

THE RESERVE BANK - INTEGRATED OMBUDSMAN SCHEME, 2021

A Scheme for resolving customer grievances in relation to services provided by entities regulated by Reserve Bank of India in an expeditious and cost-effective manner under Section 35A of the Banking Regulation Act, 1949 (10 of 1949), Section 45L of the Reserve Bank of India Act, 1934 (2 of 1934) and Section 18 of the Payment and Settlement Systems Act, 2007 (51 of 2007).

CHAPTER I

PRELIMINARY

1. Short Title, Commencement, Extent and Application

- (1) This Scheme may be called the Reserve Bank - Integrated Ombudsman Scheme, 2021.
- (2) It shall come into force on such date as the Reserve Bank may specify.
- (3) It shall extend to the whole of India.
- (4) The Scheme shall apply to the services provided by a Regulated Entity in India to its customers under the provisions of the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949, and the Payment and Settlement Systems Act, 2007.

2. Suspension of the Scheme

- (1) The Reserve Bank, if it is satisfied that it is expedient so to do, may by order suspend for such period as may be specified in the order, the operation of all or any of the clauses of the Scheme, either generally or in relation to any specified Regulated Entity.
- (2) The Reserve Bank may, by order, extend from time to time, the period of any suspension ordered as aforesaid by such period, as it may deem fit.

3. Definitions

- (1) In the Scheme, unless the context otherwise requires:
 - (a) "Appellate Authority" means the Executive Director in-Charge of the Department of the Reserve Bank administering the Scheme;
 - (b) "Appellate Authority Secretariat" means the Department in the Reserve Bank which is administering the Scheme;

(c) "Authorised Representative" means a person, other than an advocate, duly appointed and authorised in writing to represent the complainant in the proceedings before the Ombudsman;

(d) "Award" means an award passed by the Ombudsman in accordance with the Scheme;

(e) "bank" means a 'banking company', a 'corresponding new bank', a 'Regional Rural Bank', 'State Bank of India' as defined in the Banking Regulation Act, 1949, a 'co-operative bank' as defined in Section 56 (c) of the Banking Regulation Act, 1949 to the extent not excluded under the Scheme, but does not include a bank in resolution or winding up or under directions or any other bank as specified by the Reserve Bank;

(f) "Complaint" means a representation in writing or through other modes alleging deficiency in service on the part of a Regulated Entity, and seeking relief under the Scheme;

(g) "Deficiency in service" means a shortcoming or an inadequacy in any financial service, which the Regulated Entity is required to provide statutorily or otherwise, which may or may not result in financial loss or damage to the customer;

(h) "Deputy Ombudsman" means any person appointed by the Reserve Bank as such under the Scheme;

(i) "Non-Banking Financial Company" (NBFC) means an NBFC as defined in Section 45-I (f) of the Reserve Bank of India Act, 1934 and registered with the Reserve Bank, to the extent not excluded under the Scheme, but does not include a Core Investment Company (CIC), an Infrastructure Debt Fund-Non-Banking Financial Company (IDF-NBFC), a Non-Banking Financial Company - Infrastructure Finance Company (NBFC-IFC), a company in resolution or winding up/liquidation, or any other NBFC specified by the Reserve Bank;

Explanation: The terms CIC and IDF-NBFC shall have the same meaning assigned to them under the RBI Directions.

(j) "Regulated Entity" means a bank or a Non-Banking Financial Company or a System Participant as defined in the Scheme, or any other entity as may be specified by the Reserve Bank from time to time; to the extent not excluded under the Scheme;

(k) "Settlement" means an agreement reached by the parties to the complaint by facilitation or conciliation or mediation, as per the provisions of this Scheme;

(l) "System Participant" means a person other than the Reserve Bank and a System Provider, participating in a payment system as defined in the Payment and Settlement Systems Act, 2007;

(m) "System Provider" means and includes a person who operates an authorised payment system as defined in Section 2 of the Payment and Settlement Systems Act, 2007;

(n) "The Reserve Bank" means Reserve Bank of India constituted under Section 3 of the Reserve Bank of India Act, 1934.

