



COURSE CONTENT

Master of Laws (LL.M.): (II Yrs./III Yrs.)

Semester – I

Subject: LM-102: Legal and Social Science Research Methods

TOPIC: I

FUNDAMENTAL OF LEGAL RESEARCH

- A. Meaning, Nature and Notion of Research
- B. Meaning, Nature and Scope of Legal Research
- C. Explanation of Terms Frequently used in Legal Research
 - I. Concept
 - II. Relation
 - III. Theory
 - IV. Paradigm
 - V. Hypothesis
 - VI. Variables
 - VII. Operationalisation
- D. Types of Legal Research
 - I. Doctrinal, Non-Doctrinal
 - II. Exploratory, Descriptive,
 - III. Qualitative, Quantitative
 - IV. Conceptual, Analytical
 - V. Mono-disciplinary, Inter-disciplinary
 - VI. Case Study, Comparative Study
- E. Major Stages of Legal Research: Formulation of Problem, Literature Review, Hypothesis, Research Design, Collection and Analysis of Data, Research Report Writing.

TOPIC: II

LEGAL SOURCES AND MATERIALS

- A. Legal Sources:
 - (i) *Primary Sources:*
 - a. International and National Legal Instruments, Law Commission Reports, Govt. Collected Data etc.
 - b. Use of Case Law, Importance of Ratio, Significance of Obiter
 - (ii) *Secondary Sources:*
 - a. Legal Dictionaries: Black's Law Dictionary, Nolo's Plain English Law Dictionary, Ballentine's Law Dictionary (Lexis).
 - b. Legal Encyclopedias and Digests: Gale Encyclopedia of American Law and Washington Digest.

- c. Law Reviews and Journals: Delhi Law Review, Banaras Law Journal, National Law School of India Review, Virginia Law Review, Seattle University Law Review, Yale Law Journal,.
- d. Legal Treatises, Nutshells, Hornbooks, Desk books: Criminal Law in a Nutshell, Principles of Employment Law, American Constitutional Law, Washington Civil Procedure Desk book.
- e. Manuals and Guides on How to Practice Law: Washington Practice, Washington Lawyers Practice Manual.

B. Legal Materials:

- a. Library Sources
- b. e-Sources (How to Use)
- c. e-Data Base (How to Access)
- d. DU *e-Library* App/Web Use (How to Log In)

Note: Students must refer and read the ‘Delhi Law Review’ from which exercises for assignment shall be prescribed.

Note: Dates for submission of first draft of every assignment will be fixed. Teacher after correcting/discussing/making remarks will return for the final submission.

TOPIC – III

LEGAL AND SOCIAL SCIENCE RESEARCH

- A. Historical and Contemporary Role of Legal Research
- B. Approaches to ‘Law’ in Legal Research
 - I. Research in positive/black-letter law
 - II. Research in law as a decision-making process
 - III. Research concerning Law as an institutional system
 - IV. Research concerning law as a socio-cultural system
 - V. Policy and action-oriented research for reform
- C. Approaches to ‘Social Science’ in Legal Research

TOPIC – IV

LEGAL RESEARCH DESIGN AND TECHNIQUE

(i) Formation of Research Problem

- a. Identification of problem
- b. Literature Survey
- c. Hypothesis difference between proposition, hypotheses and theory. Types of hypothecs. Testing of hypothesis, and Operationalisation of the Hypotheses.
- d. Objectives of Study

(ii) Methodology- Doctrinal and Non-Doctrinal (Empirical) Research

- a. Use of Primary and Secondary Sources
- b. Tools of Data Collection: Observation, Interview, Questionnaire and Schedule.

(iii) Research Techniques:

- a. Methodological Tool Kit:
 - i. Case Study
 - ii. Survey
 - iii. Sampling
 - iv. Scaling Techniques - Thurston's Order Method, Likert and Guttman Scales
- b. Anticipated and Unanticipated Problems

Note: Students are required to start working on their research design from (date) already decided and finalise the research tools. They are required to complete data collection and submit the research design and prepare the report.

TOPIC – V

DATA ANALYSIS

- A. Aggregate Data, Quantitative and Qualitative Data
- B. Use of Statistics in Social Sciences
- C. Drawing of Inferences and Interpretations
 - i. Analysis/Interpretations
 - ii. Jurimetrics

Note: Students are required to start working on their data collection and make their own interpretations based on their data collected. It would be further approved by the concerned teachers after evaluation.

TOPIC – VI

REPORT WRITING

- A. Legal Writing
 - i. Framing of Writing
 - ii. Method and Use of Footnotes/Endnotes
 - iii. Editing/ Proof Reading
- B. Proving/Disproving of Hypothesis.
- C. Placement of Tables /Graphs.
- D. Presenting Research: Research Proposal, Dissertation and Thesis.
- E. Bibliography: Priorities of Sources and Methods.

Note: Students are required to write their research proposal for their dissertation on the basis of lessons learnt.

TOPIC – VII

RESEARCH ETHICS

- A. Importance of Research Ethics and Research Integrity.
- B. Authorship, Peer Review and Conflict of Interest.
- C. Use of Copyright and Open Source Materials.
- D. Research Misconduct and Plagiarism.
- E. Codes and Policies for Research Ethics (UGC Regulations and Guidelines).

