

By SPEED POST

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

NDCC – II Building, (Opposite Jantar Mantar)
Jai Singh Road, Connaught Place,
New Delhi – 110 001
Dated : 09 April, 2015

ORDER

Whereas, the association, **Greenpeace India Society, New No.47 (old No.22), 2nd cross Street, Ellai Amman colony, Gopalapuram, Chennai-600086, Tamil Nadu**, is registered under the Foreign Contribution (Regulation) Act, 2010 vide Regn No.075901052R;

Whereas, it has been found during an on-site inspection of accounts and records conducted on 24th to 27th September, 2014 that the association has first transferred Foreign Contribution received in the FCRA designated bank account to FCRA utilization account and from there to following five other bank accounts without informing authority concerned thus violating Rule 9(1) (e) of FCRR, 2011;

S. No.	Account No.	Credited from A/c	Debit to A/c No
1.	00510300000888 (IDBI Bank), FCRA designated Bank Account	Foreign Donors like Greenpeace International, Greenpeace Netherlands, Climate Works Foundation	005103000004169, 002284100000616, 0022840000002052
2.	002284000002052 Yes Bank FCRA utilization Bank Account	00510300000888 (FC account)	005103000004169 002284100000616 01569460000011

1.	005103000004169 (IDBI Bank, Chennai)	00510300000888 (FC account) 002284100000616, 002284000002052	002284100000616, 002283800005431, 01569460000011, 00510300000408 (Greenpeace Environment Trust)
2.	002284100000616 (Yes Bank)	00510300000888 (FC account) 005103000004169 002284000002052 002283800005431	005103000004169. 625401068671
3.	002283800005431 Yes Bank	005103000004169	002284100000616 01569460000011
4.	01569460000011 Yes Bank	005103000004169, 002284000002052 002283800005431 625401068671 (ICICI Bank)	625401068671 (ICICI Bank)
5.	625401068671 ICICI Bank	01569460000011 (Yes Bank)	01569460000011 (Yes Bank)

Whereas the association 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 FC opening balance for 2008-09, which was reported as Nil in the auditor's certificate but was actually Rs. 6,60,31,783/-.** GIS subsequently admitted the same and claimed it to be a typographical error;

Whereas the association has incurred more than 50% of the Foreign Contribution on administrative expenditure during financial year 2011-12 and 2012-13 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 GIS to the Income Tax Department;

Whereas the association has funded legal costs, not only for seeking bail, but also for filing writ petitions of an associated Indian NGO and activists of the association, thereby violating Section 8(1)(a) of FCRA, 2010 ;

Whereas the association has admitted before the Income Tax Department and as proved through the bank account scrutiny during inspection that in the financial year 2010-11, GIS paid Rs. 8,05,027/- 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;

Whereas the association has willfully 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 GIS 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;

Whereas it has also been found that the association has shifted the office and activities from Chennai, Tamil Nadu to Bengaluru, Karnataka without approval/intimation of this Ministry, in violation of the undertaking & declaration given by the association in its application for registration under Rule 9(1)(a) of FC(R) Rules, 2011;

Whereas the association has also replaced 50% or more of the executive committee members without obtaining prior approval of this Ministry which is a violation of the undertaking & declaration given by the association in its application for registration under Rule 9(1)(a) of FC(R) Rules, 2011.


And whereas, the Central Government having regard to the information and evidence in its possession is satisfied that the acceptance of foreign contribution by the said Association, **Greenpeace India Society, New No.47 (old No.22), 2nd cross Street, Ellai Amman colony, Gopalapuram, Chennai-600086, Tamil Nadu,** 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, which violates conditions of grant of Certificate of registration;

Now, therefore, in exercise of the power conferred by Section 13 of the Foreign Contribution (Regulation) Act, 2010, the Central Government hereby suspends, the registration under FCRA, 2010 of the association, **Greenpeace India Society, New No.47 (old No.22), 2nd cross Street, Ellai Amman colony, Gopalapuram, Chennai-600086, Tamil Nadu**, (including its branches and units) for a period of one hundred and eighty days with effect from the date of this order.

The said association may if it so desires, make a representation against the said Order, within thirty days of its receipt, to the Secretary, Ministry of Home Affairs, North Block, New Delhi.

This issues with the approval of competent authority.


9/4/15

(G.K. Dwivedi)

Joint Secretary to the Government of India
Tel No.011 23438034

To

The Chief Functionary,
Greenpeace India Society,
New No.47 (old No.22), 2nd cross Street,
Ellai Amman colony, Gopalapuram,
Chennai-600086, Tamil Nadu

Copy to:-

1. Branch Manager, IDBI Bank Limited, P.M. Towers, 37, Greams Road, Chennai, Tamil Nadu-600006. The foreign contribution in designated A/c No.00510300000888 and undeclared utilization A/c. No.005103000004169, maintained by Greenpeace India Society, New No. 47 (old No.22), 2nd cross Street, Ellai Amman Colony, Gopalapuram, Chennai-600086, Tamil Nadu, in your Bank Branch, may be freezed with immediate effect.
2. Branch Manager, Yes Bank, Kasturba Road, Bangalore. The foreign contribution in utilization A/c No.002284000002052, alongwith undeclared utilization A/c No.002283800005431, No.002284100000616 and No. 015694600000011 maintained by Greenpeace India Society, New No. 47 (old No.22), 2nd cross Street, Ellai Amman Colony, Gopalapuram, Chennai-600086, Tamil Nadu, in your Bank Branch, may be freezed with immediate effect.
3. Branch Manager, ICICI Bank Ltd., Chamrajpet, Bangalore. The Foreign Contribution in undeclared utilisation A/c No. 625401068671 maintained by Greenpeace India Society, New No. 47 (old No.22), 2nd cross Street, Ellai Amman Colony, Gopalapuram, Chennai-600086, Tamil Nadu, in your Bank Branch, may be freezed with immediate effect.

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4. Ms. Lily Vadera, Chief General Manager, Department of Banking Operations and Development, Reserve Bank of India, Central Office Building, 13th Floor, Shahid Bhagat Singh Marg, Mumbai - 400 001.

Ms

9/4/15

(G.K. Dwivedi)

Joint Secretary to the Government of India

Tel No.011 23438034