

# SAFEGUARDING THE RIGHTS OF STREET VENDORS IN KATHMANDU VALLEY





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VENDORS IN KATHMANDU VALLEY**

### Authors

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## ABBREVIATIONS AND ACRONYMS

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<b>CESLAM</b>	Centre for the Study of Labour and Mobility
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>COVID-19</b>	Corona Virus Disease 2019
<b>CSC</b>	Centre for Social Change
<b>CSO</b>	Civil Society Organisation
<b>FENNIE</b>	Federation of Nepalese National Industries and Entrepreneur
<b>FWEAN</b>	Federation of Women Entrepreneurs' Associations of Nepal
<b>FGD</b>	Focus Group Discussion
<b>GoN</b>	Government of Nepal
<b>GDP</b>	Gross Domestic Product
<b>IDI</b>	In-depth Interview
<b>I/NGO</b>	International/Non-Government Organisation
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ILO</b>	International Labour Organization
<b>JuRI-Nepal</b>	Justice and Rights Institute Nepal
<b>KII</b>	Key Informant Interview
<b>KMC</b>	Kathmandu Metropolitan City
<b>MoLESS</b>	Ministry of Labour, Employment and Social Security
<b>NFDN</b>	National Federation of the Disabled Nepal
<b>NHRI</b>	National Human Rights Institution
<b>NPR</b>	Nepali Rupees
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPD</b>	Out Patient Department
<b>OSH</b>	Occupational Safety and Health
<b>PM SVANidhi</b>	Prime Minister Street Vendor's AtmaNirbhar Nidhi
<b>PPE</b>	Personal Protective Equipment
<b>SSF</b>	Social Security Fund
<b>SDG</b>	Sustainable Development Goal
<b>SSB</b>	Social Science Baha
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNRCO</b>	United Nations Resident Coordinator Office
<b>USD</b>	United States Dollar

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## EXECUTIVE SUMMARY

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The informal sector in Nepal, though contributes a large part of the country's Gross Domestic Product (GDP), has its share of problems as it lacks recognition, is valued low, and excluded from government protection measures. Street vendors are generally from the lower stratum of the society and are among the most vulnerable workers in the informal economy who provide a vivid example of the problems faced by workers in the informal sector, including lack of space for vending, legal protection, access to basic necessities, physical and sexual harassment, low income, and no access to necessary social protections.

Despite Nepal's commitment to various international frameworks and initiatives guaranteeing social security and protection from discrimination, the situation of street vendors in Nepal remains dire. The absence of proper recognition of street vending business and a comprehensive legal framework governing the same has left street vendors unaccredited, further exposing them to challenges such as goods confiscation, frail business environment as well as lack of basic amenities such as toilets and clean drinking water, among others. Due to recent bans and restrictions put in place by the local authorities, there has been an increase in confrontation between the vendors and the authorities and the abuse of street vendors by the government officials has also reportedly increased.

The working environment and survival of female street vendors is a challenge because they have other responsibilities in the home. They are also responsible for household chores during the day and choose to vend in the evening while their male counterparts are likely to work throughout the day. This is because the process of registering businesses is still not very common among the female street vendors; this may be due to reasons such as the fact that the vendors may not feel the need to register, they may not be aware of the need to register or may not be able to afford the costs of registration. Across demographics, a substantial portion struggles to make ends meet, with the majority spending most of their earnings on everyday necessities, educating children, and paying off debts. Street vendors with disabilities in particular face heightened vulnerabilities including mistreatment and ostracisation even within their families.

Street vendors experience numerous occupational safety and health (OSH) challenges, such as noise and air pollution, weather-related risks, and ergonomic difficulties, while many are unaware of these risks and preventive measures. They also experience diseases, accidents, and mental stressors. The study identifies a paucity of comprehensive understanding about the government's social protection initiatives among street vendors, who tend to associate social protection exclusively with protection benefits available to the elderly, single women, and persons with disabilities, considering these to be the only forms of support. This lack of awareness is particularly pronounced among female and younger vendors.

There's also limited awareness of contribution-based social security schemes, particularly among the less-educated vendors, who find the contribution requirements prohibitive given their irregular and meagre incomes. Nevertheless, vendors expressed willingness to enrol if benefits were reasonable and contributions flexible. Despite legal guarantees, unionisation among vendors remains low owing mainly to the transitory nature of street vending and a lack of assurance for tangible benefits leading to hesitancy in joining and maintaining union ties. Moreover, unions and associations usually work as loose networks, consequently they fail to represent all street vendors and do not sometimes put across their diverse problems and challenges effectively.

There is a considerable disconnect in terms of regulating street vending businesses between the legislative mandates for local government authorities and the reality experienced by street vendors. Only a nominal number of vendors reported positive interactions with local governments, while a significant majority felt that local governments had failed to provide a conducive environment for street vending. Lack of homogeneous government regulations, peremptory treatment by local authorities together with disregard for the impact of such government actions on street vendors, their lives and that of their families leading to erosion of trust and disillusionment among street vendors. Despite intermittent positive initiatives in some areas, such as providing designated vending spaces, the overall tendency seems to be focused on introducing stricter regulations or outright elimination of street vending businesses without proper consideration for finding sustainable solutions.

The human rights situation of street vendors shows a grim picture, necessitating the need for collaborative efforts from the government and other stakeholders. The situation of the protection of the human rights of street vendors in Nepal is not in line with established standards due to the lack of concerted efforts from the government and other stakeholders. Economic growth, social inclusion, and environmental sustainability, which are crucial elements of the United Nations Sustainable Development Goals (SDGs), have not been adequately realised for this vulnerable group as issues such as lack of legal recognition, limited access to basic services, and vulnerability to exploitation persist.

Key pathways for better protection of the rights of street vendors:

- Ensuring legal recognition of street vending and establishing a system for the management and regulation of street vending,
- Ensuring equitable protection of labour rights of street vendors in line with international standards,
- Adopting and implementing a comprehensive policy for the regularisation of the informal economy, with specific consideration to the unique circumstances of informal workers,
- Establishing a clear legal and policy framework for regulating street vendors, with a simplified registration process and easy access to information for all,
- Ensuring wide dissemination of information on social protection schemes among street vendors and increasing access to social protection schemes, particularly for women and persons with disabilities.

# 1. BACKGROUND

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Informal sector and own-account workers contribute significantly to the gross domestic product (GDP) of both developed and emerging economies worldwide, making them key drivers of economic growth. Despite the universal prevalence of informal workers and own-account workers, largely in emerging markets and developing economies, their contributions lack recognition, are undervalued, and often fall outside the sphere of public policy.<sup>1</sup> More than 80 per cent of the total employed population of Nepal is engaged in informal employment.<sup>2</sup> Informal sector workers often lack access to the benefits and protections provided to workers in the formal economy and face challenges such as unstable income, precarious working conditions, lack of social security, and limited opportunities for growth.<sup>3</sup> Where they are recognised and protected by labour legislation and encompassed by social security schemes, implementation remains a major impediment.<sup>4</sup>

Street vending (both mobile and sedentary) offers one of the most vivid illustrations of the vulnerabilities inherent in the broad spectrum of the informal economic sphere.<sup>5</sup> They exemplify the extent of struggles within the informal sector but also stand out as one of the most unprotected contributors to the economy, grappling with hardships arising mainly from their meagre income, absence of essential social protections, and even lack of designated workspaces.

According to the National Economic Census, 2018, an estimated 3 per cent of business establishments (around 34,000) in Nepal comprise ‘street businesses’, engaging

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- 1 OECD, ‘Informality and Social Protection in the time of COVID-19’, (Paris: The Organization for Economic Cooperation and Development, 2020), <http://tinyurl.com/3hrz45kw>; ILO, ‘Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)’, (Geneva: International Labour Organization, 2017), <https://tinyurl.com/2f9urwjr>.
  - 2 ILO and GoN, ‘Diagnostic Report on the Extent, Circumstances, Causes, Factors and Nature of Informality in Nepal’, (Geneva and Kathmandu: International Labour Organization & Ministry of Labour, Employment and Social Security, 2022), <https://tinyurl.com/2s3nfekv>.
  - 3 Bandita Sijapati, ‘The Quest for Achieving Universal Social Protection in Nepal: Challenges and Opportunities’, in *Resilient Social Protection for an Inclusive Development*, ed. Deepak Thapa et al. (Kathmandu: Himal Books, 2021), 230–48; Shradha Khadka, Kalpana Rana Magar, Prakash Bhattarai and Anish Khatri, ‘Under the Shadows of Informality: A Vulnerability Assessment of Informal Sector Workers of Nepal’, (Kathmandu: Centre for Social Change, 2021), <http://tinyurl.com/3j298bhj>.
  - 4 ILO, ‘Informal Economy’, (International Labour Organization, accessed June 10, 2023), <https://tinyurl.com/34b8zafk>.
  - 5 ILO, ‘Social Protection for People in the Informal Economy of Nepal, Series 3’, (Kathmandu: ILO, 2004), 16, <http://tinyurl.com/mry53zwr>.

a total of more than 45,000 individuals.<sup>6</sup> Given that street vending serves as a major livelihood strategy in the face of unemployment and underemployment,<sup>7</sup> street vendors in the Kathmandu Valley<sup>8</sup> belong to various caste and ethnic groups<sup>9</sup> and are mostly internal migrants who are poor, landless, and have limited access to employment opportunities and markets.<sup>10</sup> In the Kathmandu Valley, female vendors outnumber the males.<sup>11</sup> Many of these women are widowed or abandoned by their husbands and lack the necessary skills for alternative employment. While some struggle to support their families with their meagre income, some are without families and homes and have to sleep on the streets at night.<sup>12</sup> Recent migrants, in particular, view street vending as a temporary means of sustenance until they can secure a more stable form of employment.

Since there is no legal provision to grant legal recognition to street vending per se, and it falls under the purview of generic ‘local business’ overseen by municipalities, those engaged in it can be deemed ‘unauthorised’, resulting in bans and restrictions on their operation.<sup>13</sup> There has been a mixed approach from the local governments, though,

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6 These include establishments such as wholesale and retail trade, repair of motor vehicles and motorcycles, accommodation, and food service activities, among others. It must be noted that the actual number of persons engaged in street vending in Nepal is estimated to be even higher given the mobile nature of street vendors and the lack of proper documentation. See CBS, ‘National Economic Census 2018: Analytical Report—Informal Sector’, (Kathmandu: CBS, 2021), <https://tinyurl.com/ej8437bs>.

7 ILO, ‘Social Protection for People in the Informal Economy of Nepal, Series 3’.

8 According to the Nepal Economic Census 2018, a total of 8,607 persons were involved in ‘street business’ in the three districts. It must be noted, however, that the actual number of persons engaged in street vending is likely to be much higher given that many street vendors conduct their business without registering and many conduct their business seasonally.

9 ILO, ‘The Informal Economy & Workers in Nepal, Series 1’, (Kathmandu: ILO, 2004), 27; Krishna Prasad Timalina, ‘An Urban Informal Economy: Livelihood Opportunity to Poor or Challenges for Urban Governance’, (USA: Global Journal of Human Social Science, 2011), 24-31; Neera Shrestha, ‘A Study on the Street Vendors of Kathmandu Municipality’, (Malaysia: Pertanika Journals Social Sciences & Humanities, 2013), 725–734.

10 Sato Seika, ‘“Self-employed” Workers in the Age of Neoliberalism: Men and Women Street Vendors in Kathmandu’, in FINDAS International Conference Series, no. 1 (Tokyo: The Center for South Asian Studies, Tokyo University of Foreign Studies, 2017), 45–59, <https://tinyurl.com/22jfkym5>; Dipak Bahadur Adhikari, ‘Income Generation in Informal Sector: A Case Study of the Street Vendors of Kathmandu Metropolitan City’, (Nepal: Economic Journal of Development, 2011), 1–14.

11 Puspaa Sharma and Pushkar K. Pradhan, ‘The Petty Street Vendors and Their Livelihoods of the Kathmandu Valley Cities, Nepal’, (Singapore: Springer, 2017), [https://doi.org/10.1007/978-981-10-2890-8\\_16](https://doi.org/10.1007/978-981-10-2890-8_16); Ananta Gautam and Inu Pradhan Salike, ‘Space Utilization by Street Vendors in World Heritage Sites: A Case of Patan Durbar Square’, in Proceedings of 10th IOE Graduate Conference 10 (Kathmandu: Department of Architecture, Pulchowk Campus, Tribhuvan University, 2021), 387–391, <https://tinyurl.com/mr27636v>.

