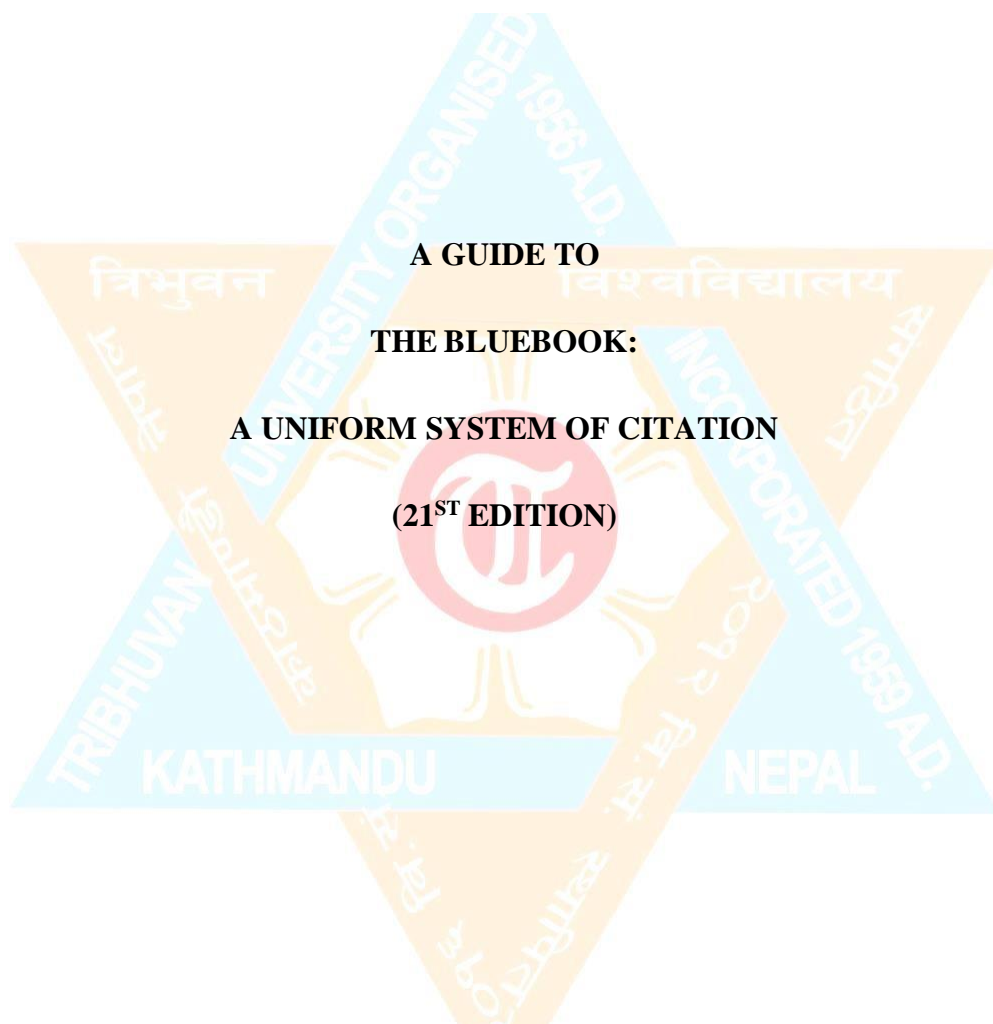


**Tribhuvan University**

**Nepal Journal of Legal Studies**



**A GUIDE TO**

**THE BLUEBOOK:**

**A UNIFORM SYSTEM OF CITATION**

**(21<sup>ST</sup> EDITION)**

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## **1. LEGAL CITATION**

### **1.1 Basics of Legal Citation**

Legal citation is the method by which lawyers, law students, professors and judges refer to the sources whether primary or secondary, that they rely while drafting court documents or legal memoranda, law school assignments, law review articles and judicial opinion.

Citations are shorthand notions that permit the identification and location of a particular source. Thus, elements of a citation generally include what the source is, where it can be found, the year it was created or went into effect, and for all primary sources and some secondary sources, the jurisdiction to which it applies. Because we rely on different sources for different reasons, legal citation also includes the use of signals, which introduce citations and explain to the reader the citation's purpose, and explanatory parentheticals, which provide further details on a source's relevance to the author's proposition.

