

NLSIU Research Ethics Policy

National Law School of India University, Bengaluru

2024

The National Law University of India University (NLSIU) was set up in 1986 as a model law university to advance legal education and research in India. Its objectives include “*to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organise lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development...*”.¹

As noted in the NLSIU Research Policy, 2023, it is the University’s policy to encourage and support excellence in research and scholarship. Over the last three decades, the University has been recognised as an important contributor to legal and related research in India, and also for its multi-disciplinary research and scholarship.

NLSIU is an evolving community, with a diversity of research interests, and covering myriad subject matters. The University prides itself in being a space for conducting intersectional research. It recognises that each discipline has its own professional and ethical standards to govern the conduct of research. This policy is, therefore, meant as a set of overarching guiding principles that are aligned with the ethos embodied by the University. The NLSIU Research Ethics Policy regulates all research that involves human subjects, and an Ethics Review Board is created to address all ethical concerns arising out of the engagement with human subjects.

1. Applicability of this Policy

The NLSIU Research Ethics Policy is applicable to all persons and entities engaged in research activity in the University. These include:

- 1.1 Faculty Members conducting research, whether independently or through grants received from third parties, during their employment with NLSIU or after their employment, where the project was started at/funded through NLSIU;
- 1.2 All Academic Fellows and research staff engaged in conducting research, whether independently or through grants received from third parties, during their employment with the University;
- 1.3 Doctoral/LLD Candidates (Law, Interdisciplinary, Public Policy (where applicable) and LLD Candidates);

¹ Section 4, National Law School of India Act, 1986.

- 1.4 All undergraduate/postgraduate/distance education students whose curriculum requires the conducting of research activities covered by this Policy;
- 1.5 All persons employed or engaged as consultants in Research Centres or in offices of endowed Chairs and who are engaged in research and outreach activities, whether independently or through grants received from third parties, during their employment/engagement with the University;
- 1.6 All persons engaged in research carried out by the University that is subsequently published in journals/websites maintained or hosted by the University; and
- 1.7 All persons engaged in supporting research activities or in any related/ancillary capacity in the University;

Provided that, in the case of BA LLB(H), LLB(H), LLM and MPP students undertaking research as part of their curricular requirements, the consent of their respective Academic Chairs/Vice Chairs shall alone be necessary, and the requirement of approval from the Ethics Review Board as indicated in this Policy shall not apply.

2. Principles guiding conduct of research at the University

The University is committed to the highest standard of ethics in research and practice. The ethical framework laid down in the policy furthers the principles of fairness, dignity, truth and integrity of thought and practice in conducting responsible research. The Policy seeks to protect the independence of research conducted at NLSIU while balancing the interests of participants/respondents of the research. The Policy is grounded in the following principles:

2.1. *Academic Freedom*

The University is committed to ensuring academic freedom to members of its faculty, students and staff in pursuing research activities, subject to compliance with internal policies and processes. At the same time, persons responsible for conducting research shall take necessary steps as may be practicable for conducting research in a safe and healthy environment.

2.2. *Relevance*

The University has been set up with an objective of serving society and contributing to national development. All research conducted at NLSIU should strive to be relevant and contribute to the furtherance of knowledge in its field.²

2.3. *Originality*

Any research that is conducted must be original in nature. The University has a strict policy of zero-tolerance towards plagiarism.³ The expectation of maintaining originality and rigour in referencing as per prevailing standards extends to all steps of the research process, from

²See Section 4(1), National Law School of India Act, 1986, <https://www.nls.ac.in/wp-content/uploads/2020/09/National-Law-School-of-India-University-Act_Karnataka-Act-22-of-1986.pdf>

³ See the NLSIU Academic and Examination Regulations, 2022, as amended.

the formulation of research questions to the dissemination of project findings. Additionally, any research conducted at the University must interpret and report data and findings of the research honestly, objectively, accurately and without bias.

2.4. *Accountability*

The University cherishes the principles of truthfulness, compassion, dignity, pluralism, pluralism, professionalism and equality for all its members. This extends to the conduct of research at the University. Research projects must consider power differences between relationships such as supervisor–researcher, senior–junior colleagues, and researcher–respondent. Additionally, research must account for societal power differences that stem from caste, class, race, ethnicity, sexual orientation, religion, language, age, gender, sex, and physical and mental disabilities. Researchers should therefore strive to create an environment that is accessible, inclusive, and equal for all those involved.

