

VU Working Paper 1

Tailoring an RIA Framework for the Indian Context:

Key Takeaways

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Abstract

Effective and efficient regulation is integral to a country's growth. In India, fragmented regulatory processes, limited capacity, and weak coordination across different levels of government have long impeded policymaking. Regulatory Impact Assessment (RIA) is a method of analysis that can assist policymakers in the design, implementation, and monitoring of regulatory systems by providing a methodology for assessing the impact of new and existing regulations. Despite references to RIA in India since the early 2000s, the country still lacks a systematic framework for assessing the costs, benefits and impacts of various laws and regulations.

This working paper aims to outline the process for tailoring an RIA framework for India. It lays out the key elements of an RIA process, analyses the challenges in adaptation and gleans lessons from global case studies. It also outlines the principles to be followed to adapt RIA in India, making a case for an integrated, sector-agnostic RIA process. A tailored RIA framework for India should be structured around five pillars- addressing regulatory fragmentation; adopting proportionality in analysis and resource allocation; developing a pluralistic strategy to overcome data constraints; institutionalising an inclusive stakeholder

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consultation process from the draft to final stage; and strengthening capacity building and accountability mechanisms for rule-makers.

Embedding RIA in India's legislative and regulatory processes is not merely a technocratic reform but a democratic imperative—essential to ensuring that regulations are equitable, efficient, and responsive to the country's developmental priorities. A phased implementation strategy, underpinned by legal mandates, oversight institutions, and sustained political commitment, is vital to ensure that RIA evolves from a procedural formality into a transformative tool for governance reform.

1. Introduction - The Imperative for Regulatory Impact Assessment in India

Regulation is an important tool for any country to achieve its economic, social and other policy objectives. Governments will often have systems encompassing a range of regulatory instruments to enable this process. However, today, the policymaking environment is dealing with many complexities. With the rapid growth of technology and emergence of new digital economies, there are greater challenges which demand that governments possess tools to design regulations that are not only effective but also efficient, equitable, and as far as possible, future-proof.

To that effect, policies and regulations should be always based on the best available information, data, analysis and scientific expertise and consider all potential solutions to a problem. The quality of policy and regulatory outcomes, therefore, are greatly dependent on the quality of the processes that are used to design them (OECD, 2020). Poorly designed interventions often lead to unintended consequences. Additionally, such actions have costs that unexpectedly can outweigh the benefits. More often than not, these costs are disproportionately borne by the most vulnerable in society, ultimately eroding trust in institutions and hindering inclusive growth (OECD, 2020).

Regulatory Impact Assessment is a method of analysis that can assist policymakers in the design, implementation, and monitoring of improvements to regulatory systems by providing a methodology for assessing the consequences of new and existing regulations (Jacobs 2005; Kirkpatrick & Parker 2007). Regulatory Impact Assessment (RIA) is recognized by most developed countries as a key instrument to improve the quality of regulatory decision making. RIAs are widely used within the member countries of the Organisation for Economic Co-operation and Development (OECD), and even a significant number of developing countries are implementing new RIA procedures in their regulatory governance systems. (World Bank, 2018).

Against this backdrop, Regulatory Impact Assessment (RIA) has emerged as a leading tool of evidence-based policymaking. RIA requires policymakers to systematically identify the problem at hand, define objectives, consider alternatives, and assess potential costs, benefits

and distributional effects of regulatory proposals. In practical terms, RIA begins with the identification and analysis of the problem and the objectives of a certain regulatory policy, followed by an assessment of the costs and benefits of possible implementation procedures, to choose the alternative that provides the greatest public benefit (Peci and Sobral, 2011). For example, the Impact Assessment prepared by RPC for the ‘Digital Markets, Competition and Consumers Bill’ estimates consumer benefits of approximately 9.7 billion GBP over a ten-year period, with the largest gains stemming from digital market reforms (6.2 billion GBP), subscription trap reforms (£2.9 billion), and enhanced consumer law enforcement (539 million GBP) (Department for Business and Trade, 2023). In doing so, it provides a rational framework for ensuring that interventions are proportionate, justified and aligned with broader policy objectives (OECD, 2008; OECD, 2020). Importantly, RIA also enables decision-makers to defend choices not to regulate where costs outweigh potential benefits, an element often neglected in political debates (OECD, 2020). In fact, in the United Kingdom, the regulatory oversight body, the Regulatory Policy Committee (RPC) in its report showed that between 2010 and 2015, the RPC-validated changes under the One-in, One-out regime of the government made net annual savings of roughly 2.2 billion GBP to businesses and civil society groups (Regulatory Policy Committee, 2015). This shows how institutionalised RIA scrutiny can generate substantial economic benefits.

A point to clarify here is that the term ‘Regulatory Impact Assessment’ (RIA) is often used to encompass both Legislative Impact Assessment (LIA), which applies to primary legislation, and RIA in the narrower sense, which focuses on subordinate or delegated regulations.

Together, these assessments make up part of the evidence-based policymaking tools that test the likely effects of legal and regulatory interventions before and after implementation. RIAs can be of two forms, ex-ante and ex-post. Ex-ante assessment refers to the appraisal of proposed measures prior to their adoption, while ex-post evaluation is conducted after implementation and aims to assess whether the regulation has achieved its intended outcomes and seeks to identify areas for revision or repeal. The OECD recommends that both forms be institutionalised within the same analytical system to ensure coherence, learning, and accountability (OECD, 2020). The European Commission’s Better Regulation Guidelines similarly integrate ex-ante impact assessments and ex-post evaluations, treating them as complementary stages of the regulatory cycle (European Commission, 2021). The United Kingdom also mandates Post-Implementation Reviews (PIRs) within three to five years of a regulation’s entry into force, illustrating the growing global emphasis on continuous

regulatory evaluation.

