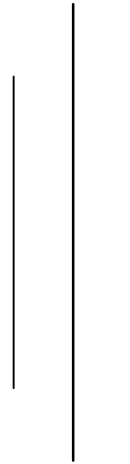


Style Guide to Academic Writing

Kathmandu School of Law



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Accepted by

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A. Introduction

Academic writing does not depend on the content alone. The form of an article, research report or term paper is equally important. It gives a first impression to the reader about the care and diligence with which the report was conducted. The opinion on a piece of writing will be influenced consciously and unconsciously by the form. In addition, the form allows verifying, at least to a certain extent, how far a work of research followed scientific principles. The number and quality of referenced works will indicate the depth of the scientific investigation. In addition, checking the references (whether they are correct) also allows identifying flaws in a research. Thus, deficiencies in form alone make it possible to disqualify academic writing at an early stage. Form is thus an essential component of all academic writing.

In spite of the importance of form, there are different standards and models around the world such as the Oxford Standard of Legal Citation and the Harvard scheme, the Australian Guide to Legal Citation and the Canadian Guide to Uniform Legal Citation, the Bluebook, guidelines set up by the Association of Legal Writing Directors (ALWD), the AALL (American Association of Law Libraries) Universal Citation Guide and others. For an academic institution, it is essential that requirements of form are made clear and are consistently applied. This is a demand of fairness and clarity towards the students, but also an issue of clarity for all researchers involved. Consistency and clarity of form contribute to the quality of the academic institution itself. The present style guide aims at achieving this purpose for KSL.

The present draft style guide draws on observation and experience in different countries as well as on existing material of the research department of KSL. It was finalized in a seminar with LLM 1st year students at KSL. Citations are omitted where the new rules are the result of discussion and differ from original sources.

In case this guide does not provide an answer for a particular issue of citation, the issue should be resolved by referring to the easily accessible Australian Guide to Legal Citation, 2nd edition (Melbourne: Melbourne University Law Review 2002), available at mulr.law.unimelb.edu.au/PDFs/aglc_dl.pdf (accessed on 16 May 2008).

Good luck with your scientific work!

B. Overall Style**1) Cover Page**

The title page should look as follows:

| |
|--|
| Topic (Title) |
| Level (Type of Paper: Dissertation/Seminar/Term Paper) |
| Program (LLM/LLB, year, specialization) Date |
| Number of words, if requirements of words exist (term paper, dissertation) Name of Student P.U. Registration Number Name of Institution Name of University |

Example:

| |
|--|
| The Difficulties of Case Reporting in Nepal |
| Dissertation / 1 st Term Paper in the Subject of Legal Research LLM 2 nd Year Criminal Law and Justice |
| July 15 th 2008 |
| 3354 words Ram Prasad Kathmandu School of Law Purbanchal University |

Format : 2 inches heading gap, 1 inch on bottom

Font : Times New Roman: subject 16 points capital letters; rest 14 points normal

Word count Required for term papers and for dissertation, but not for seminar papers.

Word count only includes text (not tables, title page, footnotes).

According to existing guidelines, the following are the existing requirements on number of words:

| Level | Term Paper | Dissertation |
|--------------------------|-------------------|---------------------|
| LLB 1 st year | Up to 1500 words | n/a |
| LLB 2 nd year | Up to 1500 words | n/a |
| LLB 3 rd year | Up to 2500 words | n/a |
| LLB 4 th year | Up to 2500 words | n/a |
| LLB 5 th year | Up to 2500 words | 15'000-25'000 words |
| LLM 1 st year | 2500-3500 words | n/a |
| LLM 2 nd year | 2500-3500 words | 25'000-30'000 words |

2) Tables

The following tables have to be included in the following order

1. Table of Contents

- Containing all titles and subtitles and, on the right side, the respective page number (page of relevant heading).
- In dissertations, an overview can go before the table of contents
- Introduce subtitles only if you have at least 2 different subtitles.

- The numbering is left to the discretion of the author.

2. Table of Abbreviations

The table includes all (and only) abbreviations used in the text. It can also include abbreviations of primary legal sources (e.g. ICCPR) which thereafter do not need to be cited in full length. For abbreviations in languages different than English, either the English meaning is directly given or a translation should be given in brackets.

