

Legislative Research: A specialised approach within legal research studies

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Abstract

In the modern legal system, statutes have become one of the primary sources of law, making legislative research essential for lawyers, judges, lawmakers, researchers, and policymakers. Legislative research is a vital aspect of legal research, as it connects statutory interpretation, policy analysis, and the legal system as a whole. Legislative research involves a distinct research methodology of identifying and locating statutes, tracing legislative history, interpreting statutory provisions, and comparative legislative research. This paper explores the methodology and role of legislative research in legal research, its theoretical basis, principles, and tools, its significance for legal professionals, and the possible challenges in Nepal. This paper identifies the best practices in legislative research with comparative analysis with countries such as the USA and the UK and provides suggestions on how legislative research can be made more accessible, reliable, and effective in influencing the legal process, which includes digitisation and codification of law, improving legislative drafting standards, publication of legislative history and integration of legislative research into legal education. This paper concludes that legislative research is not merely a technical or academic exercise but also serves an important function in the law-making process and in good governance.

Keywords: legislative research, legal research, law, bills

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1. Introduction

Effective practice and the development of law are anchored in legal research. It involves a broad spectrum of research, including case law, statutes, constitutions, and secondary sources. Legislative research is one such area that plays a pivotal role in the systematic exploration, interpretation, and assessment of statutes and legislative texts. The systematic investigation of problems and matters related to law, such as codes, acts, constitutions, etc., is legislative research. Legislative research underpins judicial decision-making, influences policy formulation, and empowers legal professionals to advice clients, draft legal opinions, and advocate for legal reforms with confidence.

The importance of legislation in contemporary legal systems, particularly in civil law systems and, to a growing extent, in common law jurisdictions, requires a strict methodology for legislative research. Statutes frequently serve as the primary source of law, with case law and administrative regulations operating subordinate to or in conjunction with them.[†] Legislative research, therefore, is not an academic endeavour but a practical need which directly influences rights, obligations and the administration of justice. This paper examines the conceptual basis, methodologies, tools, and importance of legislative research within legal research. It also explains the difficulties involved in researching legislation, especially in developing nations, and how they can be overcome.

2. Conceptual Framework of Legislative Research

2.1. Definition and Scope

Legislative research refers to the systematic process of locating, analysing, interpreting, and evaluating statutes, bills, legislative histories, and other related official documents (Goar, Akande, & Ojumu, 2025). It involves identifying relevant statutes and their amendments, understanding the legislative process and the intent behind the enactment of laws through legislative history, and interpreting statutory language within its legal and

[†] Mahajan, V. D. (2019), pp. 160–162.

institutional context. Furthermore, legislative research plays an important role in the law-making process through empirically grounded examination of social problems, policy effectiveness and the legal system (Goar, Akande, & Ojumu, 2025). It also examines the relationship between statutes, judicial decisions, and administrative regulations.

2.2. Legislative Research versus Other Legal Research

Legislative research ensures coherent legal interpretation and application. While case law research focuses on judicial precedents and their application, legislative research centres on statutes and the legislative process. However, both are interconnected. Courts often interpret statutes, and legislative intent may be inferred from judicial decisions.[‡] Legislative research also overlaps with policy research, as understanding the socio-political context of legislation is crucial for effective interpretation and reform.[§]

3. Theoretical Underpinnings

3.1. Sources of Law

Modern legal systems recognise statutes as primary sources of law, particularly in civil law jurisdictions. Even in common law systems, the proliferation of statutes has shifted the focus from pure judicial precedent to statutory interpretation.^{**} Legislative research thus forms the backbone of much legal analysis.

3.2. Principles of Statutory Interpretation

Legislative research is deeply informed by established principles of statutory interpretation, which guide how courts, lawyers, and researchers read and apply legislative text. Four foundational rules govern this process.

- **Literal Rule:** The literal rule requires that the words of a statute be given their plain, ordinary, and grammatical meaning, regardless of the

[‡] Mahajan, V. D. (2019), p. 244.

[§] Adhikari, K. P. (2020), pp. 27–30.