RIA also functions as a professional discipline for public officials, helping mitigate cognitive biases such as groupthink, optimism bias and confirmation bias, which can otherwise distort policy analysis (OECD, 2020). By institutionalising systematic review, RIA improves the quality of public decision-making and strengthens regulatory governance.

Since its introduction in the United States in the late 1970s, RIA has been adopted widely across advanced economies. The US integrated cost–benefit analysis into regulatory review under the Office of Management and Budget (OMB). The European Union institutionalised RIA in the early 2000s, requiring assessments for all major legislative proposals, with more than 800 completed by 2015 (Deighton-Smith, Erbacci and Kauffmann, 2016). Today, the OECD regards RIA as a key pillar of regulatory quality, with 32 of its 35 members applying RIA within their national frameworks (OECD, 2020).

The modern framework of Regulatory Impact Assessment (RIA) finds its roots in the United States, widely regarded as the beginning of market-oriented regulatory governance. President Ronald Reagan’s Executive Order 12291 (1981) first made cost–benefit analysis and impact assessment mandatory for all major federal regulations and began the process of embedding economic efficiency into rulemaking. This policy was added on to by President Bill Clinton’s Executive Order 12866 (1993), which institutionalised centralized oversight through the Office of Information and Regulatory Affairs (OIRA), requiring agencies to assess both the necessity and the impacts of proposed regulations. The Office of Management and Budget’s (OMB) Circular A-4 (2003) standardised the analytical methods to be used, including treatment of uncertainty, distributional effects, and discounting. This circular was also updated in 2023 for a more recent and comprehensive list of tools. Together, these instruments created a robust model of evidence-based regulation and transparency that has since influenced the OECD’s best practice principles and the European Union’s ‘Better Regulation’ framework.

Beyond the OECD, the diffusion of RIA has accelerated. According to the World Bank’s Global Indicators of Regulatory Governance (GIRG), as of 2017, 92 of 185 countries conduct some form of RIA, including several developing economies (World Bank, 2017). In Zambia, the Business Regulatory Act 2014 mandated RIA across all ministries, aiming to reduce

burdens on the private sector and stimulate investment (BRRA, 2018). Cambodia institutionalised an Office of Regulatory Impact Assessment (ORIA) to oversee capacity building and roll out pilot projects in ministries such as commerce, environment and tourism (ECOSOCC, 2014). Armenia, supported by an EU Twinning Project, produced a detailed manual on CBA, cost-effectiveness analysis, and multi-criteria analysis, embedding consultation at the centre of the process (EU Twinning Project, n.d.). These experiences highlight both the adaptability and challenges of embedding RIA in low- and middle-income countries.

Regulatory Impact Assessment (RIA) therefore, is widely regarded as a mechanism to enhance the formulation of public policy and to improve regulatory quality by providing systematic information, empirical evidence, and a framework for rational decision-making (OECD 2008). The purported benefits of RIA include the strengthening of regulatory governance, the enhancement of national competitiveness, and the cultivation of a shared regulatory vocabulary and culture (OECD 2008). Radaelli (2005) contends that the foundational elements of RIA embody an ideal-type model of impact assessment premised on a rational policy process that is step-oriented and followed through without too many barriers. While this model appears to have significant influence in the United States, it remains largely detached from the policy realities of many other national contexts.

Nevertheless, RIA has also been subject to sustained critique, particularly within the domains of environmental, health, and safety regulations. Central to these critiques is the reliance on cost-benefit analysis (CBA) as a tool for regulatory review, which is frequently criticised for its inherent biases, most notably the inadequate measurement and valuation of benefits.

In this light, a common pitfall globally, and one highly relevant to India, is the risk of RIAs becoming an over-procedural box-ticking exercise, focused on narrow economic impacts and exempting significant proposals from rigorous scrutiny (OECD, 2018). In the Indian context, while elements of RIA are being introduced through some of its financial regulators, its application remains inconsistent and lacks the analytical depth and institutional integration to genuinely influence policy design.

India's regulatory landscape is especially complex. With a government structure with multiple levels of governance, siloed decision-making creates risks of fragmentation and

inconsistency. At the same time, India's economy is marked by a high degree of informality, where regulations may have unintended effects on unorganised labour, small enterprises and marginalised communities. In such a context, the importance of designing regulations that are equitable and evidence-based cannot be overstated.

Although RIA has featured in Indian policy discourse since the early 2000s, it has not yet been institutionalised. The Planning Commission first recommended RIA as part of better regulation reforms in the Working Group on Business Regulatory Framework (WG BRF, 2011). The NITI Aayog and donor-supported initiatives have since experimented with impact assessments, but these efforts remain fragmented, sector-specific and without legal mandate (CUTS, 2018). Moreover, capacity constraints within ministries, coupled with limited availability of reliable data, pose serious barriers to implementing rigorous RIAs.

India therefore faces a dual challenge. On the one hand, the absence of systematic RIA processes weakens policy coherence, increasing the risk of poorly designed interventions with high social and economic costs. On the other hand, the wholesale adoption of OECD-style models risks failure if domestic constraints are ignored. Jacobs (2024) stresses that RIA transplants, when not adapted to local contexts, often fail due to weak administrative capacity, lack of political will, and insufficient stakeholder engagement. For India, this means that the key lies not in replication but in indigenisation.

