
Tool and Technique of Research Methodology

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Research is an important means of acquiring new knowledge and truth about a subject. It provides an opportunity for improvement. It provides an opportunity to mould the course of an idea, thought and perception. But there is no short cut to it.

Research means to search or to find out and examine again. This is the very essence of the process of acquiring new knowledge. In the opinion of Redman and Mory, "It is a Systematized effort to gain new knowledge.ⁱ The Encyclopedia Britanicaⁱⁱ defines research to mean "The act of searching into a matter closely and carefully, inquiring directed to the discovery of truth and in particular the trained scientific investigation of the principles and facts of any subject, based on original and first hand study of authorities or experiment. Investigation of every kind which have been based on original sources of knowledge may be styled research and it may be said that without 'research' no authoritative work have been written, no scientific inventions or discoveries made, no theories of any value propounded."

'Legal research' means research in that branch of knowledge which deals with the principles of law and legal institution. There are three main sources of law, viz. legislation, precedent and custom. Juristic writings are another important though secondary source of law and their importance is dependent on the fact whether it is given due recognition by the Courts or the legislature or jurists in solving problems or not.

TOOLS OF LEGAL RESEARCH

Tools mean the things which are essential for the work. There are primary and secondary tools for legal research :

Primary Tools :

- Administrative decisions and rulings
- Administrative rules and regulations
- Constitutions
- Executive Documents
- Judicial Reports
- Statutes – Session Laws and Codes
- Treaties

Secondary Tools:

- Administrative reports and studies

- Appellate records and briefs
- Attorneys General Opinions
- Bar association reports and proceedings
- Biographies of lawyers and judges
- Commentaries, histories and surveys of law
- Constitutional conventions and documents
- Dictionaries
- Directories of lawyers and law firms
- Encyclopedias
- Fiction and anecdotes relating to law
- Foreign and comparative legal sources
- Form Books
- International Legal Sources
- Legislative History
- Periodicals
- Practice and Procedure Manuals
- Reference Books – legal and general
- Restatements of the Law
- Sourcebooks of historical documents
- Texts, treatises and monographs
- Trials

TECHNIQUES FOR LEGAL RESEARCH

1. Questionnaire :-

Questionnaire is the structured set of questions usually sent by mail, though sometimes it is delivered by hand also. Questionnaire is described as “a document that contains a set of questions, the answers to which are to be provided personally by the respondents”.

Condition for use a questionnaire (i) very large samples are desired, (ii) costs have to be kept low, (iii) the target groups who are likely to have high response rates are specialized, (iv) ease of administration is necessary, and (v) moderate response rate is considered satisfactory.

Guidelines to frame a idol questionnaire

- (a) Questions should be clear and unambiguous
- (b) Questions should be relevant
- (c) Questions should be short
- (d) Negative questions should be avoided
- (e) Biased terms should be avoided
- (f) Respondents must be competent to answer

Advantages of questionnaire

- (a) Lower Cost
- (b) Time Saving
- (c) Accessibility to widespread respondents
- (d) No interviewer's bias
- (e) Greater anonymity
- (f) Respondent's convenience
- (g) Standardised wordings
- (h) No variation

2. Interview

Interview is verbal questioning. As a research tool or as a method of data collection, interview is different from general interviewing with regard to its preparation, construction and execution. This difference is that research interview is prepared and executed in a systematic way, it is controlled by the researcher to avoid bias and distortion, and it is related to a specific research question and a specific purpose.

Characteristics of Interview

- Personal communication : There is a face-to-face contact, conversational exchange and verbal interaction between the interviewer and the respondent.
- Equal status : The status of the interviewer and the interviewee is equal.
- Questions are asked and responses received verbally.
- Information is recorded by the interviewer and not the respondent.
- The relationship between the interviewer and the interviewee, who are strangers to each other, is transitory.
- The interview is not necessarily limited to two persons.

Merits of Interview

- (a) Quick information
- (b) Proper interpretation
- (c) Flexibility
- (d) Checking validity
- (e) Control

3. OBSERVATION

According to Mrs. P.V. Youngⁱⁱⁱ “Observation is a systematic and deliberate study through the eye, of spontaneous occurrences at the time they occur, the nature and extent of significant interrelated elements, within complex social phenomena, culture, pattern or human conduct.”

According to Oxford Concise Dictionary “Accurate watching, knowing of phenomena as they occur in nature with regard to cause and effect or mutual relations.”