### **1.2 Purpose of Legal Citation**

Legal citation is a standard language that allows one writer to refer to legal authorities with sufficient precision and generality so that others can follow the references. Thus, elements of a citation generally include what the source is, where it can be found, the year it was created or went into effect, and for all primary sources and some secondary sources, the jurisdiction to which it applies.

The reference that is written in "legal citation" aims to do at least three things:

- Identify the document and document part to which the author is referring;
- Provide the reader with sufficient information to find the document or document part in the sources that the reader has available (which may or may not be the same sources as those used by the writer); and
- Furnish important additional information about the referenced material and its connection to the writer's argument to assist readers in deciding whether or not to pursue the reference.

The citation guideline is a summary of the white pages of the Bluebook System of Citation (21<sup>st</sup> ed.) must be referred for detailed guideline of the citation system.

## 2. BASIC LEGAL CITATIONS

### 2.1 Constitution

#### a. Citation of articles/ clauses of a constitution

##### **General Rule:**

CONST. OF JURISDICTION (Abbreviation of the jurisdiction and the word "CONST." for constitution); art. number (abbreviation for "articles"); § number (subdivisions of constitution); cl. number.

##### **Example:**

CONST. OF JURISDICTION, art. Number, § number, cl. number.

CONST. OF NEPAL, 2015, Art. 11, § 1, Cl. 2.

#### b. Citation of amendment of a constitution:

##### **General Rule:**

CONST. OF JURISDICTION (Abbreviation of the jurisdiction and the word -CONST." for constitution); amend. (abbreviation for "amendment"); number of amendment (amendment number in roman); art. number (abbreviation for amended "article"); § number (section of amendment).

##### **Example:**

CONST. OF JURISDICTION. amend. number, art. number, § number. CONST. OF NEPAL. amend. XX, § 1.

#### c. Constitutional provisions currently in force must be cited without a date.

##### **General Rule:**

CONST. OF JURISDICTION (Abbreviation of the jurisdiction and the word "CONST." for constitution); amend. (abbreviation for "amendment"); number of amendment (amendment n0, of the roman), repealed by CONST. OF JURISDICTION; amend.; number (repealing provision constitution or the date of repeal may be indicated parenthetically).

##### **Example:**

CONST. OF JURISDICTION amend. number (repealed year). CONST. OF NEPAL. amend. XX (repealed 2007). CONST. OF JURISDICTION. amend. number, repealed by CONST. OF JURISDICTION. amend. "fiber. CONST. OF NEPAL. amend. XX, repealed by CONST. OF NEPAL. amend XXV.

#### d. Citation of a subsequently amended provision

Either indicate parenthetically:

**General Rule:**

CONST. OF JURISDICTION art. number, § number, cl. number (amended year).

**Example:**

CONST. OF NEPAL. art. 1, § 2, cl. 2 (amended 2007).

*Or cite the amending provision in detail:*

**General Rule:**

CONST. OF JURISDICTION; art. number; § number; cl. number; amended by CONST. OF JURISDICTION; amend. number.

**Example:**

CONST. OF NEPAL. art. 1, § 2, cl. 2, amended by CONST. OF NEPAL. amend. XX.

**e. Citation of a totally superseded constitution or such constitution no longer in effect:****General Rule:**

NAME OF CONSTITUTION WITH YEAR: art. number; § number.

**Example:**

Example INTERIM CONST. OF NEPAL OF 2006, art. 1, § 2.

**2.2 Statutes****General Rule:**

Title of the Statute, § number (Year)

**Example:**

Labor Act, § 2(3) (2017).

Labor Act, §§ 3-7 (2017).

**2.3 International Treaties****a. Bilateral Treaty****General Rule:**

Name of agreement; abbreviated name of parties to the agreement; date of signing' treaty source.

**Example:**

Agreement between His Majesty's Government of Nepal and the Government of India on the Koshi Project, Ind.-Nep., art. 5, 1975.

*When citing an agreement between two parties, name of both parties must be indicated in abbreviated form which must be in alphabetical order.*

## b. Multilateral Treaty

### General Rule:

Name of agreement art. number; date of signing; treaty source.

### Example:

United National Convention on the Law of the Sea art. 7, Dec. 10, 1982, 1833 U.N.T.S. 397.

## c. Founding document creating a new international court or organization:

### General Rule:

Name of agreement; state parties if applicable; subdivisions referred to; date of signing; treaty source.

### Example:

Statute of the International Tribunal for the Law of the Sea art. 1, ¶ 2, Dec. 10, 1982, 1833 U.N.T.S. 561.