The sparse India-specific literature on RIA underscores a significant research gap. This paper seeks to contribute to filling this gap by moving the discussion from *whether* India should adopt RIA to *how* it can be done effectively. The central thesis is that a successful Indian RIA framework cannot be a carbon copy of Western models; it must be an indigenized system, consciously adapted to the country's administrative culture, federal polity, data realities, and developmental objectives.

This paper looks at what are the key elements needed to tailor an RIA framework for the Indian context, and what that might look like. An RIA framework for India must be tailored to its governance and socio-economic realities. A critical barrier is political will. Even with many analytical tools available, government ministries often prioritise speed over rigour in drafting legislation. Doing an impact assessment must be embedded into the legislative drafting process from the beginning. This will require a cultural shift - treating regulation

drafting as a deliberate, evidence-based exercise rather than a procedural formality. It must also address data availability constraints by expanding the kinds of data considered (qualitative and quantitative) and also leverage different data sources for evidence collection and monitoring. Additionally, it must build institutional capacity through dedicated RIA units in ministries, supported by oversight bodies. Every ministry should establish RIA cells responsible for preparing an impact assessment report to accompany each draft regulation or law. These reports should be mandatory attachments to legislative drafts. And lastly, it must embed stakeholder consultation processes at all levels- from the drafting stage till a post-implementation regulatory review. These consultations should be transparent, inclusive and accessible, drawing lessons from other countries.

The imperative for RIA in India thus stems from its potential to improve policy coherence, safeguard equity, enhance transparency, and strengthen trust in institutions. The stakes are high: without systematic processes, regulatory interventions risk being ineffective, burdensome and regressive. By indigenising RIA, India can align regulation with its development priorities, bolster competitiveness, and build a governance system responsive to the challenges of the twenty-first century.

This paper is structured as follows: Section 2 outlines the key principles of a standard RIA process, followed by the Indian context in Section 3, making the case for the need of a unique model. Section 4 highlights global examples of RIA adoption and lessons for India, followed by Section 5, which covers the necessary elements for tailoring RIAs to the Indian context. Section 6 ends with concluding thoughts.

2. Key Elements of an RIA Process

The elements of an RIA process can broadly be guided by certain principles as defined by the OECD and World Bank. The OECD (2020) outlines the best practice principles for institutionalising RIAs into a governance ecosystem to strengthen the regulatory governance of a country.

Core elements of Regulatory Impact Assessment (RIA) are generally consistent across jurisdictions, though their implementation depends on administrative capacity, political will,

and governance traditions. The OECD (2008, 2020) outlines a set of fundamental steps that form the backbone of effective RIAs. These include problem definition, establishing a baseline, identifying objectives and alternatives, conducting impact assessments, engaging in stakeholder consultation, and ensuring transparency and accountability. Each element plays a distinct role in ensuring the quality and legitimacy of regulatory decision-making.

Problem Definition and Establishing the Baseline

A well-defined problem statement is the foundation of any RIA. OECD guidelines stress the importance of articulating the specific market failure, policy gap, or social challenge that necessitates intervention (OECD, 2008). Without this, regulations risk addressing symptoms rather than underlying causes. The *Zambian RIA handbook* underscores this point, requiring regulators to clearly set out the existing baseline against which policy options are to be assessed (BRRRA, 2018). Accurate problem definition ensures that subsequent analysis remains focused and avoids scope creep.

Setting Objectives and Identifying Alternatives

After defining the problem, regulators must establish policy objectives that are specific, measurable, achievable, relevant, and time bound. Equally important is the identification of alternative approaches. Alternatives may include non-regulatory interventions, self-regulation, or soft law instruments. Armenia's RIA manual places strong emphasis on considering a wide range of alternatives, supported by methodologies such as cost-benefit analysis (CBA), cost-effectiveness analysis (CEA), and multi-criteria analysis (MCA) (EU Twinning Project, n.d.). Cambodia's RIA framework requires ministries to conduct a preliminary assessment before proceeding to a full RIA, ensuring that low-impact proposals do not impose unnecessary burdens on administrative systems (ECOSOCC, 2014).

Assessing Impacts

The analytical heart of RIA lies in assessing the likely impacts of different options. OECD practice typically focuses on quantitative CBA, where feasible, to compare expected benefits and costs. However, developing countries often lack data to conduct sophisticated CBAs. To

address this, Armenia’s manual recommends using complementary tools such as CEA and MCA, which allow consideration of qualitative factors and distributional impacts (EU Twinning Project, n.d.). Zambia’s handbook advises regulators to adopt proportionate analysis, focusing resources on proposals with significant expected impacts (BRRRA, 2018). This principle of proportionality is critical for resource-constrained administrations.

Stakeholder Consultation

Meaningful stakeholder engagement is a defining feature of effective RIAs. The OECD (2020) emphasises that consultation not only improves the quality of information available to regulators but also enhances legitimacy and buy-in. Armenia requires ministries to demonstrate how stakeholder feedback influenced the final proposal (EU Twinning Project, 2011). Cambodia has invested in large-scale awareness campaigns, involving more than 4,500 stakeholders in consultation seminars during its pilot phase (ECOSOCC, 2014). Such efforts reflect the recognition that effective consultation must be continuous, inclusive, and transparent, rather than perfunctory.

Public consultations can achieve genuine impact and be meaningful when linked to an accompanying larger assessment process like the RIA. Stakeholder consultations that are not systematic and conducted in an ad-hoc manner will produce fragmented outcomes that don’t look at the whole picture. A systematic RIA-linked process on the other hand will be grounded in evidence, be transparent and will also evaluate any alternatives. The handbook also notes that consultations should occur at multiple stages of the assessment—from problem definition to option appraisal—to improve both the legitimacy and quality of regulation. The OECD Best Practice Principles (2020) also recommend publishing summaries of consultations conducted which highlight the impact the consultation process has had on the final decisions taken. Effective stakeholder consultations will contribute to a more robust regulatory process.

