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THE FUNCTION AND PURPOSE OF LEGAL RESEARCH IN THE ADVANCEMENT OF LAW

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ABSTRACT

A research tool is indispensable in the creation, understanding and execution of the law. It offers a systematic approach to the identification of legal issues, the review of current law, and the recommendations for the improvement of the law. Legal research also helps the courts interpret the laws of a democratic society; helps the legislators to develop effective laws; and is necessary to legal practitioners to protect individual rights. It also identifies the inadequacies of the laws in place and what needs to be done to ensure that the laws are responsive to social, economic and technological change. Research in Indian Legal System is very helpful in the interpretation of the Constitution, judicial activism, protection of human rights and in the process of law making. This paper discusses the concept, nature, functions and objectives of legal research, how legal research contributes to the progress of the law, the major methods used in legal research and problems to be encountered in legal research. It asserts that a fair, responsive and progressive legal system needs dependable independent and ethical legal research.

The paper argues that conduct of legal research on an independent, systematic and ethical basis is essential to improve the rule of law and to foster a fair and forward-looking legal system.

Keywords: Legal Research, Legal Development, Judicial Interpretation, Law Reform, Indian Constitution, Legal Methodology.

1. INTRODUCTION

Law plays a vital role in maintaining social order, safeguarding individual rights and in controlling the relationships among individuals, institutions and the State. However, the law cannot change with the society at all times as it undergoes changes due to economic development, scientific discoveries, technological advancements and values of society. In

one era, there may be some legal principles that can be used to solve problems that are useful, while in another era not all of them are sufficient or useful. Therefore, there is a need to keep legal rules constantly under review and be refined to ensure relevance of the legal system. A well-structured approach to this inquiry and to developing the law is provided by legal research.¹

Legal research is not just a task of collecting the statutory provisions, judicial decisions and opinions. It involves systematic problem determination, examination of the authorities, analysis and evaluation of legal principles and their application. It is designed to determine the nature of the law in force and the effect thereof, to see whether it may with the public's welfare and justice be amended, or repealed, or whether new laws are needed. Research in law, consequently, involves descriptive, analytical and evaluative methods, and (where pertinent) empirical methods of study.

The legal research essentially comes into light in a constitutional democracy such as India. The Constitution guarantees basic rights, allocates authority to government and grants courts the authority to review. There is often complex legal analysis that needs to be done with regard to the interpretation and implementation of these constitutional aspects. Research can be used to identify precedent to follow, what's missing from the current law and a standard to assess law success for researchers. It also provides a benchmark to hold arbitrary power to account and poses questions to law makers: are they fulfilling their constitutional obligations.²

Not everything in the world of law is new legislation as it advances. It can also include updates to current regulations, review of obsolete regulations, enhancements to legal processes, and the creation of new remedies to previously unaddressed issues. Legal research is part of all these processes, connecting legal knowledge and experience to the constitutional principles.

2. MEANING AND CONCEPT OF LEGAL RESEARCH.

Legal research is considered as an examination of the law systematically and critically to the purpose of looking for, explaining, interpreting or evaluating the law. It includes the analysis of primary and secondary sources, including constitutions, statutes, delegated legislation, judicial decisions and treaties, as well as textbooks and commentaries,

¹ S.K. Verma and M. Afzal Wani (eds.), *Legal Research and Methodology* (Indian Law Institute, New Delhi, 2nd edn., 2001).

² The Constitution of India, arts. 14, 21, 32 and 226.

scholarly articles and research reports.³

Legal research is more than finding the law that is applicable. The language of the provision, the legal context, the interpretation of competent courts and the relationship with other provisions that may be applicable should be taken into account by the researcher. If there is still doubt about the meaning of a provision, the researcher can consider the judicial reasoning, the principles of interpretation that are established and the relevant legislative provisions.

