

GREENPEACE INDIA REBUTTAL TO ED SUBMISSION TO BANGALORE HC

In its statement to the Bangalore HC dated Nov 2, 2018, the ED has made several false allegations against Greenpeace India, with absolutely no evidence, to justify its freezing of Greenpeace bank accounts and harassment of staff. Despite producing no evidence, the ED insists it is within its power under law to freeze all of Greenpeace India's bank accounts even as it carries out its investigation. Greenpeace India has sought relief before the Bangalore High Court and the court in its interim order dated Nov 14th, 2018 permitted Greenpeace India to access its funds to pay salaries, recurring expenses and statutory dues.

The key contentions that the ED has made before the Bangalore HC, and GP India's response, are below:

1. *ED allegation: Greenpeace India is receiving foreign funds from Greenpeace International via Direct Dialogues Initiatives India Pvt Ltd.*

Greenpeace India response: This is completely false and as a reading of the ED's own submission to the court dated 2/11/2018 shows, the ED has no evidence to back this statement up, despite all bank records being transparently shared by Greenpeace India with the enforcement authorities. To reiterate, Greenpeace India has engaged DDIIPL as a service provider/vendor to raise funds for GP India based on a commercial agreement which is renewed annually. DDIIPL is an agency whom GP India has engaged to do fundraising. All the money donated by our supporters comes to GP account directly through account transfers from Indian donors located in India.

2. ED allegation: That GP India has violated FEMA, 1999.

Greenpeace India response: Again, the ED has provided no evidence of any FEMA violation. The ED itself has stated that investigations are underway, and has used this pretext to starve GP India of the funds donated by Indian citizens that are needed to pay salaries and undertake programmes pertaining to tackling air pollution, promoting clean energy and healthy food – each of which are, ironically, stated priorities of the central government!

It must be stressed that GP India's bank accounts were frozen on 5th October 2018 after an inspection of records (carried out without any search warrant) by the ED on 5th

October 2018. Till today, GP India has yet to receive any notice, search warrant, summons or enquiry from the ED.

3. ED allegation: That the money in the frozen bank accounts is illegitimate income. Again, the ED has made a wild allegation with no substantiation or evidence. The money in the bank accounts in question has been donated by over 50,000 Indian supporters, via credit/debit card payments with a clear paper trail. – individuals who support Greenpeace India's efforts to ensure clean air, healthy forests, clean energy and safe food for all. This money has been raised in complete compliance with all applicable Indian laws.

4. ED allegation: That salaries are being shown as paid to fictitious employees and the money is actually being used for 'other purposes.'

This is perhaps the wildest allegation made by the ED. It is also a sad testament to the political nature of this witch hunt that a premier law enforcement agency is being forced to make wild and easily disproven allegations such as this. GP India's staff records are clear and unambiguous. TDS and provident fund payments etc are paid for all staff, records that are easily verifiable. Greenpeace looks forward to submitting all such evidence before the Bangalore HC.

5. ED allegation: That GP India is also receiving foreign funds in foreign currency.

Again, this allegation is easily disproved by bank statements and accounts that are a matter of record. Ever since the cancellation of Greenpeace India's FCRA license by the Ministry of Home Affairs in February 2015, which is being challenged in court, Greenpeace India has only received money from Indian citizens, in Indian currency.

6. ED claim: Freezing of all GP India accounts and money therein is essential for its ongoing investigation

The Hon HC of Bangalore has rejected this contention, permitting Greenpeace India to make salary, recurring payments and statutory dues upon furnishing of a bank guarantee. Again, the fact that the ED is blocking all GP India's accounts in the absence of any substantiated violation of the law is disturbing.