

CONDUCTING EMPIRICAL RESEARCH: REQUISITE SKILLS

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INTRODUCTION

Empirical methods enhance our observations and help us see more of the structure of the world. We are fundamentally empirical creatures, always asking that What is going on? Is it real or merely apparent? What causes it? Is there a better explanation? That is why empirical method is the best method of research because of the observations made by the researcher at various stages. Empirical methods cluster loosely into exploratory techniques for summarization and exploration.²

‘The word "empirical" denotes evidence about the world based on observation or experience. That evidence can be numerical (quantitative) or non numerical (qualitative); neither is any more "empirical" than the other’.³ Empirical research is an experimental study and based on the observations. The first and foremost aspect of empirical research is to observe the research problem deeply and after that build something new upon these observations. Empirical research basically means field research by collecting data from the society and then analyse the data and put that data in a systematic manner to draw a conclusion.

Empirical research is more difficult than the doctrinal research because in doctrinal research we have to concentrate only on the books and other sources of the law and no need to move here and there for the information other than the library or any other place where we can find better information regarding the topic. Empirical research is more authenticated because it comes directly from the society or individuals and we can do our research at grass root level. Empirical research is also known as non-doctrinal research. Empirical or Non- Doctrinal research is very fruitful also because we can get the information in accurate sense that we want for our research purpose. Empirical research is somehow more efficient than the other types of research because we can easily find the root cause of a particular problem and by what arrangements we can undermine these problems of society.

Empirical research is also attached with the sociology that is why we can also called it as sociological research because here we getting the information from the society and putting them into records attached with their suggestions for improvement. So, Empirical research is very much important in legal education also. In legal education or in legal research we want the true information and authenticity is a vital aspect of legal research. For example a legal researcher wants to know about the implementation of The Prohibition of Child Marriage Act, 2006 in India then for that purpose we have to go by this field research so that we

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² Empirical Research *available at*: <http://web.cs.swarthmore.edu/~meeden/cs81/s12/EmpiricalMethods.pdf> (Last Visited September 22, 2015).

³ Earl Babbie, *The Basics of Social Research* 258 (Nelson Thomas Learning, 1999); William J. Dixon, “Research on Research Revisited: Another Half Decade of Quantitative and Field Research on International Organizations”, 31 *Intl Org* 65, 79 (1977).

can actually make the systematic and accurate data approximately regarding the implementation of this act. Further one more question arises that how many areas are still affected by this curse of child marriage and how many areas do not follow this practice. So, for that particular data we have to choose empirical research because we can better collect and analyse the data by this research. Doctrinal research is not useful for that purpose because doctrinal researchers are also relied upon the data collection and they also need statistics regarding the efficacies and deficiencies in the said Act.

Doctrinal research is second part of empirical research because firstly we have to collect data from the people of different groups and from different areas of the country and after that systematic arrangement of data and then analysis of that data. After that the job of doctrinal researcher starts because once the data published in booklets or available online then it is easy for the doctrinal researcher to do research because the data is already provided to him by the websites and publications based on the empirical research.

‘Empirical research is important for underpinning many areas of legal and social policy, there will be an increasing demand from a wider range of others- business, NGOs and so on- that evidence about how law works be made available’.⁴ Empirical research helps us to collect the primary data and we can also call it as first hand data. The second aspect of the empirical research is that it is directly connected to the society at large and we can easily understand the problem of the society by doing this research rather than to focus upon the books only in case of doctrinal research. Empirical research is more productive than the other methods of research because in this research researcher has to dedicate his time fully to the problem and can gather up to date data from the people. But in case of doctrinal research it is not so possible because researcher has to rely upon the material that is provided in the books and books are not so up to date because change cannot take place over night in books. By this research we can find a better solution of the social, economic and political problems in the country or prevalent in the society. This research is helpful and more effective because researcher is directly connected to the people and can better present the scenario of the society rather than the researcher who is totally relied upon the books and articles.

Empirical research can explain: (a) what type of laws can be enacted; (b) the causative factors for the delay in administering justice; (c) problems that arise because of the variation in the interpretations given by lawyers; and (d) the underlying factors which affect the judgement by ascertaining the workload of judges, lawyers and other personnel in legal machinery.⁵

‘Empirical research is now recognised as having central position in legal scholarship alongside the doctrinal, text-based body of legal research in jurisprudence and substantive law and practice’.⁶ Empirical research can give us the better idea of reforms that what the society actually needs and it an agreeable view of the

⁴ Rattan Singh, *Legal Research Methodology* 153 (LexisNexis, Noida, 1st edn., 2013).

⁵ K.D. Gangrade, “Empirical Methods as Tools of Research”, in S.K. Verma and M. Afzal Wani, *Legal Research and Methodology* 274 (Indian Law Institute, 2nd edn., 2001).

⁶ *Supra*

author that empirical research is now very much significant and use of this research is increasing day by day for the better result and this research is now equally important and useful as compare to doctrinal and text-based study. In legal study this research is also playing an essential role and without this research we can lack in good and effective results because it is the only study that joins society and problems whether it is related to law or some other course. The best thing of this study is that we become able to study hard and put our brain more in a specific area to find out the grey areas, its solution and giving something new to the society after taking all advantages and disadvantages into consideration.

