

NATIONAL LAW UNIVERSITY DELHI

LL.M., Semester-I (Batch of 2022)

End-Semester Examinations, December-2022

Paper: Research Methodology

Duration: 3 hrs.

Total Marks: 50

Instructions:

1. All questions are compulsory.
 2. No clarification shall be sought on the question paper.
 3. Answer to any question should not exceed 1500 words.
-

Q1) Under the Constitution, betting and gambling are considered State subjects, and each State has the sole legislative authority to adopt laws governing betting and gaming within its borders. Certain Indian States have passed their own legislation to govern betting and gaming inside their borders and has added new amendments to include skill gaming within its ambit. 'Skill gaming' refers to pay-to-play online games including fantasy sports offered with an online interface. Article 19 (1) (g) of the Constitution of India guarantees the freedom to practice any profession, or to carry on any occupation, trade or business in India. Based on the strength of this provision of the law, online game providers have been offering online gaming apps in India. In the case of *RMD Chamarbaugwala & Anr v Union of India & Anr* [1957] 1 SCR 930, the Supreme Court of India recognized that offering games of skill is a protected activity under Article 19 of the constitution. Based on this several state legislative amendments prohibiting online skill gaming have been struck down as unconstitutional. While holding that States cannot ban 'skill gaming', the courts have recognised the need for controls on the 'online skill gaming'. The Government of India is concerned about the harmful effects of online gaming on Indian youth. It directs the Parliamentary Committee to draft a law to regulate the issues relating to online gaming in India, under entry no. 31 of the Union list (pertaining to "posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication") and entry no. 42 of the union list relating to "inter-State trade and commerce". The committee directs a panel to do an academic research on the topic. The Parliamentary committee offered the panel a Project Matrix to assess the various aspects in evolving a content for the law. The matrix is as follows:

Fig: Project Matrix

Quadrant 1 What happens in practice in the light of the relevant law?	Quadrant 2 what is the relevant Law?
Quadrant 3 What theories explain the relevant law and how do they apply to it?	Quadrant 4 What must happen in practice to accommodate incremental changes or developments in the relevant law?

Considering you are a member of the panel who is required to follow the Matrix :

- Based on the matrix identify what research method can be employed by the panel ?
- what are the characteristics of the method you have identified ?
- What research tools can be employed to pursued the method identified ?
- What are the limitations in employing the method identified ?

(10 Marks)

Q2 Read the following extract (Fairweather, 1998)

"A literature review tells us what is already known about the topic, identifies important research issues and works towards a conclusion that forms the platform for your research. Take note that a literature review is not a collection of references and descriptions of research but a carefully reasoned development of some key ideas. Good research will be based on a critical appraisal of the literature, that is, one that does not take each item at face value. You need to look for strengths or weaknesses in theories and methods used." "Generally, there are two broad approaches to reviewing literature: you can 'run with it' and take existing ideas and apply them to novel situations, or you can 'run against it' and try to show what is wrong with prevailing ideas. By identifying problems and issues first, then designing research that addresses these, you will be in a good position to contribute some useful knowledge to your discipline and to the work of other researchers. This is an important criterion used in judging the merit of research. "

Answer the following questions -

- a) What are the other reasons for carrying out a good literature review ? Name four additional reasons other than those outlined by the author above **(4 marks)**
- b) Where does the literature review fit in a research proposal? **(2 marks)**
- c) Is there a link between the literature review and the research question ? Explain **(2 marks)**
- d) What is the difference between references and bibliography? **(2 marks)**

Q3) Using examples provided in the assigned readings, discuss how to best balance the demands of 'positivist' and 'interpretivist' methodologies in the qualitative study of law and society. **(10 marks)**

Q4) (a) Discern the role of Hypothesis in a research proposal that is premised on a doctrinal research method. **(4 marks)**

(b) Do you think the nature of research questions and objectives also change in a doctrinal research vis a vis in empirical research? **(6 marks)**

Q5) Discuss the various steps that are followed in a Research Design with examples. **(10 marks)**