

**Bridging the Implementation Gap: A Framework for Post-Legislative  
Scrutiny in Nepal's Federal Parliament**

**Rakshya Baral\***

**Abstract**

Legislative functions have traditionally been defined by the triad of representation, law-making, and oversight. However, a critical modern transformation in legislative practice suggests that these roles must extend to ensuring the actual implementation and real-world impact of enacted laws. This process, known as Post-Legislative Scrutiny (PLS), seeks to assess whether laws are functioning as intended and fulfilling their statutory objectives. With an emphasis on the PLS especially conducted in the National Assembly of the Federal Parliament of Nepal, this paper uses a doctrinal research method to evaluate the conceptual underpinning and growing practices of PLS. Although many laws in Nepal are technically sound in design, they often have an implementation gap because of missing subordinate rules and a lack of rigorous evaluation. This article analyzes six PLS conducted by the National Assembly till date and argues that institutionalizing PLS is essential for bridging the gap between legislative intent and executive execution, ultimately promoting the rule of law, government accountability, and legislative excellence.

***Keywords:*** *Post-Legislative Scrutiny, Federal Parliament of Nepal, National Assembly, Legislative Oversight, Rule of Law*

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\* An Advocate

## **INTRODUCTION**

In democratic societies, the function of the legislative branch is to uphold the principles of accountability, transparency, and good governance to meet the needs of its people. For this Parliaments around the world play a crucial role in enacting laws that shape the course of a nation and affect the lives of its citizens. However, the main goal does not end with the passing of laws. After Parliament enacts a law, it is crucial to identify the problems that arise during its implementation phase and determine what reforms are necessary.

For this to materialize, the effective implementation of Acts by the Executive is paramount.<sup>1</sup> The primary role of Parliament is also to provide necessary support to the Executive, to direct and control its actions, to identify and rectify legal weaknesses, to formulate essential new laws, and to measure and evaluate their effectiveness. It must focus on the public's reaction to these laws, their current status in practice, the level of public interest, and whether information regarding the law has reached the targeted groups. People can only truly experience democracy when the Rule of Law prevails; for this, Parliament must play an effective role.

A legislative Parliament, thus, is a core institution of the state. But it has been limited because of the perception that, legislatures are in decline.<sup>2</sup> Power had departed legislatures and gone elsewhere. Mass membership political parties, operating in an era of an expanding franchise, ensured executive dominance of the legislature and the approval of its measures.<sup>3</sup> Generally, Legislation needs constant review for update to bring it in tune with current realities as no legislation can remain effective in perpetuity in spite of the professionalism that was infused into the drafting of it and the observance of global best practices, principles and theories in legislative drafting. It is humanly

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<sup>1</sup> F. De Vrieze & P. Norton (Eds.), *Parliaments and Post-Legislative Scrutiny* (Routledge, 2021). Westminster Foundation for Democracy.

<sup>2</sup> J. Bryce, *Modern Democracies* (Macmillan, 1921), 367–377.

<sup>3</sup> F. De Vrieze & P. Norton (Eds.), *Parliaments and Post-Legislative Scrutiny* (Routledge, 2021).

impossible for the drafter or legislator to draft legislation that would cover every situation that might arise in the future.<sup>4</sup>

Executive bills are laid before the parliament; they are prepared mostly by the executive as government bills (there are very few private bills presented by the Members of the Parliaments). Until now in parliamentary history of Nepal, only three private members' bills have successfully passed the legislative process and become law. Once approved the measures are then implemented by the executive and other public agencies. Any dispute as to meaning is a matter for the courts. For legislatures, the beginning of the legislative process is when a bill is introduced and it ends when it is approved and becomes law. However, due to the lack of commitment among legislators, Nepali legislation often contains flaws that become apparent only upon implementation.<sup>5</sup> Particularly, there is the recurring question, in assessing legislative roles and success across jurisdictions, as to whether the role of a legislature simply stops at the juncture of the almost stereotypical performance of its core functions, with no further role that ensures or guarantees the effectiveness and desired impacts of those functions when performed.<sup>6</sup>

Thus, presently, the drive for not just the enactment of better laws, but also for the immanent duty of legislatures to monitor the implementation and impacts of laws enacted by them. This latter aspect of monitoring is referred to as Post-Legislative Scrutiny (herein as PLS), an emerging role within the oversight function of legislatures that seeks to appraise the level of implementation of enacted laws, how the laws have fared since their enactment, whether they have

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<sup>4</sup> M. D. Bellis, *Statutory Structure and Legislative Drafting Conventions: A Primer for Judges* (Federal Judicial Center, 2008), 1.