12 ILO, ‘The Informal Economy & Workers in Nepal’; Timalina, ‘An Urban Informal Economy: Livelihood Opportunity to Poor or Challenges for Urban Governance’.

13 Rupali Bista, ‘Rethinking Street Vending’, (Kathmandu: Samridhi Foundation, 2018, accessed March 22, 2023), <https://tinyurl.com/bdh6c6ut>, [originally published in The Himalayan Times].

consisting of outright bans but also being allowed to operate in designated places and at certain hours of the day. Regardless of how they are treated by the authorities, street vendors are susceptible to various health hazards due to their constant exposure to dust, smoke, and noise pollution; are at increased risk of malnutrition because of low income and irregular diet; face mental health problems; lack safe and sanitary workplaces, including access to toilets and drinking water; are subjected to harassment by municipal officials; do not have access to any kind institutional credit facility; and suffer damage of goods by vehicles and pedestrians.<sup>14</sup>

### Social protection needs of street vendors

The 109th session of the International Labour Conference, 2021 re-affirmed the urgent need to extend social protection as a crucial step towards achieving universal social protection, promoting inclusive growth and decent work, and leaving no one behind.<sup>15</sup> Well-designed social security schemes provide an adequate level of protection to workers who would otherwise be severely impacted by external shocks such as conflict, natural disasters, or public health emergencies.<sup>16</sup>

In Nepal, only 17 per cent of the population is covered by at least one social security benefit, excluding healthcare and sickness benefits.<sup>17</sup> Such low social protection coverage undermines both inclusive growth and social justice and hinders the realisation of human rights, especially the right to social security and other economic, social, and cultural rights.<sup>18</sup>

In this context, this report is based on a study that attempted to provide an overall perspective of the situation of street vendors in the Kathmandu Valley with a special focus on the right to social security in line with the human rights principle of equality and non-discrimination and the 2030 Agenda for Sustainable Development to 'leave no one behind'.

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14 Usha KC, 'Nepali Women Find Economic Independence as Street Vendors', (Global Press Journal, 2012), <https://tinyurl.com/2pvru6a3>; Shradha Khadka et al., 'Under the Shadow of Informality: A Vulnerability Assessment of Informal Sector Workers of Nepal'; ILO, 'The Informal Economy & Workers in Nepal'; Human Rights Watch, 'Nepal: End Mistreatment of Urban Poor', (New York, Human Rights Watch, 2022, accessed March 24, 2023), <https://tinyurl.com/4nbyz8br>; Gautam and Pradhan Salike, 'Space Utilization by Street Vendors in World Heritage Sites: A Case of Patan Durbar Square'.

15 ILO, 'Record of Proceedings: International Labour Conference, 109th Session', (Geneva: International Labour Organization, 2022), <https://tinyurl.com/5n7scbny>.

16 Timalsina, 'An Urban Informal Economy: Livelihood Opportunity to Poor or Challenges for Urban Governance'; Adhikari, 'Income Generation in Informal Sector: A Case Study of the Street Vendors of Kathmandu Metropolitan City'.

17 ILO, 'World Social Protection Report 2020–22: Social Protection at the Crossroads—In Pursuit of a Better Future', (Geneva: International Labour Organization, 2021), <http://tinyurl.com/mr2c7p73>.

18 ILO, 'Extending Social Security to Workers in the Informal Economy: Lessons from International Experience', (Geneva: International Labour Organization, 2021), <http://tinyurl.com/yu35dzt6>.

## 2. OBJECTIVES

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In addition to providing an overview of the legal status and the general situation of street vendors including their types, modes of operation, socio-economic background, and work conditions, the study had the following objectives, namely, to identify:

- the social protection needs of street vendors, including from a gender and ‘leave-no-one-behind’ perspective,
- the challenges faced by street vendors in securing legal status and accessing social protection measures, including the Social Security Fund, while also pointing out other vulnerabilities they face in the fiscal space, and
- the difficulties duty-bearers face in the management and regularisation of street vendors as well as the possible means and measures that can be undertaken to regularise such business activities and make social protection measures accessible to street vendors to ensure the full realisation of the social and economic rights guaranteed by the Constitution of Nepal 2015.

## 3. METHODOLOGY AND APPROACH

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The study employed a mixed-methods approach, consisting of data collection, both primary (surveys, focus group discussions and interviews) and secondary (literature review).

### 3.1 Review of Policy Documents and Other Literature

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- Nepal's domestic (federal, provincial, and municipal) and relevant international policies and laws governing labour, employment, and social protection.
- Survey of case laws that have implications on social protection.
- Legislative experiences and good practices from countries with similar economies and market structures as Nepal's and which are grappling with similar issues vis-à-vis management and/or regularisation of street vendors.
- Publications, reports of the constitutional bodies, relevant UN agencies, research organisations, I/NGOs, trade unions and academics.

### 3.2 Primary Data Collection<sup>19</sup>

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Number of surveys conducted: 427

Number of in-depth interviews (IDIs) conducted: 42

Number of key informant interviews (KIIs) conducted: 22

Number of focus group discussions (FGDs) conducted: 8

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<sup>19</sup> Survey results with a  $\pm 4.62$  per cent margin of error at 95 per cent confidence level; In-depth interviews conducted with select street vendors who served as survey respondents; Interviews conducted with a range of stakeholders including government representatives at the federal and municipal levels; labour and policy experts and academics; civil society organisations, I/NGOs and social enterprises, human rights defenders and media personnel, and representatives of trade unions, among others. Despite four official requests made for KIIs with the officials there, the Kathmandu Metropolitan City authority did not accede to the study team's request; FGDs were conducted among a small segment of the surveyed population. Two FGDs each were conducted in Kathmandu, Lalitpur and Bhaktapur. In addition, one thematic FGD with female street vendors and another with street vendors with disabilities were also conducted.

## 4. NEPAL'S INTERNATIONAL HUMAN RIGHTS COMMITMENTS

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Nepal is party to a significant number of international human rights instruments of which several apply to street vendors their right to social security.<sup>20</sup> Among these, the International Covenant on Economic, Social, and Cultural Rights in particular guarantees the right of everyone to social security, including social insurance while General Comment No. 19 of the Committee on Economic, Social and Cultural Rights has reaffirmed that 'all persons should be covered by the social security system, especially individuals belonging to the most disadvantaged and marginalized groups' and that coverage should also be provided to individuals working in the informal economy.<sup>21</sup>

The right to social security entails the key elements of availability, adequacy, affordability, and accessibility.<sup>22</sup> Nepal's commitments under the Sustainable Development Goals (SDGs) include promoting inclusive and sustainable economic growth, employment, and decent work for all (SDG 8.7), and implementing appropriate social protection systems and measures for all (SDG 1.3). To this end, Nepal has set a number of targets to increase social protection coverage, going up to 80 per cent by 2030. Following his visit to Nepal in 2021, the Special Rapporteur on extreme poverty and human rights expressed concerns about the lack of a clear plan to include informal workers in the contributory social protection system and recommended that the government formulate a plan in line with ILO Social Protection Floors Recommendation No. 202 to expand the Social Security Fund to include informal workers.<sup>23</sup>

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20 By virtue of the constitutional mandate to enforce treaty provisions and the Nepal Treaty Act's stipulation establishing the primacy of treaty provisions over national laws, no legislation can be enacted to circumvent international human rights obligations. Nepal Treaty Act, 1990, Section 9.

21 United Nations, 'Economic and Social Council: Committee on Economic, Social and Cultural Rights General Comment No. 19', (Geneva: United Nations, 2007), <https://tinyurl.com/yc6dbprw>.

22 UN, 'OHCHR and the Right to Social Security', (United Nations, 2024, accessed April 27, 2023), <https://www.ohchr.org/en/social-security>.

23 UN, 'Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter', (United Nations, 2022, accessed June 03, 2024), <https://tinyurl.com/39pt2em9>.



# 5. KEY FINDINGS

## 5.1 Socio-Economic Background of Street Vendors

Many of the street vendors hail from poor socioeconomic backgrounds without alternative sources of income, owing to a lack of skills and educational qualifications. Almost all respondents pursued street vending to earn their livelihood, support their families, educate their children, and pay off loans.



I have been a street vendor for 16 years, working as a cobbler and selling clothes and spices. This is my family business, and I do it because I lack formal education. I arrive at the vending place at 5 am and stay until 7 pm. Before starting to sell goods, I clean the area. I work for 10 hours each day and make around 1000 to 1500 rupees per day.

—Interview with male street vendor (garments/bedding/carpet, grains/spices and medicinal herbs), Hill Dalit, from Bhaktapur Municipality

I work the whole day and make a profit of up to 1500 every day. I started this business to support my children because there weren't many other job options for me as I do not have much education. This is the only business I know, so I am stuck doing it.

—Interview with male street vendor (fast food/dairy products/tea and beverages), Hill Janajati, from Lalitpur Metropolitan City

In terms of age, of the 427 respondents surveyed, the age groups most commonly represented were those in the 31–40 years' age bracket (29 per cent) and 41–50 years (27 per cent). While these age groups accounted for over half the survey respondents, 19 per cent were in the 51–60 age group and another 6 per cent in the 61–70 age group, indicating that a considerable number of the street vendors are older and among the ageing population. In terms of gender, unlike what the literature said about there being more women than men among street vendors, 55 per cent of the survey sample were men. With regard to the geographic origin of the street vendors, while the largest proportion of the women street vendors (63 per cent) were from Bagmati, the largest proportion of the men (44 per cent) were from Madhesh.

In terms of caste/ethnicity, the largest group were Hill Castes, accounting for a third (34 per cent) of the respondents, followed by Hill Janajati (27 per cent) and Tarai Castes (17 per cent).<sup>24</sup> Together, these three groups made up more than three-quarters of the respondents, with this distribution tallying quite closely with the national figures in the 2021 census—Hill Castes (30 per cent), Hill Janajatis (25 per cent), and Tarai Castes (16 per cent).

Over 35 per cent of the street vendors were illiterate while those with secondary education (Grades 8–10) accounted for 17 per cent. An overwhelming majority (80 per cent) were married while 5 per cent were either divorced or separated.

Most respondents were likely to live in small family units, with 69 per cent saying their families had 1–5 members. However, over a quarter had larger families with 6–10 members each. A vast majority of the street vendors lived in rented premises with only 10 per cent owning their places of residence. Men were more likely to live in hostels/hotels as well as share rooms/flats with others. All the street vendors who owned their current place of residence were either Hill Janajati, Hill Caste, or Hill Dalit. A majority of those who shared rooms/flats belonged to the Tarai Castes.

Asked about other sources of income, a significant proportion (30 per cent women and 41 per cent men) said that street vending was their sole source of income. In terms of caste/ethnicity, apart from Hill Janajati, Hill Caste, and Tarai Janajati, more than 40 per cent of all the other groups did not have alternative sources of income, going up to 63 per cent in the case of Muslims.

