

ALTERNATIVE MARKETS FOR LEGAL IDENTITY: A Cost Benefit Analysis

Public demand for legal identity depends on a rational calculation that compares the perceived benefits of obtaining identity documents to the perceived costs involved in the registration process. In deciding whether or not to register, people ask themselves the following questions:

- What do I get out of registering? (Or what are the repercussions of not registering?)
- What does registration cost?
- Is there an alternative that is cheaper or involves less hassle?

In answering these questions, individuals generally rely on a subjective analysis, based on the cumulative impact of their perceptions, impressions, and experiences. If the costs outweigh the benefits, individuals will naturally be disinclined to register. If the benefits outweigh the costs, registration documents will be desirable. However, if less expensive, more accessible, and equally effective substitutes are available, many will opt for alternatives.

The first two of the questions listed above are explored in the preceding chapters, which provide a detailed analysis of the benefits and costs of registering. This chapter focuses on the third question,

by examining available alternatives. These alternatives, which vary in terms of legality, include legitimate substitutes as well as documents obtained through alternative or “black” markets.

Legitimate Substitutes

A wide range of substitutes for legal identity documents may be accepted in practice, depending on the intended purpose. Legitimate alternatives to identity documents vary in their degree of formality. For example, in the rural areas of Bangladesh and Cambodia, government officials, who are personally acquainted with members of the local community, are frequently lenient in interpreting identity requirements, and their own familiarity with a particular family becomes a highly informal legitimate substitute for birth certificates or other identity documents. In Bangladesh, local government officials report that they often estimate an applicant’s age if no formal proof is available. In many cases, in the absence of a birth certificate, a sworn declaration provided by the individual in question or a relative or neighbor may be sufficient for many purposes, such as enrolling in school or obtaining social welfare benefits.



In addition to the highly informal substitutes, various formal and quasi-formal alternatives may also be accepted. Among the three countries, Cambodia stands out for its flexible approach to establishing proof of identity. Cambodia's various identity documents are generally interchangeable for most purposes. If a birth certificate is not available, often a family book, lodging book, or NIC will do.

In Bangladesh, in addition to official citizenship certificates, which are governed by the Citizenship Act of 1951, a second type of semiformal citizenship attestation is regularly issued by various levels of government authorities, from city corporations and mayors down to the lowest level rural officials. Despite serious effort, this research could not identify any legal authority governing the provision of these documents, which may explain the inconsistency in the procedures for obtaining them. They are also referred to in different ways: Aside from being called a "citizenship certificate," this document

may also be referred to as a "letter of certification" or a "certificate of nationality and character."

Despite the lack of consistency, this semi-formal form of legal identity is commonly used, and is often essential when seeking employment. No supporting documentation is required, though a local ward member must vouch for the applicant. These semi-formal documents generally feature the same minimal personal information, including the applicant's name, parents' names, village of residence, and post office, while birth dates are not included. More importantly, however, these certificates testify that the bearer is of good character, has not been involved in any anti-state activities, and that he or she is a permanent citizen of Bangladesh (though one city corporation attests only to permanent residency). These certificates are usually provided free of charge, although bribes are common.

In Nepal, citizenship certificates are strictly required to access many of the most important benefits and opportuni-

ties. However, a variety of other quasi-official alternative documents are sometimes accepted for limited purposes. One alternative that is widely used, particularly in areas that have been hit hard by the insurgency, is a letter of recommendation from a VDC or municipality. These letters are sometimes, though not consistently, accepted in place of migration certificates or for school admissions. Other alternative documents sometimes accepted in practice include hospital cards, affidavits, and family records. Traditional Hindu religious documents, which are prepared by a local priest, may also serve to establish age since these documents note the astrological indicators of birth.

Alternative Markets

The existence of alternative markets is perhaps the truest gauge of both public demand for legal identity and the barriers to obtaining it. The market price signifies the value of the document, in terms of the benefits and opportunities it confers, as well as the degree to which the official system fails to deliver efficient services. Thus, the emergence of a thriving alternative market reflects the costs and benefits of identity documents.