The edifice of the empirical research is society and how we relate the different subjects with the society to identify the problem. Once the problem is identified by the researcher then it becomes duty of the researcher to find out the solution for that after applying the various methods of empirical research in a particular field. It helps a researcher to build a strong and powerful result. The scope of empirical research is degrading day by day due to the lack of quality research education in curriculums and lack of good research instructors. Another problem is that empirical research needs more time and hardship of the researcher but nowadays no researcher is time devotee and diligent. Researchers are doing smart work instead of hard work and this is the reason that productivity of research is declining. After that nobody is patient in 21st century because of unnecessary frustrations and it hurts the quality of research. Researcher has to be very patient and proactive if he wants to achieve something by this kind of research. Otherwise he has only one option to drop the idea of empirical research and just do the arm chair research. Other reason responsible for the decrease in empirical researchers is that as a researcher we are not time managed. We are wandering here and there for the quantity of information and not for the quality. This erroneous thing put us in a situation where we become unable to manage our time according to the research and no time management chapter is there in legal research methodology. If a researcher knows that how to manage time then he will definitely be a good researcher. To achieve something we have to sacrifice something also. Without sacrifice our personal interests, social bondage and biased behaviour we cannot do an efficacious research. Empirical research is basically talks about the quality research. Everybody can do doctrinal research by sitting in a library or in a particular room but it is very difficult to do research in field. It is a very challenging job that a researcher chooses empirical researcher for his research because this kind of research needs courage, patience, politeness, good behaviour, activeness, involvement, concentration, determination and strong will power. Without all these qualities no one can do a better research. Research is not just to compile the data and then form an analysis. The basic purpose of research is to provide something new after observing and analysing the data collected on a specific research problem. We know that it is hard to establish a new thing but not impossible. In science many inventions and discoveries have been made by the human beings. Similarly in the field of law, social sciences or any other branch of study many new concepts have been evolved by various jurists, scholars respectively. So, we must always ready for the challenges and choosing an empirical research method is itself a brave step. Only a valour person can do this kind of research and not easy for everyone. But with the passage of time researchers are becoming afraid of this research and choose doctrinal method because it is easy to do study by sitting on a table chair. Curiosity also plays an important

role in empirical research. If a researcher is curious and interested then he will lead to the success eventually. After that a sense of responsibility and maturity is also required for better empirical research. If a researcher is responsible and mature then he can better understand the problems of the society and handle the situations very well. He must have a sense of accountability towards himself or herself as a good human being so that he can very much aware about his or her work done and what will be the repercussions of the research done after analysing and forming a result on it.

There are grey areas while doing empirical research like people do not give much time to the researcher, hard to gain the trust of the people, difficult to get information from the people, it is an expensive research also, no quality legal research education in law schools, lack of good research instructors, and lack of good questionnaires and interviews due to lack of technological knowledge and communication gap etc. Researchers must have full fledged and basic knowledge about the use of computer system and internet. This will increase the efficiency in research and also increase the ambit of knowledge of the researcher. Researcher also requires skills for the better empirical research. Like he must have good knowledge about the topic which he is going to discuss, he must have patience while gathering the information by interview, efficient in computer technology so that he can make a better questionnaire, good communication skills for better understanding, good social behaviour, determination, maturity and responsibility. Researcher in empirical research must have a kind of politeness so that he can easily mix up with the people to get the information

So, we can do better empirical research by taking all the above stated points into consideration. Law schools must put emphasis to enhance the quality of empirical research because it is far better than the other researches because of its direct link with the society and at the end we can better understand the deficiencies prevalent in the different societal groups and eradication of all these and then we can say that it is a qualitative and improved research.

MEANING OF EMPIRICAL RESEARCH

Black's Law Dictionary defines the word "Empirical" as investigation, observation, experimentation, or experience as source of this type of knowledge and the word. So, research based on the investigation after observing the problem carefully and doing the experiment on that research problem is called an empirical research.

Empiric also means 'relying solely on observation and experiment, not on theory'. The empirical research is carried out by collecting and gathering the data or information relating to universe by a first-hand study. Empirical research is an inquiry that attempts to discover and verify the general rules allowing us to understand why human beings behave the way they do.⁷ Empirical research may be defined as research into relationship of law

⁷ *Ibid.*

with other behavioural sciences and more importance is given to the people, social values and social institutions and not to the legal aspects or doctrines'.⁸ So, empirical research basically means the study at grass root level by applying the mind while collecting the primary data from the society and arranging it systematically for the conclusions. Empirical research is having worth in every course whether it is law, social sciences, philosophy, economics, political science etc. 'Empirical research is an integral part of the scientific method which combines reasoning with observations, and discovery with justification for the acquisition of scientific knowledge'.⁹

Empirical research is mainly a fact finding study. Empirical research stands for observation and reasoning. It involves systematic study or collection of existing information from society (an institute, public, group, individual etc.) When research is based on observation or experiment, not on theory, it is regarded as empirical research.¹⁰

'Empirical research technique is also called as "fact research". Empirical research is an inquiry that attempts to discover and verify general rules allowing us to understand why human beings behave the way they do'.¹¹ Empirical research helps us to form the better conclusions as compare to the library research or doctrinal research. Suppose a researcher wants to do research on the problem that whether the labourers are safe in the hazardous factories and whether the factories are following the provisions of Factories Act or not? So, to get the information primarily we have to do surveys and interviews of the workers and after that collect the data for the better analysis and it can happen better with the help of empirical research so that we come to know about the current scenario with regard to the safety measures in factories. But we cannot draw a better conclusion and do a proper research on this issue by sitting in the library. We know that there are lot of books and articles on this issue but still we cannot foresee the real position by merely relying upon the text written in the books or articles. So, for that reason we have to do research at ground level and get the full fledged data regarding this issue.

Similarly, we want to know that whether the people of Jammu and Kashmir really want the referendum on Kashmir issue or what are their suggestions regarding this issue then we should go by the empirical research. No book or article can talk about the real position of the people. Here, doctrinal research cannot fulfil the purpose of this research and we must choose the empirical method for the research so that we can easily make the list of the suggestions of the people by conducting their interviews or by the surveys in different areas of Jammu and Kashmir.

So, Empirical research is more important than the doctrinal research and due to the paucity of time researchers are afraid of this method but no other method is more authenticated and beneficial for this kind

⁸ *Ibid.*

⁹ Victor S. D'souza, "Design of Study in Empirical Research", Vol.2 *JILI* (2001).

¹⁰ *Supra* note 2 at 84.

