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Module 22: Forgery in Documents

1. Introduction

Every individual at one time or another was asked to sign a document rather than merely putting a fingerprint to the paper as a method of identification. But why signature had replaced fingerprints? It would be simple to just place our fingerprint on a cheque instead of a payer’s signature? It may also prevent forgery. Yes or No? The answer behind the use of signature is that it is easier to read is illogical, as lots of signatures have evolved until, they are symbolic illustrations of ancient handwriting and are now illegible.

The answer to this question lies in the word “intent.” By signing a document, the signatory are entailing intent on his/her part to consent with consequences provided by that cheque, postscript, agreement, contract, etc. One could intentionally and easily put the fingerprints of somebody recently dead or unconscious upon a document, if the fingerprint was only required for authentication. This does not assume, though, that the placing an inked thumbprint next to a payer’s signature on a cheque, about to be consulted at a cheque cashing counter in a bank, would not be a help out. The fingerprint’s universal implication would certainly, at the very least, be a prevention to the individual intent upon passing a forged instrument.

Handwriting and signatures are prone to be forged, over the years, many ways of forgeries had been employed to defy the concern person by the forger. Signatures are very common means of authentication in terms of banks transactions, cheques are vulnerable to be forged by imitating or copying signature of victim. These forgeries are needed to be addressed and what are the ways to identify these forgeries need to be discussed.

Learning Outcome

In this module, we are going to learn several points which are mentioned below:

- What is a forgery? Types of forgeries which are classified as per execution.
- Different characteristics of forged signature or handwriting, which identify the forge documents.
- Who should examine these forged documents on the basis of qualification and expertise.

2. Forgery: Definition and characteristics
What do we understand with the term ‘forgery’? When the documents are called forged in the law of forgery? To understand forgery, we should well versed with the definition of forgery of documents in the legal term. “Forgery” in a stringent way is a legal term and its use as a result should most likely be avoided by the questioned document examiner. There have been proposed four characteristics for making a false document which need a attention:-

Making a false document by
(1) Signing a fictitious name;
(2) Passing off an otherwise true document by false representations dehors the instruments
(3) Signing one’s own name;
(4) Writing a false address or description to a true signature (1).

Legally forgery is well defined in our criminal justice system. An underlying intent to defraud, based on knowledge of the false nature of the instrument, must accompany the act. Forgery is defined in our Indian Penal Code (IPC) under section 464 which states that;

Making a false document. — [A person is said to make a false document or false electronic record— First —Who dishonestly or fraudulently—(a) makes, signs, seals or executes a document or part of a document; (b) makes or transmits any electronic record or part of any electronic record; (c) affixes any 342 [electronic signature] on any electronic record; (d) makes any mark denoting the execution of a document or the authenticity of the electronic signature.(2)

Tools of forgery may include bills of exchange, bills of lending, any notes of promise, bank cheques, legal bonds, cash or payment receipts, money order or order of goods, mortgages, discharges of mortgages, deeds, public records, account books, and certain kinds of tickets or passes for transportation or events. The compositions of forgery are Making false documents, liability to legal systems, forger identification and defraud intention.

An apt fraud requires superior to anything normal dexterity and a lot of practice. Creative ability helps, as well. Penmanship is an exceedingly complex neuromuscular action that requires coordination between the hand, arm, and fingers, and also the eyes. When realistic development has been come to – at the end of the day, once a kid has figured out how to compose – composing turns into a characteristic demonstration, obtained after some time. It is no more important to stop and consider every stroke and how to take care of business.Unless there is a physiological or psychological problem, genuine handwriting is usually smooth, spontaneous, and free-flowing, with less focus on the movement and more on the content (3). The counterfeiter, then again, is compelled to keep up steady control over the pen, focusing eagerly on every moment point of interest. Under the magnifying instrument, the written work line will demonstrate successive stops and falterings, and the tight hold the counterfeiter must keep up on the pen, thusly, creates heavier weight on the paper. When he achieves the end of the mark, the counterfeiter has typically neglected to adhere to the casualty's
style and his own particular characteristic style creeps in. Subsequently, the penmanship inspector gives careful consideration to the finishes of letters, words, and lines, as opposed to the beginnings.

