

Delay in Law-making in Nepal's Federal Parliament and Its Implications

No. 5 | January 2024

SUMMARY

Even after eight years of enactment of the Constitution, some important laws are yet to be passed by Nepal's federal parliament. It is the government's responsibility to draft laws and pass it in the parliament. However, the process of drafting and passing laws is progressing at a very slow pace. This delayed law-making can be attributed to various factors including the interest of political parties, limited involvement and coordination between the government, parliament and law-makers, inconsistencies in the minimum standards for bills, the absence of a defined parliamentary calendar, and lack of deadlines in the parliamentary proceedings and committees. These factors have collectively contributed to the significant delays in the legislative process, adversely impacting the effective implementation of federalism and the quality of law-making.

1. INTRODUCTION

After the November 2022 election in Nepal, two sessions of the House of Representatives (HoR) were conducted. The first session commencing from January 9 to April 28, 2023 was not able to pass any laws. Excluding the budget related laws, the second session of the HoR from May 7 to November 2, 2023 passed only one law.¹ Many

bills are under consideration at various parliamentary committees. These committees have been formed to hold meaningful discussions on the bills registered at the HoR. Some of these bills have gone through the line-by-line examination stage but are pending due to lack of consensus among political parties whereas other bills have reached consensus among political parties but are pending due to failure to address the issues raised by the stakeholders. These issues have raised questions on the parliament's legislative role and performance.

Till now only 111 out of the 151 laws have been passed. Laws related to fundamental rights and other laws essential for the implementation of federalism are yet to be drafted.² Exploring the reasons for the delay in law-making process is important to identify solutions. Although, external factors such as COVID-19 pandemic and ensuing lockdowns had an impact on the law-making process, this update primarily explores the internal reasons—political, administrative, and functional aspects—that has caused delays in the law-making process and the implication of such delays. For this update, conversations were held with federal parliament officials, members of the HoR and National Assembly (NA) and representatives of political parties.

was registered at the National Assembly on June 20, 2023. The bill had passed from NA and had gone to the HoR on June 30, 2023. The HoR passed the bill on July 16 with amendments.

² Legislation Management Committee. 2023. *A Study Report on Pending Laws to be Drafted According to the Constitution 2023*, p. 8–51. Kathmandu: Federal Parliament, National Assembly. Available at <https://na.parliament.gov.np/uploads/attachments/x5jbuff7zbsbx4df.pdf>; accessed January 26, 2024.

¹ The bill related to usury titled 'Bill to Amend Some Nepal Acts Related to Civil Codes, 2023' was passed with amendments. The bill

News articles and documents published from the federal parliament were also reviewed.

2. LEGISLATIVE PROCESS

Nepal has a Bicameral Federal Parliament consisting of House of Representatives (HoR) and the National Assembly (NA). As per the Constitution, the Government of Nepal (GoN) can introduce a bill in one house, and the bill passed by that house must be immediately forwarded to the other house for approval.³ The legislative process from drafting of the bill to its approval and implementation consists of three key stages. Pre-legislative stage includes activities such as need identification, review of context, preparation of initial draft, consultation with stakeholders, preparation of the final draft and introduction to the house. Legislative stage includes activities such as registering the bill, tabling it, and deliberation— theoretical and line-by-line scrutiny, decision to the passage/rejection of the bill—necessary amendments, approval from the parliament and authentication from the President. Similarly, in the post-legislative phase, the status of implementation of the law and its relevance is assessed. For the first time in Nepal, a provision has been made for the assessment of implementation of laws. The Legislation Management Committee of the NA conducts the assessment.⁴ Assessment can be done for the entire law or only certain section or sub-section of the law.⁵

The legislative phase is directly related to the law-making process. At this stage, a bill is registered in the parliament. Based on the origin, a bill can either be government or

the private bill.⁶ If a bill is initiated by the government for approval, it is a government bill and if it is initiated by any law-maker individually or collectively is a private bill.⁷ If a bill is delayed by the parliament, or the term of the parliament expires or if the parliament is dissolved, it becomes inactive. Such bills should be reintroduced by the new parliament. In 2021, with the dissolution of the HoR, 39 bills under consideration became inactive.⁸

