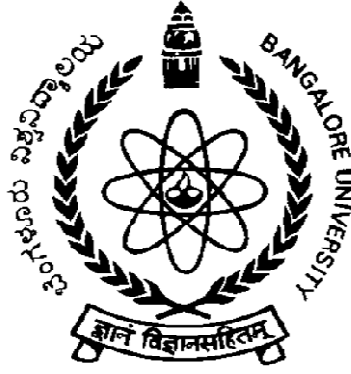


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## WRITING AN EFFECTIVE LEGAL RESEARCH PROPOSAL: STANDARD SYNOPSIS FORMAT FOR SOCIO-LEGAL RESEARCH

-Dr. M. Suresh Benjamin<sup>1</sup>  
-Sayed Qudrat Hashimy<sup>2</sup>

### *Abstract*

*A research synopsis serves as a concise outline of a researcher's thesis or research project, providing an overview of the research problems, objectives, methodology, and data collection methods. It is an essential step in the process of writing a thesis, research article, or abstract, as it helps a researcher clarify a researcher's research direction and identify any gaps or overlooked factors. Developing a synopsis in consultation with a researcher's guide or subject expert is crucial. By using clear and unambiguous language, a well-prepared synopsis maintains focus, reduces the tediousness of research work, and ensures comprehensive coverage of relevant aspects. The specific format for writing a synopsis may vary between research centers or disciplines, and it is important to adhere to the guidelines provided by a researcher's Institute and Ph.D. regulations. The complete synopsis typically ranges from 3000 to 4500 words, excluding appendices.*

**Keywords:** *Ph.D. Proposal, Ph.D Synopsis Research Synopsis and Research Proposal*

### **Introduction**

Legal research involves the study of the principles of law and legal institutions.<sup>3</sup> It focuses on understanding and analysing the three main sources of law: legislation, precedent (case law), and custom.<sup>4</sup> These sources provide the foundation for legal principles and rules. In addition to these primary sources, juristic writings serve as a secondary source of law.<sup>5</sup> The importance of juristic writings depends on whether they are recognised and considered by courts, legislatures, or jurists in problem-

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<sup>3</sup> Uwakwe Abugu, *Legal Research Methodology and Applicable Procedures to Legal Research in Nigeria*.

<sup>4</sup> IMPERATIVES FOR LEGAL EDUCATION RESEARCH: THEN, NOW AND TOMORROW, (Alex Steel et al. eds., 2020).

<sup>5</sup> Peng Wang, *1 Introduction: Socio-economic Studies of the Ma a □*.

solving.<sup>6</sup> The content of these sources of law evolves and changes in response to the evolving needs and requirements of society. Ignoring these changes in interpreting the law can lead to the obsolescence of existing laws. The purpose of law is to regulate human behavior in contemporary society.<sup>7</sup> Therefore, legal research should be directed towards examining the relationship between the legal system and the world it aims to govern. This involves understanding how legal principles are applied, interpreted, and adapted to the current social and cultural context.<sup>8</sup> By studying this relationship, legal researchers can contribute to the development and improvement of the legal system, ensuring that it remains relevant, just, and effective in addressing the needs and challenges of society.

*Types of Legal Research*

Legal research may be divided into two streams<sup>9</sup>

**1. Doctrinal**

**2. Non-doctrinal**

Non-doctrinal research can be qualitative or quantitative, while doctrinal is qualitative since it does not involve statistical analysis of the data. A researcher involved in doctrinal research must study the law in detail.<sup>10</sup> Also, both types of research may overlap to form a third category which may be a combination of both.

*Research Design*<sup>11</sup>

Research in legal and non-legal fields differ because in non-legal fields the researcher has to demonstrate the relationship between his research and the prior research, while in the legal field, they only have to show that what they are saying is something new. Research in the legal field may be descriptive, explanatory or exploratory depending on the research aims, objectives and many other factors.<sup>12</sup>

**Descriptive Design**

This kind of analysis of law sets forth the facts, the holdings, and the court's analysis of a case or of a series of cases in a given subject area without attempting to offer an independent explanation of why the courts decided the cases as they did. It is the study of the law as it is.<sup>13</sup>

<sup>6</sup> HENRIKKA MUSTAJOKI & ARTO MUSTAJOKI, *A NEW APPROACH TO RESEARCH ETHICS: USING GUIDED DIALOGUE TO STRENGTHEN RESEARCH COMMUNITIES* (1 ed. 2017), <https://www.taylorfrancis.com/books/9781315545318> (last visited May 3, 2023).

<sup>7</sup> T. J. Vanderweele & N. Staudt, *Causal diagrams for empirical legal research: a methodology for identifying causation, avoiding bias and interpreting results*, 10 *LAW PROBAB. RISK* 329 (2011).

<sup>8</sup> *Methodology in (Doctoral) Legal Research - Faculty of Law - University of Amsterdam*.

<sup>9</sup> *Different Types of Legal Research*, 6 (2022).

<sup>10</sup> Monageng Mogalakwe, *The Use of Documentary Research Methods in Social Research* (2023).

<sup>11</sup> *IMPERATIVES FOR LEGAL EDUCATION RESEARCH*, *supra* note 4.

<sup>12</sup> Dr Atik Krustiyati, *LEGAL RESEARCH AND LEGAL REASONING*.

