

CHAPTER 2

GUIDE TO LEGAL CITATION

2.1 INTRODUCTION

A citation is a path address of a book, article, web page or other published item, with sufficient details to uniquely identify the item. Citations are provided in scholarly works, bibliographies and indices referring the past work in the same subject area. Citations are used in scholarly works give information about a publication (book, journal article, video, etc.) that enables readers to identify and locate the referred publication.

- **Books:** Citations for usually contain the author's name, the book's title, place of publication and date of publication.

<i>Authors Surname & Initials</i>	<i>Title</i>	<i>Volume</i>	<i>Edition</i>	<i>Publisher</i>	<i>Year</i>	<i>Pages</i>
Harlow, Carol	Textbook on Torts	—	3 rd ed.	Sweet & Maxwell	2002	48

Harlow, Carol Textbook on Torts, 3rd ed., Sweet & Maxwell, 2002, 48p.

- **Journal Articles:** Citations for usually include the author name and title of the article, the title of the journal, the volume number, page numbers and date of publication.

<i>Author</i>	<i>Title</i>	<i>Year</i>	<i>Volume</i>	<i>Periodical</i>	<i>Page</i>
B. Thompson	Integrated Ombudsmanry	(2001)	64	Modern Law Review	459

B. Thompson “*Integrated Ombudsmanry: Joined-up to a Point*” (2001) 64 Modern Law Review 459p.

- **Electronic Sources:** Provide the uniform resource locator (URL) within arrows <...> to avoid confusion.

<i>Author</i>	<i>Title</i>	<i>Year</i>	<i>Volume</i>	<i>Periodical</i>	<i>URL</i>
B. Thompson.	Future Imperf	(2000)	4	Web JCLI	http://webjcli.ncl.ac.uk/20...son4.html

WorldNet Dictionary explains citation thus:

- (a) An official summon or notice given to a person to appear; the paper containing such summons or notice.
- (b) The act of citing a passage from a book, or from another person, in his own words; also, the passage or words quoted; quotation. This horse load of *citations* and fathers. *Milton*.
- (c) Enumeration; mention; as, a *citation* of facts.
- (d) (*Law*) A reference to decided cases, or books of authority, to prove a point in law.

2.2 CITATION SYSTEM USED BY INTERNATIONAL ORGANIZATIONS

Various international organizations have created systems of citation to fit their needs. Some of the most important are:

- The ACS style is the **American Chemical Society style** format and is often used in chemical literature.
- The APA style is the **American Psychological Association style** format which is most often used in social sciences. APA style uses parenthetical citation within the text, listing the author's name and the year the work was made¹.
- The American Political Science Association (APSA) publication on citation is the **Style Manual for Political Science**, which is a system often used by political science scholars and historians. It is largely based on that of the Chicago Manual of Style².
- The **Bluebook**³ citation system is traditionally used in American academic legal writing, and recognized by many courts of judicature all around the world. The Bluebook governs the citation practices of the majority of U.S.

1. American Psychological Association (2001) *Publication Manual of the American Psychological Association, Fifth Edition*. American Psychological Association. ISBN 1557987912
2. American Psychological Association (2001) *Publication Manual of the American Psychological Association, Fifth Edition*. American Psychological Association. ISBN 1557987912
3. The Blue Book: a uniform system of citation, 15th ed (Cambridge, Mass: Harvard Law Review Association, 1991)

student-edited law journals and has through its successive editions, shaped the citation education and resulting citation habits of most U.S. Lawyers.

- The Chicago Style was developed and its guide is *The Chicago Manual of Style*. Some social sciences and humanities scholars use the style.
- The *Columbia Style* was made by Janice R. Walker and Todd Taylor to give detailed guidelines for citing Internet sources. Columbia Style offers models for both the humanities and the sciences.
- The *MHRA Style Guide* is the Modern Humanities Research Association style format and is most often used in the arts and humanities, particularly in the United Kingdom where the MHRA is based. It is fairly similar to the MLA style, but with some differences. The style guide uses footnotes that fully reference a citation and has a bibliography at the end. Its major advantage is that a reader does not need to consult the bibliography to find a reference as the footnote provides all the details.
- *MLA style* was developed by The Modern Language Association and is most often used in English studies, comparative literature, foreign-language literary criticism, and some other fields in the humanities. MLA style uses a Works Cited Page to list works at the end of the paper. Brief parenthetical citations, which include an author and page (if applicable), are used within the text. These direct readers to the work of the author on the list of works cited, and the page of the work where the information is located (e.g. (Smith 107) refers the reader to page 107 of the work made by someone named Smith)⁴.