There is a provision to present a government bill for discussion in the parliament within five days and private bill within seven days after its registration. The discussion takes place in three stages. In the first stage, also known as first reading, the bill is formally presented for discussion. After the bill is submitted to the parliament, the parliamentarians are given 72 hours to submit the amendments. Within 72 hours, law-makers can discuss the amendments with the public and stakeholders. In the second stage, the bill is sent to parliamentary committees for detailed line-by-line discussion. This task is done by the Legislation Management Committee in the NA, while the related subject committees do it in the HoR. Parliamentary committees conduct a line-by-line discussion of the bill along with in-depth discussion on the issues raised for amendments. These committees prepare a report on the bill and it is further discussed in the parliament. In the third stage, there is a provision to present the revised bill with amendments by the committee to the parliament. At this stage, the presenter should answer the questions raised on the bill. After the deliberation and consensus on all the points raised, the bill is passed by the parliament. It is then authenticated by the President, is published in the Gazette and becomes an Act.

³ The Finance Bill should be introduced only in the House of Representatives (HoR). The Finance Bill passed by the HoR should be forwarded to the National Assembly (NA), and the National Assembly must deliberate on the bill and send it back to the HoR with suggestions within 15 days of receiving the bill. But if it is not returned to the NA within 15 days, the HoR can proceed with the passage of the bill. Except for the Finance Bill, the other bills passed by HoR must be passed by the National Assembly within two months of receiving them and send back to HoR with suggestions. If the bill is not returned within two months, the HoR can submit the bill for passage by the decision of the majority of the members of the HoR (Article 111 of the Constitution of Nepal).

⁴ Section 147(1) of the National Assembly Rules 2075 B.S.

⁵ Democracy Resource Center Nepal. 2022. *Legislative Procedures of the National Assembly*. Lalitpur: Democracy Resource Center Nepal.

⁶ In September 29, 2023 a bill registered in the parliament “Medicines and Health Materials (Regulation and Control) Bill 2080” is private bill. This bill was presented by Law-maker Pradip Paudel.

⁷ Federal Parliament Secretariat and Parliament Support Program/ United Nations Development Programme. 2074. Federal Parliament: An Introductory Handbook on Law-making. Place not mentioned: Federal Parliament Secretariat and Parliament Support Project/ United Nations Development Programme. Available at www.undp.org/sites/g/files/zskgke326/files/migration/np/UNDP_NP-Federal-Parliament-Booklet-on-Law-making.pdf, accessed January 27, 2024.

⁸ Kafle, Narayan. 2020. With the dissolution of the House of Representatives, 39 bills automatically become inactive. *Gorkhapatra*, December 30. Available at <https://beta.gorkhapatraonline.com/mainnews/2020-12-30-29308>; accessed January 26, 2024.

3. REASONS FOR THE DELAY IN LAW-MAKING

Law-making is complex and time-consuming process. Factors like, political equations in the parliament, experience of parliamentary practices, and the country's social and economic context are likely to cause delay the law-making process. Some of these reasons are discussed below:

A) INTER-PARTY CONFLICT AND POLITICAL MANOEUVRING

In a multi-party system, it is natural for political parties to have differences based on political ideologies and policy priorities. However, there are various instances where political parties have prioritized their party interests and have obstructed the law-making process. After the promulgation of the Constitution, the Government of Nepal registered the bill to amend the Nepal Citizenship Act 2003 B.S. on August 7, 2018. However, due to disagreements among the political parties the bill was tabled and withdrawn from the parliament repeatedly. Even after the bill was passed by the parliament, the President did not authenticate it initially, and in the end, it was authenticated after four years. Law-makers belonging to Nepali Congress, former Rastriya Janta Party Nepal, and Janata Samajwadi Party had put forward the demand that foreign women married to Nepali citizens would be eligible for naturalized citizenship immediately after marriage. However, former law-makers of Communist Party of Nepal – Unified Marxist Leninist [CPN (UML)] and CPN (Maoist Centre) had demanded for a provision that a foreign woman married to a Nepali man would get citizenship after seven years, and a foreign man married to a Nepali woman would get citizenship after 15 years of marriage. There was a change of stance among the political parties about the provision of citizenship depending on whether they were in the ruling coalition or in the opposition, which caused the delay in passage of the bill for a long time.