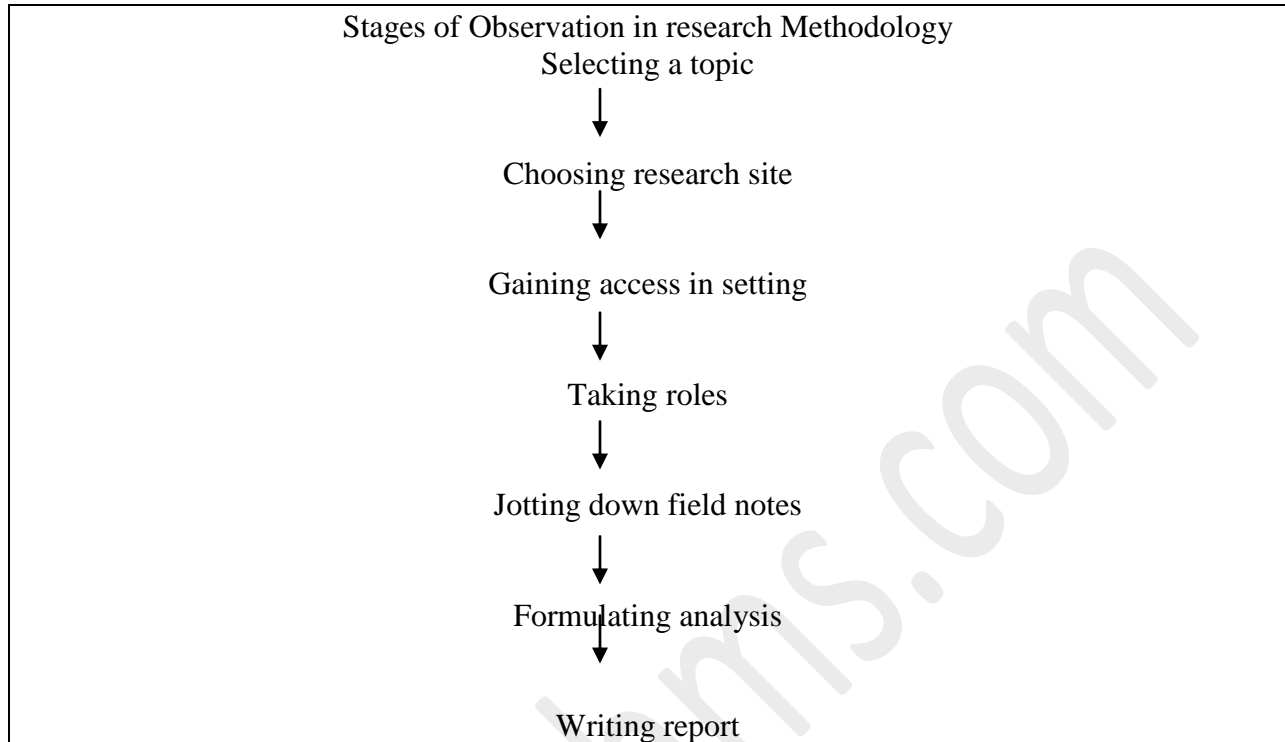
Lindzey Gardner (1975 : 360) has defined it as “selection, provocation, regarding and encoding of that set of behaviours and setting concerning organisms which are consistence with empirical aims.”

What can the researcher observe in the method of observation

- (a) Physical actions
- (b) Verbal Behaviour
- (c) Expressive behaviour
- (d) Spatial relations
- (e) Temporal Patterns
- (f) Verbal Records

Purpose of Observation

- To capture human conduct as it actually happens.
- To provide more graphic description of social life than can be acquired in other ways.
- To explore importance events and situations.
- It can be used as a tool of collecting information in situations where methods other than observation cannot prove to be useful.



4. CASE STUDY

According to Kromrey “case study involves studying individual cases, often in their natural environmental and for a long period of time.”

Characteristic of a case study

- It studies whole units in their totality and not some selected aspects or variables of these units.
- It employs several methods in data collection to prevent errors.
- It often studies a single unit.
- It perceives the respondent as a knowledgeable person not just as a source of data.
- It can study a typical case also.

Types of Case studies

- Historical case studies
- Observational case studies
- Oral history case studies
- Situational case studies

- Clinical case studies
- Multi case studies

Advantages of Case Study

- It makes in depth study possible.
- It is flexible with respect to using methods for collecting data.
- It could be used for studying any dimension of the topic.
- It can be conducted in practically any kind of social setting.
- Case studies are inexpensive.
- It provides a critical test of a theory to corroborate, challenge or extend it.
- It helps in studying a unique case which is usually not only in clinical psychology, sociology but also in law.

5. REPORT WRITING

This is the most important part of research work. The work is, incomplete until the report of the labour put in is reduced into writing with a view to communicate others. It includes the purpose, the importance, the limitations, the procedure, the findings and the conclusion of the study.

Structure of a Report

- (i) The preliminary matters**
 - (a) Title page
 - (b) Acknowledgement page
 - (c) Preface or foreword
 - (d) Table of Contents
 - (e) Table of Cases
 - (f) List of tables or figures.
- (ii) The main text**
 - (a) Introduction
 - (b) The problem
 - (c) Survey of related literature
 - (d) Procedure
 - (e) Presentation of data
 - (f) Conclusion
- (iii) The end matters**
 - (a) Footnote

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- (b) Bibliography
 - (c) Appendix
 - (d) Index

But the research doesn't complete only with the help of tool and techniques. These are only for help, but the research work want time money and most, most or I think very most dedication of the researchers. Without the dedication of research the collection of data is not correct and Researcher didn't get the correct answer for his research which is harmful for himself and also for society.

ENDNOTES:

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- i L.V. Redman and A.V.H. Mory; The Romance of Research, 1923, Page 10.
 - ii 1911 Ed.
 - iii Scientific Social Surveys and Research, 3rd ed. (New York : Prentice Hall, 19690).