2.5. *Recognition of the interests of all stakeholders*

All research shall give due consideration to:

- a) Participants/respondents of the research and their rights and interests;
- b) Perspectives of all members conducting collaborative research; and
- c) Contributions by all persons relating to the work. All such contributions must be acknowledged and attributed responsibly by the principal investigator.

3. Modalities of conducting research

3.1. *Ethical clearance*

Ethical clearance shall be required for all research that:

- a) collects personal data of respondents including but not limited to demographic information;
- b) collects primary data of respondents including but not limited to views, opinions, or awareness levels on the research area;
- c) involves field work concerning humans (especially vulnerable populations); and
- d) uses observational methods targeted at humans.

3.2. *Prior Consent*

Researchers shall collect the free and informed consent of all participants/respondents prior to information being collected, preferably in written form. In any instance where written consent may be difficult to obtain, the application to the ERB must state this and the reasons for the same. The ERB shall take this into consideration while reviewing the application for ethics approval. Before collecting the consent of respondents, researchers should inform the respondents of the scope, nature, funding source and purpose of the research in which they are participating. The process of securing consent must clearly state these details, and in cases where the participant cannot read the consent form, the researcher must explain all of these

details prior to the consent form being signed. The researcher must clearly state the nature of data being collected (visual/biographical/others) and mention how it will be stored and protected. If the study is collating multiple levels of data, this must be indicated clearly, or a separate consent process may be undertaken for each stage of the study. The researcher shall also inform the respondents of the potential effects and potential risks of the research and the future ramifications of the same. The researcher shall provide the information to the respondent in a simple, clear, and concise manner. Information should be provided in a language which the respondent is comfortable in. The respondents should have the right to refuse their participation in the study at any point of the data collection and analysis stages. This must be clearly stated to participants/respondents.

3.3. *Protection of respondents belonging to vulnerable populations*

Research often encompasses subject matters that pertain to persons from vulnerable or historically marginalised groups, including but not limited to incarcerated persons, persons from marginalised or underrepresented communities. Special care must be taken when formulating research proposals involving respondents from such groups. Researchers must take measures to minimise the incidence and risks of the study on the vulnerable respondents. Efforts must be made to ensure that respondents are not physically, mentally, or emotionally harmed during the study and/or in its dissemination. Additional and special training may be provided to research staff engaged in carrying out such research. The researcher should also be aware of their own social position vis-à-vis the respondents and ensure that measures are taken to reduce power differences between them. The University is committed to conducting research in a manner that is responsible to society and does not further harm persons, especially historically marginalised and other vulnerable groups.

3.4. *Protection of children and persons with diminished capacities to provide consent*

When conducting research that involves children and persons with diminished capacities, (including but not limited to mental, physical, and learning disabilities) to give informed consent, the consent of the parents or legal guardians or those in charge of special institutions may be taken. Special care must be taken to inform the vulnerable respondents, their parents/legal guardians of the need to include them in the research, the mandate of the research and the possible impact of the research on the respondent. Provided that, no research may be conducted including children and other vulnerable populations without the researcher undergoing relevant sensitisation training.

3.5. *Data Protection and data sharing*

Researchers should ensure that data is collected in a manner that is consistent with international best ethical practices,⁴ prevailing laws and policy guidelines in India,⁵ and relevant policies of the University. Principles of lawfulness, fairness, transparency, purpose

⁴ https://unsdg.un.org/sites/default/files/UNDG_BigData_final_web.pdf

⁵ https://www.ugc.gov.in/e-book/UGC_GARP_2020_Good%20Academic%20Research%20Practices.pdf,
https://www.ugc.gov.in/e-book/Academic%20and%20Research%20Book_WEB.pdf,
<https://www.ugc.gov.in/e-book/CARE%20ENGLISH.pdf>,
<https://www.meity.gov.in/writereaddata/files/Digital%20Personal%20Data%20Protection%20Act%202023.pdf>

limitation, data minimisation, accuracy and accountability must be followed. The provisions relating to data management contained in the Research Policy, 2023 are applicable.

Researchers must ensure that the data collected is kept confidential, and the integrity of the data is not compromised. Reasonable measures must be taken to ensure that all data, whether digital or non-digital data, are securely stored.

