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## Research Article: 9

# Forensic Accounting: An Evolving Accounting Profession in India



**Dr. Satyajit Ghorai**

Assistant Professor  
Dept. of Commerce  
Jhargram Raj College  
Jhargram, INDIA  
[satyajitghorai84@gmail.com](mailto:satyajitghorai84@gmail.com)

### Abstract

A series of financial scams have taken place world-wide mainly in the corporate world which challenges this corporate form of the entity. The ever increasing pressure on the management and employees for achieving outstanding performance may insist to involve into these fraudulent activities. The financial auditors are insufficient particularly to unearth the hidden fact behind any financial fraud in the corporate world. To address this unresolved problem a new concept of forensic accounting has been emerged. Forensic accountant is a multi-skill expert who applies accounting, auditing and investigative techniques to not only detect the frauds but also prevent from any further occurrence of such fraud.

The present study highlights current status of forensic accounting practices in India along with its problem and prospects. Finally reached at the conclusion that although forensic accounting profession has come into the limelight globally but it is still at infancy stage in India. It is the high time to take step forward for introducing forensic accounting in core area of learning and research particularly for addressing the embedded financial fraud of the corporate world with a serious magnitude.

**Keywords:** Forensic Auditing, Forensic Accounting, Fraud, White-Collar Crime, Corporate Governance.

## 1. INTRODUCTION

Today's business entity is witnessing increasing white-collar crime which is very dangerous and leads to dissolution of the entity and overall recession of the economy. This increasing trend of corporate fraud may be due to the fact that the morality or ethical value of the employees is degraded over the time. The ever-increasing pressure on the management and employees for achieving outstanding performance may insist them to involve into these fraudulent activities. And if anyone makes close analysis of these unearthed corporate frauds, it has been observed that in most of these cases higher level manager or employees and even directors or promoters are involved. Although, it is the fact that blue-collar crimes have also been taken place even more than in number than that of the white-collar crime, but the negative impact or financial loss of white-collar crime is much more in comparison to that of the blue-collar crime. That's why corporate world is only worried about the white-collar crime instead of blue-collar crime.

A series of financial scams have taken place world-wide mainly in the corporate world which challenges this corporate form of entity. The unique feature of corporate form of business is the separation of ownership from control which mandates regular financial audit. Financial auditor only examines

trueness and fairness of the books of accounts. They only extend assurance regarding the fairness of financial statement but they have no such authority to claim or suit any file against anybody, even if any guilty has been found. In this case they may only give the qualified report not more than that. They are watchdog but not bloodhound. That means the authority and responsibility of the financial auditor is insufficient particularly to unearth the hidden fact behind any financial fraud in the corporate world.

The traditional audit has only focused on error identification and prevention whereas the expectation of the public and shareholders has been shifted towards fraud detection, investigation and solution-seeking. But in reality, the continuous happening of corporate fraud and audit failures have proved that it is difficult to identify such fraud or corruption by this traditional regular audit process, may be due to the very limitation of its scope. This creates a need for an expert who would think beyond the traditional roles.

This increasing fraud also raises a question upon the governance system along with the validity of the existing audit system, internal check and control system. In this wake of corporate scandals, executives are concentrated upon strengthening the corporate ethics, internal control and check system to prevent such kind of happening and accounting surprises. Even after introducing

of the series of new legislations, the financial scams have been unearthed continuously. Naturally, the new governance system which has been advocated in these new legislations is also not sufficient to protect the interest of the investors or identify misappropriation or misbehavior of the white-collar employees of an organization.

To solve this unresolved problem a new concept of forensic accounting has been emerged. Forensic accountant is a multi-skill expert who applies accounting, auditing and investigative techniques to not only detect the frauds but also prevent from any further occurrence of such fraud. They try to identify the reason behind any financial fraud and they try to prevent the organization from the future fraud. They collect sufficient relevant documents which can be used in the court of law to take any judgment in this regard. When they examine the books of accounts, they not only observe the reported numbers rather they observe the fact behind the number. They have such authority to claim anyone or suit a file, if they deem fit. To settle any problem they can interview any related person and this communication may be preserved as an evidence or documentary proof for court. In developed countries this service has been recognized as a profession and they have already enjoyed such services. In this backdrop the present study highlights the present status of forensic accounting

practices in India along with its problem and prospects.