<sup>13</sup> ROBERT ALEXI, *LAW'S IDEAL DIMENSION* (2021).

**Explanatory Design**

The question of why the law is like this or that is answered using the explanatory design as the finding can explain the reason for some occurrences and interpret cause and effect.<sup>14</sup>

**Exploratory Design**

Exploratory research aims at gaining general information for the purpose of defining the research topic, operationalising or explaining variables or aspects of the topic, or generating hypotheses.<sup>15</sup> Exploratory research is useful if the researcher intends to gather preliminary information to define problems and suggest hypotheses.

**THE FORMAT OF A SYNOPSIS****Title**

It should be short and self-explanatory. It should directly relate to the proposed research problem and scope of the research work, for instance, “*The impact of lockdown on education due to COVID-19 pandemic: A Case Study of Karnataka.*” The “title” should be descriptive, direct, accurate, appropriate, interesting, concise, precise, and unique, and not misleading. The title should be straightforward and clear, capturing the essence of the content. It should be engaging and educational, providing relevant scientific keywords for indexing. The title should be succinct, accurate and highlight the main topic of the paper. It should avoid any misleading or deceptive language, as well as being overly lengthy or cryptic. Additionally, it is important to refrain from using whimsical or amusing words in the title.

**Abstract**

The abstract should state the problem, the primary objectives, theories if relevant and the method and the scope of the study. It should give a clear idea about the research work in 150 to 250 words. The “abstract” must be simple, specific, clear, unbiased, honest, concise, precise, stand-alone, complete, scholarly, (preferably) structured, and should not be misrepresentative. The abstract should be consistent with the main text of the paper, especially after a revision is made to the paper and should include the key message prominently.

**Introduction**

The researcher introduces the main theme with a brief background and highlights the topic’s relevancy. For e.g, the main article is about the impact of the lockdown on education in Karnataka; the introduction would be the reason for the lockdown, the statute that empowers the government of India to declare lockdown, to whom it affected, and the justification should also be included.

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<sup>14</sup> IMPERATIVES FOR LEGAL EDUCATION RESEARCH: THEN, NOW AND TOMORROW, (Alex Steel et al. eds., 2020).

<sup>15</sup> CHAPTER 5: Research Design and Methodology, (2023).

### Statements of the research problem

Here, a researcher should write in detail the research problems in the form of a statement rather than in the form of a question. The researcher have to show the existence of the problem, how it is manifested, who involves, what roles the actors play etc,. It should be based on a critical review of literature, knowledge available, and research methods used and avoid describing the topic. In order to formulate research problems, identify the relevant literature, read the relevant literature critically, and present important approaches, conclusions or discussion of the literature in an argumentative way logically.<sup>16</sup>

#### *Selection of a Research Problem*

These days research has become a costly affair, and there is also a serious shortage of good, sincere and devoted researchers.<sup>17</sup> Therefore, it is very much essential that a problem should be very carefully selected. How to choose a research problem is in itself a serious problem. It is not easy to select a problem because various factors are required to be taken into consideration. A research problem should not be borrowed but springs from the researcher's mind like a plant springing from its own seed.<sup>18</sup> In the context of selecting a research problem, it is paramount to understand what a research problem is. What are its components so on? The research problem is a problem about which answer is unavailable in the existing literature. If the answer is available, there is no need to undertake any research. Because the object of study is to find out the best solution to a given problem.<sup>19</sup> A research problem is a problem which may concern to theory or practice but needs a solution by way of scientific inquiry. A research problem is not a social problem. There is a difference between a research problem and a social problem. A research problem is defined by intellectual curiosity, while a social problem is determined by the values of a group. A situation which is a problem for one group may not be so for another. Thus, a research problem is a cognitive phenomenon, while a social problem an evaluative one. This does not mean that a social problem cannot turn into a research problem. A social problem may turn into a research problem once it is so formulated by a researcher.<sup>20</sup>

#### *Criteria for Selection of a research problem*

##### **Researcher's area of interest**

A researcher should select a topic in which he is interested and has in-depth knowledge or understanding. A problem which is rightly and rationally selected

<sup>16</sup> Mathias M. Siems & Daithí Mac Síthigh, *MAPPING LEGAL RESEARCH*, 71 *CAMB. LAW J.* 651 (2012).

<sup>17</sup> MUSTAJOKI AND MUSTAJOKI, *supra* note 6.

<sup>18</sup> CHAPTER 5: Research Design and Methodology, *supra* note 15.

<sup>19</sup> AMANDA PERRY-KESSARIS, *DOING SOCIOLEGAL RESEARCH IN DESIGN MODE* (1 ed. 2021), <https://www.taylorfrancis.com/books/9780367177683> (last visited May 3, 2023).

<sup>20</sup> Laurens Walker & John Monahan, *Social Facts: Scientific Methodology as Legal Precedent*, 76 *CALIF. LAW REV.* 877 (1988).

solves half the problem. It creates interest and desire to proceed with work methodically and systematically.<sup>21</sup> He should possess a probing attitude, tenacity of spirit and dedication. This three virtue would bring personal interest.

### **Significance of the topic**

A researcher should select a topic which has social and legal relevance. Find out stakeholders for whom the research outcome would ultimately be beneficial.<sup>22</sup> Choose the topics like environmental issues, cyber crimes, IPRs, crimes against women, women's reproductive rights, labour reforms, judicial approach, securities markets, investment policies, international trade and relations etc.