*As long as there are no more than three parties to the agreement, their ne (abbreviated) should be listed, set off by commas and separated by hyphens, following the agreement's name.*

## 2.4 Case Laws

### Main elements:

- Case names
- Reporters and other sources
- Court and jurisdiction
- Date or year
- Parenthetical information
- Prior and Subsequent history

### General Rule:

Case name; Reporter's volume number; Abbreviation of the reporter; First page 191'11 Specific page referred to (date of decision).

- The name of the case should be either italicized or underlined.
- The parties name shall be divided by using s lower case “v.”.

### Example:

Diwash Dhakal v. Government of Nepal, 12 NKP 2177, 2180 (2019).

*When citing a Nepali case rule shall be applied as mention in N.K.P, i.e. N.K.P., Year, Month, Decision number, Page.*

**Example:**

N.K.P. 2077, Chaitra, D.N. 10604, Page 2087.

**Some specific cases:**

**a. International Court of Justice**

**General Rule:**

*Case name (name of parties if any);* characterization of decision if any (such as preliminary objection, provisional measure, advisory opinion, judgment); volume and name of publication in which the decision is found; page number or case number; pincite, if any with preference to paragraph number as indicated by pilcrow symbol “¶”; (date).

**Example:**

*Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.),* Judgment, 1986 I.C.J. Rep. 14, 5 190 (June 27).

**Citing a separate opinion of a judgment**

The first page of the judgment and pincite of the separate opinion must be indicated. Also a parenthetical must be indicated to identify the author of the separate opinion.

**General Rule:**

*Case name (name of parties if any);* characterization of decision if any (such as preliminary objection, provisional measure, advisory opinion, judgement); volume and name of publication in which the decision is found; page number of cases number, first page of the judgement; pincite, if any with preference to paragraph number as indicated by pilcrow symbol “¶”; (date); (indication of separate opinion by name of author or separate opinion).

**Example:**



*Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.)* Judgment 1986 I.C.J. Rep. 14, 181, ¶ 3 (June 27) (separate opinion by Ago, J).

## **b. International Criminal Court and other tribunals**

### **General Rule:**

*Case name* (includes only one party on each side of the "v." and only the last names of individuals); case number; type of ruling; paragraph number if relevant; name of the tribunal (if not included in case number); (date).

### **Example:**

*Prosecutor v. Tadic*, Case No. IT-94-1-T. Decision on Defence Motion for Interlocutory Appeal on Jurisdiction, ¶70 (Int'l Crim. Trib. for the Former Yugoslavia (Oct. 2.1995).

*Prosecutor v. Kayishema*, Case No. ICTR 95-1-T, Judgment, ¶ 126 (May 21 1995).

## **c. European Court of Human Rights**

### **General Rule:**

Case name, volume number; reporter, page number where required; (year).

### **Example:**

*Kampanis v. Greece*, 318 Eur. Ct. H.R. 29, 35 (1995).

## **2.5 Executive Materials/ Reports**

### **General Rule:**

NAME OF THE OFFICE INCLUDING SERIAL NUMBER IF ANY, TITLE OF WORK (Year).

### **Example:**

OFFICE OF THE ATTORNEY GENERAL, GUIDELINE ON SPECIALIZATION TRAINING (2019).

## **2.6 Book Citation**

**Main elements:** Author; Editor or Translator; Title; Page; section or paragraph (if only a part of a work is cited); Edition; Published; Date

### **a. Single author**

**General Rule:**

FULL NAME OF THE AUTHOR, TITLE OF THE BOOK; Page cited (Year).

**Example:**

M. SHAPIRO, ADMINISTRATIVE LAW UNBOUNDED 269 (2001).

**b. Two authors**

**General rule:**

NAME OF AUTHOR IN THE ORDER IN WHICH THEY APPEAR ON THE TITLE PAGE SEPARATED BY AN AMPERSAND, TITLE OF THE BOOK; Page cited (Year).

**Example:**

NEIL HAWKE & NEIL PARPWRTH, INTRODUCTION TO ADMINISTRATIVE LAW 34 (1996).

**c. More than two authors**

**General Rule:**

NAME OF THE FIRST AUTHOR FOLLOWED BY ET AL. OR LIST OF ALL AUTHOR'S NAMES SEPARATED BY COMMA TO OF EXCEPT FOR THE FINAL NAME WHICH MUST BE SET OFF WITH AN AMPERSAND AND WITHOUT COMMA, TITLE OF THE BOOK; Page cited (Year).