¹¹ S.N. Myneni, *Legal Research Methodology* 35 (Allahabad Law Agency, Haryana, 4th edn., 2009)

of research. To get the data from the society and from the field we have to follow the concept of empirical research otherwise we cannot do what we want to do. To achieve a target and if we really want to do something for the society then we should show our full dedication and involvement in the society and not just the formality. Because nothing can be achieved if we are not concentrated and dedicated. Empirical research enhances these qualities in a researcher and makes a researcher more confident and hard working for the future work. 'Empirical research is also known as socio-legal research is a research that employs methods taken from other disciplines to generate empirical data to answer research questions'.¹²

The word "empirical" has come to take on a particularly narrow meaning--one associated purely with "statistical techniques and analyses," or quantitative data. But empirical research, as natural and social scientists recognize, is far broader than these associations suggest.¹³

So, Empirical research is present everywhere in any field or in any stream. There are no definite parameters for that. We cannot limit it in a particular system or study. The meaning of empirical research is well stated by the above mentioned authors and this method of research is much more worthy than others because of its qualitative outcomes and moreover the healthy and powerful results. When a research is more nearer to the human beings then it will be more effective and well managed that is why this method is prominent in this field. Empirical research makes us more aware about the real problems exist in the society and put more knowledge in our minds regarding the human behaviour, conduct and way of thinking of the different people of different age groups which is vital for the further research programmes.

ROLE OF EMPIRICAL RESEARCH IN LEGAL STUDIES

'Empirical method is generally used in social sciences but it is also of great advantage for research in the field of law and conducting empirical research in law is of recent origin'.¹⁴ 'Empirical legal research endeavours to look into 'social face or dimension' of law and 'gap', if any, between 'legal idealism' and 'social reality' and therefore empirical legal research involves study of 'social impact' of law or of 'social auditing of law'.¹⁵

In every discipline like economics, political science, social science, public health, medicine sector, education sector, business, sociology, psychology empirical research has its relevancy but it has lot of importance in legal system because legal study is connected to all these disciplines directly or indirectly.¹⁶

Empirical research is also having an important role in law and it is very much relevant in legal studies also. Jerome N. Frank described that "Certainty of Law is a Myth" which means that law is not static in nature

¹² *Supra* note 2 at 152.

¹³ Lee Epstein and Gary King, "EXCHANGE: EMPIRICAL RESEARCH AND THE GOALS OF LEGAL SCHOLARSHIP: The Rules of Inference", 69 *U. Chi. L. Rev.* 1(2002).

¹² Lee Epstein and Gary King, "Building an Infrastructure for Empirical Research in the Law", 53 *J. Legal Educ.* 311 (2003).

¹⁴ *Supra* note 2 at 85.

¹⁵ *Id.* at 155.

but dynamic and it changes with the change in society as per the requirements. So, law is an important instrument for social change. We can see the history that with the passage of time and as per the societal needs and requirements law has been changed. For example, with the increase of malpractices and corruption in the society we needed a law to curb this social evil. To control this evil we passed Prevention of Corruption Act, 1988. Similarly, to protect the environment we passed enactment like Environment Protection Act, 1986 because of the pollution in the environment. For that reason we can support the theory of Jerome N. Frank that law is not static one and it is dynamic in nature which changes as per the needs of the society. These changes come after the identification of the problem as mentioned above in the case of corruption. So, empirical research is very helpful in the law study and we can bring changes by conducting empirical research because it is more authenticated and data collected is primary one. Social reforms come with the help of laws and without that we cannot bind the wrongdoers. In legal studies, empirical research is playing an outstanding role and it builds strong and powerful conclusions also.

‘Right from the evolution of society every aspect of human behaviour or facet of life has a problem. In society there were problems, there are problems and there will be problems’.¹⁷

So, new branch of research emerged in 20th century known Socio-Legal Research with the combination of sociology and law. It means that law and society are connected to each other and empirical research is an epitome of socio-legal research. By socio-legal studies we can make reforms in law effectively because of its direct link with the society and law supports the sociological research.

Socio-Legal researchers undertake library based theoretical work, empirical work which leads to the development of grounded theory, as well as more policy oriented studies which feed directly into the policy making process. Socio-legal community is an approach to the study of legal phenomena which is multi or inter disciplinary in its approach.¹⁸

To counter these problems we need law because law is an instrument of Social reforms. Law is connected directly with the society and both have directly or indirectly effects on each other. Sometimes law changes the society and vice versa. With the technological developments and in the era of globalisation the society is changing day by day and lot of problems are occurring in human life. So, for the protection of human life from the social evils there is always a dire need of law. Law can regulate and encounter the disarrangements prevalent in the society.

The dynamism of society requires dynamic laws. That is why in legal research, study of society is so important and relevant. No legal scholar can ignore the study of social change, values and phenomena, to make his research fruitful. To make new laws, change

¹⁷ J.A. Khan, *Research Methodology* 103 (APH Publishing Corporation, New Delhi, 2007).

¹⁸ Martin Partington, “Research” in Brian R. Opeskin and David Weisbrot (eds.), *The Promise of Law Reform* (The Federation Press, Australia, 2005) as cited in *Supra* note 2 at 336.

in existing laws, for proper implementation of laws, law reforms, the study of effect of law on the society is a must.¹⁹

So, for the social reforms and better implementation of the laws, empirical research is fruitful and we can easily track down the real situation of the society and the problems of the people. For the acknowledgement of these problems a researcher has to choose a study or method which can create a direct nexus between him and the people. For this empirical method plays a pivotal role. By conducting empirical research a researcher can better frame the problems by talking to the people directly and jotted down their issues in brief. This grass root research or field research can provide a better platform to analyse the problems very well by the direct interaction between the researcher and the society. Conducting empirical research in law is absolutely a formidable combination of society and law. In legal research empirical method is used to chalk out the particular enactment that whether it is going good or not? Whether it is providing benefits to the society or not? Whether the legislation is a welfare one or not? For these issues empirical method of research is very much important so that study or research can be done in the society and with the society. Like there is Prohibition of Dowry Act in India and researcher wants to search on the misuse of this Act in Punjab. So, researcher has to visit the different areas of the Punjab and then collect the data from the people. Researcher can conduct the interviews of the families those are affected by this enactment. Empirical method helps us to find the following things while conducting legal research by this method:

- a.) the loopholes or lacunas in this enactment
- b.) reasons behind the misuse of this law
- c.) failure in proper implementation of this Act
- d.) ambiguity in the definition of Dowry
- e.) alterations or modifications to prevent the misuse

So, for this empirical method helps us to draw the statistics related to the misuse of the act. Firstly researcher has to check that whether it is being misused by the people? Secondly families those have been falsely implicated under this law, then for the better information researcher can conduct the interviews of the family members those are convicted falsely. Researcher can also conduct surveys in the most affected area and get the data regarding the misuse or non implementation of this act. For all this researcher has to do research by the direct dialogues with the society so that the authenticated information can come out. Empirical research enhances the knowledge of the researcher also. Like he has to study the Act and after that he can get the better results and can frame the qualitative questions to ask form the different groups or people. Another example of tribal people is there that in the era of globalisation what difficulties they are facing. Like in the area if Vedanta, Niyamgiri the tribal people worships the Niyamgiri but due to the

¹⁹ *Supra* note 2 at 84.

globalisation the industrialists and even government is trying to take away the land of these people which leads to the dispute between the government and the tribal people. So, by empirical method we can do research that whether there is for the protection of the land of the tribal people or indigenous people? If the law is there then whether is an adequate one or not? Whether the ideology of tribal people are more important and have some relevancy or not? For all this empirical method can better helps a researcher to go with these problems. After collecting the data from these areas and conducting the interviews and surveys in these tribal areas we can frame a qualitative analysis of all the problems. So, in legal studies empirical research has its own relevancy but due to the hardship, researchers are shifting towards the doctrinal method. But it is stated by the various scholars that empirical method is far better than the doctrinal one. Empirical method is a challenging job but the results will be fruitful and authenticated if someone adopts it because it is a research in field and researcher has done it within the society by himself. The reliability of this research is more than the doctrinal one because in doctrinal method we basically depend upon the things that a particular author described or sometime the books or other materials may not up to date. So, by all the above stated examples and arguments we can say that in legal research empirical method is more helpful than the other method because in framing a law or for a law reforms we need a direct link with the society so that the framers can think in accordance with the society. For that we need statistics, data, interviews, surveys, opinions of the society then after that we can built a strong wall of reforms. Otherwise nothing can be changed overnight. Empirical method is a slower process but more reliable and satisfactory than any other methods of research. This is how empirical research is noteworthy in legal studies or in law.

RELEVANT TOOLS OF EMPIRICAL RESEARCH

1. *Questionnaires*: Questionnaires are very useful and helpful while conducting empirical research. 'Questionnaire is a series of questions for obtaining information in special points'.²⁰ A researcher can collect data whatever he wants by the way of questionnaires and he can ask answers from the society through the questions and the questions should be very relevant one. These questions must have direct link with the research and there shall be no unnecessary and irrelevant and general questions. 'Questionnaire is designed to collect data from the large, diverse and widely scattered groups of people and it is device for securing the answers to questions by using a form which the respondent himself fills in'.²¹

2. *Sampling*: Sampling is an effective tool while conducting empirical research. Sampling means to select a group of people as a representative of the larger group and then collect data from this group for the research problem. 'The sample should represent the characteristics of the population as closely as possible like a reflection in a mirror to the original'.²² There are various techniques of sampling like Non-Probability and Probability. Under these techniques various forms of methods are included like Random Sampling,

²⁰ S.Hawker (ed.), *The Little Oxford Dictionary* (Oxford University Press, United Kingdom, 6th edn., 1986).

²¹ S.K. Verma (ed.), *Legal Research and Methodology* 354 (Indian Law Institute Publications, New Delhi, 2nd edn., 2001).

²² *Supra* note 9 at 125.

Stratified Sampling etc. Researcher can adopt anyone whichever suits his research. 'In legal research sampling method can be used to know people's reaction and response to some controversial legislation'.²³

3. *Surveys*: Surveys are also very valuable tool in empirical research. Researcher can do surveys by himself by direct interaction with the people or by online surveys. Both are helpful to get the answers by gathering the data that a researcher needs. According to A.F. Wells, "Social Survey is a fact finding study dealing chiefly with working class, poverty and with the nature and problems of the community." In recent times online surveys are popular for empirical research. Many websites are doing surveys regularly to check their relevancy and significance. Surveys play pivotal role and it is most useful tool of research in today's world because of the web world.

4. *Interviews*: Researcher can take help of interviews for a good empirical research. Interviews help a researcher in his study. Researcher can do interview of the persons or individuals for his research problem. For example, researcher wants to do research about the old age homes in a particular state, its standard of living and conditions. For that he won't rely on the books only. To find out the reality he must have good skills of conducting interviews. Researcher will meet with the different individuals or the staff of the old age homes for his answers and then he will be able to collect the data and form a result after analysing the data. Similarly, if a researcher is doing an interview of minister on a policy issue then he will use this interview as his research and by that he can form an analysis for social reforms. That is why interviews are considered as the benevolent tool for conducting empirical research because of the direct interaction with the informer and there is very less chances of unauthenticated data.

5. *Group Discussions*: Group discussions are also an efficacious tool of empirical research. In group discussion, a group of individuals has been formed and they have to discuss upon the given topic. Researcher can take help of these discussions while conducting empirical research for a research problem. For example, a group has been formed and topic of National Judicial Appointment Commission vis-a-vis Transparency in Appointments of Judges has been given to them. So, they have to give opinion for and against the topic. Here, researcher can well observe the whole scenario and do his best work after getting the data.