### **The novelty of the Idea**

while selecting a research problem, care should be taken to see that the subject which is identified or going to be researched has not already been explored. It is neither too narrow nor too vague. There should be something new or novelty in the selected topic. For the sake of novelty, a researcher should not take up controversial issues for research. As far as possible, a research topic should be free from controversy.

### **Researcher's Resources**

Resources of the researcher are intelligence, training, personal and educational qualification, scholarship and other facilities such as funds, clerical and technical assistance, library facilities, availability of time and administrator's co-operation etc.<sup>23</sup>

### **Time-bound program:**

The researcher should not over-assess himself but rather keep his own limitations in view. He should ensure the feasibility of timely completion of work with available financial resources. The topic must be selected in such a way as to complete the work within the prescribed period.

### **Availability of Literature**

in the absence of data or literature, no research is possible. Examine whether the literature relating to the topic is available in plenty. Find out primary and secondary

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<sup>21</sup> SISKA NOVIARISTANTI, CONTEMPORARY RESEARCH ON BUSINESS AND MANAGEMENT: PROCEEDINGS OF THE INTERNATIONAL SEMINAR OF CONTEMPORARY RESEARCH ON BUSINESS AND MANAGEMENT (ISCRBM 2020), 25-27 NOVEMBER 2020, SURABAYA, INDONESIA (1 ed. 2021), <https://www.taylorfrancis.com/books/9781003196013> (last visited May 3, 2023).

<sup>22</sup> CHAPTER 5: Research Design and Methodology, *supra* note 15.

<sup>23</sup> ETHICS, ETHNOCENTRISM AND SOCIAL SCIENCE RESEARCH, (Divya Sharma ed., 1 Edition ed. 2020).

data and first-hand information.<sup>24</sup> Only with the help of data, its analysis and interpretation can the hypothesis be tested, verified or confirmed or rejected.

### **Feasibility of the study**

The researcher should never be in a hurry in choosing a problem. Need to spend a considerable amount of time selecting a topic. Remember, research work is judged not by its revolutionary findings and original discoveries but in terms of the method of work and analysis of data.

### **Benefits of the Research**

The results of research work should give intellectual satisfaction to the researcher. He must get recognition for his work and publish his thesis and contribute to the existing body of knowledge on the subject. Thus, 8 lamps were used for the selection of a research problem.<sup>25</sup> According to Goode and Hatt, the criteria for the selection of a problem include:

- a) *The researcher's personal interest;*
- b) *Intellectual curiosity;*
- c) *Practicability of research;*
- d) *Researcher's resources;*
- e) *Expected outcomes and their importance for the implementation*

#### *Definition Of Research Problem*

After selecting a problem worth researching, the researcher needs to define the problem. This is the second step in the process of reflective thinking analysed by John Dewey and Kelly and in fact the beginning of actual research work.<sup>26</sup> The definition of the problem means the separation of the problem from the complex of difficulties. State the problems which are needed to be answered with precision, ascertain the scope of the problem, objectives of the study and sources of collection of data. To define a problem means putting a fence or boundaries around it with the aim of seeking answers to the question. Components of the definition of the problem:

### **Statement of Research Problem**

State the research problem using declaratory sentences than interrogatory sentences. Avoid writing direct questions and try to write in the form of a statement.<sup>27</sup>

### **Identify the scope and limitations of the study**

Focus on only major issues and exclude some issues which are outside the purview of the study.

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<sup>24</sup> Krustiyati, *supra* note 12.

<sup>25</sup> *Id.*

<sup>26</sup> Emilio Betti, *Hermeneutics as a General Methodology of the Sciences of the Spirit.*

<sup>27</sup> Victoria Durant-Gonzalez, *Evolution of a Research Methodology* (2023).



### **State the objectives of the study**

Write the purpose for which the research is undertaken as to ascertain the historical background of the topic....., find out the law dealing the research problem....., examine the provisions of the Act ....., critically analyze case laws relating to the topic....., to collect responses from the respondents concerning to the problem....., suggest reforming of law relating to the problem etc., The following may be taken as objectives of legal research.<sup>28</sup>

- i. to discover new facts;
- ii. to test and verify old facts;
- iii. to analyse the facts in new theoretical framework
- iv. to examine the consequences of new facts or new principles of law; or judicial decisions;
- v. to develop new legal research tools or apply tools of other disciplines in the area of law;
- vi. to propound a new legal concept
- vii. to analyse the law and legal institutions from the point of view of history;
- viii. to examine the nature and scope of a new law or legal institution;
- ix. to ascertain the merits and demerits of old laws or institutions and to give suggestions for a new law or institution in place of an old one;
- x. to ascertain the relationship between legislature and judiciary and to give suggestions as to how one can assist the other in the discharge of one's duties and responsibilities; and
- xi. to develop the principles of interpretation for critical examination of statutes.

### **Sources of Information**

Describe various sources of information such as primary sources and secondary sources and tools and techniques adopted for the collection of first-hand information from respondents.<sup>29</sup>

The completion of a research project cannot be considered thorough unless the relevant materials have been examined. However, the examination of relevant materials is only possible once they have been collected and compiled. The collection of relevant materials is a challenging and comprehensive task that requires considerable energy, attention, and patience.

