

## **Strengthening the National Assembly of Nepal**

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### **Abstract**

This paper examines the constitutional design, composition, and performance of National Assembly within the federal parliamentary system. Drawing on qualitative analysis of constitutional provisions, parliamentary practice since 2018, and comparative theories of bicameralism, it assesses the Assembly's legislative, oversight, and stabilizing roles. The study finds that while the National Assembly exercises decisive authority in constitutional amendments and emergency matters, its influence over routine legislation and executive oversight remains limited due to patronage-based representation and constrained institutional capacity. It argues that strengthening the National Assembly depends less on expanding formal powers and more on improving membership quality, committee effectiveness, and deliberative practice to enhance federal balance and democratic accountability in Nepal.

**Keywords:** *National Assembly; Bicameralism; Federalism; Upper House; Parliamentary Oversight*

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## **Background**

Parliaments are fundamental to modern democracy, enabling popular sovereignty, lawmaking, executive oversight, and the rule of law. In many democratic systems; especially federal and socially diverse states; these functions are exercised through bicameral legislatures. The Lower House reflects the immediate will of the people through population-based representation and electoral accountability, leading in legislation, budgeting, and executive confidence. Bicameralism complements this majoritarian chamber with an Upper House that promotes balance, stability, and territorial representation. Upper Houses review legislation, protect minority and regional interests, support constitutional balance, and encourage deeper deliberation, providing a vital “second look” that enhances inclusive and reflective governance.

Scholarly literature reinforces these foundations. Lijphart (2012) characterizes Upper Houses as integral to consensus democracies, particularly in plural and federal states where the representation of territorial units is essential. Tsebelis and Money (1997) conceptualize second chambers as institutional “veto players” capable of slowing, refining, or reshaping legislation to prevent hasty or partisan decision-making. Watts (2008) similarly emphasizes that, in federal systems, Upper Houses institutionalize 'shared rule' by enabling constituent units to participate directly in national law-making.

Comparative constitutional models demonstrate how these principles operate in practice. The United States Senate was designed to stabilize federal decision-making through equal state representation; James Madison described it as a 'necessary fence' against legislative instability (Madison, 1788). Switzerland's Council of States similarly safeguards federal balance by giving equal weight to cantons. Germany's Bundesrat, composed of state government

delegates, exercises mandatory veto power over federal laws affecting state competencies (Gunlicks, 2003). India's Rajya Sabha promotes continuity, federal representation, and deliberative scrutiny (Austin, 1999). Nepal's 2015 Constitution reflects these principles: the House of Representatives dominates government formation and money bills, while the National Assembly ensures continuity, institutional memory, and equal provincial representation

Comparative constitutional experience shows that bicameralism evolved to complement majoritarian chambers with an Upper House that provides balance, stability, and territorial representation. Upper Houses perform functions such as legislative review, protection of minority or regional interests, constitutional balancing, and deeper deliberation, thereby moderating the volatile tendencies of Lower Houses. Bicameral systems thus offer a vital "second look" at legislation and represent diverse interests beyond population majorities (International IDEA, 2017; Lijphart, 2012). In Nepal, the National Assembly reflects these principles through a staggered membership system, renewing one-third every two years, a design intended to ensure stability, institutional memory, and continuity during political uncertainty (Devkota, 2024; Devkota, 2025b).

Nepal's bicameral practice since 2018<sup>‡</sup> reveals significant institutional shortcomings. Parliamentary committees in both chambers frequently lack technical expertise, operate irregularly, and suffer from weak coordination. As Devkota (2022) observes, prolonged delays in bill processing have created

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<sup>‡</sup> Although Nepal's Constitution was promulgated in 2015, it was formally implemented only after elections were held at all three tiers of government between 2017 and 2018, including the federal parliament-the House of Representatives (Lower House) and the National Assembly (Upper House). Accordingly, 2018 marks the country's first parliamentary exercise under the federal constitutional framework.