For example:

| | |
|-----------|--|
| <i>eg</i> | for example |
| NCA | Nepal Contract Act 2000 (<i>Karaar Ain 2056</i>) |
| NKP | <i>Nepal Kanoon Patrika</i> (Nepal Law Journal) |
| WN | Writ number |

Note: Most recent English guidelines propose not using full stops (.) after abbreviations.

3. Table of Statutes

Contains all statutes referred to in the paper/work and the respective page where the statute is mentioned in the paper. Statutes should be ordered according to jurisdiction and chronologically.

4. Table of Cases

The table of cases contains all cases cited, divided by jurisdiction, and in chronological order. There also should be a reference to the page where the case is mentioned in the paper.

5. Bibliography (at the end of the paper, after the main text)

The bibliography is a compilation of all the books and articles cited in the study. A work not cited in the study should therefore not be included in the bibliography. If the author wishes to refer to other works, she/he can add a separate list under the title “further readings”. The bibliography should not include primary legal

sources such as acts, regulations, etc. – those are included in separate tables (table of statutes, table of cases).

The bibliography should contain all the information mentioned below under citation. However, differently than under footnotes, the author's last name comes first.¹ It should be presented in alphabetical order, taking the author's last name is taken as reference. Books by the same author can either be put in alphabetical order of their title or in chronological order – the latter is the more common modality.

Examples:

| Table of Contents | |
|------------------------------------|-----|
| Table of Abbreviations | II |
| Table of Cases | III |
| Table of Statutes | IV |
| 1. Introduction | 1 |
| a) Background | 1 |
| b) Research Question | 2 |
| c) Rationale | 2 |
| d) Methodology | 3 |
| 2. The Right to Silence | 4 |
| a) International Instruments | 4 |
| b) Nepali Legal Provisions | 7 |
| 3. Conclusion..... | 11 |

¹ McGill Law Journal, *Canadian Guide to Legal Citation*, 6th edition, Excerpts provided for the benefit of participants in the “The Philipp C. Jessup International Law Moot Court Competition”, available at <http://www.ilsa.org/jessup/jessup08/mcgill.pdf> (accessed on 10 March 2008) [Canadian Guide], E-2.

Table of Abbreviations

| | |
|-----------|---|
| <i>eg</i> | for example |
| KSL | Kathmandu School of Law |
| NCA | Nepal Contract Act 2000 |
| NKP | <i>Nepal Kanoon Patrika</i> (Nepal Law Journal) |
| WN | writ number |

Table of Cases

| | |
|--|---|
| <i>Tirtha Raj Kumari Rana v Binod Shanker Shrestha</i> , NKP 2049 (1992), 1..... | 3 |
| <i>HMG v Dhanamaya</i> , NKP 2031 (1974), 123 | 5 |

Table of Statutes

| | |
|---|---------|
| Nepal Contract Act 2000 | |
| Section 2..... | 4 |
| Section 4..... | 4, 6, 8 |
| Constitution of the Kingdom of Nepal 1990 | |
| Article 4..... | 7 |

Bibliography

- Acharya, Madhav Prasad, 'The Adversarial v. Inquisitorial Models of Justice', (2003) 1 *KSL Journal*, 63
- Adhikari, Ashish & Gautam, Sudeep, *Business Law in Nepal* (Kathmandu: Dhaulagiri Books & Stationaries 2006)
- Sangroula, Yubaraj, *Fair Trial, Nepalese Perspective* (Kathmandu, KSL 2006)

3) Font, Margins

Font : Times New Roman, 12 points.

Line gap : 1.5 lines

Margins : Top, right and below: 1 inch. Left side: 1.25-1.50 inches.

4) Miscellaneous

- Use a gender-inclusive language.

Examples: reasonable person (not reasonable man), he or she (not he)

- When using dates in the text, clarify with BS or AD what date you are referring to. In English texts, always provide a conversion.

Example: The Constituent Assembly declared Nepal a Republic on 15 Jestha 2065 BS (28 May 2008 AD).

C. Citation and Quotation

Citation has three main purposes: it gives authority to a statement, it gives clarity on the authorship of a proposal (intellectual honesty: no citation = plagiarism, an academic theft) and it enables the reader to find further literature.²

1) Principles of Citation

According to the blue book, there are several principles of citation.

- The reference should be as short as possible.³
- The reference should be long enough to find the cited source (full address principle⁴).⁵

² Harvard Law Review Association, *The Bluebook, A Uniform System of Citation*, 16th edition (1996) [Bluebook], 4.