**Example:**

PETER LEYLAN ET AL., TEXTBOOK ON ADMINISTRATIVE LAW 55 (2013). RICHARD H. FALLON, JR., JOHN F. MANNING, DANIEL J. MELTZER & DAVID L. SHAPIRO, HART AND WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM 330 (611 ed. 2009).

**d. Books with editor or translator**

**General Rule:**

NAME OF AUTHOR(S), TITLE OF THE BOOK; Page cited (Name of the editor(s)/translator followed by I ed. or trans., date).

**Example:**

N. R. MADHAVA MENON, JUDICIAL ACTIVISM AND ADMINISTRATIVE ACCOUNTABILITY 157 (D. Banerjea, A. Subrahmanyam & V. Vujayakumar eds., 2002).

## 2.7 Periodicals and Journals

### General Rule:

Author's Full Name; *Title of Article*; Journal's Volume; ABBREVIATED NAME OF JOURNAL; Page Number where the article begins; Page number of cited work (Year of publication).

### Example:

Melissa L. Tatum, et al., *Does Gender Influence Attitudes Toward Copyright in the Filk Community?* 18 AM. U. J. GENDER SOC. POLICY & L. 219, 230 (2009).

## 2.8 Unpublished Works

### a. Unpublished manuscript

#### General Rule:

Author's name; Title of work; Page number (Date) (unpublished manuscript) (on file with the author).

#### Example:

Jennifer Arlen, *Public Versus Private Enforcement of Securities Fraud* 12-19 (June 22, 2007) (unpublished manuscript) (on file with the Columbia Law Review).

### b. Unpublished student work

#### Example:

Alexander J. Blenkinsopp, *Honesty vs. Expedience: The Deficient Jurisprudent of Punishment and the Legal Labeling Game* (Nov.1, 2019) (unpublished Ph.D. thesis, Harvard University) (on file with the Harvard University Library System).

## 2.9 Newspapers

### General Rule:

Author's name; *Headline*, NAME OF THE NEWSPAPER (abbreviation); Date; at page on which article appears.

**Example:**

Pramod Mishra, *Ideology of Hate*, THE KATHMANDU POST, 12 March 2020, at A1.

**Editorial, opinion, Letter to the editor**

**Example:** Editorial, *Pricing Drugs*, WASH. POST, Feb. 17 2014, at 8.

**Online Newspaper**

Author's full name, *Headline*, ABBREVIATION OF NEWSPAPER (Publication date), URL.

**2.10 Internet Sources**

**General Rule:**

Author's name, *Title of Work*, TITLE OF WEBPAGE (accessed date), URL.

**Example:**

**a. With author**

Eric Posner, *More on Section 7 of the Torture Convention*, VOLOKH CONSPIRACY (Jan 29, 2019), <http://www.volokh.com/posts/1233241458.shtml>.

**b. Without author**

The Author's name part of the citation can be omitted for the internet sources where author is not mentioned.

**Example**

*Payment Planning New Album Release*; GLIDE MAG. (Nov.6, 2019); <http://www.glidemagazine.com.14807/payment-planning-new-album-release>.

*If domain ownership is clear from the title of the website, the name of the institutional author must be omitted.*

**Example**

Dunkin's Donuts, <http://www.dunkindonuts.com> (Nov.25, 2019)

**2.11 Citing from a footnote**

**General Rule**

The same citation rule of the respective sources is applicable for the citation from a footnote. Only the footnote must be mentioned.

**Example:**

HANS KELSEN, GENERAL THEORY OF STATE AND LAW 20, n.5 (1945).

**2.12 Entertainment**

- a. Films: AIRPLANE (Paramount Pictures 1980)
- b. TV Radio: Law & Order: Tabula Ras (NBC Television Broadcast Apr. 21, 1999)
- c. Online Video: Brown University, A Conv. With US. SC Just. Sonia, YOU TUBE (Feb. 16, 2018).  
URL.

**2.13 Social Media**

- a. Facebook: Nov. Project, The Bubble is GONE! FACEBOOK (Mar. 19, 2014, URL) (Last visited:)
- b. Instagram: Wendy (@wendy\_O) INSTAGRAM, URL.
- c. Twitter: @legal rebels, TWITTER (Date, Time), URL.

**3. SHORT CITATION FORMS**

**3.1 *Id.***

“*Id.*” is the short form for “*Idem*” (Latin for same) may be used in citation sentences and clauses for any kind of authority except internal cross-references. It is used when citing the immediately preceding authority within the same footnote or within the immediately preceding footnote when the preceding footnote contains only one authority. The period at the end of “*id.*” is always italicized.