(2) Words and expressions used and not defined in the Scheme, but defined in the Reserve Bank of India Act, 1934, or in the Banking Regulation Act, 1949, or in the Payment and Settlement Systems Act, 2007 or in the Regulations or guidelines or Directions issued by the Reserve Bank in exercise of its powers conferred by the Acts referred to herein above, shall have the meanings respectively assigned to them.

CHAPTER II

OFFICES UNDER THE RESERVE BANK - INTEGRATED OMBUDSMAN SCHEME, 2021

4. Appointment and Tenure of Ombudsman and Deputy Ombudsman

(1) The Reserve Bank may appoint one or more of its officers as Ombudsman and Deputy Ombudsman, to carry out the functions entrusted to them under the Scheme.

(2) The appointment of Ombudsman or the Deputy Ombudsman, as the case may be, shall be made for a period not exceeding three years at a time.

5. Location of the Office of the Ombudsman

(1) The offices of the Ombudsman shall be at such places as may be specified by the Reserve Bank.

(2) In order to expedite disposal of the complaints, the Ombudsman may hold sittings at such places and in such manner as may be considered necessary and proper in respect of a complaint.

6. Establishment of a Centralised Receipt and Processing Centre

(1) The Reserve Bank shall establish the Centralised Receipt and Processing Centre at any place as may be decided by it to receive the complaints filed under the Scheme and process them.

(2) The complaints under the Scheme made online shall be registered on the portal (<https://cms.rbi.org.in>). Complaints in electronic mode (E-mail) and physical form, including postal and hand-delivered complaints, shall be addressed and sent to the place where the Centralised Receipt and Processing Centre of the Reserve Bank is established, for scrutiny and initial processing.

Provided that the complaints that are received directly in any of the offices of the Reserve Bank shall be forwarded to the Centralised Receipt and Processing Centre for further action.

7. Staffing of the Offices of Ombudsman and Centralised Receipt and Processing Centre

The Reserve Bank shall ensure that the offices of the Ombudsman and the Centralised Receipt and Processing Centre are adequately staffed and shall bear the cost thereof.

CHAPTER III

POWERS AND FUNCTIONS OF THE OMBUDSMAN

8. Powers and Functions

(1) The Ombudsman/Deputy Ombudsman shall consider the complaints of customers of Regulated Entities relating to deficiency in service.

(2) There is no limit on the amount in a dispute that can be brought before the Ombudsman for which the Ombudsman can pass an Award. However, for any consequential loss suffered by the complainant, the Ombudsman shall have the power to provide a compensation up to Rupees 20 lakh, in addition to, up to Rupees One lakh for the loss of the complainant's time, expenses incurred and for harassment/mental anguish suffered by the complainant.

(3) While the Ombudsman shall have the power to address and close all complaints, the Deputy Ombudsman shall have the power to close those complaints falling under clause 10 of the Scheme and complaints settled through facilitation as stated under clause 14 of the Scheme.

(4) The Ombudsman shall send to the Deputy Governor, Reserve Bank of India, a report, as on March 31st every year, containing a general review of the activities of the office during the preceding financial year, and shall furnish such other information as the Reserve Bank may direct.

(5) The Reserve Bank may, if it considers necessary in the public interest to do so, publish the report and the information received from the Ombudsman in such consolidated form or otherwise, as it may deem fit.

CHAPTER IV

PROCEDURE FOR REDRESSAL OF GRIEVANCE UNDER THE SCHEME

9. Grounds of Complaint

Any customer aggrieved by an act or omission of a Regulated Entity resulting in deficiency in service may file a complaint under the Scheme personally or through an authorised representative as defined under clause 3(1)(c).

10. Grounds for non-maintainability of a Complaint

(1) No complaint for deficiency in service shall lie under the Scheme in matters involving:

- (a) commercial judgment/commercial decision of a Regulated Entity;
- (b) a dispute between a vendor and a Regulated Entity relating to an outsourcing contract;
- (c) a grievance not addressed to the Ombudsman directly;
- (d) general grievances against Management or Executives of a Regulated Entity;
- (e) a dispute in which action is initiated by a Regulated Entity in compliance with the orders of a statutory or law enforcing authority;
- (f) a service not within the regulatory purview of the Reserve Bank;
- (g) a dispute between Regulated Entities; and
- (h) a dispute involving the employee-employer relationship of a Regulated Entity.