A review of the existing law is also a part of the legal research that is carried out. For example, there may be procedural, administrative, and/or awareness problems that could impact the effectiveness of the provision in the statute when implemented alone. An empirical investigation of such questions can be used to complement the doctrinal analysis.

Legally, research can thus be divided into two general types: doctrinal and non-doctrinal. Doctrinal research involves the study of rules of law, and on the authoritative materials of law. Non-doctrinal/empirical – Research which is carried out through surveys, interviews, observations and statistical analysis to gain insight into the operation and impact of law. Comparative and historical analysis can also be utilized for the purposes of comprehending the development of law from one jurisdiction to another and one time to another.⁴

3. PURPOSE OF LEGAL RESEARCH

3.1 To identify existing legislation and laws.

The one of the main purposes of legal research is to find out what law is relevant to a specific matter. There are many laws, regulations, rules and judges' decisions in the Law System, which can overlap and seem contradictory. The investigator can use research to find the authorities relevant and see how important they are in the law.

However, the importance of interpretation cannot be overlooked as the language of the statute might also be ambiguous or susceptible to various interpretations. A researcher analyses the words, context, purpose and judicial interpretation of the relevant provision. In this way, the right to legal remedies, rights and duties are better understood.⁵

³ *Supra* note 1.

⁴ *Ibid*

⁵ G.P. Singh, *Principles of Statutory Interpretation* (LexisNexis, Gurgaon).

3.2 Identify gaps in current legislation

Legal research is used to determine gaps, inconsistencies and out-dated provisions in the legal framework. The situation may arise due to social and technological developments that are not covered by the existing laws. Research provides background to the question of whether the problem lies with no legislation, ambiguous language, enforcement issues, or different interpretations by the judiciary.

The first step to reform is to make an identification of a legal deficiency. In the absence of systematic investigation, suggested changes might only be temporary fixes to the symptoms of a problem, rather than solutions to the root of the problem.

3.3 To Advocate Justice and Respect Rights

Legal research involves analyzing the constitutionality of laws and government actions in light of the constitutional guarantees and principles of justice. It helps to appreciate the ambit of basic rights and scenarios wherein a person could need legal safeguards.

Equality research, personal liberty research and research on access to justice and privacy research can assist courts, legislators and legal practitioners in assessing the effectiveness of legal protection. It also allows examination of the effects of legal rules on disadvantaged groups and to suggest ways in which legal protection can be enhanced.⁶

3.4 To help develop legislation and policies.

Legislatures need to have a correct information on the existing law situation, the social issues and the potential impact of proposed changes. Legal research helps to establish the basis for evaluating the options and the feasibility of a proposed legislation in terms of its necessity, proportionality and administrative feasibility.

Research can also help to uncover unintended consequences. A law to address one issue could inadvertently cause another or impact rights that were not fully accounted for when it was made. This risk is minimised through systematic evaluation and encourages better legislative decision making.

3.5 To enhance legal education and legal professional competence

Legal research helps to build analytical thinking, critical thinking and the interpretation of authoritative material. It stimulates students of law to think beyond the letter of the law,

⁶ The Constitution of India, Part III.

and focuses on the principles which underlie the law.

For advocates, judges, teachers and policy makers, research serves to prepare arguments, consider precedents and draw conclusions. As such, it is responsible for the competence and integrity of the legal profession.⁷

4. THE PRINCIPAL FUNCTIONS OF LEGAL RESEARCH.

4.1 This course examines the role of discoverer and systemiser of legal knowledge.

The significance of legal research is the gathering, arrangement and interpretation of legal information. There can be multiple judicial decisions by different courts at varying times pertinent to a legal question. Research puts these authorities together and clarifies their links.

Systematisation can be used to highlight the general principles behind the individual decisions. It could show that seemingly isolated cases are following a shared legal principle or that a certain judicial line of thinking has come to be accepted as a law. This function contributes to uniformity in the understanding of the law and enhances accessibility of the law for courts, practitioners and students.⁸

4.2 Function of Judicial Interpretation

Disagreements often occur due to ambiguity in the statute, the conflict between statutes or prior case law, or the absence of an authoritative decision on important issues. Legal research helps to interpret the law by locating the relevant legal materials and interpreting their meaning within the context of the law.

