

**PAPER IV-
LEGAL EDUCATION AND RESEARCH METHODOLOGY**

- 1. Objectives of Legal Education**
- 2. Lecture Method of Teaching - Merits and demerits**
- 3. The Problem Method**
- 4. Discussion method and its suitability at postgraduate level teaching**
- 5. Examination system and problems in evaluation - external and internal assessment.**

- 6. Research Methods**
 - 6.1. Socio Legal Research
 - 6.2. Doctrinal and non-doctrinal
 - 6.3. Relevance of empirical research
 - 6.4. Induction and deduction

- 7. Identification of Problem of research**
 - 7.1. What is a research problem?
 - 7.2. Survey of available literature and bibliographical research.
 - 7.2.1. Legislative materials including subordinate legislation, notification and policy statements
 - 7.2.2. Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
 - 7.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.
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- 8. Preparation of the Research Design**
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- 8.2.2. Use of historical and comparative research materials
- 8.2.3. Use of observation studies
- 8.2.4. Use of questionnaires/interview
- 8.2.5. Use of case studies
- 8.2.6. Sampling procedures - design of sample, types of sampling to be adopted.
- 8.2.7. Use of scaling techniques
- 8.2.8. Jurimetrics
- 8.3. Computerized Research - A study of legal research programmes such as Lexis and West law coding
- 8.4. Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data.
- 8.5. Analysis of data

UNIT : 1
Objectives of Legal Education

1.0. Objectives

1.1. Introduction

1.2. Subject explanation

1.2.1. Introduction of Legal Education in India

1.2.2. Importance of Legal Education

1.2.3. Legal Profession – A Noble Profession

1.2.4. Ethics in legal profession

1.2.5. Globalisation and Challenges to Legal Profession

1.3. Questions for self learning/ Exercise

1.4. Let us sum up

1.5. Glossary

1.6. Reference / Bibliography

*Education is a radiance that shows the mankind the right path to move forward.
The purpose of education is not just making a student literate but to develop
rationale thinking, enhances knowledge and self sufficiency*

1.0 Objectives

1.0.1. To study how and why Legal Education was Introduced in India

1.0.2. To be able to understand the Importance of Legal Education

1.0.3. To study why Legal Profession is a Noble Profession

1.0.4. To be able to understand Ethics in legal profession

1.0.5. To know what are Challenges to Legal Profession

1.1. Introduction:

According to a legendary proverb “A man without education is a strange animal.” Dr. Babasaheb Ambedkar was of the opinion that education will liberate all and hence he called each and everyone to be educated, unite and fight against the odds of the society. The encyclopedia of education defines legal education as a ‘skill for human knowledge which is universally relevant to the lawyer’s art and which deserve special attention in educational institutions’¹. Former Justice Dada Dharmadhikari has rightly remarked that ‘legal education makes lawyer an expert who pleads for all like the doctor who prescribes for all, like the priest who preach for all and like the economist who plan for all’². It may really be termed as an art that enjoys the capability to make lawyer a best pleader for the public at large. Education does not mean mere “accumulation of information” or acquisition of degrees. It is the motivating force behind the character and personality of the student that mould him into a good human being. Education pulls out a person from ignorance, superstitions and narrow-minded selfishness and lead towards progress, liberation and social behavior respectively. Even an old Sanskrit proverb state that education which leads to liberation; liberation from ignorance which shrouds the mind; liberation from superstition which paralyses efforts; liberation from prejudice which blinds the vision of truth.

1.2. Subject Explanation

1.2.1. Introduction of Legal Education in India:

The concept of dharma, in the Vedic period, can be seen as the concept of the legal education in India. Although there is no record of formal training in law, the dispensation of justice was to be done by the king on the basis of a self-

acquired training. Justice was also administered by the King through his appointees who in turn were persons of known integrity and reputation of being fair and impartial. The guiding force for the King or his appointee was the upholding of the Dharma.

In modern India legal education came in to existence in 1885. Numerous committees were foamed to consider and propose reforms in legal education. Constitution of India basically laid down the duty of imparting legal education. Advocates' Act, 1961 which brought uniformity in legal system. In the changed scenario the additional roles envisaged are that of policy planner, business advisor, negotiator of any interested groups etc. In the Era of Globalisation legal system in India include catering the needs of new brand consumers or clients namely foreign companies, collaborators etc. Strengthening our legal education system is need to face the new challenges. Imparting of legal education has always been considered as one to the noblest profession. Legal education which is part of general education cannot be viewed in isolation. Today, legal education derives its impetus from the economic, social and economic and political set up of the society.

1.2.2. Importance of Legal Education

Globalization has called upon the law to execute numerous responsibilities in society and lawyers are expected to act as change agents and social engineers in governance and development. If law is a tool for social engineering and social control, it should be studied in the social content. This means integrating law subjects with social and behavioral sciences. This would enable the lawyer to solve problems in socially acceptable ways and assist in developing public. The following objects of legal education can be cited for consideration:

1. The legal education should be able to meet ever-growing demands of the society and should be thoroughly equipped to cater to the complexities of the different situations.
2. Legal education has an important role in directing and moderating social change. In this regard it has to operate as conscience-keeper of society.
3. Legal communication shall manifest higher moral values; shall maintain high degree of competence discipline and ensure that no section of society is denied of access to its services because of poverty or social status.
4. Legal education seeks to impart appropriate training, which should be made available through professionals.
5. Legal education is expected to inculcate law students with the operative legal rules both substantive and procedural.
6. The prime object of the legal education is to produce efficient lawyers.
7. Legal education must equip the student with the necessary theoretical and practical skills to deal with the diverse and expanding world of legal practice.

Lacunae in Present Legal Education :

There are various lacunae in present system of imparting legal education which considerably impaired movement of building new generation of efficient lawyers, teachers for India. These are:

1. There is no separate law university in all the states to govern the educational institutions.
2. The law institutions are presently affiliated to general universities which already have loads of burden of different faculties like Art, Science and Commerce colleges. This caused adverse impact on the curriculum, syllabi etc. and of course, on the development of legal education.

3. Mushroom growth of private non-granted law colleges is seen everywhere and they are ill equipped. Only part-time teachers are manned in such institutions.
4. The vacancies of permanent teachers are not filled upperhaps due to lack of qualified candidates and of course, due to mal-practices in recruitment process.
5. If a person has nothing to do, they join law course this is the situation of admission in legal education today.
6. The students of present generation are having ambition to become doctor or engineer, but they do not want to be a lawyer or law teacher. It means legal education is unable to attract these students. This deficiency can be worked out by offering job opportunity to students.
7. Some colleges adopted regional language as medium of instruction and examination. There will be conveyance of regional language to students but there will not be uniformity in legal education. Diversified legal education may cause deficiency.
8. As traditional teaching methods are still used in class-rooms, legal education does not attract students to come and sit in class-rooms.
9. Attendance ratio is considerably poor in some educational institutions.
10. Traditional talk and chalk method of teaching is still adopted in majority of law colleges for teaching. The teachers are not still motivated to use modern technologies like computer, projector, discussion method etc while teaching. The product of such traditional system of education will not be able to cope-up the problems of present IT age. Therefore students learn traditional skills and knowledge. But the modern IT age needs a

lawyer with diversified skills and multi-tasking abilities which the traditional curriculum and syllabi do not provide.

11. There is no proper clinical (practical) knowledge to students of rural law colleges. They are getting the theoretical knowledge of advocacy.
12. The student of some reputed law school use to assist judges, leading practitioners as their curriculum provides for such assistance. Therefore those students acquire all the potentials of advocacy which the rural student is not acquiring.
13. No internship in law profession as it is in medical profession. It was in India for three years then it was withdrawn after Hon. Supreme Court decision.

1.2.3. Legal Profession – A Noble Profession:

The practice of law is a noble profession. It is a profession that depends upon diverse people of honesty, integrity, compassion, and courage to join its ranks if it is to fulfil its responsibility to preserve and defend liberty and justice. It is a profession that asks its members to make a commitment to the rule of law and accessibility by all segments of society. That brings an obligation to imbue future generations with an understanding of and appreciation for the rule of law, judicial system, and the role of a profession.

1.2.4. Ethics in legal profession:

The following are the rules prescribed by the Bar council of India³

Advocate's Duty towards the Court:

1. Act in a dignified manner

During the presentation of his case and also while acting before a court, an advocate should act in a dignified manner. He should at all times conduct himself with self-respect. However, whenever there is proper ground for serious complaint against a judicial officer, the advocate has a right and duty to submit his grievance to proper authorities.

2. Respect the court

An advocate should always show respect towards the court. An advocate has to bear in mind that the dignity and respect maintained towards judicial officer is essential for the survival of a free community.

3. Not to communicate in private

An advocate should not communicate in private to a judge with regard to any matter pending before the judge or any other judge. An advocate should not influence the decision of a court in any manner using illegal or improper means such as coercion, bribe etc.

4. Refuse to act in an illegal manner towards the opposition

An advocate should refuse to act in an illegal or improper manner towards the opposing counsel or the opposing parties. He shall also use his best efforts to restrain and prevent his client from acting in any illegal, improper manner or use unfair practices in any manner towards the judiciary, opposing counsel or the opposing parties.

5. Refuse to represent clients who insist on unfair means

An advocate shall refuse to represent any client who insists on using unfair or improper means. An advocate shall exercise his own judgment in such matters. He shall not blindly follow the instructions of the client. He shall be dignified in use of his language in correspondence and during arguments in court. He shall not scandalously damage the reputation of the parties on false grounds during

pleadings. He shall not use unparliamentary language during arguments in the court.

6. Appear in proper dress code

An advocate should appear in court at all times only in the dress prescribed under the Bar Council of India Rules and his appearance should always be presentable.

7. Refuse to appear in front of relations

An advocate should not enter appearance, act, plead or practice in any way before a judicial authority if the sole or any member of the bench is related to the advocate as father, grandfather, son, grandson, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law daughter-in-law or sister-in-law.

8. Not to wear bands or gowns in public places

An advocate should not wear bands or gowns in public places other than in courts, except on such ceremonial occasions and at such places as the Bar Council of India or as the court may prescribe.

9. Not to represent establishments of which he is a member

An advocate should not appear in or before any judicial authority, for or against any establishment if he is a member of the management of the establishment. This rule does not apply to a member appearing as “amicus curiae” or without a fee on behalf of the Bar Council, Incorporated Law Society or a Bar Association.

10. Not to appear in matters of pecuniary interest

An advocate should not act or plead in any matter in which he has financial interests. For instance, he should not act in a bankruptcy petition when he is also a creditor of the bankrupt. He should also not accept a brief from a company of which he is a Director.

11. Not to stand as surety for client

An advocate should not stand as a surety, or certify the soundness of a surety that his client requires for the purpose of any legal proceedings.

Advocate's Duty towards the Client:

1. Bound to accept briefs

An advocate is bound to accept any brief in the courts or tribunals or before any other authority in or before which he proposes to practise. He should levy fees which is at par with the fees collected by fellow advocates of his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

2. Not to withdraw from service

An advocate should not ordinarily withdraw from serving a client once he has agreed to serve them. He can withdraw only if he has a sufficient cause and by giving reasonable and sufficient notice to the client. Upon withdrawal, he shall refund such part of the fee that has not accrued to the client.

3. Not to appear in matters where he himself is a witness

An advocate should not accept a brief or appear in a case in which he himself is a witness. If he has a reason to believe that in due course of events he will be a witness, then he should not continue to appear for the client. He should retire from the case without jeopardising his client's interests.

4. Full and frank disclosure to client

An advocate should, at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosure to his client relating to his connection with the parties and any interest in or about the controversy as are

likely to affect his client's judgement in either engaging him or continuing the engagement.

5. Uphold interest of the client

It shall be the duty of an advocate fearlessly to uphold the interests of his client by all fair and honourable means. An advocate shall do so without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused. An advocate should always remember that his loyalty is to the law, which requires that no man should be punished without adequate evidence.

6. Not to suppress material or evidence

An advocate appearing for the prosecution of a criminal trial should conduct the proceedings in a manner that it does not lead to conviction of an innocent. An advocate shall by no means suppress any material or evidence, which shall prove the innocence of the accused.

7. Not to disclose the communications between client and himself

An advocate should not by any means, directly or indirectly, disclose the communications made by his client to him. He also shall not disclose the advice given by him in the proceedings. However, he is liable to disclose if it violates Section 126 of the Indian Evidence Act, 1872.

8. An advocate should not be a party to stir up or instigate litigation.

9. An advocate should not act on the instructions of any person other than his client or the client's authorised agent.

10. Not to charge fee depending on success of matters

An advocate should not charge for his services depending on the success of the matter undertaken. He also shall not charge for his services as a percentage of the amount or property received after the success of the matter.

11. Not to receive interest in actionable claim

An advocate should not trade or agree to receive any share or interest in any actionable claim. Nothing in this rule shall apply to stock, shares and debentures of government securities, or to any instruments, which are, for the time being, by law or custom, negotiable or to any mercantile document of title to goods.

12. Not to bid or purchase property arising of legal proceeding

An advocate should not by any means bid for, or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in any legal proceeding in which he was in any way professionally engaged. However, it does not prevent an advocate from bidding for or purchasing for his client any property on behalf of the client provided the Advocate is expressly authorised in writing in this behalf.

13. Not to bid or transfer property arising of legal proceeding

An advocate should not by any means bid in court auction or acquire by way of sale, gift, exchange or any other mode of transfer (either in his own name or in any other name for his own benefit or for the benefit of any other person), any property which is the subject matter of any suit, appeal or other proceedings in which he is in any way professionally engaged.

14. Not to adjust fees against personal liability

An advocate should not adjust fee payable to him by his client against his own personal liability to the client, which does not arise in the course of his employment as an advocate.

15. An advocate should not misuse or take advantage of the confidence reposed in him by his client.

16. Keep proper accounts

An advocate should always keep accounts of the clients' money entrusted to him. The accounts should show the amounts received from the client or on his behalf. The account should show along with the expenses incurred for him and the deductions made on account of fees with respective dates and all other necessary particulars.

17. Not to Divert money from accounts

An advocate should mention in his accounts whether any monies received by him from the client are on account of fee or expenses during the course of any proceeding or opinion. He shall not divert any part of the amounts received for expenses as fee without written instruction from the client.

18. Intimate the client on amounts

Where any amount is received or given to him on behalf of his client, the advocate must without any delay intimate the client of the fact of such receipt.

19. Adjust fee after termination of proceedings

An advocate shall after the termination of proceedings, be at liberty to adjust the fees due to him from the account of the client. The balance in the account can be the amount paid by the client or an amount that has come in that proceeding. Any amount left after the deduction of the fee and expenses from the account must be returned to the client.

20. Provide copy of accounts

An advocate must provide the client with the copy of the client's account maintained by him on demand, provided that the necessary copying charge is paid.

21. An advocate shall not enter into arrangements whereby funds in his hands are converted into loans.

22. Not lend money to his client

An advocate shall not lend money to his client for the purpose of any action or legal proceedings in which he is engaged by such client. An advocate cannot be held guilty for a breach of this rule, if in the course of a pending suit or proceeding, and without any arrangement with the client in respect of the same, the advocate feels compelled by reason of the rule of the Court to make a payment to the Court on account of the client for the progress of the suit or proceeding.

23. Not to appear for opposite parties

An advocate who has advised a party in connection with the institution of a suit, appeal or other matter or has drawn pleadings, or acted for a party, shall not act, appear or plead for the opposite party in the same matter.

Advocates Duty towards the Opponents:

1. Not to negotiate directly with opposing party

An advocate shall not in any way communicate or negotiate or call for settlement upon the subject matter of controversy with any party represented by an advocate except through the advocate representing the parties.

2. Carry out legitimate promises made

An advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the Court.

Advocates Duty towards Fellow Advocates:

1. Not to advertise or solicit work

An advocate shall not solicit work or advertise in any manner. He shall not promote himself by circulars, advertisements, touts, personal communications, interviews other than through personal relations, furnishing or inspiring newspaper

comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned.

2. Sign-board and Name-plate

An advocate's sign-board or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organisation or with any particular cause or matter or that he specialises in any particular type of work or that he has been a Judge or an Advocate General.