2.3 STRUCTURE OF LEGAL CITATION

A Legal Citation refers to a specific legal source, such as a constitution, a statute, reported cases, a regulation, a treatise, or a law review article. The basic format includes the volume number, abbreviated titles of the source, and beginning page or section numbers(s). The citation also includes the year on which final judgment rendered.

2.4 CITATION STANDARD THAT HAS BEEN ADOPTED BY MOST OF THE COUNTRY'S INSTITUTIONS

- *Australia*: Australian legal citation usually follows the *Australian Guide to Legal Citation*(Commonly known as AGLC)
- *Canada*: Canadian legal citation usually follows the *Canadian Guide to Uniform Legal Citation* (Commonly called the McGill Guide)

4. Gibaldi, J. (2003) *MLA Handbook for Writers of Research Papers (6th Ed)*. Modern Language Association. ISBN 0873529863

- **Germany:** *German legal citation*
- **Netherlands:** Dutch legal citation follows the *Leidraad voor juridische auterus* (Commonly known as Leidraad)
- **United Kingdom:** *Oxford Standard for Citation of Legal Authorities is the Modern Authority on Citation of United Kingdom Legislation*
- **USA:** U.S. legal citation follows
 - Bluebook standard
 - ALWD Citation Manual, or
 - Tanbook (New York State Official Reports Style Manual).
 - Maroon book (University of Chicago Law School)

2.5 NATURE OF LAW REPORTS IN INDIA

The Law Reports in India are published in various ways. They differ in respect of their frequency and numbering of issues. For example some are published weekly and fortnightly; some even monthly and half yearly. Some reports are published in a single volume and some cover a number of volumes in a year. ***Under Section 3 of the Indian Law Reports Act, 1875***, only the Reports published under the authority of state are to be cited in Courts.

There have been hundreds of law reports in India. Many of these have ceased publication, others are still continuing. It is also observed that titles of many of publications start with a proper noun i.e., BOMBAY LAW REPORTER, BIHAR LAW JOURNAL REPORTS, DELHI LAW REVIEW, PUNJAB LAW REPORTER, ALLAHABAD LAW JOURNAL etc. Many of these case reports are published weekly and many fortnightly or monthly. Most of the academic journals are published quarterly, some half yearly or even annually. Therefore, it is important that these publications are cited correctly and uniformly so that there is no ambiguity and also the citation is deciphered quickly without wasting time and energy by going through the process of trial and error.

The following examples indicate the nature of law reports published in India according to their frequencies.

(a) ALL INDIA REPORTER

AIR is published from 1914 onwards. It is a publication of AIR Ltd Nagpur. It is a monthly Journal. AIR monthly issues are numbered consecutively and loose parts are bound after completion of year with annual Index. There are 10 volumes each year covering Supreme Court and Various High Court Cases. The volumes are bound States wise and Supreme Court wise. But all volumes have the same volume number for each year i.e. Jan-Dec 2009 Vol. 96.

Citation: *Balbir Kaur v. State of Punjab* AIR 2009 SC 3036

(b) SUPREME COURT CASES

Supreme Court Cases shortly famous as SCC, is a fortnight publication of Eastern Book Company, Lucknow publishing since 1969. There are eight volumes with usually four or five supplements in a year bearing the numbers 1 to 12 or 13 i.e. volumes of a year like 2004 bear the numbers 1 to 13 including supplements and volumes of 2005 also bear numbers 1 to 13 including supplements.

Citation: *Maruti Suzuki Ltd v. CCE* (2009) 9 SCC 193

(c) SUPREME COURT REPORTS

SCR is the official Reporter of the Supreme Court judgments. Supreme Court Reports is governed by the Supreme Court (Council of Law Reporting) Rules, 1964. The head notes of the judgments are prepared by Editorial Officers and are approved by the Hon'ble Judges. The Supreme Court Reports are published under the supervision of the Supreme Court Council of Law Reporting consisting of Hon'ble the Chief Justice of India, two Hon'ble Judges of the Supreme Court, Attorney General for India and an Advocate nominated by the Executive Council of the Supreme Court Bar Association. From 2007 onwards SCR is published in running volumes, each volumes consisting of 4 parts of about 300 pages each and a Volume Index⁵. In 2007 13 volumes were published. In 2008 17 volumes were published.

