CHAPTER- III
METHOD OF STUDY

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In the face of ever increasing acts of lawlessness, social disorder, crime, immoral trafficking and senseless vindictive assassinations in Orissa, it has become necessary to look for causal explanations that go beyond superficial semantics. This research work is therefore intended to add to the body of literature that go to substantiate the claim that many socio-legal legislations are proved to be unproductive due to its ineffectiveness.

The term 'effective' means to produce the intended or expected result. In other words if a law is effective then it achieves its stated aim and/or objectives. The main function of law is to enable individuals to live peacefully together. Laws allow individuals to live and work cooperatively towards meeting their needs for the benefit of all members of the community. This whole concept or meaning is known as Social Cohesion. The term 'cohesion' means the act of uniting or sticking together. Laws aim to 'unite' or 'stick' society together.

The characteristics of effective laws need to be expressed in such of the following ways: they need to be clearly expressed and easy to understand, able to be learnt, acceptable to the community as a whole, stable but, yet flexible, consistent, able to be enforced and able to reflect changing values. An important characteristic of an effective law is 'Clarity'; the law needs to be expressed clearly and well understood for it to work. 'Knowledge' needs to be expressed as well to make sure individuals know how close to what is right and what is wrong. Ignorance of the law is no excuse for individuals to go out.

While on the other hand the law must recognise the changing values and needs of society. The law needs 'Flexibility' in order to accommodate those changing demands. If individuals are to be able to behave according to the law they must know what that law is. However if a law is constantly changing, it will be quite difficult for individuals to understand their legal right and responsibilities. Frequent changes only lead to confusion in the community leading onto uncertainty and non-acceptance of that law. I believe that all laws are for a purpose and are built around 'social cohesion' for

this very reason there hopefully is not an ineffective law. A law may be ineffective in other areas i.e. immoral trafficking is not objectionable in specific communities.

Research on immoral trafficking is a complex and sensitive issue. Because, the primary parties involved there in are so secretive in nature that they seldom reveal the truth.

Concept of Sensitive Research

There are many definitions of sensitive research, ranging from those that refer to the topic of investigation to those that encompass the whole of the research activity, including its implications for practice and the wider research community.

Joan Sieber and Liz Stanley [244] define 'socially sensitive' research as, 'studies in which there are potential consequences or implications, either directly for the participants in the research or for the class of individuals represented by the research'. This definition of sensitive research is very general and by applying it, almost all social research could be defined as sensitive. All research has consequences of some kind. However, some consequences may be more directly harmful than others. Often discussions of what constitutes sensitive research focus too narrowly on only the ethical dimensions of sensitive research.

Raymond Lee [245] (1993) argues that there are some advantages in defining sensitive research according to Sieber and Stanley's definition as it enables a broad definition of sensitive research to include some research areas that may not have been previously thought to be sensitive. However, he goes on to criticize the definition proposed by Sieber and Stanley, stating that it focuses on 'the consequences of the research rather than the specific technical and methodological issues that is inherent in sensitive research'. In order to develop a comprehensive understanding of the issues in sensitive research it is important to examine more than just the consequences of undertaking the research. Raymond Lee agrees that it is important to investigate the methodological issues as well, and to examine them from the perspective of both

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244   Virginia Dickson-Swift, Erica Lyn James And Pranee Liamputtong ,*Undertaking Sensitive Research In The Health And Social Sciences: Managing Boundaries, Emotions And Risks* , Cambridge University Press (1988)

245   Raymond M. Lee, *Doing Research on Sensitive Topics.* London: Sage, 1993. 248 pp

researchers and participants. Previously, research on sensitive topics has been equated with research on those topics that are taboo[246]. Taboo topics are defined as those 'which are laden with emotion or which inspire feelings of awe or dread' . Claire Renzetti and Raymond Lee in their edited book *Researching Sensitive Topics*[247] define a 'sensitive' research topic as one that is 'intimate, discreditable or incriminating'. Health and social science researchers are involved in research being undertaken on a wide variety of topics that fit easily into either one of these definitions; for example, research exploring birth, death, sexual abuse, violence, drug use or homelessness [248].

Lee[249]puts forward another definition of sensitive research that encompasses the topic, the consequences, the situation and any number of other issues that may arise by saying that sensitive research is 'research which potentially poses a substantial threat to those who are or have been involved in it'. Lee proposes that sensitive research can be seen as threatening in three broad areas. The first of these areas is 'intrusive threat', which deals with areas that are 'private, stressful or sacred' .Examples might include sexual or religious practices. The second type of threat is 'threat of sanction', which relates to studies of deviance and involves the possibility that research may reveal information that is stigmatizing or incriminating in some way. An example of the threat of sanction might be conducting interviews with people with a drug addiction who may reveal illegal behaviours as part of the interview. The third type of threat that may be imposed by sensitive research is a 'political threat'. This refers to the 'vested interests' of the powerful in society and in these situations researchers may trespass into areas that involve some sort of social conflict.