<sup>5</sup> Federation of Good Governance (FEG-Nepal), *Improving the Constituent Development Program: Practices from the Three Districts: Sunsari, Kaski and Sindhupalchowk* (FEG-Nepal, 2016).

<sup>6</sup> As Lord Norton of Louth remarked: "Public expectations of parliaments' legislative success have evolved substantially, from getting laws on the statute book to ensuring that laws are brought into effect and their implementation has an impact. Lord Norton of Louth, UK House of Lords, quoted in De Vrieze, F., & Mousmouti, M. (2023). *Parliamentary innovation through post-legislative scrutiny: Manual for parliaments* (PLS Series 4, p. 6). Westminster Foundation for Democracy.

been implemented as envisaged by the legislature, and what impacts they have recorded vis-à-vis legislative intent and the statutory objectives of those laws.

While PLS is viewed as a systematic and strategic process, it is also regarded as a tool that enables legislatures to have a holistic view of the operation and impact of legislation, understand what worked well and what did not, and identify the best way forward in ensuring that legislation has the intended impact.<sup>7</sup> PLS is valued for its role in acting as a safeguard for core constitutional values like representative democracy, legal certainty and the rule of law, and for ensuring that enacted laws benefit citizens and improve government accountability.<sup>8</sup>

## **THE MANDATE FOR PLS**

The obligation to conduct PLS exists on a global spectrum, ranging from explicit constitutional mandates to internalized parliamentary traditions. A small number of countries have a constitutional provision on PLS. Two prominent examples are Switzerland and France. For instance, Article 170 of the Federal Constitution of the Swiss Confederation<sup>9</sup> mandates the Federal Assembly to ensure that federal measures are evaluated for their effectiveness, while art. 24 of the French Constitution<sup>10</sup> defines the Parliament's role as not only passing statutes but monitoring government action and assessing public policies.

In other jurisdictions, explicit consolidation of ex-post evaluation of legislation is found in laws regulating law-making activity. Such provisions include a legislative obligation to evaluate enacted laws after enactment. Indonesia provides a clear example through its Laws on Lawmaking (12/2011 and 15/2019), which categorize PLS as a formal step in the legislative cycle. Even in countries without a statutory or constitutional obligation, such as the United

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<sup>7</sup> F. De Vrieze & M. Mousmouti, *Parliamentary Innovation Through Post-Legislative Scrutiny: Manual for Parliaments*, PLS Series 4 (Westminster Foundation for Democracy, 2023), 6.

<sup>8</sup> Westminster Foundation for Democracy. (2018). *London declaration on post-legislative scrutiny*. <https://www.wfd.org/approach/post-legislative-scrutiny/>

<sup>9</sup> Bundesverfassung (BV) (Constitution) Apr. 18, 1999, SR 101, art. 170 (Switz.)

<sup>10</sup> Const. de la République française (French Constitution), art. 24

Kingdom, Scotland, or Wales, PLS is often treated as an integral part of committee business or is managed through a formal government commitment to scrutinize legislation three to five years' post-enactment.

In the context of Nepal, the foundation for this scrutiny is rooted in Article 97 of the Constitution, which states that the House of Representatives and the National Assembly of the Federal Parliament may form committees, as provided for in the federal law, to facilitate the law-making process. Article 104 of the constitution mentions that each House of the Federal Parliament can frame the Rules of Procedure to carry out its works. To facilitate this, the Rules of Procedures have established sixteen committees across the House of Representatives and the National Assembly. A landmark shift occurred in 2018 (2075 BS) when the National Assembly Rules first introduced provisions for Legislative Measurement under Rule 147. This expanded the jurisdiction of the Legislation Management Committee to include the evaluation of act implementation, study, and research.