- i) When used alone, “*id.*” refers to the identical pincite referenced in the immediately preceding citation
- ii) To refer to a different page or footnote within the immediately preceding authority, add ‘at’ and the new pincite. Ex: *Id.* at 8.
- iii) “*Id.*” may only be used when the preceding citation cites only one authority.

**Example:**

Footnote Number 12: HANS KELSEN, GENERAL THEORY OF STATE AND LAW 20 (1945).

Footnote Number 13: *Id.* at 25.

### 3.2 **Supra and Hereinafter**

‘Supra’ and ‘hereinafter’ are used to refer to legislative hearings; court filings; books; pamphlets; reports; unpublished materials; non-print resources; treaties; and international agreements; regulations, directives, and decisions of intergovernmental organizations; and internal cross-reference. They should not be used to refer to cases, statutes, constitutions, legislative materials (other than hearings), restatements, model codes, or regulations, except in extraordinary circumstances, such as when the name of the authority is extremely long.

#### ***Supra***

When an authority has been fully cited previously, the “supra” form may be used (unless “*id.*” is appropriate or “supra” is inappropriate for that authority.) It generally consists of the last name of the author of the work, followed by a comma and the word “supra.”

#### ***Hereinafter***

“Hereinafter” is used for the authority that would be cumbersome to cite with the usual “*supra*” form or for which the regular shortened form may confuse the reader, the author may establish a specific shortened form. The shortened form should appear in the same typeface as in the full citation.

#### **Example:**

HOLDSWORTH, *supra* note 10, at 6.

HANS KELSEN, GENERAL THEORY OF STATE AND LAW 20, n.5 (1945) (hereinafter KELSEN).

## **4. NUMERALS, ITALICIZATION AND CAPITALIZATION**

### **4.1 Numerals**

- i) The numbers zero to ninety-nine in text and footnotes must be spelled out and numerals also must be used for larger numbers. This rule is subject to following:
  - Any number that begins a sentence must be spelled out.
  - “Hundred”, “thousand” and similar round numbers may be spelled out, if done so consistently
- ii) When a series include numbers both less than 100 and greater than or equal to 100, numerals must be used for the entire series.
- iii) Numerals must be used if the number includes a decimal point.

## 4.2 Italicization

Words and places may be italicized (or underscored) for emphasis. One may italicize (or underscore) non-English words and phrases unless they have been incorporated into common English usage. Obsolete or uncommon Latin words and phrases, however, should be italicized (or underscored.)

The citation must be italicized for the following:

- i. Emphasis (words and phrases)
- ii. Foreign words and phrases

### Example:

*Expression unius est exclusion alterius*

*Ignorantia legis neminem excusat*

- iii. Letters representing hypothetical parties, places or things
- iv. Mathematical expressions

## 4.3 Capitalization

The citation must be capitalized for the following:

- Headings and titles
- Internet main page titles and URLs
- Nouns that identify specific persons, officials, groups, government offices or government bodies.

The following are exceptions to the general rule and must be capitalized:

- Act
- Circuit
- Code
- Constitution
- Court
- Judge, Justice
- State

## 5. INTRODUCTORY SIGNALS

### 5.1 Signals that indicate support

#### a. [no signal]

No signal is used when cited authority

- i) Directly states the proposition;
- ii) Identifies the source of a quotation; or
- iii) Identifies an authority referred to in the text.

#### b. *E.g.*,

“E.g.,” is used when cited authority states proposition, other authorities also state the proposition, but citation to them would not be helpful or is not necessary. It may be used alone or attached to any other signal (whether supportive or not). When it is attached to another signal, must be preceded by an italicized comma and followed by a non-italicized comma.

#### **Example:**

See, *e.g.*,

But see, *e.g.*,

#### c. *Accord*

“*Accord*” is commonly used when two or more sources state or clearly support the proposition, but the text quotes or refers to only one; the other sources are then introduced by “*accord*.” Similarly, the law of one jurisdiction may be cited as being in accord with the law of another.

#### d. *See*

“*See*” is used when the cited authority clearly supports the proposition. It is used instead of [no signal] when the proposition is not directly stated by the cited authority but obviously follows from it; there is an inferential step between the authority cited and the proposition it supports.