3. Not to promote unauthorized practice of law

An advocate shall not permit his professional services or his name to be used for promoting or starting any unauthorised practice of law.

4. An advocate shall not accept a fee less than the fee, which can be taxed under rules when the client is able to pay more.

5. Consent of fellow advocate to appear

An advocate should not appear in any matter where another advocate has filed a vakalt or memo for the same party. However, the advocate can take the consent of the other advocate for appearing.

In case, an advocate is not able to present the consent of the advocate who has filed the matter for the same party, then he should apply to the court for appearance. He shall in such application mention the reason as to why he could not obtain such consent. He shall appear only after obtaining the permission of the Court.

1.2.5. Globalisation and Challenges to Legal Profession:

The main challenge facing India's legal and judicial systems is delivering justice to poor people. For the most part, people deprived of Constitutional or legislative rights have little access to courts. With the cost of good quality legal services escalating, the ability of common people to get effective, high quality legal assistance and access to justice is diminishing and the legal system is in danger of becoming further alienated from common people. New and innovative solutions are needed to ensure that common people have access to justice and that legal ideas and legal knowledge protect their interest. Increasing numbers of the best law graduates are moving to corporate law practice and civil and criminal litigation at the local level is suffering from a serious dearth of adequately qualified legal professionals. It is therefore imperative that legal education should prepare students with the aptitude, interest, commitment, skills and knowledge necessary to work with socially excluded people and the poor at the local level, to advance the cause of justice.⁴ The Law Commission in its 184th Report, (2002) (Para 5.16) has pointed out that there are revolutionary changes which have come into legal education by reason of developments in information, communication, transport technologies, intellectual property, corporate law, cyber law, human rights, ADR, international business, comparative taxation laws, space laws, environmental laws etc. and that "The very nature of law, legal institutions and law practice are in the midst of a paradigm shift".

Globalization has called upon the law to execute numerous responsibilities in society and lawyers are expected to act as change agents and social engineers in governance and development. If law is a tool for social engineering and social control, it should be studied in the social content. This means integrating law

subjects with social and behavioral sciences. This would enable the lawyer to solve problems in socially acceptable ways and assist in developing public. The following objects of legal education can be cited for consideration:

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11. Legal education seeks to impart appropriate training, which should be made available through professionals.
12. Legal education is expected to inculcate law students with the operative legal rules both substantive and procedural.
13. The prime object of the legal education is to produce efficient lawyers.
14. Legal education must equip the student with the necessary theoretical and practical skills to deal with the diverse and expanding world of legal practice.

1.3. Questions for self Learning /Exercise

1. Discuss how and why Legal Education was Introduced in India
2. Write an essay on Importance of Legal Education
3. Explain why Legal Profession is a Noble Profession?
4. What are Ethics a person has to follow while being in legal profession?
5. What according to you are Challenges to Legal Profession?

1.4. let us sum up

The present law has to meet the requirements of the society, which is entering into 21st century. The law has to deal with problems of diverse magnitudes and a student of law and advocate has to be trained in professional skills to meet the challenges of globalization and universalization of law. With the advent of multi-nationals in India as anywhere else, the task of lawyers would be highly technical and an imperative need would arise to have competent lawyers who would be trained in the right culture of legal education. This makes a sound case for improving legal education and legal profession.

1.5. Glossary

Dharma: a duty of person towards every one around him in relation e.g. sons dharma is to respect his parents, so is fathers dharma to bring up his son etc.

Professional ethics: ethics i.e moral which one has to follow in his professional relation

National Knowledge Commission: Working Group on Legal Education.

The National Knowledge Commission (NKC) was established by the Prime Minister of India in 2005 to recommend and undertake reforms in order to make India a knowledge-based economy and society. An important constituent of the NKC's functions is professional education, particularly in the field of legal education. In light of its significance, the NKC constituted a Working Group on legal education in the country

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Unit - 2

LECTURE METHOD OF TEACHING - MERITS AND DEMERITS

2.0. Objectives

2.1. Introduction

2.2. Topic Explanation

2.2.1. Concept of Lecture Method

2.2.2 Merits of Lecture Method

2.2.3 Demerits of Lecture Method

2.2.4 Guidelines for Effective use of Lecture Method

2.3. Questions for self learning/ Activities

2.4. Let us sum up

2.5. Glossary

2.6. References/ Bibliography

2.0. Objectives

2.0.1. To define lecture method

2.0.2. To outline the merits of lecture method

2.0.3. To explain the demerits in lecture method

2.0.4. To enumerate guidelines for effective utilization of lecture method.

2.1. Introduction

Lecture method is one of the oldest methods used in classroom by teachers to impart knowledge to students. so, it is becoming necessary to explain the

meaning, merit and pitfalls in lecture method and also provide hints for effective utilization of this method. Teaching, in its simplest sense, is imparting knowledge. It is the connotation of experience. This experience may consist of facts, truths, doctrines, ideas, or ideals, or it may consist of the processes or skills of an art. The teacher is the sender or the source, the educational material is the information or message, and the student is the receiver of the information.

This type of sending and receiving is known as communication. There are various modes of communication. It may be taught by the use of words, by signs, by objects, by actions, or by examples; but whatever the substance, the mode, or the aim of the teaching, the act itself, fundamentally considered, is always substantially the same: it is a communication of experience. It is like painting a picture one conceives in the mind of another. It is influence over the thought and understanding and the shaping them thereof to the understanding of some truth which the teacher knows and wishes to communicate.

2.2. Lecture Method of Teaching - Merits and Demerits

Lectures in the sense are systematic presentation of knowledge. It is considered as effective means of teaching. It is oldest teaching method given by philosophy of idealism. As used in education, the lecture method refers to the teaching procedure involved in clarification or explanation to the students of some major idea. This method lays emphasis on the penetration of contents into the minds of the students.

2.2.1 Concept of Lecture Method

Teaching by lectures is probably one of the oldest methods used by classroom teachers. As a widely practiced method of teaching, a teacher can reach

a large number of students at the same time; a large amount of materials can be covered in a short period of time. This is a ‘teacher-centred’ approach involving largely a one-way form of communication from teacher to students. The teacher, as the authoritative figure, does most of the writing and talking (chalk and talk) with the students as mere passive recipients of information-listening and writing down a few notes and asking few or no questions. The basic fundamental postulations of this type of method are that the teacher has knowledge, or can acquire knowledge, and that the teacher can give knowledge to students.

The lecture method is considerably cheap to operate since no special teaching aids are required. It requires nominal planning. Its expository nature provides the teacher a feeling of security as the “influential figure” in the class. No matter how easy this method may appear, teachers must make efforts, to plan and organize their lecture to cover the subject matter to be presented and the manner in which it will be presented. In the introduction, the law teacher should identify the subject of the lecture and connect it with past lessons and try to stimulate interest on the subject matter. The body of the lecture should be presented in a logical order, building from what the students already know towards new knowledge that the teacher wants them to absorb. Knowledge is presented in small enough doses so that the students can absorb the material and at a slow enough pace. The pace however should not be too slow to make The students disinterested. Both the level of vocabulary used and the technical nature of the subject must correspond to the capability of the students.

Teacher is more active and students are passive but he also uses question answers to keep them attentive in the class. It is used to motivate, clarify, expand

and review the information. By changing his Voice, by impersonating characters, by shifting his posing, by using simple devices, a teacher can deliver lessons effectively, while delivering his lecture; a teacher can indicate by his facial expressions, gestures and tones the exact soul of meaning that he wishes to convey. Thus we can say that when teacher takes help of a lengthy or short explanation in order to clarify his ideas or some fact that explanation is termed as lecture or lecture method.

The primary advantage of a lecture is its ability to present a large number of facts in a short period of time but it is necessary that the students should accept and understand the subject matter to be presented. Lecture method makes fewer demands on the teacher's time for planning and preparing and is therefore an attractive and easy method of teaching. It is very useful in conveying factual information when introducing new topic.

2.2.2. Merits of the Lecture Method of Teaching :

The advantages and the lecture method can be explained as follows:

1. The teacher controls the topic, aims, content, organization, sequence, and rate. Emphasis can be placed where the teacher desires.
2. The lecture can be used to motivate and increase interest, to clarify and explain, to expand and bring in information not available to the students, and to review.
3. The number of students listening to the lecturer is not important.
4. Students can interrupt for clarification or more detail.
5. The lecture can be taped, filmed, or printed for future use.

6. Other media and demonstrations can be easily combined with the lecture.
7. The lecture can be easily revised and updated.
8. The teacher can serve as a model in showing how to deal with issues and problems.
9. Students are familiar to the lecture method.
10. It is relatively less expensive as no special apparatus is needed.
11. Lecture method gives a teacher a sense of security by reliance upon the supposed authority of the dispenser of knowledge.
12. Lecture method channels the thinking of all students in a given direction.
13. Large materials can be covered in a short time period.
14. It is very economical to use.

Because of its advantages, a majority of instructors use the lecture method. The lecture is one of the most efficient teaching methods for presenting many facts or ideas in a relatively short time. Material that has been sensibly organized can be presented quickly in rapid succession. The lecture is particularly suitable for introducing a subject. To ensure that all students have the necessary background to learn a subject, we can present basic information in a lecture. By using the lecture in this manner, we can offer students with varied backgrounds of common understanding. A brief introductory lecture can give direction and purpose to a demonstration or prepare students for a discussion.

The lecture is a convenient method for instructing large groups. If necessary, we can use a public address system to ensure that all students can hear us. The lecture is sometimes the only efficient method to be used if student-to-faculty ratio is high. The lecture is often useful to supplement material from other sources or for

information difficult to obtain in other ways. If students do not have time for research or if they do not have access to reference material, the lecture can be a good help. In subject areas where information is available in widely scattered places such as in textbooks, journals, tapes etc, the lecture allows the instructor to summarize and emphasize pertinent material. Reports, current research, and information, which change frequently, may not be easily available in written form, and the lecture can give students the most up-to-date information.

The lecture allows a large number of students to receive information from real experts in a subject. In general, a person who can speak from actual experience or a scholar who has carefully analyzed the results of research will have great credibility with students. The lecture is often the most effective way of communicating the energy and enthusiasm of a person who has actual experience in a field, thus motivating students.

2.3.3. Demerits of the Lecture Method:

‘A lecture has been well described as the process whereby the notes of the teacher become the notes of the student without passing through the mind of either.’ —

Mortimer J. Adler, *How to Read a Book*

Lecture method is a very traditional method of teaching and, therefore has received a great deal of disapproval. In this modern era when educational methods and curriculum content are undergoing extensive reforms we cannot continue with the old tradition as it is not so effective. As well as the grownup students cannot listen to someone continuously. Also it does not provide the students’

opportunities to practice communication or manipulative skills. Lecture method does not promote learning since it discourages students' activities thus denying ample opportunity for assessment of progress. It encourages rote-learning and allows little scope for the students to develop an enquiry mind and critical thinking towards their learning. It is not suitable for slow-learners. Lecture method is not adequate in teaching certain types of concepts for example, attitudes and feeling which are not learnt through pure telling. Due to its expository nature, it is very difficult to adapt to individual differences among students. It makes students to be passive listeners and this does not allow students to be actively involved in both the planning and development of learning. Consequently the desired learning outcome may not be achieved.

The following can be listed as disadvantages:-

1. Some of the students may already know the content of the lecture while some may not be ready for the lecture. Those who now may not be interested those who are not ready may be restless. This may not give the possible effect to the teaching.

2. Lectures are group based. In India their huge gathering is before the teacher. Some of the classes have more than one hundred students. It is possible that the teacher may not be able to pay attention to an individual. Hence it will become an address to the gathering rather than teaching.

3. It is difficult to maintain student interest and attention for a full hour of lecture. The teacher may fail to keep the same tone, volume of voice and the contents of his/ her lecture must be interesting. This may not be possible in some serious subjects like Jurisprudence, or The code of civil procedure etc.

4. The communication is mostly one-way from the teacher to the students. Usually there is little student participation. The students who do participate are few in number and tend to be the same students each class. The teacher dominates the class and hence the students just have to listen.

5. Most of the students are not habituated of taking notes. They sit in the class as if it is some story-telling session. Students either want dictation or simply purchase tailor-made notes from market without understanding the gravity of the subject.

6. Lecture information is forgotten quickly, during and after the lecture. As the student is neither attentive nor taking note they cannot revise what has been taught and happen to forget.

7. There is no immediate and direct check of whether learning has taken place. If the teacher simply delivers a lecture and walks out of the class he/she is not aware about the learning habits of the student. Also if the teacher avoids asking questions about the topic lectured on the day before he/ she does not get the feedback whether the student really followed what he is been taught. Nor the teacher comes to know about his teaching. All this is understood only when the examinations are conducted and the results are declared. But most of the time it's too late.

8. Lectures are not effective when teaching objectives are not clear.

9. The lecture method encourages student dependence on the teacher.

10. Students are not very active when only listening.

11. Few teachers have been taught how to lecture effectively. In India we do not have courses like B.Ed or D.Ed to teach in the colleges. A person is eligible to teach in colleges and universities after attaining mere qualification i.e. passing NET/SET exams in a particular subject or pursuing a Ph.D or M.Phil. There is

neither a course nor a training sessions for a person appointed as lecturer (now Assistant Professor).

2.2.4. Guidelines for Effective Use of Lecture Method

The teacher should use sufficient teaching aids, good illustration and demonstration while using lecture method to achieve his objectives. For a college a maximum time or duration of the lecture becomes very important. The young immature minds have short interest span, and limited ability to retain points given in the lecture. Adults usually can sit for an hour receiving lecture.

To make a lecture effective and achieve what other participatory methods like discussion, project, role play, mock-up methods etc. can achieve the desired effect. The following rules must be meticulously observed:

1. The students must sit on comfortable chairs / benches, facing away from windows to avoid light rays in their eyes.
2. The teachers should keep distracting noise to a minimum. This is because outside noise prevents the students from hearing the teacher and distracts their attention.
3. The room should neither be too cool nor hot. If the students are uncomfortable they will be irritated and will not be able to concentrate on what the teacher is saying.
4. The teacher should avoid many movements because it attracts students' attention. He should ensure that every students sees and hears him from any angle. If aids are being used, he must not get between the aids and the students otherwise he will block visibility of the students.

5. Teachers should avoid coverage of too many concepts for this may tend to confuse the students, rather the lesson should be summarized to help students review and understand the major concepts and retention will be increased.
7. Teachers must encourage students to ask questions and make comments, as this may reduce boredom.
8. Finally, no single teaching method should be used. To maximize learning therefore, a lecture should be followed by discussion, questioning, practice or some other methods. Very rarely can a lecture, by itself, accomplish a teaching activity.

Though it is often said that lecturing is a poor teaching method, it is a kind of last resort for instruction. A lecturer must know how to impart information or stimulate interest effectively. If the lecture is poorly presented, badly organized, dull, and uninspiring he fails consequently. Even when the lectures are finely presented and well organized, and the lecturers charismatic personality it is still a poor method because lecturing tends to keep students passive. After all the whole aim of teaching to make students think and it requires personal activity on their part. Most of the time the professors have to teach vast numbers of students and there are some subjects in which a base has to be built and introductions performed. One has to start somewhere, and, for that kind of subject, a lecture may be just fine. When our objective is to communicate some basic facts, some basic terminology, or some initial understanding about our field the lecture can be a very useful teaching method. The trick, of course, is to do it well, knows how to begin.

The beginning can be introducing the subject and its importance. To begin planning lectures ask yourself many questions. For example, what is the topic one is to deliver? How does one tell his students about it? Attempt to answer these

questions. Also be aware who is the audience? One can begin by addressing an imaginary audience or practice before professors, friends or colleagues. Don't forget our job is to educate the students, not one but all- all those students who sit in front of us. Hence to accomplish this goal, the task is to make them feel that they want to achieve something about the subject, which makes it worthy to be taught. If taught with that awareness it becomes significant intellectual achievements. Focus on your subject. You must know what things you should do and what should you not do with your subject? While teaching any course, one should not deliberate on what is at the background or don't go into the history or formation of any law unless required. More over a student does not want to know, unless they are of higher class, or they have some curiosity pertaining to information he has regarding the same.