REASONS FOR ENTERING ALTERNATIVE MARKETS

The most common reasons applicants enter the alternative market are: (1) the applicant is eligible in principle, but excluded from the official system; (2) the alternative market provides more efficient service; (3) the applicant is ineligible to receive an official document; or (4) the applicant needs a false document to facilitate illicit activities. The third and fourth categories capture a graduated scale of culpability and deceit in terms of the intended use of falsified documents—from illegal migration, to working beyond

mandatory retirement ages, and to serious, violent crimes such as human trafficking.

Some applicants face difficulties in obtaining identity documents due to exclusionary laws and practices, such as discriminatory treatment or overly burdensome requirements for supporting documentation. These applicants may resort to alternative markets because they cannot access the official system to obtain identity documents, even if they are legally entitled to do so.

While the alternative market provides relief to applicants that cannot obtain identity documents from the official system for one reason or other, the high fees it charges may render alternative markets out of reach for vulnerable populations.

Despite prices higher than those for an official document, documents procured through alternative markets are in high demand, even among those who can obtain bona fide documentation. The processes associated with obtaining official legal identity documents can be discriminatory, inconsistent, lengthy, unpleasant, confusing, and inaccessible. In contrast, alternative markets offer relative efficiency and accessibility. Those seeking documents through alternative markets can count on receiving them in less time, with less hassle.

In other cases, the alternative market provides services to prospective applicants who are ineligible to receive the document in question. The ultimate goal of such applicants is often to obtain documents that are necessary to earn a living. In Nepal, for example, the bulk of alternative market activity occurs in the *terai*

A focus group participant in Nepal reported that she had a child as the result of incestuous rape. After the child was born, she decided to leave the country to avoid the ensuing stigmatization. The local registrar refused to register the child's birth, however, because the application did not attach a copy of the father's citizenship certificate. The case went up to the ministry level, but the authorities refused to issue the child a passport without a birth certificate. As a result, the mother was compelled to turn to the alternative market, where she managed to get a birth certificate for NRs 6,000.¹

districts bordering India. Indian citizens often turn to the alternative market to obtain Nepalese identity documents so that they can conduct business and purchase property in Nepal. It is unclear to what extent the insurgency has curtailed this interest.

Tibetan refugees also access Nepal's alternative market for citizenship documents and passports and use these documents to obtain work overseas. Interestingly, it is perceived that officials are generally more inclined to provide fraudulent or questionable legal identity documents to Tibetans than to Indians. Since Tibetans tend to leave the country, whereas Indians remain and compete for limited business opportunities, providing falsified documents to

An official interviewed at the Commission for the Investigation of Abuse of Authority, Nepal's anticorruption watchdog agency, shared that it took him 3 days to register the transfer of a piece of land simply because everyone in the land revenue office was aware of his position and did not dare suggest that he go through the alternative market. Had he done so, his documentation would have been processed within a single day.²

Tibetans is viewed as having a less harmful socioeconomic impact on local Nepali communities.³

Other applicants enter the market for false documents with more devious intentions, ranging from manipulating the system of public benefits to engaging in criminal activities. In some instances, applicants seek falsified identity documents to take advantage of various benefits that are otherwise mutually exclusive. For example, multiple identity documents noting differing ages may allow an individual to collect retirement or old age allowances, while at the same time continue to work beyond the mandatory retirement age. False identity documents may also facilitate international travel.

Researchers in all three countries also noted the potential connections between false documents and serious, violent crimes against the person. In Bangladesh,

One researcher in Bangladesh recounts the story of a man applying for a visa to visit a country notoriously strict about issuing visas. The gentleman became so exasperated by the embassy's demands to submit various documents, including a birth certificate, that he produced both his birth and his own death certificate to demonstrate the futility of relying on such documents.⁴

for example, fraudulent and counterfeit documents are used to facilitate crimes, such as fleeing the country to escape prosecution and human trafficking. Similarly, in Cambodia and Nepal, traffickers often use false marriage certificates as a pretense to entice and transport victims.