The collection of materials is influenced by the research design chosen by the researcher, which, in turn, is typically determined by the answers to the following questions:<sup>30</sup>

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<sup>28</sup> Mogalakwe, *supra* note 10.

<sup>29</sup> Theory and Method in Comparative Research: Two Strategies, (2023).

<sup>30</sup> JOHN H. HITCHCOCK & ANTHONY J. ONWUEGBUZIE, THE ROUTLEDGE HANDBOOK FOR ADVANCING INTEGRATION IN MIXED METHODS RESEARCH (1 ed. 2022), <https://www.taylorfrancis.com/books/9780429432828> (last visited May 3, 2023).

- 1) What is the study about? This question pertains to the specific topic or subject of the research.
- 2) Why is the study being conducted? Understanding the purpose and objectives of the study helps guide the selection of relevant materials.
- 3) Where will the study be carried out? The location or setting of the research plays a role in determining the availability and accessibility of relevant materials.
- 4) What type of data is required? Identifying the specific data needed for the study assists in narrowing down the relevant materials to be collected.
- 5) Where can the required data be found? This question addresses the potential sources and locations where the relevant materials can be obtained, such as databases, archives, literature, or fieldwork.
- 6) What periods of time will the study include? Determining the time frame or historical context of the research guides the selection of materials from the relevant time periods.
- 7) What technique of data collection will be relevant? Different research methods and techniques, such as surveys, interviews, experiments, or observations, may require specific types of materials to be collected.
- 8) How will the data be analysed? Considering the intended data analysis methods helps in identifying the types of materials needed to support the analysis process.
- 9) In what way will the report be prepared? This question relates to the format and structure of the research report, which may influence the collection of materials necessary to support the report's findings and conclusions.

#### *Collection of Data*

Legal research is conducted by advocates, law students, law researchers, law librarians, and paralegals for various purposes. They rely on a variety of sources ranging from printed books to free legal research websites, information portals, and fee-based databases like LexisNexis, Westlaw, JSTOR, and Manupatra.<sup>31</sup> Law libraries worldwide play a crucial role in providing research services to assist their patrons, including law students, law firms, and other research environments. Many law libraries make legal information available online through their library websites, offering access to legal resources in the public domain. A law library is a collection of legal materials, including case laws, constitutions, legislations, legal articles, reporting journals, parliamentary proceedings, legal monographs, treatises, judicial and administrative decisions, and other legal resources.<sup>32</sup> These materials are available in both print and digital formats. Law libraries cater to specific users such as law students, legal scholars, researchers, judges, advocates, parliamentarians, and other legal specialists. In India, the information resources of a law library can be classified accordingly.

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<sup>31</sup> *Id.*

<sup>32</sup> Ahmed Gad Makhlof, *The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework*, 10 OXF. J. LAW RELIG. 464 (2022).

**Primary Materials****CONSTITUTION OF INDIA & OTHER NATIONS****LEGISLATION-INDIA**

- ❖ India Code
- ❖ Gazette of India
- ❖ Acts of Parliaments
- ❖ Bills of Parliaments
- ❖ Local Laws of all States

**LEGISLATION-FOREIGN**

- ❖ U.S. Code
- ❖ United Kingdom Statutes
- ❖ Australia-Commonwealth Consolidated Acts
- ❖ Canada Consolidated Statutes
- ❖ CASE LAW<sup>33</sup>

**INDIAN REPORTS**

- ❖ Supreme Courts
- ❖ All India Reporters (1914 onwards)
- ❖ Supreme Court Reports (1950 onwards)
- ❖ Judgment Today (1980 onwards).
- ❖ SCALE (1970 onwards)
- ❖ Supreme Court Cases (1969 onwards)
- ❖ Indian Higher Courts
- ❖ All High Courts Reports

**FOREIGN REPORTS**

- ❖ U.S. Supreme Court Reports
- ❖ Supreme Court Reports-Canada
- ❖ Australian Law Reports
- ❖ Reports on Patents & Trademark Cases
- ❖ Law Reports of the Commonwealth
- ❖ All England Law Reports
- ❖ Weekly Law Reports
- ❖ Dominion Law Reports
- ❖ Federal Law Reporter

**ACADEMIC JOURNALS**

- ❖ Indian Journals
- ❖ Foreign Journals

**Secondary Materials****LEGAL ENCYCLOPAEDIAS**

- Halsbury's Laws of England
- Halsbury's Laws of India
- American Jurisprudence

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<sup>33</sup> Robert E Stake, *The Case Study Method in Social Inquiry* (1978).

- Forms & Precedents

- Words & Phrases

#### **LEGAL DICTIONARIES**

- Black's Legal Dictionary
- Stroud's Legal Dictionary
- Wharton's Law Lexicon
- Aiyar's Advanced Law Lexicon

#### **DIGESTS**

- Supreme Court Yearly Digest (SCC).
- A.I.R. Yearly Digest
- Supreme Court of India Nominal Index and comparative tables.
- High Courts Cases Digest
- Supreme Court Labour Digest
- Digest of Labour Law Cases
- Digest of Tax Cases
- Service Law Reporter Digest
- Index to Indian Legal Periodicals
- Index to Legal Periodicals & Books (1926 onwards)

#### *Formulation Of Research Problems*

Formulating a research problem is the first step of the reflective thinking process or any scientific enquiry. Formulation means transforming an identified research problem into a scientifically researchable problem or question. Research problem? The term 'problem' derives from the Greek word 'proballein' which means 'a question proposed for solution; or a matter stated for examination/investigation'. A research problem is a topic about which the researcher desires to investigate or study whether descriptively or experimentally.<sup>34</sup> It is a problematic phenomenon which inspires a researcher to search for appropriate answer.