3. Types of forgeries in Questioned Documents

3.1 Simulation

With regards to falsification, one size does not fit all. There are different types, the most common type of which is the simulation. Simulation is a type of forgery that involves the perpetrator's use of a model of the victim's handwriting. The falsifier deliberately watches the genuine, and after that makes duplicates of the individual's mark to work on imitating it. As indicated by penmanship master Sheila Lowe, the falsifier pays consideration on the way capital letters look, drawing instead of composing the signature. His slip-up, in any case, is neglecting to notice such attributes as the spaces amongst words and letters, and the upper and lower lengths and the arrangement of the letters that makes an individual's penmanship novel. Counterfeiter endeavors to duplicate the pictorial attributes – the way the composition looks – with a specific end goal to make it as near the bonafide signature as could be expected under the circumstances. This is a significantly more burdensome assignment than it may sound. Attempting to duplicate another's writings or signature is likened to emulating the way somebody strolls or talks (any individual who supposes this is simple ought to attempt it!). Counterfeiter neglects to go to, yet what the report inspector takes a gander at, is the measure of space left amongst words and letters, the extents of the upper and lower lengths, the arrangement, and other unwittingly rendered qualities (4).

Various techniques are accessible for a counterfeiter to use in the development of a signature that may appear to the laypersons as real. These incorporate free-hand reenactment, following, and propagation by an electrostatic copier or PC. Free-hand recreation with a model accessible starts with the falsifier putting the original signature close to the paper on which the forged signature will be set. At that point, utilizing pen or pencil, the counterfeiter draws a photo of the authentic signature. Under amplification, such reproductions may uncover various pen stops and lifts or indications of rectification, alongside signs of a moderate, tremulous line quality. Less aesthetic counterfeiters regularly utilize tracings by different intends to deliver recreated marks (5).

3.2 Tracing

Another type of forgery is the tracing. Tracing is very crude method of forging the signature or handwriting. At the end of the day, the counterfeiter has a model of the honest to goodness genuine signature, which he may hold against a window, or use carbon paper or a light box, and place another sheet of paper over the top, and actually follow the line. Under the process of act, numerous begins and stops the counterfeiter gains as he checks his ground – called resting dots – which are promptly seen. Likewise, the forged written work is slower, and once in a while there is a indentation in the paper, which can be seen close by the ink line (6).
Traced Forgeries

Classifications:
- Direct Tracing
- Using transmitted Light
- Using carbon paper
- Using Tracing Paper

Fig 1. Classification of different types of tracing forgery

Tracing forgery is classified on the basis of the method of execution (Fig 1). Traced Forgeries display the rules which are present underneath the signatures. These rules might be as indentations or carbon outlines and ink strokes will be discovered holding fast to the rules. Direct tracing is the method where the forger uses direct original to trace in signature in forged documents without using any aid, whereas when a transmitted light is used beneath the document for the tracing are classified as transmitted forgery. Another way is to use carbon paper, carbon print is taken to forge document from original and carbon is covered up by ink using pine. By using tracing paper or butter paper, original signatures are traced by indentation and then writing it with an ink pen to cover the indented part made to document. These classifications of tracing forgeries provided the execution style, which is necessary to understand the nature of forgery. Knowledge of these methods of forgery are very important to identify these forgeries (7).