To operationalize these constitutional and regulatory powers, the Federal Parliament of Nepal utilizes the Procedure Relating to the Measurement of Act Implementation, Study, and Research, 2018 (herein as the 2018 Procedure). Formulated under the authority of the National Assembly Regulations, this procedure serves as the essential rulebook for the Legislation Management Committee. By bridging the gap between a law's creation and its care, this framework ensures that the Nepalese legislature remains accountable for the actual outcomes of the statutes it produces.

## **RATIONALE OF PLS**

The rationale for PLS extends far beyond simple administrative oversight; it serves as a vital quality control mechanism that ensures laws remain dynamic, responsive, and grounded in societal reality. Regular scrutiny will determine if Acts have done what they were intended to achieve; if not, it may then be possible to identify alternative means of achieving those goals. Scrutiny may also have the effect of ensuring that those who are meant to be implementing the measures are, in fact, implementing them in the way intended. Seen in this

way, PLS provides an approach that a parliament may take to its legislative role as one that is not only the maker of laws but also a country's legislative watchdog.<sup>11</sup>

Apart from advancing the cause of legislative oversight, PLS bridges the gap between the state and its constituents by transforming law-making into a participatory dialogue. It allows legislators to listen to the lived experiences of those directly impacted by specific statutes, translating public grievances into responsive legislative amendments or repeals. By listening to the opinions of citizens (and even stakeholders) on extant laws and translating those opinions into amendments or repeals, legislators firmly represent the views of their constituents and translate them into responsive legislative action.<sup>12</sup> It also encourages citizens to engage more with the parliament.

By shifting the focus from the quantity of the statute book to the actual impact of its contents, PLS prevents legislation from becoming static or abstract. The 2018 Procedure, which provides the legal architecture for oversight in Nepal's National Assembly, specifically mentions five objectives of conducting PLS by the National Assembly in Nepal.<sup>13</sup> Those objective mentions that it is conducted to eliminate duplications, repeal ineffective provisions, prepare the necessary environment for the formulation of Acts, encourage a state where an Act is implemented immediately after the authentication of a Bill, and create conditions where Acts are formulated in accordance with the spirit of the Constitution and the principles of natural justice. The growing impetus for PLS, thus coincides with the rationalization of the law-making process, and a growing demand for the quality of legislation to be reviewed as well as

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<sup>11</sup> F. De Vrieze & P. Norton, "The Significance of Post-Legislative Scrutiny," *The Journal of Legislative Studies* 26, no. 3 (2020): 346–361, <https://doi.org/10.1080/13572334.2020.1780008>.

<sup>12</sup> B. E. Ecoma, "Exploring the Concept and Practice of Post-Legislative Scrutiny," *Jindal Global Law Review* 16, no. 2 (2025): 619–646.

<sup>13</sup> Legislative Management Committee, *Act Implementation Measurement and Study and Research Procedure, 2075* (National Assembly, Federal Parliament of Nepal, 2018), s. 3.

procedures that can support parliaments to manage contemporary legislative complexity.<sup>14</sup>

## **METHODS TO CONDUCT PLS**

While PLS methodology often remains an *ad hoc* exercise in many global parliaments, the process in Nepal has evolved into a structured, four-stage framework rooted in the Procedure. This indigenous model aligns closely with international best practices, such as the 11-step approach promoted by the Westminster Foundation for Democracy (WFD)<sup>15</sup>, which emphasizes defining objectives, stakeholder mapping, and the comply or explain response from the executive. In the Nepali context, the Pre-planning and Planning stages are foundational, focusing on the rigorous selection of acts based on public importance, the mobilization of technical and financial resources, and the identification of core implementation gaps. By establishing clear scopes and limitations early on, the Legislative Management Committee ensures that the scrutiny remains a focused audit of legislative intent rather than a broad, unmanageable academic exercise.

