


Subject: Law

Production of Courseware

 - Content for Post Graduate Courses



Paper : Research Methodology

Module : Basics of Research



ज्ञान-विज्ञान विमुक्तये



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DESCRIPTION OF MODULE

Items	Description of Module
Subject Name	Law
Paper Name	Research Methodology
Module Name/Title	Basics of Research
Module Id	I

1. Introduction:

Every research commences after any problem faced or question arises in mind of man and if, no solution or answer is known to him. His movement or actions are stimulated towards searching of solution or to find out answer of existing question, which can be termed as his research.

Research is undertaken within most professions. More than a set of skills, research is a way of thinking: examining critically the various aspects of our day to day professional work; understating and formulating guiding principles that govern a particular procedure; and developing and testing new theories that contribute to the advancement of practice and profession. As a professional one might be interested in finding answers to the theoretical questions, such as: ¹

- Which is the most effective intervention for a particular problem?
- What causes X or what are the effects of Y?
- What is the relationship between two phenomena?
- Which is the best way of finding out community attitudes towards an issue?
- Which is the best way to find out the effectiveness of particular law in the society?

Most professions that are in the human service industry would lend themselves to the questions and professional should be well prepared to answer them. Research is one of the ways to help us in getting answers to such questions objectively.²

¹ Ranjit Kumar, *Research Methodology: A Step-by-Step Guide for Beginners* (3rd, SAGE publications Ltd., New Delhi 2011) 1-2

² Ibid p. 4



Research is a general action ordinarily performed by man in day to day life. Such activities are usually performed towards problem solving. In strict term a research activity can be distinguished from non research activity on the basis of process followed there under. The research activity always follows a certain orderly process. Research process follows three major parts as- collection of data, analysis of data and interpretation of data. Various techniques and tools are used under each step for doing research.

Research is a systematic action or process taken by researcher with certain objectives and purposes. Various questions often arise in mind. Why researcher undertakes any research? What may be the objectives and purposes of any research? The concept of research can be understood in two senses. First, in its ordinary sense and second, in technical sense. For the first, it is necessary to understand the term in plenary or ordinary sense and in second, i.e., in technical sense, the terminologies used in social science researches cannot be understood without their substantive approach.

Ordinarily, we can say that if any person perceives any fact, transaction or phenomena as problematic in certain sphere of his life and no experience or knowledge he has to handle such problem, he has to gather such intensive knowledge from experts of the subject and credible sources to resolve the problem. As the complete process of searching knowledge is called research. If the efforts of searching knowledge and procedure thereof are not systematic, it may become complex and its results may be absurd and not relevant towards problem solving. Thus, its application may not be reliable, and unreliable results may be harmful to individual and society. Therefore a systematic study of searching knowledge is required with certain approved models. Though such models are not conclusive it may be changed and modified according to objectives, purposes and limitations of research.

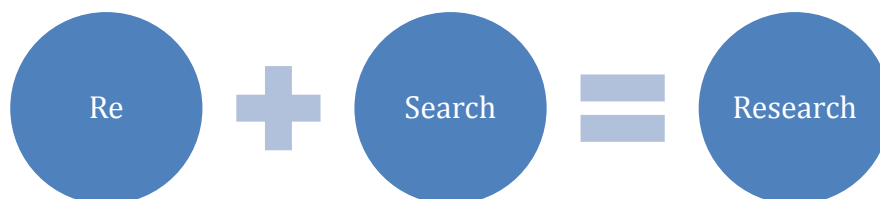
Research is a process which includes some major questions such as – “What”, “Why”, “Where”, “When” and “How”. ‘What’ denotes ‘objectives’, ‘Why’ denotes purpose, “where” denotes circumstances, “when” denotes the ‘time’ and ‘How’ denotes methods. Object, purpose and methods are three major components of every research. Present module focuses on objectives and purposes of the research. Concept of method has been discussed under separate module.

2. Learning Outcomes:

- To develop basic understanding of basic research science and legal research
- To enable the readers to draw research objectives, purposes and their importance.
- To develop analytical approach towards various arias of life and their respective research prospects.
- To enable the readers to identify and classify the research work according to their nature and objectives.