³ *Ibid.*

⁴ Peter W. Martin, *Basic Legal Citation (LII 2007 ed.)*, available at <http://www.law.cornell.edu/citation/index.htm> (accessed on 3 March 2008), para 1-300.

- The reference should always mention the source actually consulted. Copying footnotes is plagiarism. If citing a case referred to in a book without consulting it, the citation has to contain the work which referred to the case (as per citation rule of the relevant jurisdiction), followed by “cited from” and the consulted source according to guidelines below.

Example: Swamilal Shrestha v Fuel Corporation, NKP 2055 (1998), 340, cited from Ashish Adhikari & Sudeep Gautam, *Business Law in Nepal* (Kathmandu: Dhaulagiri Books & Stationaries 2006), 164.

A citation is always needed where the idea expressed by another author or by a case is used. If the literal wording is used, a citation becomes a quotation.

2) Quotations

Giving the literal wording of a source requires a quotation. Quotations are only appropriate in cases where the literal meaning is specifically important (e.g. statutes) or very good, creative and clear. Short quotations (less than 50 words) are to be put in quotation marks (“”), the footnote following immediately afterwards.⁶ Quotations with more than 50 words⁷ (or with special emphasis⁸) are set off from the text by denting it on both sides (right and left). Changes to the exact text have to be specified as follows:

Alteration (of one letter, from upper to lower level): [letter], e.g. “[B]efore ...”.

Omission of letter: [empty]

Significant mistake in original [sic]

Change of emphasis mention in reference in brackets ()
e.g. (emphasis added)

Omission of word “...”

⁵ Bluebook (n 2), 4.

⁶ *Ibid*, 44; Martin (n 5), para 6-100.

⁷ Bluebook (n 2), 43.

⁸ Martin (n 5), para 6-100.

Example

Text text text text “quotation of lesser than 50 words come in the text”⁹ text text text text text text text.

Text text.

“[Q]uotations are to be quoted [sic] exactly in the same manner as they appear in the original ... unless this leads to significant problems. Quotation quotation quotation quotation quotation quotation quotation quotation quotation quotation quotation. Quotation quotation quotation quotation quotation quotation quotation quotation quotation. This is the **most important** principle of quotations.”¹⁰

Text text text Text text.

3) General Modalities of Citation

Form

- Every citation takes the form of citation sentences.¹¹ This implies that it should start with a capital letter and end with a full stop (“.”).¹²

Example: See Yubaraj Sangroula, *Fair Trial, Nepalese Perspective* (Kathmandu, KSL 2006), 5.

- References to more than one work / case in the same footnote are set off from one another with semi-colons (;).¹³

⁹ Hari Example, *The Real Book on Quotations*, 2nd edition (Nowhere: Example Publisher 1888), 5.

¹⁰ Sita Example, *Fantasy Book on Quotations*, 3rd edition (Everywhere: Example Publisher 1999), 2 (emphasis added).

¹¹ Martin (n 5), para 6-200.

¹² Faculty of Law, University of Oxford, *Oxford Standard for Citation of Legal Authorities*, (2006), available at http://denning.law.ox.ac.uk/published/oscola_2006.pdf (accessed on March 10, 2008), 5 [Oxford Standard]; Melbourne University Law Review Association, *Australian Guide to Legal Citation*, 2nd edition (2002), available at mulr.law.unimelb.edu.au/PDFs/aglc_dl.pdf, (accessed on March 10, 2008) [Australian Guide], 3.

Example: Yubaraj Sangroula, *Fair Trial, Nepalese Perspective* (Kathmandu, KSL 2006), 5; Madhav Prasad Acharya, 'The Adversarial v. Inquisitorial Models of Justice', (2003) 1 *KSL Journal*, 63, 68.

- References are put in footnotes according to guidelines below. In text citations are not used.
- Footnotes are usually put at the end of the sentence after the relevant punctuation (usually full stop), except where they come after a quotation or where they relate to a specific part/word of the sentence.

Example: Citations are good.¹⁴ Some authors claim that good writing is impossible without citations,¹⁵ while others¹⁶ do not care.

Cross References (Subsequent Citations of the Same Source)

- Same reference as the immediately preceding footnote, if the former footnote mentions only one source (applicable for all sources):

Ibid, page number without repeating any part of the original reference.