(2) A complaint under the Scheme shall not lie unless:

- (a) the complainant had, before making a complaint under the Scheme, made a written complaint to the Regulated Entity concerned and -
 - (i) the complaint was rejected wholly or partly by the Regulated Entity, and the complainant is not satisfied with the reply; or the complainant had not received any reply within 30 days after the Regulated Entity received the complaint; and
 - (ii) the complaint is made to the Ombudsman within one year after the complainant has received the reply from the Regulated Entity to the

complaint or, where no reply is received, within one year and 30 days from the date of the complaint.

- (b) the complaint is not in respect of the same cause of action which is already-
 - (i) pending before an Ombudsman or settled or dealt with on merits, by an Ombudsman, whether or not received from the same complainant or along with one or more complainants, or one or more of the parties concerned;
 - (ii) pending before any Court, Tribunal or Arbitrator or any other Forum or Authority; or, settled or dealt with on merits, by any Court, Tribunal or Arbitrator or any other Forum or Authority, whether or not received from the same complainant or along with one or more of the complainants/parties concerned;
- (c) the complaint is not abusive or frivolous or vexatious in nature;
- (d) the complaint to the Regulated Entity was made before the expiry of the period of limitation prescribed under the Limitation Act, 1963, for such claims;
- (e) the complainant provides complete information as specified in clause 11 of the Scheme;
- (f) the complaint is lodged by the complainant personally or through an authorised representative other than an advocate unless the advocate is the aggrieved person.

Explanation 1: For the purposes of sub-clause (2)(a), 'written complaint' shall include complaints made through other modes where proof of having made a complaint can be produced by the complainant.

Explanation 2: For the purposes of sub-clause (2)(b)(ii), a complaint in respect of the same cause of action does not include criminal proceedings pending or decided before a Court or Tribunal or any police investigation initiated in a criminal offence.

11. Procedure for Filing a Complaint

- (1) The complaint may be lodged online through the portal designed for the purpose (<https://cms.rbi.org.in>).
- (2) The complaint may also be submitted through electronic or physical mode to the Centralised Receipt and Processing Centre as notified by the Reserve Bank. The complaint, if submitted in physical form, shall be duly signed by the complainant or by

the authorised representative. The complaint shall be submitted in electronic or physical mode in such format and containing such information as may be specified by Reserve Bank.

12. Initial Scrutiny of Complaints

(1) Complaints which are in the nature of offering suggestions or seeking guidance or explanation shall not be treated as valid complaints under the Scheme and shall be closed accordingly with a suitable communication to the complainant.

(2) Complaints which are non-maintainable under clause 10 shall be separated to issue a suitable communication to the complainant.

(3) The remaining complaints shall be assigned to the offices of the Ombudsman for further examination under intimation to the complainant. A copy of the complaint shall also be forwarded to the Regulated Entity against whom the complaint is filed with a direction to submit its written version.

13. Power to Call for Information

(1) The Ombudsman may, for the purpose of carrying out duties under this Scheme, require the Regulated Entity against whom the complaint has been made or any other Regulated Entity which is a party to the dispute to provide any information or furnish certified copies of any document relating to the complaint which are or is alleged to be in its possession.

Provided that in the event of failure of a Regulated Entity to comply with the requisition without sufficient cause, the Ombudsman may draw an inference that the Regulated Entity has no information to furnish.

(2) The Ombudsman shall maintain confidentiality of the information or the documents coming to its knowledge or possession in the course of discharging duties and shall not disclose such information or documents to any person except as otherwise required by law, or with the consent of the person furnishing such information or documents.

Provided that nothing in this sub-clause shall prevent the Ombudsman from disclosing information or documents furnished by the parties to the proceedings to each other, to the extent considered necessary to comply with the principles of natural justice and fair play:

Provided further that provisions of this sub-clause shall not apply in relation to the disclosure made or information furnished by the Ombudsman to the Reserve Bank or filing thereof before any Court, Forum or Authority.

14. Resolution of Complaints

(1) The Ombudsman/Deputy Ombudsman shall endeavour to promote settlement of a complaint by agreement between the complainant and the Regulated Entity through facilitation or conciliation or mediation.

(2) The proceedings before the Ombudsman shall be summary in nature and shall not be bound by any rules of evidence. The Ombudsman may examine either party to the complaint and record their statement.

