

CONTENTS

	PAGE
<i>Foreword</i>	<i>I-5</i>
<i>About the Authors</i>	<i>I-7</i>
<i>Preface</i>	<i>I-9</i>
<i>Acknowledgement</i>	<i>I-11</i>
<i>List of cases</i>	<i>I-21</i>

CHAPTER 1

INTRODUCTION TO LEGAL RESEARCH: CONCEPT AND SIGNIFICANCE

1.1	Legal research - Meaning and nature	2
1.1.1	Understanding research	3
1.1.2	Legal research defined	4
1.2	Scope of legal research	4
1.2.1	Thinking like a lawyer: Practitioner's research	6
1.2.2	Academic legal research	7
1.3	Significance of legal research	9
1.4	Role of legal research in law reform	10
1.4.1	Law commission reports	11
1.4.2	The Law Commission of India	11
1.4.3	Making of the Constitution - Constitutional assembly debates	12
1.4.4	Committees for legal reforms	13
1.4.5	Role of judicial legislation	13
1.4.6	Indian Law Institute (ILI)	13
1.5	Primary and secondary authorities in legal research	14

	PAGE
1.5.1 Primary authorities or primary source of law	15
1.5.2 Secondary authorities	21
1.6 Electronic and online resources for legal research	27
1.6.1 Public domain resources for case reports/Information/Legal materials	28
1.6.2 Commercial resources	31
1.7 Conclusion	31
◆ Summary	32

CHAPTER 2

LEGAL RESEARCH METHODOLOGY

2.1 Meaning and definition of method and methodology	34
2.2 Components of research methodology	35
2.2.1 Paradigm	35
2.2.2 Research design	40
2.2.3 Research approach	40
2.3 Legal research methodology	40
2.3.1 Broad categories of legal research methodologies	44
2.4 Conclusion	51
◆ Summary	51

CHAPTER 3

SOCIO-LEGAL RESEARCH

3.1 Understanding law and society	53
3.2 Understanding 'Socio' in Socio-Legal Research (SLR)	55
3.3 Ambit of Socio-legal research	55
3.4 Socio-legal Research - An interdisciplinary approach	56
3.5 Socio-legal research methodology	58
3.5.1 Theoretical and empirical dimensions	60
3.6 Challenges in doing socio-legal research	64
3.7 Conclusion	65
◆ Summary	65

CHAPTER 4
**METHODS OF REASONING: DEDUCTIVE
 AND INDUCTIVE**

4.1	Meaning of reasoning	67
4.2	How an argument is constructed?	68
4.3	Fallacies and the nature of argument	70
4.4	Inductive and deductive reasoning	73
4.4.1	Inductive reasoning	73
4.4.2	Deductive reasoning	78
4.5	Legal reasoning	81
4.6	Conclusion	85
◆	Summary	86

CHAPTER 5
REVIEW OF LITERATURE

5.1	Meaning of literature review	88
5.2	Role of literature review	89
5.3	When to review the literature?	91
5.4	Sources of information for a literature review	91
5.5	Understanding the tools for legal research	93
5.5.1	Tools for searching judicial authorities and legislative materials	93
5.5.2	Tools for searching secondary data	98
5.6	Caution in using the E-resources	100
5.7	How to select research articles for review?	101
5.7.1	Examine the title	102
5.7.2	Read the abstract	102
5.7.3	Read the article	102
5.8	How to organise the material in writing literature review?	103
5.9	Evaluation of literature	104
5.10	Steps in conducting a literature review as recommended by Creswell	105

5.11	Guidelines before writing the review	106
5.11.1	Analysis of literature	106
5.11.2	Evaluate literature for currency and coverage	107
5.12	Steps in writing the literature review	107
5.13	Conclusion	108
◆	Summary	109

CHAPTER 6

IDENTIFICATION AND FORMULATION OF PROBLEM

6.1	Introduction	111
6.2	Framing the title	112
6.3	Problem formulation - Important steps in problem formulation	118
6.4	Conclusion	124
◆	Summary	124

CHAPTER 7

VARIABLES : A COMPREHENSIVE OVERVIEW

7.1	Understanding variables	125
7.2	Operationalisation and attributes of variables	126
7.3	Types of variables	127
7.4	Conclusion	136
◆	Summary	136

CHAPTER 8

RESEARCH QUESTIONS AND HYPOTHESES

8.1	Introduction	137
8.2	Research questions	138
8.2.1	Characteristics of effective research questions	140
8.2.2	Differentiating between broad research topics and specific research questions	142
8.2.3	Types of research questions	142
8.2.4	Number of research questions	146

	PAGE
8.2.5 Techniques for developing research questions	147
8.2.6 Formulating research questions: Tips and strategies	148
8.3 Hypotheses	149
8.3.1 Meaning of hypotheses	149
8.3.2 Definitions of hypothesis	150
8.3.3 Characteristics of hypotheses	152
8.3.4 Where hypothesis is not required	153
8.3.5 Types of hypotheses	154
8.4 Conclusion	160
◆ Summary	160

CHAPTER 9

RESEARCH DESIGN

9.1 Introduction	162
9.2 Meaning and definitions of research design	163
9.3 Characteristics of a good research design	164
9.4 Challenges in research design	164
9.5 Factors in developing an appropriate research design	165
9.6 Steps for designing a research study	168
9.7 Types of research designs	175
9.8 Time dimension in designing research	184
9.9 Conclusion	188
◆ Summary	188

CHAPTER 10

SAMPLING

10.1 Introduction	191
10.2 Sampling difference in quantitative and qualitative study	194
10.3 Fundamental terms in sampling	196
10.4 Types of sampling techniques	200
10.4.1 Probability sampling	201
10.4.2 Non-probability sampling techniques	207

10.5	Conclusion	211
◆	Summary	212

CHAPTER 11

DATA COLLECTION TECHNIQUES AND TOOLS

11.1	Introduction	214
11.2	Questionnaires as a data collection method	215
11.3	Interviews as a data collection method	222
11.4	Observation as a data collection method	226
11.5	Survey as a data collection method	230
11.6	Schedule	234
11.7	Narrative form of data collection method	235
11.8	Case studies	236
11.9	Ethnography	238
11.10	Content analysis	239
11.11	Conclusion	240
◆	Summary	240

CHAPTER 12

RESEARCH ETHICS AND ACADEMIC INTEGRITY

12.1	Introduction	243
12.2	Understanding research ethics, academic integrity and research misconduct	244
12.2.1	Ethics in data collection	246
12.2.2	Ethics in the process of research and reporting	247
12.3	Copyright infringement and plagiarism in legal research	259
12.3.1	Difference between plagiarism and copyright infringement	261
12.3.2	Legal Protection against copyright infringement	262
12.3.3	Copyright protection to the foreign work	263
12.3.4	Protection of special rights	263
12.3.5	Protection against copyright infringement to literary works	264

12.3.6	Modes of copyright infringement in literary works	264
12.3.7	Registration of copyright	264
12.3.8	Need for copyright protection	265
12.4	Unethical publication practices	267
12.4.1	How to identify predatory journals and publishers?	269
12.4.2	How to identify and select a journal?	271
12.4.3	Checklist to identify predatory journals	273
12.5	Conclusion	274
◆	Summary	274

CHAPTER 13

DATA ANALYSIS AND REPORT WRITING

13.1	Introduction	276
13.2	Data analysis	277
13.2.1	Qualitative data analysis	277
13.2.2	Quantitative data analysis	278
13.3	Report writing	294
13.4	Conclusion	296
◆	Summary	297
	Subject Index	299