Transparency and Accountability

Transparency underpins the credibility of the RIA process. OECD best practices call for publication of RIA reports, enabling public scrutiny and ensuring regulators can be held

accountable for their decisions (OECD, 2020). Accountability mechanisms help prevent RIAs from becoming box-ticking exercises, ensuring that they substantively shape decision-making.

Institutional Oversight and Capacity Building

Finally, effective RIAs depend on supportive institutions. OECD experiences show the importance of central oversight bodies, such as the US OMB or the EU's Secretariat General, in reviewing the quality of RIAs (OECD, 2008). In Cambodia, the ORIA plays a similar role, guiding ministries through the process and providing capacity-building support (ECOSOCC, 2014). Jacobs (2024) highlights that without such oversight and training, RIAs risk degenerating into ritual compliance exercises. Building administrative capacity through training and clear guidelines is therefore indispensable.

Taken together, these core elements form the architecture of effective RIA systems. They highlight that RIA is not a single technique, but rather a structured decision-making process that combines analytical methods with participatory governance. For India, the challenge is to adapt these elements to its federal structure, capacity limitations, and socio-economic diversity.

Additional Detail on Core Methodologies

Cost-benefit analysis (CBA) remains the most widely used RIA methodology. In OECD countries, CBA is supported by detailed guidelines on discount rates, valuation of non-market goods, and treatment of uncertainty (OECD, 2008). The US, for instance, uses a central discount rate for federal CBAs to ensure consistency. However, critics argue that monetisation of non-market values—such as biodiversity or social equity—is inherently limited. For India, CBA can be applied to sectors with robust data, such as financial regulation, but must be complemented by qualitative methods in areas with high informality.

Cost-effectiveness analysis (CEA) is particularly useful in health, education, and environmental policy, where objectives are clear, but monetisation is difficult. Armenia used CEA to evaluate energy efficiency programs, assessing the lowest-cost options for achieving

emission reductions (EU Twinning Project, n.d.). India could adopt CEA in evaluating schemes such as renewable energy subsidies or public health campaigns.

Multi-criteria analysis (MCA) offers flexibility by allowing policymakers to weigh different criteria—such as equity, sustainability, and economic impact—without reducing everything to monetary terms. This makes MCA particularly relevant for India, where analysing impact across different regions and social groups is critical. For example, in labour market reforms, MCA could evaluate trade-offs between formalisation, employment generation, and business costs.

Proportionality is another principle central to RIA. OECD practice emphasises that analytical depth should match the expected impact of the regulation. Cambodia institutionalised this principle through its two-stage system: preliminary assessments for low-impact proposals and full RIAs for high-impact ones (ECOSOCC, 2014). India could similarly design tiered requirements, reduce administrative burdens to ensure rigorous analysis where needed.

These principles form the base of the RIA institutional framework; however, they cannot be a) implemented as is, and b) be implemented in their entirety without contextualisation.

3. The Need for Contextualisation: Why a one-size fits-all approach cannot work

The diffusion of RIA worldwide has not produced convergence in RIA modes of operation. For Radaelli (2005), the lack of convergence is due to differences in domestic political contexts – measured in terms of types of bureaucracy, policy processes, actors' preferences, and the legitimacy of the regulatory process. In contrast, research on RIA adoption in developing countries recognized that available organizational capacity plays a key role in the adoption and implementation of RIA. Organizational capacity includes not only the capability to conduct the analysis, but also the structures, procedures, and management skills required to ensure a high-quality RIA (Kirkpatrick and Parker, 2007, Jacobs, 2005). Which set of contextual variables matters most remains unclear. (Peci and Sobral, 2011). Even looking at

the successful models that have adapted the OECD principles, it is important to have region and country-specific contextualisation.

RIA has found mention in Indian policy in a fragmented sense over the years. Section 52 of draft Indian Financial Code (in 2015) noted that draft regulations must also have an accompanying analysis of costs and benefits, that are updated alongside the draft regulations. Section 54 noted that costs and benefits should be considered for all affected parties. The Committee for Reforming the Regulatory Environment for Doing Business in India (2013) also noted that an RIA of proposed legislation should precede public consultations. India has implemented many sector-specific regulatory reforms, but the absence of a government-wide cohesive institutional infrastructure has prevented India from achieving consistency in regulations and has undermined trust and integrity in the regulatory system (Som and Naru, 2017). Certain contextual features of India make a facsimile RIA adoption harder. India's regulatory system presents unique challenges for the adoption and institutionalisation of RIAs. The country's governance architecture—shaped by fragmentation, socio-economic diversity, and administrative complexity differs significantly from OECD contexts where RIA has been more easily embedded. Designing an effective framework for India requires a close look at its institutional weaknesses, sectoral experiences, and political economy realities. These challenges should not be seen as reasons to abandon RIA, but as design imperatives that an indigenised framework must address.

Regulatory Fragmentation

While India's federal system no doubt adds complexity to regulatory impact, the larger burden comes from secondary legislation. India's regulatory landscape currently is fragmented across ministries, regulators, and sectoral agencies, which often issue overlapping or contradictory rules. This fragmentation is also across levels of government from central to state to municipal bodies. Secondary legislation such as rules, circulars, notifications, and executive orders can grow quite rapidly but are rarely, if ever, subject to systematic review.