#### e. *See also*

“*See also*” is used when the cited authority constitutes additional source material that supports the proposition. “*See also*” is commonly used to cite an authority supporting a proposition when



authorities that state or directly support the proposition already have been cited or discussed. The use of a parenthetical explanation of the source's relevance following a citation introduced by "see also" is encouraged.

*f. Cf.*

In literal sense, *cf.* means compare. It is used when the cited authority supports a proposition different from the main proposition sufficiently analogous to lend support. The relevance of the citation will be clear to the reader only if it is explained. Therefore, authors normally provide brief parenthetical explanations.

**5.2 Signals that suggest a useful comparison**

**Compare... [and].... With...[and]...**

Comparison of the authorities cited offers support for or illustrates the proposition. When used as a signal, "Compare" must be used in conjunction with "with"; the "with" is preceded by a comma, as is "and" when used. Parenthetical explanations following each authority are provided to make the relevance of the comparison clear to the readers.

**Example:**

*Compare* Michael H. v. Gerald., 491 U.S. 110, 121 (1989) (rejecting the claim by a putative natural father of the right to visit his child conceived by a married woman), *and* CATHERINE A. MACKINNON, FEMINISM UNMODIFIED 49 (1987) (contending that what connects all women is their oppression in a sexual hierarchy), *with* Loving v. Virginia, 388 U.S. 1, 12 (1967) (invalidating laws prohibiting interracial marriage), Doe v. McConn, 489 F. Supp. 76, 80 (S.D. Tex. 1980) (holding a cross-dressing ordinance unconstitutional as applied to individuals undergoing therapy for sex-reassignment surgery), *and* Kenneth L. Karst, the Freedom of Intimate Association, 89 YALE L.J. 624, 631 (1980) ("The denial of the society of an intimate may be partial, as in the case of a parent who loses a contest over child custody but is allowed visitation rights, or virtually total, as when a non-custodial parent is denied visitation rights.").

**5.3 Signal that indicates contradiction**

*a. Contra*

“*Contra*” is used when the cited authority directly states the contrary of the proposition. “*Contra*” is used where “[no signal]” would be used for support.

**b. *But see***

“*But see*” is used when the cited authority clearly supports a proposition contrary to the main proposition. It is used where “*see*” would be used for support.

**c. *But cf.***

“*But cf.*” is used when the cited authority supports a proposition analogous to the contrary of the main proposition. A parenthetical explanation of the relevance of the source should be provided following a citation introduced by “*But cf.*”

“*But*” must be omitted from “*but see*” and “*but see*” whenever one of these signals follows another negative signal.

**Example:**

*Contra* Blake v. Kline, 612 F.2d 718, 723-24 (3<sup>rd</sup>, 1979); *see* CHARLES ALAN WRIGHT, LAW OF FEDERAL COURTS (STUDENTS EDITION) §48 (4<sup>th</sup> ed. 1983).

**5.4 Signal that indicates background material**

**See generally**

*See generally* is used when the cited authority provides helpful background material related to the proposition. A parenthetical explanation of the relevance of the source should be provided following each authority introduced by “*see generally.*”

**6. ORDER OF AUTHORITIES**

1. Constitution
  - a) Constitution
  - b) State
  - c) Foreign
  - d) Foundational documents of the United Nations and other organization
2. Statutes
  - a) Federal

- Statutes in force
  - Rules of evidence and procedure
  - Repealed statutes
- b) State
  - c) Foreign
3. Treaties and other international agreements
  4. Cases
    - a) Supreme Court
    - b) Courts of Appeal
    - c) District Courts
    - d) Quasi-judicial bodies
    - e) International Court of Justice, Permanent Court of International Justice
    - f) Other international tribunals and arbitral panels
  5. Legislative materials
    - a) Bills and resolutions
    - b) Committee hearings
    - c) Reports, documents and committee prints
    - d) Floor debates
  6. Administrative and executive materials
    - a) Executive orders
    - b) Regulations currently in force
    - c) Proposed rules not yet in force
    - d) All materials repealed
  7. Resolutions, decisions and regulations of intergovernmental organizations
  8. Records, briefs and petitions
  9. Secondary materials
    - a) Uniform codes and model codes
    - b) Books and pamphlets
    - c) Works in journals
    - d) Book reviews
    - e) Student written law review materials

- f) Annotations
- g) Magazine and newspaper articles
- h) Working papers
- i) Unpublished materials not forthcoming
- j) Electronic sources, including internet sources

10. Cross- references

Cross-references to the author's own text or footnotes.