Similarly, a Focus Group Method can be used by researcher also in which a moderator has to play a vital role. Number of people are asked to come together in order to discuss a certain issue for the purpose of research. They are popular within the fields of market research, political research and educational research. The focus group is facilitated by a moderator who asks questions, probes for more detail, makes sure the discussion does not

²³ Mona Purohit, *Legal Education and Research Methodology* 134 (Central law Publications, First edn., 2010).

digress and tries to ensure that everyone has an input and that no one person dominates the discussion.²⁴

With the help of this Focus Group method researcher can do an improved research. Conducting empirical research is not so easy but it is always more reliable, authenticated, rich, purposeful and first hand information. Upon this information, a researcher can build its track of destiny and it will become the trajectory to solve a research problem after getting the relevant and enrich data collected by researcher himself. There are other tools also like observation, schedule etc. But above mentioned are the qualitative ones. One more trend is emerging day by day in research i.e Computer Assisted Research or Computer Assisted Legal Research. By this research a researcher can do both doctrinal and non-doctrinal research. He can do doctrinal research with the help of internet material sources, various databases, E-newspapers, online journals, articles, online case materials etc. This internet sources also help a researcher in empirical research like researcher can send questionnaires through email to the people those are interested in answering his questions and he can also do the online surveys with the help of the internet sources. So, Internet makes research more easy and nor empirical research is also happened by the means of internet. We cannot ignore the emerging role of internet in every field of research whether in economics, political science, psychology, sociology, education, health, medicine, philosophy, laws etc. Now, researchers are doing smart work instead of hard work. In contrary to that still it is a fact that the research done by researcher in the field with his own hard work, determination and will power is more reliable than these online sources also. Because these sources sometimes mislead a researcher by providing irrelevant, unnecessary and half information regarding a specific issue. But in research, a researcher who does research with authenticity and by reliable sources is a good researcher. Therefore, Internet is a commendable tool of research and growing very fast in 21st century.

PROBLEMS IN CONDUCTING EMPIRICAL RESEARCH

Financial Resources: Shortage of funds is first and foremost aspect of empirical research. In empirical research, researcher always has burden of finances or funds and sometimes the funds are not enough to fulfil the demand of the research. Researchers those are not funded by some educational institute or organisations, they always face the financial problem while conducting the research. In empirical research, a researcher cannot bind himself within the limited capital or funds because it is an exploratory research and researcher needs more funds for the good and qualitative research. For example, a researcher is doing research on the problems related to Lesbian, Gay, Bi-sexual, Transgender and he needs more and more data related to this topic. For that he has to visit the various places and lot of expenses are requires for that. So, he cannot fix its universe in one state only. He has to visit here and there for the better understanding of the problem and to find the solution of these problems related to these categories. Researcher wants to do survey, interviews on this issue. For this, researcher has to bear all the expenses of travelling, paper material, audio/video recorder

²⁴ Catherine Dawson, *Practical Research Methods: A User-friendly Guide to Mastering Research Techniques and Projects* 76 (How To Books Ltd., United Kingdom, 2002).

for the interviews, printing expenses. That is why empirical research is costly than the doctrinal research because of the expanding boundaries of this research and researcher cannot bind himself only to one specific area. If he does that then the quality of research will not be an effective one.

Time Management: Time management is another problem in empirical research. ‘The Non-Doctrinal research is extremely time consuming and costly as it requires a lot of time for collecting the required information from the field’.²⁵ It is very difficult to frame a time limit in empirical research. Sometimes, empirical research takes more time than the expected one. Because it is difficult to get data from the people and collection of data is crucial in empirical research. For that, researcher cannot make himself the slave of the time. It is hard to make a time table in empirical research because of its wide range and exploratory nature. Quality always consumes time and this quality can only come after the collection of data or quantity of data. Researcher has to travel from one place to another and do interaction with the people. Everything depends on that how much relevant information is coming out of the researcher’s questions to another person. ‘It requires extra time and commitment’.²⁶ If a researcher is getting some appropriate or related information regarding the framed research problem from an informer then he has to devote more time to that person. So, time management is one of the major problems in empirical research.

Linguistic Barriers: Nelson Mandela correctly pointed out that “If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart.”

It is a very common problem among the researchers that whenever they have to conduct a research into the problems associated with the rural or tribal population, they are faced with communication problems. Sometimes, the researcher is not familiar with the language of the representative population of the research universe. Researchers become habitual of using their own terminology in research like a law researcher will use more legal jargons, sociological researcher will use social terminology, and biology researcher will use its own language or expressions. This dichotomy between the natural language and typical language affects the empirical research. Sometimes, a researcher from the metropolitan city or urban area cannot understand the typical language of the villages and similarly, a researcher from rural area cannot understand the urban slang. In India, there is diversity of cultures, values, traditions, customs and beliefs and after every ten kilometres the language or expression changes. Due to these cultural differences and social bond of individual groups, every specific area has its own language and society is very much attached with their own cultural values and traditions.

Like, in Punjab, people speak local “Punjabi” language and similarly, in Orissa people speak “Odiya”. It is difficult or a dilemma for the researcher to adopt a research problem related to a particular region. For example, a researcher wants to research on the life style or standard of living of the tribal people. In this research he is not fully aware about the language of the tribal people. Suppose he has asked questions in his own language

²⁵ *Supra* 2 at 157.

²⁶ *Ibid.*

but he did not get any reply from the other side. Therefore, communication gap exists in this condition. So, researcher cannot do a better research because of the language barriers or linguistic problem.

Difficult to gain trust: Another significant problem in conducting empirical research is to gain the trust of the people or class of society or individuals. In India, people are very much concerned about their privacy and even in today's world the lack of trust is a major aspect of human behaviour. People are so shrewd that they do not want to disclose their information regarding anything because of the fear that it can be misused by someone. The epitome is census or any survey by the government to check the validity of the legislation or policy that whether it is beneficial or not? For example, people are so afraid that if a survey is going on regarding the family or income details to check the economic standard of the family. In this case people start behaving like an ignorant man. They are afraid of that the researcher is going to disclose his personal details of income if he explains everything correctly. This is because the informer himself is not honest towards his duties or obligations against the state. For an empirical researcher, it is very difficult to convince the informer that it is just an exercise and nothing is personal. The details should be confidential and nothing will be disclosed.

It is well established fact that the general public often looks at the researcher with suspicion and distrust that he will either not keep their identity secret or will quote them out of the context to support his research conclusion. Nobody will be ready to give information to a stranger. For example, if a researcher wants to undertake a research on the topic of 'Incidence of Substance Abuse' among a particular section of the society for the rehabilitation scheme of the government, the family members will be generally reluctant to reveal the relevant information for fear of 'social ostracism'. People are also bound by the materialistic social standards and they do not anybody to hurt their so called reputation. Further one more apprehension is that if they reveal anything or give any information regarding the other family, his or her name should be publicised. Thus, the quality of empirical research will be affected and this is prevalent problem of empirical research.

