

LEGAL RESEARCH SEMINAR

TOPIC: - PRIVATE INTRASTATE TRANSPORT IN GOA

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CHAPTER I

RESEARCH METHODOLOGY

(A) Meaning of Research

The word 'Research' is composed of two syllables, re and search. The dictionary defines the former as a prefix meaning again, a new or over again and the later as a verb meaning, to examine, closely and carefully, to test and try or to probe.

Together they form a noun describing a careful, systematic, patient study and investigation in some field of knowledge to undertake to establish facts or principles or one can also define research as a scientific and systematic search for pertinent information on a specific topic.¹

(a) Objectives of Research

The objectives of research may broadly be classified as follows:

- (1) To gain familiarity with a phenomenon or to achieve new insight into the existing facts.
- (2) To portray accurately the characteristics of a particular object, situation or groups.
- (3) To determine the frequency with which something occurs or with which it is associated with something else.
- (4) To test a hypothesis of a causal relationship between two objects.

(B) Meaning of Legal Research

'Legal Research' means research in that branch of knowledge which deals with the principles of law and legal institution. Legal research is directed towards the study of the relationship between the world of the law and the world that the law purports to govern.²

(a) Objectives of Legal Research

The objectives of legal research may broadly be classified as follows:

- (1) To find out the area where there is no legislation enacted.
- (2) To find out the lacunas in the existing laws and help in finding suitable measures to eliminate them.
- (3) General utilitarian purposes to study the causes of faults or crimes.

¹Shipra Agrawal, Legal Research Methodology, (Allahabad Law Agency, Haryana 2nd Ed. 2009) at 1

²Id at 13

(C) Kinds of Legal Research

The legal research can be classified into

- (1) Doctrinal or Traditional or Non-Empirical Legal Research and
- (2) Empirical or Non-Doctrinal Legal Research

(1) Doctrinal Research

According to Prof. S. N. Jain, doctrinal research involves analysis of case law, arranging, ordering and systematizing legal propositions and study of legal institutions through legal reasoning or rational deduction.³

Doctrinal research asks what the law is on a particular issue. It is concerned with analysis of the legal doctrine and how it has been developed and applied. This type of research is also known as pure theoretical research. It consists of either a simple research directed at finding a specific statement of the law or a more complex and in depth analysis of legal reasoning.

Characteristics of Doctrinal Research

- (a) Proposition based study.
- (b) Conventional legal theory and court decisions report are the sources for doctrinal research.
- (c) It studies the law as it exists and not concerned about how it should be.

(2) Empirical Research

The empirical research is carried on, by collecting or gathering information by first hand study of the subject. It relies on experience or observation without due regard to any theory or system and hence it is called as experimental type of research. In this type the researcher attempts to investigate effect or impact by actual examination or observation of the functioning of the law and legal institutions in the society.

Empirical research concerns itself with the identification and creating an awareness of the new problems which need to be tackled through law.

According to Prof. S. N. Jain, it seeks to answer such questions as are law and legal institutions serving the needs of society.⁴

³Id at. 15

⁴Id at 17

CHAPTER II

MAJOR STEPS INVOLVED IN DOING LEGAL RESEARCH

Research work is not something which can be completed in one stroke or in one step. It consists of a number of closely related activities which very often overlaps. However in general the legal research involves the following major steps.

1. Formulation of research problem.

At the first stage the researcher must choose the area in which he wants to carry on research. In the field of law the researcher has a very wide scope. He can select any area such as Constitutional Law, Criminal Law, International Law, Labour Law, Tax Law, Property Law, Personal Law, Environmental Law, Consumer Law etc. After selecting the area he is required to select specific topic or subject for his study.⁵

The researcher has chosen Motor Vehicle Act as the area of research and the topic is Private Intrastate transport in Goa.

2. Survey of literature available.

Once the problem is formulated, a brief summary of it should be prepared. For this the researcher must undertake an extensive survey of the available literature on the subject, preferably connected with the problem. For this purpose, the abstracting and indexing journals, published and unpublished bibliographies should be examined. Academic journals, conference proceedings, government reports, reference books, depending on the nature of the problem must be seen.