The final two steps are usually the implementation and evaluation phases which are the functional core of the PLS process as they transcend desk-based analysis to adopt empirical methodology. The PLS that is performed by the National Assembly is thus performed in 4 significant steps. Under Section 7 of the 2018 Procedure, the Committee is empowered to utilize diverse data-gathering techniques, including unmediated field monitoring, public hearings, and digital engagement through social media to capture lived data from grassroots stakeholders. At this stage, the interactions with constitutional commissions, provincial and local governments, and the experts in the subject

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<sup>14</sup> R. Heaton, *When Laws Become Too Complex: A Review into the Causes of Complex Legislation* (Office of the Parliamentary Counsel, 2013)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/187015/GoodLaw\\_report\\_8April\\_AP.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/187015/GoodLaw_report_8April_AP.pdf)

<sup>15</sup> M. Mousmouti, *Post-Legislative Scrutiny in Comparative Perspective: Collection of Parliamentary Practices* (Westminster Foundation for Democracy, 2025)  
[https://www.wfd.org/sites/default/files/2025-05/wfd-2025-pls\\_in\\_comparative\\_perspective.pdf](https://www.wfd.org/sites/default/files/2025-05/wfd-2025-pls_in_comparative_perspective.pdf)

matter are at high level in order to synthesize a complete status of act implementation. The process is then completed with the Evaluation stage in which the findings of the evidence are converted into policy recommendations and official reports. This systematic methodology helps make the resulting analysis is not merely a critique of the past, but a preventive measure in an attempt to harmonize federal discord and bridge policy-action dichotomy that tends to slow down the realization of constitutional rights in Nepal.

### **PLS in the National Assembly of Nepal**

To date, the National Assembly has institutionalized this process by successfully completing six comprehensive PLS studies. Central to this process is also a robust prioritization framework established under section 8 of the 2018 Procedure, which mandates laws governing fundamental rights and citizenship, as well as those concerning good governance and Justice as high priority for PLS. Furthermore, a significant emphasis is also placed on social welfare, specifically focusing on the rights and protections afforded to women, children, senior citizens, and persons with disabilities. By focusing on these pillars, the National Assembly ensures that the most vulnerable populations are the primary beneficiaries of legislative refinement.

In addition to these core priorities the selection process has a comprehensive criterion that consists of twelve categories. These classifications help the Committee to question legislations related to national independence, civil rights, and matters of urgent public or mass concern. The framework also takes into consideration the management of natural resources, consumer interest and provision of fundamental services such as education, health and consumption of drinking water. Finally, this broad selection matrix that has a discretionary clause that covers any topic that the Committee deems necessary, will make PLS a more consistent act rather than a strategic instrument in keeping the Rule of Law alive, and in making sure that every Act has the impact it promises in the lives of the Nepali people.

## **1. PLS of the Social Behavior Reform Act, 1976 (2033 B.S.)**

The Legislation Management Committee of the National Assembly conducted between 2019 and 2020 its first-ever PLS inquiry of the 1976 Social Practices Reform Act. Committee officials highlighted that the Committee had selected this Act for a pilot PLS inquiry as it is a straightforward law, which is impacting the lives of 81.3% of the country's population, who are Hindus.<sup>16</sup> The Committee's scrutiny of the Act, marks a historic milestone in Nepal's parliamentary evolution.

The core findings of the scrutiny reveal a piece of legislation that is profoundly out of touch with contemporary reality. The study suggests that the 1976 Act was never grounded in a comprehensive analysis of Nepal's rich cultural diversity. Instead, it was framed from a singular, traditional perspective that rendered it culturally incomplete. Rather than identifying and prohibiting genuine social evils or harmful superstitions, the Act attempted to forcibly restrict personal behaviors through arbitrary measures. For instance, the law imposed rigid controls on the number of guests in wedding processions (*Janti*) and feasts without analyzing how such personal freedoms actually impact society. Furthermore, the definition of close relatives was found to be haphazard and lacks relevance today, while the attempt to criminalize unnecessary expenditure failed to address the systemic issues of Dowry and *Tilak*. Ultimately, the Act suffered from a lack of theoretical clarity regarding the economic, social, and cultural principles necessary for framing social legislation.

Beyond its conceptual flaws, the Act represents a significant political and administrative failure. Despite four decades on the statute books, data indicated a total absence of political will to implement its provisions, which naturally trickled down into not being implementation. Even through three major constitutional changes, no effort was made to modernize the act. The standards

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<sup>16</sup> Government of Nepal. Legislative Management Committee, *Study Report on the Post-Legislative Scrutiny of the Social Behavior Reform Act, 2033 (1976)* (National Assembly, Federal Parliament of Nepal, 2020). p. 21.