One must not put emphasis on what one knows. It is very important that the lecturer helps his students create links between the facts they are learning .it is necessary to spend a lot of time unless you are able to show them how to create links to information outside the field. Because law never operates in vacuum nor can it remain alone. Example the Criminal Procedure Code (Cr.P.C.) cannot be understood without studying Indian Penal Code (I.P.C). The teacher of Cr.P.C. must be able to link it with IPC. For studying Environmental law the relation between the Environmental law and the Constitution as well as the Environmental law and IPC has to be discussed. This is to shun the childishness of students who assume every course should be taken as an isolated island. If the students are able to understand this intellectual consistency, then the maybe they will be able to reason and thus their irrationality could be converted into rationality which takes an additional significance.

2.3. Questions for self learning / Activities

1. Define lecture method of teaching.
2. Mention the merits of lecture method.
3. Mention the demerits of lecture method.
4. Explain the guidelines for effective utilization of lecture method.
5. students must prepare a topic and deliver the lecture in the class

2.4. Let us sum up

This unit discussed the concept of lecture method, the merits and pitfalls. Hints on the effective utilization of lecture method are also highlighted. First and the most important issue is that the students are used to the lecture method. Wherein the teacher controls the topic, the desire of teacher is emphasised. This method can be used to motivate and increase interest, to clarify and explain, to expand and bring in information not available to the students. Students can interrupt for clarification or more detail. Also a lecture can be easily revised and updated. Relatively less expensive and very economical to use as no special apparatus is needed and it gives a teacher a sense of security by reliance upon the supposed. Large topics can be covered in a short time period. Lectures being are group based it is possible that the teacher may not be able to pay attention to an individual. It is difficult to maintain student interest and attention for a full hour of lecture as the communication is mostly one-way from the teacher to the students, students often get occupied and do not concentrate. There is no participation of student and those who do participate are few in number and tend to be the same students each class. Students have not learnt to take notes and therefore the lecture information is forgotten quickly, during and after the lecture. The most important factor is that there is no immediate and direct check of whether learning has taken

place or not. And hence the teacher comes to know only after the test or mid-term examination etc. A person is eligible to teach in Colleges and Universities after attaining mere qualification i.e. passing NET/SET exams in a particular subject or pursuing a Ph.D or M.Phil. There is neither a course nor a training sessions for a person appointed as lecturer.

2.5. Glossary.

Communication: to send a message about your thoughts, it can be through the spoken words, gestures, etc.

2.6. References/ Bibliography

1. McCarthy, P. (1992). Common Teaching Methods. Retrieved July 24, 2008, From <http://honolulu.hawaii.edu/intranet/committees/FacDevCom/guidebk/teachtip/comteach.htm>
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UNIT - 3

The Problem Method

3.0. Objectives

3.1. Introduction

3.2. Topic Explanation

3.2.1 Concept of problem method

3.2.2 Definition of problem method

3.2.3 Usefulness of problem method

3.2.4. Techniques of problem method

3.2.5 Basic procedure to be followed in problem method

3.2.6 Merits of problem methods

3.2.7. Demerits of Problem Method

3.3. Questions for Self Learning

3.4 let us sum up

3.5. Glossary

3.6. References

3.0 Objectives

3.0.1. To enable pupil to understand the meaning of Problem method.

3.0.2. To enable pupil to understand the importance of Problem method

3.0.3. To enable pupil to understand the merits and demerits of Problem method

3.1. Introduction:

Actually all these days the teaching in the classroom is teacher centric. The teacher is centred of attraction, students look upon the professor or the lecturer as the 'most talented' or 'well read' person. His words are final and the student has to

simply keep on listening to his preaching. i.e. Socratic Method was followed for centuries. Thanks to the innovative teachings the change accepted by the intellectuals that only preaching or Socratic Method cannot be the only mode of instruction. Students were permitted to ask questions and the teachers were expected to give explanations and this helped in percolating the knowledge. Problem method in itself is very innovative and the student is not given a lecture but is given a problem to study where he has very less or no knowledge and he has to find a solution to it. Just like the student are in a tunnel with a matchstick and the student have to find the way out of it. Based on the student's little knowledge and other experience the student try to work out and find the way out of it. While doing so the students get to know the harsh reality, make mistakes, and go on learning on the is own. But the student is sure that the person who has thrown the student in the tunnel is with him. In Problem method of learning the teacher acts as a facilitator and is always there to support the student.

3.2. Topic Explanation

3.2.1. Concept of Problem Method:

Problem-based learning or Problem Method of teaching is a teaching or training method regarded as teaching by the use of “real world” problems. It is as a situation prepared for individuals to learn ‘critical thinking’ and develop ‘problem solving skills’ and ‘acquire knowledge’. It involves both knowing and doing. Problem Method can be applied to an individual or to a group of individuals. It can be applied to a classroom setting or any type of training program. It can even be used for employee development and even prepare someone for a new assignment or a promotion, even in MBA classes. It should be emphasized that the teacher does not change the length of the training; they have simply changed how they train. It is accepted that the results have been astonishing and satisfactory. A

training model rooted in problem-based learning has the potential to change the face of law enforcement with this approach that teaches decision-making, critical thinking and problem-solving. The problem with a ‘content driven approach’ is such that it enhances the quality of thinking and pumps in confidence in the student. It is same as the LL.B graduate participates in moot court. It is a better approach to give them a solid foundation that is anchored in problem-solving, decision-making, and self-directed learning. That is what Problem Method does; it provides the anchor to the foundation of the profession. Thus with the help of Problem Method, learners apply knowledge, not just acquire it. Thus a Problem Method is “A teaching and learning method which puts a problem first, and in which further learning is conducted in the context of that problem.” A broad definition of Problem Based Learning or as we are studying Problem Method, used by Dr. Woods is, “PBL is any learning environment in which the problem drives the learning. ” Problem based learning

3.2.2. Definition of Problem Method:

Barrows defines it as:

“The learning that results from the process of working towards the understanding of a resolution of a problem. The problem is encountered first in the learning process”¹

PBL is both a curriculum and a process. The curriculum consists of carefully selected and designed problems that demand from the learner acquisition of critical knowledge, problem-solving proficiency, self-directed learning strategies and team participation skills. The process replicates the common used systemic approach to

resolving problems or meeting challenges that are encountered in life and career (Maricopa Community Colleges, Centre for Learning and Instruction: <http://www.mcli.dist.maricopa.edu/pbl/info/>)

The definition given below is of Terry Berrett”

1. Normal students are presented with a problem

2) Students discuss the problem in a small group (PBL tutorial). They clarify the facts of the case. They define what the problem is. They brainstorm ideas based on the prior knowledge.

They identify what they need to learn to work on the problem, what they do not know (learning issues). They reason through the problem. They specify an action plan for working on the problem

3) Students engage in independent study on their learning issues outside the tutorial. This can include: library, databases, the web, resource people and observations

4) They come back to the PBL tutorial(s) sharing information, peer teaching and working together on the problem

5) They present their solution to the problem

6) They review what they have learned from working on the problem. All who participated in the process engage in self, peer and tutor review of the PBL process and reflections on each person’s contribution to that process

3.2.3 Usefulness of Problem Method:

Problem Method as we understand is a teaching and learning method. In which the problem is placed before the student. The student is not much aware

about it. He has no or very less knowledge of the subject he is going to study through the problem. The teacher puts a problem first, and then facilitates situation in which further learning is conducted in the context of that “*problem.*” if a teacher wants to explain a term or section of any law generally he/she will explain and give some day-to-day examples. This will not only help the student understand the words, phrases, and construction of the section. But how will the student get to know about the utility of that law or say that section? For example the teacher is explaining the concept of Fundamental rights, and goes on telling them how important they are and how this concept has been evolved. He may take them to French Revolution, American Revolution talk about Bill of Rights, Universal Declaration of Human Rights etc. the student will feel like taken on historical tour. But if the teacher puts before them a hypothetical problem of a person illegally detained, or a mother whose young son is beaten in prison, or the small children in orphanage are not given food. Ask them to take help of the Constitution of India and some pre-decided case of the Supreme Court of India. The students will not only come out with beautiful arguments as good as the lawyers of higher courts but they are able to understand ‘the Law’ in much better way than the historical tour. Here three things are happening

1. The teacher gives a problem. Acts as facilitator
2. Student try to find a solution- does a research
3. Student learns on his own with the help of the problem.

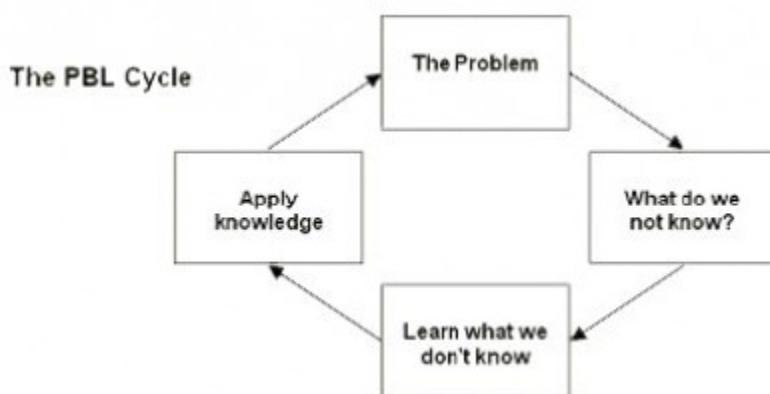
Although the student is learning on his own that doesn’t mean that the teacher has no role to play. On the contrary the teacher is teaching with the help of the problem. The teacher play the role of guide, facilitator, mentor etc. the teacher is always there with the student, but it is the student who have to work.

3.2.4. Techniques of Problem Method :

1. It is one such a mode of teaching in which responses to, and investigation of, a problem scenario drive students' learning
2. Lecturers become facilitators of students' learning rather than omniscient providers of knowledge.
3. Students recognize themselves less as unreceptive.
4. Students become active learners pursuing knowledge through research endeavour

3.2.5. Basic procedure to be followed in Problem method:

- students are presented with a problem/situation;
- they identify what they think they 'do' and 'do not know';
- they gather further information and communicate this to one another;
- they apply this new knowledge to the problem /situation;
- they identify what they *think* they still 'do not know', and the process begins again.



Source: www.ukcle.ac.uk/resources/teaching-and-learning-practice/appendix3/

The Problem based learning is not a new concept and has been followed by many universities. It is understood that in modern era. It originated from Maastricht University, Netherlands and McMaster University, Hamilton, Ontario, Canada. PBL sessions are usually organized according to the Maastricht seven step procedures but may be modified. Generally, those steps are as follows:

Step 1. Identify and clarify unfamiliar terms presented in the “Problem”.

- a) At the beginning of the session, the problem(s) should be presented to students.
- b) If an artificial case is used one of the students reads it aloud to get the group talking from the beginning.
- c) The first activity of the group should be the clarification of problems, terms and concepts not understood at first moment. They can use the knowledge possessed by the group members or retrieved from a dictionary or even seek help of group tutor.
- d) The purpose of the first step is to agree on the meaning of the various words and terms and on the situation described in the problem.

Step 2. Define the problem or problems to be discussed.

- a) Definition of the problem is the main goal during this phase.
- b) The group should discuss and reach an agreement on the tricky events, which need explanation. Occasionally, a problem has been intentionally described on the way to test students' ability to recognize certain symptoms.
- c) Though they have some prior knowledge to recognize a problem, the prior knowledge doesn't allow them to resolve the problem straight away.

Step 3. Brainstorming

- a) Aspects on the basis of prior knowledge are collected.
- b) This should result in ideas to structure the problem.
- c) Each individual may express his or her ideas free and without immediate discussion: it is important not to discuss and not to comment the ideas of others during this step, but to collect many ideas (prior knowledge).
- d) Together, students will collect ideas of the underlying circumstances of the problem (explanatory approach) and/or of implications arising from the problem (procedural approach).

Step 4. Structuring and hypothesis

- a) Review steps 2 and 3 and arrange explanations into tentative solutions.
- b) During the fourth step, which forms the core of the analysis, the problem is explained on different ways.
- c) Ideas, which seem to be related, are worked out in relation to each other.
- d) Each group member is allowed to fully present ideas about the matter.
- e) Group members can draw on all the prior knowledge they possess. This prior knowledge may be based on information acquired in earlier education, facts and insights obtained by reading different articles or on another way.
- f) The other members of the group and the tutor are allowed to probe the students' knowledge to the full, to introduce other explanations and question certain opinions.
- g) The process of brainstorming discussion is a collaborative approach. It leads to more creativity and output than each member of the group could generate on his own.

Step 5. Learning objectives

Formulating learning objectives;

- a) Group reaches consensus on the learning objectives;
- b) Tutor ensures learning objectives are focused, achievable, comprehensive, and appropriate.
- c) The systematic approach and discussion may result in several outlines written down on the blackboard.
- d) These outlines are like possible explanations for particular problem.(However, since student prior knowledge is limited, questions will come up and dilemmas will arise. In this phase of the discussion, conflict between members of the tutorial group should arise.)
- e) The students will find out that certain aspects are not yet explained and resolved in the process of their discussion. Problem Method encourages students to learning on their own. This state of cognitive dissonance between what I know and what I have to know to understand the outside world is an essential condition for Problem method of learning.
- f) Questions and dilemmas, which appeared during session, can be used as learning goals for individual self-directed learning. So, the main aim of this step is to formulate learning objectives on which group will concentrate their activities during phase six.
- g) In this stage it is possible to use conceptual map as a tool for research summary, making associations, integrating information and proceeding information and transferring it to long-term knowledge, but also a tool for challenging new learning objectives.

Step 6. Searching for Information

- a) Self-independent learning; during this phase students are going home and study.
- b) This phase is supposed to provide answers to the questions evoked in the problem-analysis phase and offer students possibility to acquire a more profound knowledge of theories at the root of the problem.
- c) The group members collect information individually with respect of defined learning objectives.
- d) Information is collected not only from the literature but also from other sources (library, journals, internet etc.).
- e) Problem Method of Learning is also important because it gives possibility to students to find their own resources.
- f) Students can learn individually but also in pairs or in groups.
- g) It is important to already decide in advance, how the results of the self-study period will be presented: by an individual, a small group or as discussion of all the groups.
- h) Students explore relevant sources of knowledge and then put the new information together, possibly resolving all the issues that were left open.

Step 7. Synthesis

- a) Group shares results of private study.
- b) The tutor checks learning and may assess the group.
- c) the final step is synthesizing and testing the newly acquired information.
- d) Members of the group are sharing information gathered at home among each other. They also discussed whether they now acquired more proficient,

accurate, detailed explanation and understanding about what is going on behind the problem.

- e) If some of the students haven't understood the issues well, task of other students is to try to explain them methodology of their work.
- f) In this step it would be necessary for the certain types of the problems to check for students' decision-making process and the algorithm behind their decisions.

Step 8: "Feedback"

- a) it is very helpful step.
- b) It includes feedback of all students on the case, the process and the tutor, to improve the learning process.
- c) Also it is very important as the students validate the course and give their comments on the quality of the problem as well as on the quality of the group process and the tutor's performance.

Step 9: Analysis:

- a) The last step is analysis of the over-all performance of the students discussion.
- b) The tutor or any student can analyses the session and make a report.
- c) This will be helpful to find solution to problem arising during study as well as further designing of the study.

(This formation is based on the module of McMaster University available on www.chemeg.mcmaster.ca/pbl/pbl.htm)

Care to be taken while using Problem Method for teaching:

1. The faculty must take care to use carefully crafted cases that are perfect of content objectives
2. Use trained faculty or student facilitators to effectively manage group dynamics
3. Help the group address conflict in constructive ways
4. Ensure seating arrangement that facilitates discussion
5. Create safe environment for learners to participate, ask questions, and make mistakes without sanctions for groups meeting regularly over a period of time as and when required.
6. The facility like library, computer, CDs, DVDs, internet connectivity, etc are the requirements for the students to conduct research smoothly.

3.2.6. Merits of Problem Method:

Benefits for faculty:

- Satisfying ‘research-led’ teaching.
- Opportunity to enhance rationality between ‘research interests’ and ‘teaching’.
- Move away from instructive approaches allows development of ‘better’ relationships with students; respect for students maintained and strengthened.
- A mark of distinction for the approved law school (the Maastricht experience)
- Recognition by employers, prospective students, and other schools as a groundbreaking, innovative establishment – a virtuous circle
- Resource inference enhances.