Similarly, the bill proposing the amendment for the Enforced Disappearances Enquiry, Truth and Reconciliation

Commission Act is currently being discussed at the Law, Justice, and Human Rights Committee. The bill was registered by the government on March 9, 2023 and was tabled in the HoR on March 26, 2023. The line-by-line discussions on this bill started on April 28, 2023. A subcommittee had been constituted to facilitate the discussion further. The subcommittee submitted its report with recommendations that political consensus is required on some pending issues. Bimala Subedi, the Committee Chair stated that it has been agreed that if the political parties reach a consensus on the pending issues, it will be submitted to the parliament.⁹

Even after 17 years of peace process, the bill is pending in the parliament due to the lack of consensus among political parties. While the three major parties- Nepali Congress, CPN (UML) and CPN (Maoist-Centre) have been part of the government one after the other, all three parties have remained indifferent about moving the process further. Leader of CPN (Maoist-Centre) and Law-maker Barshaman Pun claimed that they had reached an agreement regarding the sharing of position of chairperson of parliamentary committees among political parties in order to resolve the contestations in the Transitional Justice Act, but the political party in the opposition withdrew from the agreement after the seat sharing. Min Bishwakarma, the Central Committee member of Nepali Congress stated that the Act has been used by the political parties to create political rift and that CPN (UML) was using this as a tool to break the alliance between the ruling parties. However, the main opposition party CPN (UML)'s Deputy General Secretary Pradeep Kumar Gyawali claimed that the CPN (UML) did not have any political interests in the issue of transitional justice and emphasized that attention should be paid to finding solutions for the victims.¹⁰ Although, all the political parties are positive on the bill, it is still pending. One of the victims, Suman Adhikari, expressed that although all political parties advocate for a victim-centric conclusion for transitional justice when they are in power, they are deliberately creating confusion at a definitional level. He further added that the top political leaders are

⁹ Interview with HoR Member Subedi, dated November 6, 2023.

¹⁰ Democracy Resource Center Nepal. 2023. *Nepal's Stalled Transitional Justice Act*. Political Situation Update-3. Available at www.democracyresource.org/reports/nepals-stalled-transitional-justice-act/; accessed January 14, 2024.

primarily concerned around acquitting the perpetrator instead of focusing on providing justice to the victims.¹¹

Eight years since the promulgation of the Constitution, the federal parliament has been unable to formulate laws including the Federal Civil Service Act, Police Personnel Adjustment Act, Federal Education Act which has hampered the implementation of federalism. A lack of laws has affected the functioning of provinces and local levels. The centralized mindset of political parties has been reflected on the formulation of these laws too. In these bills, there are provisions that could infringe on the rights of the province and local levels. There has been no consensus among the political parties and the stakeholders regarding these bills registered in the parliament. The Chief Ministers of all provinces have repeatedly drawn attention to the federal government to pass these laws immediately. The federal government has been ignoring this issue till date.