<https://na.parliament.gov.np/uploads/attachments/kchrdtjijio9zxsp.pdf>

remained vague, specific spending limits were never set, and critical terms like *Tilak* remained undefined. Moreover, the legal framework made it nearly impossible to collect evidence for prosecution, and a jurisdictional vacuum was created because the Act's state cases status was never reconciled with the National Penal Code.

The final verdict of the report was clear: the current implementation of the Act is nearly zero. The report concluded that today's democratic order requires a broader vision that respects the pluralistic beauty of Nepalese culture while addressing modern social evils and the isolation brought about by extreme consumerism. Consequently, the Committee recommended the immediate repeal of the 1976 Act. In its place, it calls for the drafting of a new cultural code or social behavior Act, one that aligns with current constitutional values of freedom, diversity, and the actual socio-economic realities of a changing Nepal.

## **2. PLS of the Infectious Disease Act, 1964 (2020 BS)**

The global upheaval caused by the COVID-19 pandemic served as a critical stress test for Nepal's legal architecture, leading the Committee to scrutinize the Infectious Disease Act, 1964. The scrutiny revealed that the existing Act is nearly six decades old and fundamentally inadequate for managing modern, complex crisis. This legislative antiquity meant that many of the government's emergency responses during the pandemic lacked a robust, contemporary legal anchor, necessitating a shift toward a more integrated and rights-based legal framework.

To address these systemic gaps, the Committee proposed a series of key legal recommendations centered on the creation of an Umbrella Act.<sup>17</sup> This new legislation would repeal the 1964 Act and integrate scattered provisions currently found in the Disaster Risk Reduction and Management Act 2017 (2074 B.S.) and the Public Health Service Act 2018 (2075 B.S.). The proposed framework focused to establish a clear legal basis for lockdown procedures,

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<sup>17</sup> Government of Nepal. Legislative Management Committee of National Assembly. (2078 BS). PLS of the Infectious Disease Act, 2020(1964). p. 21.

physical distancing, and security mobilization, while simultaneously legalizing criteria for providing relief to vulnerable groups like laborers and farmers. Furthermore, the recommendations called for a mandate to ensure private and cooperative hospitals remain operational during emergencies and the creation of a formal legal structure for inter-governmental coordination between the Federal, Provincial, and Local tiers. The Committee also emphasized the need for fast-track procurement laws for health supplies and a special circumstances act to address legal deadlines and claims interrupted by lockdowns.<sup>18</sup>

In addition to long-term legal reforms, the report outlined a suite of immediate administrative actions required to manage ongoing and future health emergencies. The Committee instructed the Government to ensure all executive orders strictly follow constitutional procedures and respect the spirit of Nepalese law, particularly regarding human rights. Critical steps include facilitating the safe repatriation of citizens according to WHO standards, expanding testing strategies to reach every family, and ensuring medical stockpiles are distributed to all local levels. The report stressed the importance of the human element in crisis management. This involved launching incentive programs to provide security and motivation for frontline health and security personnel, as well as maintaining establishing a relief fund and distribution related arrangements. Looking toward recovery, the Committee highlighted the urgent need for a comprehensive exit strategy. By establishing an oversight mechanism led by Members of Parliament, the report sought to ensure that the pandemic response is coordinated, monitored, and ultimately rooted in the rule of law.

### **3. PLS of laws related to providing land to landless Dalits**

The provisions of Art. 40(5) of the Constitution and the Land Act 1964 (2021 B.S.), indicate a troubling stagnation in moving from constitutional assurances to actual land possession. Even though the law mandated a three-year timeframe for providing land to landless Dalits, the report revealed that the executive took over two years just to separate the necessary Regulations,

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<sup>18</sup> Ibid, p. 21

effectively using up the statutory deadline before any meaningful distribution could take place. This gap in implementation was further worsened by significant structural ambiguity; while the Act permits the establishment of a dedicated commission, the land-resolution bodies have been functioning under a limited interpretation that often excludes Dalits who possess small, unproductive plots (less than 0.1 hectare) or those who do not have citizenship documentation.<sup>19</sup> Consequently, thousands of families remain trapped in a cycle of landlessness, as the state lacks even a verified, integrated database to identify the actual number of beneficiaries.