3. Meaning of Research:

Term ‘Research’ is composed of two syllables “Re” and “Search”.



'Re', is a Latin term which means again, afresh or repeatedly. Search means try to find out something by looking or otherwise seeking carefully and thoroughly.

Research is the systematic study of facts with intent to seek knowledge on the basis of which certain decision can be made or valid conclusion may be drawn. Fact has been defined under the Indian Evidence Act as "Fact means and includes anything, state of things, or relation of things, capable of being perceived by the senses; any mental condition of which any person is conscious."³ Research is a process whereby any fact(s) are repeatedly, carefully and systematically investigated by the researcher to know the truth. The definite sets of methods, steps and procedures are followed to get accurate, true and reliable outcomes of any research.⁴

Goode defines research as, "Research is ideally the careful unbiased investigation of problem based in so far as possible upon demonstrable facts and involving refined distinction, interpretation and usually some generalization."⁵

According to Gina Wisker "Research is about asking and beginning to answer questions, seeking knowledge and understanding of the world and its processes, and testing assumptions and beliefs."⁶

"The systematic investigations into and study of materials, sources etc., in order to establish facts and reach new conclusions. An endeavour to discover new or to collate old facts by the study of a subject or by a course of critical investigation."⁷

Research is an intensive and purposeful search for knowledge and understanding of social and physical phenomenon. It is an unbiased scientific activity undertaken to establish some fact, theory or principal. In common parlance it is a moment from known to unknown. It is a voyage for knowledge.⁸ Every research action is the outcome of inquisitiveness of researchers. Inquisitiveness is the mother of all investigation to gain knowledge. Inquisitiveness stimulates from the dissatisfaction of mind. If man is dissatisfied as to the state of anything it may be his possessed knowledge, information or existing principle, appreciation or rejection of principle or theory by researcher, society or group.

³ The Indian Evidence Act 1872 s 3.

⁴ Fahad Mehmood, 'Research Methodology' (slideshare.net 2014)

<<http://www.slideshare.net/fadifm/definition-and-types-of-research>> accessed 25June14

⁵ H.N. Giri, *Legal Research Methodology* (1st, Khetrapal Publications, Indore 2011) 15.

⁶ P.M. Kasi, *Research What, Why and How? A Treatise from Researchers to Researchers* (1st, Author House, Bloomington 2009) 33

⁷ Hilla Brink, *Fundamentals of Research Methodology for Health Care Professionals* (2nd, Jute & Co. (Pty.) Ltd., Cape Town 1996) 3

⁸ C. Rajendra Kumar, *Research Methodology* (1st, APG Publishing Corporation, New Delhi 2008) 1.



Research is not merely reading or writing a book, it is a thoughtful scientific process. If something is added with logic it may be also a research and if something is subtracted from a research with logic it may also be a research. Research is a continuum process. Research is an original contribution to the existing stock of knowledge making for its advancement. It is the pursuit of truth with the help of study, observation, comparison and experiment. In easy words, searching of knowledge through objective and systematic method of finding solution to a problem is research. Every research is started with certain objectives and ultimately concluded by truth.

Research is the conscientious study of an issue, problem, or subject. It is a useful form of inquiry designed to assist in discovering answers.⁹ One can visualize the fact that a detailed study is required in each practical situation for better results. Any effort which is directed to such study for better results is known as research. In other words, a research is an organized set of activities to study and develop a model, procedure or technique to find the results of a realistic problem supported by literature and data such that its objectives are optimized and further make recommendations / interferences for implementations.¹⁰

4. Objectives of Research:

Every research work is directed in the light of objectives drawn by the researcher. After formulation of research problem objectives are stated and it should clearly describe what he wants to achieve through research work. It is very difficult to distinguish between objective of research and purpose of research. Ultimate objective of every research is to seek knowledge and use of such knowledge can serve the purpose designed by the researcher. Objectives describe the nature, quality and philosophy of research. Whereas, purpose describes that how such research would be beneficial for their intended beneficiaries or target group. Objectives directly denotes the key issues necessarily be resolved or answered in every research. In other words it can be said that what knowledge exist relating to particular subject is objective. How knowledge would be useful or beneficial, is purpose or aim of every research.