3. Formulation of hypothesis.

When the literature relating to the problem is extensively surveyed, researcher should state in clear terms the hypothesis. A hypothesis is the tentative assumption made in order to draw out and test its logical consequences.⁶

4. Collection of data.

After examining the relevant materials the necessary data or material has to be collected and compiled. The collection off relevant material is most difficult and comprehensive work and requires a lot of energy and attention as well as patience.

⁵Shipra Agrawal, Legal Research Methodology, at 57

⁶ Id, at 59

5. Analysis of data.

Once the requisite materials are collected, the researcher has to undertake to analyze them. This is also a very important step in the direction of fulfillment of research work.

In case of doctrinal research the researcher can proceed smoothly if he is well aware about the principles of interpretation and construction. The researcher will be abstracting and indexing journals, published and unpublished bibliographies will be examined. Academic journals, conference proceedings, government reports, reference books will also be seen.

In case of empirical research, since the emphasis is on data, statistics, questionnaire, etc. the analysis of data is conducted through coding, tabulation and then drawing statistical references. The data so collected should be so arranged that it may lead to some useful result.⁷

6. Testing of hypothesis.

After analysis of materials or data, as the case may be, the researcher becomes confident enough to test his hypothesis which he had formulated. He can examine if the material or data after analysis support his hypothesis or they are contrary to it.

7. Conclusion and suggestions.

At the end the researcher is to conclude the research by giving the necessary suggestions.

⁷ Id at 62

CHAPTER III

FORMULATION OF RESEARCH PROBLEM

(A) Meaning OF Legal Research Problem

The formulation of research problem is the first step in a scientific enquiry.

John Devy states, “the need of clearing up confusion, of straightening out an ambiguity, of overcoming obstacles, of covering the gap between things as they are and as they may be when transformed, is, in germ, a problem”.⁸

A problem, in simple words, is some difficulty experienced by the researcher in a theoretical or practical situation.

A problem can called a legal research problem if it fulfills the following conditions.

1. It must have social and legal relevance.
2. There must be facts needed for research.
3. It must come out with practical solutions to the issues.
4. It must up to date or relevant to the current social or legal happenings.
5. It must involve clarity of meaning and limited scope of study.
6. It must be explicit and original.
7. It must be verifiable and testable.

(B) The research problem of the researcher is as follows

(a) Title

Private Intra-state transport in Goa

(b) Law involved

The Motor Vehicles Act, 1988

Goa Motor Vehicles Rules, 1991

⁸Shipra Agrawal, Legal Research Methodology, at 66

(c)Introduction

Travelling around Goa is fairly easy. There is an extensive road network which connects most places in Goa with motorable roads. There are private as well as the state transport corporation run buses which provides the service to all the major locations as well as the remote places. KTC had the largest fleet of 432 buses in Goa in 2004-05 and private operators run the rest 3,000 - 4,000 buses. From this we can presume the important role of private intrastate bus transport in Goa. In Goa there are some routes which have been Nationalised. They are from Panali-Vasco and Panaji- Margao.

Evidence against the efficiency of private transport system is mounting. The general observation will punctures the perception that private operators provide better services than public undertakings. The private bus operators resort to unfair practices. They provide poor service to passengers in terms of staff behaviour, crowding, cleanliness and punctuality. But given the lack of alternatives on most of the routes, passengers are compelled to travel by private buses.

Public transport scores over private in Goa but the only count on which KTC lacks is the financial performance which can be taken care of through the necessary regulations. During the ninth plan period, the Centre issued a circular to all states, stating that road transport undertakings were making losses and should be privatized. But such decisions have been taken without looking at the fact situation that public operators provide better services than private ones. In Goa both public and private bus transport operate simultaneously and the Government is also willing to maintain the status quo. The only need is to improve the private bus service.⁹

⁹ www.downtoearth.org.in/node/4354 visited on 26November 2013

(d) Lacuna in the Private Bus transport/ Reasons for choosing the topic

1. Unscheduled stops
2. Informal discounts offered to regular passengers
3. Non issuance of tickets
4. Poor maintenance of buses
5. Off schedule service, crowded and crammed at bus stops, leading to mishaps
6. More time to reach destination
7. Rude behavior of the staff employed
8. No seat reservation

Problem: -Inefficiency and irregularities in private intrastate transport**(e) Objectives of the study**

The objectives of the study of researcher are as follows.