#### **Formulation of the research problem**

##### **Conditions**

*a problem to be a research problem, it must satisfy the following conditions*

- a) it must be worth studying;*
- b) it must have social and legal relevance;*
- c) there must be facts needed for research;*
- d) it must lead to draw practical solutions to the issues;*
- e) it must be relevant to the current social and legal happenings or developments;*
- f) it must involve a limited scope of study;*
- g) it must be original;*
- h) it must be verifiable and testable ;*

After identifying a research problem, the researcher must formulate or frame a clear statement about what to do? For this purpose, the researcher needs to clear up

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<sup>34</sup> Walker and Monahan, *supra* note 20.

confusion, ambiguity and overcome obstacle if any in the research issues. However, it needs a brief review of the relevant literature without which it is very difficult to know specific research problem.

### **Origin of a Research Problem**

A research problem may originate from any sources such as;

#### **Occurrence of felt difficulty or personal experience:**

It is a common source of research ideas or topics. Based on inquisitive approach, a researcher can draw from his experiences and come up with research topics for instances rampant corruption , dowry death, lack of accountability and transparency in the administration, employability of legal education etc.,

#### **Observation of practical issues**

Practical problem can be a source of research problem. Some current problem faced by common people may attract the attention of a researcher, for instances- the impact of lockdown due to COVID 19 on economy, trade, education, migrant workers, poor and vulnerable people, production and manufacture sector, right to privacy of infected persons during quarantine period, increase in the number of cases of domestic violence against women or men; role of WHO in preventing corona pandemic, international trade and relations and so on.

#### **Unanswered question in the past research**

Past research can be an excellent source of research ideas. A researcher who reads a previous research may come across unanswered questions which he may wish to answer. If a researcher identifies certain research gaps left out in the previous research, it will be a topic for further research. Reading books, newspapers, journals or reports covering current problems may be a source of new research.

#### **Research funding agencies**

Research funding agencies often identify areas for research. Any researcher who has interest on the areas identified may take up a research project. U.G.C. often funds research on important areas requiring research.

#### **Discussion, Interaction and consultation**

Sometimes research guide may suggest important areas where research may be undertaken. However, the researcher must familiarize himself with the problem and the topic must ignite in him curiosity to do research. In the course of discussion in the classroom or interaction with the teacher or students may result in a problem research.

#### **New developments**

new social or legal problem may pave the way for new opportunities for legal research, for instances, declaration of lockdown under the Disaster Management

Act 2005, restrictions on freedoms of individuals and non availability of essential commodities and services, and role of courts in safeguarding justice, liberty, and equality enshrined in the Constitution, powers and functions of the European Community as regards corona pandemic in European countries etc.

### **Objectives of the Study**

identify the objective for which the proposed research being undertaken e.g. to evaluate the measures initiated by the central government to prevent the spread of COVID 19; to analyze the impact of COVID 19 on the education sector in Karnataka; to examine the role of the judiciary in deciding PILs filed in view of the lockdown; to assess the initiatives taken by the educational institutes to conduct online classes and examinations etc.,

### **Significance of the Study**

The outcome of the study will be beneficial to the legislature to enact new or reform the existing law dealing with the issue of lockdown; to executive authorities to implement the law (e.g. Disaster Manage Act) in an effective way; to the judiciary to follow a consistent approach in dealing with cases relating to lockdown and its impact on educational institutions. Besides this, the research work will be beneficial for academicians, students, lawyers, judges, NGOs, and general members of the public.

### **Scope and Limitations of the Study**

the lockdown has impacted on migrant workers, employment /job, essential commodities, production and manufacture, poor and vulnerable people, daily wage workers, stock markets and so on. However, the current study is confined to examining the impact of lockdown on educational institutions with special reference to Karnataka.

### **Formulation of Hypothesis/es:**

Hypothesis is the prediction of the outcomes of the study. It is very useful to resolve the research problem. It is derived from theory, experience or knowledge concerning contextual factors. For instance, on the impact of lockdown, the hypothesis may be formulated as.. the current lockdown due to COVID-19 has changed the academic session and given an opportunity to explore the new of method teaching and web materials with the help of Information Communication Technology.

### **Hypothesis**

Once the problem to be answered is formulated, the derivation of hypothesis is the most important step in the reflective thinking process analyzed by John Dewey and Kelly. The formulation of hypothesis is possible only after the researcher prepares a research design to carry out the research. 'theory' , 'fact' and 'hypothesis' are interwoven. 'Theory' means speculation i.e. something created by the philosophers

or thinkers. Once speculation is proved with the help of evidence, theory becomes fact. 'Fact' connotes observation i.e. empirically verifiable observation. Theory summarizes facts, states logical relationship between facts and predicts facts. Similarly, facts help to initiate theories, reformulates existing theory, they change the focus and orientation of theory, classify and re define theory. Thus, we cannot think of facts and theory as being contrary, rather, they are inter related in many complex ways. Without theory science cannot make prediction. Without prediction there would be no result in research. Theory is an elaboration of 'hypothesis' which deals with different types of facts. From this theory emerges hypothesis or propositions that may be true.

