

Legal Research and Methodology: Perspective, Process and Practice. Edited by B.C. Nirmal, Rajnish Kumar Singh, and Arti Nirmal, Satyam Law International, New Delhi, 2019, Pp. xxv + 512, Hardbound, ₹1295. ISBN: 978-93-87839-36-6.

THE PRESENT edited volume of the book is a collection of twenty-nine chapters, divided into three parts, each examining the importance and role of research methodology in terms of bringing to fore the discussion on kinds of tools, various perspectives and approaches on legal research.¹ The book under review involves in as much as thirty-three authors, covering vast range of issues pertaining to legal research and knowledge about methodology. In fact, the manner in which editors have selected and arranged chapters covering all the theoretical and practical aspects of the subjects, reminds the reviewer of the classic treatise on legal research methodology, published by Indian Law Institute in 2001.²

This was perhaps long due, keeping in mind the time gap of almost eighteen years (against the 2001 treatise) and the changes in the present ‘techno-digital cyber space’ witnesses *vis-à-vis* legal research is quite appreciable. In fact, the editors have rightfully asserted that the present anthology presents a realistic picture of the nuances of legal research. While praising the presentation and arrangement of chapters, Professor Chia-Jui Cheng, in the ‘Foreword’ opines, “The book can rightly be described as a vade mecum for every scholar and researcher.”³

Bringing a book on legal research and methodology is a tough task, especially with the limited expertise available in the area and the vast domain of the subject. On a closer look to other existing literature, the reviewer is of the opinion that much of the recent texts on the subject have merely provided a narrow analysis of the process of research. Acknowledging the limitation upfront, the editors have left little scope for fluctuating from the purpose. The lucid text with strategically arranged chapters covering topics in detail indicates that this book addresses the concerns and is

¹ B.C. Nirmal, Rajnish Kumar Singh, and Arti Nirmal eds., *Legal Research and Methodology: Perspective, Process and Practice* (Satyam Law International, New Delhi, 2019).

² S.K. Verma and Afzal Wani (eds.), *Legal Research and Methodology* (Indian Law Institute, New Delhi, 2nd edn., 2001). In 1982 Indian Law institute brought a ‘Special Issue’ of its Journal on ‘*Legal Research and Methodology*’ 24 (2-4) (1982), and the following year *i.e.* 1983 it brought the first edition of the treatise, which was a collection of various selected papers published in acclaimed journals (both national as well as international), few selected from the special issue (1982) and certain new papers on research and methodology left in the Special Issue, *see* S.N. Jain, J.K. Mittal, Kusum and P. Kalpakam (eds.), *Legal Research and Methodology* (N.M. Tripathi, Bombay, 1st edn, 1983).

³ Chia-Jui Cheng, “Foreword”, *Supra* note 1 at vi.

prepared with an understanding that meets the requirements of the targeted group *i.e.*, students, researchers and practitioners. This is reflected fairly well in the introductory chapter, wherein the editors, in a simplistic manner, explained the logic behind structuring the book into three parts. Part I covers perspectives on legal research, Part II addresses process of legal research and Part III demonstrates practical application of legal research methodology.

The eleven chapters in the Part I of the volume deal with the perspective analysis of legal research. The chapter on sociological perspective⁴ provides an insight into some pragmatic aspects of socio-legal research in India. Arguing for reawakening, especially when all the resources available and realities understood, presents a fit case for utilising the benefits of sociological research. The chapter on critical legal studies (CLS) movement⁵ stresses the jurisprudential and practical significance of law and society from social and critical philosophy. Bringing a case for CLS in India, the author opined that there is strong need for integrating legal theory and social theory, particularly for exposing how law plays a pivotal role in encouraging the domination of rich and powerful. The next chapter⁶ reveals how post modernity, the social sciences are witnessing crisis. The chapter on analytical legal research⁷ stresses upon the analysis and synthesis of law and legal norms, techniques involved in understanding the meaning and status of legal norms, and consolidation of legal norms as a pre-requisite for constructing law. The later essays on historical approach,⁸ comparative legal research,⁹ philosophical approach¹⁰ as such does not present any fresh argument. By and large the argument presented in these chapters reflect only a brief account of known methodological inputs involved in the respective approaches, and thus fails to present with any pragmatic assessment *de rigueur* to modern legal research. The chapter on feminist perspective¹¹ appears to be thematically correct and

⁴ R. Venkata Rao, "Sociological Perspective towards Legal Research", *Supra* note 1, ch.2.

⁵ B.C. Nirmal, "Legal Research and Critical Legal Studies Movement", *Supra* note 1, ch. 3. This perspective of legal research would be unique in its own sense, especially when the CLS movement, though originated in 1970s, finds no presence in the earlier reputed treatise. The author therefore must be congratulated and admired for bringing newness to the subject.

⁶ Vivek Kumar and Ashok Kaul, "Research Methodology: Terrain, Challenges and Directions (A Derivative Discourse)", *Supra* note 1, ch 4.

⁷ Kiran Gupta, "Analytical Perspective towards Legal Research", *Supra* note 1, ch. 5.

⁸ Rabindra Kumar Pathak, Historical Approach to Legal Research, *Supra* note 1, ch. 6.

⁹ Amrendra Kumar Ajit, "Methodology of Comparative Legal Research", *Supra* note 1, ch. 7.

¹⁰ Manwendra Kumar Tiwari, "Philosophical Approach to Legal Research", *Supra* note 1, ch. 8.

¹¹ Priyanka Anand, "Feminist Perspective in Research", *Supra* note 1, chapter 9.

offer cogent reasons for advancing feminist research methods. Another chapter¹² dwells upon the importance of hermeneutics for research. The last two chapters¹³ do not adequately address the ‘perspective’ but rather engaged in accessing quality of research in India and notion/propositions formed against research community in general.