### **Fraud**

The main purpose of forensic accounting is to detect and prevent any financial fraud. It is a perpetrated secretly through deception. Financial fraud may be defined as a deliberate inaccuracy in financial statements for financially benefiting someone. Simply crime means violation of law. There are several financial frauds such as financial statement frauds, Medicare fraud, insurance frauds, banking frauds etc.

According to the motive behind corporate fraud, it can be classified into two types - *fraud against the business* and *fraud for the business*. Fraud against the business is committed by the employees, vendor, and clients for their own benefits whereas fraud for the business is committed by promoters and shareholders to deceit the bankers, revenue authority and regulatory bodies for promoting interest of the entity as a whole.

Again, depending on the status of the person who committed crime, it may be classified into two groups - white-collar crimes and blue-collar crimes. Sophisticated crime which is committed by higher level employees/managers, who are entitled to salary, should be known as white-collar crime. Frequent and routine crime (i.e. in same manner and relatively simpler form) which is committed by the lower level

employees/workers, who may be entitled to wages, is known as blue-collar crime. Due to the present complexity of the business world, crimes appear to be very common. Employees misappropriate resources of the employer, fraudulent insurance claim, banks and financial institutions are forced into bankruptcy and so on. The white-collar crime is very dangerous in the sense that they are not easily detectable because of its peculiar nature and may be due to the status of person involved into. So to arrest such crime traditional audit system became insufficient and forensic accounting becomes relevant.

In this regard a popular concept of 'Fraud Triangle' explained by Hansen and Peterson is important to explore. Pressure, opportunity and rationalization are the main motivating factors behind a crime. For example, there is a common motive behind most of the financial statements fraud to show high earnings of the entity through showing inflated revenue, overstatement of assets, understatement of liabilities, reserve manipulation adopting cookie-jar accounting practices etc. The most important reason for these fraudulent activities is the pressure on the management to reach the highest performance level. Forensic accountant first of all identify the suspicious or abnormal activities/transactions. Then s/he gathers all related relevant information about these activities along with supportive documents for

substantiating the fact from various authentic sources and analyze these to reach a certain conclusion whether these are fraudulent activities or not. If there is any fraudulent activity then s/he should prepare a report for this incident specially to assist in taking legal action.

## 2. FORENSIC ACCOUNTING

Series of corporate failures have brought into the light serious erosion in business principles and established a fact that the person, who has committed the fraud, has been involved internally in the organization in most of the cases. But unfortunately statutory audit has failed to uncover such modern sophisticated organized corporate fraud. This failure of traditional system has put pressure to find out the better way for combating such white-collar crimes. In this direction a concept has been coined by Maurice E. Peloubet namely 'Forensic Accounting' in 1946. It is a new branch of accounting which provides basic evidence which is suitable to law for debate, discussion and dispute resolution. Basically forensic accountants have commitment to uncover the fact behind any financial failure.

It is an application of specialized knowledge, for gathering relevant evidences of suspicious financial transactions and reporting the truth behind the story in a manner that can be properly used by a court of

law or any apex administrative or authoritative body. Forensic accountant helps to analyze, interpret and summaries any complex issue in such a manner that will help to pull out the latent truth behind any story and to resolve out the dispute. Generally, s/he try to resolve the dispute by own expertise and if any chance the dispute has not been settled down and reached at court then s/he may act as an attestor. Even though both the terms forensic accounting and auditing have been used interchangeable particularly in Indian context but there is a basic differences between them. Generally forensic accountants are appointed to unearth fraud against the business whereas forensic auditors are appointed to identify and reporting fraud for the business.