(3) The Regulated Entity shall, on receipt of the complaint, file its written version in reply to the averments in the complaint enclosing therewith copies of the documents relied upon, within 15 days before the Ombudsman for resolution.

Provided that the Ombudsman may, at the request of the Regulated Entity in writing to the satisfaction of the Ombudsman, grant such further time as may be deemed fit to file its written version and documents.

(4) In case the Regulated Entity omits or fails to file its written version and documents within the time as provided in terms of sub-clause (3), the Ombudsman may proceed *ex-parte* based on the evidence available on record and pass appropriate Order or issue an Award. There shall be no right of appeal to the Regulated Entity in respect of the Award issued on account of non-response or non-furnishing of information sought within the stipulated time.

(5) The Ombudsman/Deputy Ombudsman shall ensure that the written version or reply or documents filed by one party, to the extent relevant and pertaining to the complaint, are furnished to other party and follow such procedure and provide additional time as may be considered appropriate.

(6) In case the complaint is not resolved through facilitation, such action as may be considered appropriate, including a meeting of the complainant with the officials of Regulated Entity, for resolution of the complaint by conciliation or mediation may be initiated.

(7) The parties to the complaint shall cooperate in good faith with the Ombudsman/Deputy Ombudsman, as the case may be, in resolution of the dispute

and comply with the direction for production of any evidence and other related documents within the stipulated time.

(8) If any amicable settlement of the complaint is arrived at between the parties, the same shall be recorded and signed by both the parties and thereafter, the fact of settlement may be recorded, annexing thereto the terms of settlement, directing the parties to comply with the terms within the stipulated time.

(9) The complaint would be deemed to be resolved when:

(a) it has been settled by the Regulated Entity with the complainant upon the intervention of the Ombudsman; or

(b) the complainant has agreed in writing or otherwise (which may be recorded) that the manner and the extent of resolution of the grievance is satisfactory; or

(c) the complainant has withdrawn the complaint voluntarily.

15. Award by the Ombudsman

(1) Unless the complaint is rejected under clause 16, the Ombudsman shall pass an Award in the event of:

(a) non-furnishing of documents/information as enumerated in clause 14(4); or

(b) the matter not getting resolved under clause 14(9) based on records placed, and after affording a reasonable opportunity of being heard to both the parties.

(2) The Ombudsman shall also take into account, in addition, the principles of banking law and practice, directions, instructions and guidelines issued by the Reserve Bank from time to time and such other factors as may be relevant, before passing a reasoned Award.

(3) The Award shall contain, *inter alia*, the direction, if any, to the Regulated Entity for specific performance of its obligations and in addition to or otherwise, the amount, if any, to be paid by the Regulated Entity to the complainant by way of compensation for any loss suffered by the complainant.

(4) Notwithstanding anything contained in sub-clause (3), the Ombudsman shall not have the power to pass an Award directing payment by way of compensation, an amount which is more than the consequential loss suffered by the complainant or Rupees 20 lakh whichever is lower. The compensation that can be awarded by the Ombudsman shall be exclusive of the amount involved in the dispute.

(5) The Ombudsman may also award a compensation not exceeding Rupees one lakh to the complainant, taking into account the loss of the complainant's time, expenses incurred, harassment and mental anguish suffered by the complainant.

(6) A copy of the Award shall be sent to the complainant and the Regulated Entity.

(7) The Award passed under sub-clause (1) shall lapse and be of no effect unless the complainant furnishes a letter of acceptance of the Award in full and final settlement of the claim to the Regulated Entity concerned, within a period of 30 days from the date of receipt of the copy of the Award.

Provided that no such acceptance may be furnished by the complainant if he has filed an appeal under sub-clause (3) of clause 17.

(8) The Regulated Entity shall comply with the Award and intimate compliance to the Ombudsman within 30 days from the date of receipt of the letter of acceptance from the complainant, unless it has preferred an appeal under sub-clause (2) of clause 17.