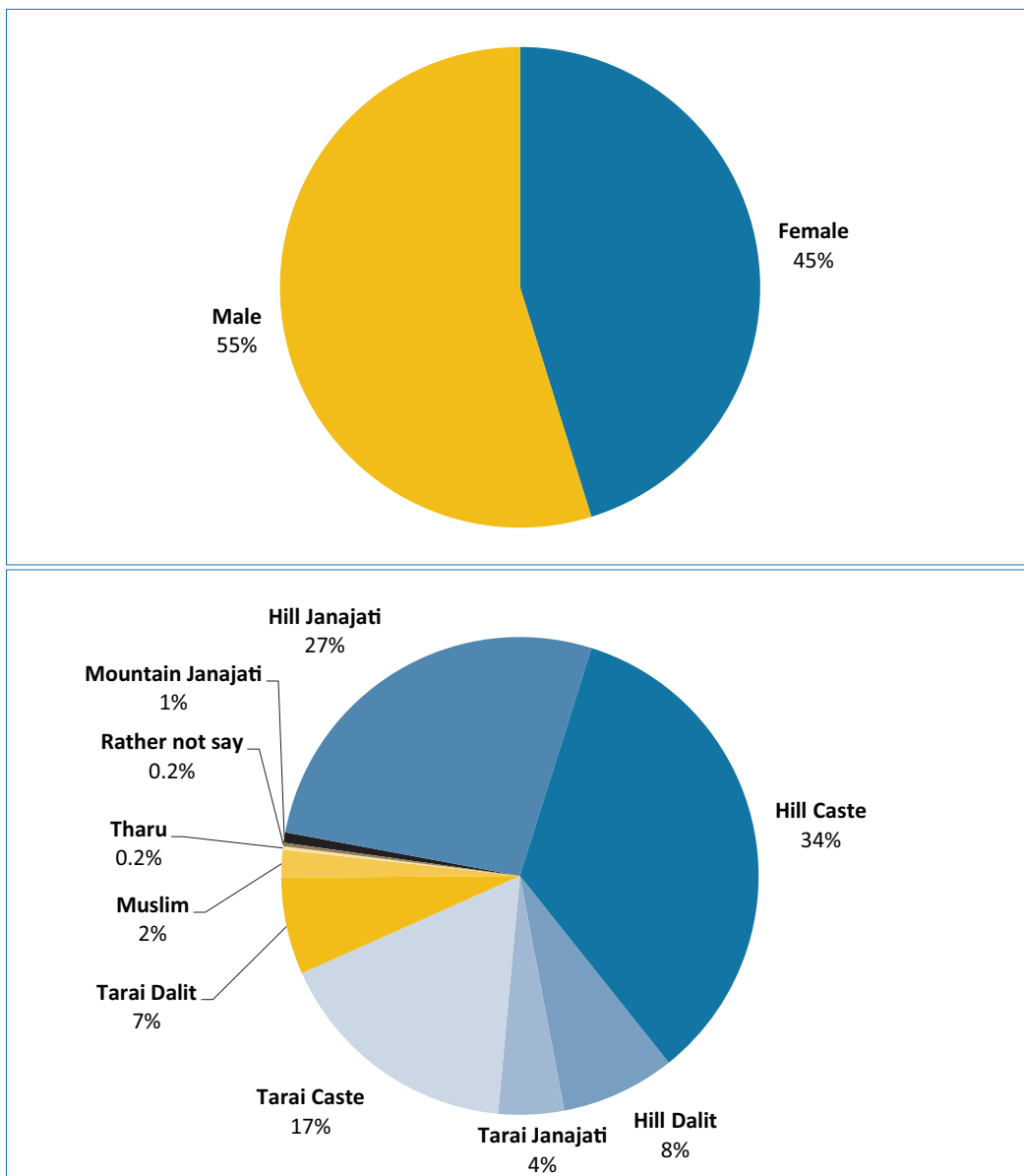
Among those who owned their own street-vending business (94 per cent), 14 per cent had taken loans, with women as likely as men to borrow money. The difference was that while women were more likely to have loans from family members, relatives, friends, and

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24 For the classification of Nepal's population groups see Pitamber Sharma, 'Some Aspects on Nepal's Social Demography: Census 2011 Update', (Kathmandu: Himal Books, 2014), <https://tinyurl.com/4xk8796j>.

neighbours, men were more likely to seek loans from local businesspersons, moneylenders, and banks. None of the women in the sample with loans had borrowed from a bank.

**Figure 1: Distribution of Street Vendors by Gender, Caste/Ethnicity (%)**

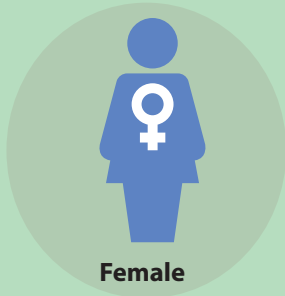


N=427

## 5.2 Types of Street-Vending Business

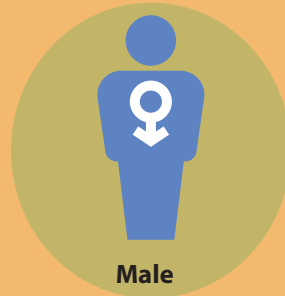
While 52 per cent of the street vendors were sedentary, 41 per cent were mobile. The remaining 7 per cent reported being forced to move from one place to another. While those in the under-20 and 21–30 years' age groups were more likely to be mobile, those above 30 were more likely to be sedentary.

Based on the findings of the research, most women street vendors (68 per cent) were sedentary as they preferred conducting business in areas close to where they live owing to dependable local networks that make conducting business more convenient and reliable as well as the restrictions in mobility brought about by household responsibilities.<sup>25</sup> Since some women also have young children tagging along during working hours, their mobility is limited. As a fruits and vegetables vendor from Lalitpur Metropolitan City said: 'My child sleeps in a crate beside me when I conduct business. That is why I have to stay in one place'.



**Female**

- **60** per cent make profit of less than NPR 10,000
- **68** per cent are sedentary
- **52** per cent vend only in the evening
- **61** per cent are locals in the area where they vend
- **30** per cent have no other source of income
- **34** per cent have experienced abuse and mistreatment from state authorities



**Male**

- **64** per cent make profit between NPR 20,000-50,000
- **55** per cent are mobile
- **64** per cent vend from morning to evening
- **56** per cent are non-locals in the area where they vend
- **41** per cent have no other source of income
- **31** per cent have experienced abuse and mistreatment from state authorities

<sup>25</sup> Interview with female street vendor (cosmetics and accessories), Hill Janajati, from Lalitpur Metropolitan City.

A quarter (24 per cent) of the survey respondents sold fruits and vegetables while 17 per cent sold fast food/dairy products/tea and beverages. Male vendors provided a wider range of goods and services compared to women. Of the 20 goods and services listed in the survey, women formed the majority in only six categories—(non-)packaged snack items/cigarettes and tobacco products; fast food/dairy products/tea and beverages; fruits and vegetables; grains/spices and medicinal herbs; handicraft and souvenir; and *pooja samagri* (materials for worship). Women were completely absent from certain categories like money exchange and household appliance repair. A majority of the vendors from the Dalit community were engaged in either tailoring, shoe polish/repair or the salon business—reflecting a continuation of the historical caste-based division of labour whereby such occupations were considered menial. The major customer groups they cater to are individuals with low economic status, including migrants living in rented housing, labourers, and students.

### 5.2.1 Business Ownership, Registration and Taxation

Ninety-four per cent of the respondents said they owned the business they were involved in. The level of education did not seem to play a part in ownership of business. On the other hand, only 1 per cent of the business-owning vendors had a full- or part-time employee. Vendors with employees sold handicrafts and souvenirs, fast food/dairy products/beverages, household appliances/utensils and cleaning supplies, or *pooja samagri* (materials for worship). Among the business owners, 95 per cent had not registered their business. Of those who had (5 per cent), 57 per cent were male. The most commonly sold goods and services among the few registered businesses were garments/bedding and carpets, fruits and vegetables, and footwear.

More than half of the surveyed vendors felt no necessity or did not care to register their business. While 15 per cent of them cited a lack of procedures, 9 per cent were unaware of legal processes to register, and 10 per cent reported that they did not earn enough from their street vending business to register. Of the 44 survey respondents (12 per cent) who had no specific reason, a majority (59 per cent) were women.

Some of us went to register our business at the *Byapar Sangh*\* but they didn't register our shops saying it's a footpath shop and you operate on public land so it can't be registered. If we had operated it properly by renting a shutter only then they could register.

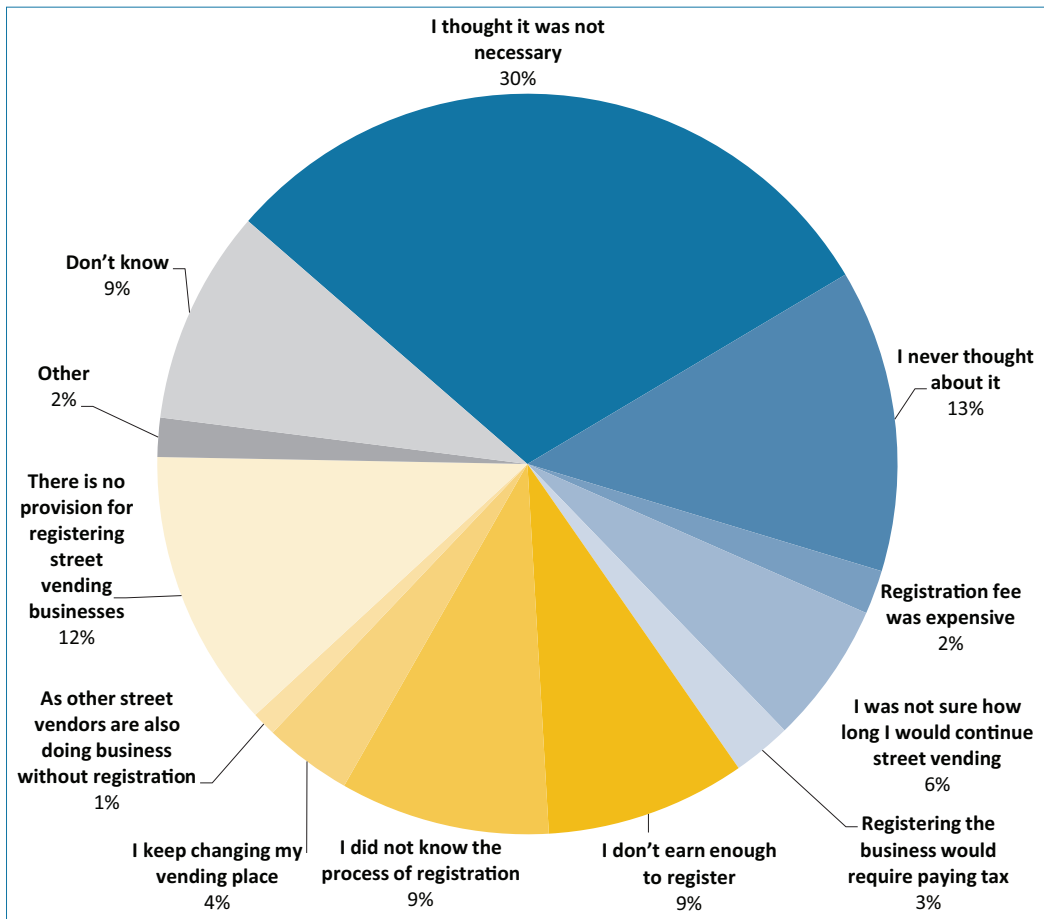
—Interview with female street vendor (handicraft and souvenir),  
Hill Janajati, from Lalitpur Metropolitan City

I don't earn enough to pay taxes, so I thought it better not to register when my income is so little.

—Interview with male street vendor (mask),  
Hill Caste, from Lalitpur Metropolitan City

\* Nepali term denoting merchants' association. Such associations are in operation in various districts across the country.

**Figure 2: Reasons for not Registering Business (%)**



N=427

The 14 registered street vendors in the three districts had done so with different authorities such as local clubs, district administration offices, ward offices, and the Department of Archaeology, among others. While some of them had received ID cards, some carried recommendation letters or other documentation of official recognition from the agency that provided registration, evidencing a lack of uniformity in the registration process for street vendors. Interestingly, a few of the vendors operating in the Swayambhu Temple area reported being registered with multiple authorities, including the Kathmandu District Administration Office, the Kathmandu Metropolitan City, and the local ward office.

Irrespective of their registration status, the imposition of time restrictions (except in the Pashupati area) applied to all, meaning that the ID cards and recommendation letters had no significance in securing their right to work. Moreover, 12 vendors were paying tax either to the ward office or to the tax office but still had to bear the consequences of the time restriction in violation of their right to work.

## 5.3 Street Vending, Working Conditions and Livelihood

### 5.3.1 Working Hours

Street vendors were likely to engage in vending at different times of the day, even working multiple stretches in the same day. Nearly half the respondents said they engaged in street vending throughout the day, followed closely by those operating in the evening (around 40 per cent). The majority of the male respondents (61 per cent) worked the whole day while most women (52 per cent) preferred only the evenings. This can be explained, in part, by the household responsibilities of women street vendors, including caretaking, during the day.<sup>26</sup>

Most sedentary street vendors had a specific time either in the morning, day, or evening when they would run their business unlike mobile street vendors who said that they went from place to place with their carts or bicycles throughout the day. Around two-thirds of the vendors from Hill Dalit and Tarai Caste communities worked the whole day, a figure that went up to 86 per cent among Tarai Dalits. Of the vendors who operated their own business, a majority of 66 per cent said they worked almost every day of the month (26–30 days).