Such legislation also significantly raises the cost of compliance and weakens policy coherence by most likely, creating legal uncertainty. Fragmentation is further compounded by the absence of clear institutional mechanisms for coordination across different sites of lawmaking. Ministries and regulators often work in silos, producing regulations without

adequate consultation or cross-sectoral analysis. This not only diminishes regulatory quality but also erodes trust among stakeholders who must navigate complex and sometimes conflicting requirements.

A systematic check against duplication and inconsistency can happen by incorporating RIAs into the secondary legislation preparation process. This would guarantee that regulatory interventions are reasonable, supported by evidence, and in line with the larger goals of policy. Instead of depending entirely on a top-down model of regulatory oversight, India should take a different approach wherein states and local bodies, in particular, pilot context-specific RIAs while central institutions offer methodological guidance and quality control. Addressing fragmentation therefore requires the development of multidisciplinary teams that are able to transcend bureaucratic boundaries, a shared repository of RIAs for transparency, and common standards for impact assessment. This can change India's current regulatory landscape from assortment of multiple legislations into a more coherent and predictable system capable of supporting both economic efficiency and social equity.

Data Deficit

A core principle of RIA is quantification of costs and benefits, but India faces a persistent data deficit. Much administrative data is outdated, or simply unavailable in disaggregated form, especially in relation to the informal economy, small enterprises, or marginalised groups, complicating cost-benefit analysis and evidence-based policymaking. This does not imply that rigorous analysis is impossible, instead it calls for a pluralistic evidence strategy. Data availability constraints should be addressed by expanding the kinds of data considered (qualitative and quantitative) and leveraging different data sources for evidence collection and monitoring. Transparency about data gaps and explicit acknowledgement of assumptions will be critical to maintaining credibility.

Institutional Capacity Constraints

Most Indian ministries lack the in-house expertise required for systematic impact assessment, not having dedicated analytical units to conduct regulatory assessments. Policy work often remains legalistic and procedural, conducted in silos that discourage inter-ministerial collaboration. As mentioned, there have been some attempts earlier to promote RIAs and evidence-based policymaking, but these efforts have not translated into institutionalised RIA

systems. The creation of dedicated RIA units in each ministry can be extremely helpful here, which are responsible to do impact assessment of planned laws and regulations even before they reach a public-facing draft stage. Without such reforms, RIAs risk becoming fragmented, ad hoc exercises.

Political Economy Challenges

Even when analytical capacity exists, the lack of political will may undermine the use of RIA. Ministries under pressure to deliver quick reforms may view RIA as a procedural hurdle rather than a value-adding tool. OECD reviews note that in many countries, RIAs are prepared too late in the policy cycle to shape final outcomes (OECD, 2020). In India, similar risks are evident, with draft regulations often issued without adequate consultation or impact analysis, and any public consultation only coming after the fact, when intervention and course-correction can be limited at best. Overcoming these barriers will require creating demand for evidence, linking RIA compliance to performance evaluations, and strengthening parliamentary and civil society oversight.

Another aspect to consider here is also that while the limited adoption of RIA in many jurisdictions is often attributed to capacity and data constraints, an equally significant barrier can be the reluctance to be held accountable for regulatory choices. By requiring regulators and ministries to publish assumptions, methodologies, and expected impacts, RIAs increase transparency and exposes decision-making to public and political scrutiny. The OECD (1997) identified inconsistent political commitment as an institutional challenge to regulatory reform, emphasising that meaningful implementation of RIA requires commitment at all levels and especially with endorsement from the higher levels of government. Consequently, accountability must be recognised not merely as an outcome of RIA but as a precondition for its credibility and sustainability in governance systems (OECD, 2020).

Stakeholder Engagement and Trust Deficits

India's policymaking has historically struggled with inclusive consultation. Regulatory processes often privilege organised industry bodies while excluding marginalised groups such as informal workers, small enterprises, or civil society actors. This undermines trust and

legitimacy. In contrast, Armenia’s RIA framework mandates detailed reporting on how stakeholder feedback was incorporated (EU Twinning Project, n.d.), while Cambodia organised national awareness campaigns with over 4,500 participants (ECOSOCC, 2014). India must draw lessons from these examples to build participatory and transparent consultation mechanisms.

Legal and Cultural Hurdles

Unlike countries where RIAs are integrated into the very practice of lawmaking, Indian ministries often approach regulatory drafting as a technical exercise, with little space for questioning assumptions or weighing alternative policy choices. There is a lack of a culture of conscious and rigorous thought in decision-making that guides regulatory drafting. This results in regulations that may satisfy formal requirements but fall short of addressing broader economic and social consequences. The lack of a tradition of “impact thinking” means that officials may initially perceive RIA as an unnecessary burden rather than as a tool to improve decision quality. Embedding the practice will therefore require legal mandates, but also a change within ministries—positioning RIA as a tool that improves decision quality rather than a burdensome procedural requirement.

In India, drafting regulations emphasises procedural efficiency rather than focusing on detailed analyses of potential distributional consequences. Overcoming such hurdles requires reframing RIA as a value-adding instrument rather than a procedural imposition. This entails cultivating a mindset within ministries that treats regulation as a deliberate, evidence-based exercise, grounded in problem definition and assessment of alternatives. Training programmes for civil servants, integration of RIA principles into legislative drafting manuals, and leadership signals from senior policymakers can help normalise the practice of evidence-led policymaking. Embedding this cultural shift is as important as creating legal mandates or institutional structures—without it, RIA risks degenerating into a box-ticking exercise that fails to shape outcomes.