In the present study one can find all the elements sensitiveness and threats involved. Another hazard of sensitive research is that the readers expect sufficient corroboration of the sensitive fact in issue. This cast lot of responsibility on the researcher to collect relevant evidence.

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246   Faberow, NormanL., editor, *Taboo Topics*. New York: Atherton Press. 1963

247   *Researching Sensitive Topics* edited by Raymond M. Lee along with Claire Renzetti, SAGE BOOKS, 1993

248   Burr, V. *An Introduction to Social Constructionism*, London: Routledge. 194 + ix pages (1995); Kavanaugh, K., & Ayres, L. Not as bad as it could have been: Assessing and mitigating harm during research interviews on sensitive topics. *Research in Nursing 38; Health, 21*, 91–97(1998).

249   Raymond M. Lee, *Doing Research on Sensitive Topics*. London: Sage, 1993. 248 pp

Modality of Present Research

Before I discuss the modality of the search let me present the pictorial flow chart that explains the design of the research. (See Fig. No 1)
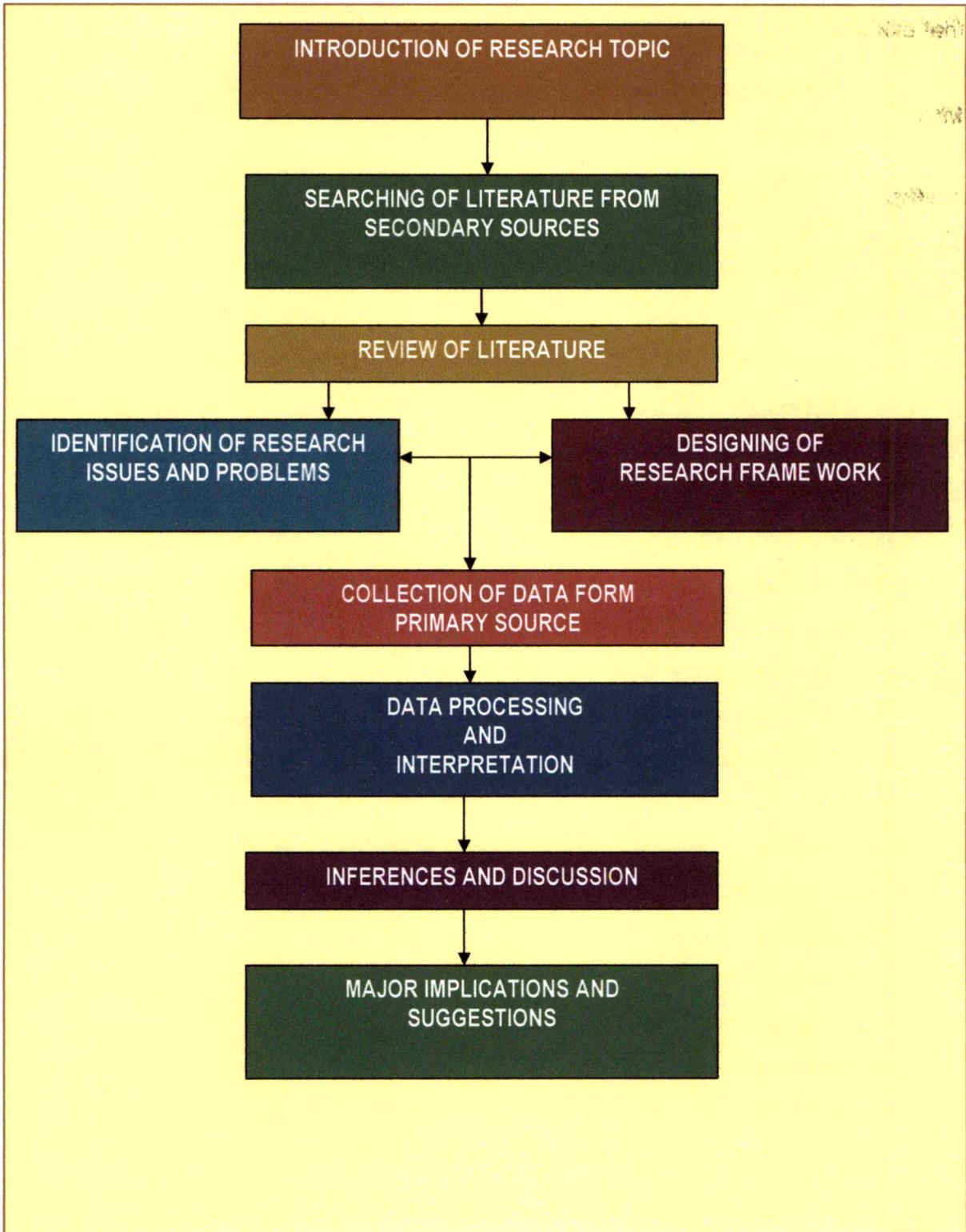
Introduction to Research Topic