Scheme of Evaluation: There is no written examination in this course. Students will be assessed on the basis of curricular class/field work and the viva-voce for which they have to compulsorily participate/attend. Marks distributed out of 100 marks are given below:

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|----------------------------------|----------|
| 1. Research Article/Case Comment | 10 Marks |
| 2. Research Synopsis/Proposal | 10 Marks |
| 3. Data Collection/Analysis | 10 Marks |
| 4. Class Presentation/Work | 10 Marks |
| 5. Class Attendance/ Interaction | 10 Marks |
| 6. Viva-Voce Examination | 50 Marks |

Suggested Readings:

- ❖ A.K. Phophalia, *Modern Research Methodology*, Paradise Publishers, (2010).
- ❖ Alan Brayman, *Social Research Methods*, Oxford University Press, (2001)
- ❖ Anwarul Yaqin, *Legal Research and Writing Methods*, LexisNexis Butterworths Wadhwa, Nagpur, (2008)
- ❖ Bailey, *Methods of Social Research*, pp. 18, 31-66, Maxwell Mcmillan Publication, (1978)
- ❖ Bakshi, P.M. “Legal Research of Law Reform” in *Legal Research and Methodology*, 121, 217 (1983).
- ❖ Baxi, U., “The Travails of Stare Decesis in India” in ‘*Legal Change: Essay in Honor of Professor Julius Stone*’ (1983, A.R. Black Shield Edn.) Butterworths, Sydney, Australia.
- ❖ Baxi, U., *Socio-Legal Research in India: A programmschrift*, Occasional Monograph (1975).
- ❖ Baxi, U., *Towards Sociology of Indian Law*, Satvahan Publications (1986).
- ❖ Kothari C.R., *Research Methodology: Methods & Techniques*, New Age International Publishers, (2006).
- ❖ George, Gadbois Jr, (i) “Participation in Supreme Court Decision Making” 24 *JILI* p. 1 (1982). *JILI*, vol. 24, no. 2/3, silver jubilee number (April- September, 1982)
- ❖ George, Gadbois Jr, (ii) “Indian Supreme Court Judges: A Portrait”, 3 *Law and Society Review*, 317-335 (1963).
- ❖ George, Gadbois Jr, (iii) “Indian Judicial Behaviour” 5 *Economic and Political Weekly*, 49-166 (1970).
- ❖ George, Gadbois Jr, (iv) The Supreme Court of India: A Preliminary Report of an Empirical Study” 4 *Jr. of Constitutional and Parliamentary Studies*, 53-54 (1970).
- ❖ Gerald D. Berreman, “Ethnography: Method and Product” in V.K. Srivastava, *Methodology and Fieldwork*, Oxford University Press, (2004).
- ❖ Jain, S.N., “Doctrinal and Non-doctrinal Research” in *Legal Research and Methodology*, *JILI*, 167 (1983)
- ❖ Jain, S.N., “Legal Research and Methodology”, 14 *JILI* 487 (1972)
- ❖ Jones, Ernest M., “Some Current Trends in Legal Research” 15 *Jour Leg. Edn.* 21 (1962-63)
- ❖ Lindsay Prior, *Using Documents in Social Research*, Sage Publication, (2003)

- ❖ M. N. Borse, *Handbook of Research Methodology: Modern Methods And New Techniques*, Srinivas Publication, (2005).
- ❖ Mark Abrahamson, *Social Research Methods*, pp 197-331, Prentice Hall Publications, (1983)
- ❖ Michael G. Maxfield and Earl Babbie, *Research Methods for Criminal Justice and Criminology*, Thompson Learning, (2001)
- ❖ Mukul Gupta and Deepa Gupta, *Research Methodology*, PHI Publications, (2013)
- ❖ Nan Lin, *Foundations of Social Research*, McGraw Hill Publication, (1976)
- ❖ Pedekar, V.H. *How to Write Assignments Research Paper, Dissertations and Thesis*, (1982).
- ❖ Peter Clough and Cathy, *A Students' Guide For Research Methodology*, Sage Publication, (2002)
- ❖ Price and Bitner, *Effective Legal Research*, Prentice Hall Inc., 311-380 (1953).
- ❖ Mitra PP, *Socio-Legal Research: Theory and Methodology*, Thomson Routers Publications, (2020)
- ❖ Ram Ahuja, *Research Methods*, pp 52-91, Rawat Publications, (2001).
- ❖ Robert Watt, *Concise Legal Research*, (4th Ed.) Federation Press, (2001).
- ❖ Sadhu and Singh, *Research Methodology in Social Sciences*, pp 1-34, HPH Publications, (1983).
- ❖ Saxena, I.C. "The Doctrine of Precedent in India: A Study of Some of its Aspects", 3 *Jaipur Law Journal*, 138 (1963).
- ❖ S.K. Verma and Afzal Wani, *Legal Research and Methodology*, ILI Publication, New Delhi (1999)
- ❖ Winston Jackson, *Research Methods: Rules for Survey Design and Analysis*, PHI Publications, (1988)