1. To evaluate the functioning of private buses.
2. To evaluate the monitoring system
3. To provide suggestions.

CHAPTER IV

FORMULATION OF HYPOTHESIS

(A) Meaning of Hypothesis

A hypothesis is a statement temporarily accepted as true in the light of what is, at the time, known about a phenomenon, and it is employed as a basis for action in the search of new truth. A hypothesis is a tentative supposition or provisional guess which seems to explain the position under observation.

A hypothesis is a shrewd and intelligent guess, a supposition, inference, provisional statement or tentative generalization as to the existence of some fact, condition or relationship relative to some phenomenon which serves to explain already known facts in a given area of research and to guide the search for new truth on the basis of empirical evidence.

Black and Champion defines hypothesis as, 'a tentative statement about something, the validity of which is usually unknown'.¹⁰

(B) Characteristics of Hypothesis

1. A Hypothesis should be capable of verification

The hypothesis should be such as can be put to empirical test. Empirical test is the basis of objectivity which is very essential for any scientific method.

2. A Hypothesis should be simple, specific and conceptually clear

There should not be any ambiguity in the construction of a hypothesis, as ambiguity will make the verification of hypothesis almost impossible.

3. A Hypothesis should be related to the body of knowledge

It is important that hypothesis emerges from the existing body of knowledge, and that it adds to it, as this is an important function of research. This can only be achieved if it has its roots in the existing body of knowledge.

4. A Hypothesis should be operationisable

It can be expressed in terms that can be measured. If it cannot be measured, it cannot be tested and, hence, no conclusion can be drawn.

¹⁰Shipra Agrawal, Legal Research Methodology, at 78

(C) The Hypothesis of the Researcher is as follows

Poor implementation of the provisions of law leads to irregularities in private intrastate transport.

OR

Improper management is the cause of irregularities in private intrastate transport.

CHAPTER V

CONCEPTS

(A) Meaning of Concepts

Concepts relate to the properties of a group of facts. Concept is an universal descriptive word. Its purpose is to simplify thinking by subsuming a number of events under one general heading. Concepts are needed to formulate the problem and to design ways of solving it. Some concepts are quite close to the objects or facts they represent. They are ways of representing reality in shorthand; they are ideas that incorporate a number of different pieces of information about particular acts or events.

Nachmias and Nichmias define concept as ‘an abstract symbol representing an object, a property of object or a certain phenomenon’.¹¹

Concepts represent certain properties found in a group of facts and are given a name, a label or a symbol. Specific meaning is assigned to that label or symbol or name.

(B) The examples of concepts involved in the research problem of the researcher are as follows

1. Passenger: means any person travelling in a public service vehicle other than the driver or conductor or an employee of the permit holder while on duty.
2. Metal badge: it is issued to every person authorized to drive public service vehicle by the licensing authority by an endorsement made on driving license.
3. License authority: for any area will be deputy director or Assistant Director of Transport authorized by Government to perform the functions of the licensing authority.

¹¹Shipra Agrawal, Legal Research Methodology, at 44

CHAPTER VI

SAMPLING DESIGN FOR LEGAL RESEARCH

The primary purpose of the legal research is to discover principles that have universal application. For this, the data has to be collected and analyzed. There are two methods of data collection, i.e., Census Method and Sampling Method.

(A) Census Method

When the whole area or population of persons is contacted, the method is known as census method. Population is constituted of all the individuals, things, events, documents or observation cases, etc. belonging to a designed category characterizing specific attributes which a particular study should principally cover.

The type of collecting information from all units of a population (the universe of a study) is usually called census method. If the size of the units of the study is small one, census method is generally used to collect data.