^{**} IPU (2018), p. 18.

outcome produced. Where there is no ambiguity in the language of a statute, the judge must give effect to the words as written, without modification or addition^{††}. The only rule for the construction of Acts of Parliament is that they should be constructed according to the intent of the parliament which passed the Act; If the words of the statutes are in themselves precise and unambiguous, then to expound those words in their natural and ordinary sense. The words themselves alone do, in such a case, best declare the intention of the law giver.^{‡‡}

- **Golden Rule:** The golden rule of statutory interpretation may be applied where an application of the literal rule would lead to irrationality, modifying literal meaning to avoid absurdity. The golden rule operates as a modification of the literal rule and is applied where a literal interpretation would produce a result so absurd or repugnant that Parliament could not have intended it. Lord Blackburn articulated the principle in *River Wear Commissioners v. Adamson* (1877), stating that the words of a statute should be understood in their natural sense unless doing so would produce some absurdity or inconsistency, in which case their meaning may be modified to avoid such consequences.^{§§} In its wider application, as seen in *Re Sigsworth* (1935), courts have departed from even a clear literal meaning where its application would produce a result manifestly contrary to common sense or legislative purpose.
- **Mischief Rule:** The mischief rule, the oldest of the four principles, was established in Heydon's case (1584).^{***} It directs the interpreter to examine: what was the state of the law before the enactment; what was the mischief or defect for which the law did not provide a remedy; and what remedy parliament resolved to provide. By understanding the problem the legislation is designed to address, interpreters give effect to the legislative purpose rather than being constrained by imprecise drafting. This rule was applied in *Smith v. Hughes* (1960), where the

^{††} *Sussex Peerage Case* (1844) 11 Cl & Fin 85; Rupert Cross and J.W. Harris, *Statutory Interpretation* (3rd edn, Oxford University Press 1995) 12–15.

● ^{‡‡} *Sussex Peerage Case* (1844) 11 Cl & Fin 85, statement of Tindal CJ

^{§§} *River Wear Commissioners v. Adamson* (1877) 2 App Cas 743, 764–765.

^{***} Heydon's Case (1584)

court looked beyond the literal text to identify the social mischief the Street Offences Act 1959 was designed to suppress

- **Purposive Approach:** The purposive approach is the most modern and broadly adopted of the four principles. Rather than confining analysis to the bare words or the specific mischief addressed at the time of enactment, it requires that a statute be interpreted in a manner that best advances its underlying purpose and objectives.^{†††} This approach is particularly prominent in the interpretation of constitutional provisions, human rights legislation, and statutes implementing international obligations. In Nepal, the Supreme Court has increasingly drawn upon purposive reasoning in interpreting fundamental rights under the Constitution of Nepal, 2015, especially in matters concerning social justice, inclusion, and federalism.

Legislative research depends on the understanding of these principles as they help interpret and apply the statutory provisions.

3.3. The Constitutional and Procedural Framework of Law-Making in Nepal

The timelines analysis should be put in perspective by a clear understanding of the formal legislative process. The law-making is thoroughly mapped out in the Constitution of Nepal, 2015, and the corresponding regulations of the House of Representatives and the National Assembly.

A proposal to make new laws or amend an existing act may be presented in either house of the Federal Parliament, except for a Money Bill that must be initiated in the House of Representatives. The procedure of an ordinary government bill is usually as follows in a sequence:

- 1. First Reading:** The bill is registered in the parliament secretariat, which acts as the secretariat of both the HoR and the NA. The bill is then made available to the members for review. No amendments are made during this stage.

^{†††} *Pepper v. Hart* [1993] AC 593 (HL); K.P. Adhikari, *Parliamentary Practice and Procedure in Nepal* (Pairawi Prakashan 2020) 112–115.

2. Second Reading: The bill is formally tabled in either of the houses. In this step, general discussions on the principles, objectives and the broad merits and demerits of the bill are discussed.