### Qualities of Forensic Accountant

Forensic accountants are involved in resolving the dispute through mediation and arbitration with minimal disruption. Generally forensic accountant poses the traits of curiosity, persistence, creativity, discretion, confidence, open minded, professional motive, and judgmental motive to scrutinize all the possible alternative causes of any suspected matter. S/he must have a good communication skill both oral and written along with effective listening capacity which is most urgent to investigate something. Forensic accountants must have a complete knowledge of regulations, guidelines and any directives

used by various authoritative bodies such as SEBI, DCA, ICAI, and RBI etc. S/he should be updated with recent development in the field of commerce particularly about the recent happenings and judgments by court which is utmost important to become an efficient professional expert in this field.

### Services of Forensic Accountant

Services of Forensic Accountant can be utilized in many fields such as criminal investigation, disputes among stakeholders and ownership, insurance claim related disputes, other business related disputes and even for matrimonial dispute cases. Forensic accounting is often known as investigative accounting as forensic accountant basically uses various investigative techniques to detect and prevent white-collar crimes.

Forensic accounting is a profession which uses investigative techniques along with some accounting, auditing and financial experiences to a legal end. Legal accounting firm like KPMG, Price Waterhouse Coopers and BDO Seidmain have established special department mainly for handling white-collar crimes.

Forensic accounting often deals with analyzing, interpreting, summarizing and reporting complex business issues in such a manner that is understandable to a non-technical person and even be suitably accepted by the court of law. They also extend the legal assistance to attorneys and various

law enforcement agencies to investigate any particular financial wrongdoing. Forensic accounting not only provides litigation and investigation support but also helps to resolve the dispute. Forensic accountant attempt to resolve the dispute by determining the number of damages sustained by the parties involved in a legal dispute. But if s/he fails to resolve the dispute, then s/he may act as an attestor. S/he also offered some preventive measures to minimize the future risk or loss.

### **Steps followed by Forensic Accountant**

When forensic accountants are employed to identify any financial crime, they are trying to attempt the case in a very scientific and systematic way. Although the steps of process taken by the forensic accountant are unique and varies from case to case basis but in general following steps are taken in a sequence manner:

- First of all, forensic accountant must contact with the clients to collect the first-hand information regarding the matter in hand, just after the request received from any client. Actually this step has been completed just at the time of entering into the contract with clients to investigate any fraud.
- After entering into the contract s/he may start initial investigation which is useful in both for understanding the matter and for collecting useful evidence. Generally this

step starts with some fundamental doubts and questions or curiosities. S/he tries to understand any past crimes relating to this organization and visualize the same for the current issue in hand.

- In this step a strategic action plan has to be chalked out. It covers the detailed work distribution and specific part of work allotment among the associates in a given time frame – that is who will do what, when and how. Actually this is a work routine to reach the targeted outcome within a stipulated time. Forensic accountant and all of his/her associates should follow this plan and perform their assigned duties in time bound manner. This plan should be flexible one so that if there is any urgency to change the plan, then it would be changed quickly as per the requirement.
- In this step or throughout the process forensic accountant must collect some relevant evidence which will be accepted by court. Some time they may have to interview the persons involved in the case. In this case they may record the dialogue or the interview process may be completed through filling-up of questionnaire so that proper documentation to be maintained. In case of observation method, proper logbooks have to be maintained. But one important thing is that s/he must be casus about the

privacy and privileges of the respondents. To maintain the privacy and safe from misappropriation, the collected evidence must be preserved in proper custody as most of the evidences are contained economic information and other related proofs for the occurrence of event.

- In this step all collected evidence should be analyzed, summarized and arranged in sequence manner to uncover fact behind the matter. All gathered data should be analyzed properly to measure the exact financial damages.
- Finally, a report is to be prepared and submitted about the matter. The report should contain full fact in details behind this fraud and all findings should be mentioned clearly and authentically, so that not only client would be satisfied but also these would be reasonable, acceptable, and dependable by the court, if necessary.

### **3. KEY TECHNIQUES USED IN FORENSIC ACCOUNTING**

Several distinctive techniques have been exercised by forensic accountants for easy and quick discover of fact behind any financial fraud are as follows:

#### **i) Computer Assisted Auditing Tools (CAATs)**

Actually it is an automated auditing procedure. It helps to extract the required data

such as billing, accounts receivable, payroll etc. from the primary database of the company and to detect the anomalies, if any. It helps to search out any suspicious billing from the main database. After tracing out such transactions the forensic accountant would warrant further investigation. Forensic accountant generally uncovers the extent of fraud through CAATs clubbed with other specific techniques before proceeding to the court for any case.

