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**Hate Crimes against Muslims**

**M**umbai Collective strongly condemns the brutal murder of Mohammad Afrazul, a migrant worker from West Bengal, in Rajsamand district of Rajasthan. Far from being an isolated crime, there is enough to indicate that it was a hate crime instigated by the ongoing communal and anti-Muslim, anti-minority rhetoric propelled into everyday discourses by the ruling regime under the Bharatiya Janata Party (BJP). Afrazul's murder is one in a string of several hate crimes that have taken place in the current political regime against ordinary Muslims, since the Rashtriya Swayamsevak Sangh (RSS) has found prominence, political legitimacy and the connivance and support of state power in many parts of the country. Whether on the ground of cow slaughter, beef possession or “love jihad,” the country has seen a spate of brutal murders as in the case of Mohammad Akhlaq, Pehlu Khan, Junaid Khan and others, and vilification of and assaults on Muslims and Dalits. Afrazul is not just another statistic in the increasing hate crimes against Muslims and Dalits, but a symbol of the shocking extent to which such barbarity can go.

Love jihad, it is well known, is a hoax circulated by right-wing communal forces to vilify male members of the Muslim community. What is worrying is that once limited to the realm of the fringe, the bogey of love jihad, in itself a highly deplorable, sinister and misogynistic conspiracy to target minorities and curb the personal life choices of Hindu women, is yet to be determinedly put down either by the government or the judiciary. Indeed, the BJP government through its spokespersons and legal representatives in courts has been promoting this absurd notion. In Rajasthan itself, from mid-November 2017, a pamphlet on the so-called love jihad was being distributed in Jaipur but law enforcement agencies failed to halt its circulation. Closer to this hate crime, on 1 December 2017, an RSS-linked group announced the “beti bachao, bahu lao” campaign as an extension to love jihad, committing to teach “Muslim men in their own

language” by marrying Muslim women to Hindu men and providing incentives for the same. Immediately after the crime, a social media campaign by communal elements to justify it is already under way.

The Mumbai Collective, being a group of concerned citizens committed to the ideals of freedom, secularism, pluralism and tolerance, strongly condemns the growing sentiment of hate and increasing hate crimes against minorities and the attempts to justify them under the present political regime. We demand that the government immediately cease its campaign on love jihad promoted by its ministers, spokespersons and leaders, to take strict action under the law against the perpetrators of Hindutva terror, and follow the norms and duties enjoined by the Constitution. We call upon all citizens to determinedly work to defend the secular, pluralist and tolerant ethos enshrined in our Constitution. We call upon all democratically minded citizens, to expose such communal conspiracy theories and oppose them actively. We call upon all citizens to mobilise actively against hate politics and anti-minority, anti-Dalit propaganda in all its various forms.

**Mumbai Collective**

MUMBAI

**Exposing Shell Companies**

**O**n 12 September 2017, the Ministry of Corporate Affairs (MCA) publicly disclosed a list of 1,06,578 disqualified directors with associations to “shell or on-paper companies.” The individuals named in the list have been barred from further appointment as directors of other companies for a period of five years, that is, until 2021. It is estimated that the final count of those disqualified may go up to 4.5 lakh. The MCA circular cites the reason

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for disqualification as companies having failed to file their annual financial returns, in violation of Section 164(2)(a) of the Companies Act, 2013. Additionally, in August 2017 the Securities and Exchange Board of India (SEBI) targeted 331 listed entities suspected of being shell companies and in violation of listing agreements, by limiting their trading activities.

Shell or on-paper companies are legal entities with no real economic operations, typically used for the purposes of tax dodging, or to launder funds. While owning shell companies is not illegal, these companies offer a secure blanket to those who benefit from its activities, making it incredibly difficult to identify the true beneficiaries. In the wake of scandals like the Panama Papers, Bahamas Leaks, Azerbaijani Laundromat, and now the Paradise Papers, the urgency and importance of lifting the veil of secrecy that such corporate vehicles offer, is being recognised. In this scenario, the identification of those with “significant influence” or control over such entities is crucial.

Significant influence can be broadly understood as the power to make financial or operational decisions within an entity. Under Section 89 of the Companies Act, a person or a company with a beneficial interest in the shares of another company can appoint a proxy when filing the declaration of interest with the Registrar of Companies (RoC). This provision shields individuals from ever having to declare themselves as the real beneficial owners of that entity. The act also does not specify what parameters determine “beneficial interest” in a share of an entity.