Political Influence: Political interference is detrimental to the empirical research. Research is an impartial process or neutral research but there are some political factors that affect the quality of research work. It is a hard reality that in India nothing is beyond the ambit of politics. Suppose, a researcher is doing research on the social issues like poverty, illiteracy and unemployment as per the governmental policy but after collecting the data or statistics related to the prevalent problems concerning these issues in a particular state or area, there is also an influence of politics.

Government wants everything according to their own whims and fancies and for that they pressurise the researcher to manipulate or modify the data as per their requirements. Political strategy has only one duty i.e to take benefits from the agony of the people. For example, a researcher is engaging research on the public work department to check the implementation of the governmental policies regarding the said department. For that, political leaders do not want anybody to disclose their work. So, they suppress the researcher to do

volition in the report after the collection of data and analysis. Due to this reason, researcher faces lot of problems in doing an impartial or unbiased research.

Lack of Co-operation or Co-ordination by Social Organisations: Co-operation and Co-ordination is also a major problem while conducting empirical research. People are more interested to make profits from the humanity in 21st century. Even various social organisations or NGOs are bogus in nature and these organisations only co-ordinate with the researcher when somebody will ready to give some monetary benefits to them. Otherwise, they do not give you an idea about anything or mislead the researcher or provide fabricated data collection to the researcher. Here, the quality lacks in research. It is one of the biggest drawbacks in qualitative empirical research

Lack of Other Resources: Researcher also has other problems in conducting an empirical research. There is no proper advancement of technology, lack of infrastructure at colleges or universities, lack of skill development programmes and lack of research seminars or workshops etc. In India, the technological advancements are not good as compare to developed countries. In empirical research there is also lack of technological sources that how we can check the veracity of the statement given by a group of people? Similarly, the colleges or universities are not providing the adequate material to the research students. It means that libraries are not so well equipped in some colleges or universities in the country. Doctrinal research is needed for an empirical research. The Non-Doctrinal research needs a strong base of doctrinal research. 'A researcher who is weak in doctrinal research cannot handle non-doctrinal research in a meaningful way'.²⁷ In rural areas, there is no proper development of technology. Even in some areas people do not know about the computer technology more and how it is helpful to serve their purpose. Lack of skill development is the premise of sub standard research.

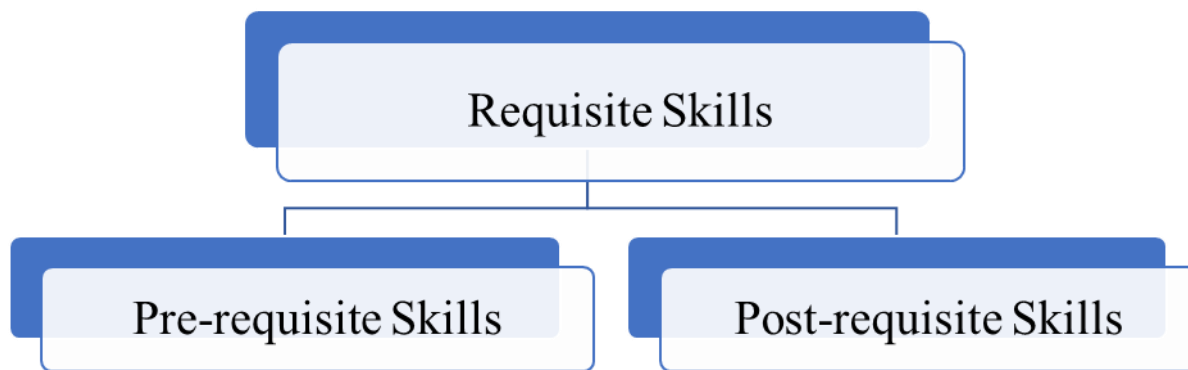
Empirical researchers are discouraged by the others while carrying this method of research. Encouragement plays an important role in every job. After that the research institutes are following the traditional methods of teaching and they teach more theoretically rather than the practically. For a good empirical research practical approach is an essential. Regular seminars or workshops should be there to encourage the empirical researchers, to develop their inner qualities and to teach them the instructions for good and effective research.

REQUISITE SKILLS: EFFECTIVE WEAPONS

Researcher while conducting an empirical research must have quality skills to enhance the quality of work. These skills can be very helpful or useful for the researcher to make his research more efficacious and well mannered. In every field people have skills like Sports Skills, Driving Skills, Writing Skills, and Political Skills etc. Similarly, in research skills are an integral part of the research and without the effective skills, a

²⁷ Ibid.

researcher is nothing but a soldier at the border without weapon in his hands. So, skills can be divided into two stages: Pre-requisite Skills and Post-requisite Skills in an empirical research.



1. Pre-requisite Skills: Research needs some skills for the better accomplishment of the project or research work. In empirical research, there is a dire need of skills for the good results. Pre-requisite skills are those which researcher has to take into consideration while starting the research. We can divide pre-requisite skills further for the better understanding of this concept that which pre-requisite skills are pivotal for the empirical research.

Patience or Tolerance: Researcher while conducting empirical research must have a quality of patience. Research is not a kind of thing that we can do quickly or hurriedly. It is a slow and gradual process and in empirical researcher, the researcher must listen to the people very carefully with lot of patience. Researcher should be strong enough to handle the pressure of the work and he must have three essentials in his mind for the better research i.e never be tired, fed up and shy. If a researcher has all these ingredients engrained in his mind alongwith the patience then he will definitely succeed in his work. He will enjoy the researcher rather than to take it as pain. He should have politeness in his way of talking while interacting with the other people.