2.1 Committee Stage: Once the general discussion is over, the bill is nearly always sent to a thematic committee (e.g. Legislation Management Committee, Finance Committee or International Relations and Tourism Committee). It is probably the most important stage for detailed scrutiny. The committee conducts a clause-by-clause review, consults, holds public hearings, and solicits stakeholder responses. Based on such an intensive review, the committee drafts a report containing recommendations on amendments and submits it to the house.

3. Third Reading: The house meets again to discuss the report of the committee. A step-by-step, clause-by-clause discussion is carried out. Members deliberate and vote on the proposed committee amendments and any amendments brought up from the floor. The entire bill is then voted.

3.1. Transmission to the Other House: After passing through one house, a bill is then sent to the other house, where it has to pass through a very similar process (first reading, committee stage, second reading). If the second house approves the bill as is, it moves to the next phase. If it makes amendments to the bill, the bill is returned to the house in which it was introduced to be agreed upon. A joint sitting can be used to resolve a long-standing dispute between the two houses.

3.2. Assent: Once a bill is passed in the same form by both houses, it is sent to the President so that he or she can assent. When the President assents, the bill becomes an Act of Parliament and comes into effect when it is published in the Nepal Gazette, or on a date mentioned in the Act.

4. Methodologies and Tools in Legislative Research

4.1. Identifying and Locating Statutes

The first step in legislative research is to identify relevant statutes. This involves searching for official gazettes, legislative databases, and law libraries

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for principal acts and their amendments, subordinate legislation (rules, regulations, and notifications) and repealed or consolidated statutes.^{†††}

Digital tools such as online statutory databases (e.g., Nepal Law Commission, Indian Kanoon, Westlaw, and LexisNexis) have revolutionised access to legislative materials.^{§§§}

4.2. Tracing Legislative History

Legislative history encompasses the documents produced during the passage of a bill, such as parliamentary debates (Hansard), Committee reports, explanatory memoranda, bill drafts and amendment proposals.

Analysing these materials helps researchers ascertain legislative intent, which is crucial in cases of statutory ambiguity.^{****}

4.3. Interpreting Statutory Provisions

Interpretation involves careful reading of the text, context, and structure of statutes, definitions, provisos, explanations, and schedules and cross-references to related statutes or case law.

Researchers must stay alert to judicial pronouncements that clarify or limit statutory provisions.^{††††}

4.4. Comparative Legislative Research

Comparative analysis involves studying similar statutes in other jurisdictions to understand alternative legislative solutions, assess the effectiveness of domestic provisions and identify best practices for reform or advocacy purposes.^{††††}

^{†††} Nepal Law Commission, (n.d.).

^{§§§} Westlaw (n.d.); LexisNexis (n.d.).

^{****} UNDP Nepal (2020), p. 21.

^{††††} Singh, R. P. (2078 BS), p. 236.

^{††††} IPU (2018), pp. 45–48.

5. Importance of Legislative Research

5.1. For Legal Professionals

Lawyers, judges, and legislators rely on legislative research to advise clients on rights and obligations, draft pleadings, legal opinions, and legislative proposals, interpret ambiguous or conflicting statutory provisions and ensure compliance with current legal requirements.^{§§§§}

5.2. For Policymaking and Reform

Legislative research is indispensable for identifying gaps or inconsistencies in existing laws, assessing the impact of proposed amendments, supporting evidence-based policy reforms, and advocating for human rights and social justice.^{*****}

5.3. For Judicial Decision-Making

Courts use legislative research to interpret statutes in light of legislative intent and context, resolve conflicts between statutes and other sources of law and uphold constitutional principles and the rule of law.^{†††††}

6. Challenges in Legislative Research

6.1. Accessibility and Organisation

In many countries, especially developing ones, statutes may not be systematically codified or updated. Official gazettes and legislative records can be incomplete, difficult to access, or not digitised, hampering effective research.^{†††††}

6.2. Complexity and Volume

^{§§§§} Adhikari, K. P. (2020), p. 107.

^{*****} The Asia Foundation (2021), p. 15.

^{†††††} Mahajan, V. D. (2019), p. 266.

^{†††††} World Bank (2022), p. 31.