To resolve this historic failure, the Committee's findings mandated an immediate legislative overhaul to extend the expired three-year deadline and broaden the definition of "landless" to include marginalized and small-scale Dalit farmers. The report identified a critical gap, noting that while existing Land Ceiling laws and provisions for land from absentee landlords could provide ample acreage, these legal tools remain largely unutilized due to a lack of political will and technical capacity at the local level. The study concluded that land must be redefined as a tool for social justice rather than a market commodity. It recommended that the Office of the Prime Minister and Council of Ministers and the Ministry of Land Management, Cooperatives and Poverty Alleviation move beyond tokenistic land-granting by ensuring the full tenure and delegating the identification process to local levels to ensure that no landless Dalit is left behind due to administrative barriers or documentation gaps.

#### **4. PLS of sections relating to procurement processes in Public Procurement Law**

The PLS of the Public Procurement Act, 2006 (2063 B.S.) revealed a persistent disconnect between international procurement standards and grassroots implementation in Nepal. Despite the Act's objective to ensure transparency,

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<sup>19</sup> Government of Nepal. Legislative Management Committee, *Study Report on the Post-Legislative Scrutiny of Laws Related to Providing Land to Landless Dalits* (National Assembly, Federal Parliament of Nepal, 2022).

<https://na.parliament.gov.np/uploads/attachments/sapxbml9hhtuobmt.pdf>

accountability, and maximum return on public expenditure, the study identified a systemic implementation gap fueled by a lack of technical expertise among procurement officers and an over-centralized monitoring structure. A critical finding is the erosion of the Public Procurement Monitoring Office's (PPMO) autonomy due to the 2014 amendment, which moved technical guideline approvals to the executive level, complicating the regulatory process. Furthermore, the inquiry highlighted significant corruption risks associated with *Amanat* and User Committees, where a lack of competitive bidding has led to frequent legal disputes and irregularities, as evidenced by numerous Special Court rulings.<sup>20</sup>

In order to fill this gap, the findings of the Committee indicated the necessity to shift toward the decentralized model of procurement is urgent. The main suggestions were to increase the size of the PPMO into provincial level to manage the local governance and to deprive individual procurement offices of the authority to customize the technical specifications. Ultimately, the study concluded that without harmonizing cost-estimation systems like SUTRA with actual market realities and establishing a robust system of departmental punishment for non-compliance, the constitutional promise of good governance and fiscal discipline in the procurement process will remain unfulfilled.

##### **5. PLS of the provisions on Child Participation in the Children's Act, 2018 (2075 B.S.)**

The process, which started in late 2024, was based on a triangulated approach that started with a capacity building phase to translate the four pillars of child rights: survival, development, protection, and participation into measurable indicators. Out of Kathmandu, the Committee carried out intense investigations in the field at Karnali, Madhesh, and Koshi Provinces, and directly, face-to-face conversations with school clubs and provincial networks

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<sup>20</sup> Government of Nepal. Legislative Management Committee, *Study Report on the Post-Legislative Scrutiny of the Implementation of Public Procurement Law* (National Assembly, Federal Parliament of Nepal, 2022).

<https://na.parliament.gov.np/uploads/attachments/unvjyehkjtmrz1i.pdf>

*Baral, Raksha, 2026*

of children. This information was also cross-tabulated with local governance audit and inspection of Child Reform Home where the Mayors and Child Welfare Officer interviews tested the Act down to the municipal level which was finally followed up in a synthesis workshop which compared these local findings with high level expectations of the policy.