*Devkota, Khim Lal and Acharya, Mahesh, 2026*

legislative bottlenecks, while inadequate inter-house communication has resulted in duplication and uneven oversight. Moreover, the frequent use of ordinances has enabled the executive to bypass parliamentary scrutiny, undermining deliberative and accountable law-making.

### **Rationale**

Representation and institutional capacity within National Assembly (NA) remain persistent concerns that directly affect its deliberative quality and constitutional stature. Although the Constitution sets a higher minimum age of 35 years for membership, it does not require educational qualifications, legislative experience, or demonstrated professional competence. In practice, this has enabled political parties to nominate defeated candidates or loyalists primarily on the basis of patronage rather than expertise. As noted in Amping up the Upper House<sup>§</sup>, such practices have weakened the NA's ability to function as a forum of informed deliberation and policy refinement, thereby diminishing its prestige and effectiveness as a second chamber.

Despite these representational limitations, the National Assembly has demonstrated clear constitutional value, particularly during periods of political crisis. Devkota (2025a) highlights that following the dissolution of the House of Representatives (HoR) in 2021, the NA remained the sole functioning parliamentary chamber capable of questioning the executive, operating committees, and sustaining constitutional continuity. This stabilizing role closely mirrors the experience of upper houses in Switzerland, the United States, Germany, and India, which have historically acted as anchors of continuity during moments of lower-house disruption. Nepal's staggered membership system; where one-third of members are renewed every two years;

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<sup>§</sup> <https://kathmandupost.com/columns/2025/12/09/amping-up-the-upper-house>

has further reinforced this stabilizing function by preserving institutional memory and reducing abrupt political turnover (Devkota, 2024; Devkota, 2025b).

The need for institutional strengthening has also been emphasized in practice. The National Assembly in Strengthening Federalism interaction program underscored the importance of enhancing committee capacity, professional staff support, research and fiscal analysis units, and structured inter-house communication mechanisms to improve legislative scrutiny and policy quality. These concerns resonate strongly with international standards. The Inter-Parliamentary Union's Indicators for Democratic Parliaments stress diversity, institutional capacity, independence, transparency, and effective oversight as essential attributes of democratic legislatures (IPU, 2023). In Nepal's federal context, strengthening the NA as a genuinely deliberative, federal, and stabilizing institution is therefore a constitutional necessity rather than a matter of institutional refinement.

From a scholarly perspective, Nepal's NA remains comparatively understudied. While bicameralism has been widely examined in comparative constitutional literature, the practical functioning of NA since the 2015 Constitution has received limited systematic analysis. Foundational works emphasize why this gap matters. Lijphart (2012) highlights the role of upper houses in consensus democracies; Tsebelis and Money (1997) conceptualize them as institutional veto players that refine legislation; and Watts (2008) underscores their role in federal "shared rule." Whether National Assembly fulfills these theoretical expectations remains an open empirical question.

Given persistent operational challenges in Nepal's federal parliament (Devkota, 2022) and the National Assembly's demonstrated stabilizing

*Devkota, Khim Lal and Acharya, Mahesh, 2026*

potential (Devkota, 2024; Devkota, 2025a), this study is timely and necessary. It examines the constitutional design, institutional performance, and constraints of Nepal's National Assembly in comparative perspective, with the objective of identifying reform pathways to strengthen its contribution to democratic accountability, federal balance, and institutional resilience. The study adopts a qualitative, document-based approach, drawing on constitutional provisions, parliamentary rules, official records, and comparative literature on bicameralism. The analysis is informed by parliamentary practice since 2018 and structured policy dialogues on the National Assembly and federalism, and is illustrative and policy-oriented rather than exhaustive.