3.3 Cut and Paste Forgery

The cut-and-paste forgery is closely as the term suggests. A real signature is cut from one report and set on the spurious record, then photocopied. In the event that the lighting and determination is legibly balanced, the record will seem genuine. Since one of the principle on which penmanship examination rests is that it is difficult to compose a signature 100% the same way twice, the simplest approach to demonstrate a cut and paste falsification is to find the report from which the name was copied. They will be indistinguishable, or to a great degree close if the counterfeiter is sufficiently astute to change some minor points of interest, for example, the last strokes. Indictment depends on the law implementation criminologist's capacity to locate the original signed document from where it had been copied, and analyze the suspect's penmanship on the false to that of the first. Since no two parts of penmanship are indistinguishable, the counterfeiter abandons himself open to conviction by overlooking a couple of minor points of interest, for example, the way his casualty works out her numbers (7, 8).

3.4 Electronic Forgery

Electronic forgery is also closely related to the cut-and-paste forgery. In the advanced computer era, the scan and-drop strategy has developed. The PC gives the counterfeiter a strong weapon. The falsifier basically digitizes a genuine signature by high resolution scanning, then embeds it into the spurious archive and prints it. Under the magnifying lens, in any case, the pixelation uncovers that it has been digitized (9).
3.5 Freehand Forgery
This is another kind of fabrication where the falsifier essentially composes the another's name without making any effort to duplicate. He basically signs a structure in his own particular penmanship, now and again picking wording or stating of his own. The Fraud and Forgery Division of the forensic science labs is said to have many illustrations where the counterfeiter has kept in touch with some made-up expression, camouflaged as a signature. As per Lowe, this is the most effortless kind of signature for a falsifier to attempt. It will diminish his odds of arraignment, since it is more troublesome for analysts to peruse the two penmanship tests with a specific end goal to make a positive correlation (3, 10).

4. General indications of non-genuineness may include the following:

4.1 Blunt beginnings and endings: The falsifier puts the pen point in contact with the paper, and afterward begins composing. When he is done with the name or some bit thereof, he stops the pen and lifts it from the surface (Fig 2). This may bring about an underscored blunt start or completion where the pen was set in contact with the surface. Now this contact is held so long that if the pen contains a liquid ink it will wet the paper and relocate outward from the contact indicate or even through the back of the paper. There might be pointless and incidental imprints brought on by pen begins and stops. The author may choose subsequent to put his pen in contact with the paper, that it is in the wrong spot, lifts it up and moves it to a position considered more right. Regularly a mark's begins and stops are a great deal more dynamic. The pen is moving on a level plane before it contacts the paper and is lifted toward the end while still in flight. This leaves a decreased appearance at the beginnings and endings of names or letters. There are, obviously, special cases for this (11).

![Figure 2 Signs of Forgery shown with the arrow marks.](image-url)
ought to be one and only consistent line. The pen lifts and hesitation point out the signs of forgery in the document (7).

4.3 Forger's Tremor: Tremors may occur in writing or signature due to old age, or some illness or poor skill in writing (12), it may look similar to forgery, either by tracing or simulated. Since the formation of most types of fake signatures is more similar to the drawings, the pen moves so gradually that little, now and then microscopic variations in course occur in what ought to be a liquid-looking line. The resultant line is not smooth, but rather look like the "shaking" pen.

For the identifying forger's tremor two ways are basically employed. First is by elimination, elimination of any other doubts by analyzing the samples from the original writer or admitted writings during that time of forgery (2, 13).

4.4 Speed and pressure: Ordinary penmanship is uninhibitedly and quickly executed and in this way typically described, particularly, when a nib-pen is utilized, by light and hairline upstrokes and shaded or substantial down strokes. Although ball point or felt tip pens have a tendency to minimize this difference between strokes, it is still a big element in composing. Again in forged writings, in light of the fact that the pen is moving gradually instead of with the dynamic movement connected with most authentic compositions, the ink line stays steady in thickness because of the same consistent pressure applied to a gradually moving pen. There will be less, assuming any, decreasing of inner lines (14).

