

**DEPUTY GOVERNOR**

**THE BANKING OMBUDSMAN SCHEME 2006**

**NOTIFICATION**

Ref.CSD.BOS.No. 4736/13.01.01/2008-09

February 3, 2009

In exercise of the powers conferred by Section 35A of the Banking Regulation Act, 1949 (10 of 1949) and in partial modification of its Notification Ref.RPCD.BOS.No.441/13.01.01/2005-06 dated December 26, 2005, and CSD.BOS 4638/13.01.01/2006-07 dated May 24, 2007 Reserve Bank of India hereby amends the Banking Ombudsman Scheme 2006 to the extent specified in the Annex hereto. The Reserve Bank hereby directs that all commercial banks, regional rural banks and scheduled primary co-operative banks shall comply with the Banking Ombudsman Scheme, 2006 as amended hereby.

2. The amendments in the Scheme shall come into force from February 3, 2009

**(Usha Thorat)**

**Amendments to the Banking Ombudsman Scheme, 2006**

1. In the Banking Ombudsman Scheme, 2006 (hereinafter referred to as the 'principal scheme', sub paragraph (1) of paragraph 8 shall be substituted by the following, namely, -

"(1) Any person may file a complaint with the Banking Ombudsman having jurisdiction on any one of the following grounds alleging deficiency in banking including internet banking or other services."

2. In the principal scheme, clauses (g) and (j) in sub paragraph (1) of paragraph 8 shall be omitted.

3. In the principal scheme, sub paragraph (1) of paragraph 8 after clause (r), the following clauses (s) & (t) shall be inserted: -

"(s) non-adherence to the provisions of the Code of Bank's Commitments to Customers issued by Banking Codes and Standards Board of India and as adopted by the bank;"

"(t) non-observance of Reserve Bank guidelines on engagement of recovery agents by banks; and"

4. In the principal scheme, Clauses (d) and (e) in sub paragraph (2) of paragraph 8, the following shall be substituted: -

"(d) non-adherence to the provisions of the fair practices code for lenders as adopted by the bank or Code of Bank's Commitment to Customers, as the case may be;"

"(e) non-observance of Reserve Bank guidelines on engagement of recovery agents by banks; and"

5. In the principal scheme, the existing clause (d) in sub paragraph (2) of paragraph 8 may be renumbered as clause (f);

6. In the principal scheme, the proviso to sub paragraph (1) of paragraph 9, the following shall be substituted: -

"Provided that a complaint arising out of the operations of credit cards and other types of services with centralized operations, shall be filed before the Banking Ombudsman within whose territorial jurisdiction the billing address of the customer is located."

7. In the principal scheme, clauses (c) and (d) of sub paragraph (3) of paragraph 9, the following shall be substituted: -

"(c) the complaint is not in respect of the same cause of action which was settled or dealt with on merits by the Banking Ombudsman in any previous proceedings whether or not received from the same complainant or along with one or more complainants or one or more of the parties concerned with the cause of action;"

"(d) the complaint does not pertain to the same cause of action, for which any proceedings before any court, tribunal or arbitrator or any other forum is pending or a decree or Award or order has been passed by any such court, tribunal, arbitrator or forum;"

8. In the principal scheme, sub paragraph (4) of paragraph 12, the following shall be substituted -

"(4) The award passed under sub clause (1) shall contain the direction/s, if any, to the bank for specific performance of its obligations and in addition to or otherwise, the amount, if any, to be paid by the bank to the complainant by way of compensation for any loss suffered by the complainant, arising directly out of the act or omission of the bank."

9. In the principal scheme, clause (6) of sub paragraph (1) of paragraph 12, the following shall be substituted -

" 6) In the case of complaints, arising out of credit card operations, the Banking Ombudsman may also award compensation not exceeding Rs 1 lakh to the complainant, taking into account the loss of the complainant's time, expenses incurred by the complainant, harassment and mental anguish suffered by the complainant."

10. In the principal scheme, in the place of paragraph 13, the following shall be substituted

**"13. REJECTION OF COMPLAINT**

The Banking Ombudsman may reject a complaint at any stage if it appears to him that the complaint made is;

- a) not on the grounds of complaint referred to in clause 8 or otherwise not in accordance with sub clause (3) of clause 9 or
- b) beyond the pecuniary jurisdiction of the Banking Ombudsman prescribed under sub clauses (5) and (6) of clause 12 or
- c) requiring consideration of elaborate documentary and oral evidence and the proceedings before the Banking Ombudsman are not appropriate for adjudication of such complaint; or
- d) without any sufficient cause; or
- e) that it is not pursued by the complainant with reasonable diligence; or
- f) in the opinion of the Banking Ombudsman there is no loss or damage or inconvenience caused to the complainant."

