**Research Methodology (Theory)**

**Unit – I**

## 1. What is the meaning of legal research ?

Legal research means scientific and purposive investigation or inquiry of a problem or issue of any discipline. Likewise, legal research is a scientific investigation into a legal issue or problem and the process of gathering evidence or information for ascertaining an assumption or verifying some hypotheses.

Like other research activities, legal research is a systematic and methodical study directed toward developing new knowledge or verifying existing knowledge. Legal research is not merely concerned with the technical knowledge of the law. Rather one of the purposes of legal research is to find philosophical or policy arguments in law.

**Legal research is an inquiry and investigation made by judges, lawyers, and legal researchers in the quest for a deeper and fuller understanding of the true nature of legal problems.**

It seeks to expound on various aspects of the legal system, the legislative and judicial process, and the nature and function of law in society. Legal research is also concerned with "the understanding and internal coherence of legal concepts and reasoning.

Legal research is not a mere description of facts but a purposive investigation to explain or interpret a legal phenomenon. It goes beyond description and requires analysis.

In this sense, it is a creative process and involves normative activities. Legal research is diligent, and continued search is for the more probably accepted answer to a legal question.

The such search involves the choice of hypothesis, the assortment ascertainment of facts, their classification, elimination of relevance, the use of both Inductive and deductive reasoning, and the assertion of a conclusion. In essence, it involves analysis of facts, ordering legal propositions and doctrines, and applying legal reasoning to conclude.

Legal research essentially seeks to expound the logical coherence of law concepts and determine and define the terms and presuppositions used in law.

Legal research is identifying and retrieving information necessary to support judicial decision-making.

In its broadest sense, legal research includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the investigation results.

The processes of legal research vary according to the country and the legal system involved. However, legal research generally suggests such tasks as:

Find primary sources of law or central authority in a given jurisdiction (cases, statutes, regulations, etc.)

- Searching secondary authorities (for example, law reviews, legal dictionaries, legal treatises, and legal encyclopedias such as American Jurisprudence and Corpus Juris Secundum) for background information about a legal topic; and
- Searching non-legal sources for investigative or supporting information.

2. **What do you mean by research problem ? Explain the characteristics of research problem.**

Answers : A research problem, in general, refers to some difficulty which a researcher experiences in the context of either a theoretical or practical situation and wants to obtain a solution for the same. Usually we say that a research problem does exist if the following conditions are met with: (i) There must be an individual (or a group or an organisation), let us call it 'I,' to whom the problem can be attributed. The individual or the organisation, as the case may be, occupies an environment, say 'N', which is defined by values of the uncontrolled variables, Yj . (ii) There must be at least two courses of action, say C1 and C2 , to be pursued. A course of action is defined by one or more values of the controlled variables. For example, the number of items purchased at a specified time is said to be one course of action. (iii) There must be at least two possible outcomes, say O1 and O2 , of the course of action, of which one should be preferable to the other. In other words, this means that there must be at least one outcome that the researcher wants, i.e., an objective. (iv) The courses of action available must provides some chance of obtaining the objective, but they cannot provide the same chance, otherwise the choice would not matter. Thus, if P (Oj | I, Cj , N) represents the probability that an outcome Oj will occur, if I select Cj in N, then PO I C N PO I C N 11 12 b gb g | | ,, ,, ≠ . In simple words, we can say that the choices must have unequal efficiencies for the desired outcomes.

Over and above these conditions, the individual or the organisation can be said to have the problem only if 'I' does not know what course of action is best, i.e., 'I', must be in doubt about the solution. Thus, an individual or a group of persons can be said to have a problem which can be technically described as a research problem, if they (individual or the group), having one or more desired outcomes, are confronted with two or more courses of action that have some but not equal efficiency for the desired objective(s) and are in doubt about which course of action is best. We can, thus, state the components1 of a research problem as under: (i) There must be an individual or a group which has some difficulty or the problem. (ii) There must be some objective(s) to be attained at. If one wants nothing, one cannot have a problem. (iii) There must be alternative means (or the courses of action) for obtaining the objective(s) one wishes to attain. This means that there must be at least two means available to a researcher for if he has no choice of means, he cannot have a problem. (iv) There must remain some doubt in the mind of a researcher with regard to the selection of alternatives. This means that research must answer the question concerning the relative efficiency of the possible alternatives. (v) There must be some environment(s) to which the difficulty pertains. Thus, a research problem is one which requires a researcher to find out the best solution for the given problem, i.e., to find out by which course of action the objective can be attained optimally in the context of a given environment. There are several factors which may result in making the problem complicated. For instance, the environment may change affecting the efficiencies of the courses of action or the values of the outcomes; the number of alternative courses of action may be very large; persons not involved in making the decision may be affected by it and react to it favourably or unfavourably, and similar other factors. All such elements (or at least the important ones) may be thought of in context of a research problem.