MODES OF OPERATION

The modes of operation of alternative markets reflect the creativity and entrepreneurial spirit of those involved. Through collaborative working relationships, sound incentive structures, and well-organized procedures, the alternative markets are able to deliver fast and efficient services. Key players in the alternative markets are middle persons or "fixers," who work together with corrupt bureaucrats and/or criminal rings of counterfeiters to produce illicit identity documentation for a large and diverse clientele. The falsification of documents that are difficult to replicate (e.g. passports and driving licenses) is more likely to involve public officials. The research gained some insights into how these alternative markets operate within the three countries by examining reported cases and interviewing a range of participants, including middle persons, government officials, and clients.

Alternative markets provide a range of services, depending on the client's particular situation and needs. The most basic service offered simply involves paying a bribe, commonly known as

“grease” or “speed” money, to bypass official procedures and get faster document delivery. Applicants may pay government bureaucrats directly. However, in many cases, officials prefer to work together with mediators or “fixers.” Even though they take a percentage of the bribe, mediators screen applicants and provide a useful buffer that can serve to reduce risk.

In Bangladesh, those seeking to have false identity documents commonly avail of the services of middle persons, or *dalal*. According to a *dalal* who was interviewed, an efficient system has developed where applicants pay an additional fee to avoid the hassle of going through the official procedures, particularly for procuring passports. The *dalal* pays the relevant issuing officer, who in turn pays the special branch of the police for the required verification. Such verification is generally issued regardless of whether the information provided is correct or not. While the *dalal* spoke disparagingly about fraudulent passports and lamented the country’s widespread corruption, it seemed he considered his own enterprise to be perfectly legitimate.

In Nepal, mediators, who can be found in the vicinity of relevant government offices, regularly approach prospective applicants to offer assistance in obtaining their desired documents. The district administrative office (DAO), land revenues offices, transport management offices, and Law Books Management Board (LBMB) are among the more notorious examples of agencies where getting things done through a commission agent or broker has become standard practice. A Committee for the Investigation of Abuse of Authority (CIAA) official interviewed explained that even when the middle persons have to resort to official formalities, these channels provide efficient service and the client is not required to do anything except pay the price and wait for the result.⁵

For those seeking fraudulent documents, the alternative market consists of several major modes of supply: (1) producing genuine documents based on false information or supporting documentation, (2) obtaining and manipulating preexisting documents, and (3) outright counterfeiting.

A common mode of falsification involves obtaining bona fide identity documents on the basis of false information. Mediators can facilitate this process by ensuring that officials required to sign off turn a blind eye and have sufficient incentive to do so. Providing false information in an application form is fairly straightforward, but producing supporting documentation may be required to minimize the risk of detection.

In Nepal, falsified supporting documentation is sometimes generated by manipulating judicial or translation service procedures. An applicant may file a claim in court, which identifies a third party as possessing a certain status or relationship. The official court documents are then used as proof of the false status or relationship.⁶ Opportunities to obtain falsified supporting documentation also exist in the translation processes of Nepal’s LBMB. This scheme involves submitting false papers to the LBMB for translation, and then obtaining a certified translation to use as an original document. The LBMB is not equipped to check this abuse because it lacks any means or procedures to ascertain the veracity of documents submitted.

Another common practice in Nepal that facilitates the issuance of false documents, while reducing the risk of detection, involves removing the complete file or record of an identity document that was issued based on false information or

The most basic service offered simply involves paying a bribe, commonly known as “grease” or “speed” money, to bypass official procedures and get faster document delivery.

fake supporting documents.⁶ This tactic, which requires the involvement of public officials, is facilitated by poor record-keeping practices. In a case investigated by the CIAA, the production of the official record behind the issuance of a citizenship certificate was ordered. The concerned DAO responded that the official record pertaining to the questionable citizenship certificate could not be found, although a search was under way. The CIAA's only recourse was to direct the Ministry of Home Affairs to be more vigilant in maintaining records in a secure manner.⁷

A second method of falsification is to alter or manipulate preexisting official documents. According to the dalal interviewed in Bangladesh, criminal syndicates provide what is known as *gola kata* (or cut-neck) passports. These forgeries rely on replacing the original passport holder's photograph with the purchaser's. Such passports often contain unexpired visas, and are bought and sold in the black market.