B) WEAK ROLE OF THE GOVERNMENT, PARLIAMENT AND LAW-MAKERS

The fact that only two laws have been passed in the past one year has raised questions about the performance and the role of the government, parliament and the law-makers. They appear to blame each other for the delay. This blame game is reflected in the following quote:

CPN (UML)'s whip Mahesh Bartaula said that due to the irresponsibility of the government, the parliament could not enact laws. Bartaula commented that the task of introducing the bills in the parliament and moving forward the pending bills is the responsibility of the government. "Law-making is not under a priority of the government. The government is focusing on remaining in power. The government could not give business to the parliament but paralyzed it," said Bartaula. Hitraj Pandey, the Chief Whip of the ruling party CPN (Maoist Centre), said that the bill could not move forward because of the parliamentary committees. He claimed that the government has been doing all the necessary work to give business to the parliament and the delay in the law-making is primarily due to the parliamentary committees.¹²

There is little ground to agree with the allegations made by the opposition political parties that the parliament did not get enough business and there a dearth of work for the law-makers. It is likely that they have done limited work as there are many bills under consideration in the HoR and the NA. NA Member Bimala Rai Paudyal said, "The government is not solely responsible for the Parliament to be effective, but the law-makers also should do their work systematically, with plans in advance, and strictly adhere to a timeline. There are examples where the parliamentary committee meetings were not held due to lack of quorum in HoR. However, we did not experience this problems in NA. The primary responsibility of the law-makers is to engage in legislative process and should not deviate from it. We generally prioritize party activities. If the party conducts a campaign, law-makers get involved in the campaign. In the meantime, committee meetings are being impacted by the challenge of insufficient member attendance, preventing the attainment of quorum and subsequently affecting the progress of the meetings. The bills remain pending. This problems is even bigger in the HoR."¹³

Some parliamentarians say that law-making has been delayed due to the vested interests of the senior leaders. Ravi Lamichhane, Chairperson of the Rastriya Swatantra Party and Member of Parliament, alleged that the Parliament was held hostage by the political party's top political leadership, a situation has emerged that the federal parliament could not pass more than one law in a year, apart from the budget. He raised questions about the practices of the law-makers, "There is also a tendency among law-makers of not attending the meetings but marking attendance in order to receive meeting allowances. There is a plan to introduce electronic attendance system to control this practice. However, it has not been implemented yet."¹⁴

In theory, the primary role of law-makers is to participate in law-making, but for some, it has not been their priority.

October 16. Available at: <https://thahakhabar.com/news/188741/>; accessed January 24, 2024.

¹³ Interview with NA Member Paudyal, dated January 19, 2024.

¹⁴ Bhatta, Kamal Raj. 2024. The Federal Parliament Made One Law in a Year, 630 million Rupees Spent on Salaries and Allowances of Officials and Parliamentarians. *Naya Patrika*, January 3. Available at www.nayapatrikadaily.com/news-details/131664/2024-01-03/; accessed January 29, 2024.

¹¹ Interview with Adhikari, dated November 6, 2023.

¹² Nepal, Srijana. 2023. 180 Laws to be Made by the Parliament: One Passed in Six Months, 21 Under Consideration. *Thahakhabar*,

An employee at the federal parliament secretariat mentioned that this is also contributing to the delay in the legislative process. He said, "The law-makers claim they don't have enough time to review the bills. But their priority is not towards reviewing. They are more interested in development activities than law-making. Law-makers do not give priority to introduce new bills. They just wait for the government to do it. Their participation in debates is perfunctory. An example of this is the discussion on the 'Bill Related to E-commerce, 2080' B.S. in the NA. During the discussion of the bill, instead of E-commerce the law-makers debated on electricity trade."¹⁵ While the 'Bill Related to E-commerce, 2080' B.S. was introduced to regulate electronic transactions, the law-makers made a mistake as they spoke assuming that the bill was on electricity trade. The Minister of Industry, Commerce and Supply who had introduced the bill forgot the issue and made his comments on electricity trade.¹⁶ This is a clear example of the law-makers who participate in discussions without assessing the bills.