**Characteristics of a Good Research Problem**

Many authors of research books put forth the following as some of the characteristics of a good research problem:

1. A good research problem should be specific. The variables are clearly stated, and the relationship are properly cited.
2. It should be measurable.It can be measured accurately by research instruments.
3. It is achievable. The data are achievable using correct statistical techniques to come up with reliable findings.
4. It is realistic. The result are empirical and not manipulated. The researcher respects and upholds the integrity of the evidence.
5. It is time-bound. Time frame is essential to realize or complete the study at a set time.

**Unit - II**

**3. What do you understand by Research Design ? Explain what are the factors which are affecting Research Design.**

Research design is the framework of research methods and techniques chosen by a researcher to conduct a study. The design allows researchers to sharpen the research methods suitable for the subject matter and set up their studies for success.Creating a research topic explains the type of research (experimental, survey research, correlational, semi-experimental, review) and its sub-type (experimental design, research problem, descriptive case-study).

***According to William Zikmund :***

"Research design is defined as a master plan specifying the methods and procedures for collection and analyzing the needed information."

***According to Kerlinger :***

"Research design is the plan, structure, and strategy of investigation conceived so as to obtain answers to research questions and to control variance".

**Various factors that affect research design are as follows :**

**1) Research Questions :**

Research questions perform an important role in selecting the method to carry-out research. There are various forms of research designs which include their own methods for collecting data.

**For example,** a survey can be conducted for the respondents to ask them descriptive or interconnected questions while a case study or a field survey can be used to identify the firm's decision-making process.

**2) Time and Budget Limits :**

Researchers are bound with restricted amount of time and budget to complete the research study. The researcher can select experimental or descriptive research when the time and budget constraints we favorable to him for the detailed study. otherwise exploratory research design can be adopted when the time is limited.

**3) Research Objective :**

Every research is carried out to obtain the results which help to achieve some objectives. This research objective influences the selection of research design. Researcher should adopt the research design which is suitable for research objective and also provides best solution to the problem along with the valuable result.

**4) Research Problem :**

Selection of the research design is greatly affected by the type of research problems. **For example,** the researcher selects experimental research design to find out cause and-effect relationship of the research problem. Similarly, if the research problem includes in depth study, then the researcher generally adopts experimental research design method.

| RESEARCH METHOD | RESEARCH METHODOLOGY |
|---|---|
| Research methods are the methods used by researchers to collect data to conduct research on a particular research topic. | A Research methodology is systematic approach to solve the research problem and to reach a new conclusion. |
| The objective of the research method is to find the solution. | The objective of the research methodology is to determine the solution by applying correct procedures of research. |
| Research methods are useful to apply during the latter stage of the research process. | Research methodologies are applied in the initial stage of the research being conducted. |
| Research methods are small part of research methodology. | A Research methodology is a multi-dimensional concept. |
| Research methods consist of various techniques where various studies and experiments are used to conduct research and reach an appropriate conclusion. | Research methodologies are used applied during the initial stage of the research to explain the purpose of chosen methods and how they will serve its function. |
| Research methods consist of different investigation | Research methodologies is a systematic strategy to achieve |

| RESEARCH METHOD | RESEARCH METHODOLOGY |
|---|---|
| techniques. | the decided objective. |
| Research method encompasses of carrying out an experiment, survey, test and so on. | Research methodology encompasses different techniques which are used during the performance of the experiment, surveys, and test, etc. |

**5) Personal Experiences :**
Selection of research design also depends upon the personal experience of researchers.
**For example,** the researcher who has expertise in statistical analysis would be liable to select the quantitative research designs. While, those researchers who are specialists in theoretical facets of research will be forced to select qualitative research design.

**6) Target Audience :**
The type of target audience plays very important role in selection of research design. Researcher must consider the target audience for which the research is carried-out. Audiences may either be general public, business professionals or government.
**For example,** if the research is proposed for general public, then the researcher should select qualitative research design. Similarly, quantitative research design would be appropriate for the researcher to introduce the report in front of the business experts.