### **Meaning of Hypothesis**

Concept of 'hypothesis' comprises two words 'hypo' which means 'less than' or 'under' and 'thesis' means 'idea' or 'opinion' to be defended by a person. Hypothesis is "an idea which has less value than the generally accepted view". In a simple sense, a hypothesis is a tentative assumption drawn from knowledge and theory which is used as a guide in the investigation of facts or theories which are yet unknown. It is a guess, supposition or tentative inference as to the existence of some phenomenon which explains or answers facts unknown in the area of research and guides the search for new truth. Take, for instance, if a researcher want to go towards some destination for which a researcher do not know the route or find out some solutions to the problem, a researcher will try to form an idea or infer some idea by trial and error method, and finally, a researcher succeed in getting the answer. This idea is called "hypothesis". It is a tentative solution to the problem and theory as it needs to be supported by evidence. It is a reasonable guess based on the available evidence. It is a proposition, condition, or principle which is assumed in order to draw out its logical consequences. (Webster's Dictionary).

### **Definition of Hypothesis**

There are many definitions of a hypothesis. "It is a conjectural statement of the relationship between two or more variables" (Kerlinger). It is a "tentative statement about something validity of which is usually unknown"(Black A James). It is a "proposition which can be put to the test to determine its validity". (Goode and Hatt). It is a "tentative generalisation, the validity of which is subject to test with data or evidence"(Lundberg). From all the above definitions, it is apparent 3 elements- it is a tentative proposition; it specifies a relationship between two or more variables, and its validity is subject to verification.

### **Importance/role or need of Hypothesis**

The hypothesis has very important role in research work, although it occupies a little space in the body of the research report. It is impossible for a research scholar to go ahead with his work without the formulation of a hypothesis. Whether it is proven right or wrong or whatever may be the outcome of the research, the

hypothesis suggests some kind of answer to the question. Science refuse to accept any statement without its empirical verification.

#### **Direction to research.**

With the help of a hypothesis, a researcher can find out what is relevant or what is irrelevant. As a result, it prevents to review of irrelevant literature and the collection of unnecessary or excess data. It ensures the collection of data required to answer the question raised in the statement of the problem.

#### **Procedures and methods.**

It enables the researcher to clarify the research problem and its ramifications as well as data to be collected and appropriate techniques, procedures and methods to be adopted in solving the problem.<sup>35</sup>

#### **Differentiate between fruitful and fruitless results.**

It guides the researcher as to the thinking process and the discovery process. It spells the difference between precision and haphazardness, between fruitful and fruitless results.

#### **Drawing Conclusions.**

Hypothesis helps the researcher to make an interpretation of data in the light of a tentative proposition or provisional guess and draw conclusions in a meaningful way. e) Objectivity in the study.- As a hypothesis provides for a research focus, the construction and interpretation of the hypothesis increase objectivity in research work.<sup>36</sup> Where the researcher maintains objectivity, the researcher will be able to specifically conclude what is true or what is false

*Sources of Hypothesis*

#### **Intuition**

Sometimes the researcher thinks that certain phenomena are correlated. This doubtful correlation makes the investigator to draw a hypothesis and conduct a study to see whether his suspicions are confirmed. For instance, assume poverty is the cause of corruption. It is formulated on the basis of logical deduction. Predicts if public servants are educated with moral values and provided higher pay scale, corruption can be eliminated. It serves a guide to determine what kind of data must be collected in order to answer the problem as to prevent corruption among the public servants.<sup>37</sup>

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<sup>35</sup> Karri A. Holley & Julia Colyar, *Rethinking Texts: Narrative and the Construction of Qualitative Research*, 38 EDUC. RES. 680 (2009).

<sup>36</sup> Rajeev Dhavan, *Legal Research in India: The Role of the Indian Law Institute*, 34 AM. J. COMP. LAW 527 (1986).

<sup>37</sup> P. Ishwara Bhat, *Methodology of Feminist Legal Research*, in IDEA AND METHODS OF LEGAL RESEARCH 556 (2020), <https://academic.oup.com/book/41749/chapter/354163749> (last visited May 3, 2023).



**Previous Research**

Hypotheses are often inspired by the findings of earlier studies. It simplifies the task of formulating hypotheses. A researcher can plan what kind of data to gather and how to analyze them. If someone had done the work on farmers suicide/unemployment/reservation on income basis/refugees problems/climate change etc, a researcher can get the idea about formulation of hypothesis on the research problem.

**Personal Experience**

The hypothesis can also be formulated according to the way in which the researcher reacts to culture, science and analogy. A researcher may experience some behaviour patterns in a researcher's daily life and formulate hypotheses accordingly e.g. Domestic violence/ dowry death/child marriage/family property dispute etc.

**Cultural values of society**

Culture prevalent in society helps to formulate hypotheses. American culture, for instance, emphasises individualism, competition and equality, while Indian culture emphasis tradition, caste system, collectivism, karma and unattachment. Indian cultural values enable the researcher to test hypotheses on divorce, caste in elections etc.,

**Discussion and conversations**

Random observations during discussions and conversations and reflections on life as a person throw light on events and issues. Sometimes, a researcher may get an idea of a hypothesis out of a researcher's own lay beliefs.