Citation: *Mohd. Abdul Kadir & ors v. Director General of Police, Assam & Ors.* (2009) 9 SCR 611

(d) SUPREME COURT JOURNAL

Supreme Court Journal, the oldest Journal founded in the year 1938 by name Federal Court Journal (1938 TO 1949), then named as Supreme Court Journal in 1950, is published by ALT Publication from Hyderabad, Andhra Pradesh. Supreme Court Journal is a monthly publication. It covers 8 Volumes in a year⁶.

Citation: *M. Yogendra v. Leelamma N.* 2009 (7) SCJ 2

(e) CRIMINAL LAW JOURNAL

Criminal Law Journal is a monthly publication covering criminal law cases decided by Supreme Court of India and High Courts of various states. There are four volumes in a year. But cases are cited without volumes due to running page numbers on consecutive volumes in the same year.

Citation: *Mohd. Yasin v. State (N.C.T. OF Delhi) & Ors.* 2009 Cri.L.J. 4405 (SC)

5. <http://www.supremecourtindia.nic.in/sci%20Annual%20Report%202007-08.pdf>

6. <http://www.scj.in/about-alt.html>

(f) DELHI LAW TIMES

Delhi Law Times a DLT Publication from Delhi covers all reported and unreported judgments of Hon'ble Delhi High Court. It also publishes judgments of Hon'ble Supreme Court, appeals from judgments pronounced by Delhi High Court. It also includes Statutes (SS) and Journal Section (JS).

Citation: *Anang Pal v. UOI & Ors.* 164 (2009) DLT 10

2.6 EQUIVALENT CITATIONS

Equivalent Citation is also known as *parallel citations*. It is a useful tool to know the citations of same cases published in other reporting journals. The "Equivalent Citation Table" compiled by the Supreme Court Judges Library are as follows⁷. It covers the case reported in the four major Law Journals namely,

Supreme Court Cases, AIR (SC), JT and SCALE

This Equivalent Citation Table is in four volumes:-

1. AIR (SC) = SCR = SCC = JT = SCALE
2. SCC = SCR = AIR(SC)= JT = SCALE
3. JT = SCR = SCC = AIR (SC) = SCALE
4. SCALE = SCR = SCC = AIR(SC) = JT

e.g. *Ajay Goswami Vs. Union of India (UOI) and Ors.*

Equivalent Citation: AIR2007SC493, 2006 (14) SCALE 317, (2007) 1 SCC 143

Equal Citation Table of above mentioned law reports of Supreme Court Cases may be referred through the website of Supreme Court of India⁸.

2.7 CITATION OF CASE LAW

A case may be cited according to the inclusion of essential elements as required to give accurate information regarding its publication in a Law Reporting Journal. The following elements may be used in the sequence to indicate the citation of a reported case⁹.

- (1) **Party names** - traditionally the names of the parties to a case are mentioned in italics. The 'v' between party names is in roman type and lower case, but often an italicized 'v' is regarded as acceptable for the sake of keystroke convenience. If there is more than one party on either side, cite only the first name listed. The omission may be indicated by the use of '& Ors' meaning 'and others'.

7. <http://www.supremecourtfindia.nic.in/How%20to%20find.pdf>

8. <http://www.supremecourtfindia.nic.in/ect.htm>

9. Anne Greenshields & Anne Young, *Legal Citation Guide*, (3rd Ed.), Murdoch University Library and Murdoch University School of Law, 2003.

- (2) **Year** - this follows the party names. It is enclosed in either round or square brackets.
- (3) **Volume number** - if there is a volume number as part of the report series title then it must be indicated immediately after the year.
- (4) **Abbreviated title of the report series** - there are standard forms of abbreviation for most law report series. The series often specifies this standard at the beginning of each volume.
- (5) **Page number** - give the page number at which the case begins in the series of reports cited.

Example: *Maruti Suzuki Ltd v. CCE (2009) 9 SCC 193*

In India cases decided by the High Courts and the Supreme Court are published in official publications as well as private ones for these reports. Official reports of the cases decided by the High Courts are published in the form of a monthly publication called the INDIAN LAW REPORTS followed by the name of the High Court and cases decided by the Supreme Court are also published monthly and the publication is called SUPREME COURT REPORTS.

Private publications relating to the high court cases are generally titled starting with the name of the state in which the high court is situated i.e. **BOMBAY LAW REPORTER**, **CALCUTTA WEEKLY NOTES**, and **MADRAS LAW JOURNAL**, **DELHI LAW TIMES** etc.