The restrictions placed by the municipal authorities had challenged the street vendors' livelihood opportunities and some vendors conducted their business only on specific days when there was the possibility of good income. In municipalities where the authorities do not impose penalties, street vendors conduct their business throughout the day, with some street vendors travelling to such areas from other districts.

I come to Bhaktapur from Shantinagar Gate at around 9–9.30 am and start my work as a cobbler. I stay up until 5–6 pm and go back home. That is my daily routine.

—Interview with male street vendor (shoe polish and repair),  
Tarai Dalit, from Bhaktapur Municipality

### 5.3.2 Profit and Expenditure

The average income reported by street vendors in the survey was much lower than the national minimum monthly income of NPR 16,300. Those 50 and under were more likely to earn a profit of NPR 10,000–20,000 (ca. USD 75–150) per month, while those in the older age brackets learned less than NPR 10,000. Similarly, a higher proportion of women vendors (60 per cent) were likely to earn less than NPR 10,000. As much as 64 per cent of men were more likely to earn higher profits. Further, there was a direct correlation between the street vendors' level of education and the profit made. For example, those with no formal education earned less than NPR 10,000 while those who had attained secondary education or higher made more.

26 Interview with female street vendor (fruits and vegetables), Hill Janajati, from Lalitpur Metropolitan City.

Since the municipality's restrictions, my profits have decreased from around 1500 to approximately 500. Previously, I used to send 20,000 rupees monthly to my family, but since last year, I have been unable to send any money home. Managing my expenses has become challenging as I need to provide money for my parents' household and healthcare, support my children's education and pay room rent.

—Interview with male street vendor (balloon and cotton candy),  
Tarai Janajati, from Kathmandu Metropolitan City

Among the different age groups, a majority were spending either more than half or all of their income to meet their basic needs, a fact that was true for all the vendors in the 70+ age group.

Many of the street vendors interviewed in Kathmandu reported they had been doing well and able to support their families before the Kathmandu Metropolitan City (KMC) cracked down on them. Street vendors mentioned the compromises they have had to make due to lower income. Some said they had pulled their children out of private schools and enrolled them in public schools; others reported having stopped taking medication they could no longer afford; and many mentioned not being able to provide their families with nutritious food, in effect restricting their enjoyment of basic human rights such as the right to education and food.

There is not much income. If I earn 1000, 800 is spent to restock the goods. I am only saving 200 rupees. It is not even enough to fulfil my basic needs. I couldn't even do my treatment due to lack of money. I stopped taking medicine as I could no longer afford it.

—Interview with male street vendor (household appliances/utensils and cleaning supplies), Tarai Caste, from Madhyapur Thimi Municipality

Street vendors with disabilities in particular had been rendered doubly vulnerable as they couldn't engage in manual labour as an alternative source of income when they were unable to sell goods due to the restrictions imposed on street vending. This group also reported mistreatment at the hands of their landlords when they could not pay their rent. Some said even their family members tended to reproach them when they are not able to contribute to household expenses.

In the absence of a proper income, many street vendors have resorted to borrowing money from their friends and relatives. Some considered moving back to villages while others were exploring the option of foreign employment.

Due to declining sales, I am planning to go abroad. I do not want to stay in Nepal and am planning to leave after the Tihar festival.

—Interview with male street vendor (balloon and cotton candy),  
Tarai Janajati, from Kathmandu Metropolitan City



## 5.4 Challenges in Street Vending

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Lack of designated space, mobility issues, time constraints, confiscation of goods, and mistreatment by the authorities are some common challenges for street vendors.

### 5.4.1 Time Restrictions

To avoid impediments to traffic flow during peak hours,<sup>27</sup> municipal authorities have designated business hours for the vendors. All interviewed street vendors demanded an increment in the time allotted to them so that they are to be able to earn their livelihood. Many believed that the time slots were impractical as there were no customers during those hours. In most areas, vendors were plying their business for a few hours in the morning and evening, mostly until 8 in the morning and after 7:00–7:30 in the evening.

*The time of 7 pm onwards in the evening is not enough. But if they shift the timing to 6 pm onwards then it would be appropriate and enough. It would be best for both sides. Self-employment would also continue for the footpath street vendors and it would be good for the municipality as well.*

*—Interview with male street vendor (garments/bedding and carpet),  
Hill Caste, from Kathmandu Metropolitan City*

Some of the vendors said that time restrictions were also not feasible for those who lived far from their place of business and have to commute every day, owing to the lack of an effective public transportation system and related security issues. Particularly in the case of women street vendors and street vendors with disabilities, having to work late at night not only means they will have difficulty commuting to and from their place of business, but also puts them at risk of sexual abuse, robbery, and theft. Some of the street vendors with disabilities said that not only are the roads not disability-friendly but public buses do not even stop when they see passengers with disabilities. As a result, such vendors have to make the risky journey from their homes to their workstations and back all by themselves.

*It is really difficult while travelling on the road. We don't have a proper wheelchair road in Nepal. The vehicles moving on the road make it difficult for us to move on the road. We don't have proper footpaths for wheelchairs either...It takes around 30 minutes to get here.*

*—Interview with male street vendor (garments/bedding and carpet),  
Tarai Caste, from Kathmandu Metropolitan City*

The time restriction was not a concern for mobile street vendors although confiscation of their goods was.

*We don't care about timing as it doesn't apply to us. What the municipality should do is let us roam around with our goods and they should not take away our bicycle as*

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27 Interview with male government official (Inland Revenue Department) from Bhaktapur Municipality; Interview with municipal police official from Lalitpur Metropolitan City.

soon as they see us. I agree that we should not sell on the road but, we are mobile and it would be great if they would let us conduct our business by moving around. They [municipal police] walk around in civilian clothes and take away our cycle as soon as they see us.

—Interview with male street vendor (household appliances/utensils and cleaning supplies), Muslim, from Kathmandu Metropolitan City

### 5.4.2 Lack of Designated Space for Street Vending

The lack of designated space for street vending, even for the registered ones, is another major problem. Except for select areas in Lalitpur Metropolitan City, none of the other municipalities covered by the study had designated spaces for vendors. Street vendors have called on the government to either allow them to operate in their usual locations or provide them with an alternative space that is conducive to business, attracts customers, and remains affordable for all types of vendors.

Many street vendors complain that the government has prioritised the elimination of street vending rather than managing it, including by providing alternatives. Some vendors were willing to pay an appropriate fee to conduct business at government-approved feasible alternative places. In an FGD with local street vendors from Kathmandu Metropolitan City, participants highlighted that municipal authorities have rejected their proposals of various alternative spaces for street vending.

### 5.4.3 Confiscation of Goods

Confiscation of goods, carts, and bicycles by the municipal authorities is rampant. The lack of explicit guidelines on handling goods seized from street vendors leads to the risk of embezzlement. This is due to uncertainty among the authorities as to whether these goods can be auctioned off or stored; how long they should be stored; and what should ultimately be done with them.

I am encountering significant challenges, especially with the new restrictions. Previously, when the police came, they issued warnings without confiscating goods. However, under the current administration, municipal police have verbally abused vendors, chased them, and, at times, resorted to physical violence.

—Interview with female street vendor (fruits and vegetables), Hill Caste, from Kathmandu Metropolitan City

Many vendors said the municipal authorities come in disguise (in civilian clothes), apprehend the vendors, verbally abuse them, and then call for official municipal vehicles to take away the goods. Confiscation of goods is particularly troubling as some street vendors would have invested all their money in the goods and some would have bought the goods on credit. In some cases, the vendors said they have had to abandon their wares and flee when municipal officials chased them.

I was selling cucumbers alongside other street vendors. Suddenly, the police in civilian clothes appeared and began chasing me. Despite my attempts to escape, they closed in from both sides, leaving me with no way out. Faced with this situation, I decided to throw all my cucumbers onto the road to evade the chase. This resulted in a significant loss of income, approximately NPR 300/400, the equivalent of a day's earnings.

—Interview with female street vendor (fruits and vegetables),  
Hill Caste, from Kathmandu Metropolitan City

While there is little chance of getting back all the confiscated items, they can get some of it by paying a fine, but only up to three times.

In order to get the goods back, we have to pay 500 for the first time, 1000 for the second and 1500 for the third time. I have not paid more than 500. I brought it back three times and paid 500 all three times. The charge depends on the worth of the goods that have been confiscated.

—Interview with male street vendor (household appliances/utensils and cleaning supplies), Tarai Caste, from Madhyapur Thimi Municipality

There was no uniform practice with regard to returning confiscated goods. One vendor said she never got back her goods since the municipality authorities denied having taken them.<sup>28</sup> Several street vendors also claimed that the municipal police kept the 'good' items confiscated for themselves and only deposited a few at the office. As a result, they do not get most of their goods back when being returned.

The municipal police often report to their office fewer goods than they seize from vendors. There is a suspicion that they retain valuable items for themselves during these confiscations.

—Interview with female street vendor (fruits and vegetables),  
Hill Caste, from Kathmandu Metropolitan City

Street vendors never get back their carts and bicycles. The municipality does not accept fines for carts and bicycles and hence does not return them. Many female street vendors refrained from going to the municipal office to claim their items as the authorities verbally abused them using derogatory and abusive language, questioning their identity, character, profession, and integrity.

For vendors with disabilities, some said that municipal authorities have let them run their businesses and not confiscated their goods. However, many said that they have to deal with constant stress and the fear of losing their goods.

#### 5.4.4 Challenges to Setting up in a Store

A majority of street vendors reported that it was really difficult for them to shift their business to brick-and-mortar stores due to high rent prices. Some of them said they had

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28 Interview with female street vendor (fruits and vegetables), Hill Caste, from Kathmandu Metropolitan City.

tried but, having failed to make any profits, eventually resorted back to street vending.

After selling on the streets for many years, I also conducted business in a shutter for 3–4 years but I suffered a loss in shutter and the business didn't go well. So, I again came back to street vending.

—Interview with female street vendor (fruits and vegetables),  
Hill Caste, from Kathmandu Metropolitan City

In addition, some vendors reported that they have been finding it difficult to make the transition not only because of their lack of capital but also because of the behaviour of the owners of store spaces as the latter often humiliate and mock the street vendors seeking to rent.

#### 5.4.5 Bribery

Thirteen of the street vendors surveyed reported that they had to pay bribes to either start or continue operating their business. Four, all male, claimed to have paid bribes to municipal authorities and another four to unspecified entities. Two respondents had bribed local contractors while a few others also paid off representatives from local clubs/tole committees as well as shopkeepers/other businesses near their area of business. Regarding how often they would have to bribe said authorities in any given year, five vendors claimed to have paid bribes more than 20 times. Notably, all 13 vendors who had had to pay bribes were non-locals.

Street vendors were also required to make payments to local clubs, with the amounts varying from NPR 10–25 per day as fees for cleaning and maintenance of vending spots, depending on the type of vending. They also had to pay off the police.