C) ABSENCE OF PARLIAMENTARY CALENDAR

Parliamentary calendar helps in making parliamentary process orderly, helps parliamentarians create plans, and provides an outline for activities including sessions, and parliamentary committee meetings. It helps the parliamentarians prioritize and coordinate their activities. However, there is no practice of making a calendar in the federal parliament yet. Some law-makers have voiced their concerns in the parliament and committee meetings that the absence of a calendar is impacting the law-making process. Law-maker Sumana Shrestha brought this issue up in the parliamentary meeting on January 21, 2023 and said, "Let us create a parliamentary calendar, set the priorities and strictly follow it by developing a political will. Just by doing this the parliament will be bound by a timeframe. We will be accountable towards the citizens, and we can evaluate ourselves. We can allocate time for other responsibilities outside

¹⁵ Interview with Deputy Secretary of the Federal Parliament Secretariat Narayan Prasad Dhakal, dated January 19, 2024.

¹⁶ Bajagain, Raghunath. 2024. Dirty Joke in: Bill on One Issue, Discussion on Another. *Onlinekhabar*, Available at www.onlinekhabar.com/2023/07/1336017; accessed January 29, 2024.

of parliamentary activities."¹⁷ She further said that due to the lack of a calendar, there is a dearth of awareness about the details of bills in the respective ministries, number of bills going to be tabled in the parliament, and their schedule. "There is no planning due to which bills are presented without adequate preparation. This also means that the citizens do not get a chance to be aware about the bill. If there is prior knowledge about a bill being discussed, then the law-making process will be keenly followed by citizens and stakeholders. This is why the process needs proper planning and creation of a parliamentary calendar can be useful" she added.¹⁸

Due to the absence of a calendar, some meetings in the Parliament have limited agenda while other meetings have heavy workload. A member of NA expressed:

At some point, three/four bills are tabled at the same time in the parliament. How can a law-maker read all these bills within 72 hours? Going through a bill is not enough, in order to put forward necessary amendments it is important to consult with stakeholders and take opinions from the citizens. Because of limited time we are unable to give quality time to bills. Sometimes, we need additional time to understand the issue, which means we try to get some clarity in committee meetings. This causes further delay in the law-making process. On the other hand, there are times when meetings get cancelled due to lack of business. Thus, to eliminate such imbalances at work a calendar is needed.¹⁹

The absence of a calendar has also caused overlap in meeting schedules. In the past there has been overlap of the parliament and parliamentary committee meetings and also in meetings with the Council of Ministers due to which ministers remain unavailable for the committee meetings.²⁰ The attendance of one minister is necessary for conducting parliament proceedings. Similarly, if the invited minister is absent, the parliamentary meeting

¹⁷ Shrestha, Sumana. 2023. Honorable MP Sumana Shrestha's Speech. January 21. *Parliamentary Calendar*. January 26. Available at www.youtube.com/watch?v=H76Vq_Q2FWTM&t=23s; accessed January 26, 2024.

¹⁸ Interview with Shrestha, Member of HoR, dated January 26, 2024.

¹⁹ Interview with Thagendra Prakash Puri, Member of National Assembly, dated August 24, 2018.

²⁰ Satyal, Manoj. 2018. Parliament without Calendar. *Setopati*, November 4. Available at www.setopati.com/politics/169231; accessed January 21, 2024.

gets affected and the law-making process becomes lengthy.

Considering the multiple challenges in law-making due to the absence of a parliamentary calendar, NA is about to introduce a bill regarding procedures related to pre-legislative process. According to Bimala Rai Paudyal, when the government introduces its annual plans and policies, the respective ministries should inform the parliament about the planned bills during the year and the parliament should create a calendar based on the information received. She added, "Once the information about the number of bills going to be tabled that year is available, the parliament can create a calendar and work accordingly. The reason for this is to ensure that there are no delays and bills get tabled in a planned manner."²¹ The government has scheduled the winter session commencement of the parliament on February 5, 2024. The parliament has been working on to adopt a calendar. The political parties have agreed to give final shape to the calendar with necessary amendments and implement it in the upcoming session.²²

D) LACK OF UNIFORMITY IN THE MINIMUM STANDARDS FOR THE BILLS

When drafting a bill, policymakers often grapple with a multitude of perspectives, interests, and concerns from diverse stakeholders. Consensus on minimum standards for a bill remain a challenge due to the influence of interest groups, political differences, complexity of the issue, legal and regulatory variations, and evolving context. To address these challenges, law-makers must invest significant time in fostering consensus, conducting research, and engaging in open dialogues with stakeholders.

