

Process of Government Formation in Nepal: Constitutional and Legal Provision

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In Nepal, the federal government is formed and operated through constitutional and legal procedures. After the election of members of the House of Representatives is completed, certain stages must be fulfilled for the formation of the government, as provided by the Constitution and the law. The process of government formation begins with the final publication of the election results.



First of all, once the election is completed, the Election Commission must formally publish the final results of the election. Only after the Election Commission publishes the results can the process of forming the Parliament and establishing the government formally move forward. This ensures the legitimacy of the election and also clarifies the status of political parties that will be represented in Parliament.

In Nepal, political parties must form parliamentary parties in order to conduct their parliamentary activities. A political party that wins at least two seats in the federal parliamentary election is eligible to form a federal parliamentary party.¹ According to this provision, each eligible political party elected through the House of Representatives election of 2082 must form a parliamentary party.

Once the parliamentary party is formed, every person elected from the respective political party and representing it in the federal Parliament automatically becomes a member of that parliamentary party.² In other words, members of Parliament elected from any political party automatically become members of that party's parliamentary group. This arrangement helps maintain an organized party structure within Parliament.

After forming a parliamentary party, certain required details must be submitted to the Federal Parliament Secretariat. These include the name of the concerned political party, details of its central office, a copy of the party's constitution (statute), a copy of its regulations if available, a copy of the separate constitution of the parliamentary party if it exists, and the number and names of the elected representatives.³ Once these documents are registered at the Parliament Secretariat, the parliamentary party receives official recognition.

After the parliamentary party is formed, it must also select its leadership. According to the direction of the concerned political party, the members of the parliamentary party elect one among themselves as the leader of the parliamentary party. The process of electing the parliamentary

¹ Act Relegating to political party, 2017 section 24, sub-section (1)

² Ibid sub-section (2)

³ Ibid sub-section (3)

party leader and other related matters are conducted in accordance with the constitution and internal rules of the respective political party.⁴

The Constitution of Nepal provides a clear arrangement regarding the formation of the government. The President appoints the leader of the parliamentary party that commands a majority in the House of Representatives as the Prime Minister. A Council of Ministers is then formed under the leadership of the Prime Minister, and the government operates through this Council.⁵

Thus, the process of government formation in Nepal follows a sequential process that includes the final declaration of election results, the formation of parliamentary parties, the selection of parliamentary party leaders, and finally the appointment of the Prime Minister followed by the formation of the Council of Ministers. Since all these processes are guided by the Constitution and the law, they play an important role in ensuring transparency, legality, and accountability within Nepal's democratic governance system.

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⁴ Ibid section 25

⁵ The constitution of Nepal Article 76 Sub-article (1)