Researcher should follow the principle of tolerance and he must not have the shortcoming like 'zero tolerance'. It is the duty of the researcher to listen everybody with open ears and mind. If somebody ignores him or do not want to give information then he must have the quality of tolerance in his mind because to achieve one thing we have to sacrifice the other thing. He must not get upset by this behaviour of the people but to accept it with open arms that he cannot get something every time. So, researcher should follow the principle of patience or tolerance at the preliminary stage of the empirical research.

Discipline and Management: Daniel Goldstein states that "I think self-discipline is something, it's like a muscle. The more you exercise it, the stronger it gets." Discipline and Management both are very much important in human life. Similarly, both are valuable in research also. Empirical research is very much connected to the society and its conduct and behaviour. We can use these two components as skill for the better development of a research work. Discipline plays a significant role in research. A researcher should be

disciplined enough to do his work on time or do his research within the prescribed period that he has taken from the inception of the research.

Firstly, researcher has to draw a framework or schedule for the research then show his discipline towards the framed schedule or framework. He has to cover all the aspects according to his division within the time frame. That is why he should be a good time manager also. Time management is also an important part of research. Without the proper time management, researcher deviates from the research work or sometimes he consumes so much of time that he does not cover the other aspects of research properly or accurately. For a good research work or empirical research, the researcher should always be well disciplined.

Self-awareness or command on the research topic: While doing empirical research should have full or vast knowledge regarding the research topic. He should be very sensible about the adopted subject or field. Researcher must be aware of all the basic concepts of the research problem because research cannot be good enough if researcher is not aware about the research topic. Command over the specific field or research subject should be there in his work. He cannot take the research lightly or as a kind of formality. Suppose, a researcher is doing empirical research on the issue of 'Domestic Violence' then it does not mean that he is not aware about the proper definition of domestic violence. If it is like that then how he can justify his research. First of all he must have so much of knowledge that he can easily give the answers of the questions of the people. Secondly, he can do better research by the way of the surveys, questionnaires and interviews if he himself has enough knowledge and he is able to give reply back to the other person. He must also have good knowledge regarding his research topic so that he can elaborate in better way to the people from whom he is going to acquire the information.

Economic Efficiency: Researcher is always lacking in funds. In empirical research, the research is costly because of the travel expenses, paper expenses, expenses on other material. We cannot say that this much money is enough for the empirical research but we can make an estimate for that. Researcher must have a quality skill of economic efficiency. It means that he should follow certain practices by which he can fulfil his demand of money. Research institutes or law colleges are not providing more money to the researchers for empirical research and they are more satisfied with the doctrinal research because there are no monetary issues involved in it. He must have kind of pre-conceived notion regarding the cost of the research. Otherwise, he can spend as much money as he wants. But skill of economic efficiency is useful and if he will bind himself within reasonable cost then he is a good researcher. Cost of research in empirical method is one of the most discouraging factors and this is the major reason that researchers do not want to adopt this method. So, researcher should be economically efficient and wise enough to put his money in relevant or necessary areas or steps.

Communication Skills: In empirical research, language plays an important role. Empirical research is a field research and researcher has to move here and there for the better research. For that, researcher must have good communication skills so that the other person can easily comprehend his questions or query. Researcher should not chase the technical language or complex language in research. He must have awareness regarding the diverse cultures or cross-cultures of the society. Therefore, he has to do research in

simple or local language which is easily understandable and this is a commonsensical way of research. Clarity, politeness, fluency and command in language are the components of communication skills.

Everybody has its own comfort zone but sometimes for the achievement, we must have quality of adaptability and flexibility. It means that researcher while doing empirical research must adapt him according to the prevalent situations or difficulties. He should have knowledge about the cultures and dialect of a particular area before engaging the research. Otherwise, he will surely face a lot of problems.

Creativity and Innovation: In empirical research, a researcher should be of creative mind. It means that he should be dynamic while getting the information. Sometimes people do not want to disclose the reality behind the issue that has been asked by the researcher. So, researcher should be creative enough to mould the situation according to its own wishes and needs. Honesty is the best policy but sometimes researcher has to become manipulative and shrewd to get the right information. We cannot use the term dishonesty in this case but protective dishonesty which means to do something with dishonest mind to get the honest reality of the society. Researcher must be innovative so that he can easily choose his tool of empirical research or do some innovative things in research.

For example, researcher knows that a particular person has relevant information with regard to his research problem and he needs an interview of that person but the person do not want someone to record his statements. In that case, researcher must acquire some other innovative mean to get the statements recorded like use of recorder in mobile phones, pen recorder or collar recorder etc. This is also a required skill of empirical research.

2. *Post-requisite Skills:* After applying all the above mentioned skills at the preliminary stage of empirical research at various levels, researcher has to apply the required skills also. After the collection of data or analysis of data, researcher has to follow certain steps as skills of the empirical research. Post-requisite is something needed after the activity to be complete. Therefore, in empirical research, a researcher must have certain skills that he can apply after the completion of research. Some of the post-requisite skills are as following:

Analytical Skills: Once data is collected by the researcher with empirical method in the form of surveys, questionnaires, schedules, interviews and discussions then it is to be analysed by the researcher. Researcher must have the analytical skills so that he can very well analyse the data before making the final report or submission. Researcher can develop these skills by the learning process. Researcher who studied various subjects or who has learned a lot, only that researcher is able to analyse or critically analyse the collected data. Researcher must have the reading habit for the better understanding of collected information. Researcher must have neutral attitude towards the research problem then he can do better analysis of the data. Otherwise, there is no fun of collected material or data for the future ramifications. So, analytical skill should be there in the mind of researcher so that he can take full benefit of that in empirical research.

Skill of Data Tabulation: Researcher is not only concerned with the collection of data or to collect quantity of data or material and put it into a loose form. After collection of data, it is an obligation on the researcher to arrange the data systematically and make a good analysis. So that any other person or even a layman can access the data easily and understand the whole situation or problem very clearly. 'Tabulation is systematic arrangement of facts, figures, etc. in a table'.²⁸ 'A statistical table is a systematic organisation of data in columns and rows'.²⁹ 'Tabulation involves the orderly and systematic presentation of numerical data in a form designed to elucidate the problem under consideration'.³⁰

Researcher must have skills of mathematics also for the tabulation of data. By tabulation of data, researcher can express the complex data into a simpler form. Tabulation also classifies the data into different sets and researcher can compare it with the other study of research. Proper tables of the facts and figures of data should be there and researcher must do cross tabulation also to check the relationship between the different variables.