#### **ii) Data Mining Techniques**

It not only helps the forensic accountant to mine relevant data for the matter in hand and discover the fact behind the matter but also assists to explore any rare or suspicious fact through analysis of data pattern and matching algorithm. It also helps to prevent incidence of any future fraud through prior prediction on the basis of established data pattern and matching algorithm.

#### **iii) Ratio Analysis**

It is very well known tool in accounting and auditing system for detecting fraud. Ratio not only helps to identify the fraud rather it helps to predict the future occurrence of any unexpected event through various financial symptoms. Generally various standard ratios and the ratio of maximum value and minimum value have been used in forensic accounting for identifying financial

fraud, estimating loss thereof and preventing from further occurrences.

#### **iv) Relative Size Factor**

It helps to detect the highest value in a given data series and helps to segregate the data which will be shown in the books of doubt, if these fall outside the prescribed range. These relatively abnormal in size data call for further investigation. It helps to identify the fraud through sensation of unusual fluctuations in the given data set.

#### **v) Law of Benford**

It is a scientific instrument for calculating the chances of fraud. Generally Z-test is carried out of a particular variable for measuring significance of variance between two different populations at given level of confidence. If the result confirms the percentage of Benford's law, that means there is a 68% chance of no error or fraud. Forensic accountant uses this technique for identifying the potential area in which a high chance of occurrence of fraud is prevalent and further analysis to explore the fact behind the story.

Forensic accountant should follow some modern, unique, customized and situation-oriented approaches for examining any financial fraud in contrary to the prototype procedures which have been used in the traditional auditing system. In this digital era, some digital forensic techniques such as Robotic Process Automation, Artificial Intelligence, Machine Learning etc. become

essential particularly to arrest the modern sophisticated fraud and the traditional tools become next of absolute in this scenario.

### **4. PRESENT STATUS OF FORENSIC ACCOUNTING PRACTICES IN INDIA**

In India, first of all Kautilya had written a book Arthashastra in which he inked various ways of embezzlement and to check these frauds, he stressed on accounting and auditing. Another popular scholar Birbal had also precisely explained various tricks to investigate crimes in the period of Akbar's empowerment. Mainly the law enforcement agencies in India such as police, CBI, DRI etc. were involved in combating the white-collar crimes. Due to lack of proficient forensic accounting, initially chartered accountants were usually employed for combating the financial fraud in India even though they may not have the necessary training in this regard. Naturally, these traditional approaches were insufficient to control these crimes due to the lack of specific expertise. It is very unfortunate to note that both of the leading professional institutes such as Institute of Chartered Accountants of India and Institute of Cost Accountant of India were silent in this regard even, they had not offered any diploma/degree on forensic accounting/investigation to their members. As a result white-collar crimes had been increased at an unbelievable rate.

The series of corporate fraud has degraded the integrity and dignity of India overtime. In response to this alarming increasing trend in crimes and lack of adequately trained professionals, Government of India has formed Serious Fraud Investigation Office under the Ministry of Corporate Affairs in July, 2003. It is a multidisciplinary entity comprising specialists from various arenas like accountancy, audit, taxation, law, IT, financial market, investigation etc. This is the first step in India to recognize importance of the forensic accounting profession.

Various popular chartered firms provide these services, but in India this service is largely been extended by four giant firms such as KPMG, Deloitte, Price Waterhouse Coopers and Ernst and Young. Some giant companies and banking institutions like HDFC, Bharti Airtel, Standard Life, Tata Insurance, Tata Motors, Britannia, Indian Hotel etc. have appointed forensic accountant to prevent the financial fraud. Even some government departments like Central Bureau of Investigation, Central Vigilance Commission etc. have also started to employ the forensic experts to investigate and identify the financial fraud.

## 5. MAJOR CHALLENGES

To popularise the forensic accounting profession in India several challenges have to

be faced. Some of these major challenges prevailing in Indian perspective are narrated down hereunder.