In summary, India’s regulatory environment is marked by fragmentation, weak institutional capacity, limited political will, and data and trust deficits. Institutionalising RIA in India will require a framework that blends legal mandates with capacity building and inclusive stakeholder engagement. With careful design and phased implementation, India can build a

context-specific RIA framework that strengthens regulatory quality, promotes inclusivity, and supports long-term development goals. What is needed then is adapting the goals of RIA—better regulation—using methods and processes suited to local realities. It is about strategic adaptation, not blind adoption.

4. Lessons from Global Case Studies

Global experiences with RIA offer important lessons for India. By examining how different countries have approached institutional design, capacity building, and implementation, India can draw insights for tailoring its own indigenised framework. The following cases provide particularly relevant lessons; Mexico illustrates the importance of including state-level authorities; Zambia shows how legal mandates can overcome bureaucratic inertia; Cambodia highlights the value of oversight and training among others.

Australia

In 2018, showed a total reduction in compliance costs of AUD 5.9 billion since the introduction of the Deregulation Agenda in 2013. In 2014, it adopted a Regulator Performance Framework under which Federal regulators and departments are meant to assess their performance against six key performance indicators. These relate to- reducing regulatory burdens; communication with regulated entities; regulators' actions are proportionate and risk-based; compliance and monitoring procedures are streamlined; regulators are transparent in their actions; and regulators undertake continuous improvement (OECD, 2018).

Over the years, the state governments in Australia have worked to simplify compliance. The Queensland Government's Better Regulation Policy (Queensland Treasury, 2025), for example, highlight that an impact analysis statement should be designed to answer seven questions:

- What is the problem or issue the government is trying to address? (problem identification)
- Is government action needed and, if so, why? (case for government action)
- If government intervention is necessary, what feasible policy options (regulatory and non-regulatory) could address the problem? (identify policy options)

- What are the potential net impacts (costs and benefits) of each option? (impact analysis)
- Which option most effectively addresses the problem and has the greatest net benefit?
- How should the preferred option be implemented and its effectiveness evaluated? (implementation and evaluation)
- Who was consulted and what was their feedback? (consultation)

United Kingdom

The UK represents a world-leading example of evolution and institutionalization. Its Regulatory Policy Committee (RPC) is an independent, external body that provides robust, published opinions on the quality of RIAs. The UK's focus on measuring business impact targets and its use of a unified website for publishing RIAs ensure transparency and accountability. The lesson for India is the value of independent scrutiny to ensure quality and the importance of transparency in building external credibility for the RIA process.

Mexico

Mexico has been a pioneer of RIA in Latin America. Its adoption in the late 1990s was part of broader structural reforms aimed at opening the economy and increasing competitiveness. RIA was integrated into the work of the Federal Commission on Regulatory Improvement (COFEMER), which reviewed draft regulations for quality and proportionality. The OECD (2004) review of Mexico highlighted how RIA contributed to reducing barriers to trade and investment. Mexico also extended RIA to sub-federal levels, gradually harmonising state-level regulatory practices with national standards.

Since 2000, RIA and public consultations on draft regulations have been mandatory for all regulatory proposals. OECD (2004) noted that Mexico strengthened this process in 2016 by adding assessments of impacts on foreign trade and consumer rights, which complement existing assessments on competition and risk. In 2018, it mandated that regulations with compliance costs should be evaluated every 5 years. In May 2018, the new General Law of Better Regulation to reform the Mexican Constitution with regards to regulatory policy was issued. Besides modernizing the policy, it also establishes the National Commission for

Regulatory Improvement (CONAMER), specifying the duties and responsibilities of autonomous bodies and state and municipal governments. The Commission is meant to assess draft regulations through RIAs, oversee public consultations, coordinate and monitor the regulatory planning agenda, and promote simplification for regulations.

Armenia

Armenia developed a comprehensive RIA manual under an EU Twinning Project (n.d.). The manual emphasised methodological pluralism—combining cost–benefit analysis (CBA), cost-effectiveness analysis (CEA), and multi-criteria analysis (MCA)—to accommodate data limitations. Importantly, Armenia embedded structured consultation mechanisms, requiring ministries to document how stakeholder feedback shaped final outcomes. This increased legitimacy and improved the quality of analysis. For India, Armenia’s example demonstrates the value of methodological flexibility and transparent consultation, particularly in contexts with uneven data availability.

Cambodia

Cambodia institutionalised RIA by establishing an Office of Regulatory Impact Assessment (ORIA) within the Council of Ministers. ORIA provided training, guidelines, and oversight for ministries piloting RIAs in commerce, environment, and tourism (ECOSOCC, 2014). The Cambodian case underscores the importance of central oversight bodies and investment in capacity building. For India, which faces acute capacity challenges, a similar central support institution could guide ministries and standardise practices.

Zambia

Zambia’s Business Regulatory Act (2014) made RIA legally mandatory for all new regulatory proposals. In this regard, regulatory agencies and public bodies are required to conduct RIAs when considering any new regulatory proposals or amendments to existing policy and regulations. It is envisaged that careful and robust analysis will help achieve high quality policies and regulations (BRRA, 2018). The Business Regulatory Review Agency (BRRA) was established to oversee implementation, with powers to reject non-compliant proposals. Zambia’s experience demonstrates the role of legal mandates in ensuring compliance and

overcoming bureaucratic inertia (BRRA, 2018). No ministry can submit a business-related regulation to Cabinet without prior approval from the BRRA, which includes a reviewed RIA, creating a strong oversight model. For India, where political and bureaucratic resistance may undermine RIA adoption, legislation mandating the same could provide the necessary enforcement mechanism.