### **Theoretical Perspectives and paper structure**

The theoretical literature on bicameralism emphasizes the role of second chambers in strengthening democratic governance, particularly in plural, divided, and federal systems, by moderating majoritarian impulses, broadening representation, and enhancing constitutional stability. Within the framework of consensus democracy, Lijphart (2012) argues that strong or moderately strong upper houses diffuse power, widen participation, and mitigate winner-takes-all politics by incorporating territorial and minority interests. Veto player theory, advanced by Tsebelis and Money (1997), conceptualizes upper houses as institutional veto players whose influence derives from their capacity to delay, amend, or block legislation, thereby encouraging negotiation, compromise, and policy refinement. A functional institutional perspective further highlights the role of upper houses in legislative revision, representation of non-majoritarian interests, and constitutional safeguarding, with effectiveness often rooted in deliberative capacity and committee expertise rather than formal veto powers (Russell, 2013). In federal systems, bicameralism is also understood as an instrument of shared rule. Watts (2008) explains that federal upper houses enable constituent units to participate in

national decision-making, as illustrated by the United States Senate, Switzerland’s Council of States, Brazil’s Senate, South Africa’s National Council of Provinces, and Germany’s Bundesrat. The philosophical foundation of these approaches can be traced to classical constitutional thought, notably Madison’s (1788) depiction of the second chamber as a “necessary fence” against legislative instability. Taken together, these perspectives—consensus democracy, veto player theory, functional institutionalism, federal shared rule, and classical constitutionalism—provide a coherent framework for assessing the design, performance, and reform needs of National Assembly, a synthesis that is further summarized in Table 1.

Table 1: Key Theoretical Perspectives and Relevance for National Assembly

<b>Theoretical Perspective</b>	<b>Key Scholars / Sources</b>	<b>Core Argument</b>	<b>Primary Functions of Upper Houses</b>	<b>Relevance for National Assembly</b>
<b>Consensus Democracy</b>	Lijphart (2012)	Upper houses diffuse power, broaden participation, and mitigate winner-takes-all politics in plural and federal societies	Territorial and minority representation; moderation of majoritarian dominance; inclusive decision-making	Assesses whether the NA meaningfully represents provinces and non-majoritarian interests and contributes to inclusive federal governance
<b>Veto Player Theory</b>	Tsebelis & Money (1997)	Second chambers act as institutional veto players that can	Legislative scrutiny; delay and amendment powers; policy stability	Evaluates the NA’s capacity to influence legislation despite limited formal powers

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		delay, amend, or block legislation, increasing negotiation and policy refinement		and its role in improving legislative quality
<b>Functional Institutionalism</b>	Russell (2013)	Effectiveness of upper houses derives more from deliberation, expertise, and legitimacy than from strong veto powers	Legislative revision; committee scrutiny; constitutional safeguarding	Highlights the importance of committee capacity, research support, and deliberative quality within the NA
<b>Federal Shared Rule</b>	Watts (2008)	Federal upper houses institutionalize participation of constituent units in national decision-making	Territorial representation; intergovernmental coordination; protection of subnational interests	Examines how far the NA enables provinces to participate in federal law-making and strengthens intergovernmental relations

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<b>Classical Constitutionalism</b>	Madison (1788)	Second chambers act as a “necessary fence” against legislative instability and sudden shifts in public opinion	Continuity; institutional memory; stability during political volatility	Informs analysis of the NA’s staggered terms and its stabilizing role during HoR dissolutions

Source: Author’s synthesis, drawing on Lijphart (2012), Tsebelis and Money (1997), Russell (2013), Watts (2008), and Madison (1788).

Table 1 synthesizes the principal theoretical perspectives on bicameralism and identifies their core analytical focus. It provides the conceptual framework guiding this study’s assessment of the design, performance, and reform needs of Nepal’s National Assembly within a federal parliamentary system.

This paper combines theoretical analysis, comparative constitutional perspectives, and institution-specific examination to assess the role and performance of Nepal’s National Assembly. It begins by outlining the conceptual foundations of bicameralism and Nepal’s constitutional design, followed by an analysis of the historical evolution, composition, electoral design, and functioning of the National Assembly. The paper then examines representation, legislative roles, oversight capacity, and constitutional powers in comparative perspective. It concludes by identifying key institutional gaps

*Devkota, Khim Lal and Acharya, Mahesh, 2026*

and proposing practical reform options aimed at strengthening the National Assembly's contribution to federal balance, democratic accountability, and legislative quality in Nepal.