India has a Constitution that lays down the rule that the judgment of the Supreme Court is binding on all courts in the territory of India as per Article 141. Therefore, it is necessary to study the rulings of the Supreme Court to find out which principles have been set, and how to interpret them for later cases.⁹

Finally, research can also be used to determine whether the reasoning in a case is legally binding or not. Legal researchers can help to apply and refine precedent by studying the facts, issues and reasoning of previous cases.

⁷ *Supra* note 1.

⁸ *Supra* note 1.

⁹ The Constitution of India, art. 141.

4.3 Duties of Assistant to the Legislature.

Legal research helps the lawmakers to assess the need for new legislation and/or review existing laws. It offers facts, comparative perspectives, constitutional needs and impacts of recommended amendments.

Research may show that the problem can be solved without a new statute by simply drafting and enforcing the existing laws more clearly or by making improvements to the existing procedures. At other times, it can show that people are not well protected when there is no specific law in place.

Therefore, law enforcement enhances the quality of the legislation by contributing to the clarity and uniformity of it and by responding to the needs of the people.¹⁰

4.4 On What Basis is Legal Institutions Evaluated.

Along with the content of the law, the institutions responsible for its enactment can influence how effective a legal system is. Courts and tribunals, police authorities, regulatory bodies and legal aid institutions should be subject to constitutional and legal requirements.

Legal research can examine slow judicial processes, lack of legal aid, inadequacies of administrative processes, and challenges in upholding court orders. Empirical studies can give information on litigant experience and the practical effects of institutional designs. These findings can inform policy and administrative changes, as well as changes to processes and the use of institutional resources.

4.5 Understanding the role of Emerging Legal Principles

Judicial decision-making, academic debate and legislative change are often the ways that legal principles evolve. Legal research helps uncover the logic behind this evolution and whether current doctrines are in harmony with constitutional values and today's realities. It also can show conflicts between conflicting values, such as individual freedom and public safety, privacy and legitimate regulation, or commercial freedom and social responsibility. Research helps to create well-rounded and unified legal answers by examining these conflicts.¹¹

¹⁰ *Supra* note 1.

¹¹ *ibid.*

4.6 The role of promoting accountability

The study of law as a subject can help to make public authorities more accountable by studying whether they are exercising their legal powers properly. It explains the boundaries and obligations of statutory powers, and the constitutional limitations.

Research can also help to review transparency mechanisms, administrative discretion and remedies for illegal action. Through this, legal scholarship enhances the rule of law understanding and application.

5. THE ROLE OF LEGAL RESEARCH IN THE DEVELOPMENT OF INDIAN LAW.

5.1 The development and interpretation of the Constitution.

The Indian Constitution is the backbone of the Indian Legal and Political System. It has to be read in a way that upholds the rule of law, respects fundamental rights and respects the division of government powers.

Legal research is also used in this process, which involves using the text of the constitution, judicial precedents, and the development of constitutional doctrine. It clarifies the connection between basic rights, Directive Principles of State Policy and the duties of the State.

*Kesavananda Bharati v. State of Kerala*¹² is an example of the importance of constitutional research. In this judgment the Supreme Court has laid down the principle of basic structure of the Constitution of India, which suggests that Parliament has the power to amend the Constitution but cannot destroy its basic constitution. The judgment is a reminder of the need for ongoing constitutional reasoning to set boundaries on constitutional amendment.

Study of this doctrine has helped to deepen the understanding of the supremacy of the Constitution, judicial review and safeguarding of basic constitutional principles.