Benefits for students:

- During the PBL session the students come together in a group. While learning they come to know each-other – their strong points their weaknesses etc.
- Greater emphasis on students’ development of graduate skills central to potential careers as lawyers, and transferable to other any professional context.
- Practised self confidence.
- Positive reception of the complication of real world problems, and a learned capacity to cope with uncertainty.
- Higher level of disciplinary understanding – students get an opportunity to ‘know’ the law better.
- an appreciation of the need for on-going personal professional development – commitment to ‘lifelong learning’ becomes a ‘taken for granted’ attitude – valuable, indeed indispensable, to any future career
- Actively involves participants and stimulates peer group learning.
- Helps participants explore pre-existing knowledge and build on what they know.
- Facilitates exchange of ideas and awareness of mutual concerns
- Promotes development of critical thinking skills amongst the students untimely useful in their profession.
- Develops leadership, teamwork, communication, and association skills
- Promotes higher levels of thinking and reduces memorization.
- Can be a challenge to ensure participation by all in the groups.



(Source: <http://www.dlsweb.rmit.edu.au/eng/beng0001/PBL-LIST/PBL>)

3.2.7. Demerits of Problem Method

- Can be frustrating for participants when they are at significantly different levels of knowledge and skill
- Can be unpredictable in terms of outcomes
- Increases potential for interpersonal conflicts
- Can be time-consuming

3.3. questions for self learning

1. Explain the concept of problem method.
2. How will you define the problem method?
3. Enunciate the usefulness of problem method.
4. What techniques are adopted during problem method?
5. Enunciate the basic procedure to be followed in problem method.
6. Merits of the problem method are more stronger than its demerits discuss.

3.4. Let us sum up:

The Problem Method is no enchantment but there is a skill involved in the process which can be developed through practice, discussion and reflection. The process of Problem Method can be challenging for some people at first. However, students have plenty of opportunity to develop their skills. When the syllabus will have three or four Problem Method sessions per cycle it will help teacher to assess progress, reassure that the student is developing his/her skills satisfactorily and provide an opportunity the Problem Method tutors to help the student at an early stage.

3.5. Glossary :

PBL : Problem based learning where student is given certain problems were he/she acquires knowledge while finding solution to the given problem.

3.6. Reference:

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UNIT - 4

Discussion method and its suitability at postgraduate level teaching

4.0. Objectives

4.1. Introduction

4.2. Topic Explanation

- 4.2.1. Concept of discussion Method
- 4.2.2. Types of discussion Methods
- 4.2.3. Techniques of Discussion
- 4.2.4. Usefulness of Discussion Method
- 4.2.5. Merits of Discussion Method.
- 4.2.6. Demerits of Discussion Method.

4.3. Questions for Self Learning

4.4. Let us Sum Up

4.5. Glossary

4.6. References

“Do not train youths to learning by force and harshness, but direct them to it by what amuses their minds so that you may be better able to discover with accuracy the peculiar bent of the genius of each.”

4.0. Objectives

- 4.0.1. To enable student to understand the meaning of Discussion method.
- 4.0.2. To enable student to understand the importance of Discussion method
- 4.0.3. To enable student to understand the merits and demerits of Discussion method.

4.1. Introduction

It is the object of the teacher to teach rather makes the student learn on his own. The young minds cannot always be dumped with lectures. Youth at the Post Graduate level are q mature enough to understand and analyse. They know not only to communicate but also to speak their mind. Hence a prudent teacher can make them talk and inspire them to learn on their own. The most acceptable mode of teaching-learning is of Discussion. Discussion is an open oral exchange of ideas between group members or teacher and students. For effective discussion the students should have prior knowledge and information about the topic to be discussed. It is different from classroom teaching. Here the teacher gives prior knowledge about the topic to be discussed. Every student gives his/ her opinion. This method develops creativity among students. Learning is more effective, the students don't have to rely on note learning Ideas and experiences from group, allows everyone to participate in an active process. It is human nature that all students in a group do not think on a same line hence a situation comes in which there is a difference of opinion, this is most suitable for discussion method of teaching. Students through their different opinions exchange knowledge.

4.2. Topic Explanation

4.2.1. Concept of Discussion Method.

The law teachers can use considerable learning techniques in law classes along with the lecture method to encourage the skills of legal investigation, synthesis, analysis and appraisal etc . Hess, for example, describes the benefits of discussion:

Discussion has a number of benefits for students and teachers. Discussion allows students to “discover” ideas, which leads to deeper learning. Good discussions prompt students to use higher-level thinking skills: to apply rules in new contexts, analyse issues, synthesise doctrines, and evaluate ideas. Through effective discussions that expose them to diverse points of view, students develop values and change attitudes. Discussions can provide teachers with valuable insights about their students’ learning and their creative approaches to problems¹.

It is often recommended by the experienced seniors that discussion as a technique should be used more frequently by law teachers.

Discussion method operates in three stages:

1. The teacher gives a problem. Acts as facilitator
2. Student try to find a solution- does a research
3. Student learns on his own with the help of the problem.

4.2.2. Types of Discussion Methods

Discussion method may be done in the following forms:

(a) Debate

Debate is a formal discussion of an issue in a classroom, at a public meeting or in a state or national assembly. In a debate two or more speakers express opposing views. The teacher

acts as facilitator. The following things will happen during the debate

1. The teacher gives an issue to debate on. He/she acts as facilitator,
2. Student try to find appropriate points- does a research and comes ready with the notes or his preparation to place the points before the other student i.e.

his opponent. He comes so prepared that he is ready to refute all the points of his opponent and same is with the opponent. Here the student is prepared for understanding quickly and making a reply promptly,

3. Students are given a time limitation and therefore they learn that they have to be quick, up-to-the-point and brief yet clear and covering all the required points,
4. With the help of the problem in issue the students try to learn on their own.

(b) Small Group Discussion:

1. In this method a number of people will set together in the same place as in a classroom or outside the classroom. Students form groups and teacher give them an issue to discuss on certain topic. Then one or two of them may make presentation also if required. It is different from a debate the whole group is talking on the same issue at a time. However the discipline has to be maintained and the teacher or a student can control on the group. The group discussion has to be finished in given time and then the all discussion must be summed up by the teacher or a student.

The following things will happen during the small group discussion.

1. The teacher gives an issue for discussion. Acts as facilitator,
2. Student try to find a solution- does a research,
3. Students try to learn on their own.

(C) Round Table Discussion:

A round table discussion either in the classroom or at the meeting hall in the college. may be arranged .Within the college system, a round table discussion

involves a healthy academic interaction between the teacher and the students; or between the students. It is a pleasant confidence building experience among students. It is just like a group discussion, teacher give them an issue to discuss on certain topic. It is different from a debate the whole group is talking on the same issue at a time. However the discipline has to be maintained and the teacher or a student can control on the group. The round-table discussion has to be finished in given time and then the all discussion must be summed up by the teacher or a student.

The following things will happen during round-table discussion

1. The teacher gives an issue for discussion. Acts as a facilitator,
2. Seating arrangement is like those in meetings; round-table,
3. Student try to find a solution- does a research,
4. Students try to learn on their own.

(d) Symposium:

The teacher organise this kind of meeting at which experts discuss on a particular subject. The main objective is to ensure that it involves a healthy academic interaction between the teacher and the students and between students and students. Students are given the opportunity to build confidence, gain knowledge and discover things by themselves. Here also the topics of discussion are pre-decided, hence there is lot of scope to prepare and talk on the given topic. But expectation is that you are an “expert”. With this expectation the other who do not think themselves as expert they are reluctant and do not participate or rather feel discouraged.

All the methods involve a lot of reading, research work, command on language good communication skill and the person presenting must be able instantly remember all his points of argument and must be able to convince the audience or listeners when posed with a question. The teacher also gives an extempore for testing the knowledge of the student. But an extempore is different from discussion. In this method the teacher has to give the issue for discussion, give enough time for the student to prepare, The teacher will give them an issue to discuss on certain topic, acts as facilitator, maintains the discipline and controls the group. The group discussion has to be finished in given time and then the all discussion must be summed up by the teacher or a student.

It is duty of the teacher to give the issue for discussion related to the syllabus, thus this will help the student to learn as well as the student does not find it use less or irrelevant. If the topic is included in the syllabus the student avoid to study from the notes and becomes an independent as well as makes his/ her own notes. This encourages the student to adopt self-study method.

4.2.3. Techniques of Discussion:

As the discussion session in the class proceeds, the teacher can help students by asking facilitating questions this helps to promote the process and progress of discussion.

Some of examples of facilitating questions are or can be as follows:

1. Prompting questions: These types of questions help students to organize their thoughts and make connections with other ideas and elements of the text. They can bring themselves on the track and make a good argument.

2. Justifying questions: Teacher demand justification this require students to provide evidence for their opinions or arguments. Thus the students read well, make a good research and even come well equipped with the required documents. Same as the lawyers come in the courts with case laws and law books.
3. Clarifying questions: when teacher asks to clarify some point, the student attempts do so, this helps the teacher to check on knowledge of the student and verify his/her understanding of the subject.
4. Comparative questions: if the teacher wants a comparison between certain facts the student is required to draw equivalent, dissimilarity with other readings, theories, studies, etc. thus the student studies different material also for a good comparison.
5. Connective questions: similar like comparison the student tries to establish links with other material or concepts arising from their experiences, other readings. Such as some social aspects, usefulness of law, human rights, noise pollution etc.
6. Analytical question: when students are asked to analyses their own discussion they look at it critically and come to know their own mistakes. At the same time they realise their might, wit and wisdom.

Carbone suggests a “think-pair-share” technique where “[s]tudents spend a minute or two *thinking* about an answer or solution. Students then *pair* up to discuss (*share*) their answers. The instructor then may ask for several students to *share* their answers with the whole group.

4.2.4. Usefulness of Discussion Method.

I hear and I forget.

I see and I believe.

I do and I understand. - Confucius

Use of Discussion Method:

Some of the techniques to be adopted in discussion method are:

1. The teacher should spend enough time in preparing the process and steps of discussion. The same should be told to the students. Inform the students about the topic in question including pre-discussion assignments so that they can be well prepared and make noteworthy contributions. He must provide discussable topics to the students which presuppose some background information or knowledge by the students and which is included in the syllabus as well as within their intellectual ability.
2. Different attribute of the topic and its limitations should be decided for the selected topic of discussion.
3. Students should know the time limit to reach a conclusion. Yet to justify the activities of the students sufficient time should be allotted to discuss all the issues.
4. Arrangement of seats to be in circular or semi-circular formation that will allow close interaction amongst the teachers and students.
5. The teacher should begin with introduction of the topic, the purpose of discussion, and also introduce the students participating in discussion.
6. He/ she should later (throughout the discussion) play the role of a facilitator. Discussion should not be dominated by the teacher or brighter students rather it should provide equal opportunities for all students. The teacher should control the discussion and clarify points when the students wander

away from the topic. Encourage students to listen to other's point of view and then evaluate their own.

7. Teacher should give value to all students' opinions and try not to allow his/her own difference of opinion, preventing communication and debate. There should be positive support in form of pat on the back for reasonable contributions while at the same time, irrelevant comments should be diplomatically rejected.
8. Before beginning of discussion, background information about the topic should be provided so that those who are not actively participating have the idea of the discussion.
9. The environment should be positively created to promote the process of discussion. It should be such involving every one. Provision of adequate teaching aids is essential. Teaching aids such as video player, projector etc and books can be an additional help.
10. Well designed pre-determined questions to be asked to extract more information on the topic.
11. The teacher at the end should summarize the discussion. Teacher should draw a summary of important points based on the students' acceptable contributions

4.2.5. Merits of Discussion Method.

Merits/ Advantages

1. Discussion in the classroom makes a teacher to be well prepared and to organize the classroom for best results.

2. It gives the students good opportunity to participate fully in the lesson and contribute their ideas. By expressing their ideas about concepts, they are exposed to some clarifications, engage in argumentation thereby gaining more knowledge and confidence.
3. Discussion method, being an interactive process, aids the teacher towards a better understanding of his students.
4. It can be used to promote inquiry mind and to provide good practice for problem-solving.
5. Socially, students develop the spirit of accepting peers' ideas and views.
6. Hidden talents are discovered while creativity and initiative are promoted.
7. There is more participation of students.
8. Students listen to other's opinion & then express their own opinion. This develops their analytical power.
9. Teachers discuss the points that were missed during discussion this adds to the knowledge of the students.
10. Students learn on their own & find out explanation points.
11. They also exchange their ideas.
12. Students get point of view of all and not only those who always speak.
13. After discussion when students give their presentation, teacher corrects their mistakes.
14. Students can make their own notes.
15. This type of learning is more effective
16. They don't have to rely on routine learning.
17. The exercise to be worked out develops creativity among students.
18. It evokes thinking among students.
19. Students have time for preparation of topic.

- 20.If the students have material and knowledge before discussion they get boosted for talking as well as come up with new and latest information.
- 21.Concepts become clear after discussion.
- 22.Every student gives his/ her opinion.

Lynne Taylor, citing Daggett's description of the positive attributes of this teaching method:

1. It provides an active learning role for students.
2. It encourages students to listen and to learn from each other.
3. It involves high level thinking, perhaps like Socratic teaching and unlike lectures.
4. It exposes students to viewpoints other than their own.
5. It helps students develop oral advocacy and other skills.
6. It makes learning less teacher-centred and more student-centred.
7. It provides feedback to the teacher about the level of student learning.
8. It gives students a change to bring their opinions and feelings to the study of law.
9. It teaches the teacher.

4.2.6. Demerits of Discussion Method.

Demerits/ Disadvantages

1. Lengthy method: Discussion method is a mainly interactive process involving a multiple flow of communication between student and student and student and teacher, therefore takes a huge length of time.
2. Little ground is covered in the curriculum because of excursion.

3. Some students may never participate either because they lack the knowledge of the background to the topic or they are not afforded the opportunity to do so.
4. Slow learners feel shy to contribute or be part of the exercise because the brighter students may dominate the discussion. Since the discussion method is highly dependent upon intelligence and good communication skills, because they may shy away from the exercise.
5. Only those students participate who have confidence rest do not participate.

4.3. Questions for Self Learning

1. Explain discussion method of teaching. Give some illustrations.
2. Explain briefly any two types of discussion method.
3. Mention steps or procedures to be taken in discussion.
4. Discuss the demerits and merits of discussion method.

4.4. Let us Sum Up

After discussing all aspects of Discussion Method, it can be concluded that this method is primarily an interactive process. It involves multiple-flow of communication between the teacher and the students and one student to another. It enhances effective teaching and learning because it allows the student an opportunity of full participation in the lesson. Interaction in the class is centred on problems with the teacher directing affairs towards the lesson objectives. The students get opportunity to participate and contribute their ideas. Discussion method, being an interactive process promote inquiry mind and to provide good practice for problem-solving. Also helps in argumentation of knowledge and

confidence of student. They develop the spirit of accepting peers' ideas and views. Hidden talents are discovered. Teachers discuss the missed points that add to the knowledge of the students. Students can make their own notes. They don't have to rely on routine learning. Hence this type of learning is more effective. However it has some demerits too. It is too lengthy method as it is interactive process involving communication. Little ground to cover the curriculum. Some students feel shy or due to of lack of background knowledge may never participate. Brighter students may dominate the discussion avoiding the contribution of slow learners.

4.5. Glossary:

Think-pair-share technique: this is the technique to encourage students to spend some time to *thinking* about an answer or solution. Students then *pair* up to discuss their answers. Thus sharing their views about the given topic. This helps students to open up and express their views.

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UNIT - 5.

Examination System and Problems in Evaluation - External and Internal Assessment.

5.0. Objectives

5.1. Introduction

5.2. Topic Explanation

5.2.1 Examination

5.2.1.1. Requirement of outstanding Examination System

5.2.1.2. Reforms in Exam System

5.2.2. Evaluation System.

5.2.2.1. Merits of Evaluation System

5.2.3. Importance of external and internal assessment system

5.3. Questions for self learning

5.4. Let us sum up

5.5. Glossary

5.6 References

“Education is not the filling of a vessel but the kindling of a flame.”