2.8 CITATION OF LEGISLATIVE MATERIALS

I. Bills

The citation of a Bill must include the following three elements.

- **Title of the Bill** – The name of the bill shows subject matter of the bill. The citation of a bill must begin with the name of the bill with bold character e.g. **Right to Information Bill**
- **Year of The Bill** – The citation of bill should also include its year of introduction. The year must be indicated immediately after title. Example: **Right to Information Bill, 2004**.
- **Date of the Introduction of the Bill** – The date of introduction of bill should also indicate at the last for citation purpose. It gives accurate and related reference to the researchers e.g. **Right to Information Bill, 2004** “introduced in Lok Sabha on 22nd December 2004”.

A bill should be cited in such a way that at least the first two components are clearly reflected in the citation. The third component may either be given in brackets immediately after the year or it may be given in the footnote. For example, the National Green Tribunal Bill, 2009 introduced in Lok Sabha on

31st July, 2009, should be cited as the **NATIONAL GREEN TRIBUNAL BILL, 2009** and ‘introduced in Lok Sabha on 31.7.2009’ should be given in the footnote without brackets.

The basic idea behind this exercise is to fulfill the principles of citation i.e. to remove any ambiguity and to facilitate quick and easy access to the desired material.

II. Statutes/Acts

The full citation of a statute must include the following elements, in this order:

- **Title of the Act** –The name of the act shows subject matter of the act. The citation of a statute/ act must beginning with the name of the act with bold character e.g. **Right to Information Act**.
- **Short Title** - Modern legislation is generally given a short title by which it is cited. This short title is indicated in the relevant section of the Act and is made up of the name of the Act and the year it received assent. Any reference to an Act should always cite this short title, in italics, exactly and in full.
- **Year of the Act** – The year of the act also plays a big role in citation. The year must be indicated immediate after title e.g. **Right to Information Act, 2005**.
- **Number of the act** – In India, Acts passed in a year are given numbers for that particular year. The number of act must also be included to cite. e.g. **Right to Information Act, 2005** (No. 22 of 2005).
- **Date of the Act** – Date of passing of a particular legislation must also include in citation. e.g. **Right to Information Act, 2005** (No. 22 of 2005 dated 15th May 2005).

III. Citation of Subordinate Legislation

Generally, in subordinate legislation the title of the act under which these are issued, is repeated except the word ‘Act’ words like ‘Rules’, ‘Order’, or ‘Regulation’ etc. is mentioned. Therefore, rules, orders etc. can be cited in full by their title. Every subordinate legislation, except rules has a number which should be given in brackets immediately after the title or it can be mentioned in the foot note. The number must always be mentioned so that their location becomes easy.

Thus, in case of rules the year must be given, in other cases the number must be given, apart from the year.

For example, rules made under THE ENVIRONMENT (PROTECTION) ACT, 1986 (29th of 1986) must be cited as THE ENVIRONMENT

(PROTECTION) FIRST AMENDMENT RULES, 2006. Similarly, a notification issued under these rules or any order issued under these rules may be cited as THE ENVIRONMENT PROTECTION ORDER, followed by the year. As mentioned earlier, every notification and order etc. bears a number which must be mentioned in every citation, preferably in footnote.

2.9 CITATION OF REPORTS BY COMMITTEES OF LEGISLATIVE BODIES

There are various committees functioning under the legislative bodies – Parliament and the state legislatures. Some of them are permanent and some are Ad-hoc. Reports of the Permanentary Committees may always be cited by their name followed by the number and year of the report published.

The Ad-hoc committees may be cited by the name of the Chairman. For example, the 6th Report of the Public Accounts Committee (A permanent body) of the tenth Lok Sabha may be cited as PUBLIC ACCOUNTS COMMITTEE (10th Lok Sabha) 6th Report. But, the report on electoral reforms submitted by Mr. Indra Jeet Gupt, may be cited as INDRA JEET GUPT REPORT ON ELECTORAL REFORMS. In both the cases year of the report must be mentioned immediately after the title.

2.10 REPORTS OF COMMITTEES AND COMMISSIONS (OTHER THAN THOSE OF LEGISLATIVE BODIES)

As in the case of reports of the Ad-hoc Committees of the legislative bodies, these reports may also be cited by the name of the Chairman e.g. SARKARIA COMMISSION REPORT ON THE CENTRE-STATE RELATIONS in the text and full title and bibliographical details may be mentioned in the foot note.