5.2 Explain how personal and fundamental rights have been advanced.

Law has been a significant part of the study of the scope and limits of individual freedom and the powers of the State. There is a life, personal liberty protection in Article 21 of the Constitution and equality before the law and equal protection of the laws in Article 14 of the Constitution.

¹² AIR 1973 SC 1461.

In *Maneka Gandhi v. Union of India*,¹³ the Supreme Court expanded the scope of the right to equality (article 14), freedom of expression (article 19) and the right to personal liberty (article 21) and reaffirmed the obligation of fairness in procedures involving personal liberty. The judgment is an important example of constitutional interpretation, extending the meaning of the protection of procedure.

Analysis of such decisions provides a source of information and legal insight into the interaction of constitutional rights, not just as individual guarantees. It also serves as a framework to review the constitutionality of administrative and legislative actions.

5.3 Identify the growth of workplace rights.

When there is a lack of law or law is not sufficiently explicit about a type of harm, legal research can help ensure that rights are safeguarded.

The Supreme Court in *Vishaka v. the State of Rajasthan*¹⁴ dealt with the issues of sexual harassment of women in the work place and provided guidelines for protection till relevant legislation is introduced. In the absence of a comprehensive domestic framework, the Court turned to the constitutional guarantees and to the various international norms.

This is an example of the way that legal analysis can uncover the presence of a serious protection gap and create an interim legal framework that is in keeping with the principles of the constitution. It also serves as an example of the need for research on gender equality and workplace conditions and on the various international human rights standards.

5.4 Promotion of Privacy and Digital Rights

With the development of technology, new legal issues emerge related to personal data, digital surveillance, electronic communication and information autonomy. The existing law principles should be interpreted and supplemented to take care of these concerns.

The Supreme Court in *Justice K.S. Puttaswamy (Retd.) v. Union of India*¹⁵ has established that Privacy is a protected fundamental right in the Constitution. The judgment is important for the relationship of the people, technology and the power of the State.

Legal analysis of data collection and the privacy and digital rights issue helps to explore the boundaries of data collection, what legal action is required by the State and how to ensure that personal data are sufficiently protected. It also plays a role in discussions

¹³ AIR 1978 SC 597.

¹⁴ AIR 1997 SC 3011.

¹⁵ 2017 SC 4161.

around AI, AI decision making, and AI accountability in digital space.

5.5 Development of Criminal Justice

The criminal law needs to strike a balance between the interests of the public and the rights of the accused, the victim, and the witness. Legal research is useful in assessing criminal procedures, the rules of evidence, sentencing considerations and protections against arbitrary arrest.

The judicial process and decisions can shed light on the parameters of punishment as set forth in the Constitution, and the significance of fair trial procedures. Empirical research can also be focused on delays, access to legal representation, conditions in prisons and the effectiveness of rehabilitation in practice.

This research helps develop criminal justice policies that aims to ensure effectiveness of the law enforcement alongside fairness, proportionality and respect to human dignities.¹⁶

5.6 Development of Environmental Law.

Scientific uncertainty, long-term impacts and conflicting public issues often play a role in environmental issues. Legal research is used to consider the link between environmental protection, development and constitutionality.

In *Vellore Citizens' Welfare Forum v. Union of India*,¹⁷ the Supreme Court has declared the precautionary principle and the polluter pays principle as inherent features in sustainable development in the context of Indian environmental law.

Environmental jurisprudence research helps to help inform industries, regulators and affected communities of their legal obligations and remedies. It can also assess effectiveness of the implementation of the existing environmental laws.

5.7 Development of Gender Justice and Equality

Legal research involves an analysis of whether laws and institutions are fair to all and whether specific laws have a discriminatory effect. It helps to inform discussions about marriage, inheritance, employment, and reproductive freedom and protection from gender-based violence.

The Supreme Court's decision in *Navtej Singh Johar v. Union of India*¹⁸ highlights the

¹⁶ The Constitution of India, arts. 20, 21 and 22.

¹⁷ (1996) 5 SCC 647.