While the Companies (Amendment) Bill, 2016, addressed the need for changes in the disclosure and compliance reporting standards for companies, it fell short of expanding the scope of beneficial owners. Through this bill, India’s nomenclature on beneficial owners evolved towards identifying an individual or a group of individuals acting through one or more representatives with “significant influence” of not less than a 25% stake in a company. The bill categorises the term significant influence as voting rights, or the authority over business decisions under a legal arrangement, or

shares in a company. Any such members must disclose their association or interest to the RoC. However, such a high threshold can easily be diluted by dividing voting rights or the extent of economic control by appointing multiple representatives on paper, in order to reduce the ownership stake and effectively offset any reporting obligations.

The Lok Sabha passed the Companies (Amendment) Bill, 2017 in July upholding the disclosure requirements for beneficial owners at 20%. The amended definition for a person to qualify as a beneficial owner includes possession of voting rights or receipt of monetary benefits either directly or indirectly. It should be noted that the Companies (Amendment) Bill, 2017 is yet to be passed by the Rajya Sabha.

However, targeting companies solely on the basis of Section 164(2) of the Companies Act has a limited scope for a variety of reasons. It is not a satisfactory criterion to establish an entity as a shell company. In fact, this move targets companies that may be non-functional or non-operative. Besides, new shell companies can be easily created. Moreover, disqualifying directors and delisting companies do not hold the true beneficiaries, that is, the beneficial owners accountable. The accountability of the activities of any corporate vehicle being used for tax avoidance-related practices should rest with the true owner of that entity.

A well-rounded definition of beneficial owner is a human owner, a living person, who exercises economic control over an entity either directly, or indirectly through the use of legal arrangements, or accrues gains from the transactions made under that entity. A public beneficial ownership register containing information on ownership structures and arrangements on all

legal entities (companies, trusts, foundations, limited liability partnerships, associations and cooperative societies) is, therefore, a key reform in the fight against tax avoidance and financial secrecy. It offers a robust system of checks and balances by targeting the source of these dubious activities. Guidelines on identifying individuals with significant influence should be translated into enforceable measures. Several developing countries such as Afghanistan, Ghana, Kenya, Nigeria, Indonesia and Ukraine have committed to come up with public beneficial ownership registries. India too must join consensus with such countries, and create a public beneficial ownership register of all legal entities in an open data format to ensure the highest standards on financial transparency.

Sakshi Rai  
NEW DELHI

### Errata

In the article “Kayasthas of Bengal: Legends, Genealogies, and Genetics” by Luca Pagani et al (25 November 2017), Figures 1, 4, 5 and 6 (pp 45, 50, 51) have been replaced with corrected figures.

In the article “The Courage to Challenge the Nuclear World Order” by M V Ramana and Zia Mian (2 December 2017), a part of the concluding paragraph (p 24) that was inadvertently omitted has been added to the article.

In the article “Aadhaar and Food Security in Jharkhand: Pain without Gain?” by Jean Drèze et al published in this issue, the figure “5%” (p 54, first paragraph) should have read as “4%.”

All errors have been corrected on the website.

*The errors are regretted.* — Ed

### EPW Engage

The following articles have been published in the past week in the EPW Engage section ([www.epw.in/engage](http://www.epw.in/engage)).

(1) “Performing” Misogyny, CRD?—*Aarti Wani*

Special Feature on **Power and Relationships in Academia**

(1) Sexual Harassment: The Conundrum of Law, Due Process, and Justice—*Monica Sakhrani*

(2) On Misreading the Dalit Critique of University Spaces—*Drishadwati Bargi*

(3) Towards Complex Feminist Solidarities after the List—Statement—*Gita Chadha*

(4) Sexual Harassment and the Limits of Speech—*Rukmini Sen*

(5) Caste—Gender Matrix and the Promise and Practice of Academia—*Varsha Ayyar*

(6) Revisiting Ethics of Care in Academic Lives—*Niharika Banerjee*

(7) Sexual Harassment? Is Endemic in Academic Spaces: An Insider’s Perspective—*Leena Pujari*

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