Part II comprises of ten chapters that occupy major space of the volume under review. On a cursory look at the structural outlay the arrangement of the chapters remains in consonance with the theme that starts with the chapter on new trends¹⁴ (though nothing new emerges from it, besides similar concern is raised in later chapter¹⁵), thereafter two chapters on the process of research,¹⁶ and a chapter each on legal writing,¹⁷ collection and interpretation of data,¹⁸ and literature review.¹⁹ The chapter on positive aspects of legal research methodology²⁰ deals with the essence and major stages involved in the research, which as per the authors if addressed carefully by the researcher “can help in undertaking effective investigations leading to concrete finding.”²¹ The chapter on objectives of research and hypothesis²² presents conclusive explanation of hypothesis and its contours. Hypothesis perhaps remains a cause of concern for many researchers, the author rightly put forth that it is a tentative or testable statement/proposition/prediction that can be put to test to determine validity. It may be proved/disproved, and in both occasions advances knowledge.²³ The last

¹² Arti Nirmal, “Understanding Hermeneutics for Research: An Interdisciplinary Approach”, *Supra* note 1, chapter 10. Hermeneutics is the art and science of interpretation to decipher the meaning of the object under study. Another piece of excellence covered in the book, which rarely finds place in any treatise on the subject.

¹³ Sayan Dey, “De-Indoctrination and Pluralization of Research Methodologies in India: Cultural Studies as a Contextual-Experiential Methodology of (Re)search”, *supra* note 1, chapter 11; Debasis Poddar, “Beyond ‘Interpreter of Maladies’” Perspective as a Canon of Intellectual Technology”, *Supra* note 1, chapter 12.

¹⁴ Ajendra Srivastava, “Principal Methodological Approaches to Legal Research: New Trends”, *Supra* note 1, chapter 13.

¹⁵ Jatindra Kumar Das, “Methodology of Socio-Legal Research and its Importance”, *Supra* note 1, chapter 18.

¹⁶ Sisir Basu, “Process of Research”, *supra* note 1, chapter 14; Olaolu S. Opadere, “Process of Legal Research: The Basic”, *Supra* note 1, chapter 15.

¹⁷ K.L. Bhatia and S.C. Srivastava, “Legal Research Methodology and Legal Writing: Contours, Techniques and Nuances”, *Supra* note 1, chapter 16.

¹⁸ Collection and Interpretation of Data: Basics of Empirical Research”, *Supra* note 1, chapter 19.

¹⁹ Sanjay Prakash Srivastava and Digvijay Singh, “An Overview of Literature Review: The Foundation of Research”, *Supra* note 1, chapter 20.

²⁰ Subham Rajkhowa and Stuti Deka, “A Foray into Positive Aspects of Legal Research Methodology”, *Supra* note 1, chapter 17.

²¹ *Id.* at 291.

²² Rajnish Kumar Singh, “Objectives of Research and Hypothesis”, *Supra* note 1, chapter 21.

²³ *Id.* at 363.

chapter in the cluster on judgment analysis²⁴ is a well-written piece that explains crucial difference between applying methods of legal interpretation and using methods of discourse analysis in the study of legal texts.

The most highlighted part of the volume remains Part III that covers nine crucial chapters on practical application pertaining to the knowledge of research methodology. The chapter on writing research proposal²⁵ explains how systematic persuasion of research proposal. The next two chapters examine the importance of writing research proposal²⁶ and writing good research report.²⁷ The writing of both proposal and report is an art that requires skills of creativity and originality. There appears nothing comprehensive about the next chapter,²⁸ which appears to be a mere cut-copy-paste (it remains merely informative and nothing substantial) of various facets of academic writing and content analysis. The next two chapters²⁹ though interlinked, reveal much about the moral issue present noxiously deep inside the Indian academics i.e. the issue of plagiarism and its implication. The last essay of the volume offers instructive advice on referencing³⁰ (an area that is given less importance in legal research).

The papers included in the volume not only give insight into the theoretical and practical aspects of the subject but also cover interdisciplinary, perspectives and approaches on legal research and methodology. On the whole, the present anthology appears a comprehensive compendium, and in effective tune with the intent with which it was chalked out. Surely the book will be of great interest to academics, lawyers, judges, and researchers, who are interested in receiving a practical guide on how to carry out research, discuss modern methods, and learn tools and techniques of

²⁴ Yogesh Pratap Singh, "Judgment Analysis: A Neglected Tool of Doctrinaire Method of Legal Research", *Supra* note 1, chapter 22.

²⁵ Abdul Haseeb Ansari, Praveen Jamal and Muhamad Hassain Bin Ahmad, "Writing a Viable Research Proposal: An Appraisal", *Supra* note 1, chapter 23.

²⁶ Sisir Basu, "Writing of Research Proposal", *Supra* note 1, chapter 24.

²⁷ K.C. Sunny, "Writing of Research Report", *Supra* note 1, chapter 25.

²⁸ Sanjay Kumar Tiwari, "Academic Writing and Content Analysis: Academic Review", *Supra* note 1, chapter 26.

²⁹ Abhishek Kumar Pandey, "UGC Regulation on Plagiarism: What Does It Mean for Indian Academia and Research?", *Supra* note 1, chapter 27; Prakash Sharma, "Legal Research via Digital Access: Analysis and Implications for Scholarship in a Networked Age", *Supra* note 1, chapter 28.

³⁰ Anoop Kumar, "The Rules of Referencing in Legal Research: Footnotes and Bibliography", *Supra* note 1, chapter 29.

legal research. Perhaps, the only major drawback of the book could be its pricing, especially keeping in mind the primary target i.e. scholars and researchers.

Gautam Gupta*

* Assistant Professor, School of Law, UPES, Dehradun.