Example: A, B and C wants to construct their residential house property. Their objectives and purposes are shown in the table as-

	A	B	C
Object (What ?)	Construct residential house property	Construct residential house property	Construct residential house property
Purpose (Why?)	For own residential	For letting	For capital investment

⁹ Mark L. Dantzker, Ronald Hunter, *Research Methods for Criminology and Criminal Justice* (3rd, Jones & Barlett Learning, Ontario Canada e.g. 2012) 8.

¹⁰ R. Panneerselvam, *Research Methodology* (1st, Prentice Hall of India, e.g. Oxford 2004) 2



The prime objective before A, B and C are the same is to construct a residential house property. But their individual purposes are different. Similarly, researchers can undergo research on the same topic at the same and different times and places their objectives may be the same but their purposes of research may differ.

Every research assimilates their 'Objectives', which comes from objectivism. 'Objectivism' means anything independent from personal perception. Here 'Independence' means remaining true to the conscientious judgment of one's own mind without internal or external biasness.¹¹ Objectives should be bias free relating to, or based on verifiable evidence or facts instead of on attitude, belief, or opinion. Objectivity as an attitude on the part of the investigator: detached, unprejudiced, open to whatever the evidence may reveal. Alternatively, it may be applied to the method of investigation employed, or to its outcomes- some theory or substantive knowledge-claim. Much of what is taught in courses on sociological method are procedures designed to protect investigations from bias in the collection or interpretation of evidence: random sampling, the use of controls, piloting of questionnaires with alternative wordings, and so on are designed to eliminate biases and ensure objectivity. A study conducted in the appropriate spirit of scientific objectivity, having rigorously employed such methods, may justifiably claim to be objective in the further usage of adequately representing the object of study, rather than the subjective wishes and prejudices of the investigator.¹²

In other words it is an unbiased observation of facts in the light of described objectives of research. Personality traits, perception and personal factors of researcher shall not influence the research. In every research, the researcher claims following things in his objects as:¹³

1. An ontological claim that there is a reality "in itself", existing independently of the human mind,
2. An epistemological claim that this reality may be known by the human mind, and
3. A semantic claim that our language or discourse is connected with knowledge of reality in such a way that we may make literal and increasingly accurate description and explanations.

How one plans, executes and interprets research study will depend on one's response to the claim of objectivism. Primarily objectivity of research can be as follows.

- Object of research is to enhance existing knowledge by means of searching, discovery and enquiry.
- To contribute the knowledge of facts, phenomena, theory or principles not known by the society. Which he thinks to be known. (exploratory research)
- To explain or describe the existing knowledge, which he thinks that their explanation is necessary for social awareness? Where society is not aware about

¹¹ Andrew Bernstein, *Objectivism in One Lesson An Introduction to the Philosophy of Ayn Rand* (1st, Hamilton Books, U.K. 2008) 75

¹² Gordon Marshall, 'A Dictionary of Sociology' (Encyclopedia.com 1998)

<<http://www.encyclopedia.com/searchresults.aspx?q=objectivity>> accessed 26 June 14.

¹³ Albert J. Mills, Gabrielle Eurepor, Elden Wiebe, *Encyclopedia of Case Study Research* (1st, SAGE Publications Ltd., California 2010) 619.



complete knowledge or society has misleading or ambiguous approach. (Descriptive research)

5. Classification of Research:

Research can be classified on the basis of their nature. Specific nature of research is designed by their objectives and purposes. On the basis of objectives research can be classified as:

- i. **Inventive Research:** Invention of novel product which was not existed before. Such invention is the outcome of consistent efforts made by the researcher for satisfying any necessity. Usually, inventive researches are concern with the material things i.e., articles, instruments, machineries or devices etc. Theory or principle by which such thing has been produced or it works is a knowledge searched by the researcher. Inventive research is basically concerned with pure science. Produce of inventive research depends on the personal skills of researcher as to his knowledge and designing of the product.
- ii. **Exploratory research:** Exploration of unknown facts which though exists, but not known by the society. Those facts which are mysterious or difficult to interpret are searched and introduced before the society by the research is called exploratory research. Usually those areas where no earlier studies have made or no preliminary knowledge exists by which any general hypothesis can be formed to proceed ahead.
- iii. **Explanatory research:** Explaining any knowledge which already exists but social awareness towards such knowledge or reality is incomplete, misled or inconsistent. Such research is motivated so that the society can be made aware about the real state of knowledge. The purpose behind such research is to protect the society from suffering caused due to wrong perception towards any fact, phenomenon, principle or theory. If social perception can be corrected the society can progress further. Otherwise it may be static or degrading continually in any particular field of life.
- iv. **Diagnostic research:** Where any problem exists, but their causes are not known, the exercise towards finding such causes or variables responsible for origin, existence and subsistence of problem are diagnosed is called diagnostic research. It is also known as causal research. It shows the cause and effect relationship. Problem is always an effect of certain known or unknown variables. Study of such unknown variables is known as diagnostic research.
- v. **Remedial research:** Where the causes of any problem have already identified, but how to prevent or control such problem still puts a question. Therefore, the remedies are explored to control or eradicate such problem is called remedial research.
- vi. **Comparative research:** Where two or more groups, phenomenon, society, policy, instruments, principles or theories are compared for certain objectives. Such comparison is made according to objectives and purposes of study. If two or more options are available for making any decision then comparing things is necessary for going with better choice.



- vii. **Experimental Research:** Where effect of one variable is observed on another variable in controlling and manipulative manner by the researcher. Experimental research demonstrates the cause and effect relationship by manipulating factors. It is the testing of variables in laboratory. These researches are rarely used in legal research. Since, the law research is generally focused on existing and ideal legal principles, legislations and policies studied in real social condition without any external control. Though, the pilot project schemes are basically experimental methods used in social science. Experimental methods are more expensive for their frequency of trials taken by the researcher for coming on reliable results so that standard predictions can be made.
- viii. **Historical Research:** In historical research, past events are studied systematically and chronologically so that a clear description can be given as to the happening of events in past. In historical research scattered recorded facts are collected,

ix. **9. Glossary -**

Starting Character	Term	Definition	Related Term
E	Epistemology	The term was introduced by the Scottish philosopher James Frederick Ferrier. It is the branch of philosophy concerned with the nature and scope of knowledge and is also referred to as "theory of knowledge". It questions what knowledge is and how it can be acquired, and the extent to which knowledge pertinent to any given subject or entity can be acquired.	
F	Fact	Term derived from the Latin word <i>factum</i> , means a thing done or performed deemed to be true or correct. Facts are verified by evidences. It also indicate findings derived through a process of evaluation, including review of testimony, direct observation, or otherwise; as distinguishable from matters of inference or speculation.	
I	Investigation	Careful act or process of examining any problem or statement to discover the truth.	
L	Logic	A sensible or reasonable idea, explanation or argument.	
	Normative Science	Type of information that is developed, presented, or	



N		interpreted based on an assumed, usually unstated, preference for a particular policy or class of policies.	
O	Objective	Plan or intend to achieve something.	
	Ontology	Branch of philosophical study deals with the questions concerning the nature of entities, their being, becoming, existence or reality, as well as their basic categories and relations.	Metaphysics
P	Phenomenon	Any fact or situation that is observed to exist or happen, especially one whose cause or explanation is in question.	
	Problem	Something that causes trouble, difficulty or has a bad effect, or a question that someone is given to answer.	
R	Research	Creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications.	
	Reasoning	The process of thinking about something in an intelligible sensible way in order to make a decision or form an opinion.	
S	Scientific Process	The principles and empirical processes of discovery and demonstration considered characteristic of or necessary for scientific investigation, generally involving the observation of phenomena, the formulation of a hypothesis concerning the phenomena, experimentation to demonstrate the truth or falseness of the hypothesis, and a conclusion that validates or modifies the hypothesis.	



	Semantic	Study of relation between signifiers, like words, phrase, signs and symbols, and what they stand for, their denotation.	
T	Transaction	Occurrence of facts denoted by single name.	