**Unit - III**

4. **Difference between Research methods and research methdology.**

**OR**

5. **Explain what is a questionnaire and comment upon the essentials of a good questionnaire.**
   A questionnaire is a research instrument that consists of a set of questions or other types of prompts that aims to collect information from a respondent. A research questionnaire is typically a mix of close-ended questions and open-ended questions.

Open-ended, long-form questions offer the respondent the ability to elaborate on their thoughts. Research questionnaires were developed in 1838 by the Statistical Society of London.
The data collected from a data collection questionnaire can be both qualitative as well as quantitative in nature. A questionnaire may or may not be delivered in the form of a survey, but a survey always consists of a questionnaire.

**1. Brief and Limited Questionnaire:**
The number of questions in a schedule should be brief and limited as possible. Only relevant questions to the problem under investigation should be added.

**2. Simple and Clear:**

The questions should be simple, clear and precise. Its language should be very simple so that informants may easily understand.

**3. Unambiguous Questions":**

All unambiguous questions should be avoided at all, complicated and long-worded questions irritate the respondents which results in careless; replies.

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**4. No Personal Questions:**

No personal question should be asked from, respondents. Such questions should be avoided.

**5. Use of Proper Words:**

Questions should be framed with right words. This ensures the validity.

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**6. Avoidance of Calculations:**

Questions should not be based on calculations. Only those questions should be asked which the respondents may reply immediately. Moreover, questions should avoid memories.

**7. Only Objective Questions:**

The questions should be objective. It should be based on opinions of the individuals.

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**8. Sequence of the Questions:**

The arrangement of the questions should be such so that no question may slip back. It must involve a logical flow of questions.

**9. Pre-testing:**

Before sending the questionnaire to the respondents, it must be properly tested.

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**10. Instructions:**

Precise and simple instructions of filling the questionnaire should be added in the foot note.

**11. Cross Examination:**

The questionnaire should be set in such a way that there may be cross examination of the information supplied by the informants. In fact, it is a check on false or inaccurate answers.

**12. Secret Information:**

Every respondent should be ensured that information given by them shall be kept secret.

**13. Attractive Questionnaire:**

Proper care should be taken to make the questionnaire attractive. A well set questionnaire will certainly impress the recipient.

## 6. Write short notes on Scaling Techniques.

**Definition:** Scaling technique is a method of placing respondents in continuation of gradual change in the pre-assigned values, symbols or numbers based on the features of a particular object as per the defined rules. All the scaling techniques are based on four pillars, i.e., order, description, distance and origin. The marketing research is highly dependable upon the scaling techniques, without which no market analysis can be performed.

Types of Scaling Techniques

- Primary Scaling Techniques
- Nominal Scale
- Ordinal Scale
- Interval Scale
- Ratio Scale

## 7. Expalin the significance of ethics in writing the research report.

First, norms promote the aims of research, such as knowledge, truth, and avoidance of error. For example, prohibitions against fabricating, falsifying, or misrepresenting research data promote the truth and minimize error.

Second, since research often involves a great deal of cooperation and coordination among many different people in different disciplines and institutions, ethical standards promote the values that are essential to collaborative work**,** such as trust, accountability, mutual respect, and fairness.

Third, many of the ethical norms help to ensure that researchers can be held accountable to the public**.** For instance, federal policies on research misconduct, conflicts of interest, the human subjects protections, and animal care and use are necessary in order to make sure that researchers who are funded by public money can be held accountable to the public.

Fourth, ethical norms in research also help to build public support for research. People are more likely to fund a research project if they can trust the quality and integrity of research.

Finally, many of the norms of research promote a variety of other important **moral and social values**, such as social responsibility, human rights, animal welfare, compliance with the law, and public health and safety. Ethical lapses in research can significantly harm human and animal subjects, students, and the public.

**Unit – V**

## 8. Explain and evaluate the factors which influence choice of research methods.

1. **Theoretical factors**: Positivists prefer quantitative research methods and are generally more concerned with reliability and representativeness. Interpretivists prefer qualitative research methods and are prepared to sacrifice reliability and representativeness to gain deeper insight which should provide higher validity.

2. **Practical factors**: include such things as the amount of time the research will take, how much it will cost, whether you can achieve funding, opportunities for research including ease of access to respondents, and the personal skills and characteristics of the researcher.

3. **Ethical factors**: thinking about how the research impacts on those involved with the research process. Ethical research should gain informed consent, ensure confidentiality, be legal and ensure that respondents and those related to them are not subjected to harm. All this needs to be weighed up with the benefits of the research.

4. A fourth factor is the **Nature of the Topic** to be studied. Some topics lend themselves to certain methods and preclude others.