

BY SPEED POST

F.No.II/21022/58(0047)/2013-FCRA(MU)-461-1
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
FOREIGNERS DIVISION (FCRA Wing)

NDCC - II Building,
Off Jai Singh Road, Connaught Place,
New Delhi -110 001.

Dated: 2nd September, 2015

ORDER

- 2 SEP 2015

Whereas, Greenpeace India Society, New No. 47, Old No.22, 2nd Cross Street, Ellaiamman Colony, Gopalapuram, Chennai, Tamil Nadu - 600086 is registered under the Foreign Contribution (Regulation) Act, 1976 (now FCRA 2010) vide Regn No. 075901052R.

Whereas based on the information received and the scrutiny of records available prima-facie violations of provisions of FCRA, 2010 such as mixing of Foreign contribution with local contributions, incurring more than 50% of foreign contributions in administrative expenses and several other violations as stated hereunder were noticed, hence, it was decided to conduct on-site inspection of Greenpeace India Society;

Whereas, an on-site inspection of books of accounts & records of the Greenpeace India Society was conducted from 24th to 27th September, 2014 in the registered office of Greenpeace India Society at Chennai (Tamilnadu);

Whereas, upon inspection of books of accounts and records of Greenpeace India Society, major violations of FCRA, 2010 such as transfer of Foreign contribution from FCRA designated account to other accounts (violation of Section 17 of FCRA, 2010), under reporting of receipt of Foreign Contribution during the years 2007-08 to 2012-13, thereby making false statement, declaration or delivering false accounts (violation of Section 33 of FCRA, 2010), incurring more than 50 % expenditure on administrative expenses from Foreign contribution account (violation of Section 8(1)(b) of FCRA, 2010), involvement of the society in various activities (violation of Section 12(4)(f) (ii) and (iii) of FCRA, 2010) were found.

Whereas, a copy of the inspection report was served on Greenpeace India Society vide letter of even number dated November 28, 2014, inviting comments on the observations contained in the report;

Whereas, Greenpeace India Society submitted its response on the Inspection Report vide its letter dated December 20, 2014;

Whereas after careful examination of the above response to the inspection report, the FCRA Registration of Greenpeace India Society was suspended under Section 13 of FCRA 2010 and a Show Cause Notice under Section 14 of FCRA, 2010 was issued vide letter No. II/21022/58(0047)/2013-FCRA(MU) dated April 9, 2015;

Whereas, Greenpeace India Society submitted its reply to show-cause notice vide its letter dated May 7, 2015. Further, a representative of the Greenpeace India Society was called personally to explain the details of entries and transactions pertaining to source of FDRs etc. on 19th August, 2015. However, instead of clarifying the queries, the representative of the Greenpeace India Society preferred to reply that they have already answered the queries at different forum. Replies submitted and details provided by Greenpeace India Society were carefully examined and were not found satisfactory.

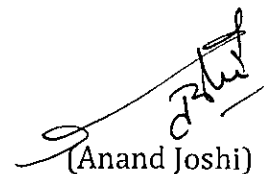
Whereas, following violations of Sections 7, 8(1)(a)(b), 9 (e) (i) & (ii), 12 (4) (f) (ii) and (iii), 17(1), 18(1) and Section 33 of FCRA 2010 and Rule 9(1)(a) & (e) of FCRR, 2011 were established, to have thus been committed by Greenpeace India Society :-

- (1) Transfer of various amounts of foreign contribution to other bank accounts from FCRA utilisation account example being Rs.1,92,00,000/- on 17.05.2012 and Rs.1,96,00,000/- on 17.05.2012 to other bank accounts in violation of Rule 9(1)(e) of FCRR, 2011.
- (2) Greenpeace India Society has under-reported and repeatedly mentioned incorrect amount of Foreign contribution received in violation of Section 33 of FCRA, 2010, the most glaring example being the FC opening balance for 2008-09, which was shown as Nil in the auditor' certificate; but was actually Rs.6,60,31,783/-, The Greenpeace India Society has admitted the same and claimed this to be a typographical error.
- (3) Greenpeace India Society has incurred more than 50% of the Foreign Contribution on administrative expenditure during financial year 2011-12 (88.72%) and 2012-13 (81.04%) without obtaining the prior approval of the Central Government in violation of Section 8(1)(b) of FCRA, 2010, which is also substantiated by the notice/orders issued by the Income Tax Department and subsequent payment of Rs.62.12 lakh by the Greenpeace India Society to the Income Tax Department;
- (4) Greenpeace India Society has funded legal costs, not only for seeking bail, but also for filing writ petitions of an associated Indian NGO and activists engaged by Greenpeace India Society, thereby violating Section 8(1)(a) of FCRA, 2010;
- (5) Greenpeace India Society has transferred foreign contribution of Rs.8,05,027/- during the financial year 2010-2011 to the employees of Greenpeace Environment Trust (GET), which is a separate Trust with a different PAN number in violation of Section 7 of the FCRA, which prohibits transfer of FC from an FCRA registered NGO to a non-FCRA registered NGO without the prior approval of the Central Government. In fact, this transfer of foreign contribution was also admitted by the Greenpeace India Society before the Income Tax Department during their scrutiny.

- (6) Greenpeace India Society has wilfully suppressed and not disclosed the payment of salary @ Euro 56,951.16 per annum by Greenpeace International to Greg Muttitt, a foreign Greenpeace activist, who worked on secondment with Greenpeace India Society in India for 5 ½ months from 15th September 2013 to 28 February 2014 and violated Section 33 of FCRA, 2010 by not reporting the details thereof in the returns filed to the Government;
- (7) It has been found that Greenpeace India Society has shifted the office and activities from Chennai, Tamil Nadu to Bengaluru, Karnataka without approval/ intimation of this Ministry, in violation of the undertaking and declaration given by the Greenpeace India Society in its application for registration under Rule 9(1)(a) of FC(R) Rules, 2011;
- (8) Greenpeace India Society as replaced 50% or more of the executive committee members without obtaining prior approval of this Ministry which is a violation of the undertaking and declaration given by Greenpeace India Society in its application for registration under Rule 9(1)(a) of FC(R) Rules, 2011; and
- (9) The information and evidence in possession of Government confirms that the acceptance of foreign contribution by Greenpeace India Society, New No.47 (Old No.22), 2nd Cross Street, Ellai Amman Colony, Gopalapuram, Chennai - 600086 (Tamilnadu) has prejudicially affected the public interest, in violation of Section 12 (4) (f) (iii) and has prejudicially affected the economic interest of the State in violation of Section 12 (4) (f)(ii) of FCRA, 2010.

Now, therefore, in exercise of the power conferred by Section 14 of the Foreign Contribution (Regulation) Act, 2010, the Central Government hereby cancels, the permanent registration of Greenpeace India Society (FCRA Registration No. 075901052R), New No. 47, Old No.22, 2nd Cross Street, Ellaiamman Colony, Gopalapuram, Chennai, Tamil Nadu - 600086.

This issues with approval of the Competent Authority.



(Anand Joshi)
Under Secretary to the Government of India.

Tel. 011-23438047.

To

The Chief Functionary,
Greenpeace India Society,
New No. 47, Old No. 22,
2nd Cross Street, Ellaiamman Colony,
Gopalapuram, Chennai
Tamilnadu-600086.