Interpretation of Data: 'Data interpretation is part of daily life for most people. Interpretation is the process of making sense of numerical data that has been collected, analyzed, and presented'.³¹ Data interpretation is an important part of empirical research. Researcher must have good quality of mind to interpret the data in logical and strict sense. There should be no complexity, ambiguity and vagueness in interpreted data. After collection of data, it is very obvious that the data is not organised or interpreted in a good form. Researcher has responsibility not to mislead the people but to provide the accuracy and reliability upon his research work. For that purpose, Interpretation of data is most important in a simple, clear and precise manner or very well presented. This is an important skill that every researcher should have while conducting the empirical research.

Technological Skills: Researcher should have knowledge of the computer. This is an important skill in 21st century. Everything in today's world is connected with the computer or internet. Researcher should have basic knowledge of the computer and internet to do the better research. Like, researcher must have the full knowledge regarding the usage of Microsoft office so that after collection of data, he can easily classify or arrange the data into tables, sheets or another form. Similarly, he should be aware of the internet technology that how to research on internet and where to research. He should know the authentic sources or various databases prevalent on the internet. It will enhance his quality of research. Of he has knowledge then he can easily make online questionnaires or do online surveys. Computer assisted research is trending day by day with the help of blogs, websites, wikis, emails etc. now, paradigm is shifting from books to e-books or e-sources.

²⁸ *Supra* note 19.

²⁹ B.M. Aggarwal, *Business Mathematics and Statistics* 338 (Ane Books Pvt. Ltd., New Delhi, First edn., 2009).

³⁰ Soti Shivendra Chandra and Rajendra K. Sharma, *Research in Education* 456 (Atlantic Publishers, New Delhi).

³¹ Rose Kathleen Lynch and Philip M. Goldfeder, "Data Collection and Interpretation" *available at:*

<http://www.encyclopedia.com/doc/1G2-3407500093.html> (last visited on September 25, 2015).

The most significant impact of the technological age arose around half a century ago with the creation of the communication medium '*the screen*', and the subsequent transformation of society from a printed-text to a hypertext culture.³² The technological skills are very much important for any kind of research and it is very useful in empirical research now to save the time or to make research more interesting instead of hectic.

Other Skills: Researcher should have certain other skills also that he can use before or after the completion of data. Researcher should be responsible or mature enough to handle the data well with full of responsibility and accountability. He must have an idea that he is going to be produced it for the society. The objective of the researcher in empirical research should be like a responsible researcher. Researcher must be courageous, well mannered and intellectual while conducting empirical research. Researcher should be determined, concentrated and self motivated for the qualitative purpose of research.

CONCLUSION

Empirical research is a fact finding or field research which directly connected to the society or connected with the one person to another. Empirical research is a very hard kind of research because of its nature of research. Researchers of today are more happy with the doctrinal research because of its relax nature but empirical research is the basis of the doctrinal research. Whatever are in the books or journals, they are empirically researched by the researchers and then came into the books or in published form. Empirical research is not popular today because of lack of quality education, untrained instructors, skill management programmes and discouraging behaviour of the teachers or guides etc.

Empirical research is primarily important in the field of research. If empirical research will degrade day by day then how can we better analyse the situations of the society and how can we better understand the needs or requirements of the society if we will not directly engaged with the society or people. Every research has its own feature or lacunas but we must save the value of the empirical research by eradicating the grey areas. Technological advancement is proliferating day by day. Instructors should hold the seminars or workshops and skill management techniques should be taught to the research students in practical way instead of the theoretical aspect.

It should be the duty of the educational institutions to provide adequate funds to the researcher for their research. If they are willing to provide the sufficient monetary assistance to the research student then researcher will not run away anywhere. Conducting empirical research is not so easy and today nobody has so much of time to spend on this type of research. People are becoming materialistic and they have time for the irrelevant or unnecessary things but not for the humanity.

Researchers themselves are happier with the arm chair or library research so that they can spend their time on other priorities. They are the researchers of a particular institute but do not want to work for the institute

³² Rogelio Lasso, "From the Paper Chase to the Digital Chase: Technology and the Challenge of Teaching 21st Century Law Students" 43 *Santa Clara Law Review* 1, 3 (2002-03) as cited in Kayleen wardell, "From Caveman to Casebase: the evolution of legal research through the technological age" Australian Law Librarians Association (ALLA) Evolution Conference, Darwin. NT, 2-4 September (2009).

because of the lethargic approach. Empirical research is a study of human behaviour or human nature along with the other aspects.

Moral values or ethics are decreasing in the people then how can we expect a good research from a researcher. That is why researcher must have the skill of involvement or to attract the society towards his work. Social bonding or relations are not so important in 21st century because of the materialistic society and it is a harsh reality of the world.

Empirical researcher must develop their internal and external skills for the betterment of the research or research work so that with the help of these empirical researches, we can make reforms in the society. Empirical research should be taught to the students in company with the skill development programme. Skill development programme should be there in the curriculum of the educational institutes or research institutes and practical training should be there for skill development rather than the theory or paper work. Then we can overcome the problems related to the conducting of empirical research. In every branch of study skills are playing important role like playing skills, marketing skills, legal skills in advocacy, and technical skills in engineering etc.

So, skills related to the empirical research should also be there in the every branch of knowledge whether it is social sciences, law, sociology, psychology and many more. Without the proper skills, researcher can do only one thing and that is wandering here and there. These skills are weapons of researcher while engaging the empirical research. Empirical researcher without the skills is like a boat without the sailor. These are the effective tools by which researcher can enhance his personality development as well as research development.

These are the bricks to build a strong building. So, empirical research is nothing without the skills because collection of data is not merely an important aspect but to draw a result from this data with the various methods or skills is most important. Everybody can collect the information but few can do miracles with that and miracle means to use the reformative approach.

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