According to the officials at the parliamentary secretariat, if intensive discussions had been held with the relevant stakeholders during drafting phase of the bill, then it would not take long time for the bill to be discussed

in the parliament. However, the officials argued that detailed discussion does not take place during the drafting phase. An official said, "The respective ministry prepares the draft. At that stage, it should be deliberated with experts and stakeholders, but this seldom happens. Subsequently, due to contentions later, the law-making process gets further delayed. This was evident in the Education Act, which landed in controversy, leading to protests in Maitighar. If adequate discussions had taken place from the beginning, these issues could have been averted. A similar situation arose with the Guthi Bill. When the bill got registered, the Newar community of Kathmandu came to Maitighar and protested against it. It had to be withdrawn from the parliament."²³ The Information Officer of the parliament secretariat believes that the intensive discussions with stakeholders during the draft stage would expedite the legislative process. Emphasizing the drafter's role in shaping the bill's maturity in subject matter and structural framework, he stated, "Careful consideration of theoretical aspects, language, and structure during bill drafting minimizes the time required for passage. But if it has been prepared in an arbitrary manner, it needs to be rewritten which lengthens the legislative process."²⁴

Recognizing the bill's weakness in terms of format, structure, language, and participation process, Bimala Rai Paudyal suggested adopting a checklist for improvement. She proposed, "If bills were scrutinized properly on structure, completion of the process, and language compatibility before registration, we could avoid investing unnecessary time in such technical aspects. There are times it is not even clear which bills have been introduced to implement which policies or provisions of the constitution."²⁵

During a discussion in the Legislation Management Committee of the NA, law-makers who participated in the theoretical discussion of the 'Bill to Regulate Legislative Affairs' demanded that the law-makers should be involved in the drafting of the bill from the

²¹ Interview with National Assembly Member Paudyal, dated January 19, 2024.

²² Bhatta, Kamal Raj. 2024. Parliamentary Session to be on Calendar: Meeting and Worklist Prepared Before a Month. *Naya Patrika*, January 5. Available at www.nayapatrikadaily.com/news-details/131841/2024-01-05; accessed January 24, 2024.

²³ Interview with Deputy Secretary of the Federal Parliament Secretariat Narayan Prasad Dhakal, dated January 19, 2024.

²⁴ Interview with Information Officer of the Federal Parliament Secretariat Dashrath Dhamala, dated January 21, 2024.

²⁵ Interview with National Assembly Member Paudyal, dated January 19, 2024.

beginning and highlighted the need for uniformity in the principles, language, structure, participation, etc. of the bill.²⁶

E) ABSENCE OF DEADLINE WITHIN PARLIAMENT AND ITS COMMITTEES

The legislative process demands a substantial investment of time and resources. A provision exists wherein all bills under consideration become inactive upon the expiration of the HoR. Despite bills being meticulously crafted by government-appointed consultants and thoroughly discussed in parliamentary committees and with stakeholders, these bills often remain pending. And if they become inactive with the end of tenure of the parliament, it results in loss of billions of state resources. To reinstate these bills, one must commence afresh. The bill originating in the HoR, must then be sent to the NA. The NA is expected to return the bill to the HoR with necessary amendments within two months. However, if the bill is not returned within this timeframe, the HoR can proceed with the bill after two months. Importantly, there is no specified time limit for a bill originating in the NA to be returned after being sent to the HoR for amendment. To prevent bills from being inactive, it seems important to set a provision where, once registered, a bill must be discussed and passed or rejected within the time frame.