(B) Sampling Method

In socio legal study, the time, money and men required for the purpose is large and it is not practicable to undertake such study. Exhaustive and intensive study is also rendered impossible because of the large number. Under these circumstances, a small portion is selected for analysis from which conclusions are drawn. This selected portion is called the 'Sample'.

Most research studies are based on samples. When a small group is selected as representative of the whole, it is known as sample method. The method of selecting for a study, a portion of the universe with a view to draw conclusions about the universe in toto is known as 'sampling'.

Good and Hatt defined sample as "a smaller representation of large whole".¹²

The sample should represent the characteristics of the population as closely as possible like a reflection in a mirror to the original.

(C) Types of Sampling

Sampling methods are divided into following types.

¹²Shipra Agrawal, Legal Research Methodology, at 105

a) Probability Sampling

In this method it is possible to state in advance the possibility that any given unit will be included in the sample. Once such a probability model is set up, a mechanical procedure is devised to select elements from the population. The probability model is set up having in mind, the type of universe, characteristics of the units; and objectives of the study.

The probability sampling method is further classified as follows.

(i) Random Sampling

A simple random sample is selected in such a way that each person in the universe has an equal chance of being selected in the sample.

Methods of drawing a random sample

(1) Lottery method

Number or names of various units of universe are written on chits and placed them in a container, thoroughly shuffle and blindly draw one chit at a time until the sample is drawn. This can be done with replacement of the chits drawn before next draw is made. If the units selected are not replaced before the next draw, the sample obtained is called 'simple random sampling without replacement'.

(2) Selection from sequential list

Under this plan, the names of universe are first arranged serially according to some particular order which may be alphabetical, geographical or simply serial. Then out of the lists every tenth or any other number of cases may be taken up. Starting may be made with any number. For example if every tenth unit is to be selected, the selection may begin from 7th and go on to select 17th, 27th, and 37th.

(3) Grid system

It is used for selecting a sample of area. According to this method, a map of entire area is prepared. Then a screen with squares is placed upon the map. Some of the squares are selected at random.

(ii) Systematic Sampling

It requires that the population be accurately listed in such a way that each element of the population can be uniquely identified by its order. A systematic sample consists of the selection of each term from the list. Here sample is selected at every sampling interval.

(iii) Stratified Random Sampling

In this method, the population is first divided into a number of strata based on same characteristic, such as age, sex, educational level, etc. Then a simple random is taken from each stratum and such samples are brought together to form the total sample.

(iv) Cluster Sampling or Sub-sampling

A sampling procedure in which the sampling unit is a cluster of elements and after selecting a sample clusters information is collected on each element in the sampled clusters is called cluster sampling.

(v) Multi-stage Sample

It is a method of sub-sampling in each sampled cluster. A sampling technique in which we have to first take a sample of cluster and then do sub-sampling in sampled cluster is known as multi-stage sampling.

(b) Non-probability Sampling

In this technique sample is not based on the probability with which a unit can enter the sample but by other consideration such as common sense, experience, intention and expertise of the sampler.

The following techniques represent the non-probability sampling

(i) Representative Sampling

This sampling technique is based on intuition and common sense but not on probability. The sample selected in general represents characteristic variables and may not represent the universe with respect to other variables. There will be a bias and this can never be determined and there is no way of applying statistical techniques to get a good estimate of population characteristics.

(ii) Judgment Sampling

In this method, the researcher selects the units to form his sample on his judgment.

(iii) Accident Sampling

In this method, the researcher selects any case he comes across. In this it is not possible to know whether the sample is representative or not as they give preference to the cases which come first.

(iv) Purposive Sampling

In purposive selection the researcher deliberately or purposively selects the cases.

(c) Quota Sampling

In this method, both stratification and judgment is used. Here samples of prefixed size are taken from each stratum of the universe using judgment sampling method.

(d) Area Sampling

In area sampling small areas are designated as sampling units and the households to be interviewed will be selected if they are found in a canvass of these designed small areas.

(e) Sampling by regular intervals

This is the type where it is to select the cases at regular intervals from a series, alphabetical list or any other arbitrary arrangement.