Similar tactics are also used in Nepal. In the case of *HMG v. Som Babadur Junjali* and others, the CIAA found that a passport with a visa to the United Kingdom, which had been used by the original holder, was purchased and manipulated so that the purchaser could also enter the

In 2004, the Cambodian authorities busted a major criminal ring that produced counterfeit and forged civil registration documents. Among the evidence confiscated were computer equipment, scanners, and thousands of fake documents. In over 2 years of operation, this group provided at least 30 foreigners with illegal Cambodian passports and citizenship documents. The group also issued several land titles and business licenses, which were fabricated with such precision that court officials reported that the forgeries were indistinguishable from the actual documents through an eye examination alone.⁸

country using the same passport and visa. After arriving in the United Kingdom, the genuine passport holder sent the passport back to Nepal, where the photograph was changed and the immigration seal was distorted.

Outright counterfeiting of documents is another frequent method of falsification. Inadequate security features, like the lack of serial numbers on Nepal's citizenship certificate holograms, make counterfeiting fairly easy. In Bangladesh, however, the introduction of modern technology, such as machine-readable passports, is making it increasingly difficult to produce counterfeits of the more heavily regulated documents.

COST STRUCTURES FOR COMMONLY FALSIFIED DOCUMENTS

The alternative market for identity documents is a reflection of supply and demand. Both the pervasiveness and the price of fraudulent identity documents vary, depending on the document involved. The research suggests that countries with robust alternative markets are those where: (1) obtaining identity documents takes a long time; (2) offices in charge of providing identity documents impose burdensome evidentiary requirements as preconditions to releasing these documents; and (3) identity documents are widely recognized to facilitate access to more opportunities and benefits. Common examples of documents that meet these criteria are passports, academic certificates, and driving licenses. The cost of false documents generally depends on the urgency and means of the service seeker, the nature of the document, and the risks associated with the specific type of document falsification. Rates tend to be higher if the document yields significant benefits or if obtaining it entails considerable risks.⁹ Due to the illicit nature of the business, prices charged even for the same document tend to be neither

uniform nor transparent. However, the research discovered anecdotal evidence of price information based on interviewing knowledgeable informants and reviewing reported cases and relevant news items.

Based on the analysis of the benefits and costs of legal identity, it is not surprising that among the three countries in this study, Nepal has the most robust alternative market for identity documents. Identity documents, particularly citizenship certificates, are strictly required in Nepal to access a wide range of advantages—from land ownership to employment opportunities. At the same time, they are difficult to obtain. Together, these incentives and obstacles to procuring official legal identity documents combine to create a thriving alternative market. Nepal's alternative markets for falsified identity documents are estimated to generate millions of rupees.

In Nepal, the cost of false birth registration reportedly ranges from in-kind gifts, such as alcohol and goats, to cash payments of up to NRs10,000.¹⁰ Passports and letters of recommendation for citizenship are both significantly more expensive and more likely to be falsified, though their prices vary greatly. On the high end, the accused in one case investigated by the CIAA claimed that he paid over \$6,000 for a falsified passport with a visa to the United Kingdom. In a case filed at the Supreme Court, a foreigner married and residing in Nepal paid only \$200 for a falsified passport.¹¹ Another Supreme Court case, which involved staff of the Nepalese Embassy in New Delhi, reported that fees of \$900 were charged for the processing of falsified passports.¹²

Reported cases on fake citizenship documents also reveal a wide disparity in prices charged; service recipients paid fees ranging from NRs4,000–60,000. In one case, for example, the accused paid NRs6,000 for a local authority's recommendation for citizenship.¹³ Cases reported by the CIAA indicate that multiple



identity documents are often involved.¹⁴ In *HMG v. Binod Kumar Sharma*, a senior public officer and others were charged with corruption for seeking bribes of NRs22,000 from each of 15 people in exchange for fake citizenship, passports, and migration certificates.¹⁵