### **National Assembly: Historical Evolution and Composition\*\***

The concept of bicameralism in Nepal predates the current federal system and reflects a long trajectory of constitutional experimentation. The Government of Nepal Act, 2004 BS (1948) first envisaged a two-chamber legislature, although it was never implemented. Nepal's first democratic bicameral parliament was established under the 1959 Constitution, comprising a Pratinidhi Sabha and a Maha Sabha, but this arrangement ended with the 1960 royal coup. The 1962 Panchayat Constitution replaced bicameralism with a unicameral, party-less legislature, while the 1990 Constitution restored a bicameral parliament with a Pratinidhi Sabha and a Rastriya Sabha, though the Upper House remained weak due to politicized appointments and limited capacity. The Interim Constitution of 2007 again suspended bicameralism during the transitional period.

The Constitution of Nepal, 2015 re-established bicameralism with a clear federal orientation, creating a Federal Parliament composed of a 275-member House of Representatives and a 59-member National Assembly. The National Assembly is designed as a permanent Upper House, indirectly elected and renewed on a staggered basis, with one-third of members retiring every two years. Members serve six-year terms, ensuring continuity and institutional memory within the federal legislature.

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\*\* This section is based on the Constitution of Nepal, National Assembly Rules, 2018 (2075 BS) and official publications of the Federal Parliament Secretariat, including Introduction to the National Assembly (2018) and Six Years of the National Assembly (2024).

Of the 59 members, 56 are elected through an electoral college consisting of Provincial Assembly members and local government chiefs and deputy chiefs, while three-including at least one woman-are nominated by the President on the recommendation of the Government of Nepal. Each province elects eight members, subject to mandatory inclusion requirements: at least three women, one Dalit, and one member from a minority or persons-with-disability category. The Electoral College applies weighted voting, with Provincial Assembly members holding greater voting weight than local representatives. This hybrid design combines territorial representation, social inclusion, and institutional continuity. The Constitution also mandates that women comprise at least 33 percent of the total Federal Parliament, embedding gender inclusion as a constitutional obligation. Overall, the National Assembly represents the outcome of sustained constitutional learning, reflecting Nepal's effort to balance federalism, inclusion, and legislative stability.

### **Functions, and Institutional Performance of National Assembly**

National Assembly was constitutionally designed as an inclusive, permanent upper house intended to provide stability, deliberation, and federal balance within the parliamentary system. However, despite this design, questions persist regarding its representational legitimacy, functional capacity, and overall institutional effectiveness. Constitutionally, the sole eligibility criterion for NA membership is a minimum age of 35 years, with no requirements relating to education, legislative experience, or professional expertise. In practice, this permissive framework has enabled political parties to nominate defeated candidates or loyalists from other levels of government, often prioritizing political accommodation over competence. Consequently, public

*Devkota, Khim Lal and Acharya, Mahesh, 2026*

confidence in the NA has weakened, and the chamber is frequently perceived as a secondary political space rather than a forum of expertise and long-term policy thinking.

Comparative experience highlights this gap. India's Rajya Sabha regularly includes eminent professionals and public intellectuals, the UK House of Lords draws heavily on distinguished figures from law, academia, and public service, and Germany's Bundesrat is composed of senior state-level ministers with direct executive authority. Nepal's challenge, therefore, is not simply representational inclusion, but aligning membership quality with the NA's intended role as a chamber of informed deliberation and federal insight.