— Socrates

5.0. Objectives:

5.0.1. To enable pupil to understand the meaning and importance of Examination System

5.0.2. To enable pupil to understand the meaning and importance of Evaluation System

5.0.3. To enable pupil to understand the meaning and importance of external and internal assessment system

5.1. Introduction

Education as a planned undertaking, at a personal level on a small scale or institutional level on a large scale, aims at making student capable of becoming active, responsible, productive, and caring members of society. They are made be acquainted with the various practices of the society by imparting the relevant skills and ideas. Education encourages the students to analyse and evaluate their experiences, to doubt, to question, to investigate – in other words, to be inquisitive and to think independently and acquire proficiency.

Every proficiency execution requires the development of core academic subject knowledge and understanding among all students. It is the task of a teacher to create students who can think critically and communicate effectively on the basis of core academic subject knowledge. Students must also be taught the essential skills for success in today's world, such as critical thinking, problem solving, communication and collaboration. Within the framework of core knowledge instruction, the institution(s) combine the entire framework with the necessary support systems—standards, assessments, curriculum and instruction, professional development and learning environments—students are more engaged in the learning process and graduate better prepared to thrive in today's global economy. Hence examination and evaluation become an integrated and important part of education system even in the 21st century. The main emphasis is to assess the knowledge gained by a student and motivate him/her to improve upon it. Instilling confidence amongst students about the assessment system and timely publication of highly accurate results is essential. This process aims at measuring the degree of

knowledge assimilated by the students during a course of study without bringing excess pressure.

5.2. Topic Explanation

Examination and Evaluation System.

The process of examination aims at measuring the ‘degree’ of knowledge incorporated by the students during a course of study or training imparted to them. In professional education system like law, special emphasis is given to continuous evaluation of students’ performance during a term or academic session. The students may pass examinations securing good marks with scanty preparation, mostly done just before the examination and there is no reason to disagree. Acquiring the best knowledge and not merely scoring good marks must be the goal of the student. The objectives Examination process is to reflect the true level of knowledge acquired by the students.

5.2.1. Examination:

Examinations are conducted to test the level of the student, what he has acquired during the course he was admitted into. It is also to see the students’ ability to understand and reproduce the knowledge acquired. Based on the examination conducted, the exam system is able to stratify the students as per their standard. So that high-quality students who have attained essential standards of learning are screened out from the rest.¹ Students thus screened can be then trained for acquiring higher knowledge. Those remaining behind are given an opportunity to improve and are re-examined.

5.2.1.1 Requirements of outstanding Examination System

The machinery implemented to run Examination System must be ‘determined’ and ‘faultless’ in its process. It should operate without fear, favour, pressure and prejudice. The functioning of this system must be based on sound principles, policies, and procedures directed towards the achievement of its goals. It is more advantageous if the system is administered by academicians and not by administrative department. Keeping in mind the need of the hour and demand of circumstances there has to be suppleness and compliance to the changing needs.

Transparent policies and procedures, manned by persons with appropriate qualifications and qualities like self discipline, accuracy, secrecy, time consciousness, high degree of integrity with the objectives of the system and complete understanding of their duties responsibilities will be beneficial to the system. There must be adequate manpower to handle various functions of the system so that excessive work pressure on existing workforce is avoided which would otherwise result in error and delay.

Employment of modern computing facilities and software to process enormous data and generation of documents will make work fast, easy and human independent.

5.2.1.2 Reforms in Exam System

Indian universities exams must be appropriate for the ‘knowledge society’ of the 21st century. Therefore it has to encourage students to be innovative and problem-solvers. The exam system today does not serve the needs of social justice.

The reason according to some thinkers² is quality of question papers is low, they usually call for rote memorization and fail to test higher-order skills like reasoning and analysis, let alone lateral thinking, creativity, and judgment, they are inflexible, based on a 'one-size-fits-all' principle, they make no allowance for different types of learners and learning environments.

Nowadays Exams induce an unwarranted level of anxiety and stress on the students, which add to pervasive suffering, nervous breakdowns resulting exam-induced suicides. Therefore a department of psychological counselors must encourage students to open up rather than take an extreme step. Many universities lack functional and reliable system as well as full disclosure and transparency grading and mark/grade reporting as well as college-based evaluation.

The following suggestions can be considered to improve the exam system:

1. University exams must encourage students to be innovative.
2. Higher-order skills like reasoning and analysis, lateral thinking, creativity, and judgment, must be encouraged.
3. The quality of question papers must be improved.
4. Exams must not induce an unwarranted level of anxiety and stress on the students.
5. Exams must not add to continual suffering, nervous breakdowns.
6. University/ colleges must open departments with psychological counsellors to support students.
7. Universities must be transparent in disclosing grading and mark/grade reporting.
8. College-based evaluation must be encouraged.

5.2.2. Evaluation System.

Continuous evaluation of students' performance" has become norm of the day. Biggs define evaluation as "The fundamental principle of constructive alignment is that good teaching systems align teaching method and assessment to the learning activities stated in the objectives so that all aspects of this system are in accord in supporting appropriate student learning."³

Tyler (1950) defined evaluation as "a systematic process of determining the extent to which educational objectives are achieved by pupils". The evaluation is a standard process, and it excludes the informal, unceremonious or unrestrained observation of the students. The objectives/goals of education have to be identified in advance. Without predetermined objectives, it is not possible to judge the progress, growth and development of students. Evaluation is not always the end of a course.

Evaluation plays a very important role in educational process. Evaluation is used to determine the extent to which educational objectives have been achieved after the teaching learning process. The evaluation system maintains its standards along with the progress of education. Evaluation has been an integral part of any 'teaching and learning' environment.

When an Evaluation in a college or university level is carried out one has to consider the following questions because, the quality of any educational system is directly linked with the quality of evaluation;

Who is the evaluation for?

Why are you carrying out the evaluation?

What will your evaluation do?

What kind of information do you want to collect?

What do you plan to do with the information once collected?

In fact, evaluation plays a crucial role in making a decision as to what the learners learn and what the teachers teach.

5.2.2.1. Merits of Evaluation System:

Evaluation is important because only through evaluation a teacher can judge the growth and development of students, as well as the effectiveness of her/ his own teaching in the class. “Teaching for successful learning cannot occur without high quality evaluation”⁴.

Thus, being continuous process evaluation serves a number of purposes in education, some of the well known reasons are:

1. We come to know whether a student has developed a certain ‘ability’ stated in the educational objectives or not.
2. We also know the progress of students during the course of teaching and learning.
3. We are able to grade, rank, classify, compare and promote the students.
4. It is also used for certifying the completion of a course (by giving certificates, diploma, or Degree)
5. Helps us in selection of students for admission or scholarship, and
6. Helps in predicting their future success in different endeavours.

However these are the rationale of ‘end-of-the-term’ evaluation, the basic purpose of evaluation has been to bring about quality improvement in education which evaluation does by providing feedback regarding pupil learning, classroom teaching, suitability of curriculum and course contents etc. It also helps bring about all round development of the students’ personality when it is used for

developing their non-cognitive capacities. Evaluation can also promote the accountability of the teachers. The students' results can tell whether the poor performance of the students is due to poor teaching or defective methodology etc.

Thus evaluation can work as an important instrument for improvement in teaching. Professional development of the teachers is almost directly related to the feedback through evaluation. A teacher earns a reputation on the basis of the result shown by the pupils whom he/she has taught. If the students do not show desirable learning outcomes, then he/she may have to think of changing his/her strategies of teaching, improving the instructional material, updating his/her knowledge or going for a refresher course, thereby exploring new approaches. These steps will automatically help his/her professional development.

5.2.3. Importance of external and internal assessment system

1. Internal assessment is and includes periodical assessment of students' learning by their respective subject teachers in the class. It is to the teachers 'desirable' and 'essential' however there are difficulties in introducing such a programme. the Internal assessment includes day-to-day assessment as continuous assessment which is an integral part of teaching also, unit-wise testing of periodical testing or even end of the session or semester testing by college teachers themselves are all examples of internal assessment.
2. Internal assessment as a device to compensate for the loss in marks obtained in external assessment. However there is fear of biased teacher markings.
3. Regular, continuous and inclusive assessment covering assessment of even non-cognitive learning outcomes, must be carried out by a college teacher himself/herself as it improves the legitimacy of assessment of students. However, such an attempt should be undertaken with careful planning and a

thorough preparation of teachers as they have to play a dual role as guide and examiner.

4. Evaluation should be a fundamental and essential part of teaching, internal assessment must be a regular feature of the programme of the colleges besides lectures and projects.
5. The concerned authority should develop concurrence design or basic framework of internal assessment for use in all colleges. The design must be with prerequisite for some flexibility in different subjects.
6. If a degree of uniformity is ensured in the assessment policy of the colleges, and the teachers in the colleges have clear understanding of what is really expected of them it will be perfectly workable programme.
7. It is necessary that the principals of colleges as well as representative groups of teachers and students must be involved in framing the policy to achieve academic excellence.
8. Assessment should not be limited only to achievement in the curricular subjects, but also for co-scholastic aspects like personal social qualities, interests, attitudes, values, etc.

5.3. Questions for self learning

Discuss the usefulness of Examination System

2. Discuss the merits of Evaluation System.
3. Discuss the demerits of Examination and Evaluation System.
4. Explain in what way evaluation is an fundamental part of teaching and learning?
5. What are the different types of evaluation? What type of evaluation is most necessary in teaching of law and why?

6. How does evaluation help in developing non-cognitive capabilities of the students?

5.4. Let us sum up

As part of its objective to expand and flourish the university/ institution must strive to formulate and implement an evaluation system that exhibits quality both in teaching and examination systems and which is transparent and student friendly.

5.5. Glossary:

Examination: an exercise conducted to test the acquired understanding of student and see if he has ability to reproduce the knowledge acquired.

Evaluation The evaluation is observation of the students. It has some predetermined objectives to judge the progress, growth and development of students.

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UNIT - 6
Research Methods

6.0. Objectives

6.1. Introduction

6.2. Topic Explanation

6.2.1. Socio Legal Research

6.2.2. Types of socio-legal research

6.2.3. Relevance of empirical research

6.2.4. Induction and deduction

6.3. Question for Self learning

6.4. Let us sum up

6.5. Glossary

6.6. References

All progress is born of inquiry.

*Doubt is often better than overconfidence, for it leads to inquiry,
and inquiry leads to invention.*

Hudson

6.0. Objectives

6.0.1. To understand the importance of Socio Legal Research

6.0.2. To understand the important aspects of Doctrinal and non-doctrinal

6.0.3. To understand the Relevance of empirical research

6.0.4. To understand the difference between Induction and deduction

6.1. Introduction

Research', is a process of identifying and investigating a 'fact' or a 'problem' with a view to acquiring an insight into it or finding an apt solution to it. Therefore in simple terms, it can be defined as 'systematic investigation towards increasing the sum of human knowledge' and as a 'process' an approach becomes systematic when a researcher follows certain scientific methods¹.

In this background, legal research can be defined as a process of systematic finding 'law' on a particular point and making development in the discipline of law. However, the finding law is not so easy. It involves a systematic search of legal materials, statutory, supplementary and judicial pronouncements. For making development in the discipline of law, one needs to go into the 'underlying principles or reasons of the law'. These activities ought to have a systematic approach. An approach becomes systematic when a researcher follows scientific method.

Generally, law is prejudiced by the existing social values and ethos. Most of the times, law also attempts to mould or change the existing social values and attitudes. Such as the Act passed to prevent women from becoming a sati, an Act to secure the 'untouchables', an act to stop child marriages.etc. all these and more can be cited as an example.

Such a complex nature of law and its function require systematic approach to the 'understanding' of 'law' and its 'operational facets'. A systematic investigation into these aspects of law helps in knowing the existing and emerging legislative policies, laws, their social relevance and efficacy, etc.

In this backdrop, the present course intends to acquaint the students of law with scientific methods of investigation into law. It also intends to make them familiar with nature, scope, and importance of legal research.

6.2. Topic Explanation

6.2.1. Socio Legal Research:

We may define Socio Legal Research with help of the social scientist as follows;

Young, P.V² states that “We may define social research as scientific undertaking which by means of logical and systematized methods, aims to discover new facts or old facts, and to analyse their sequences, interrelationships, causal explanations and the natural terms which govern them.” P.V²

Whitney, F. L. says “Sociological research includes a study of human group relationship”³.

Moser C.A. says “Systematized investigation to gain knowledge about social phenomena and problems, we call social research.”⁴

Bogardus, E. defines “Social research is the investigation of the underlying process operative in the lives of persons who are in association.”⁵

Thus one can understand that Legal research is the field of study concerned with the effective assemble of authorities that sustain a question of law. It is also the systematic investigation of problems and matters concerned with certain codes, acts etc. therefore it is called legal research.

The main task before the socio-legal scientists is to maintain a pace with the speed of social change and accordingly identify the factors and trend of social change. Social problems are not specifically referred to theoretical level; rather the research activity should prove its relevance to the present context.

The following are the main characteristics of social research:

- (i) The social research aims at finding out the new facts;
- (ii) The social research is based on the distinct, systematic and precise knowledge;
- (iii) The social research is logical and objective in orientation;
- (iv) The social research aims at quantification of the social facts;
- (v) The social research aims at investigating the facts in depth and comes out with a format.

Socio Legal Research includes a study of human group relationship, aims to discover new facts and to analyse their sequences as scientific undertaking by means of logical and systema-tized methods, or old facts, interrelationships, causal explanations and the natural terms which govern them. Keeping in view the said definitions, we can say that Socio-Legal research is an act that discovers the legal principles relevant to a particular problem and it is the foundation for good legal advice.

6.2.2. Types of socio-legal research

There are two types of socio-legal research, explained here in under:

6.2.2.1. Doctrinal Legal Research:

Doctrinal is also known as Traditional or Non-Empirical Legal Research, research based on analysis of case laws, statutes by applying logic and reasoning

power is Doctrinal research. According to S.N. Jain, “doctrinal research involves analysis of case law, arranging, ordering and systematising legal propositions and study of legal institutions through legal reasoning or rational deduction”. If it is found to be unjust, it may be modified or changed to meet the present requirement. This kind of search is carried on by all the Judges, lawyers and law teachers.

Characteristics of Doctrinal Research:

1. Propositions based study
2. Conventional legal theory and court decisions report are the sources for doctrinal research.
3. It studies the law as it is in existing form

Advantages of Doctrinal Research :

1. It provides researchers necessary tools in the form of conventional legal theories and reported decisions to reach their destination within a limited time frame.
2. Ultra-virus and many other concepts can be improved only by doctrinal research.
3. Doctrinal research provides appropriate guidance when the question related to following of course by law is raised.

Defects of Doctrinal Research:—

1. Over emphasis on appellate court decisions.
2. If researcher fails to take into account the reference and context of the legislation, precedent and custom, his work may not be worthy of laying down any general proposition.

3. Lack of social factors will make his study incomplete as one has to relate the law with society.
4. A doctrinal researcher faces difficulties in giving concrete shape to his work because too many presumptions may be drawn from the materials at his disposal.

6.2.2.2. Empirical or Non-Doctrinal Legal Research :

The empirical research is carried on by collecting or gathering information by first hand study of the subject, it relies on experience or observation without due regard to any theory or system and hence it is also called as experimental type of research. In this type of research, the researcher attempts to investigate effect or impact by actual examination or observation of the functioning of law and legal institutions in the society.

According to late Prof. S.N. Jain, it seeks to answer such questions as are law and legal institutions serving the needs of society? Are they suited to the society in which they are operating? What factors influence the decisions of adjudicators (courts of administrative agencies)? It also concerns with the identification and creating an awareness of the new problems which need to be tackled through law conducting empirical research. This kind of research is not very popular among the researchers especially lawyers and judges.

Features of non-doctrinal research:

The following are the features of non-doctrinal research

1. it lays a different and lesser emphasis upon doctrine,
2. it seeks to answer broader and more numerous questions,

3. it is not anchored exclusively to appellate reports and other traditional legal resource for its data and
4. it may involve the use of research perspectives, research designs, conceptual frameworks, skills, and training not peculiar to law trained personnel.

