

1. Introduction

This policy brief draws on the qualitative findings, including both primary and secondary data sources, of the study '*Barriers to Effective Law-Making: A Study of Institutional, Political, and Procedural Constraints*'. The study examined structural, political, and procedural hurdles across Nepal's legislative tiers within a nationwide context, drawing particularly on insights from interviews and consultations conducted in Lumbini, Koshi, Bagmati and Madhesh provinces. This brief synthesizes those barriers to outline targeted reforms for legislative independence, evidence-based policy-making, and substantive federalism.

While Nepal's 2015 Constitution established a decentralized federal framework, the actual law-making process remains hindered by systemic barriers. The primary bottleneck in Nepal's governance are structural and procedural gap in the law-making process, heavily driven by a rigid, top-down approach. Field research and secondary data from the study reveals that the provincial assemblies

function as executive-dominated bodies, rushing government bills through overnight while sidelining citizens voices including marginalized groups.

To conceptualize these systemic barriers, the study identifies a distinct pattern of governance and terms it the "federal mirroring effect". This refers to a phenomenon where the structural shift to federalism has not been accompanied by a corresponding change in political behavior. Instead, the institutional deficiencies, centralizing tendencies, and power dynamics of the federal government are being replicated at the provincial level. This behavioral continuity creates a significant gap between constitutional promises and actual practice, delaying crucial legislation needed to address pressing societal issues.

Ultimately, to move beyond this symbolic implementation of federalism, Nepal must address these deep-seated constraints through five targeted pillars of reform.

2. The Five Pillars of Legislative Reform

A. Strengthening Institutional Capacity and Research

Federal and provincial legislative bodies lack the technical and physical resources to function independently. In Koshi Province, the study found that despite the early designation of the provincial capital, ministries still operate from temporary facilities. This physical deficit directly impacts the legislature. Committee secretariats note that a lack of meeting rooms forces parliamentarians to wait for turns, causing severe delays in the legislative calendar. Furthermore, thematic committees lack dedicated legislative research

units to generate the data needed for effective bill scrutiny. This institutional gap results in “reactive law-making,” where assemblies respond primarily to immediate administrative needs rather than proactively creating long-term, evidence-based policy frameworks. To systematically dismantle these structural bottlenecks and transition toward a proactive, independent legislative environment, the following strategic interventions must be prioritized:

- **Establish Legislative Research Units:** Both federal and provincial assemblies must create internal, properly resourced research departments to support lawmakers in drafting and analyzing laws, reducing their total dependency on bureaucratic or donor-led studies.
- **Infrastructure Investment:** Provinces must prioritize ensuring that legislative committees have the necessary physical facilities and meeting rooms for deliberations to avoid structural delays in the legislative calendar.
- **Capacity Building:** The assemblies must institutionalize structured, ongoing training for parliamentarians and secretariat staff, move away from ad hoc, bureaucratic or external interventions to build long-term internal expertise.

B. Enhancing Legislative Independence from the Executive

The study highlights a profound pattern of executive dominance, where parliaments and provincial assemblies function as extensions or “rubber stamps” for government-sponsored bills. Data tracking from (2017-2026) reveals that the Federal House of Representatives processed significantly more bills (115 registered, 91 authenticated)¹ compared to the National Assembly (67 registered, 38 authenticated)², pointing to a potential bottleneck in bicameral review and a lower authentication rate in the upper house. Across the provinces, updated legislative registries reveal stark regional disparities in law-making. According to stakeholder consultations, these differences in registration and output stem from an environment where executive-initiated bills are frequently rushed through overnight without meaningful debate. Meanwhile, private members’ bills face a systemic lack of institutional support and rarely reach the assembly floor. This dynamic ultimately reinforces a political culture of obedience to party hierarchies over independent legislative scrutiny. To counter this executive dominance, Nepal should:

- **Support Private Members’ Bills:** Provide robust institutional support, drafting assistance, and dedicated floor time for bills initiated by individual lawmakers to encourage legislative innovation and independent political thought.
- **Promote Merit-Based Appointments:** Move away from loyalty-based political appointments in secretariats and committees toward merit-based selections to protect the professional integrity and autonomy of legislative institutions.

¹ See House of Representatives website <https://hr.parliament.gov.np/en/bills?type=reg&ref=BILL> for more insights.