European Union: Institutionalising Better Regulation

The European Union's Better Regulation Agenda provides a comprehensive model for integrating RIA into the policymaking cycle. All major legislative proposals are subject to impact assessment, reviewed by the Regulatory Scrutiny Board. From 2003 till 2017, over 800 RIAs had been conducted, with that number no doubt increasing exponentially in the years since (Deighton-Smith, Erbacci and Kauffmann, 2016). The EU experience highlights the value of embedding RIA into a broader governance framework, supported by independent review and strong consultation practices.

New Zealand

New Zealand exemplifies a mature, well-regarded RIA system characterized by its pragmatism and clarity. Its Treasury provides extensive, plain-language guidance and templates, making the process accessible to officials. Jacobs (2017) documented that a Best Practice Regulation model was developed and updated in 2015 to provide a common language across regulatory regimes. The report gathered high-level departmental assessments of New Zealand regulatory regimes against a set of best practice regulation principles. As noted, this allowed the government to identify areas where further analysis might be needed. The system emphasizes early engagement and a policy-based, rather than legalistic, approach to problem definition. The key lesson is the importance of user-friendly, practical guidance and a strong emphasis on defining the problem correctly from the outset, rather than rushing to a regulatory solution.

There are lessons here for India. From Zambia, India can learn the power of a strong legal mandate for oversight. From New Zealand, it can adopt the principle of simplicity and clarity in guidance. From the UK, it can emulate the model of independent quality control and full

transparency. No single model is perfect, but each offers components that can be selectively adapted to the Indian context.

5. Tailoring the RIA framework

An RIA framework for India must be tailored to its governance and socio-economic realities. First, it must account for regulatory fragmentation, ensuring coherence across all levels of policy-making, especially for secondary legislation. It should also account for data availability constraints by expanding data collection, especially using field-level data collected by RIA units made up of sectoral experts. It should build institutional capacity through dedicated RIA units in ministries, and it must embed stakeholder consultation processes that are transparent, inclusive and accessible, drawing lessons from Armenia and Cambodia.

There have been some developments and moves for review and assessment of legislations in India. In 2014, the Pre-legislative Consultation Policy (2014) was issued by the Ministry of Law and Justice. The policy required that a draft bill be placed in the public domain for 30 days for comments. The justification for its enactment, financial implications, and estimation of its impact should accompany the draft and the policy also prescribed that the ministry publishes the comments received on the draft on its website (Government of India, 2014). However, this did not see effective implementation. An article noted in 2022 that since the introduction of the policy, 227 of the 301 bills introduced in Parliament were presented without any prior consultation (Roy, 2022). Since the process is not binding, the implementation has been patchy at best, and extremely poor at its worst. Any future RIA process needs to then be as binding as possible and mandate assessment as a part of the rule-making process. Recent developments in India recognise this need for review and assessment. In May 2025, the Reserve Bank of India (RBI) announced a new framework for regulation-making, requiring departments to publish draft regulations for public consultation and conduct an accompanying impact analysis before issuance (Reuters, 2025). The framework establishes a minimum 21-day comment period and mandates publication of responses. In September 2025, the Reserve Bank of India (RBI) constituted a Regulatory Review Cell (RRC) to undertake the review of regulations, joining other financial regulators like SEBI in the same undertaking.

The imperative for RIA in India stems from its potential to improve policy coherence, safeguard equity, enhance transparency, and strengthen trust in institutions. The stakes are undoubtedly high; without systematic processes, regulatory interventions risk being ineffective, burdensome and regressive. India has the opportunity with a tailored framework to align regulation with its development priorities, bolster competitiveness, and build a governance system responsive to the challenges of the twenty-first century. Building on OECD principles and the World Bank's 'RIA light' model, an Indian framework should be constructed on the following pillars:

Pillar 1: Addressing Fragmentation

With ministries, regulators, and agencies frequently issuing overlapping or inconsistent secondary legislation, such as rules, circulars, and notifications, India's regulatory environment is severely fragmented. This erodes the coherence of the policy and leads to uncertainty and duplication in compliance. This requires that RIAs be made mandatory for significant secondary legislation, which is where much of the regulatory burden originates. A structured RIA process would act as a safeguard against duplication and inconsistency, requiring ministries and regulators to justify new rules in light of existing ones. In parallel, transparency should be enhanced through the creation of a shared, central repository of RIAs, accessible to stakeholders and enabling cross-sectoral learning.

For many successful RIA systems globally, a strong central oversight body is useful. In the United Kingdom, for example, the Regulatory Policy Committee independently reviews impact assessments and ensures consistency. Oversight bodies such as inter-ministerial review panels and multi-disciplinary RIA teams—can ensure that regulations are not developed in silos but reflect broader developmental priorities. In this way, RIA directly addresses fragmentation by creating a more coherent, predictable, and trust-enhancing regulatory environment. This body should serve as the nucleus centre of regulatory review. It should be tasked with providing methodological guidance, mediating inter-ministerial disagreements and reviewing RIAs. Finally, transparency demands that all completed RIAs be uploaded to a central repository, ideally on an existing platform such as the e-Gazette or a dedicated public-facing portal. In terms of financial regulation, India is moving in this direction with the new RBI framework.