16. Rejection of a Complaint

(1) The Deputy Ombudsman or the Ombudsman may reject a complaint at any stage if it appears that the complaint made:

(a) is non-maintainable under clause 10; or

(b) is in the nature of offering suggestions or seeking guidance or explanation

(2) The Ombudsman may reject a complaint at any stage if:

(a) in his opinion there is no deficiency in service; or

(b) the compensation sought for the consequential loss is beyond the power of the Ombudsman to award the compensation as indicated in clause 8(2); or

(c) the complaint is not pursued by the complainant with reasonable diligence; or

(d) the complaint is without any sufficient cause; or

(e) the complaint requires consideration of elaborate documentary and oral evidence and the proceedings before the Ombudsman are not appropriate for adjudication of such complaint; or

(f) in the opinion of the Ombudsman there is no financial loss or damage, or inconvenience caused to the complainant.

17. Appeal before the Appellate Authority

(1) There shall not be any right of appeal to a Regulated Entity for an Award issued for non-furnishing of documents/information under clause 15(1)(a).

(2) The Regulated Entity may, aggrieved by an Award under clause 15(1)(b) or closure of a complaint under clauses 16(2)(c) to 16(2)(f), within 30 days of the date of receipt of communication of Award or closure of the complaint, prefer an appeal before the Appellate Authority.

(a) Provided that in the case of an appeal by a Regulated Entity, the period of 30 days for filing an appeal shall commence from the date on which the Regulated Entity receives the letter of acceptance of Award by the complainant:

(b) Provided further that an appeal may be filed by a Regulated Entity only with the previous sanction of the Chairman or the Managing Director/Chief Executive Officer or, in their absence, the Executive Director/Official of equal rank.

(c) Provided that the Appellate Authority may, if he is satisfied that the Regulated Entity had sufficient cause for not making the appeal within the time, may allow a further period not exceeding 30 days.

(3) The complainant may, aggrieved by an Award under clause 15(1) or rejection of a complaint under clauses 16(2)(c) to 16(2)(f), within 30 days of the date of receipt of the Award or rejection of the complaint, prefer an appeal before the Appellate Authority.

Provided that the Appellate Authority may, if he is satisfied that the complainant had sufficient cause for not making the appeal within the time, may allow a further period not exceeding 30 days.

(4) The Appellate Authority's Secretariat shall scrutinise and process the Appeal.

(5) The Appellate Authority may, after giving the parties a reasonable opportunity of being heard:

(a) dismiss the appeal; or

(b) allow the appeal and set aside the Award or order of the Ombudsman; or

(c) remand the matter to the Ombudsman for fresh disposal in accordance with such directions as the Appellate Authority may consider necessary or proper;

or

(d) modify the order of the Ombudsman or Award and pass such directions as may be necessary to give effect to the order of the Ombudsman or Award so modified; or

(e) pass any other order as it may deem fit.

(6) The order of the Appellate Authority shall have the same effect as the Award passed by Ombudsman under clause 15 or the order rejecting the complaint under clause 16, as the case may be.

18. Regulated Entity to Display Salient Features of the Scheme for Knowledge of the Public

(1) The Regulated Entity to which the Scheme is applicable shall facilitate the smooth conduct of the Scheme by ensuring meticulous adherence to the requirements under the Scheme, failing which, the Reserve Bank may take such action as it may deem fit.

(2) The Regulated Entity shall appoint a Principal Nodal Officer at their head office who shall not be a rank less than a General Manager or an officer of equivalent rank and shall be responsible for representing the Regulated Entity and furnishing information on behalf of the Regulated Entity in respect of complaints filed against the Regulated Entity. The Regulated Entity may appoint such other Nodal Officers to assist the Principal Nodal Officer as it may deem fit for operational efficiency.

(3) The Regulated Entity shall display prominently for the benefit of their customers at their branches/places where the business is transacted, the name and contact details (Telephone/mobile number and E-mail ID) of the Principal Nodal Officer along with the details of the complaint lodging portal of the Ombudsman (<https://cms.rbi.org.in>).

(4) The Regulated Entity to which the Scheme is applicable shall ensure that the salient features of the Scheme are displayed prominently in English, Hindi and the regional language in all its offices, branches and places where the business is transacted in such a manner that a person visiting the office or branch has adequate information on the Scheme.

(5) The Regulated Entity shall ensure that a copy of the Scheme is available in all its branches to be provided to the customer for reference upon request.

(6) The salient features of the Scheme along with the copy of the Scheme and the contact details of the Principal Nodal Officer shall be displayed and updated on the website of the Regulated Entity.