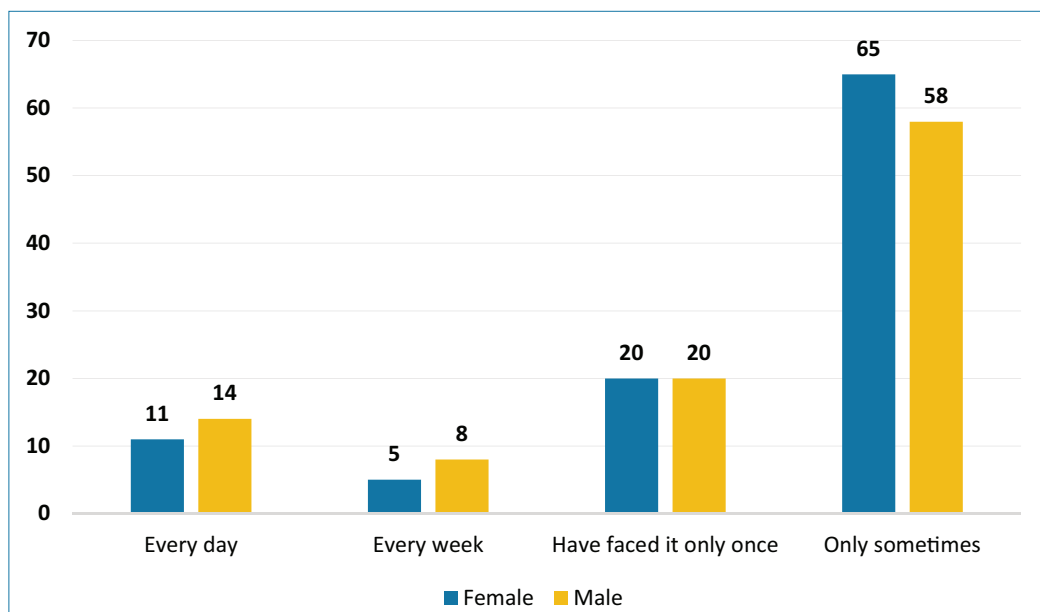
A police officer asked for a bribe of 500 rupees from a clothes seller and the clothes seller gave 300 rupees. It was in Sankhamul in Lalitpur. Both the municipality and the police ask for bribes from us. How can we, the poor, survive? The clothes seller barely earns 400–500 by selling clothes in a day and that too is taken by the officials. Imagine how we, the poor, can live like this?

—FGD with non-local street vendors from Lalitpur Metropolitan City

#### 5.4.6 Discrimination, Harassment and Abuse

Only one-third of the street vendors, the majority of whom were illiterate and lacked formal education, had faced verbal and/or physical abuse by authorities. Among the 140 vendors who had faced such situations, 61 per cent said they sometimes experienced verbal and/or physical abuse from authorities, while 20 per cent said it had only happened once. Seventeen vendors (12 per cent) said they face such abuse every day. Male vendors were slightly more likely to face such situations daily.

**Figure 3: Frequency of Physical/Verbal Abuse by Authorities (%)**



N=427

I have been physically harassed by the municipal police. My leg was injured and I had to be hospitalised. I called my wife from the village when I was in the hospital. They still come and chase me. They come around 5/6 times a day. And they also verbally abuse me with swear words. For the past one and a half years, I have been regularly chased. While I was in the hospital, more than 200,000 rupees was spent and I still have problems with nerves. The police officers harassed me by saying that they would cut both of my legs and would hospitalise me.

—Interview with male street vendor (shoe polish and repair),  
Tarai Caste, from Kathmandu Metropolitan City

Madhesi street vendors were found to have faced discrimination, abuse, and harassment based on their ethnicity or the colour of their skin at the hands of authorities. Some of them expressed how they have to endure denigrating terms and foul language every day.

The Newars call us Marsyaa. They discriminate against us saying we're 'Madhesi' and that we make their place dirty.

—FGD with female street vendors from Kathmandu Metropolitan City

The municipality discriminates against us just because we are from the Tarai. They don't do anything to the ones who look like they are from the hills but they are extra strict with us. They threw our stuff on the road and beat my husband but they didn't do anything to the one who looked like he was from the hills.

—FGD with local street vendors from Bhaktapur Municipality

Many of the street vendors interviewed confirmed that they come across all kinds of people and, as service providers, they control their emotions and are polite to the customers.

This place is an ocean of people. People from all walks of life come here. We need to be polite and respectful towards our customers. We are business persons as well as workers so we have to speak very consciously. Sometimes we cannot deliver our work and people complain. During those moments, we have to be polite and humble by ourselves and resolve the matter.

—Interview with male street vendor (shoe polish and repair),  
Hill Dalit, from Kathmandu Metropolitan City

### 5.4.7 Additional Challenges Faced by Non-Locals

The treatment meted out to non-local street vendors<sup>29</sup> was found to be vastly different from that of local street vendors. As such, house owners, shop owners, and neighbours were found to report the non-local vendors to the municipal police more quickly if they disliked their behaviour or activities. Local vendors also often accused the migrant vendors of usurping their customer base. Allegedly, customers threaten to report to the municipal authorities when they do not get goods at cheap prices from non-local street vendors.



29 Non-local street vendors refer to those with a geographic origin different from the area where they conduct street vending business.

## Box 1: Specific Challenges Faced by Street Vendors with Disabilities

Individuals with disabilities who engage in street vending encounter unique challenges as they are unable to match the same level of productivity as those without disabilities. A total of 14 (3 per cent) street vendors surveyed reported having disabilities. When asked if their disabilities had impacted their experience or performance as street vendors, a majority of them said it had. The most common challenges reported were physical barriers and verbal and physical abuse from authorities. Several of them reported being discriminated against and stereotyped due to their condition. One of them, a male, for instance, recalled two separate incidents where he was cheated by customers who took advantage of his condition and gave him less money than what he had asked for. They also face difficulties accessing clean drinking water and sanitation facilities and the lack of disability-friendly public toilets.

In the past, street vendors with disabilities reported being able to freely conduct their business throughout the day which is not the case after the local governments started imposing restrictions. In some cases, though, the municipal authorities have shown some flexibility and sympathy towards vendors with disabilities as they have refrained from confiscating their goods even as they took action against others.

The other street vendors can run away when the municipal police chase us. I cannot run due to my disability, so I stay there helpless and at the mercy of the municipal authorities...I feel really scared. My heart shivers as they take away the goods of the other street vendors and I think of what would happen if they take away my stuff as well.\*

\* FGD with local street vendors from Kathmandu Metropolitan City

Being a local street vendor comes with its benefits as such vendors have close ties to the local authorities and know the people of the community. In some areas, street-vending business seems to be limited to a few local vendors who are united, know those in power such as government representatives, and have good relations with the local authorities.

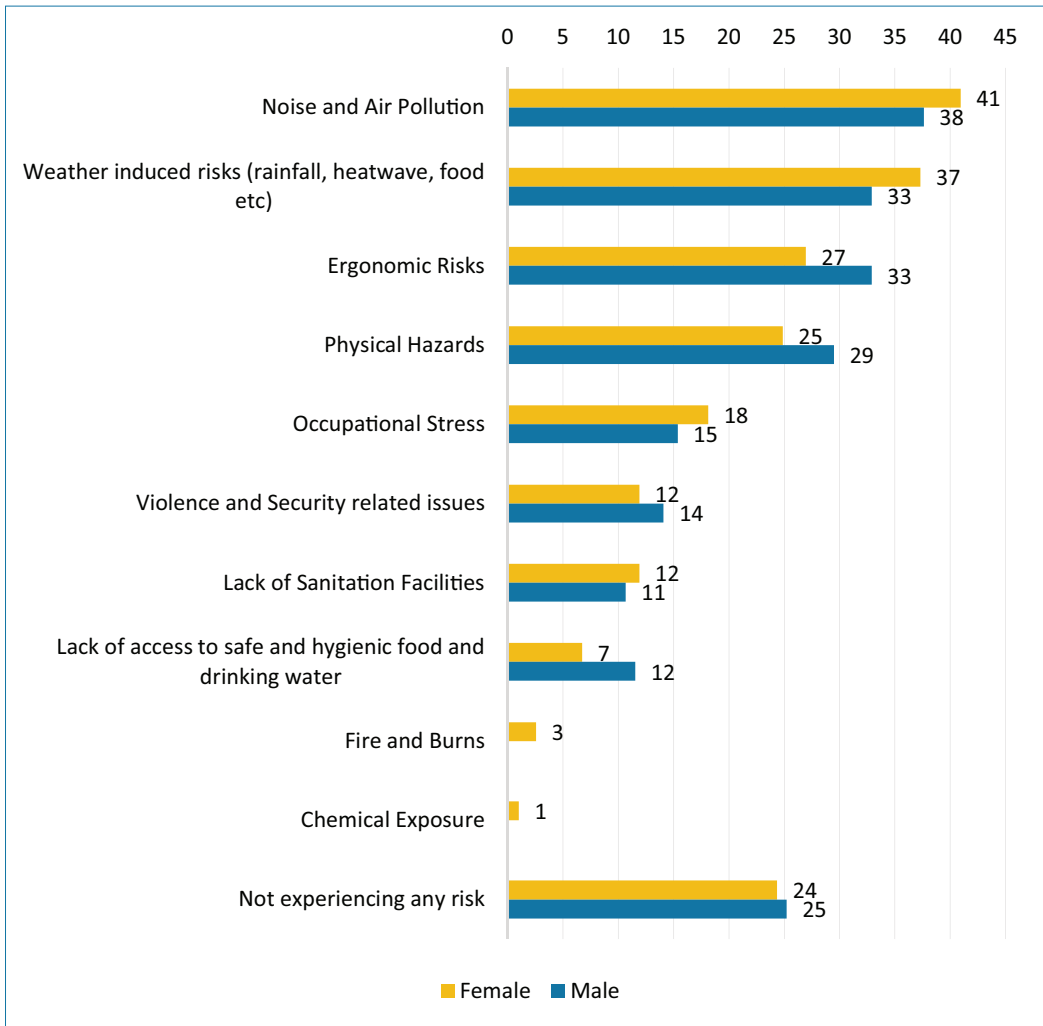
As reported by some street vendors, since the local vendors were potential voters from the same community, the municipal authorities dealt with them gently unlike the non-local vendors, whom they harassed. However, in some localities, street vendors said that both local and non-local street vendors are operating their business amicably and that there is a steady decrease in the discriminatory attitude towards non-local street vendors.<sup>30</sup>

## 5.5 Occupational Safety and Health

A safe and healthy working environment is a fundamental principle and right at work, and occupational health and safety is an integral part of the right to health. Over half of all survey respondents were not aware of occupational safety and health (OSH) issues and preventative measures.

30 FGD with non-local street vendors from Kathmandu Metropolitan City.

**Figure 4: OSH Risks Experienced at Work (%)**



N=426, excludes 1 'Other' response.

The most common OSH issues and/or risks vendors experienced were noise and air pollution followed by weather-induced risks and ergonomic risks. Some of the street vendors interviewed also expressed concerns over the risk of being hit by vehicles when operating their business on the street.

Sometimes I get hit by vehicles and sometimes bikers. I have been hit three times by a vehicle. Once, I had to be taken to a hospital.

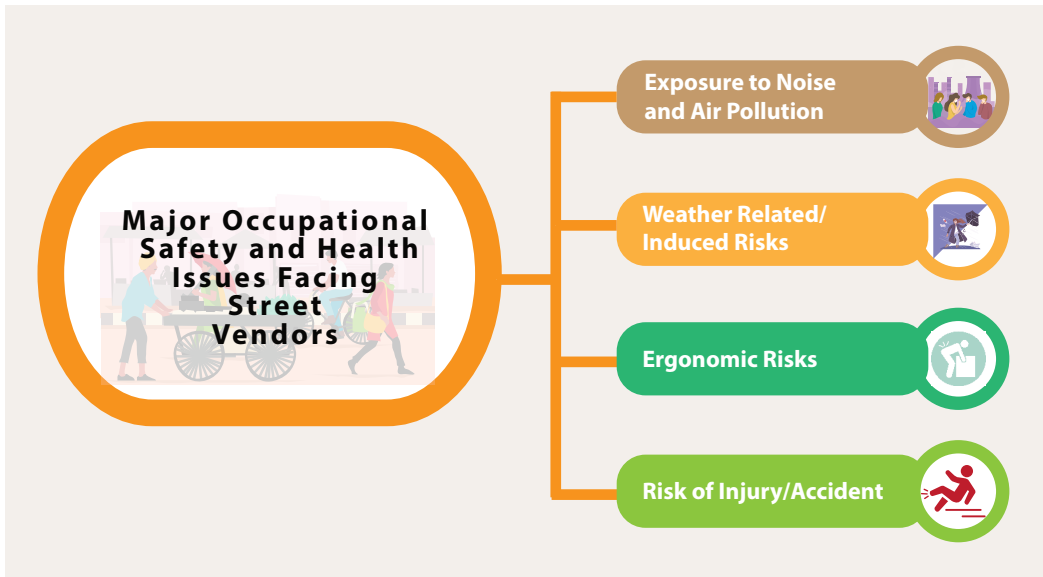
—Interview with male street vendor (footwear), Hill Janajati, from Kathmandu Metropolitan City

Many street vendors, particularly those who travel to sell goods, have reported exhaustion from working all day, pushing carts, and riding bicycles. These mobile street vendors



believed that their constant movement exposed them to noise and air pollution and the added risk of being hit by vehicles on the road compared to stationary vendors.