**Formulation of Hypothesis**

Process hypothesis indicates the need to change law and the legal system by providing new knowledge. It is the first step in the direction of the establishment of abstract principles. If empirical evidence is available to verify the hypothesis, it suggests a theory that explains and predicts events.

**Observation**

Observation is the first stage of formulating a hypothesis. Observe a phenomenon, its growth and diverse dimensions.

**Deduction or Induction**

In deductive thinking, the process goes from general to specific. This process begins with a general hypothesis and proceeds towards specific hypothesis.

Induction is a process which goes from specific to general. It begins with data and observations and proceeds towards hypotheses or theories.<sup>38</sup>

### **Verification**

This is the last stage in which a researcher test a hypothesis to solve the problem. A researcher cannot test a problem because it is a question of a broader nature and not testable.

### **Declarative sentences**

A hypothesis should be stated in the form of declarative sentences and not in the form of interrogative sentences. It should be a simple statement which should be neither too general nor too vague.<sup>39</sup> The terminology used should be commonly accepted and understood. It should not be misleading and confusing. Generally, keen observation, creative thinking, hunch, imagination, vision, insight and sound judgment are of greater importance in setting up a reasonable hypothesis.

### **Difficulties in the formulation of the hypothesis**

The primary problems on the road to formulating useful hypotheses are three. First, the absence of knowledge of a clear theoretical framework. Second, is the lack of ability to utilise that theoretical framework logically. Third is the failure to be acquainted with available research techniques so as to be able to phrase the hypotheses properly. Proper formulation of theory depends on the amount of information a researcher know about the phenomenon.

### **Characteristics of a Good Hypothesis**

If the hypothesis is rightly stated and scientifically formulated, it would help the researcher to proceed to the correct line of study and succeed in drawing proper conclusions. A good hypothesis is testable and must be based directly on existing data. It is useful to discuss the characteristics because that will enable a researcher to construct a useful or workable hypothesis.

### **Conceptually clarity**

A hypothesis should be conceptually clear. It should consist of concepts which are understandable and clearly defined. Clarity may be achieved by using clear concepts in the hypothesis. For this purpose, two things are necessary. Firstly, the definitions and terms that are used in the hypothesis should be those which are commonly accepted terms and not a researcher's own creations. Secondly, if new

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<sup>38</sup> Khushal Vibhute, *Prepared under the Sponsorship of the Justice and Legal System Research Institute.*

<sup>39</sup> Ana Julia Aliverti, *Researching Gender Violence: Feminist Methodology in Action.* Edited by Tina Skinner, Marianne Hester and Ellen Malos (Devon: Willan Publishing, 2005, 240pp. £40.00 hb), 45 BR. J. CRIMINOL. 983 (2005).

terms are used, their meaning and definition should be very clear. A thorough understanding of the concerned subject is necessary.

### **Specificity**

There should not be any ambiguity in the construction of a hypothesis because ambiguity will make the verification of the hypothesis impossible. It should be specific and explain the relations between variables and concepts. For instance, regarding settling industrial disputes, “if collective bargaining technique is used effectively and efficaciously, it is easy to maintain industrial peace.”

### **Testability**

A hypothesis should be testable and should not be moral judgment. There should be empirical evidence to test its validity. Methods and techniques must be available for data collection and analysis. There is no point in formulating a hypothesis if it cannot be subjected to verification. Statements like “capitalists exploit their workmen” or jogging good for health etc., are common generalizations and cannot be tested as they are merely express sentiments and their concepts are vague.

### **Availability of techniques:**

The hypothesis should be related to available techniques. Otherwise, it is not researchable. The researcher must ensure that methods and techniques are available for testing the proposed hypothesis.

### **Related to a body of knowledge**

The hypothesis should be related to a body of theory or some theoretical orientation. If the hypothesis is associated with some theory, research will help to improve quality, support, correct or refute the theory. Research predicts; therefore, a good hypothesis has the power of prediction.

### **Classification of Hypothesis**

It is true that the hypothesis is useful, and it leads research in its proper direction. The importance of significance cannot be ignored and overlooked in any scientific research. In fact, it is the very foundation of scientific research. A good hypothesis which is clear, simple and scientific makes the inquiry more specific to the point. Without a hypothesis, research is unfocused and random empirical wandering. A hypothesis about the cause is descriptive, whereas a hypothesis about the law is more meaningful. Broadly, hypotheses can be classified into various categories:

### **Descriptive hypotheses**

These hypotheses describe, delineate or give an account of the various characteristics of an object by closely observing what it is e.g. trade unions in India are weak bargaining agencies, more interested in national politics.

**Relational Hypotheses**

these are propositions which describe the relationship between two variables e.g. Upper-class people have higher education than lower-class people.<sup>40</sup>

**Working hypotheses**

The working hypothesis is based on the preliminary assumption of the researcher about the research topic. After formulating a working hypothesis, by collecting some preliminary data, a researcher can modify his hypothesis.<sup>41</sup> It is suitable in the field of law, particularly corporate law. For instance, initially, a researcher can formulate a hypothesis such as “the liberalisation policies of nineties lead to mergers and acquisition undertakings in India”, after collection of some data, a hypothesis can be modified as “the liberalisation policies of nineties lead to cross border mergers and acquisitions in India.”