4.5 Patching: Occasionally, however, at some time, a most of us have made a mistake while composing our own signature. A few people may allow the signature to sign unbothered, thinking minimal about the oversight or flaw, while others will essentially "alter" the signature by adjusting the culpable part. This might be done keeping in mind the end goal to make the signature more discernable, or in light of the fact that an imperfection in the pen or paper has influenced what we see to be our "ordinary" signature, or for some other reason that may even be intuitive. These "fixes" are generally patent, with no endeavor made with respect to the author to veil or generally shroud the redress (7).

These signature amendments are not exactly the same as the settling that is frequently found in non-authentic signatures. On these occasions, the creator is not attempting to make the signature more clear, but instead to appear satisfactory. He is changing an obvious blemish that he sees as discernible, and might uncover his forged thing and foil his arrangement. These generally show up as a change in accordance with a blemish in the structure line rather than as a letter. Enlargements to section or terminal strokes, or to cut down jumping bits of letters, nearby amendments to embellishments, are ordinary of non-true blue settling (15).

4.6 Carbon Outlines and Indentations

As showed before, traced signatures may hold evidence of their technique for generation, for example, carbon or graphite follows or out-of-line indentations. Forger tries to eradicate carbon-paper or graphite imprints may yet leave hints of those substances: if not, confirmation of the deletion itself might be
distinguished by different means. As well, demonstration of erasing may harm or dull the signature or other traced composing, and this might be seen by microscopic perception. Infrared photography will infiltrate numerous overlying inks and along these lines uncover the carbon following (carbon being dark to infrared). Diagonal or oblique lighting may improve the indents visualization and show that they don’t precisely relate with the inked line of composing (16).

There are times when some of these same forgery indicators will be displayed in genuine signatures. Aged or informed writers will frequently display similar patterns. The mere presence of these indicators does not mean that the signature under scrutiny is non-genuine, but should contribute to the overall determination as to genuineness. Alternately, the signature devoid of these indications may not be assumed to be genuine. The signature of an elderly individual may, for instance, be expected to contain tremor and hesitation. If, however, the questioned signature appears to be written in a fluid manner and/or on a higher skill level than what is expected, the red warning flag should be waving. This occurrence may itself be indicative of non-genuineness. Often, a forger, because of an inherent high skill level in his writing, may produce a product that contains fewer indications of forgery than a counterpart with a lower skill-level (3).

5. Selecting a Handwriting Expert

At the point when the help of a penmanship master is required to reveal reality about the realness a signature (or other penmanship), the legitimate consultants or legal advisors is all around encouraged to choose the experts with consideration, as there is no proper licensing in the field of penmanship examination except for the government document examiners. In this field, as in others, there are the individuals who have earned themselves the notoriety of an enlisted firearm.

To maintain a strategic distance from potential issues, the experts ought to be a present part on favorable terms of a legitimate penmanship examination association (not only an extortion analysts association, for example, the National Association of Document Examiners or Association of Forensic Document Examiners, for instance or working with presumed scientific science research facility with great scholastic and useful foundation.

Summary

Forgery of documents is common now a days, signature and handwriting forgery are need to be tackled in more technical and scientific ways. Any deliberate attempt to alter or modify the documents by adding or editing the marks, symbol or other written material is termed as a forgery. Forgery is categorized in different ways on the basis of the method used for the forgery. From crude to technical forgery are considered for the examination by the document forensic examiners. Tracing and simulation are the common form forgeries identified and examined. There are well known characteristics of these forgeries which are found in the cases. These features of non-genuineness should be analyzed by the document specialist to address the problems. Slow speed, blunt starts and stops, unusual tremors, evenness in
pressure, carbon outline or indentation in terms of tracing forgeries are some of the major identification features for the forged signatures or handwritings. For identification of these forgeries, a document experts are needed. The document expert should be specialist and known with the facts and procedure for the conduction of examination. Forensic document examiners had gained their knowledge and expertise through proper channel and licensed to practice.