A significant challenge, especially for female street vendors, is the lack of accessible toilets. Many of the street vendors also said that they operate by the roadside without access to clean drinking water.



When women street vendors take breaks for lunch or to use the toilet, they have to hide their goods in a secure location. Unfortunately, there are no toilet facilities provided for vendors, so they have to pay to use the nearest mall's restroom.

—Interview with female street vendor (fruits and vegetables), Hill Caste, from Kathmandu Metropolitan City

Street vendors with disabilities also expressed similar concerns regarding the lack of sanitation facilities and the resulting challenges.

Toilet is really difficult. It is even more difficult for us wheelchair users as we cannot just go anywhere and the wheelchair also doesn't go everywhere so we have to hold our pee the entire day.

—FGD with street vendors with disabilities from Kathmandu Metropolitan City

In addition to physical challenges, many of the street vendors also reported that they have to face constant mental stress and trauma due to fear of losing/confiscation of their goods and getting injured when being chased.

We are always in fear that someone will come and confiscate our goods, and what if we get injured further? If our bones are broken or injured, how would we look after our children?

—Interview with female street vendor (fast food/dairy products/tea and beverages), Hill Dalit, from Kathmandu Metropolitan City

Vendors in older age groups were less likely than their younger counterparts to be aware of OSH. Access to higher education appears to have a positive impact on the level of OSH awareness with around 75 per cent of vendors with a high-school level education and above demonstrating awareness of it. The vendors who knew about OSH learnt about it mostly through their own experiences, followed by ‘media’ sources and ‘fellow workers’. Vendors under the age of 50 were more likely to wear a mask at work while those above 50 were more likely to forgo any safety measures. Similarly, nearly half of all respondents who did not use any safety equipment were illiterate and had no formal education.

## 5.6 Awareness of Social Security Provisions and Benefits

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The study revealed that there is a lack of overall understanding among street vendors regarding social protection schemes. Only a few expressed awareness about crucial social protection programmes, such as those for maternal and child health care (37 per cent), children’s education (28 per cent), youth employment, entrepreneurship, skill development initiatives (34 per cent), and health insurance-related provisions (52 per cent). For the majority of them, social protection programmes of the government mainly meant allowances provided to old people, single women, and people with disabilities, with more than 80 per cent of the total street vendors expressing familiarity with those.

More women street vendors were unaware of the kinds of social protection programmes. Similarly, the younger age cohort did not know much about programmes related to them such as youth employment, skill development, entrepreneurship, and self-employment. This highlights a critical gap in information among female and youth street vendors regarding social protection, support programmes, and schemes made available by the government.

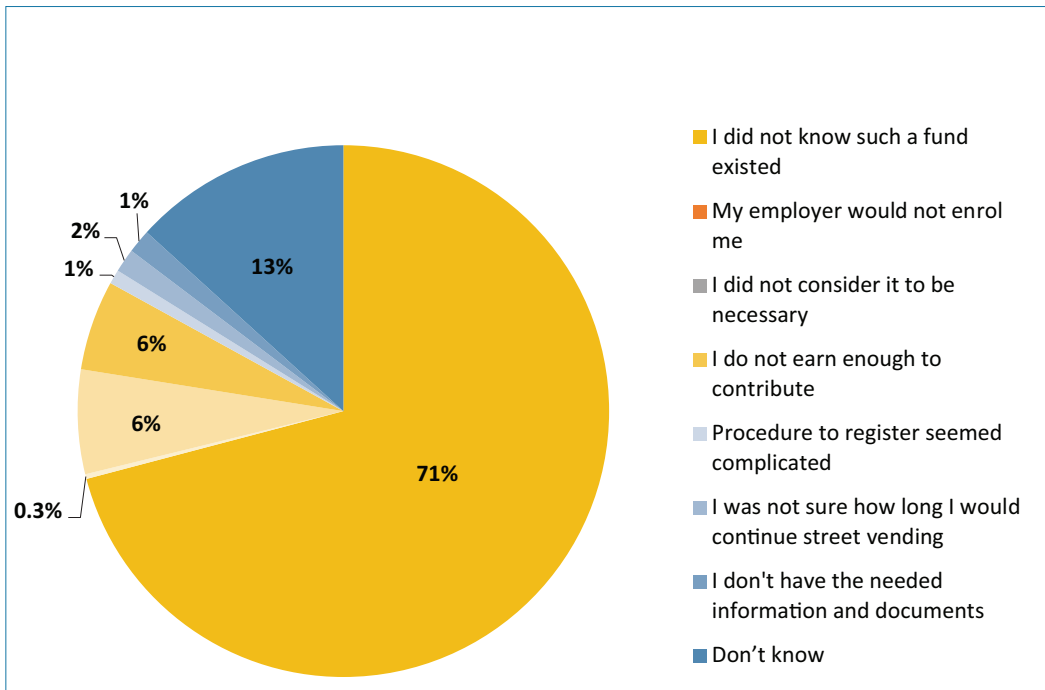
Among the 427 street vendors covered by the study, fewer than 16 per cent were receiving benefits from one or other social security schemes. Individuals receiving old-age allowance and single women allowance together accounted for more than half of this group. Notably, of the total street vendors receiving social assistance allowances, almost half were illiterate with no formal education. Expectedly, those qualifying for more than one social protection programme chose to enrol in the scheme that paid more,<sup>31</sup> mostly evident in the case of single women with disabilities and street vendors with disabilities who are also eligible for old-age allowances.

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31 The Social Security Regulations, 2019 stipulates that those eligible for more than one type of social security benefit in accordance with the law receive only one.

Compounding the lack of social protection coverage is the lack of access to affordable healthcare. Some of the street vendors voiced concerns about the effectiveness of the health insurance scheme, particularly highlighting instances where insurance coverage failed to provide the promised benefits while in other cases, the cumbersome claims process has discouraged street vendors from enrolling in the programme.

**Figure 5: Reasons for Non-Enrolment in Social Security Fund (%)**



N=358

### Procedural Challenges

Although the number of street vendors completely unaware of any of the social protection schemes listed in the survey questionnaire is insignificant, accounting for less than 2 per cent of the survey respondents, it is worth noting that the majority lacked awareness regarding the procedure to enrol in and benefit from such schemes.

Some of the street vendors reported facing challenges in accessing governmental assistance due to their immigrant status.

Once, I inquired with the authorities about my eligibility for the Prime Minister Employment Programme, and they told me that I needed to go to my permanent residence. As I am currently residing in Kathmandu, where should I go to take advantage of such programmes?

—FGD with local street vendors from Kathmandu Metropolitan City

Some others cited past experiences, such as difficulty obtaining disaster relief during the 2015 earthquake and the COVID-19 pandemic, as evidence of barriers to accessing social assistance. Many respondents highlighted financial constraints, emphasising the costs associated with travelling to their villages and completing the necessary procedures, as a significant obstacle to receiving the support they require.

Recently, the Kathmandu metropolis issued a notice calling for applications from un-employed individuals for the proposed labour bank, but even to fill out the form they required a rental tax receipt or rental agreement from me. When I asked for one from my landlord, he refused to give me one. As a result, I could not submit my application for the labour bank vacancy.

—FGD with local street vendors from Kathmandu Metropolitan City

Accounts of being judged based on appearance, profession, and socioeconomic status were common. Some of the street vendors revealed how societal bias affected their ability to access essential services.

I knew about single women's welfare but I didn't know how to take it, where to go, and who is eligible for such welfare. But while we go to designated places to inquire about such provisions, they judge us initially, look at us from top to bottom, look at our appearance, profession, and reject us from the entrance itself. This is the society we live in.

—FGD with non-local street vendors from Kathmandu Metropolitan City

### ***Contribution-based social security***

While the majority of the street vendors showed awareness regarding some kinds of non-contributory social assistance programmes of the government, most of the respondents—nearly 90 per cent—were not aware of the contribution-based social security fund (SSF) although those with an education level of Plus-2 and above were more aware. One of the street vendors highlighted the specific importance of access to social security for the informal sector and own-account workers.

Social security funds are very necessary for those who work in the informal sector, like us. People with government jobs get pensions in the future, and those with a fixed-term contract can at least be sure about their income and plan accordingly for themselves. Because street vendors like us have no regular and fixed income, social security eventually becomes more necessary in order to secure our future.

—Interview with female street vendor (garments/bedding and carpet),  
Hill Caste, from Kathmandu Metropolitan City

Many street vendors stated that even if they were to be eligible and willing to contribute to the SSF, they would be unable to do so as they do not earn enough. Some vendors also said a simple and quicker registration process with minimal documentation would help. More than 25 per cent of the street vendors said assurance about a reasonable quantum of benefits would make them more willing to enrol while others said more flexible

contribution options would be needed considering their irregular income. Street vendors without a regular income wanted the option of contributing to the fund every six months or annually.

Despite realising its importance, a significant number of street vendors were of the view that there was no possibility of enrolling informal and own-account workers like street vendors in the SSF while others highlighted technical and procedural gaps making the enrolment of street vendors in the SSF difficult.

The government appears to prioritise the implementation of policies favourable to the working class, but there is still a lack of policies addressing the needs of the informal sector. For instance, the requirement for workers to deposit 31 per cent of their income into the SSF fund poses challenges for informal sector workers.

—Interview with a male NGO representative (JuRI-Nepal)  
from Lalitpur Metropolitan City

The majority of street vendors find it nearly impossible to save from their meagre incomes, highlighting the formidable obstacles they face in building financial reserves. Nevertheless, some street vendors have been saving a modest amount each month for contingencies. Recognising the limitations of this individualised approach, some street vendors have also turned to depositing a nominal sum in co-operatives and microfinances, seeking a more structured financial arrangement. While such initiatives have proven advantageous for numerous street vendors, a noteworthy concern arises from instances where individuals face challenges in withdrawing their funds when urgently required. Such instances have added to the already existing risk of financial insecurity and possible financial fraud against street vendors and their families, clearly indicating the need for more flexible saving mechanisms for own-account and informal sector workers.

I have been saving regularly in a co-operative near my residence. I deposit at least 200 rupees a day in my account every day. Towards the end of the month, I withdraw whatever I could deposit in the cooperative and send that money home.

—Interview with male street vendor (household appliances/utensils and cleaning supplies), Muslim, from Kathmandu Metropolitan City

Besides street vendors, other stakeholders, mainly civil society leaders and trade union leaders, have also emphasised the need for a more flexible contribution scheme targeting street vendors and other informal sector workers so that they, too, can benefit from the scheme. Some of the government officials interviewed highlighted a lack of comprehensive understanding about SSF and its benefits, mainly among the street vendors without education, necessitating targeted awareness-related initiatives for illiterate street vendors.

### **Challenges faced by street vendors with disabilities**

While street vendors find it relatively easy to access allowances, particularly for old age, and for single women, those with physical disabilities in particular express concerns about the

classification of disabilities.<sup>32</sup> They are first required to get recommendations from their respective (rural) municipalities and only then are disability cards issued by ward offices. If there are challenges in classification, ward offices are required to seek consultation from medical doctors or organisations specialising in disability issues.<sup>33</sup>

Street vendors with disabilities perceive the classification of disabilities to be unfair as it relies on the discretion of certifying authorities rather than on a normative standard. While some of them claimed to have received a meagre sum of NPR 8,000 (USD 60) every three months, many street vendors with disabilities highlighted the lack of comprehensive support. They were of the view that the government's assistance did not extend beyond minimal financial aid, leaving individuals responsible for meeting their own basic necessities, including clothing, food, and other essentials.

The government has been supporting people with disabilities in many ways, however, it has not been uniform for everyone. While some wheelchair users are classified as 'A' class, others with the same issues are classified as 'B'. It varies from municipality to municipality. This has happened mainly because this classification depends more on the discretion of the person in power than on definite standards.

—Interview with male street vendor (garments/bedding and carpet),  
Tarai Caste, from Kathmandu Metropolitan City

## 5.7 Membership of Associations and Unions

While the right to form and join trade unions is guaranteed under the national legal framework,<sup>34</sup> the few trade unions and associations representing street vendors are mostly limited to loose networks and fail to encompass all street vendors.<sup>35</sup> A mere fraction of street vendors, constituting less than 4 per cent of those surveyed, claimed having membership of trade unions or professional bodies. Street vendors who had acquired trade union membership in the past have chosen not to renew their memberships owing to a lack of tangible benefits. A few of the street vendors interviewed assert vehemently that these unions and associations are reluctant to resolve the myriad issues faced by street vendors.