Id or *loc cit/op cit* are not used!

Example: ¹² Yubaraj Sangroula, *Fair Trial, Nepalese Perspective* (Kathmandu: KSL, 2006), 12.

¹³ *Ibid*, 322.

¹⁴ *Ibid*.

- Reference to a source cited in a footnote different than the immediately preceding one (applicable for academic writing only):

Author's last name (n xy), page.¹⁷

¹³ Oxford Standard (n 12), 5; Australian Guide (n 12), 1.

¹⁴ Example (n 9), 12.

¹⁵ *Ibid*.

¹⁶ Example (n 10), 15.

¹⁷ Oxford Standard (n 12), 6.

Example Sangroula (n 15), 254.

Supra and *infra* should not be used.

For cases and books is possible (but not necessary) to include a short (popular) title in the full reference in square brackets [short title] in order to easily identify the work in subsequent citations: Examples in footnotes 1 and 12 of this guide.

Introductory Signals

| | |
|---------------|--|
| (no signal) | Source directly supports the statement. |
| <i>eg</i> | Other authorities (not cited) also support the stated. |
| See | Source gives implicit or qualified support. |
| See generally | Source provides background information on topic. |
| cf (compare) | Source provides support by analogy (contrast). |
| <i>contra</i> | Source is in direct contradiction with the statement. |
| but see | Source is in partial contradiction with the statement. |

4) Citation of Books

Author's first name (if available), Author's last name, *Title*, Vol. Volume Number (if any), edition (if any) (place: publisher, year), page or pages of quote.

Remarks

- Titles and academic degrees should be omitted.¹⁸
- Middle names can be mentioned if they are commonly used.
- 2 authors: mention both names, separated by ampersand (&)

Example: Ashish Adhikari & Sudeep Gautam, *Business Law in Nepal* (Kathmandu: Dhaulagiri Books 2006).

¹⁸ Martin (n 5), para 2-710 (b).

- 3 or more authors: first author, followed by “*et al*” (et alii: Latin for “and others”)

Example: Mike Maguire *et al*, *The Oxford Handbook of Criminology*, 3rd edition (Oxford: Oxford University Press 2002).

- Title: the first word and every other word except conjunctions (and), prepositions (to) and articles (the) should start with capital letters. Subtitles are separated by colon (:), except where the original title page uses another sign.

Example: Yubaraj Sangroula, *Nepalese Legal System, Human Rights Perspective* (Kathmandu: Kathmandu School of Law 2005).

- Place: if the publisher has more than one seat, include the first one according to the information given in the cited source.
- Information on volume and edition are only required if there is more than one volume or edition.
- The abbreviation p. for page should be omitted. When referring to something else than a page number (eg a paragraph), there should be a corresponding abbreviation (para for paragraph,¹⁹ ch²⁰ for chapter).

Example: Yubaraj Sangroula, *Nepalese Legal System, Human Rights Perspective* (Kathmandu: Kathmandu School of Law 2005), 15.

Peter W. Martin, *Basic Legal Citation (LII 2007 ed.)*, available at <http://www.law.cornell.edu/citation/index.htm> (accessed on March 3, 2008), para 1-300.

5) Citation of Articles/Contributions in Compilations and Edited Volumes

Author, ‘Title’, in editor’s name/s (ed), *Compilation*, (place: publisher, year) first page of article, page or pages of quote.

- Remarks under books are applicable

¹⁹ Canadian Guide (n 1), E-164.

²⁰ Australian Guide (n 12), 55.

- The remark for multiple authors applies to multiple editors.
- Do not forget using “in”.

Example: Paul Rock, ‘Sociological Theories of Crime’ in Mike Maguire *et al* (ed), *The Oxford Handbook of Criminology*, 3rd edition (Oxford: Oxford University Press 2002) 51, 73.

6) Citation of Articles in Journals

Author, ‘Title’ (Year) Volume Number (if any) *Journal Name* page number first page, page or pages of quote.

Refer to remarks under books for details.

Example: Madhav Prasad Acharya, ‘The Adversarial v. Inquisitorial Models of Justice’, (2003) 1 *KSL Journal* 63, 68.

7) Citation of Cases

Nepali cases:

Supreme Court, published : *Name of first party v name of second party*, NKP Nepali year (year AD) page number first page, page number of reference (if any).