(D) Respondents of the researcher are as follows

1. The general public (to mean the passengers who travel by private buses)
2. Director Transport Department
3. Private bus owners associations
4. Private bus owners
5. Staff of the private buses

Sampling method

The researcher will employ random sampling method in cases of respondent number 1, 4 and 5.

CHAPTER VII

COLLECTION OF DATA IN SOCIO LEGAL RESEARCH

The sources of data collection are of two types:-

(A) Primary Sources of data

It is original information collected for the first time. It is also called as internal source of data as the data is collected directly from the subjects. They are obtained from living persons directly related to the problem or through observation. This primary source can again be sub-divided as follows

(i) Direct Primary Sources

The researcher personally goes and observes events, things, behavior, activities and so on. It requires great skill and objectivity.

(ii) Indirect Primary Sources

As the researcher cannot observe things which occurred long back, he needs to contact those persons who have made observations relevant to his research; this can be done through interviews, questionnaires or schedules.

(B) Secondary Sources of data

This information is obtained from outside, either a published source or from someone else who has already worked on the subject. It is also called as external source of data. They can be broadly divided into two types namely personal documents and published documents.

Personal documents consist of life histories, diaries, letters, and memories. Public documents come from public bodies, Government and private organizations. Apart from books available in libraries this category includes records, published statistics, reports of newspapers and journals, film or T.V. programmes and so on.

The researcher will use empirical method in the process of research. While employing the empirical method the researcher will use various primary and secondary sources of data collection.

Primary sources will include interviews, questionnaires, schedules etc.

Secondary sources will include earlier research on topic, records, published statistics, newspaper reports etc.

(C) Limitations

(a) Limitations as to topic

The law involved in the research is Motor Vehicles Act of Centre and Goa State which refers to various transport services like bus transport, taxi, auto rickshaw, motorcycle pilots but the researcher is confined only to the intrastate private bus service.

(b) Limitations as to the area of study

The researcher's area of study will be confined to any particular bus stand and the buses which come and depart from there.

(c) Limitations as to the period of study

The study of the researcher will be confined to the period of 2-3 years.

Legal regime

In Goa there is a presence of both public and private intrastate bus service. The law applicable is the Goa Motor Vehicles Rules 1991 which are being enacted in the exercise of the powers conferred by Motor Vehicles Act 1988.

CHAPTER VIII

TECHNIQUES OF DATA COLLECTION

Techniques are means of collecting data. They are a way of collecting data. Most of these techniques are repetitive and routine and require mechanical skill on the part of the researcher.

Following are the various techniques of data collection.

(A) Observation method

In socio legal research, one of the most important and extensively used methods is observation. It is both most primitive and the most modern method of study. It is one of the primary research instruments.

Webbs says, “Deliberate and sustained personal observation is an indispensable part of the study of any social institution”.¹³

(B) Interview method

An interview is the oldest and most often used device for obtaining information among human beings. As a data gathering technique, it is a verbal method of securing data. It is a conversation with a purpose. It is a face to face interpersonal role situation in which one person asks the respondent questions designed to obtain answers pertinent to the research problem.

Goode and Hattsay “Interviewing is fundamentally a process of social interaction. Interview is a method of data collection mainly through the verbal interaction between the respondent and the interviewer”.¹⁴

(C) Questionnaire method

It is one of the most suitable methods for the investigation of socio legal problems. We use the tool of questionnaire for collecting data from large, diverse, varied and scattered persons from different places. Questionnaire is a list of questions to be answered by a group of people,

¹³Shipra Agrawal, Legal Research Methodology, at 149

¹⁴ Id, at 161

especially to get facts or information about their views. It is used to obtain knowledge about facts known to the informant.

According to Wilson Gee questionnaire is, “a convenient method of obtaining a limited amount of information from a large number of persons or from a small selected group which is widely scattered”.

(D) Survey method

Many research problems require the systematic collection of data from population or samples of population. These studies are usually called Surveys, especially when they are concerned with large or widely spread out groups of people. If they deal with a fraction of a total population, they are called sample surveys. Survey method is used to collect data when a wide geographical area has to be covered.