Most of the bills introduced in the parliament are forwarded to parliamentary committees for step-by-step discussion. These discussions engage various stakeholders. However, there is no specific deadline for these committee discussions. An official of the federal parliament said that there is a misunderstanding among law-makers that the discussion can be held any time, without time limitations. He added, "If there was a deadline, there would have been a pressure to finish it by certain time and the work would have been swift. Recognizing the need for efficiency, there is currently an ongoing discussion to amend the rules of the NA. The proposed change suggests that bills should ideally be concluded within six months of reaching the committee,

²⁶ Bhatt, Kamal Raj. 2024. Parliamentarians Sought their Role in Drafting Laws. *Naya Patrika*, January 17. Available at www.nayapatrikadaily.com/news-details/132673/2024-01-17; accessed January 24, 2024.

aiming to expedite the legislative process and avoid unnecessary delays."²⁷ However, the matter of imposing time limits in parliament and its committees remains complicated, with varying opinions on its potential impact on the legislative process.

A rushed decision without adequate scrutiny in the name of deadline may lead to unintended consequences and interest groups may take undue advantages. Some argue that it may also limit opportunities for discussion, hindering the strengthening of the democratic process. However, it is also important to note that law-makers need to avoid unnecessarily delay in taking decisions on important issues for a long time, and misuse resources because of lack of deadline.

4. IMPLICATIONS OF THE DELAYED LAW-MAKING

The delay in law-making process has multifaceted effects. It decreases citizens' trust in the parliamentary system, and undermines the role of parliament and law-makers. Delays in enacting important laws like transitional justice act has deprived justice to the victims for the past 17 years. The Citizenship Bill was passed after almost seven years due to the tug-of-war between political parties. According to an official of the Ministry of Home Affairs, the passage of the law, paved the way for nearly two hundred thousand individuals to get citizenship.²⁸ In the absence of this law, citizens experienced problem in accessing services related to education, health, employment and other issues.

²⁷ Interview with Information Officer of the Federal Parliament Secretariat Dashrath Dhamala, dated January 21, 2024.

²⁸ After 2063 B.S., Citizenship was distributed to people who were permanently residing in Nepal before 2046 B.S. A new constitution was made in 2072 B.S. Although the constitution provided a provision for their descendants to be given Nepali citizenship according to the federal law, they were denied citizenship because a new law was not made. According to the provisions of the new constitution, in 2075 B.S., the Ministry of Home Affairs issued a circular to grant citizenship by birth, but the Supreme Court stopped it by making a law and ordered to grant citizenship to the children of natural born citizens on the basis of descent. *BBC New Nepali*, June 1, 2023. Available at www.bbc.com/nepali/articles/cyrv8d5101mo; accessed January 29, 2024.

Most importantly, the delay in law-making has affected the implementation of federalism and the functioning of the provincial and local governments. Article 47 of the Constitution had set a three-year deadline for laws related to fundamental rights. However, some laws have not been made even eight years after the promulgation of the Constitution. Since the Federal Civil Service Act and the laws related to the operation of government services have not been made, the management of employees at the provincial and local levels has become difficult. With the failure to pass the Federal Police Act,

the province governments have not been able to do any work related to the provincial police.

Parliamentary members participating in discussion of the bills without adequate preparation affects the quality of the law itself. The delay in law-making has also affected the delivery of basic services. This can increase citizens' mistrust in the federal system, and democratic governance as well. Therefore, it is necessary for the law-makers to take on their legislative role more seriously.



Founded in 2014, the Democracy Resource Center Nepal (DRCN) is a national non-governmental organization dedicated to the study and research of social and political issues. Since its establishment, DRCN has consistently undertaken in-depth and evidence-based research into various aspects of Nepal's transitional political landscape, including the implementation of federalism, local-level restructuring, and election observation. The outcomes of these studies are shared with stakeholders, fostering discussions and debates. DRCN's overarching objective revolves around advancing efficient governance within Nepal's federal framework through these rigorous research endeavors and thoughtful discourse.



Democracy Resource Center Nepal

Kupandole, Lalitpur, Nepal | Tel: +977-1-5902286
info@democracyresource.org | <https://www.democracyresource.org/>