I once acquired a trade union membership card and renewed it five or six times. It costs around 350 rupees to produce the card, which does not confer any benefit.

32 The classification of disabilities on the basis of severity of disability, as provided in the Act Relating to Rights of Persons with Disabilities, 2017, is as follows: 1. Profound disability ('A' category), red card; 2. Severe disability ('B' category), blue card; 3. Moderate (mid-level) disability ('C' category), yellow card, and 4. Mild disability ('D' category), white card.

33 GoN, 'Sample Procedure on Distribution of Identity Cards for Persons with Disabilities for VDC/municipalities, 2018', (Kathmandu: Ministry of Women, Children and Senior Citizens, 2018), <https://tinyurl.com/2fnva65z>.

34 Constitution of Nepal, 2015, Article 34(3).

35 Streetnet International, 'Home', 'Affiliates', 'NEST (Nepal Union of Street Traders)', accessed June 03, 2024, <https://streetnet.org.za/organization/nepal-union-of-street-traders-nest/>.

Once, I had gone to talk to the union representatives with a complaint that the municipality had taken away my goods, but to my surprise, the union did nothing about it. Then I decided that if having a card does not help me, it is not worth having it.

—FGD with street vendors with disabilities from Kathmandu Metropolitan City

Such a view of trade unions was not universal since some street vendors understood the significance of trade union associations.

Trade unions support and help people if they get into trouble. If one is not a member of a trade union, he has to do everything on his own—with the help of friends and family. If the cart gets snatched, the trade union makes an effort to get it back from the municipality.

—Interview with male street vendor (footwear), Hill Janajati, from Lalitpur Metropolitan City

Trade union representatives themselves have acknowledged that their initiatives and actions are not adequate to address the problems facing street vendors even though some have been working for the welfare of street vendors for more than two decades. Some trade unionists said they have been collaborating with various NGOs, associations of informal sector workers, and rights activists, among others, to pressurise the concerned government authorities to make the environment more conducive for street vendors. There were accusations from civil society representatives though that trade unions frequently fall short of effectively addressing the challenges confronting the informal sector and own-account workers.

Some street vendors, mainly those providing services from traditional settlement areas such as Ason, also expressed the opinion that more than trade unions and professional associations, the local committees have been more effective in terms of managing street-vending businesses.

Rather than organisations and trade unions, there is Tole Samiti. For instance, the Ason area has a samiti, Teuda area has a samiti and they have their own group and talk about their problems. The samiti is registered and the ward looks after the samiti. If we have any problems, we tell it to the samiti.

—Interview with male street vendor (fast food/dairy products/tea/beverages/fruits and vegetables), Hill Janajati, from Kathmandu Metropolitan City

Disaffection among street vendors extended to other bodies as well. Those with disabilities emphasised that while the National Federation of the Disabled Nepal (NFDN) has undertaken certain initiatives, assistance is only provided when street vendors proactively visit the NFDN's office seeking support.

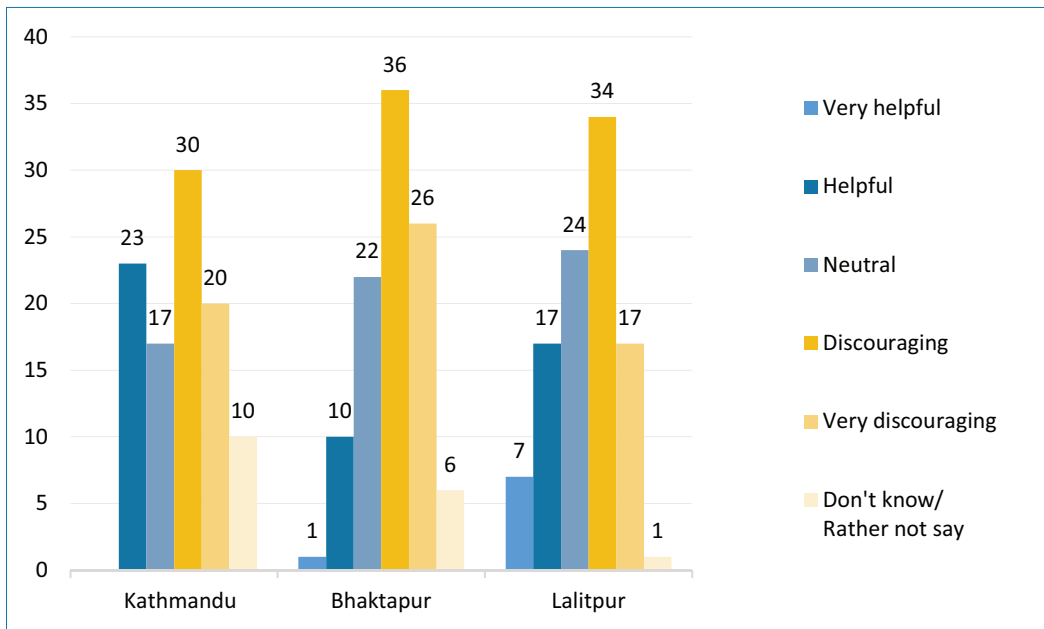
I have been constantly going to the Federation and sharing my problems with them and asking them to talk with the municipality regarding my problem but so far, they have not done anything.

—Interview with male street vendor with a disability (garments/bedding and carpet), Tarai Caste, from Kathmandu Metropolitan City

## 5.8 Role of Local Governments in the Management of Street-Vending Business

The Local Government Operation Act, 2017 provides a comprehensive framework for local governments to regulate and manage street vending under the rubric of ‘local market management’.<sup>36</sup> Other powers and functions relate to maintaining records of locally operated shops and businesses and the situation of unemployment within the respective jurisdiction.<sup>37</sup> Local governments are also entrusted with the duty to work for poverty alleviation and address the need for social security, including by formulating local laws, policies, and standards subject to federal laws. Contrary to the aforementioned legal duties, the local government assumed the power to impose an absolute ban on street vending. The municipal police, who are increasingly involved in the frequent expulsion of street vendors, only have the responsibility of managing the local market under the Act.<sup>38</sup>

**Figure 6: Perceptions on Actions Taken by Municipal Authorities (%)**



N=398; excludes 29 respondents whose place of business keeps changing.

Only a small fraction, fewer than 15 per cent of the surveyed street vendors, reported positive interactions with local governments, while nearly 60 per cent said that the local governments had failed to ensure a conducive environment for street vending. Across all three districts, street vendors noted a further downturn in their businesses since the last

<sup>36</sup> Local Government Operation Act, 2017, Section 11(2)(J).

<sup>37</sup> Local Government Operation Act, 2017, Section 11(2)(Q).

<sup>38</sup> Local Government Operation Act, 2017, Section 11(2)(A)(2)(d).



change in local government leadership, which is particularly pronounced in Kathmandu district, where over 61 per cent of the vendors reported worsening conditions, compared to 51 per cent in Lalitpur and 50 per cent in Bhaktapur.

Many of the street vendors as well as representatives of civil society organisations and academics interviewed also highlighted the lack of uniform regulations governing the street-vending business and stated how street vendors are treated is largely at the discretion of the local authorities.

Only a negligible proportion of the surveyed street vendors, 7 per cent, were of the view that there has been an improvement in their situation since the latest local government took office. As such, municipalities reportedly seem resistant to the idea of street vending, offering no viable alternatives to those who depend on it fully or partially for income. In some instances, authorities reportedly displaced street vendors to make way for infrastructure like fountains and parks.

Highlighting the lack of a uniform approach and the differing attitudes of authorities, some street vendors noted that ward authorities appear to be more helpful compared to municipal ones. The survey revealed that fewer than 25 per cent of the street vendors reported their ward officials as not very helpful, while in contrast, almost 60 per cent said that of the municipality.

The ward has the greater role in my business venture. If there was no ward office, nothing ever would have been possible. Ward personnel allow me to operate my business. For instance, the ward supported us by saying, if foreigners come to Swayambhu then we are the ones selling handicraft items to them.

—Interview with male street vendor (handicraft and souvenir),  
Hill Dalit, from Kathmandu Metropolitan City

Further, government officials at the local level have also highlighted the lack of coordination between authorities at the municipal and ward levels, consequently delaying the timely solution of the issue.

There has not been any coordination so far between the ward office and the municipal office on managing street vending in any instance. The issue has never entered the municipal assembly for discussions.

—Interview with male government official (ward member)  
from Kathmandu Metropolitan City

CSO representatives cautioned that the ad-hoc actions taken by the local government authorities in the country's capital might legitimise the forceful eviction of street vendors in other regions of the country as well.

Several stakeholders expressed apprehension about the local government's disregard for the potential repercussions of their actions on both street vendors and the large segment of the city population that depends on street vendors for goods and services. A CSO representative said the government should consider adopting successful models

from other countries instead of attempting to displace street vendors.

Consumers belong to diverse classes, with not everyone having the means to shop at upscale malls and fancy stores. A significant proportion opts for purchasing essential items on the streets. To understand and address these dynamics, the state can employ strategies such as the model implemented in Delhi, which involves organising haat bazaars at designated times and locations.

—Interview with male government official (FENNIE)  
from Lalitpur Metropolitan City

While the majority of street vendors have criticised municipal authorities for their lack of willingness and coordination in fostering a conducive environment for them, a small subset maintained a neutral perspective. This latter group viewed the municipality as neither actively supportive nor discouraging towards street vendors. Some expressed the opinion that while the municipality's current actions may seem unfavourable towards street vendors, they are meant for the overall well-being of everyone residing in the city.

What the municipality has done is good for all of us in the long term. But for the short term, for own-account workers like us, until we are able to find some alternative opportunities, it will continue to pose some difficulties. But, if they provide some alternatives or manage the business somewhere else, then it will be good for the long term

—Interview with male street vendor (garments/bedding and carpet),  
Hill Caste, from Kathmandu Metropolitan City

The inadequate management of street-vending businesses by local governments has resulted in a concerning erosion of trust towards local authorities among street vendors. Many street vendors, having experienced ill-treatment and lack of essential support from local governments, now harbour a sense of disillusionment that is fuelling disenchantment.

I question the government and what type of government we have created. We created the government but they don't listen to us and they dominate and cause us trouble instead of helping and supporting us. We have asked for proper management and time but the government has not provided us with that either. If this continues for 2/4 months, then we will die of hunger.

—FGD with non-local street vendors from Kathmandu Metropolitan City

While local government regulations have generally heightened the challenges for street vendors, those with connections with ward and municipal officials and those who have been in business in the same location for a long time seem able to navigate the obstacles more smoothly compared to newcomers. The experience as street vendors has not been as daunting for that group, emphasising the role of social capital in making life easy or difficult for them. Street vendors in historical and religious sites like Swayambhu, Basantapur, and other traditional Newari settlements of Kathmandu and Lalitpur said that being a local of that place and having access to local governmental authorities gave them an edge. For instance, in Tengal—one of the busiest areas of Kathmandu Metropolis,

the local government had let an elderly woman who had been selling fruits for more than 50 years conduct her business in a corner of the road. This was possible as she was a local in the area and knew the people at the ward office. Similarly, in Basantapur, there were 64 shops registered with the local club and in Swayambhu 16 shops with the Department of Archaeology. Because of their local connections, the street vendors said that it was easier for them to operate their business and communicate with the concerned authorities.

I haven't encountered significant challenges from the ward so far. This is primarily because the ward chairperson is my uncle. If it weren't for this family connection, I'm not sure how they would treat me. My uncle, out of goodwill and family ties, extends his support and allows me to continue my business. However, we do receive verbal scolding from the municipal police at times.