11. In the principal scheme, sub paragraph (1) of paragraph 14, in the place of words 'clauses (c) to (g)' 'clauses (d) to (f)' shall be substituted.

12. In the principal scheme, sub paragraphs (1), (2) and (3) of paragraph 15 shall be substituted as follows: -

"(1) The banks covered by the Scheme shall ensure that the purpose of the Scheme and the contact details of the Banking Ombudsman to whom the complaints are to be made by the aggrieved party are displayed prominently in all the offices and branches of the bank in such manner that a person visiting the office or branch has adequate information of the Scheme."

"(2) The banks covered by the Scheme shall ensure that a copy of the Scheme is available with the designated officer of the bank for perusal in the office premises of the bank, if anyone, desires to do so and notice about the availability of the Scheme with such designated officer shall be displayed along with the notice under sub-clause (1) of this clause and shall place a copy of the Scheme on their websites."

"(3) The banks covered by the Scheme shall appoint Nodal Officers at their Regional/Zonal Offices and inform the respective Office of the Banking Ombudsman under whose jurisdiction the Regional/Zonal Office falls. The Nodal Officer so appointed shall be responsible for representing the bank and furnishing information to the Banking Ombudsman in respect of complaints filed against the bank. Wherever more than one zone/region of a bank are falling within the jurisdiction of a Banking Ombudsman, one of the Nodal Officers shall be designated as the 'Principal Nodal Officer' for such zones or regions."

13. In the principal scheme, Annex 'A' shall be substituted as follows: -

**FORM OF COMPLAINT (TO BE LODGED) WITH THE BANKING OMBUDSMAN  
(TO BE FILLED UP BY THE COMPLAINANT)**

To:

*The Banking Ombudsman*

Place of BO's office.....)

Dear Sir,

Sub: Complaint against .....(Name of the bank's branch) of  
.....(Name of  
the Bank)

Details of the complaint are as under:

1. Name of the Complainant .....

2. Full Address of the Complainant .....

.....

.....

Pin Code .....

Phone No/ Fax No. ....

Email .....

3. Complaint against (Name and full  
address of the branch/bank) .....

.....

Pin Code .....

Phone No. / Fax No. ....

4. Particulars of Bank or Credit card Account (If any)  
*(Please state the number and the nature of account viz. Savings bank/current/cash  
credit/term deposit/loan account etc. related to subject matter of the complaint  
being made)*  
.....

5. (a) Date of representation already made by the complainant to the bank  
*(Please enclose a copy of the representation)*  
.....

(b) Whether any reminder was sent by the complainant? YES/NO

*(Please enclose a copy of the reminder)*

6. Subject matter of the complaint *(Please refer to Clause 8 of the Scheme)*

.....  
.....

7. Details of the complaint:

*(If space is not sufficient, please enclose separate sheet)*

.....  
.....  
.....

8. Whether any reply (Within a period of one month after the bank concerned received the representation) has been received from the bank? Yes/ No

*(If yes, please enclose a copy of the bank's reply )*

9. Nature of Relief sought from the Banking Ombudsman

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*(Please enclose a copy of documentary proof, if any, in support of your claim)*

10. Nature and extent of monetary loss, if any, claimed by the complainant by way of compensation Rs.....

*(please refer to clauses 12 (5) & 12 (6) of the Scheme)*

11. List of documents enclosed:

*(Please enclose a copy of all the documents)*

12. Declaration:

(i) I/ We , the complainant/s herein declare that:

- a) the information furnished herein above is true and correct; and
- b) I/ We have not concealed or misrepresented any fact stated in the above columns and in the documents submitted herewith.

(ii) The complaint is filed before expiry of period of one year reckoned in accordance with the provisions of Clause 9(3)(a) and (b) of the Scheme.

- (iii) The subject matter of the present complaint has never been brought before the Office of the Banking Ombudsman by me/ us or by any of the parties concerned with the subject matter to the best of my/ our knowledge.
- (iv) The subject matter of the present complaint has not been decided by/pending with any forum/court/arbitrator.
- (v) I/We authorise the bank to disclose any such information/ documents furnished by us to the Banking Ombudsman and disclosure whereof in the opinion of the Banking Ombudsman is necessary and is required for redressal of our complaint.
- (vi) I/We have noted the contents of the Banking Ombudsman Scheme, 2006.

Yours faithfully,

(Signature of Complainant)

**NOMINATION** – (If the complainant wants to nominate his representative to appear and make submissions on his behalf before the Banking Ombudsman or to the Office of the Banking Ombudsman, the following declaration should be submitted.)

I/We the above named complainant/s hereby nominate Shri/Smt..... who is not an Advocate and whose address is

..... as my/our REPRESENTATIVE in all proceedings of this complaint and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

ACCEPTED

(Signature of Representative)

(Signature of Complainant)

Note: If submitted online, the complaint need not be signed.

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1. As amended vide latest notification