¹⁸ (2018) 10 SCC 1.

significance of the constitutional values of dignity, equality and individual autonomy in the examination of criminal law. Case studies of these decisions can explain why and how existing laws have been interpreted in the way they have and legal rights developed.

6. METHODS AND APPROACHES IN LEGAL RESEARCH

6.1 Doctrinal Legal Research

Doctrinal research is the type of research conducted in a library or from black-letter sources that involves the study of law's rules. It is based mainly on constitutional provisions and statutes, the delegated legislation and judicial decisions. Secondary sources (textbook, commentaries, journal articles) are used to explain and critically analyze these sources.¹⁹

The overall method follows identification of a legal issue, gathering of all of the authorities, interpretation of the authorities that apply, and examination of precedents and the drawing of reasoning conclusions.

For instance, a doctrinal analysis of Article 21 can focus on the text of the constitution, the leading cases and the evolution of principles on personal liberty. This approach is especially appropriate for studies on the meaning of statutes and constitutional principles, and uniformity of judicial rulings.

But doctrinal research might not provide a complete picture of the operation of a legal rule in real life. The findings should, therefore, be restricted to the materials and the questions that were looked at.

6.2 Non-Doctrinal or Empirical Research

Empirical legal research is a study of the real effect and practice of law. It can utilize interviews, questionnaires, surveys, observations and case studies and statistical analysis.

A study on access to legal aid could look at whether or not persons who are eligible for legal aid are aware of it, how easily they access legal aid and what barriers are they facing against accessing legal aid during proceedings. Such evidence can show issues which can only be discovered with statutory interpretation.

Caution must be exercised in sampling, in choosing the research instruments and confidentiality must be maintained in empirical research. Scientists also have to be able to separate out conclusions they can draw from the data they collected from the ones that can

¹⁹ *Supra* note 1.

be drawn based on available data as a whole.²⁰

6.3 Comparative Legal Research

Comparative research is a study of the laws and institutions of two or more jurisdictions. It aims to identify similarities, differences and potential reasons for these differences in legal approaches.

This approach can help Indian policymakers and researchers better assess the regulatory landscape regarding data protection, environmental concerns, and commercial disputes and access to justice. But differences in the constitution, social conditions and institutional capacity should be taken into account when making comparison.

It's not enough that a foreign legal model exists for another nation to use it. This suitability needs to be evaluated based on domestic constitutional principles and needs.

6.4 Interdisciplinary Legal Research

Interdisciplinary research involves the analysis of legal texts and the transfer of knowledge from other disciplines, such as economics, sociology, political science, psychology, technology and environmental sciences.

An example of this is research on cybercrime, which could involve knowledge of both the legal offences and technological processes. Likewise, the outcome of labour legislation can be influenced by economic and working conditions, and the capacity of enforcement bodies to observe adherence to the law.

Interdisciplinary research offers a wider perspective on solving complex problems and can help to craft a solution that is legally viable and practically viable.²¹

7. PROBLEMS AND PROSPECTS OF LEGAL RESEARCH

7.1 Good Current of Legal Materials

Availability of good and current legal materials continues to be a major issue. It may be found that the available databases are incomplete, there are outdated commentaries, publications are paywalled or it can be hard to find the relevant judgments.

Authoritative sources are necessary because information that is not accurate or up-to-date can result in wrong decisions. Statutory provisions, case citations and subsequent case treatment should be checked by researchers.

²⁰ *Ibid.*

²¹ *Ibid.*

7.2 Gap Between Law and Practice

One big drawback with doctrinal research is that it could explain the law as it is formulated but not necessarily as it is implemented. Statutory rights can be written on paper, but put into practice with significant obstacles.