—Interview with male street vendor (fruits and vegetables),  
Hill Janajati, from Lalitpur Metropolitan City

As reported by many of the street vendors conducting business in Kathmandu, the KMC's stance seems clear—eliminating street vending altogether without any discussion about relocating street vendors to designated spaces. Yet, surprisingly, some positive initiatives have been taken in areas such as Baneshwor where certain spaces have been designated for street vending. Similar efforts have been made in Sundhara to create a sustainable commercial environment focusing on street vendors. Likewise, there were few instances where the municipal authorities allowed street vendors to remain in certain areas as long as they did not impede the traffic or hinder the movement of people. This leniency was observed for elderly street vendors, locals, and a few businesses situated beside temples or in specific locations that did not disrupt pedestrian flow. For instance, in New Road, one of Kathmandu's busiest streets, the municipal authorities allowed a few cobblers to ply their business on a certain section of the road. This space, typically used for parking, is not a heavily traversed pedestrian route.

In Kathmandu, they have not let people do street vending in other places but they have let us conduct business here. For that reason, we have to give credit to the mayor. Just recently, the driver of our mayor came to mend his shoes and he happily paid the money and went away. They have not troubled us so far.

—Interview with male street vendor (shoe polish and repair),  
Hill Dalit, from Kathmandu Metropolitan City

In Bhaktapur municipality, a few street vendors claimed to support the municipality initiatives in managing street-vending businesses and think that the situation for them is not as dire as in other places in Kathmandu Valley.

The current arrangement for street vendors in the municipality is perfectly fine and works for all of us. As per the new arrangement street vendors have been provided with designated spaces in the areas where there is less traffic. The municipality also cleans the vending spaces on a daily basis which has helped prevent diseases which otherwise would have been very obvious.

—Interview with male street vendor (shoe polish and repair),  
Hill Dalit, from Bhaktapur Municipality

Many of the key informants interviewed as part of the study were of the view that, unlike Kathmandu, Lalitpur Metropolitan City has taken some exemplary initiatives for the overall management of street vendors. As reported by some of the street vendors from Lalitpur, through the collective efforts of various formal and informal unions and associations, Lalitpur has granted permission for street-vending businesses to operate after 5 pm in some areas.

## 6. ANALYSIS AND CONCLUSION

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The legal framework to safeguard the rights of street vendors, promoting their well-being and equality, starts with the Constitution of Nepal, 2015, which aims to promote and protect the rights of self-employed workers as well as ensuring their dignity, equality, and social justice. The Constitution has provisions that establish the state's responsibility to protect civil, political, economic, cultural, and social rights, including guaranteeing citizens rights to live with dignity, carry out occupation and businesses, and not be discriminated against. Further to these mandates are the Directive Principles and the Policies of the State, which emphasise employment opportunities and social security and the constitutional stipulations of the shared responsibilities of governments at all levels towards social protection.

Although there is no specific legislation and policy that specifically deal with the issues of street vendors and their concerns, several laws and policies consequently broach various aspects of these vendors, such as their socio-economic well-being, including their social protection needs, employment, and housing. As such, while the Right to Employment Act, 2018 acknowledges the significance of self-employment, it fails to deal with the unique challenges faced by street vendors, leaving them inadequately protected.

Likewise, although the Contribution-Based Social Security Act, 2017, provides for a legal ground for the self-employed to join social security schemes, the actual involvement of the self-employed in these protection schemes is still limited largely due to a lack of provision for mandatory participation, bureaucratic hurdles surrounding registering into these schemes, and also due to the lack of a clear division of responsibilities between different tiers of government. The actual efficacy of prevailing social protection schemes for informal sector and own-account workers, including street vendors, is also impeded by a lack of comprehensive information on benefits and procedures. Meanwhile, while the Local Government (Operation) Act of 2017 empowers local authorities to regulate local businesses, including street vending, the dearth of explicit provisions to prevent forced eviction, respect means of livelihoods, and provide alternatives leaves street vendors vulnerable, particularly those facing intersecting forms of marginalisation. The Right to Food and Food Sovereignty Act of 2018 and the Right to Housing Act of 2018 have positive implications for street vendors' social protection; although, given the failure to draft the required regulations, they cannot benefit from the provisions of these Acts, including in relation to food assistance and housing support.

Owing to the lack of a comprehensive overarching policy framework for managing and regulating street-vending businesses, there are marked discrepancies in the regulatory practices at the local level, affording both varied levels of protection to street vendors

and posing a range of challenges. While some municipalities have attempted to regulate street vending using federal laws, such as the Local Governance Act and the Solid Waste Management Act, in accordance with their interpretation of the legislations, others have relied on their fiscal acts to impose restrictions. However, these efforts have been inconsistent and often lack legal clarity, leading to confusion and potential violations of vendors' rights. For example, the Kathmandu Metropolitan City issued a notice prohibiting street vending and threatening penalties, citing legal provisions that do not explicitly allow for the confiscation of vendors' property. Similarly, the Lalitpur Metropolitan City warned vendors without clear legal references. Despite the scope provided by the Local Government (Operation) Act to regulate street vending, some municipalities have misinterpreted provisions to prohibit it altogether.

Some local (municipal) governments have tried to formalise street vendors through official decrees of imposing taxes on their businesses. Despite such efforts, street vendors largely remain in the informal sector and enjoy little to no protection of their rights due to the absence of concrete actions taken across municipalities. These inconsistencies necessitate comprehensive reforms for clarity, fairness, and respect for vendors' rights. The restrictive measures imposed by governments adversely impact the livelihoods and fundamental rights of vendors. They also affect urban residents who rely on affordable goods and services from these street vendors. Policymakers fail to realise the economic and social contribution of street vending to local communities, further exacerbating the problem. Furthermore, the current legal provisions are inadequate for providing protection to street vendors, and there is a need for a change in the laws to address the issues of street vendors and to ensure their legal rights within the legal system.

The judiciary could play an important role including in the interpretation of the existing normative framework as well as in pointing out the implementation gaps. However, there have been rare attempts to invoke the judiciary to address violations of the rights of street vendors.

While national policy measures aim to deal with the challenges faced by workers in the informal sector—primarily through initiatives focused on social security, employment, formalisation of the informal economy, and poverty reduction—there are still significant hurdles in effectively implementing these policies. These include the need to broaden social security coverage, formalise informal employment, incorporate informal economic activities into urban development plans, and enhance gender equality and social inclusion in employment and entrepreneurship initiatives.

International legal standards, encompassing human rights and ILO conventions, serve as crucial frameworks for safeguarding the rights of street vendors in Nepal. Nepal's adherence to these standards is paramount, given its status as a party to numerous international human rights instruments. For instance, the ICESCR outlines street vendors' rights to work, fair working conditions, and social security, while CEDAW and CRPD emphasise gender equality and social protection, particularly for vulnerable groups like women and persons with disabilities engaged in street vending.

Nepal's alignment with ILO conventions is essential for ensuring decent working conditions and social protection for street vendors. Although not a party to all ILO conventions, adherence to ILO standards (including conventions on Employment Policy and Violence and Harassment, as well as Recommendations on transitioning from informal to formal economies) is pivotal for fulfilling the country's human rights obligations, including under the ICESCR. The ILO Recommendation No. 202, for instance, stipulates that all workers be provided access to essential healthcare and income security. While international standards collectively foster decent work, inclusivity, and social protection for workers, efforts toward straightening up domestic legal and policy measures with these standards have been largely inadequate, at least in terms of realising these provisions for street vendors.

Towards the much needed management of street vendors, Nepal can gain essential insights from the experiences of other countries in managing street vending. From India, Nepal can learn about the importance of judicial recognition and national policies that protect the rights of street vendors. India's comprehensive legal framework and supportive policies, exemplified by the Street Vendors Act, 2014 and the PM SVANidhi scheme, highlight the importance of legal recognition and financial assistance.<sup>39</sup> Similarly, Singapore's approach showcases the benefits of integrating street vendors into city planning and promoting them as cultural attractions, leading to international recognition of its hawker culture.<sup>40</sup> In the United States, state-level legislation like the Safe Sidewalk Vending Act in California demonstrates the significance of decriminalising street vending and enabling effective regulation.<sup>41</sup> Finally, South Africa's experience highlights the constitutional imperative to protect the dignity and rights of street vendors, ensuring that regulations are fair, non-discriminatory, and supportive of their economic activities.<sup>42</sup>

In conclusion, while Nepal's legal framework provides a foundation for safeguarding the rights of street vendors, significant gaps and challenges persist, necessitating comprehensive reforms to ensure their rights are protected and promoted. International legal standards and lessons from other countries can further inform efforts to enhance the legal and policy landscape for street vendors.

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39 Government of India, 'The street vendors (Protection of livelihood and regulation of street vending) Act 2014', (New Delhi: Ministry of Law and Justice, 2014), <https://tinyurl.com/4y7rsvrz>; Government of India, 'Scheme Guidelines for PM Street Vendor's AtmaNirbhar Nidhi (PM SVANidhi)', (Ministry of Housing and Urban Affairs 2020), [https://mohua.gov.in/pm\\_svandhi/guidelines.pdf](https://mohua.gov.in/pm_svandhi/guidelines.pdf).

40 National Heritage Board, 'Hawker Culture in Singapore', (Singapore: National Heritage Board, 2020), <https://tinyurl.com/y87ucypt>.

41 Casetext, 'Chapter 6.2 - Sidewalk Vendors, Section 51038 - Sidewalk vending programs', (Casetext), <https://tinyurl.com/bddjkben>.

42 SERI and SALGA, 'Informal Trade in South Africa Legislation, Case Law and Recommendations for Local Government', (Johannesburg: Socio-Economic Rights Institute of South Africa and South African Local Government Association, 2018), <https://tinyurl.com/5n7kn492>.

# 7. KEY RECOMMENDATIONS

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The following policy and programmatic recommendations are provided with the aim of enhancing solidarity and partnership among all stakeholders—including street vendors, the three tiers of government, constitutional bodies, trade unions, civil society organisations, human rights defenders, media and development partners—to uphold the rights of workers in the informal economy and support the formalisation of the informal economy sector and the workers therein including street vendors.

## Policy recommendations

### Immediate measures:

- Issue directives, in accordance with the Constitution of Nepal, 2015 and the Local Government (Operation) Act, 2017, which encourage local governments to refrain from carrying out forced evictions from vending sites and establish an interim system for the management and regulation of street vending.
- Set up complaint mechanisms to hear grievances and provide redress to street vendors including in relation to confiscation of properties and other forms of abuses.
- Prioritise monitoring and investigation of violations of street vendors' rights by NHRIs, civil society and parliamentary committees, while paying attention to factors such as gender, disability, caste/ethnicity, and make strong recommendations to hold authorities accountable.

### Long-term measures:

Adopt a comprehensive policy and legal framework to establish uniform national standards on legal recognition and protection of street vendors applicable to all three tiers of government in consultation with the relevant stakeholders, particularly the workers in the informal economy.

Such a policy and legal framework should contain the following elements:

- Define and clarify the scope of street vending practices, including decriminalisation of street vending.
- Provide a simplified registration system and measures for regulation of street vending.
- Guarantee access to social protection/security schemes for street vendors.
- Guarantee non-discrimination and protect street vendors from arbitrary confiscation of vendors' properties.
- Obligate the street vendors with a set of responsibilities including in relation to sanitation or environmental cleanliness.



- Review and amend existing sectoral legislation, policies, and urban development plans in consultation with street vendors to identify designated space(s) for street vending and its management.
- Strengthen parliamentary and NHRI's' oversight of human rights violations against informal workers including street vendors. Widely disseminate information on the available oversight and grievance handling mechanisms.

### **Programmatic recommendations**

- Incentivise and encourage street vendors to register street-vending businesses and issue standardised identity documents to registered street vendors, contingent upon compliance with local regulations including regular tax payment.
- Provide financial support and subsidies to help street vendors and informal workers enrol in social security schemes and access unemployment, injury, health, and pension benefits including under the Procedure to Conduct Social Security Scheme for Workers in the Informal Sector and Self Employment, 2079.
- Conduct financial literacy campaigns to increase access to financial services and social protection schemes as well as ensure information is available and understandable to all, particularly women and persons with disabilities.
- Offer financial and legal assistance to street vendors from marginalised backgrounds and those with disabilities, aiding them in navigating administrative and judicial procedures to seek remedies and methods accessible to them.
- Conduct training and awareness raising activities to sensitise municipal authorities on laws and policies emphasising the socio-economic rights of street vendors and addressing biases related to gender, disability, ethnicity, and migration status to address the social stigma associated with street vending.
- Conduct training and awareness-raising activities for street vendors encouraging their own organisation and mobilisation.



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