Demerits of empirical research:

1. It is time consuming and costly. It calls for additional training, great commitment of time and energy, for producing meaningful result,
2. It needs a strong base of doctrinal research,
3. It is extremely weak in solving a problem in hand,
4. It cannot give a direction as to what course the law should follow to be useful,
5. It cannot remain unaffected from human vices, upbringing and thinking because acceptance of a new system of law in India depends on many factors, such as awareness, value, capability and pattern of adaptation.

6.2.3. Relevance of Empirical Legal Research:

Empirical legal research seeks answers to a variety of questions that have bearing on the social-dimension or social-performance of law and its 'impact' on the social behaviour. In fact, it concerns with 'social-auditing of law'. Hence, socio-legal research is significant and has a number of advantages.

According to Prof (Dr) Khushal Vibhute & Filipos Aynalem, prominent advantages of Empirical legal research are as follows:

First, socio-legal research highlights the 'gap' between 'legislative goals' and 'social reality' and thereby 'depicts' a 'true picture' of 'law-in-action'. It particularly highlights the 'gap' in relation to;

- (a) the practice of law enforcers, regulators and adjudicators and
- (b) the use or under-use of the law by intended beneficiaries of the law.

The regulatory body, existing or created under the law, vested with the power to monitor and enforce the law, may, due to some prejudices or apathy towards the ‘beneficiaries’ or sympathy towards their adversaries, be professionally ‘inactive’ in enforcing the law. It may, for certain reasons, purposefully fail to enforce it effectively. Non-doctrinal legal research, in this context, highlights the ‘reasons’ behind making the law ‘symbolic’, less-effective or ineffective. It also reveals the extent to which the beneficiaries have been (or have not been) able to ‘use’ the law and the ‘reasons’ or ‘factors’ that have desisted/are desisting them from using it. Through empiricism, non-doctrinal legal research highlights the underlying currents or factors (like unawareness on part of the beneficiaries, unaffordable cost in seeking the legal redress, or the fear of further victimization if the legal redress is pursued, and the like) that have been desisting them from seeking the benefits that the law intended to bestow on them and to seek legal redress against those who prevent them from doing so. It, thus, exposes the ‘bottlenecks’ in operation of law.

Secondly, non-doctrinal legal research carries significance in the modern welfare state, which envisages socio-economic transformation through law and thereby perceives law as a means of achieving socio-economic justice and parity. Through empiricism, socio-legal research assesses ‘role and contribution of law’ in bringing the intended social consequences. It also helps us in assessing ‘impact of law’ on the social values, outlook, and attitude towards the ‘change(s)’ contemplated by law under inquiry. It highlights the ‘factors’ that have been creating ‘impediments’ or posing ‘problems’ for the law in attaining its ‘goal(s)’.

Thirdly, in continuity of what has been said in *firstly* and *secondly* above, non-doctrinal legal research provides an ‘expert advice’ and gives significant feedback to the policy-makers, Legislature, and Judges for better formulation,

enforcement and interpretation of the law. *Fourthly*, socio-legal research renders an invaluable help in ‘shaping’ social legislations in tune with the ‘social engineering’ philosophy of the modern state and in ‘making’ them more effective instruments of the planned socio-economic transformation⁶.

Limitations:

Though socio-legal research has great potentials, yet a few limitations thereof need to mention here to put its role in the right perspective. A few significant are outlined below.

First, non-doctrinal legal research is extremely time consuming and costly as it requires a lot of time for collecting the required information from field. Further, it calls for additional training in designing and employing tools of data collection and entails greater commitments of time and energy to produce meaningful results, either for policy-makers or theory-builders.

Secondly, socio-legal research, as explained earlier, needs a strong base of doctrinal legal research. A legal scholar who is weak in doctrinal legal research cannot handle non-doctrinal legal research in a meaningful way. It may turn out to be a futile exercise leading to no significant results.

Thirdly, the basic tools of data collection, *namely* interview, questionnaire, schedule and observation, are not simple to employ. They require specialized knowledge and skill from the stage of planning to execution. Each one of them is bridled with a number of difficulties. A researcher has to have a sound skill-oriented training in social science research techniques. A cumulative effect of this limitation of non-doctrinal legal research and of the one mentioned in *secondly* is that a well-trained social scientist cannot undertake socio-legal research without having a strong base in doctrinal legal research. Similarly, a scholar of law, though

having a strong base in legal principles, concepts or doctrines as well as in doctrinal legal research, cannot venture into non-doctrinal legal research unless he has adequate training in social science research techniques. In either case, non-doctrinal legal research becomes a mere nightmare for both of them. A way out, therefore, seems to be an inter-disciplinary approach in investigating legal problems. However, inter-disciplinary legal research has its own difficulties and limitations.

Fourthly, invariably public opinion, as mentioned earlier, influences contents and framework of law. Law, most of the times, also seeks to mould and/or change the public opinion, social value and attitude. In such a situation, sometimes it becomes difficult for a non-doctrinal legal researcher to, on the basis of sociological data, predict with certainty the ‘course’ or ‘direction’ the law needs to take or follow. Such a prediction involves the maturity of judgment, intuition, and experience of the researcher. He may fall back to doctrinal legal research. Nevertheless, sociological research may be of some informal value to the decision-makers.

Fifthly, sometimes, because of complicated social, political and economical settings and varied multiple factors a socio-legal researcher may again be thrown back to his own ideas, prejudices and feelings in furnishing solutions to certain problems.

Sixthly, Socio-legal research becomes inadequate and inapt where the problems are to be solved and the law is to be developed from case to case (like in administrative law and law of torts)⁷.

As we already know that empirical legal research seeks to answer questions such as;

1. Are laws and legal institutions serving the needs of society?

2. Are they suited to the society in which they are operating?
3. What factors influence the decisions of adjudicators (courts of administrative agencies)?
4. It also concerns with the identification and creating an awareness of the new problems which need to be tackled through law conducting empirical research.

The empirical form of research is being undertaken more and more in the area of social science research. Before using the technique of social science research the following facts should be kept in mind;

1. law students should be trained to undertake effective legal research work;
2. he should be competent enough to go through requisite legal materials in a systematic manner; and
3. he should be competent to establish the relationship between the law and the society as law has its roots in society.

If these precautions are taken care of, the social science technique will enable a legal scholar to comprehend the complex judicial process. The empirical method of research is to supplement the doctrinal method of research and not to substitute it.

6.2.4. Induction and deduction:

Induction and Deduction are the two aspects of logical reasoning typical of scientific research.

6.2.4.1. Induction:

Francis Bacon introduced the concept of induction. Induction is the process of taking data, a number of instances from experience, appeals to signs, evidence or authority and causal relationship, classifying them into categories and then determining logically from them one or more generally applicable rule/s. In other words, induction is a method of logical reasoning that goes from specific set of premises based mainly on experience or experimental evidence to a general conclusion. Inductive arguments assert that the conclusion is arrived at not necessarily, but probably from the truth of the premises.

e.g. A is a human being

A is mortal

Therefore, human beings are mortal

6.2.4.2. Deduction:

Deduction is that method of logical reasoning that goes from the general premises assumed to be true to a specific conclusion. In other words, Deduction is the process of deriving conclusion from the premises that are assumed to be true. Deduction is the most common type of logic. The basic aim of deduction is to start with some assumption or premise and reach to a logical conclusion. Deductive arguments assert that the conclusion is arrived at, necessarily from the truth of the premises.

e.g. Human beings are mortal

A is a human being

Therefore, A is mortal.

6.3. Question for Self learning

1. Define and explain doctrinal legal research? Discuss aims and significance of doctrinal legal research
2. Enumerate and explain different basic tools of doctrinal legal research. Assess strengths and weaknesses of doctrinal legal research
5. What is meant by non-doctrinal legal research? How would you justify the view that it is ‘research *about* law’ or ‘socio-legal research’?

6.4. Let us sum up

This chapter highlights the importance of Socio Legal Research, important aspects of Doctrinal and non-doctrinal, different dimensions and tools of doctrinal legal research as well as non-doctrinal legal, relevance of empirical research as well as Induction and deduction theory.

Research or socio-legal research, involves systematic scientific investigation of facts as well as their hidden or unknown facets. The aim of researcher is to determining or to ascertain something, which may satisfy the curiosity of the investigator and carry forward his knowledge.

After reading this chapter the law students will acquire basic skill of identifying research problems, planning and executing legal research projects and of appreciating the problems associated therewith. It aims at instilling in them basic research skills so that they can plan and pursue legal and socio-legal research in future.

6.5. Glossary :

Research : Research aims at answering difficult questions. Therefore Goal of research is to enhance pure and fundamental knowledge.

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UNIT - 7

Identification of Problem of Research

7.0. Objectives

7.1. Introduction

7.2. Topic Explanation

7.2.1 What is a research problem?

7.2.2 Survey of available literature and bibliographical research.

7.2.2.1. Legislative materials including subordinate legislation, notification and policy statements

7.2.2.2. Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

7.3. Question for Self learning

7.4. Let us sum up

7.5. Glossary

7.6. References

7.0. Objectives

7.0.1. To be able to understand what research problem is.

7.0.2. To be able to understand the impact of legislative materials.

7.0.3. To be able to understand in significance of case law.

7.1. Introduction:

When a researcher begins with his work he will have to become familiar with the terminology of the research. He/ she will have to first understand what is a

research? Why it has to be conducted and then his mind formulates a research problem. Before formulation of the research problem the researcher will have to make a survey of available literature and bibliographical research work so that he will be able to not only formulate his/her research problem but also will be able to draw inspiration from the previous work.

Subsequently the researcher will have to look into the Legislative materials including subordinate legislation, notification and policy statements so to get the data required for his research work as well he can conduct a research to find out the functionality workability and utility of that particular legislative material.

And finally the researcher will also study the decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof, in furtherance of his research work to make it more authentic as well as useful to the society at large.

7.2. Topic Explanation

7.2.1. What is a research problem?

When we have to begin a new project we usually plan regarding what, where, when, how, how much, by what means etc. This is with reference to an inquiry or a research study which constitutes a research design. A research design is the arrangement of circumstances for collection and analysis of data in a manner that aims to merge relevance to the research purpose in procedure.

More plainly, the design resolution goes on to be in respect of;

1. Subject of study:

One must ask himself if we have to do a research then, what is the study about? There are several issues /problems arising in the society. We have to understand and select some important issues or problems so that our work supply a solution on that issue or it can be used as a guideline for the preparing the solution. e.g. Environmental pollution is a problem almost around the world. This can be an issue to work on; however it is a very huge and vague. Hence we will have to refine it and go on refining until we come up with a definite and precise 'subject' to work on.

2. Object of study:

Research must be carried out with a motive/ object. We must know why is the study being made? e.g. If we are working in environmental law then why are we working on it? Because we want to show that pollution is dangerous for human being, and the environment itself.

3. Universe of Study:

We will have to decide the 'universe' of our study. Is it on National level or state level etc. i.e. the field we shall be choosing to get the data from.

4. Required Data:

Again if we continue to work on the topic cited above we shall have to collect the data from various sources. What type of data is required? A law student always looks into the judgments of the Hon. Supreme Court, the High Court etc. various books on pollution, chemical analysis reports on pollution government reports etc. There is plethora of information but only the relevant material has to be taken into consideration. Only the required category has to be selected. One has to be very choosy.

5. Where to find the required data:

A student working on the project has to visit various libraries, offices, website and many such 'treasures' of information. The student can call data under the Right to Information Act also.

6. Periods of time:

What periods of time will the study include? The researcher has period for his study. e.g. the development of International law will be too big span to study hence one has to define the period i.e. let us say year 2000-2010. Now the research work will be defined between this two poles. The researcher gets the timeline to work.

7. Deadline to the study:

The researcher has to have deadline for his/ her research work. The work cannot be finished within a small span of time then it may not be research work, as well it must not elongate for years and years. Hence a stipulated time period has to be fixed.

8. Sample design:

We need a research design, a plan, in advance of data collection and analysis for our research project. Research design, in fact, has a great bearing on the reliability of the results arrived at and as such constitutes the firm foundation of the entire edifice of the research work.

9. Techniques of data collection:

Data as we know one has to collect from various sources- primary and secondary sources. There are several methods of collecting primary data, particularly in surveys and descriptive researches. Important ones are, observation method, interview method, questionnaires, through schedules, content analysis etc. Whereas

the secondary sources can be, work that is merely compilation of available information.

10. Analysis of Data:

Analysis of content is a central activity whenever one is concerned with the study of the nature of the verbal materials. A review of research in any area, for instance involves the analysis of the contents of research articles that have been published. The analysis may be at a relatively simple level or may be a subtle one.

11. Report Preparation /Writing of Thesis

After the data have been collected, the researcher has to sum up the collected data and organize it in such a manner that will yield answers to the research questions. Thus, the task to analyse is to shed light on the results. It implies editing, coding, classification, and tabulation of collected data so that they are agreeable to analysis. The term analysis refers to the calculation of certain measures along with searching for patterns of relationship that exist among data-groups.

7.2.2. Survey of available literature and bibliographical research:

Once the research problem is formulated, the researcher needs to undertake an extensive survey of literature connected with, related to, and/or having bearing on, his research problem. This is the process whereby the researcher locates and selects the references that are relevant for his inquiry. A scholar of law, at this stage, is expected to cautiously outline his work and then survey around to lay his hands on standard material. Some important reference material he can look into can be as follows,

1. Standard textbooks: such as those written by reputed authors,
2. Reference books: dealing with or having bearing on the research problem,
3. Legal periodicals: so that he locate research articles written, or authoritative comments made, on the subject or its allied subjects,
4. Case reports: so that he get familiarize with the judicial exposition of the problem,
5. conference/symposium/seminar proceedings: to become accustomed to different proportions highlighted in, investigate into, or appear from, the conference/symposium/seminars,
6. Government or Committee Reports: so as to appreciate and understand perspectives of the ideas or intention of the law-makers and the experts in the field (when by delegated legislation) , and
7. General web pages: so that to know latest emerging perspectives and illustrative examples. There are many good materials (writings) available on the net. One can subscribe to a good online library etc.
8. Earlier studies done: The researcher has also to take special care to locate earlier studies done on the problem and to have a quick reading thereof. Many leading journals and other published information from recognized sources are now available on the Web.

Literature review helps the researcher to know and to have his preliminary impressions about:

1. The investigated and un-investigated aspects/dimensions of the problem,
2. The explanations offered or issues rose with and without offering solutions thereof,

3. The lacuna, if any, in the offered explanations of the problem/its dimensions and their inter-relationship,
4. Competence of previous authors/ researchers in explaining the problem/its dimensions,
5. Conceptual issues raised, with or without offering suggesting and/or solutions thereof,
6. The operational framework of previous researcher and
7. Research techniques used in the previous research, and their correctness.

Literature review enables the researcher to know what kind of data has been used, what methods have been used to obtain the data, and what difficulties the earlier researchers in collecting and analyzing the data have faced.

Main purposes of literature review can be summarised as follows:

1. depict the work done on the particular or similar topic in the past,
2. calculate/estimate the limitations of the work,
3. get familiar with research techniques used,
4. make out the kind of material/data used and its sources.
5. appreciate (even criticize) competence of the data used for drawing the conclusions,
6. know the vital arguments advanced and the concepts exposed and discussed earlier.
7. acquaint with the patterns of presentation of previous arguments and the concepts and
8. established relationship between these arguments and the concepts

9. in the light of the earlier studies and findings the researcher can rephrase his research problem/question, and
10. to formulate appropriate research techniques for smooth function of his inquiry.

7.2.2.1. Legislative materials including subordinate legislation, notification and policy statements:

Legislative materials:

Legislations:

Legislation or “statutory law” is law which has been promulgated or “enacted” by a legislature or other governing body, or the process of making it. Before an item of legislation becomes law it may be known as a bill, and may be broadly referred to as “legislation” while it remains under consideration to distinguish it from other business. Legislation can have many purposes: to regulate, to authorize, to prescribe, to provide (funds), to sanction, to grant, to declare or to restrict.