Compared to Nepal, Cambodia falls on the opposite end of the spectrum in terms of public demand for identity documents. Since by and large the country's various identity documents are interchangeable, citizens can generally access the few available benefits and opportunities, provided they have at least one form of identity. The Government's flexible approach of permitting the use of identity documents interchangeably diminishes the incentive to obtain identity documents, which in turn reduces the demand needed to fuel a thriving alternative market. Among the FGD participants, only one reported any direct experience with alternative markets for identity documents. FGD participants could not provide information on the cost of these falsified documents.

The majority of Cambodia's alternative market activity is concentrated in passports. This is not surprising since this is the one document for which substitutes are not acceptable. While FGD participants outside of Phnom Penh were barely aware of the concept of a passport, those

in Phnom Penh were well informed of the alternative market for faster delivery of official passports. This service, which unofficial agents with connections to passport staff facilitate, appears to have a standardized, transparent scale of graduated prices, depending on the purchaser's desired time frame. Passports are delivered in 1 month for a fee of \$120, in 3 weeks for \$150, in 2 weeks for \$170, in 1 week for \$200, and in 3 days for \$250.

In Bangladesh, there does not seem to be an active market for fraudulent birth certificates since alternatives are so readily accepted. It can be expected, however, that this will change as soon as birth registration becomes a mandatory precondition for accessing benefits and opportunities under the 2004 Registration Act.

Increasing technological sophistication and anti-fraud measures make passport counterfeiting quite difficult, and has led to an apparent decrease in this activity. However, false passports appear to remain available through illegal manpower agents, offering package deals which include passports, visas, and employment abroad. Packages to Saudi Arabia, for example, are offered for prices ranging

A market for Cambodian passports also appears to have emerged since the Ministry of Interior started issuing standard Kingdom of Cambodia passports in August 1995. It appears that the clients of this market are primarily foreigners. According to media reports, a Cambodian passport, which officially costs \$100, can go for as much as \$2,000. This is easy money for Cambodians, who can replace a passport without great difficulty by reporting the old one lost or stolen. Westerners appear to be doing the same thing, but with a much greater reward, as the going rate for an American passport is \$25,000. Other anecdotal evidence from news reports indicates that forgery rings charge foreigners up to \$40,000 for Cambodian citizenship and passports.

from Tk80,000–125,000. Additionally, like Cambodia, Bangladesh has a well-developed market for the delivery of official passports through unofficial mediators or agents. For example, the official fee for an urgent new passport is Tk5,000. However, an applicant can avoid the hassle of the official procedures by paying a dalal Tk6,500, of which Tk700 or Tk800 is reportedly paid to the officer, who then allegedly pays a share to the police official.

Challenges in Preventing Alternative Market Activities: Nepal Case Study

The research in Nepal included a thorough review of ongoing and reported cases involving false identity documents. It provides a picture of the challenges faced in government efforts to curb alternative market activities.

Nepal has a range of legal provisions that criminalize the creation, provision, sale, and use of fraudulent identity documents. Various authorities are responsible for initiating legal action against fraudulent activities involving identity documents. Most cases of fraud involving private individuals are subject to prosecution through normal legal channels under the State Cases Act of 1992. Other laws, such as the Citizenship Act, the Passport Act, and the Country Code, criminalize the creation, provision, and use of false documents under their purview. The Registration Act of 1977, for instance, gives DAOs the power to bring charges against fraudulent acts in vital registrations. The DAO is subject to the procedures of the Special Court Act of 2002 and its decisions may be appealed at the concerned appellate court.¹⁶

Also relevant is the Prevention of Corruption Act, which established the CIAA. The CIAA has jurisdiction over cases of fraudulent identity documents involving corruption among public

officials. In response to suspected offenses, the CIAA may take two types of action: It may file charges in special courts where the fraud is willful, or it may refer the matter to the relevant ministry where it is negligent.

