

Highlights from the Keynote Address of Shri Dipak Misra, Former Chief Justice, Supreme Court of India

Shri Dipak Misra, Former Chief Justice of India, in his keynote address, stated that the Reserve Bank – Integrated Ombudsman Scheme, 2021 seeks to resolve the grievances of customers speedily and cost effectively. He also noted that the Scheme has simplified the process of lodging complaints and the limitations prescribed for filing the complaint are reasonable. He highlighted the significant aspects of the Scheme such as broadening the facet of deficiency in service, engrafting the concept of centralisation, stipulation of responsibilities of regulated entities and emphasis on procedural justness. He also stressed the necessity of customer awareness about the Scheme and its benefits viz. filing of complaint from anywhere, automatic acknowledgement on registration of online complaint, facility for real-time tracking of the status of complaint, and closure communication intimating the decision of the Ombudsman.

Referring to various court orders, he stated that the nature of functioning of an Ombudsman is quasi-judicial and as such natural justice is a key element of adjudication of customer grievances by the Ombudsman. Calling the principles of natural justice, the *elan vital* of any adjudicatory process, he highlighted the obligation of the Ombudsman to adhere to the principles of natural justice. Alluding to a few orders of Hon'ble Courts and experiences from his career, he emphasized that qualities such as fairness, independence, impartiality, humaneness, and absence of bias etc., are *sine qua non* for an Ombudsman while handling customer grievances.

He also referred to the Internal Ombudsman mechanism put in place by the Reserve Bank for the Regulated Entities and stated that the framework conceives the delineation of the consumer grievances by an independent mechanism so that the faith in the banking system is enhanced and justness of the decision is reflected.

Further, he opined that the Ombudsman should possess certain essential qualities viz. (i) adequately articulate, (ii) persuasive but not provocative, (iii) should be in position to understand the facts of the situation, (iv) possess the Roman appetite for reality and reason, (v) should have a virtue of “intellectual economy” and abandon any pre-

conceived notions, (vi) adherence to the principles of natural justice, (vii) striving for settlement of disputes and discuss the method of settlement with immense poise (viii) adoptable and innovative in the attitude, the attention and advertence with changing times, (ix) absence of bias, and (x) should know the banking laws, regulations and guidelines.