal institutions only add more emphasis on the compelling need of more projects that encapsulate both the researchers and the community stakeholders to arrive at the accurate outcome of respective projects and surveys. Similarly, the ongoing projects surrounding action research under this Scheme include one taken by Chanakya National Law University, Patna which is studying the implementation of the Commercial Courts Act, 2015 in Bihar and Jharkhand.

Ministry of Law & Justice has in the recent past granted the task of assessing the lacunae in the quality of provisions relating to commercial contracts and disputes resolution to a department of the National Law School of India University, Bangalore under the Scheme for Action Research and Studies on Judicial Reforms.²¹ It is therefore important to understand that the principles governing action research are facing burgeoning growth in different legal projects undertaken by the Indian

¹⁹ More such projects available at: <https://doj.gov.in/sites/default/files/List%20of%20Sanction%20Order.pdf>, last seen on 23.07.2022.

²⁰ Final Report available at <https://doj.gov.in/other-programmes/scheme-action-research-and-studies-judicial-reforms> (last seen on 23.07.22)

²¹ Ministry of Law and Justice Grants CEERA, NLSIU A Project under the scheme for action research and studies on judicial reforms, NLS, available at: <https://ceerapub.nls.ac.in/ministry-of-law-and-justice-grants-ceera-nlsiu-a-project-under-the-scheme-for-action-research-and-studies-on-judicial-reforms/> (last seen on 24.07.2022)

government.

It is worth noting that National Law University, Delhi has, besides being a top-notch educational institution, evolved as a significant platform that has made huge contributions towards the legal research data given to the Government of India about major policy formulations and proposed legislations. It has currently engaged with National Legal Services Authority on many projects on legal and social issues, for instance, the relevancy of the death penalty in India, the status of crime against women, and gender justice in northern India,²² etc. This task requires the participation of government experts, research scholars, experienced professors, students, and a lot more professional manpower implying engagement of different hierarchies in versatile roles. This is nothing but an instance of action research as projects wherein such data is gathered are done by requiring questionnaire data from prisoners convicted for such offenses, police officials, victims, and relatives.

The Drug Courts established in the United States of America have started adopting action research mechanisms to collect data regarding drug use and evaluate the drug users undergoing rehabilitation processes²³

CONCLUSION

It is important to note that while developed nations across the globe are readily engaging in action research while proposing legislation and

²² Research projects, Nlu Delhi, *available at*: <https://nludelhi.ac.in/res-rp.aspx> (last seen on 24.07.2022)

²³ Michael Rempel, Action research: using data to improve your drug court, 62 (2nd ed., 2010) *available at*: <https://www.courtinnovation.org/sites/default/files/documents/ActionResearch.pdf> (24.07.2022)

implementing existing laws, unfortunately, India is still one of those nations where action research has been given only limited room to intervene in surveys, projects and evaluation mechanisms.

Nonetheless, India is progressively moving forward in its effort to give due value to the application of action research mechanisms in its legal and social projects as is evident from the present study. It would be fruitful for the swift disposal of legal matters that all the ongoing projects targeting Court practices that delay the trial process indulge Courtroom staff and litigants in its projects so that we could arrive at more accurate data and practices to eliminate trial delays.

Action research would prove to act as a catalyst in research and solution paradigms if adopted at the right stages. Flexibility in research techniques adds more space for opinions of the community stakeholders as emphasized earlier in this study and can also help verify the effectiveness of any action undertaken to govern or regulate the particular problem. Perhaps it provides the public with a growing sense of participation in the democratic process apart from the voting process; it makes them feel more valued in the democratic setup.

Any step to indulge in more action research-oriented techniques would be a welcoming move for many developing nations where there are zillions of social, financial, and political problems that require a quick and appropriate solution.