Example : *HMG v Dhanamaya*, NKP 2031 (1974), 123.

Supreme Court, not published : *Name of first party v name of second party*, WN writ number Nepali year (year AD).

Example : *Ashish Adhikari v HMG*, WN 3391 2057 (2000).

Lower Courts : Name of Court, *name of parties*, decision number year Nepali date (year AD).

Example : Lalitpur District Court, *HMG v Bhisma Bahadur Rsaiju* 427 2062 (2005).

Foreign cases:

Follow the guidelines/practice of the respective legal system. The following are examples of the most common form of citation in some foreign systems.

Australia : *Case name* (year) volume number report series page, pinpoint page.

Example : *Koop v Bebb* (1951) 84 CLR 629.

England : *Name of parties*, [year] series of Law Report page number of first page, reference page number (if any).

Example : *Dunlop Pneumatic Tyre Co. Ltd v Selfridge & Co* [1915] AC 847.

India : *Case name*, reporter, year, court, page number.

Example : *Gopalan v State of Madras*, AIR 1950 SC 27.

USA : *Case name* volume report series and number starting page, pinpoint page (Court, if not Supreme Court, year).

Example : *New York Times Co v Sullivan*, 376 US 254 (1964).

Atwater v City of Lago Vista, 195 F 3d 242 (5th Cir 1999).

- Include abbreviations used in case citations in the table of abbreviations.

Example: AIR - All India Reports

- If the jurisdiction is not indicated or does not follow from the text, add a corresponding reference!

Example : *Koop v Bebb* (1951) 84 CLR 629 (Australia).

- Do not forget to always indicate the source actually consulted in case you did not read the original case!

Example: *Beswick v Beswick* [1968] AC 58 cited from Ashish Adhikhari & Sudeep Gautam, *Business Law in Nepal* (Kathmandu: Dhulagiri Books 2006), 126.

- If you consulted a case online, indicate as recommended on the respective webpage and add the webpage according to the guidelines under online sources.

8) Citation of Statutes

In the absence of a formal publication organ, the name of the statutes and the year will be sufficient. The name in the original language should be indicated at least in italics in brackets or footnotes. For references to the *Muluki Ain*, no English translation is necessary. For foreign statutes, the jurisdiction has to be indicated. Abbreviations can be used if indicated in the table of abbreviations.

Example : *Muluki Ain* 2020 (1963)

Nepal Contract Act 2000 (*Karaar Ain* 2056), section 4.

Indian Contract Act 1872

English Contract (Rights of Third Parties) Act 1999

9) Citation of International Instruments

Title, parties (if bilateral treaty), (date of signature), UN treaty series reference (if available and applicable), parallel citation (actual source), pinpoint.

Example: *International Covenant on Civil and Political Rights* (16 December 1966), 999 UNTS 171, article 14.

10) Citation from Online Sources

Author, *Title*, available at URL (accessed on date).

Online journals : Author, 'Title', *Journal name*, available at URL (accessed on date).

Example : Peter W. Martin, *Basic Legal Citation* (LII 2007 ed.), available at <http://www.law.cornell.edu/citation/index.htm> (accessed on 3 March 2008), para 1-300.

Bibliography

Faculty of Law, University of Oxford, *Oxford Standard for Citation of Legal Authorities*, (2006), available at http://denning.law.ox.ac.uk/published/oscola_2006.pdf (accessed on March 10, 2008) [Oxford Standard]

Harvard Law Review Association, *The Bluebook, A Uniform System of Citation*, 16th edition (1996) (more recent editions not available at KSL)

Martin, Peter W., *Basic Legal Citation (LII 2007 ed.)*, available at <http://www.law.cornell.edu/citation/index.htm> (accessed on March 3, 2008)

McGill Law Journal, *Canadian Guide to Legal Citation*, 6th edition, Excerpts provided for the benefit of participants in the “The Philipp C. Jessup International Law Moot Court Competition”, available at <http://www.ilsa.org/jessup/jessup08/mcgill.pdf> (accessed on March 10, 2008) [Canadian Guide]

Melbourne University Law Review Association, *Australian Guide to Legal Citation*, 2nd edition (2002), available at mulr.law.unimelb.edu.au/PDFs/aglc_dl.pdf, (accessed on March 10, 2008) [Australian Guide]