

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION NO. 1178

TO BE ANSWERED ON THE 09TH DECEMBER, 2015/AGRAHAYANA 18, 1937 (SAKA)

CANCELLATION OF REGISTRATION OF A GLOBAL ENVIRONMENT GROUP

1178. SHRIMATI WANSUK SYIEM:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the registration of a global environment group has been withdrawn by the competent authority;

(b) whether the cancellation of the registration follows findings of violations of Foreign Contributions Regulation Act (FCRA) and alleged activities against national interest;

(c) whether the group was given an opportunity for placing its version on Government's allegations as ordered by the Hon'ble High Court of Madras; and

(d) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)

(a) to (d): The acceptance and utilization of foreign contribution is regulated under Foreign Contribution (Regulation) Act, 2010 (FCRA) and Foreign Contribution (Regulation) Rule, 2011 (FCRR) framed thereunder. FCRA and FCRR came into force with effect from 01.05.2011. They provide for procedure to grant registration and prior permission for receipt of foreign contribution and its utilization, maintenance of accounts, inspection of accounts of the association, etc. They also prescribe various offences and penalties that may be imposed, including suspension and cancellation of registration in case of violation of the provisions of FCRA and FCRR.

Expeditious action is taken as and when adverse inputs of violations of provisions of the Act are received against any association. Recently, during the course of the inspection following major violations were noticed against an Association, called Green Peace India Society:

(a) Transferred Foreign contribution to other than FCRA designated bank accounts in violation of Section 17 of FCRA, 2010.

(b) Under reported and repeatedly mentioned incorrect amount of Foreign Contribution received in violation of Section 33 of FCRA, 2010.

(c) Incurring more than of 50% the Foreign Contribution on administrative expenditure in violation of section 8(1)(b) of FCRA, 2010.

(d) Replacement of 50% or more of the executive committee members without obtaining prior approval of Ministry of Home Affairs which is a violation of the undertaking & declaration given by the association in its application for registration under Rule 9(1)(a) of FCR Rules, 2011.

(e) Foreign NGO funding legal costs not only of bail, but also of writ petitions etc. of Indian NGO's and their activists', thereby violating Section 8(1)(a) of FCRA, 2010

(f) Shifting of office and activities from one city to other city without approval/intimation of the Ministry of Home Affairs, violation of Rule 9(1)(a) of FCR Rules, 2011.

(g) Transferred foreign contribution to a non-FCRA registered NGO by payment of salary of its employees which amounts to violation of Section 7 of FCRA, 2010.

(h) suppressed and not disclosed payment of salary by foreign NGO to a foreign activists who worked on secondment which is a violation of Section 33 of FCRA, 2010.

The above violations were communicated to the association for their comments. After receipt of the comments from the association, the matter was examined in the Ministry and subsequently, the registration granted to the association under Foreign Contribution (Regulation) Act, 2010 was suspended on 09th April, 2015 for 180 days and a show cause notice was issued to the association as to why its registration should not be cancelled. The enquiry was conducted following due process of law and giving multiple opportunities to the delinquent Association to present their case. After detailed examination of all material evidence on record, it was established that the said Association had violated the provisions of FCRA, 2010 and as per Section 14 of the Foreign Contribution (Regulation) Act, 2010, the FCRA registration of Greenpeace India Society (FCRA Registration No. 075901052(R), Chennai, Tamil Nadu- 600086 was cancelled on 2.09. 2015. Green Peace India Society filed Writ Petition no. 29320/2015 on 16.09.2015 in Madras High Court against the cancellation order and Hon'ble Court vide order dated 01.10.2015 directed that Writ Petition may be converted into an Appeal before the appropriate court under section 31 of FCRA, 2010.