Legislation is usually proposed by a member of the Parliament or State Legislature, whereupon it is debated by members of the Parliament or State Legislature and is often amended before passage. Legislation is regarded as one of the three main functions of government, which are often distinguished under the doctrine of the separation of powers. For a researcher it is one of the most authentic sources of law.

Delegated legislation (also referred to as **secondary legislation** or **subordinate legislation** or **subsidiary legislation**) is law made by an executive authority under powers given to them by primary legislation in order to implement and administer

the requirements of that primary legislation. It is law made by a person or body other than the legislature but with the legislature's authority.

Often, a legislature passes statutes that set out broad outlines and principles, and delegates authority to an executive branch official to issue delegated legislation that flesh out the details (substantive regulations) and provide procedures for implementing the substantive provisions of the statute and substantive regulations (procedural regulations). Delegated legislation can also be changed faster than primary legislation so legislatures can delegate issues that may need to be fine-tuned through experience.

Notification:

Several meanings can be given to the word notification according to its use/ utility

1. Notice given in words or writing, or by signs.
2. The act of notifying, or giving notice; the act of making known; especially, the act of giving official notice or information to the public or to individuals, corporations, companies, or societies, by words, by writing, or by other means.
3. The writing which communicates information; an advertisement, or citation, etc.
4. The act of notifying, or giving notice; the act of making known; especially, the act of giving official notice or information to the public or to individuals, corporations, companies, or societies, by words, by writing, or by other means.
5. The writing which communicates information; an advertisement, or citation, etc.

A student of law has to look into the notifications related with his studies issued by the government or any concerned authority so that he shall be able to draw the importance of the 'subject' notified in the said notice as well as the 'object' of the said notification.

Policy statements:

The policy statement serves three important purposes.

1. First, it allows the delegate an opportunity to think his/her policy out more thoroughly;
2. Secondly, it serve the greater need of his/her delegation to have a document which contains the country's policy on all the issues at the conference so that there will be consistency in policy among the various members of the delegation. Ideally, each delegate should have some familiarity with all the issues so that he/she is comfortable in representing his country's view.
3. The third important function of the policy statement is to act as an outline for the draft resolution.

Five basic components of a policy statement:

1. An explanation and definition of the issue and its key terms as they appear on the agenda.
2. A background summary of recent international events related to the action in question.
3. Some reference to key documents relating to the issue (underlined).
4. A general statement of the country's position on the issue.
5. Specific suggestions for a solution to the question (to serve as the first draft for the operative clauses of a resolution).

1.3.1.1. Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

(1) For example, A.K. Gopalan case is overruled by Bank Nationalisation and finally in Maneka Gandhi case by the Honourable Supreme Court.

(2) Section 6 of Hindu Minority and Guardianship Act, 1956, (by interpreting the word ‘after’ as not after the life time but if father is non-functioning) gave mother a right of being a Natural Guardian of her legitimate son or daughter.

(3) Sajjan Singh and Sampath Kumar cases are overruled in Golak Nath case by saying that Parliament has no power to curtail or abridge fundamental rights and no power to amend the basic structure of the Constitution. The Court has introduced various changes in the areas of labour law, criminal law, property law, etc. Now death penalty is an exception, life imprisonment is the rule.

Thus in these cases Judges played and are playing the role of researcher by giving concrete shape and stability to the legal principles by applying the principles of review, revision or overruling.

7.3. Question for Self learning :

1. What do you understand by research problem?
2. What is the impact/ use of legislative materials on/for a research?
3. What is the significance of case law for a researcher of law?

7.4. Let us sum up

Through this unit we are able to understand what a research problem is. We also are acquainted with how to survey the available literature and do the bibliographical research and make use of legislative materials including subordinate legislation, notification and policy statements. We come to know that decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof are also important for the researcher.

7.5. Glossary :

Research problem: the word problem must not be comprehended as “Problem” literally on the contrary it must be ‘why a particular research has to be conducted’ and then to work on this question arising in the mind of the researcher, he formulates a research problem.

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UNIT - 8

Preparation of the Research Design

8.0. Objectives

8.1. Introduction

8.2. Topic Explanation

Types of research design.

8.2.1. Contents of the research design.

8.2.2. Formulation of the research problem

8.2.3. Devising tools and techniques for collection of data: Methodology

8.2.3.1 Methods for the collection of statutory and case materials and juristic literature

8.2.3.2. Use of historical and comparative research materials

8.2.3.3. Use of observation studies

8.2.3.4. Use of questionnaires/interview

8.2.3.5. Use of case studies

8.2.3.6. Sampling procedures - design of sample, types of sampling to be adopted.

8.2.3.7. Use of scaling techniques

8.2.3.8. Jurimetrics

8.2.4. Computerized Research - A study of legal research programmes such as Lexis Nexis and West law coding

8.2.5. Classification and tabulation of data - Rules for tabulation. Explanation of tabulated data.

8.2.6. Analysis of data

8.3. Question for Self learning

8.4. Let us sum up

8.5. Glossary

8.6. References

8.0. Objectives:

8.0.1. To enable student to understand Formulation of the Research problem.

8.0.2. To enable student to understand the tools and techniques for collection of data

8.0.3. To enable student to understand the process of Classification and tabulation of data

8.0.4. To enable student to understand the process Analysis of data

8.1 Introduction:

A research design is the arrangement of circumstances for collection and analysis of data in a manner that aims to merge relevance to the research purpose in procedure. Research design, in fact, has a great bearing on the reliability of the results arrived at and as such constitutes the firm foundation of the entire edifice of the research work. We need a research design, a plan, in advance of data collection and analysis for our research project.

8.2. Topic Explanation

8.2.1 .Contents of the Research design

Research design must, at least, contain —

- (a) a clear statement of the research problem;

- (b) object of research;
- (c) procedures and techniques to be used for gathering information;
- (d) the population to be studied; and
- (e) methods to be used in processing and analysing data

Keeping in view the above stated design decisions; one may split the overall research design into the following parts:

- (a) the **sampling design** which deals with the method of selecting items to be observed for the given study;
- (b) the **observational design** which relates to the conditions under which the observations are to be made;
- (c) the **statistical design** which concerns with the question or how many items are to be observed and how the information and data gathered are to be analysed; and
- (d) the **operational design** which deals with the techniques by which the procedures specified in the sampling, statistical and observational designs can be carried out.

8.2.2. Formulation of the Research problem:

There are several issues /problems arising in the society. We have to understand and select some important issues or problems so that our work supply a solution on that issue or it can be used as a guideline for the preparing the solution. Research must be carried out with a motive/ object. We will have to decide the ‘universe’ of our study. There is plethora of information but only the relevant material has to be taken into consideration. Only the required category has to be selected. The researcher gets the timeline to work. Hence a stipulated time period

has to be fixed. Data as we know one has to collect from various sources- primary and secondary sources. Analysis of content is a central activity whenever one is concerned with the study of the nature of the verbal materials. After the data have been collected, the researcher has to sum up the collected data and organize it in such a manner that will yield answers to the research questions

8.2.3. Devising tools and techniques for collection of data: Methodology:

The data available for the researcher are primary and secondary form. The primary data are those which are collected afresh and for the first time, and thus happen to be original in character. The secondary data, on the other hand, are those which have already been collected by someone else and which have already been passed through the statistical process.

Generally primary data is collected during the experiments in an experimental research. Also we can obtain primary data either through observation or through direct communication with respondents in one form or another or through personal interviews. This, in other words, means that there are several methods of collecting primary data, particularly in surveys and descriptive researches. Important ones are observation method, interview method, questionnaires, through schedules, content analysis.

8. 2.3. 1. Methods for the collection of statutory and case materials and juristic literature

Material source of law is that from which the law is composed. Material sources are immediate sources and can be divided into two types

- I- Historical i.e. Conventional: law having source in conventions, historical Codifications, and Customary: law having source in customs; and
- II- Legal i.e. enacted law made by the Parliament, the precedent declared by Supreme Court, and Statutory Interpretations.

The law coming through the legal source can be divided further as follows:

I – Historical source:-

(1) Conventional law having source in conventions:

Conventions govern the agreeing parties. It can also be called as treaties. Such conventions are binding. There are hundreds of such conventions and are good source of research material.

(2) Historical Codifications:

Such as the Manu Smriti, the Yajñvalkyā Smriti, Narada Smriti etc, then the Kuran, and holy scriptures such as Ramayana, the Mahabharata, and many other writings.

The modern historical sources are the Constitutional Assembly debates, the Law Commission drafts of CPC and various amendments suggested to the law through its reports, the reports of various commissions set up at various times such as the Mandal Commission report, the Shri Krishna Commission report etc.

(3) Customary law having source in customs:

Customs are one of the important source of law. The customs diminish of their use but some of them are still prevailing because the society has accepted them and hence such customs are considered as the sources of law.

II- legal

1. Enacted law: The supreme law is made by the sovereign power of the nation, in case of India it is the Parliament. The subordinate legislations are made by the State. The Constitution of India provides for the same and has lists the powers in the three list of Schedule VII (Art. 246). The Sovereign power can also delegate the power to make law. Also the local bodies coming under the concept of 'State' can also make law for the specified jurisdiction.

2. Precedent declared by Supreme Court: (Case law having source in precedent): Precedent is a previous case which may be taken as an example in subsequent cases, wherein there is some similar act or circumstances which may be supported or justified. In judiciary it serves as guidance for the decisions of the new cases. As per Art. 141. ***Law declared by Supreme Court to be binding on all courts.***—The law declared by the Supreme Court shall be binding on all courts within the territory of India. Thus the law declared by the supreme court becomes a source.

3. Statutory Interpretations:

The law enacted by the parliament is called as statute. It is for the court to ascertain the meaning to the letters and expression of the law. This is called as "interpretation". The words of the law then get real life. The judges then either interpret in literal way i.e. interpretation with-in-the-frame or they may go beyond the 'letters' to the 'spirit' of the law and interpret liberally ascertaining the true intention of the legislators to the given law e.g. the case of Maneka Gandhi v. union of India, cases filled by adv. M.C. Mehta for environmental cause. etc. Such interpretation can be good source of research.

8. 2.3. 2. Use of historical and comparative research materials

A student of law has to stick to the historical developments of a law only or a legal system its development etc. the comparative research material must be also relating to law, e.g. the comparative study between the Parliament of Great Britain and India, the comparative study between the Fundamental Rights in India and US, the comparative study between the institution of Ombudsmen in India and Sweden, in this way there can be several issues where one will be able to study the comparative study between any similar issues which can become a source of material for the researcher.

8. 2.3. 3. Use of observation studies:

One great asset of the observational technique is that it is possible to record behaviour as it occurs. Many other research techniques depend entirely on people's retrospective or anticipatory reports of their own behaviour. The observational techniques yield data that pertain directly to typical behavioural situations. Observation is independent of people's willingness to report. Many a time, a researcher meets with resistance from persons being studied. People may not have the time or they may be unwilling to be interviewed or tested. Studies may deal with subjects who are not capable of giving verbal reports of their behaviour. Observation may make available a variety of research purposes. It may be used to explore the given area of subject-matter or to gain insight into the research problem and provide a basis for development of hypotheses
Observational techniques also have limitations.

1. Observation of regular/ daily occurrences sometimes becomes difficult because of the possibility that unforeseen factors may interfere with the observational task. It is often impossible to predict the occurrence of an event exactly enough to be able to be present to observe it.
2. The practical possibility of applying observational techniques is limited by the duration of events. Besides, some occurrences that people may not be willing and able to report are rarely accessible to direct observation (for example, private behaviour).
3. It is often held that observational data cannot be quantified. This, however, is a gross misconception. Social researchers will do well to bear in mind that observational data like other data are not incapable of being calculated.

8. 2.3. 4. Use of questionnaires/interview:

Questionnaire method of data collection is quite popular, particularly in case of big enquiries. It is being adopted by private individuals, research workers, private and public organisations and even by government departments. In this method a questionnaire is sent (usually by post) to the persons concerned with a request to answer the questions and return the questionnaire.

Quite often questionnaire is considered as heart of a survey operation. Hence it should be very carefully constructed. If it is not properly set up, then the survey is bound to fail. This fact requires studying the main aspects of a questionnaire such as the general form, question formulation and wording.

A questionnaire consists of a number of questions printed or typed in a definite order on a form or set of forms. The questionnaire is mailed to respondents who are expected to read and understand the questions and write down the reply in

the space meant for the purpose in the questionnaire itself. The respondents have to answer the questions on their own.

The method of collecting data by mailing the questionnaires to respondents is most extensively employed in various economic and business surveys. The merits claimed on behalf of this method are as follows:

1. It is free from the bias of the interviewer; answers are in respondent's own words,
2. Respondents have adequate time to give well thought out answers,
3. Respondents, who are not easily approachable, can also be reached conveniently,
4. Large samples can be made use of and thus the results can be made more dependable and reliable.

The demerits of this system can be:

1. Low rate of return of the duly filled in questionnaires; bias due to non-response is often undetermined,
2. It can be used only when respondents are educated and cooperating,
3. The control over questionnaire may be lost once it is sent. There is inbuilt inflexibility because of the difficulty of amending the approach once questionnaires have been dispatched,
4. There is also the possibility of ambiguous replies or omission of replies altogether to certain questions; interpretation of omissions is difficult,
5. It is difficult to know whether willing respondents are truly representative,
6. This method is likely to be the slowest of all.

The interview method:

The interview method of collecting data involves presentation of oral-verbal motivation and reply in terms of oral-verbal responses. This method can be used through personal interviews and, if possible, through telephonic interviews.

- (a) Personal interviews: Personal interview method requires a person known as the interviewer asking questions generally in a face-to-face contact to the other person or persons.
- (b) In the case of direct personal investigation the interviewer has to collect the information.
- (c) There is greater flexibility under this method as the opportunity to restructure questions is always there, especially in case of unstructured interviews,
- (d) Observation method can as well be applied to recording verbal answers to various questions,
- (e) Personal information can as well be obtained easily under this method,
- (f) Samples can be controlled more effectively as there arises no difficulty of the missing returns; non-response generally remains very low.
- (g) The interviewer can usually control which person(s) will answer the questions. This is not possible in mailed questionnaire approach. If so desired, group discussions may also be held.
- (h) The interviewer may catch the informant off-guard and thus may secure the most spontaneous reactions than would be the case if mailed questionnaire is used.
- (i) The language of the interview can be adapted to the ability or educational level of the person interviewed and as such misinterpretations concerning questions can be avoided,

(j) The interviewer can collect supplementary information about the respondent's personal characteristics and environment which is often of great value in interpreting results.

Demerits of interview method:

1. It is a very expensive method, especially when large and widely spread geographical sample is taken.
2. There remains the possibility of the bias of interviewer as well as that of the respondent. Certain types of respondents such as important officials or executives or people in high income groups may not be easily approachable.
3. This method is relatively more-time-consuming, especially when the sample is large and re-calls upon the respondents are necessary.
4. The presence of the interviewer on the spot may over-stimulate the respondent.
5. Interviewing at times may also introduce systematic errors.
6. Effective interview presupposes proper rapport with respondents that would facilitate free and frank responses. This is often a very difficult requirement.

8. 2.3. 5. Use of case studies

The case study method is a very popular form of qualitative analysis and involves a careful and complete observation of a social unit. This unit can be a person, a family, an institution, a cultural group or even the entire community. It is a method of study in depth rather than breadth. Thus, case study is essentially an intensive investigation of the particular unit under consideration. The object of case study

method is to locate the factors that account for the behaviour patterns of the given unit as an integrated totality.

Advantages of the case study method:

The important advantages can be :

1. Being an exhaustive study of a social unit, the case study method enables us to understand fully the behaviour pattern of the concerned unit.
2. Through case study a researcher can obtain a real and enlightened record of personal experiences along with the forces that direct him to adopt a certain pattern of behaviour.
3. This method enables the researcher to trace out the natural history of the social unit and its relationship with the social factors and the forces involved in its surrounding environment
4. It helps in formulating relevant hypotheses along with the data which may be helpful in testing them.
5. Information collected under the case study method helps a lot to the researcher in the task of constructing the appropriate questionnaire or schedule for the said task requires thorough knowledge of the concerning universe.
6. The researcher can use one or more of the several research methods under the case study method depending upon the prevalent circumstances. In other words, the use of different methods such as depth interviews, questionnaires, documents, study reports of individuals, letters, and the like is possible under case study method.
7. Case data are quite useful for diagnosis, therapy and other practical case problems.