A survey consists of asking questions of a representative cross section of the population at a given point of time. Surveys in legal institutions are called legal surveys. It is a process by which quantitative facts are collected about the legal aspects of a community and its activities.

(E) Case study method

It is more suitable for the study of fewer persons and to find out the root cause for a particular problem.

According to Stuart A. Queen, the case study is, “the examination of a single situation, persons, groups or institutions as complex whole in order to identify types and process”.

The researcher will be employing the research techniques such as observation, interview, questionnaire and survey.

The examples of the questions that the researcher will ask are as follows.

Questions to the public

1. Are you satisfied with the service provided by the private buses?
2. Do the buses follow the scheduled time?
3. Do they charge the prescribed ticket?
4. Do you think it needs changes?

Questions to the private bus owners

1. Are you maintaining the buses in proper condition?
2. Do you keep a watch whether the driver and conductor abide by the rules?

Questions to the concerned authorities

1. Do you see whether the buses are in proper working condition?
2. Do you conduct test of drivers and conductors to control drink and drive cases?

CHAPTER IX

ANALYSIS OF DATA

(A) Meaning of analysis

Analysis of data may be considered as having a reference to the process of viewing the data in the light of hypothesis or research questions, as also the prevailing theories and drawing conclusions that will make some contribution in the matter of theory formulation or modification

According to John Galtung, “analysis of data involves a number of closely related operations that are performed with the purpose of summarizing the data obtained, and organizing them in such a manner that they will yield answers to the research questions”.¹⁵

(B) The analysis of data includes the following

(1) Classification of data

Socio legal research involves a large variety of responses to different kinds of questions asked or stimuli presented to the sample or population of respondents. If a large number of different kinds of responses are to be organized so that they can be used in answering the research questions. This is called ‘classification of data’.

(a) Classification may be done

- (i) By size or magnitude
- (ii) By place of location
- (iii) By kind or type
- (iv) By time

(b) Objectives of classification

¹⁵Shipra Agrawal, Legal Research Methodology, at 215

1. To express the complex, scattered, haphazard into concise, logical and intelligible form
2. To make points of similarity and dissimilarity clear
3. To afford comparative study
4. To avoid strain to mind in understanding the significance
5. To help in finding out cause-effect relationship, if any in the data

(2) Coding of data

Coding is the technical procedure by which the data are categorized. This process reduces the huge quantity of data to manageable proportion and makes it feasible to further process the data more systematically and rapidly.

(3) Tabulation

Tabulation is the summarization of results in the form of statistical tables.

According to Prof. Neiswanger, “Tabulation is a systematic organization of data in columns and rows”.¹⁶

(a) Objects of Tabulation

1. To express the data in least space.
2. To make comparison easy.

(4) Statistical analysis of data

In order to estimate the reliability of generalizations to the population from the data, statistical methods are useful. The statistical methods that are used to summarize the obtained data are called as descriptive statistics, whereas the statistical methods utilized in making and evaluating generalizations from the data are known as sampling statistics.

(5) Graphical analysis of data

The data collected and analyzed in the form of pie chart, bar chart, and histogram is called as graphical analysis of data.

¹⁶Shipra Agrawal, Legal Research Methodology, at 212

- (i) Pie chart: - type of graph in which a circle is divided into sectors that each represent a proportion of the whole.
- (ii) Bar chart: - a diagram in which the numerical values of variables are represented by the height or length of lines or rectangles of equal width.
- (iii) Histogram: -a diagram consisting of rectangles whose area is proportional to the frequency of a variable and whose width is equal to the class interval.

The researcher will analyze the data both statistically and graphically.

CHAPTER X

CONCLUSIONS AND SUGGESTIONS

After researching into the socio legal problem carefully and considering the relevant material a conclusion is drawn upon which the suggestions can be made to overcome the problem.

The functioning of the private bus transport is not satisfactory and the researcher would like to put forward following suggestions.

1. The government should initiate an effective regulatory mechanism for private bus operators.
2. The government should provide assistance to the private buses that too only if they follows the regulatory measures strictly.

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