2.11 OTHER LEGAL MATERIALS:

2.11.1 Books/Monograph/Treatises

The full citation of a book includes the following elements in the specified order:

- (1) **Single Author** - The author's full name, as it appears on the title page, must always be given in the first citation of a work. The order should be last name, followed by given name or initials, followed by a comma. Include any designation or suffix such as Jr or III, including punctuation, exactly as it is given on the title page. The name given on the library catalogue immediately after the title (rather than in the author field) is always taken from the title page.

Joint authors - Where a work is written by two authors, their names should appear in the order in which they are given on the title page of the

publication, authors names are separated by an ampersand (&). A work by more than two authors is cited using the first author's name followed by "et al" prior to the comma.

Editor - The editor(s) of a collection of essays is cited in the same way as an author and joint authors above, with the addition of the abbreviation "(ed.)" or "(eds.)" prior to the comma.

The same methodology is used for compiler (comp.), translator (trans.) and reviser (rev.) where their role is paramount to the work.

- (2) **Title** - The title used should be that given on the title page of the publication not that used on the spine or cover. If the title is long or complicated, subsequent citations may use an abbreviated form. The title must always be in italics or underlined. Titles and sub-titles are separated by “: ”, that is a colon with a space on either side. Capitalize the first letter of the title, the sub-title (if relevant) and then all words except articles, connectives and prepositions.
- (3) **Volume number** - the volume number (if applicable) follows the title and precedes the publication information. "Volume" is abbreviated to "vol.", "volumes" to "vols.", the volume number is cited in Arabic numerals and the title and the volume number are separated by a comma.
- (4) **Edition** - any edition other than the first edition should be indicated, with this information following the title of the work after the volume information. A revised edition should also be indicated. "Edition" is abbreviated to "ed", "revised" to "revd".
- (5) **Publication Information** - publication information is enclosed in the following order:
 - (5.1) Place of publication followed by a colon. Do not use full stops after initials. Use the abbreviations for Australian jurisdictions indicated in the legislation section of this guide.
 - (5.2) Publisher (using short forms where possible) followed by a comma. Do not use full stops after initials.
 - (5.3) Year of publication.
- (6) **Citation reference point, or pinpoint reference**- the final element of the citation is the specific page or chapter reference preceded by a comma.
EXAMPLE: - John, Stephen, *Criminology*, 3rd. ed., New York: Oxford University Press, 2006.

If you are citing a contribution to a collected work, give the author and title of the chapter or section, as well as the author and title of the whole book. The title of the chapter is placed in inverted commas.

EXAMPLE: - Cooley, T.M., *A Treatise on the Constitutional Limitations: Legislative Power of the States of the American Unions*, 1st Indian Reprint

ed., Calcutta: Hindustan Law Book Company, 2005, “Constitution of the United States”, 5-84p.

2.11.2 Newspapers

Articles from newspapers are cited in a manner similar to articles from journal articles. The full citation of an article from a newspaper includes the following elements, in this order:

Author - Signed articles should include the full initials of the author; the citation of an unsigned article begins with the title of the piece.

Title - The title of the article is enclosed in quotation marks. Capitalize the first letter of the title and then all words except articles, connectives and prepositions. For untitled articles (i.e. Letters to the Editor) include a description of the piece cited after the author details. Do not enclose the description in quotation marks.

Newspaper - The name of the newspaper is italicized. Following the name of the newspaper include in round brackets the place of publication.

Date - Include in this element the day(s), month and year of issue.

Page reference - give the page number on which the article appears. If the article is only on one page, do not repeat that page number as the citation reference point. If the newspaper uses other forms of page and column designation, use those formats.

For Example: Batra, N.D., “Feeling’s mutual: Sharing values, India and US have much to offer each other” *The Times of India* (New Delhi), Tuesday, November 24, 2009, 1p.

2.11.3 Conference and Seminar Papers

Conference and seminar papers are often collated and published as conference proceedings. Where this is the case, cite individual papers in the same manner as contributions to a collected work. Where individual conference papers are published in a periodical, cite as for other journal articles.

If citing from an individual unpublished conference paper, the citation should include the following elements, in this order:

Author's name

Title of the paper in italics

Description of the conference

Date and place of the conference (if known)

Citation reference point if paper is paginated

Example: WIPO Conference on Creativity Inventions – A Better Future for Humanity in the 21st Century November 11th to 13th 2009 held at New Delhi.