### Lack of Institute and Courses

There is lack of professional courses on forensic accounting in India and even this is not yet incorporated within the general curriculum of graduate or post-graduate courses relating to accounting and finance. There are few institutions which only provide some sort of courses on forensic accounting.

### No Statutory Obligation

There is no statutory obligation to employ forensic accounting particularly for detecting and preventing the financial fraud. Although in recent past RBI has only issued a notification in this regard only for banking sector.

### Lack of Practices

Corporate entities of India have no such practice to employ forensic accountant in regular basis due to the extra cost burden.

### Appointment on Suspect

Actually forensic accountant is employed only if there is any suspect of financial fraud, that means if there is no suspect about any fraud then there is no question of employment of forensic accountant. But fact is most of the white-collar fraud is committed by the management or higher-level employees. That means the persons who are responsible to suspect of a fraud, if they personally involved with these

fraud then who can suspect and appoint the forensic accountant?

### **Complexity and Uniqueness of Fraud**

Day by day the methods of fraud have become complicated due to the advancement of technology and complex business structure and transaction. Each and every fraudulent case is unique in nature, particularly in terms of their means of occurrence, parties involved, purpose of occurrence etc. As a result of which, it is not possible to uncover each and every modern financial fraud even by the forensic accountant which may be due to their mere knowledge of traditional tools and techniques.

### **Lack of Research**

In India no such research work has been done in this respect particularly to explore the new or sophisticated means of fraud and their detection and prevention techniques. The academic world is also very indifferent particularly to develop any new curriculum on forensic accounting or incorporating it into the graduate or/and post graduate degree of accounting and finance.

### **Lack of Forensic Accounting Professional**

As there are few institutes that offer a few courses on forensic accounting in India, so even if corporate body wants to employ the forensic accountant but they could not employ because of scarcity of forensic accounting professionals.

## **CONCLUSION AND SUGGESTIONS**

The ever increasing critical financial fraud throughout the business world in India necessitates the incorporation of forensic accounting practices. Auditors are watchdog but not bloodhound, they only attest whether the books of accounts have been prepared in conformity with GAAP, accounting standards and related policies of the reporting entity or not. So the necessity of the auditor, who will be bloodhound, is apprehended to confiscate fraud or any criminal activities. Both of these two remarkable committees the L. N. Parekh Committee (by SEBI) and Dr. N. L. Mitra Committee (by RBI) had also promoted need of forensic accountants to investigate the financial frauds. Although forensic accounting profession has been come into the limelight globally but it is still at infancy stage in India. There are few accounting professionals that serve as forensic accountant in India. So far forensic accounting practices in India has been observed, it is only being implemented as a fact-finding instrument instead of preemptive device. Corporate world appoints forensic accountants not on regular basis but only in time of any suspect. Although it is an untrodden area in India but there is a sign of light. Forensic accounting will be well recognized as an effective profession in India to combat the fraud. It should be employed as an effective tool in most of the business entities regardless of their size and nature in

near future for detecting and preventing the financial frauds. It is the high time to take step forward for introducing forensic accounting in core area of learning and research particularly for addressing the huge demand gap which has been generated from embedded financial fraud of the corporate world with a serious magnitude.

Some important suggestions are put forwarded hereunder for further improvement particularly in the Indian scenario are -

- Some professional institute may be established in India to offer a specialized professional degree on forensic accounting.
- The content of forensic accounting may be incorporated in both the syllabus of under graduate and post graduate degree of commerce so that commerce graduate may have the first-hand knowledge about forensic accounting.
- Corporate legislation should be strengthened, so that governance system would become stronger and robust.
- Professional negligence or direct/indirect involvement of auditors in any fraud has been evidently proved, s/he may be penalized at huge scale or rusticated for the whole life.
- Code of ethics may be developed for all the internal stakeholders of the entity for

abstaining from the involvement of any immoral or fraudulent activities.

- Forensic accounting can be promoted as an emerging professional avenue which has huge world-wide demand.
- Entity has also to be aggressive to avail this professional service for protecting the interest of the investors and stakeholders as a whole.
- Ethical perception has to be improved so that people should not involve themselves in any fraudulent activities.

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