Despite adequate laws, however, the likelihood of detection, prosecution, and conviction for participating in Nepal's alternative markets is low. This is especially so for the falsification of civil registration documents. The number of cases filed under the Birth, Death, and Other Personal Events (Registration) Act is strikingly low. Not a single case of fraudulent birth registration could be found with the DAOs in four of the five districts where this research was conducted.¹⁷ Among the three reported cases on vital registration filed with the DAO of Kathmandu, two involved birth registration and one marriage registration. Moreover, only a single case on vital registration could be found in all of Supreme Court jurisprudence.¹⁸

A significantly higher number of fraudulent identity cases related to citizenship certificates and passports could be found. These cases generally involve the illegal acquisition of documents by means of providing inaccurate information in the application form; submitting false recommendations, falsified supporting documentation, or fraudulent signatures; using false names; or producing counterfeit seals. The CIAA has recently investigated and prosecuted a number of cases, though their overall success ratio remains low.

Despite the fact that the CIAA has established a special investigation unit on citizenship, passport, and vehicle registration, the trade in fraudulent identity documents remains a high-profit, low-risk business. According to key informants interviewed, major factors that perpetuate



the production, sale, and use of forged documents are the ease of falsification and forgery, the low rate of convictions, and light penalties imposed. Some of the challenges in trying to stem the tide of false document registration include a lack of systematic record keeping; unsophisticated investigation techniques; a dearth of human resources; and the mutually beneficial web of relationships among politicians, bureaucrats, and black market document brokers. The low conviction rate is not only a matter of incapacity, but also one of political will. On several occasions, the CIAA has directed the government to take administrative action against violators of registration regulations to no avail. Informers do not often step forward in forgery/false document cases. In any event, the punishments imposed are generally quite low.

LOW REPORTING

Procuring false modes of legal identity through the alternative markets is a mutually beneficial transaction between the buyer and seller that produces seemingly few negative externalities. It is, therefore, generally considered to be a victimless

crime. As a result, few cases are reported. Interestingly, those cases that are reported are frequently due to internal family disputes over property. Since citizenship is required to own property in Nepal, invalidating the grounds for an individual's citizenship is an effective strategy to prevent one from receiving a share of family property. Out of the 21 Supreme Court citizenship cases reviewed, 12 involved people who reported their neighbors or relatives for allegedly providing false information regarding lineal descent in their citizenship applications, thus effectively depriving them of their right to own or inherit property.

LOW PENALTIES AND IMPUNITY

Further undermining deterrence are the light punishments imposed for participating in the production and sale of fake identity documents. For example, the penalty for altering a document issued by a government agency is imprisonment from 3 months to 2 years, a fine of up to NRs50,000, or both.¹⁹ Similarly, the destruction of a government document is punishable by imprisonment from 6 months to 1 year, a fine of NRs10,000–50,000, or both. This provision, however, is only applicable in corruption cases involving public officials. The forgery of government documents, not involving corrupt public officials, is subject to 1 year imprisonment. Additional penalties, including fines and increased prison time, may be imposed, depending on the specific characteristics of the offense. The punishment for acquiring or trying to acquire a passport by providing false information is imprisonment of up to 1 year, a fine up to NRs500, or both.

Even when harsh sentences are permissible, they are rarely imposed. In one case, the CIAA raided the residence of a local registrar, where they recovered counterfeit government seals, registers, and birth registration forms. Investigators

discovered that the local registrar was working in conjunction with other government officials, including a section officer of the home ministry, to produce and sell fake birth certificates to Tibetan refugees. The CIAA only ordered departmental action against those found guilty.²⁰ In another case, the CIAA discovered that the accused had purchased and manipulated a passport with a visa to the United Kingdom. The penalty imposed in this case was cancellation of the passport and a warning to the immigration officials for their negligence.²¹

Often cases involving false documents are treated with outright impunity. For example, in 1999 the CIAA ordered the Government to take action against a local official of Siraha district for illegally providing citizenship and passports. But as of 2004, nothing had been done. Similarly, in 1997 the CIAA decided to take action against a government official in Chitwan, but this has not been done to date.

