



COURSE CONTENT

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

SEMESTER – I

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

Note: Students are required to write a research proposal, a data report, and a research paper as assignments for this subject/course. The concerned Professor will first accept the drafts of all these for correcting/discussing/making remarks before their final submission. Also, Presentation of research proposal is essentially required at the end of this course/semester.

Note: No student shall be permitted to appear in the examination unless a certificate is issued by the concerned Professor that all assignments submitted and research proposal presented by the student were to his/her satisfaction.

TOPIC: I

FUNDAMENTALS OF RESEARCH

- A. Meaning, Nature and Notion of Research
- B. Scope and Relevance of Legal and Social Science Research
- C. Explanation of Term Frequently used in Research: Concept, Theory, Relation, Paradigm, Proposition, Hypothesis, Variables, Operationalisation, Population, Respondent.
- D. Types or Kinds of Research:
 - I. Doctrinal, Non-Doctrinal.
 - II. Exploratory, Descriptive.
 - III. Qualitative, Quantitative.
 - IV. Applied, Fundamental.
 - V. Mono-disciplinary, Inter-disciplinary.
 - VI. Case Study, Comparative Study.
- E. Major Stages of Research: Formulation of Problem, Literature Review, Hypothesis, Research Design, Collection and Analysis of Data, Report Writing/Dissertation/Thesis.

TOPIC: II

LEGAL AND SOCIAL SCIENCE RESEARCH

- A. Historical and Contemporary Role of Legal Research.
- B. Approaches to 'Law' in Legal Research:
 - I. Research in Law with Positive/ Black-letter Approach.
 - 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:
 - I. Sociological Approach to Law, Sociology of Law, Socio-Legal Research.

- II. Theology-Science-Humanities; Society, State and the Law.
- III. Empiricism, Critical Empiricism, Legal Empiricism.
- D. Models and Methods of Legal and Social Science Research
 - I. Scientific Research: Nature Based, Application Based, Instrument Based.
 - II. Philosophical Research: Ontology, Epistemology, Philosophy of Law.
 - III. Historical Research: Past Fact, Post Facto and Ex-Post Facto Research.
 - IV. Comparative Research: Comparative Social Research, Comparative Legal Research.

TOPIC: III

SOURCES AND MATERIALS

- A. Relevant 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 and Glossaries.
 - b. Legal Encyclopedias and Digests.
 - c. Law Reviews and Journals.
 - d. Law Commentaries, Nutshells, Handbooks.
 - e. Law Books, Manuals and Guides.
- B. E- Database/Materials:
 - a. Library Sources (How to Refer).
 - b. E-Sources (How to Use).
 - c. E-Data Base (How to Access).
 - d. DU *e-Library* App/Web Use (How to Log In).

TOPIC: IV

RESEARCH METHODOLOGIES AND TECHNIQUES

- A. Formulation of Research Problem and Hypothesis:
 - a. Identification of Problem, Formulation of Problem.
 - b. Literature Review: Finding the Research Gaps.
 - c. Hypothesis: Difference with Proposition and Theory. Types of Hypothesis. Testing of Hypothesis, and Operationalisation of Hypothesis.
 - d. Research Objectives and Questions.
- B. Methodology: Doctrinal and Non-Doctrinal (Empirical) Research:
 - a. Use of Primary and Secondary Sources.
 - b. Tools of Data Collection: Observation, Interview, Questionnaire and Schedule.
- C. Research Techniques:
 - a. Methodological Tool Kit: Case Study, Survey, Sampling, Scaling Techniques.
 - b. Anticipated and Unanticipated Outcomes.

TOPIC: V

DATA ANALYSIS AND INTERPRETATION

- A. Data: Primary and Secondary.
- B. Kinds of Data: Aggregate Data, Quantitative and Qualitative Data.
- C. Data Analysis: Use of Statistics in Social Sciences.
- D. Drawing of Inferences and Interpretations: *Socio-metrics, Jurimetrics*.

TOPIC: VI

REPORT WRITING, DISSERTATION AND THESIS

- A. Report Writing, Dissertation or Thesis:
 - 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/Maps/Figures.
- D. Bibliography: Priorities of Sources and Methods.
- E. Presenting Research: Research Report, Research Paper, Dissertation and Thesis.

TOPIC: VII

RESEARCH ETHICS, CONDUCT AND INTEGRITY

- 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).

Compulsory Readings:

1. CR Kothari, *Research Methodology: Methods & Techniques*, New Age International Publishers, Delhi, 2006.
2. Anwarul Yaqin, *Legal Research and Writing Methods*, LexisNexis Butterworth's, Nagpur, 2008.
3. S.K. Verma and Afzal Wani, *Legal Research and Methodology*, ILI Publication, New Delhi, 1999.
4. P. Ishwara Bhatt, *Idea and Methods of Legal Research*, Oxford University Press, New Delhi, 2019.
5. PP. Mitra, *Socio-Legal Research: Theory and Methodology*, Thomson Reuters, New Delhi, 2021.

Suggested Readings:

- ❖ A.K. Phophalia, *Modern Research Methodology*, Paradise Publishers, Delhi, 2010.
- ❖ Alan Brayman, *Social Research Methods*, Oxford University Press, Oxford, 2001
- ❖ Bakshi, P.M. “Legal Research of Law Reform” in *Legal Research and Methodology*, (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).
- ❖ George, Gadbois Jr, (i) “Participation in Supreme Court Decision Making” 24 *JILI* p. 1 (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).
- ❖ 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)
- ❖ Lindsay Prior, *Using Documents in Social Research*, Sage Publication, London, 2003
- ❖ M. N. Borse, *Handbook of Research Methodology: Modern Methods and New Techniques*, Srinivas Publication, Delhi, 2005.
- ❖ Michael G. Maxfield and Earl Babbie, *Research Methods for Criminal Justice and Criminology*, Thompson Learning, London, 2001
- ❖ Mukul Gupta and Deepa Gupta, *Research Methodology*, PHI, Delhi, 2013
- ❖ Bedekar, V.H., *How to Write Assignments, Research Paper, Dissertations and Thesis*, Kanak Publications, Mumbai, (1982).
- ❖ Peter Clough, A. Cathy, B. Brown, *A Students’ Guide For Research Methodology*, Sage Publication, London, 2002.
- ❖ Saxena, I.C. “The Doctrine of Precedent in India: A Study of Some of its Aspects”, 3 *Jaipur Law Journal*, 138 (1963).