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The proliferation of statutes, amendments, and subordinate legislation creates complexity and information overload. Researchers may struggle to identify the current law or the relationship between overlapping statutes. §§§§§

6.3. Legislative Ambiguity and Drafting Defects

Ambiguities, inconsistencies, and poor drafting are frequent in statutory texts, complicating interpretation and application. Legislative research must often compensate for these defects through extensive examination of legislative history and context. *****

6.4. Lack of Training and Resources

There is often inadequate training in legislative research methodologies in legal education, especially in South Asia. Many legal professionals lack access to advanced research tools or databases. ††††††

7. Comparative Perspectives: Legislative Research in Nepal and Beyond

7.1. Nepalese Context

Legislative research has become popular in Nepal after the adoption of a federal system. The need to develop and amend laws very quickly has prompted the need to have strong research methodologies. Nevertheless, there still are difficulties, the most prominent ones being a lack of comprehensive, up-to-date statutory databases. Limited access to legislative histories and committee reports. Language barriers, as laws are promulgated in Nepali and sometimes not promptly translated.

Efforts by institutions such as the Nepal Law Commission and Parliament Secretariat have improved statutory publication and digital access, but significant gaps remain. ††††††

§§§§§ Adhikari, K. P. (2020), p. 119.

***** Singh, R. P. (2078 BS), p. 244.

††††† World Bank (2022), p. 39.

††††† The Asia Foundation (2021), pp. 22–25.

7.2. International Best Practices

Countries with advanced legal systems (e.g., the UK, USA) maintain comprehensive legislative databases and prioritise transparency. For example, the United States Congress publishes detailed legislative histories, committee reports, and bill tracking tools, while the UK's legislation.gov.uk offers consolidated and searchable statutes.^{§§§§§§}

These best practices have the potential to significantly increase the effectiveness of legislative research in countries such as Nepal.

8. Case Studies

8.1. The Right to Information Act, Nepal

The enactment and subsequent amendments of the Right to Information Act in Nepal illustrate the value of legislative research. Researchers traced the legislative journey, including committee debates and public consultations, clarifying the law's intent and scope. This informed both judicial interpretation and advocacy for further reform.^{*****}

8.2. The Guthi Bill Controversy

The withdrawal of the Guthi Bill, 2075, following public outcry, exemplifies the importance of legislative history and stakeholder consultation. Researchers and civil society used legislative research to highlight potential negative impacts, influencing parliamentary decision-making.^{†††††††}

9. Recommendations

A working legal system depends on legislative research. But as discussed throughout this paper, accessibility, complexity, training and transparency are

^{§§§§§§} IPU (2018), p. 55.

^{*****} UNDP Nepal (2020), p. 32.

^{†††††††} The Asia Foundation (2021), pp. 19–20for.

faced with a number of challenges particularly in developing countries such as Nepal. The detailed recommendations that can be offered to ensure legislative research is more effective, efficient, and impactful include the following:

1. Digitisation and Modernisation of Legislative Records

One major obstacle to effective legislative research is the lack of a comprehensive, searchable, and regularly updated database of statutes and legislative materials. Governments should invest in digitising all laws, amendments, and legislative histories, ensuring that they are easily accessible to the public, legal professionals, and researchers (World Bank, 2022). This could involve developing an official online portal in which all statutes, amendments and other related documents are uploaded in a timely manner. Ensuring that the digital database is easy to use, can be searched by keywords and in various languages where feasible. Regularly revising the database to incorporate any changes in the law, such as repeals and consolidations.

Countries like the United Kingdom and the United States have set strong examples with platforms like legislation.gov.uk and congress.gov, which could serve as models for Nepal and similar jurisdictions (IPU, 2018).

2. Comprehensive Codification and Regular Updating of Laws

Statutes that are often difficult to find, are outdated or poorly arranged are a common problem to legal researchers. The codification of laws according to the subject matter and the consolidation of amendments make research a lot easier (Singh, 2078 BS). Governments should periodically codify the laws, that is, bring together the statutes on related subjects in a reasonable manner. Issue supplements or updates to existing codes every year so that the current law is always available. Make it clear what the status of each law is (in force, amended, repealed, pending).