BURDENSOME PROCEDURES AND HIGH STANDARDS OF PROOF TO ESTABLISH CORRUPTION

Filing charges in fake document cases involves lengthy and burdensome procedures, including verification of the documents and an inquiry with the concerned agency. These cases are also frequently delayed due to the nonavailability of records. Officials involved often destroy the original registration records to obstruct investigations. Further undermining the risk of punishment is the high standard of proof needed to establish corruption. What constitutes sufficient evidence of corruption is not clear, but the following anecdotes illustrate that the bar is high.

INVOLVEMENT OF ORGANIZED CRIME SYNDICATES

This CIAA has found that the market for fraudulent identity documents is highly

The Bhaktapur DAO issued 78 passports without duly verifying the authenticity of the supporting documents. The CIAA later found that this was not a case of negligence; the registrars involved willfully failed in their duty to conduct due diligence. Yet the CIAA could not prove that an exchange of money occurred, resulting in an acquittal.²²

An assistant level employee, who was the custodian of 28 passports “lost” in the process of distribution, admitted to selling the passports for NRs70,000. Despite this confession, the court found that the prosecution lacked sufficient evidence of guilt, and dismissed the case.²³

organized, based on well-established, mutually beneficial relationships among varying levels of government officials and

external brokers. In a recent case, the CIAA discovered that an organized network, which included brokers, mediators, and a range of public officials, issued falsified passports based on fake citizenship and migration certificates. It was established that 15 fraudulent passports were sold to residents of Darjeeling, India. The CIAA initiated an investigation and prosecuted the case at the Special Court, but failed to convict the defendants due to inadequate evidence of bribery. The case illustrates how the alternative markets operate through organized crime syndicates, which makes it difficult to pinpoint the actual persons responsible and the exact modes of operation. Moreover, since those involved include insiders, they are able to use sophisticated means to obstruct law enforcement efforts and protect one another.

ENDNOTES

- ¹ The affected person recounted her story during a focused group discussion (FGD) held in Kathmandu, September 2005.
- ² Interview with a key informant working with the Committee for the Investigation of Abuse of Authority (CIAA), September 2005.
- ³ Interview with a key informant working with the CIAA and DAO, Kathmandu, September 2005.
- ⁴ Shahnaz Huda, researcher in Bangladesh.
- ⁵ Interview with the chief of the Special Team on Fake Certificates and False Citizenship and Passports in the CIAA, 22 November 2005.
- ⁶ Raj Kumar Shaha vs. HMG Nepal, NKP, vol. 7, at 403–406, (1998).
- ⁷ CIAA Annual Report, Fiscal Year 2002–2003.
- ⁸ 2004. *The Cambodia Daily*, 9, September.
- ⁹ Note 5.
- ¹⁰ FGDs and interviews with key informants.
- ¹¹ Supreme Court (Nepal), writ No. 71, decision No. 6212.
- ¹² Supreme Court (Nepal), writ No. 57, decision No. 4463, (1991).

- ¹³ HMG v. Shila Shah Teli et al. (Ongoing case at Supreme Court of Nepal).
- ¹⁴ Interview with CIAA key informant and review of CIAA case file and Annual Report (2001–2004).
- ¹⁵ HMG v. Binod Kumar Sharma, 2003 (CIAA 14th Annual Report, 2060, pp. 13–15).
- ¹⁶ Birth, Death and others Personal Events (Registration) Act (Nepal), sec. 15(1), (1977).
- ¹⁷ No cases on birth registration were found in Nawal Parashi, Dang, Dadeldhura, and Dolka.
- ¹⁸ This case is related to death registration.
- ¹⁹ Prevention of Corruption Act (Nepal), sec. 11, (2003).
- ²⁰ CIAA Annual Report for FY 2003/04, pp. 63–64.
- ²¹ HMG v. Som Bahadur Junjali.
- ²² Interview with the concerned investigation officer of the CIAA, 20 November 2005.
- ²³ Note 22.