Limitations of the case study method:

1. Case situations are seldom comparable and therefore the information gathered in case studies is often not comparable.
2. The case data as significant scientific data since they do not provide knowledge of the “impersonal, universal, non-ethical, non-practical, repetitive aspects of phenomena”.
3. The danger of false generalisation is always there in view of the fact that no set rules are followed in collection of the information and only few units are studied.
4. It consumes more time and requires lot of expenditure.
5. Case study method is based on several assumptions which may not be very realistic at times, and as such the usefulness of case data is always subject to doubt.
6. Case study method can be used only in a limited sphere; it is not possible to use it in case of a big society. Sampling is also not possible under this method.
7. Response of the investigator is an important limitation of this method. He often thinks that he has full knowledge of the unit and can answer about it. In case the same is not true, then a consequence follows. In fact, this is more the fault of the researcher rather than that of the case study method.

Despite the above stated limitations, we find that case studies undertaken in several disciplines, particularly in sociology, as a tool of scientific research in view of the several advantages indicated earlier. Most of the limitations can be removed if researchers are always conscious of these and are well trained in the modern methods of collecting data.

8. 2.3. 6. Sampling procedures - design of sample, types of sampling to be adopted.

The field of inquiry of the researcher is termed as 'Universe' or 'population'. When the 'Universe' or 'Population' is larger, then only a specific sample is obtained from the population, known as 'unit'. A sample design is a definite plan to obtain a sample from the 'population'. It is a technique of a procedure followed by the researcher.

Procedure to select a sample:-

The researcher must have clear idea of the universe from which he has to draw a sample. Then he will have to make source list. The source list must possess the following qualities:-

1. The source list must be exhaustive,
2. It must be up to date and valid,
3. It should contain full information about the unit,
4. It should be suitable for his study,
5. It must be reliable,
6. It must be within reach of the researcher.

Deciding sample unit:-

Before beginning the research we will have to decide which type of the sample unit will be selected. The sample unit can be

1. Geographical unit,
2. Structural unit,
3. Social group unit,

4. Individual,

Selecting the sampling technique:-

After deciding the sampling unit we have to consider the technique. The following are the techniques to be followed for selecting a sample,

1. Purposive sampling:

Purposive sampling is also known as Non-probability sampling and judgement sampling. In this type of sampling the choice of researcher is supreme, i.e. the items of sample are selected deliberately. In other words the researcher purposely chooses the 'unit' as a representative for the entire 'universe' of study. It is very convenient and less expensive. There is always a danger of personal bias. Personal element has chance of entering into the selection of sample.

2. Random sampling:

Random sampling is also known as Probability sampling. In this type of sampling every item of the 'Universe' has a chance of inclusion in the sample. It is just like a lottery method where individual units are picked up from the whole lot. It gives each element in population an equal probability of getting into the sample and all choices are independent of one another. It is very difficult to have complete catalogue of 'universe', items selected may be too widely dispersed.

3. Cluster sampling:

In this type of sampling method clusters of unit are selected instead of individual or elementary units from the population. if the total area of population is too big This is easy method to draw samples. It is a convenient way in which a sample can be taken is to divide the area into a number of small non-overlapping units and then randomly select a number of these smaller 'clusters'. When sampling frame of all elements is not available we can resort to cluster sampling. It

is cheaper and time saving. However, the efficiency of cluster sampling is lesser other method; it is less precise than random sampling.

4. Quota sample:

In this type of sampling the 'Universe' is divided into various strata depending on the need of the research and then sample of prefixed size is taken from each stratum of the universe using judgement sampling. judgement sampling there is freedom to researcher to select the sample, there is no requirement of technical knowledge, estimates can be obtained quickly and cheaply, however the reliability is not known, dangerous to use without sufficient experiment.

8. 2.3. 7. Use of scaling techniques

We are acquainted with measurements, i.e. weight, height, distance etc. we use standard units of measure for the measurement such as kg. cms. Kmts. etc. But in research such measurements are abstract. Herein the measurement means the process of assigning number to objects or observations. The level of measurement is the function of the rule under which the number is assigned. There are two types of scales in legal studies, (1) those concerned with social behaviour and personality and those used to measure certain other aspects of cultural and social environment. Scaling is the branch of measurement that involves the construction of an instrument that associates qualitative constructs with quantitative metric units. Scaling evolved out of efforts in psychology and education to measure "un-measurable" constructs like authoritarianism and self esteem. In many ways, scaling remains one of the most arcane and misunderstood aspects of social

research measurement. And, it attempts to do one of the most difficult of research tasks — measure abstract concepts. Why do we do scaling? Why not just create text statements or questions and use response formats to collect the answers? First, sometimes we do scaling to test a hypothesis. We may want to know whether the construct or concept is a single dimensional or multidimensional one (more about dimensionality later). Sometimes, we do scaling as part of exploratory research. We want to know what dimensions underlie a set of ratings. For instance, if you create a set of questions, you can use scaling to determine how well they “hang together” and whether they measure one concept or multiple concepts. But probably the most common reason for doing scaling is for scoring purposes. When a participant gives their responses to a set of items, we often would like to assign a single number that represents that’s person’s overall attitude or belief.

8. 2.3. 8. Jurimetrics

This term *jurimetrics* signifies the scientific investigation of legal problems, especially by the use of electronic computers and by symbolic logic. It is believed to be introduced into legal vocabulary by Lee Loevinger in 1949. Evidently the term *jurimetrics* originated in the 1960s as the use of computers in law practice began to revolutionize the areas of legal research, evidence analysis, and data management. *Jurimetrics* is used primarily in academic world to mean a strictly empirical approach to the law. It is a neologism whose roots suggest Jurisprudence and measurement, it was popularized by the American Bar Association (ABA), whose quarterly *Jurimetrics Journal of Law, Science, and Technology* is a widely respected publication with an international focus. The advent of more powerful and affordable computers allowed symbolic logic (the use of formulae to express logical problems) to be applied on a more practical scale. As the possibilities

inherent in rapid data retrieval caused a burst of research during the mid-1960s, the ABA renamed the journal *Jurimetrics*.

The vast range and huge accumulations of material relevant to the legal process seemed to demand some kind of mechanical and mathematical approach, if only towards information storage and retrieval. On the other hand, the complexity of modern statutory provisions with collateral amendments, statutory instruments seemed to require more than traditional methods to enshrine / expound their meaning.

Symbolic logic could perhaps provide a useful tool to this end. Computer will help to eliminate arithmetical errors and data transposition oversights, which may distort the information being relied upon by judges in making decisions.

More controversial types of question in the realm of behavioural research have also been undertaken in the prediction of judicial decisions. Work has also been done on the question how far patterns of consistency or regularity may be shown to exist in relation to a large number of judicial decisions in a particular legal field. Computers would ensure uniformity and a fair application of the law.

The leading works on this topic are JURIMETRICS, a symposium edited by Hans W Baade (1963); and Frederick K Beutel, EXPERIMENTAL JURISPRUDENCE (1957). They contained an introduction to this new discipline of the science of law, and also a number of examples of the types of work and experiments undertaken.

8.2.4. Computerized Research - A study of legal research programmes such as Lexis Nexis and West law coding:

Computerized Research:-

Computers do facilitate the research work. Innumerable data can be processed and analysed with greater ease and speed. Moreover, the results obtained

are generally correct and reliable. Not only this, even the design, pictorial graphing and reports are being developed with the help of computers. Hence, researcher should be given computer education and be trained in the line so that they can use computers for their research work.

In spite of all these sophistication we should not forget that basically computers are machines that only compute, they do not think. The human brain remains supreme and will continue to be so for all times. As such, researchers should be fully aware about the following limitations of computer-based analysis;

1. Computer analysis requires setting up of an elaborate system of monitoring, collection and feeding of data. All this require time effort and money, hence, computer-based analysis may not prove economical in cases of small projects.
2. Various items of detail which are not being specifically fed to computer may get lost.
3. The computer does not think; it can only execute the instructions of a thinking person. If poor data or faulty programmes are introduced into the computer, the data analysis would not be worthwhile. The expression “garbage in”, “garbage out” describes this limitation very well.

A study of legal research programmes such as Lexis Nexis and West law coding:

Lexis law coding :

Lexis law coding is an authoritative online Indian legal content. It includes:

- All Supreme Court cases since 1950

- Full text judgment of all prominent High Courts and Tribunals Full text Judgments
Updated selected Acts
- Articles from a wide range of legal journals covering different areas of law
- New editions of Commentaries and analysis by expert and renowned authors like Mulla, Ramaiya, Sarkar, Ratanlal & Dhirajlal, M P Jain, Chaturvedi & Pithisaria, R S Bachawat, Justice G P Singh, etc.

Lexis Nexis is a leading global provider of content-enabled workflow solutions designed specifically for professionals in the legal, risk management, corporate, government, law enforcement, accounting, and academic markets. Through the integration of information and technology, LexisNexis uniquely unites proprietary brands, advanced Web technologies and premium information sources. Across the globe, LexisNexis provides customers with access to billions of searchable documents and records from more than 45,000 legal, news and business sources. To help customers win in their own marketplace, LexisNexis delivers Total Solutions—innovative products and services to address specific customer needs in order to improve productivity, increase profitability and stimulate growth. Through risk and analytics solutions to assess risk, the company helps professionals verify identity, prevent fraud, comply with legislation, facilitate and secure commerce, conduct background screening and support law enforcement and homeland security initiatives.

LexisNexis encompasses authoritative legal-publishing brands dating back to the 19th century which can be accessed on the web <http://www.lexisnexis.co.in/en-in/about-us/about-us.page>

West law coding:

Westlaw International combines a world of legal information with the convenience of the World Wide Web to enable researcher to efficiently search and retrieve results tailored to the specific professional needs.

Westlaw International offers the following benefits to legal researchers:

1. Current, accurate, and reliable content that is editorially enhanced for easy retrieval of documents,
2. A predictable, subscription-based service giving access to selected case law, legislation, treaties, law reviews, and legal directories organized in topical and regional libraries.
3. A user-friendly interface based on familiar Web technology,
4. The graphics and step-by-step instructions based on accessing Westlaw International via the Internet,

5. The students can visit this site to update him/her self
<http://west.thomson.com/documentation/westlaw/wlawdoc/lawstu/lrsrgd06.pdf>

8.2.5. Classification and tabulation of data - Rules for tabulation.

Explanation of tabulated data.

Socio-legal research involves a large variety of responses to different kinds of questions asked or stimuli presented to the sample or population of respondents. If a large number of different kinds of responses are to be organised so that they can be used in answering the research questions or drawing generalisations, they must be grouped into a limited number of categories or classes. This classification is called classification of data.

The main features of classifications are:

1. Facts are categorised into homogeneous groups.
2. The basis of classification is unity in diversity.
3. The classification may be either actual or notional.
4. The classification may be according to either attributes or characteristics or measurements.

Objectives of classification:

1. To express the complex, scattered, haphazard into concise, logical and intelligible form;
2. To make the points of similarity and dissimilarity clear;
3. To afford comparative study;
4. To avoid strain to the mind in understanding the significance;
5. To display underlying unity items and
6. To help in finding out cause-effect, relationships if any, in the data.

Characteristics of good classification:-

1. A classification system must be exhaustive,
2. The classes are clear-cut and there is no overlapping,
3. The unity lying within a group must be homogeneous in respect of the fact that has been basis of classification,
4. The same basis should be applied throughout the classification,
5. The total of different classes should be equal to the total of all the Items of the universe,
6. Classification should be according to the purpose of enquiry,
7. The classification should be flexible and have the capacity of adjustment to new situation and circumstances.

A prerequisite to the classification is that the researcher must select some appropriate principles of classification. The research question or the hypothesis provides a good logical basis for selection classable principles.

Tabulation or preparation of master chart:

Tabulation is the summarisation of results in the form of statistical tables.

Objects of tabulation:

1. To make the purpose of enquiry clear,
2. To make the significance clear,
3. To express the data in small space and
4. To make comparison easy.

Essentials of tabulation

1. The table must be attractive and look pleasing to the eyes.
2. The size of the table should be manageable.
3. The information should be so arranged in the table that it may be easily comparable
4. The table should be so arranged that it should be clear even to a layman,
5. If it is a special purpose table, it must be suitable for the purpose in hand,
6. The table should be prepared in a scientific way.

Thus, tabulation is a means to present data in a summarised form in a way that facilitates the required statistical calculation.

After completing the processing the data has to be analysed and interpreted.

Essentials of tabulated data.

1. Title : the first part of the table is heading or title. It should be short and convey the purpose of the table. It must be in the centre of the table
2. Stubs and captions: the headings of the different columns and rows are known as stubs and captions. They should be properly given. Captions generally give the basis of classification
3. Size of the column: proper size of column facilities proper entering of figures and a smart and nice appearance to the whole table.
4. Arrangement of items in rows: several schemes of arrangements of items in the rows (horizontal) can be adopted e.g. alphabetical arrangement, geographical arrangement etc.
5. Arrangements of columns: several schemes of arrangements of items in the columns (vertical) can be adopted e.g. alphabetical arrangement, geographical arrangement etc. there may be sub columns if the columns have been divided into a number of groups and sub groups some arrangement is necessary to distinguish a group from sub group.
6. Totals: the totals for different column and rows have to be given separately
7. Footnote: if there is anything special about the figures to which the attention has to be specially drawn, the same may be done by giving the footnote.

8.2.6. Analysis of data

After the data has been collected and processed, the researcher shifts his attention to the analysis. Analysis of data involves a number of operations. Analysis of data may be considered as having a reference to the process of screening the data in the light of hypothesis or research questions, and also the

prevailing theories and drawing conclusions that will make some contribution in the matter of theory formulation or modification.

After an initial scrutiny of the raw data the researcher should endeavour to prepare his plan for analysis to indicate the variations of similarities in data. Initiations of analysis would propose that the researcher has pondered over the subject and done adequate home and library work while analysing data, total involvement and concentration of the researcher is essential. He should devote sufficient time on each table so that he may work out all possible combinations for the interpretations of each table.

The data so analysed could be arranged in the form of tables and /or charts etc. with a view to sharply project the qualities and characteristics of the subject under study.

8.3. Question for Self learning

1. What do you understand by the term 'research'? Explain its significance in modern times.
2. Describe different types of research and explain basic characteristics of each one of them.
3. Comment upon the significance of review of literature in research.
4. Briefly explain the difference between research methods and research methodology.
5. What is the significance of knowing research methodology?
6. Briefly describe the different steps involved in a research process.
7. What are major motivations in undertaking research?
8. What are the objectives of research?

9. What is meant by scientific method? Explain its significance and utility in research.
10. Describe and discuss pertinent attributes of a scientific method and evaluate their utility in a systematic investigation of a social fact.
11. Do you agree with the view that research is much concerned with proper collection of facts, analysis and evaluation thereof? Explain
12. Why to formulate a research problem?
13. What are the various tools and techniques for collection of data?
14. Write short notes on:
 1. observation studies
 2. questionnaires/interview
 3. case studies
 4. Use of scaling techniques
 5. Sampling procedures
 6. Jurimetrics
 7. Computerized Research
 8. Tabulation of data
 9. **Analysis of data**

8.4. Let us sum up

After studying this chapter we are well acquainted with the concept of Formulation of the Research problem. We also are able to understand what Research Methodology is and how tools and techniques for collection of data are devised. We get familiar with methods for the collection of statutory and case materials and juristic literature and use of historical and comparative research materials, observation studies, questionnaires/interview, use of case studies. We also

understand Sampling procedures - design of sample, types of sampling to be adopted and use of scaling techniques. In this chapter we are able to understand Jurimetrics and Computerized Research as well as classification and tabulation of data, rules for tabulation, explanation of tabulated data and Analysis of data.

8.5. Glossary:

Data: the appropriate information required for research

Analysis of Data: Analysis of data means the process of screening the data in the light of hypothesis or research questions and the prevailing theories. Thus the researcher can draw conclusions that will make some contribution in the matter of theory formulation or modification.

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