India is a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. This Protocol defines 'trafficking in persons' as 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force'. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

While the UN Protocol covers trafficking for situations other than prostitution, the Act only penalizes the offence of trafficking if the victim is used for the purpose of prostitution. Trafficking in persons for other purposes such as domestic labour, bonded labour, begging, camel jockeying, and organ trade do not fall under the purview of the Act. While there are a number of laws that penalise certain offences such as slavery, unlawful compulsory labour, and begging, it does not cover every situation where trafficked victims can be exploited. There could be a case for a comprehensive law on trafficking in persons rather than one linked only to prostitution.

Review of Literature.

There exist plethora of research materials on immoral trafficking. But literature on Immoral trafficking in orissa are very limited. Most of the works have been conducted by the NGOs. Therefore the present research aims to study several legal dimensions of Immoral trafficking and the effectiveness of the ITPAct with special reference to the state of Orissa.

Fig: 1 *Flow Chart Showing the Frame Work of the Research*

INTRODUCTION OF RESEARCH TOPIC

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SEARCHING OF LITERATURE FROM SECONDARY SOURCES

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REVIEW OF LITERATURE

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IDENTIFICATION OF RESEARCH ISSUES AND PROBLEMS

DESIGNING OF RESEARCH FRAME WORK

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COLLECTION OF DATA FORM PRIMARY SOURCE

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DATA PROCESSING AND INTERPRETATION

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INFERENCES AND DISCUSSION

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MAJOR IMPLICATIONS AND SUGGESTIONS

Identification of Issues

After collection of literature from secondary sources, the researcher has analysed each of the resources to identify the research issus. Followings are the major issues

- Application and Extent of the Act
- Definition
- Legality
- Effectiveness
- Controlling Mechanism
- State Policy
- Rehabilitation
- Victim

Collection of Primary data

In order to collect informations on the above issues a structured Survey questionnaire entitled *Effectiveness of Immoral Trafficking (Prevention) Act Questionnaire* **(EITPAQ)** has been designed. EITPAQ is a two point scale model where samples were asked to indicate their response either in YES or NO format. The survey instrument contains 55 items and 8 legal dimensions.

Dimension 1. Application and Extent of the Act: Under this dimension the researcher aims to collect information connected with the Application and extent of the ITP Act.

Dimension 2. Definition: To collect informations on definitions dilemma several definitions provided under the ITP Act were considered.

Dimension 3.Legality: Under this questions were being asked to the sample groups with respect to issues like legality of legalization of Prostitution and intra- gender consensual commercial sex etc

Dimension 4. Effectiveness: In this segment several questions are being asked to measure the perception of the groups about the effectiveness of the ITP Act

Dimension 5. Controlling Mechanism: to estimate the effectiveness of the controlling Mechanism 8 questions are being asked ranging from police to the Judiciary and their functional styles.

Dimension 6. State Policy: The primary objectives of this dimension is to analyze and estimate the State Policy towards Immoral trafficking from participants perceptions.

Dimension 7. Rehabilitation: Under the dimension questions are being asked about the statutory rehabilitation measures, its organization and management.

Dimension 8. Victim: Finallly in this segment participants opinion on several aspects of Victims support were collected .It covers issues like legal Aid support, compensation, and bail.

Sample Structure:

For the purpose of the research, the researcher has collected samples from 04 groups in the following format

Sample Group	n =
Judicial Officer	50
Police	50
Advocate	50
Common Citizens	50
Victims of Trafficking	50
TOTAL SAMPLES	250

Data Analysis:

After data collection it has to be processed and analyzed in accordance with outline objectives. Under processing the data it implies to edit, code classify, tabulate and put the data into statistical forms. The analyzed data will be represented in the form of various diagrams and graphs like histogram, pie chart, line diagram. Bar diagram, cylindrical etc. In other way all the data are to be analyzed in terms of descriptive and casual analysis process and more specifically, take measure of central tendency as tool of analyzing the data.

Inference

The final inference will be drawn based on factual information collected from the respective sources and it must give prime importance to people's response at ground affected area as well as policy designer among the bureaucratic personnel at the state and district level. Most information will be subjected to Meta analysis on the basis of which inferences will be drawn and legal implications will be calculated.

Degrees of Difficulties:

It is very difficult to collect informations from both Police and Judiciary. Most samples were reluctant to give their official identity .To collect informations from Police and the judicial officers one has to wait sufficiently and they require lot of persuasions. The advocates, common citizens and even the victims of trafficking were very cooperative and they not only participated but also gave their useful opinions to change the frame work of the existing Law.