Personally identifiable data must be anonymised, and researchers should ensure that the privacy of respondents is maintained, whether in the storing or sharing of data. Sensitive personal data must be kept highly confidential and managed with due care.⁶

All the relevant data relating to the research, including, but not limited to, prior informed consent, curated data, tools and notes collected as part of the study, shall be maintained by the researcher for at least three years from the date of completion of the study. A digitised version of all data collected should be submitted to the concerned Research Centre/Chair/Faculty Member at the end of the study/project. In the event of any formal enquiries/investigations initiated by the University, the University may request the researchers to furnish the data in accordance with the NLSIU Research Policy, 2023.

4. Dissemination of research outputs

To the extent possible, researchers shall share their research outputs, including publications and associated data and publications through open access modes and as indicated in the NLSIU Research Policy, 2023.

To ensure easier identification of scholarly outputs from researchers associated with the University, the researchers shall mention 'NLSIU' as part of the respective author's affiliation details in all publications that emerge during their affiliation with the University.

5. Ethics Review Board (ERB)

The Ethics Review Board shall serve as an independent body overseeing the implementation of this Research Ethics Policy with reference to research involving human subjects.

5.1. Constitution of the ERB

The Research Ethics Review Board shall consist of the following members:

- a) Three faculty members appointed by the Vice Chancellor each year, at least one of whom shall be from the discipline of law and one from the social sciences/humanities.
- b) The Vice Chancellor shall appoint one of the members of the ERB as the Chair of the ERB.

5.2. Functioning of the ERB

- a) The ERB shall meet as often as required. However, the ERB shall meet at least once every trimester. Where required, such meetings can be held virtually, and urgent matters decided by email circulation.

⁶ See definitions; https://www.nls.ac.in/wp-content/uploads/2021/01/1.-NLSIU-IT-Policies_Final_Jan-20.pdf

- b) All applications must be considered by the ERB thoroughly, keeping in consideration the principles laid down by the NLSIU Research Ethics Policy. The ERB is expected to give a response within seven (7) working days of an application being submitted for ethics review.
- c) It is recommended that the ERB maintain a record of all applications received and decisions taken on an annual basis.

5.3.Process of seeking ethics clearance

- a) All researchers are required to submit an application in the prescribed format to the ERB. (Format to be specified by the ERB.)
- b) Research conducted by PhD scholars must undergo first-level approval through the Research Advisory Committee.
- c) Researchers may submit their proposals on a rolling basis.
- d) The ERB shall decide upon the ethics clearance based on majority vote within seven days of receiving an application.
- e) The decision of the ERB shall be communicated to the researcher in writing. In case of rejection of an application, the ERB shall give reasons for the same and indicate areas of improvement.
- f) In case of rejection of an application, the researcher may revise the research proposal and make an application for reconsideration before the ERB within 2 weeks of receiving the rejection. In the case of PhD/LLD scholars, any revised application to the ERB needs the prior approval of the supervisor or the Research Advisory Committee.

6. Grievance Redressal Committee

The Vice Chancellor shall set up a committee to address any grievances against the functioning or decisions of the ERB. The committee shall consist of the Registrar, the Dean Research and one other member, who may be an external member, if required, appointed by the Vice Chancellor, who has experience of conducting research, administering projects and/or being part of juries of research committees.

7. Contravention of this Policy

The University is committed to creating an environment where independent and ethical research may be conducted. Any contravention of the policy or any grievances against an individual researcher/faculty pertaining to a violation of this Policy shall be brought to the appropriate mechanism set up for students or the relevant Employee Conduct Rules, or the Grievance Redressal Committee constituted under this Policy, as applicable.⁷ The procedure indicated under the relevant University rules and regulations as applicable shall be followed in cases of contravention of the Policy.

⁷https://www.nls.ac.in/wp-content/uploads/2022/10/NLSIU-Principles-of-Conduct-2002-V.2_Effective-on-01.10.2022.pdf

8. Institutional support

The University shall support researchers in responding to any claim arising out of a research activity that was duly approved by the ERB and carried out in accordance with such approvals and the provisions of this Policy.

9. Guidelines

The Office of Dean Research and the Ethics Review Board may, in consultation with the Vice Chancellor, issue guidelines from time to time for the effective implementation of this Policy.

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