**Null hypotheses**

It means that there is zero or no relationships. It is similar to the legal principle that “no man can be punished until his guilt is proved with the help of cogent evidence” or in other words, “a man is innocent until he is proven guilty.” It is an empty hypothesis as it believes to be false. Its rejection helps to accept the alternative hypothesis, and its acceptance, reject the alternative hypothesis. Here, the researcher is slightly biased towards the null hypothesis. Because the researcher formulates the null hypothesis strictly for the purpose of dismissing it.

**Statistical Hypotheses**

It is a statement about the statistical population one seeks to support or refute. It is quantitative in nature and numerically measurable e.g. Group A is richer than Group B. Beside these, there are other types of hypotheses such as common sense hypothesis, complex hypothesis, analytical hypothesis etc.,

**Testing of the Hypothesis**

Hypotheses are provisional propositions or mere tentative statements predicting possible answers to the problem. Hypotheses should not be considered as facts because, science does not accept anything as valid knowledge unless its validity is tested through the research process. What should be the attitude of the researcher in testing the hypothesis? The researcher should not start to prove his hypothesis. He should try it by adopting appropriate scientific procedures and accept the result in the true spirit of inquiry. He should have open mind to accept the result whether positive or negative. He should not defend his hypothesis when data prove the

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<sup>40</sup> J. W. Heyink & Tj. Tymstra, *The function of qualitative research*, 29 SOC. INDIC. RES. 291 (1993).

<sup>41</sup> ROUTLEDGE INTERNATIONAL HANDBOOK OF SEX INDUSTRY RESEARCH, (Susan Dewey, Isabel Crowhurst, & Chimaraoke Izugbara eds., 1 ed. 2018), <https://www.taylorfrancis.com/books/9781351133906> (last visited May 3, 2023).

contrary. In the area of empirical research, the researcher tests his hypothesis after analysis and interpretation of the data collected from the case study/ observation/sampling/ interview etc.,. In case of doctrinal research, the aforesaid techniques do not play any role in testing of the hypothesis. But, the researcher has to put his hypothesis for argument and discussion and show the evidence before arriving at a conclusion. There are two means of arriving at a logical conclusion in hypothesis testing. First, gather all the required data, keeping in view important points in the hypothesis. Second, analysis and interpretation of data systematically and examination to find out how far the data and hypotheses are commensurate. If there is no discrepancy between the two, the hypothesis is proved correct, and the result is 'affirmative.' Even if there is some discrepancy, a researcher removes it with the reformulation of the hypothesis and rearrangement of data. A researcher has to do the needful. Contrarily, if data do not support hypothesised expectations, then reject it because the hypothesis is disproved and the result is 'negative'. A rejected hypothesis may be replaced with an alternative one because a hypothesis is not worth accepting unless the facts or data justify it.

### **Research Methodology**

A research work needs a methodology to draw conclusions in relation to the problems and overall objectives. A researcher should specify what research methodology is chosen to fulfil the research objectives.<sup>42</sup> It is not necessary to elaborate various types of research methodology, but justify how a particular methodology is suitable to discuss research issues and achieve specific research objectives. For example, a researcher state, there are two type of legal research methodology such as doctrinal legal research methodology and non doctrinal legal research methodology. The former involves the careful analysis of both the relevant case law and a detailed consideration of the relevant statute, while, the latter involves the empirical study of educational institutions within the State of Karnataka.

### **Sources of Information**

Here, it is relevant to mention data collection methods. It should be specific and realistic as much as possible. It should be clear that the selected methods are appropriate and suitable for achieving the objective. The researcher has relied upon primary sources and secondary sources. The primary source includes statute laws, case laws, delegated legislations, rules and regulations issued by the authorities, while, the secondary source includes, text books, journals, periodicals, reports and e- materials.<sup>43</sup> The researcher has also chosen observation, interview and questionnaire as techniques and tools for the purpose of extracting original and first-hand information from the respondents who are randomly selected from four divisions in the state of Karnataka.

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<sup>42</sup> E Madalina Busuioc, *4 4 Methodology: Behind the Research Scenes*.

<sup>43</sup> Durant-Gonzalez, *supra* note 27.

### Review of literature

Here, a researcher reviews the literature like books, articles and reports etc., and finds out the research gap in the existing body of knowledge. What is known to a researcher and what is to be known, what happened, and finally, how to bridge this gap?<sup>44</sup>

### Conceptual Clarification

It is necessary to clarify the meaning and definition of words and concepts which are often mentioned in the research work.<sup>45</sup> For instance, meaning and definition of 'lock down, disaster/ calamity, educational institution, epidemic disease, disaster management plan, local authority etc.

### Characterisation

Devise the chapter based on the research problems and objectives

Chapter 1: Introduction

Chapter 2: Historical Background

Chapter 3: discuss core issues

Chapter 4: discuss core issues

Chapter 5: discuss core issues

Chapter 6: empirical study (if any)

Chapter 7: Conclusion and suggestions

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<sup>44</sup> Theory and Method in Comparative Research: Two Strategies, *supra* note 29.

<sup>45</sup> G S Bajpai, *DESCRIPTION OF MODULE*.

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