CHAPTER V

MISCELLANEOUS

19. Removal of Difficulties

If any difficulty arises in giving effect to the provisions of the Scheme, the Reserve Bank may make such provisions not inconsistent with the Reserve Bank of India Act, 1934, or the Banking Regulation Act, 1949, or the Payment and Settlement Systems Act, 2007, or the Scheme, as it may consider necessary or expedient for removing any difficulty.

20. Repeal of the Existing Schemes and Application to Pending Proceedings

(1) The Banking Ombudsman Scheme, 2006, the Ombudsman Scheme for Non-Banking Financial Companies, 2018, and the Ombudsman Scheme for Digital Transactions, 2019, hereby stand repealed.

(2) The adjudication of pending complaints, appeals and execution of the Awards already passed, as on the date of commencement of the Reserve Bank - Integrated Ombudsman Scheme, 2021, shall continue to be governed by the provisions of the respective Ombudsman Schemes and instructions of the Reserve Bank issued thereunder.

FORM OF COMPLAINT (TO BE LODGED) WITH THE OMBUDSMAN

[Clause 11(2) of the Scheme]

(TO BE FILLED UP BY THE COMPLAINANT)

All the fields are mandatory except wherever indicated otherwise

To
The Ombudsman

Madam/Sir,

Sub: Complaint against(place of Regulated Entity's branch or office) of(name of the Regulated Entity)

Details of the complaint:

1. Name of the complainant

2. Age (years).....

3. Gender.....

4. Full address of the complainant

.....

.....

Pin Code

Phone No. (if available).....

Mobile Number.

E-mail (if available)

5. Complaint against (Name and full address of the branch or office of the Regulated Entity)

.....

Pin Code

6. Nature of relationship/account number (if any) with the Regulated Entity

.....

7. Transaction date and details, if available

.....

(a) Date of complaint already made by the complainant to the Regulated Entity
(Please enclose a copy of the complaint)

.....

(b) Whether any reminder was sent by the complainant? Yes/No
(Please enclose a copy of the reminder)

.....

8. Please tick the relevant box (Yes/No)

Whether your complaint:

(i)	is sub-judice/under arbitration ¹ ?	Yes	No
(ii)	is made through an advocate, except when the advocate is the aggrieved party?	Yes	No
(iii)	has already been dealt with or is under process on the same ground with the Ombudsman?	Yes	No
(iv)	is in the nature of general complaint/s against Management or Executives of a Regulated Entity?	Yes	No
(v)	is on account of a dispute between Regulated Entities?	Yes	No
(vi)	involves employer-employee relationship?	Yes	No

9. Subject matter of the complaint

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10. Details of the complaint:

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

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¹ **Complaint is sub-judice/under arbitration** if the complaint in respect of the same cause of action is already pending/dealt with on merits by any Court, Tribunal or Arbitrator or any other Authority, whether individually or jointly.

11. Whether any reply has been received from the Regulated Entity within a period of 30 days of receipt of the complaint by it? Yes/No
(if yes, please enclose a copy of the reply)

12. Relief sought from the Ombudsman
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.....

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

13. Nature and extent of monetary loss, if any, claimed by the complainant by way of compensation (please refer to clauses 15 (4) & 15 (5) of the Scheme)
Rs.....
.....

14. List of documents enclosed:

Declaration

- (i) I/We, the complainant/s herein declare that:
 - a) the information furnished above is true and correct; and
 - b) I/We have not concealed or misrepresented any fact stated above, and in the documents submitted herewith.
- (ii) The complaint is filed before the expiry of a period of one year reckoned in accordance with the provisions of clause 10 (2) of the Scheme.

Yours faithfully
(Signature of the Complainant/Authorised Representative)

AUTHORISATION

If the complainant wants to authorise a representative to appear and make submission on her/his behalf before the Ombudsman, the following declaration should be submitted:

I/We hereby nominate Shri/Smt..... as my/our authorised representative whose contact details are as below:

Full Address
.....
.....

Pin Code

Phone No:.....

Mobile Number.

E-mail

(Signature of the Complainant)

રિઝર્વ બેંકની - સંકલિત લોકપાલ યોજના, 2021 ની મુખ્ય વિશેષતાઓ

1. બેંકિંગ ઓમ્બુડ્સમેન સ્કીમ શું છે?