Empirical approaches can be used to fill this gap, but need more time, resources and methodology. Where the research question involves both the legal framework and its operation, it is often useful to mix a doctrinal and an empirical approach.²²

7.3 The researcher is faced with a problem of research bias and selective interpretation.

Researchers in law may naturally look more favorably on judicial decisions they agree with, and neglect others that differ from or contradict their own. The selectivity undermines the trustworthiness of research.

A good researcher should consider the counterarguments, accept that they don't know the answer, and know how to recognize their own views and those of the law. Clear and honest methods and proper representation of sources reduce bias.

7.4 Plagiarism or incorrect use of citations will be penalized.

Research integrity is an essential part of legal research. Not citing another person's thoughts or ideas, not paraphrasing or quoting correctly, or not citing and paraphrasing correctly can hurt the validity of a research paper.

The Indian Law Institute has issued formal rules for legal citation, such as those for books, journal articles and other legal texts. By using the rules of citations, the information can be made more understandable and the sources cited can be checked.²³

7.5 Limited Practical Impact

Research does not necessarily lead to legislative or institutional change. Limited resources, administrative resistance and competing policy priorities may lead to the findings of research projects not being put into practice.

Researchers should make their findings clear and define practicalizable solutions to enhance the practical impact. The role of Law Reform Bodies, public institutions and the courts can be important in linking legal scholarship to decision making, if universities

²² *Ibid.*

²³ Indian Law Institute, "Citation Style," available at: <https://www.ili.ac.in/cstyle.pdf> (last visited Oct. 24, 2026).

collaborate.

8.SUGGESTIONS FOR STRENGTHENING LEGAL RESEARCH

Here are some ways to make legal research stronger.

Law schools need to stop treating research as an afterthought. It's the core of what we do. We need to get back to basics: seminars, case analysis, and actual legal writing. Students should be forced to hunt for reliable sources and figure out how to tell the difference between a sound argument and someone's hot take. That skill doesn't come naturally. You have to drill it.

Access is the other big bottleneck. Why is it still so hard to find up-to-date statutes or recent court rulings? We need better online repositories. Not just for students, but for everyone trying to keep up with the law. If you can't easily find the information, you can't use it.

There's also a disconnect between theory and reality. Theorists read the text; empiricists look at what happens when the law hits the real world. Both sides need to talk to each other. When you mix the two, the findings are actually useful. Right now, they're often siloed. Then there's the stuff that's breaking right now. AI, digital privacy, environmental rules. These aren't niche topics anymore. They're urgent. Technology moves faster than legislation does. We can't wait for a new law to pass before we start asking questions. We have to study the gaps while they exist.

Ethics matter too. And I don't mean vague platitudes. I mean proper citation, honesty about what the data shows, and admitting when a study has limits. If you're dealing with human subjects or sensitive data, the safeguards have to be airtight. Sloppy research doesn't just look bad; it damages the field.

Finally, research needs to reach the people who make the rules. If your findings don't get to the lawmakers or judges in a clear way, they're useless. The bridge between the university and the policy desk is broken. We need to fix it.

CONCLUSION

Legal research isn't just a tool; it's the engine driving legal progress. You use it to decode existing rules, spot gaps in legislation, and figure out if courts are actually interpreting laws the way they should. It also tests whether legal institutions work in practice. The scope is broad. It helps judges and lawmakers, pushes constitutional development, and even shapes

how law is taught.

In India, the stakes are higher. The Constitution sets a strict framework for rights and government limits. You see the impact in rulings on personal liberty, workplace safety, privacy, and environmental justice. These cases show how analysis doesn't just interpret law; it develops it.

But finding the rules isn't enough. Law has to fit social reality. Researchers need to understand institutional limits and the actual consequences of decisions. That requires mixing approaches. Doctrinal, empirical, comparative, historical, and interdisciplinary methods all have their place. The trick is picking the right one and applying it carefully.

This isn't just an academic hobby. It's the foundation for a fair, accountable system. Solid research strengthens the rule of law, makes legislation better, and supports sound judicial reasoning. That's how you get justice that actually lands in society.

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