² See National Assembly website <https://na.parliament.gov.np/en/bills?type=reg&ref=BILL> for more insights.

C. Clarifying Jurisdictions and Improving Coordination

A major structural gap exists regarding concurrent rights and shared jurisdictions outlined in Schedules 7 and 9 of the Constitution. Due to a lack of operational clarity, different tiers of government frequently clash over authority regarding employee management, land registration, education, and natural resource management. This lack of coordination has led to highly conflicting laws, such as those seen in Gandaki Province regarding natural resource conservation and usage, which have caused policy paralysis and severe public discontent among local user groups. Key steps include:

- **Review and Refine Unbundling:** Conduct a comprehensive revision of the unbundling of competencies to resolve overlaps in Schedules 7 and 9 of the Constitution, providing greater operational clarity for all tiers of government.
- **Reactivate Intergovernmental Mechanisms:** Ensure that the Inter-Provincial Council (IPC) and the National Coordination Council (NCC) meet regularly, and that their decisions are executed through binding action plans with clear timelines.
- **Constitutional Review:** Consider the 99-point committee's³ suggestion to limit the number of provincial ministers to 10% of the total assembly size (with a minimum of 5) to reduce administrative costs and improve public trust.

D. Moving from Tokenistic to Meaningful Inclusivity

While the federal system successfully increased the numerical representation of women, Dalits, and marginalized groups through proportional systems, their actual influence on policy remains limited. The initial optimism for participatory governance has given way to procedural, tokenistic engagements. The stakeholder consultations found that marginalized lawmakers often lack the technical, financial, and political resources needed to actively drive legislative agendas. This is highly evident in provinces like Madhesh, where stakeholders claimed that the systemic absence of citizen consultation regarding land tenure, urban planning, and disaster risks has led to misaligned policies and exceptionally low public ownership of legal reforms. To tackle this, Nepal should:

- **Institutionalize Public Consultation:** Establish mandatory, codified mechanisms for gathering input from citizens and marginalized groups during the pre-legislative phase, ensuring that laws are socially legitimate and locally grounded.
- **Empower Marginalized Lawmakers:** Provide marginalized representatives with targeted technical expertise and financial resources needed to actively author and drive policy agendas, moving beyond a merely symbolic presence.

³ Note: This reflects external policy proposal concerning the optimization of provincial governance structures under Article 168(9) of the Constitution of Nepal. Article 168(9) states that the provincial chief, on the recommendation of the Chief Minister, shall form a provincial council of ministers from among the members of the provincial assembly, including the Chief Minister, in accordance with the principle of inclusion.

E. Promoting Localized and Evidence-Based Law-Making

Provinces remain deeply dependent on the federal bureaucracy, with departments heavily staffed by federal appointees who are not structurally accountable to provincial priorities. This setup frequently forces subnational governments to use federal blueprints. According to stakeholders, Karnali Province's laws are driven by heavy reliance, copying federal templates, without local socioeconomic adaptation. On the contrary, in Sudurpaschim Province, historical data regarding registered bills has not been consistently published online on the official assembly website. While its current registry tracking highlights a count of 83⁴ authenticated bills, the systemic lack of accessible historical records limits cross-references and directly compromises legislative transparency. This provincial data deficit is further compounded across all legislative tiers by a stark urban-centric bias in development planning. Stakeholder consultations from Lumbini Province confirm that subnational budget allocations disproportionately favor major cities while completely sidelining the development and legal needs of remote, rural districts like Rolpa and Rukum.

Thus, to ensure federalism is substantive rather than just symbolic, the law-making process must reflect local realities:

- **Avoid “Federal Templates”:** Encourage provincial and local governments to dynamically adapt laws to their specific socioeconomic realities rather than merely replicating federal blueprints.
- **Pass the Federal Civil Service Act:** Prioritize the immediate passage of framework laws for the civil service to grant provinces true administrative autonomy and distinct localized accountability.
- **Address Regional Bias:** Reform budgetary and legislative priorities to ensure that the development and legal needs of remote or rural districts are not sidelined by urban-centric interests.



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⁴ See Sudurpaschim Province website at <https://assembly.sudurpashchim.gov.np/bill-types/paramanaekara-nae-bhaeka-vathhayaka> for more insights.