

## **Greenpeace's rebuttal to accusations listed on MHA's notice dated 2<sup>nd</sup> September**

***On August 19 a Greenpeace official was called to explain the NGOs replies on the show cause notice issued to it. The official, however, did not explain things and merely referred to the reply sent earlier.***

### **Greenpeace responds:**

The MHA asked for data that was not requested by the Court Order, for example detailed information about Greenpeace donors. In addition, all the other information was already presented to MHA, either during their inspection to our office or in the writ petition that was filed in the court. With respect to queries on the Fixed Deposits, Greenpeace representatives have provided detailed information, including proof of creation of each of the FDs from Indian donations.

***Greenpeace paid foreign activist Greg Muttitt a salary in Euros and did not report the details thereof in the returns filed to the Government.***

### **Greenpeace responds:**

To claim that Greenpeace India has paid Greg Muttitt approximately 56,000 Euros is patently false. Greg was in India on a short term deputation or secondment, while he continued to be on the payroll of Greenpeace International and was receiving his regular salary from them.

During his presence here, he only received amounts as reimbursement for expenses incurred on work (for example amounts spent on food, accommodation or travel). The salary he received from Greenpeace International for performing his job, does not fall under any of the definitions of articles/securities/currency needing to be declared under FCRA 2010.

***Greenpeace shifted the office and activities from Chennai to Bengaluru without approval of the Ministry in violation of the declaration given.***

### **Greenpeace responds:**

Greenpeace India Society is registered as a Society under the Tamil Nadu Societies Registration Act, 1975 with its registered office address at Chennai. Our registered office remains in Chennai. Like many companies and other organisations in India we have offices in many cities for carrying out our environmental protection programmes and the office at Bangalore is also a hub for many such programmes. This does not in any way amount to change of our registered office or a violation of the declaration given in the application for permanent registration. The address of the registered office is shown in the Annual Reports. In fact, the MHA has conducted an inspection of our records in the Chennai office. The extent of operations that an organisation should maintain in any location is a matter to be decided by the organisation.

***The association has under-reported and repeatedly mentioned incorrect amount of foreign contribution received. The most glaring example being Foreign Contribution opening balance for 2008-09, which was reported as Nil in the auditor's certificate but was actually Rs.6,60,31,783/-.***

### **Greenpeace responds:**

This is a misrepresentation of fact and is clearly intended to smear Greenpeace's reputation. Greenpeace India has provided detailed explanations for each of the differences which can be accessed here

[http://www.greenpeace.org/india/Global/india/2015/Frozen/Formal\\_response\\_to\\_show\\_cause\\_notice.pdf](http://www.greenpeace.org/india/Global/india/2015/Frozen/Formal_response_to_show_cause_notice.pdf). This specific example was a typo in the hard copy, but was correctly reported in the online submission and is also included in the closing balance of the very same report that the MHA is pointing to. The clerical error was in the hard copy alone. This goes to show that there was no intent to 'hide' any information as is being alleged. Ironically in the MHA's own notice to Greenpeace, the foreign contribution has been shown as Rs.20,89,661/-

instead of the correct figure of Rs.2,08,96,661/-. Goes to show that typographical errors do occur!

Section 33 can be invoked only if false intimation is given “knowingly” and it cannot apply to clerical errors or omissions where there is no falsity or wilful or deliberate act. Further an error with no ultimate impact on the reported figures - as is clearly the case in our reporting - cannot invite action under section 33.

***Greenpeace incurred more than 50% of Foreign Contribution on administrative expenditure without the prior approval of the Central Government and this is sustained by the orders issued by the income Tax Department***

**Greenpeace responds:**

The law regulating foreign contributions changed in 2010. The distinction between kinds of expenditure--administrative or otherwise, did not come about till 2011, but the MHA seems to apply it retrospectively, to expenditure that happened before 2011. Secondly, MHA has refused to show us on what basis they claim that over 50% of the foreign contribution is on administrative expenditure, despite several requests from us. Finally, it's clear to anyone who wants to look at our accounts that Greenpeace India did not spend more than 50% of its international funds on 'administrative' costs. Again, this is why the MHA needs to explain what it considers administrative costs and how it came to the conclusion that over 50% of the foreign contribution was used for such costs.

***Greenpeace funded legal costs, not only for seeking bail, but also for filing writ petitions of an associated Indian NGO.***

**Greenpeace responds:**

Greenpeace is a campaigning organisation that believes in taking nonviolent, peaceful direct action to expose environmental crimes, in the tradition of Gandhi. Globally and nationally, acts of bearing witness to and raising the alarm against environmental crimes are at the core of our work. This often involves legal costs and is something that our donors understand and accept. Greenpeace has only covered legal expenses for cases it has been directly involved in.

***Greenpeace transferred foreign contribution to employees of Greenpeace Environment Trust (GET), when it is prohibited to transfer funds from a registered FCRA NGO to a non FCRA registered NGO without the approval of the CG and that this was admitted by Greenpeace before the Income Tax Department.***

**Greenpeace responds:**

This is an absolutely ridiculous allegation without even an iota of a half-truth to back it up. This never happened, there are no records to prove that it did, we obviously never admitted to this before the IT Department. The Bank has made an error in transferring funds to GPET, but has reversed the entry, which we have shared in our response to the MHA. We have asked the MHA to clarify if there is any evidence to show that there is a transfer and they have failed to respond.

***Greenpeace transferred various amounts of foreign contribution to other bank accounts from FCRA utilisation account***

**Greenpeace responds:**

The allegations around transferring money between the FCRA designated account and local accounts fail to take into consideration the normal practice in many entities. All foreign money is received in a designated FCRA account. From there it is transferred to a designated FCRA utilisation account, from which payments are made. Some of these payments are to GP India's local accounts, either to make advance payments or to reimburse payments already made. This is standard accounting practice and is in no way a violation of the law.

***Greenpeace replaced 50% or more of the executive committee members without obtaining prior approval of the Ministry***

**Greenpeace responds:**

This is another example of the MHA clutching at straws. According to the law, if Greenpeace India were to change more than half of its Board members at one go we would have had to seek permission from the MHA. But we did not do that. Over the last 10+ years, our board has undergone personnel changes, but we have never changed more than half the Board at one go.