The results of this scrutiny also exposed a profound implementation gap. A primary finding was the tokenistic nature of child participation; despite a high volume of child clubs, children remain mere observers in local planning due to a lack of mandatory legal links between the Children’s Act and the Local Government Operation Act.<sup>21</sup> The proper implementation was obstructed by a lack of standardized procedures across local levels, insufficient budgetary allocations, and the failure to appoint dedicated Child Welfare Officers in many municipalities, often leaving these critical roles as secondary assignments for existing staff. Furthermore, the study underscores a systemic lack of horizontal and vertical harmony, where sector-specific laws like the Education Act do not yet mandate the child participation standards envisioned by the Children’s Act. It also identified that child participation is often viewed narrowly as the concern of a single ministry rather than a cross-sectoral mandate, this study provided a foundational evidence for a framework that demands integrated legal reforms and gender-sensitive, inclusive monitoring systems across all three tiers of government.

#### **6. PLS inquiry to the section 19 of the Right to Food and Food Sovereignty Act, 2018 (2075 B.S.)**

This PLS revealed a critical disconnect between high-level policy formulation and the daily realities of Nepalese farmers facing climate-induced risks. Although the section mandates the government to implement preventive measures to mitigate the adverse effects of climate change on food production,

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<sup>21</sup> Government of Nepal. Legislation Management Committee, *Balbalika sambandhi ain, 2075 ma raheka bala sahabhagita sambandhi pravadhankoharu ko karyanwayan mapan prativedan*, 2082 [Implementation measurement report of the provisions related to child participation in the Children’s Act, 2018], (National Assembly, Federal Parliament of Nepal. 2026) <https://na.parliament.gov.np/uploads/attachments/q6cwpwdqeo8wytca.pdf>

the study found that five years after its enactment, the necessary subsidiary legislation (rules and regulations) has yet to be finalized. This regulatory vacuum has stalled the institutionalization of climate-resilient practices, leaving local governments without clear mandates or budgetary frameworks to support farmers dealing with erratic rainfall, depleting groundwater levels, and the emergence of new crop diseases.<sup>22</sup>

In addition, the research showed a knowledge gap in terms of accessibility of climate-adaptive technology. Although the Nepal Agricultural Research Council (NARC) has come up with a number of stress-resistance varieties of seeds including drought, flooding and other extreme temperature tolerance the spread of these materials to the grassroots level is also incredibly low. The farmers in the sampled districts of Kapilvastu, Sindhupalchok and Kavrepalanchok said they lacked awareness on these innovations and tended to use untested seeds that were imported through cross-border markets. The report found that the implementation gap needs to be bridged by not only unanimous adoption of the rules related to right to food and food sovereignty in the near future but also a decentralized, effective mechanism of coordinating the efforts of the federal, provincial and local government with the real needs of the agricultural community.<sup>23</sup>

## **CONCLUSION**

The transition of the Federal Parliament of Nepal from a traditional law-making body to a proactive legislative watchdog represents a fundamental shift in the nation's democratic evolution. Through the doctrinal analysis of emerging practices and six specific PLS studies, it can be said that, the implementation gap in Nepal is not merely a technical failure but a systemic challenge to the Rule of Law. Although the National Assembly is

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<sup>22</sup> Government of Nepal. Legislation Management Committee), *Khadya adhikar tatha khadya samprabhuta sambandhī aina, 2075 ko dapha 19 ko karyanwayan mapan prativedan, 2080* [Implementation measurement report of Section 19 of the Right to Food and Food Sovereignty Act, 2018], (National Assembly, Federal Parliament of Nepal, 2024) <https://na.parliament.gov.np/uploads/attachments/ew8ctc45mfo5worn.pdf>

<sup>23</sup> *ibid*

*Baral, Raksha, 2026*

demonstrating exceptional leadership in the institutionalization of PLS with the 2018 Procedure, the results of the scrutiny on the acts from Social Behavior Reform to the Right to Food indicate a pattern of policy-implementation gap due to stagnant delegated legislation, administrative neglect, and a lack of connection between constitutional promises and reality on the ground

The institutionalization of PLS across both houses of the Federal Parliament is thus a prerequisite for legislative excellence and government accountability. By identifying federal dissonance and mandating the rectification of legal flaws, PLS ensures that the role of the legislature does not stop at enactment but continues until the objectives of a law are felt in the lives of the people. For Nepal to truly bridge its implementation gap, PLS must be embraced not as a periodic exercise, but as an inherent duty to uphold the democratic promises and ensure that every enacted law fulfills its goals.

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