

Talk of the town: the auditor and the judge

Stop following a defective framework just because it comes from the West, or because some powerful lobbies support it

For those who do not have a clear picture that an auditor is seriously disrespected by the framework of the laws, and his position compromised, because of which the present western audit framework is unsuitable for the quasi-judicial function of independent financial statement auditing, should clearly visualise the following comparable scenarios, and then introspect, whether an auditor can still be independent, ethical and respect-worthy, no matter how honest he may actually be. Can the auditing system work if the framework itself is broken and dysfunctional? Then why wonder as to how come the auditing world has been raining scams and will continue to rain scams? All we need to do is stop blindly following a defective framework unthinkingly, because it comes from the West, or because some powerful lobbies and governments support it.

On 3 February 2018 the Supreme Court, in a landmark judgement against multinational audit firms operating in India, in the Sukumaran case, has directed that the government of India should come up with a new framework. Identifying the root causes of the problem sets the stage for a new framework.

It is very clear that the present framework needs change, and the auditor needs to be constitutionally provided with a judges' standing in a fundamentally re-thought new framework in so far as it concerns his role as an auditor.

- Imagine a judge pleading before the potential litigants in his court – Oh! dear potential litigant in my court, please give me your case to stand in judgment over? please! And the judge gets praised for being the fabulous marketing angel he is!
- Imagine a judge doing his brand marketing exercise with a potential litigant in his court – 'I will give you my name on my order in your case, and, what a great name it will be to be associated with the order? You simply cannot compare my name with any other? O Please, how can you go to a smaller judge?
- The judge then opens up his marketing presentation and reveals high-quality marketing collaterals, which leave his litigants in a swoon – they can't think of going to another 'ordinary judge' – It would be infra dig in my cocktail circuits to do



RAGHU AIYAR

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that... hmmm..

- Imagine a judge entering a remuneration contract with a potential litigant in his court – these are my fees/ salary/ consulting charges for issuing an order after I stand in judgment on your litigation in my court!
- Imagine a judge offering a bargain basement 'pricing offer' to a potential litigant in his court – 'I will undercut all the other judges, I will give you 25 per cent cut in my fees, you must appoint me!'
- Imagine a judge sending snazzy update-newsletters to the potential litigants in his own court, containing scenarios of 'advance rulings' on what he would do as a judge in various latest-situations, and telling the potential litigant: "Look at this, you will not have problems, if your case gets heard in my court."

Imagine a judge telling the potential litigants: this is not about me or who I am – this is not a service of my personal skill and ability, it is not a conscience matter – it is all about the vast empire of the Big N business of which I am partner and we have worldwide strengths. What does it matter what my capacity is – after all, it is not me, it is ABCD, the largest 'global judgment network' that is doing your work. How can a lowly single honest judge be compared to MW? I am the most honest of all judges ever!

- Imagine a judge telling fellow judges in the courts: 'You guys are incompetent and lack the capacity – you don't employ as many people as I do, you don't train them as well as I do, you don't pay them as well as I do, you don't have as many employees as I do. You are all nothing compared to what I AM. LoL. Litigants are not fools to select me. ROFL.
- Our judges network just offers just about every other service, doctoring, laundry, housekeeping, construction, what not? You name it, we have it! Obviously, that makes us best judges... don't waste your time with others! We come to your CFO's desk and make sure that he gets his judgment delivered right there – don't be ridiculous, you don't have to come to the courts anymore. You're the boss! And, of course, we are truly the best in our global-village world – quality in everything we do, always one step ahead. Cheers!

The author is ceo & senior partner, K.S. Aiyar & Co