3. Improvement in Legislative Drafting and Supporting Documentation

The biggest source of confusion to researchers and practitioners is the ambiguous or poorly drafted laws. In order to enhance clarity, parliaments need

to ensure that every bill is accompanied by an explanatory memorandum that outlines the purpose, scope, and intended impact of the law (Adhikari, 2020). Adapt plain language drafting principles to make the laws more comprehensible. Train legislative drafters on best practices and encourage peer review of draft bills. Publish all drafts, committee reports, and the history of amendments.

4. Mandatory Publication of Legislative Histories

It is important to study the legislative history, committee reports, and explanatory notes to know the intention of a law. Unfortunately, these documents are not always well organised and stored. In order to deal with this, parliaments should require the systematic recording and publication of all legislative debates, committee meetings, and explanatory reports (UNDP, 2020). Offer official summaries and indexes to assist researchers in fast tracking down to the discussions or amendments on a bill. Promote the use of online archives, which can be updated on a real-time basis.

5. Capacity Building and Training for Legal Researchers

A large number of legal practitioners do not have formal training in the research methods of law. Professional organisations and law schools should integrate legislative research as a core part of the law curriculum, with practical exercises on locating, interpreting, and using statutes and legislative histories (Myneni, 2018). Provide continuing legal education (CLE) seminars to professionals in the field of law, the judiciary and government. Foster the partnership of librarians, IT professionals, and legal scholars to create new research instruments.

6. Enhancing Public Participation and Transparency

The people of a democratic society have a right to know and participate in the law-making process. The quality and legitimacy of the law are enhanced through open access to legislative materials and the possibility of having some input (IPU, 2018). Recommendations include providing draft bills for general approval. Issuing a legislative calendar where citizens can be aware of the time

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when bills are going to be discussed or voted on. Development of online platforms to enable the stakeholders to monitor the status of bills and provide feedback.

7. Encouraging Comparative and Interdisciplinary Research

The advantage of legislative research is the ability to look outside of national boundaries and legal fields. Comparative research assists in the identification of best practices and pitfalls. To promote this, similar laws adopted in different jurisdictions should be compared in studies promoted by universities and research institutes (The Asia Foundation, 2021). In formulating or revising laws, policymakers ought to use international legal databases and consult with experts in the field of economics, sociology, and public policy. Provide translation of major foreign laws and commentaries into local languages to make them accessible.

8. Monitoring and Evaluation

Lastly, the effect of legislative research and reforms should be monitored. Governments and parliaments should issue legislative annual reports, such as the volume of bills passed, amended, or repealed, and the mean time of passage. Commission independent reviews of the effectiveness of legislative reforms and research tools. Continuously enhance the legislative processes using the feedback of researchers, practitioners, and the population at large.

Conclusion

Legislative research is not a mere scholarly activity. It is a practical need that forms the foundation of the successful operation of contemporary legal systems. Legislative research enables legal professionals, policymakers and citizens to have a better understanding of the law, its purpose and how it is applied. This is the knowledge that is critical in the resolution of disputes, protection of rights and the provision of justice.

Nonetheless, as pointed out in this paper, effective legislative research is hampered by several obstacles, especially in developing countries such as Nepal. These are ineffective access to current statutes, absence of organisation

of legislative history, insufficient training and insufficient public involvement. The solution to these challenges has to be a concerted effort by governments, parliaments, the legal profession and civil society.

Codification and digitisation of legislation, better legislative drafting, and compulsory publication of legislative histories and capacity building are all essential. Moreover, the openness of legislative processes and their involvement in the law-making process will lead to the creation of not only technically but also widely legitimate laws. These reforms are effective and feasible as the experience of other countries demonstrates. Through the example of international best practice and its localization to fit local demands, Nepal and other jurisdictions can develop more accessible, reliable and effective systems of legislative research.

Therefore, legislative research is a foundation of legal research and a source of democracy. Enhancing legislative research will not only enhance the efficiency of the work of lawyers, judges, and lawmakers, but will also give ordinary citizens the power to comprehend and interact with the law. This will in turn result in good governance, institutions and a more just society.

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