Pillar 2: Proportionality

RIA systems function best when resources are allocated proportionately, even those for analysis. While OECD countries apply full RIAs only to proposals with significant impacts, India will need a more finely tuned mechanism that goes beyond financial thresholds. This especially supports the critique of RIAs that are overtly reliant on CBAs. A multi-criteria approach could assess whether a proposed regulation affects vulnerable groups (for example, SCs, STs, OBCs, small farmers, informal workers etc.), has implications for federal coordination between Union and state governments; and in today's age, impacts Digital Public Infrastructure which now underpin service delivery and financial inclusion. This layered approach would help focus scarce analytical resources on proposals with the most significant developmental and distributive consequences.

Pillar 3: Evidence and Data Strategy

High-quality evidence is the backbone of credible RIAs, yet India faces major challenges in this area. Administrative data is often outdated, incomplete, or not fully available, particularly with respect to the sections of the economy falling outside the narrow purview of the formal workforce such as the informal economy, small enterprises, and marginalised groups. This limits the ability of ministries to quantify costs and benefits with precision. Moreover, reliance on restricted economic indicators risks overlooking broader developmental outcomes such as equity, sustainability, or distributive impacts. An effective Indian RIA framework must be based on a pluralistic evidence strategy that expands both the scope and sources of data used in regulatory assessments.

In practical terms, this means combining traditional sources—such as the Periodic Labour Force Survey (PLFS), Census, and Economic Survey with non-traditional datasets, including reliable field-level data. Ministries should also draw on civil society data and stakeholder consultations to capture qualitative insights, especially in sectors with high levels of informality or local variation. Transparency is especially critical here and officials should be required to explicitly acknowledge data limitations, spell out assumptions, and provide reproducible methodologies. The consequences of weak evidence are already evident in India's policy landscape. For example, the consolidation of 29 labour laws into four Labour

Codes in 2020 happened without including disaggregated data on various affected groups. As a result, questions around how new provisions would affect informal workers, platform workers, self-employed women, or micro-enterprises remained unresolved, leading to stakeholder pushback and legal uncertainty.

Additionally, RIAs must institutionalise sector-specific evidence protocols. For instance, financial regulators could use market transaction data and household surveys, while labour market regulations should incorporate worker surveys and gig economy datasets. Cross-sectoral consistency can be maintained by adopting a common set of reporting templates while allowing sectoral flexibility in choosing analytical tools. Over time, the creation of a national regulatory data repository, supported by interoperable databases and partnerships with academic institutions, can strengthen evidence ecosystems. By embedding these practices, India's RIA framework can move beyond data deficits and cultivate a culture of rigorous, transparent, and inclusive evidence use.

Pillar 4: Stakeholder Engagement

Public consultations are a weak point in Indian policymaking, infrequently implemented and being limited mostly to English-language notices that exclude large sections of the population. An indigenised RIA framework must make engagement broad-based, inclusive, and accessible. This can be achieved by consultations organised in local languages that are communicated broadly through IVRS, SMS and physical outreach. Stakeholder consultations should be expanded to include all those impacted by a certain regulation, as far as possible. For example, a sectoral regulation should have industry representatives but also civil society organisations, trade unions and worker representatives themselves. Finally, there should be mandatory transparency in this process, where ministries publish a concise report showing how stakeholder input was considered and why certain recommendations were accepted or rejected. Such practices will enhance legitimacy, build trust, and reduce perceptions of regulatory capture.

Pillar 5: Capacity Building and Accountability

Even the best-designed framework will fail without training those who need to operationalise it. India should integrate RIA methodologies into the foundational curriculum for incoming

civil servants, ensuring that new recruits across all services understand impact assessment tools. And for current employees, periodic training and peer learning should be mandated to be current with the needs for implementing RIAs. Most importantly, compliance must be incentivised. Linking the quality of RIAs to ministerial performance evaluations, budget approvals, or parliamentary oversight can embed accountability. Countries such as Zambia and Mexico demonstrate how legal mandates and independent oversight can enforce compliance. India's system should draw from these lessons, adapting them to its administrative traditions.

6. Conclusion

Embedding RIAs into India's governance structure is the need of the hour. Poorly designed regulations not analysed thoroughly, carry high social and economic costs, often borne by the most vulnerable, and undermine trust in governance. On the other hand, a well-structured RIA system offers a rational framework for balancing economic needs with equity, transparency, and strengthening institutional trustworthiness. Yet, as this paper attempts to show, India's unique governance environment makes a wholesale adoption of OECD-style models unfeasible. International experience confirms the same. Countries such as Mexico, Zambia, Cambodia, and Armenia highlight the need for legal mandates, oversight institutions, methodological pluralism, and inclusive consultation- but their lessons must be filtered through India's administrative and socio-economic realities. For India, the path forward lies in creating an indigenised framework that builds on global best practices while addressing domestic realities by integrating federal coordination, proportionality, pluralistic evidence strategies to address data deficit, strong and effective stakeholder and public consultations and finally sustained and continuous capacity building. Such a system must be phased in gradually, with legal backing, political will, and strong accountability mechanisms. Risks of RIAs degenerating into perfunctory, box-ticking exercises are real unless oversight mechanisms and accountability incentives are firmly embedded into the country's law-making ecosystem.

With a rapidly growing and constantly evolving economy, the need for evidence-based regulation has never been greater. A robust RIA system, tailored for India's context, can serve both to protect citizens and businesses from unintended burdens and work to advance inclusive growth, competitiveness, and sustainable development. And finally, the adoption of

RIA is not a technocratic exercise but a democratic one. By embedding transparency, participation, and evidence into policymaking, India can not only improve the quality of its regulations but also strengthen the social contract between the state and its citizens. An indigenised RIA system, if implemented with vision and commitment, has the potential to transform India's regulatory governance from one marked by fragmentation and opacity to one grounded in coherence, legitimacy, and accountability.

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