Functionally, the NA operates primarily as a revising chamber in the legislative process. It debates and reviews bills passed by the House of Representatives (HoR), proposes amendments, and contributes to deliberative law-making. However, its authority is constitutionally constrained. Ordinary bills must be returned to the HoR within 60 days, while money bills—over which the NA has no amendment power—must be returned within 15 days and may originate only in the HoR. Furthermore, when a bill originates in the NA, the Constitution sets no deadline for HoR consideration, allowing such legislation to remain pending indefinitely. These asymmetries significantly weaken the NA's legislative influence.

An important exception exists in the case of ordinances. Under Article 114, ordinances issued by the President require approval from both Houses within 60 days of their respective sessions, granting the NA equal authority with the HoR in this context. Overall, Nepal's NA resembles a moderately weak revising upper house, comparable to the UK House of Lords or India's Rajya Sabha, rather than a co-equal chamber such as the U.S. Senate or a territorially empowered body like Germany's Bundesrat.

Despite limited influence over routine legislation and finance, the NA plays a decisive role in high-stakes constitutional and governance matters. Constitutional amendments, national referendums, and the ratification of treaties related to sovereignty, security, and natural resources all require a two-thirds majority of the total membership of both Houses. In matters of emergency, the NA assumes particular importance: when the HoR is dissolved or not in existence, the NA alone is constitutionally empowered to consider and approve a state of emergency. These provisions give the NA an effective veto in areas central to constitutional stability, federal balance, and national sovereignty.

Oversight remains one of the NA's weakest areas. Although its committees are mandated to review law implementation, intergovernmental relations, and fiscal federalism, their effectiveness is constrained by limited resources, weak research support, inadequate follow-up mechanisms, and party-driven nominations. Moreover, the Constitution assigns exclusive oversight of constitutional bodies to the HoR, leaving the NA without supervisory authority over key accountability institutions-unlike upper houses such as the U.S. Senate or South Africa's National Council of Provinces.

In comparative perspective, National Assembly occupies a moderate-strength position: stronger than purely advisory second chambers, but weaker than co-equal or territorially dominant upper houses. Its effectiveness depends less on expanding formal powers and more on improving membership quality, committee capacity, research support, and intergovernmental engagement. Strengthening institutional practice rather than constitutional redesign is therefore the central reform challenge.

**Table 2: Key Features of Nepal’s National Assembly**

<b>Dimension</b>	<b>Key Characteristics</b>
Representation	Indirect election; age-based eligibility; inclusion mandates, but weak merit requirements
Legislative Role	Revising chamber; limited amendment powers; no authority over money bills
Constitutional Powers	Decisive role in constitutional amendments, treaties, referendums, and emergencies
Oversight	Committee-based scrutiny; no oversight over constitutional bodies
Comparative Position	Moderate-strength upper house, closer to India’s Rajya Sabha than the U.S. Senate
Core Challenge	Enhancing deliberative capacity, expertise, and institutional credibility

Source: Author’s compilation based on constitutional provisions and parliamentary practice.

### **Findings and Recommendations**

The study finds that Nepal’s National Assembly is constitutionally designed as a permanent, inclusive, and stabilizing upper house but remains institutionally underperforming. While it exercises decisive authority in constitutional amendments, treaty ratification, and states of emergency, its influence over routine legislation, finance, and executive accountability is limited. Representation and selection practices—characterized by minimal eligibility criteria and patronage-based nominations—have weakened deliberative quality and public credibility. Committee systems and oversight functions are further constrained by limited technical capacity, weak research support, and restricted constitutional authority. In comparative terms, the National Assembly occupies a moderate-strength position, closer to India’s Rajya Sabha than to co-equal federal chambers such as the U.S. Senate or Germany’s Bundesrat.

Strengthening the National Assembly requires institutional and procedural reforms rather than immediate constitutional expansion of powers. Priority should be given to improving membership quality through clearer nomination norms, enhancing committee capacity and research support, and strengthening legislative scrutiny and follow-up mechanisms. Greater emphasis on intergovernmental coordination and structured engagement with provincial and local governments is essential. Procedural reforms-particularly time-bound consideration of bills originating in the National Assembly-would further enhance effectiveness and credibility.

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