

PREFACE

All sciences, including jurisprudence, are in reality a culmination of the process of research. It is a continuous process and helps to identify and understand the issues better and find suitable solutions thereto. Research may, however, be formal or informal, doctrinal or non-doctrinal, but to be effective it has to be methodical and a researcher should have requisite acquaintance with the problems and techniques, failing which the desired goals may not be achieved. The study of law is closely connected with legal research, which is necessary to give it a proper direction. Sound propositions of law and arguments cannot be constructed without legal research. It is, therefore, equally indispensable for students of law, lawyers, judges and scholars who specialise in legal research.

In the West, legal research is an essential part of legal studies. In India, a few universities have introduced the subject at the Master's level. At the Bachelor's level, the formal instruction in legal research is yet to be introduced. Reason may be lesser realisation of the need for research or absence of initiative and non-availability of materials. There is no worthwhile work available on the subject for the teachers and the taught.

Keeping in view the dire need of such a work in the country, in 1983, on the occasion of its Silver Jubilee, the Indian Law Institute, as a premier research institute of the country, brought out a work on the subject, *Legal Research and Methodology*, based on contributions of various authors on relevant topics. Most of the articles in the book were specially commissioned by the Institute for this work but some of them were reprints from some other journals of repute, in order to make it a comprehensive volume on the subject. The book was received well and found useful by researchers, teachers and students in the field of law. Now, the Institute is presenting a new edition of the work, updated and re-arranged in view of the experience gained with time. All the authors were requested to have a fresh look on their articles. Some of them responded positively by updating their articles. The remaining articles were updated, wherever found necessary, by the editors. In order to make the book more relevant at the present juncture some new articles from foreign journals, with due permission, have also been included. Additions and subtractions of materials have, therefore, been made to the book as per need.

The essays in the book have been put into four parts : Part A deals with the *research precepts* and contains articles of B.A. Wortley, George

D. Braden, Ernest M. Jones, Leonard G. Boonin, C.G. Weeramantry, B.S. Murty, S.K. Agarwala, S.N. Jain, P.M. Bakshi, Rajkumari Agrawala, and S.L. Sharma. These articles bring to focus the research attitudes of those involved in legal research, their preparedness for research and their being relevant and goal oriented. They also refer to the current trends in legal research and point out the hurdles and pitfalls in socio-legal research besides giving an account of 'law and behavioural studies in India' and 'legal research and law reform'. An account of the research programme of the Indian Law Institute has also been incorporated here.

Part B deals mainly with the *techniques of research*. It contains contributions from E.P. Ellinger & K.J. Keith, H.C. Jain, Satish Chander, K.D. Gangrade, Victor S.D'Souza, S.L. Sharma, R.B. Jain, Walter Fernandes, Kuldeep Mathur, Aneeta A. Minocha, B.N. Ghosh, K.S. Shukla, Hans Raj, P.S. Bhatnagar, Colin S. Gibson and Upendra Baxi. They explain the techniques of legal research with specific reference to the empirical methods of research, use of induction and deduction methodology in research, identification and formulation of research problems, research designing, sampling and participatory research. They also give an appraisal of the methods of preparing questionnaires and schedules. This part further details out the interviewing techniques and the techniques and the pattern of scaling, content analysis, analysis and interpretation of data, report writing and legal impact analysis.

Part C, the *supervision and conduct of research*, includes essays of Desmond Mandesson and Thomas Michael McDonnel, which deliberate on the pattern of supervision and conduct of research and explain the methods and benefits of research through collaborative learning.

Part D of the work contains articles of C.M. Campbell & Paul Wiles, Nathan D. Grundstein, Kenneth Culp Davis, Michael Zander, Robin K. Mills, Upendra Baxi, S.N. Jain, Vasudha Dhagamwar, K.L. Sharma and Gurjeet Singh. These essays take into account the diverse aspects of legal research including *research on specialised areas and other miscellaneous topics*. They explain the pattern of the study of law in different societies, present modules for research in administrative law, and describe the manner to prompt change in the legal system through research. Use of computers in legal research has also been dealt with in this part.

It is expected that the book will help the universities and law colleges to shape their courses in a systematic manner and the students will also find it easy to grasp.

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