બેંકિંગ ઓમ્બુડ્સમેન સ્કીમ બેંકિંગ રેગ્યુલેશન એક્ટ, 1949 (1949 ના 10), કલમ 45L ની કલમ 35A હેઠળ ભારતીય રિઝર્વ બેંક દ્વારા નિયંત્રિત સંસ્થાઓ દ્વારા પૂરી પાડવામાં આવતી સેવાઓના સંદર્ભમાં ગ્રાહકોની ફરિયાદોને ઝડપી અને ખર્ચ-અસરકારક રીતે ઉકેલવા માટે એક યોજના છે. રિઝર્વ બેંક ઓફ ઈન્ડિયા એક્ટ, 1934 (1934 નો 2) અને પેમેન્ટ એન્ડ સેટલમેન્ટ સિસ્ટમ્સ એક્ટ, 2007 (2007 નો 51) ની કલમ 18 હેઠળ. હાલમાં રિઝર્વ બેંક - ઈન્ટીગ્રેટેડ ઓમ્બુડ્સમેન સ્કીમ, 2021 કાર્યરત છે.

2. બેંકિંગ ઓમ્બુડ્સમેન કોણ છે?

આ યોજના હેઠળ સોંપાયેલ કાર્યો કરવા માટે રિઝર્વ બેંક તેના એક અથવા વધુ અધિકારીઓને લોકપાલ અને નાયબ લોકપાલ તરીકે નિયુક્ત કરી શકે છે.

3. કઈ બેંકો રિઝર્વ બેંક - ઈન્ટીગ્રેટેડ ઓમ્બુડ્સમેન સ્કીમ, 2021 હેઠળ આવરી લેવામાં આવી છે?

- તમામ વ્યાપારી બેંકો, પ્રાદેશિક ગ્રામીણ બેંકો, અનુસૂચિત પ્રાથમિક (શહેરી) સહકારી બેંકો અને બિન-અનુસૂચિત પ્રાથમિક (શહેરી) સહકારી બેંકો, જેની ઓડિટ થયેલ બેલેન્સ શીટની તારીખ મુજબ રૂ. 50 કરોડ અને તેથી વધુની થાપણો છે. પાછલા નાણાકીય વર્ષ;
- તમામ બિન-બેંકિંગ નાણાકીય કંપનીઓ (હાઉસિંગ ફાઇનાન્સ કંપનીઓ સિવાય) જે (a) થાપણો સ્વીકારવા માટે અધિકૃત છે; અથવા (b) પાછલા નાણાકીય વર્ષની ઓડિટ કરાયેલ બેલેન્સ શીટની તારીખ મુજબ રૂ. 100 કરોડ અને તેથી વધુની સંપત્તિ સાથે ગ્રાહક ઈન્ટરેક્સ ધરાવે છે;
- યોજના હેઠળ વ્યાખ્યાયિત કરાયેલા તમામ સહભાગીઓ.

4. ફરિયાદોનું કારણ શું છે?

સેવામાં ઉણપના પરિણામે કોઈપણ નિયમન કરેલ એન્ટિટીના કોઈપણ કૃત્ય અથવા અવગણનાથી નારાજ કોઈપણ ગ્રાહક આ યોજના હેઠળ રૂબરૂ અથવા અધિકૃત પ્રતિનિધિ દ્વારા ફરિયાદ નોંધાવી શકે છે.

5. લોકપાલ દ્વારા કોઈની ફરિયાદ ક્યારે ધ્યાનમાં લેવામાં આવશે નહીં?

નીચેના કેસોમાં આ યોજના હેઠળ સેવામાં ઉણપની કોઈ ફરિયાદ રહેશે નહીં:

- વ્યાપારી નિર્ણયો/નિયમિત એન્ટિટીના વાણિજ્યિક નિર્ણયો;
- આઉટસોર્સિંગ કોન્ટ્રાક્ટને લગતા વિક્રેતા અને નિયમન કરેલ એન્ટિટી વચ્ચેના વિવાદો;
- ફરિયાદ જે સીધી લોકપાલને સંબોધવામાં આવતી નથી;
- નિયમન કરાયેલ એન્ટિટીના મેનેજમેન્ટ અથવા અધિકારીઓ સામે સામાન્ય ફરિયાદો;
- વિવાદો જેમાં કાયદાકીય અથવા કાયદા અમલીકરણ સત્તાધિકારીના આદેશોનું પાલન કરીને નિયમન કરાયેલ એન્ટિટી દ્વારા કાર્યવાહી શરૂ કરવામાં આવે છે;
- એવી સેવા જે રિઝર્વ બેંકના નિયમનકારી દાયરામાં નથી;
- નિયંત્રિત સંસ્થાઓ વચ્ચેના વિવાદો; અને
- નિયમન કરેલ એન્ટિટીના કર્મચારી-એમ્પ્લોયર સંબંધોને લગતા વિવાદો.



સ્કીમ હેઠળની ફરિયાદ માન્ય રહેશે નહીં સિવાય કે:

- (a) ફરિયાદીએ, યોજના હેઠળ ફરિયાદ કરતા પહેલા, સંબંધિત નિયમનકારી સંસ્થાને લેખિત ફરિયાદ કરી છે અને -
- (i) રેગ્યુલેટેડ બોડી દ્વારા ફરિયાદને સંપૂર્ણ અથવા આંશિક રીતે ભરતરફ કરવામાં આવી છે, અને ફરિયાદી જવાબથી સંતુષ્ટ નથી; અથવા ફરિયાદ મળ્યાના 30 દિવસની અંદર ફરિયાદીને કોઈ જવાબ મળ્યો નથી; અને
- (ii) ફરિયાદીને નિયમનકારી સંસ્થા તરફથી ફરિયાદનો જવાબ મળ્યાના એક વર્ષની અંદર અથવા ફરિયાદની તારીખથી એક વર્ષ અને 30 દિવસની અંદર ફરિયાદ લોકપાલને કરવામાં આવે છે, જ્યાં કોઈ જવાબ મળતો નથી.

(b) ફરિયાદ એ ક્રિયાના સમાન કારણ સાથે સંબંધિત નથી જે પહેલાથી છે-

- (i) લોકપાલ સમક્ષ પેન્ડિંગ અથવા લોકપાલ દ્વારા નિકાલ કરવામાં આવ્યો અથવા યોગ્યતા પર નિકાલ કરવામાં આવ્યો, પછી ભલે તે સમાન ફરિયાદી અથવા એક અથવા વધુ ફરિયાદીઓ અથવા એક અથવા વધુ સંબંધિત પક્ષો તરફથી પ્રાપ્ત થાય કે ન મળે;
- (ii) કોઈપણ કોર્ટ, ટ્રિબ્યુનલ અથવા આર્બિટ્રેટર અથવા અન્ય કોઈપણ ફોરમ અથવા સત્તા સમક્ષ પેન્ડિંગ; અથવા, કોઈપણ કોર્ટ, ટ્રિબ્યુનલ અથવા આર્બિટ્રેટર અથવા અન્ય કોઈપણ ફોરમ અથવા સત્તા દ્વારા યોગ્યતાના આધારે નિકાલ અથવા નિકાલ કરવામાં આવે છે, પછી ભલે તે સમાન ફરિયાદી અથવા સંબંધિત એક અથવા વધુ ફરિયાદી/પક્ષો તરફથી પ્રાપ્ત થાય કે ન મળે;

(c) ફરિયાદ અપમાનજનક અથવા વ્યર્થ અથવા ઉત્તેજક પ્રકૃતિની નથી;

(d) આવા દાવાઓ માટે મર્યાદા અધિનિયમ, 1963 હેઠળ નિર્ધારિત મર્યાદા અવધિની સમાપ્તિ પહેલાં નિયમન કરેલ એન્ટિટીને ફરિયાદ કરવામાં આવી હતી;

(e) ફરિયાદી યોજનાની કલમ 11 માં ઉલ્લેખિત સંપૂર્ણ માહિતી પ્રદાન કરે છે;

(f) ફરિયાદ ફરિયાદકર્તા દ્વારા રૂબરૂમાં અથવા એડવોકેટ સિવાયના અધિકૃત પ્રતિનિધિ દ્વારા અથવા જ્યાં સુધી એડવોકેટ પીડિત વ્યક્તિ ન હોય ત્યાં સુધી ફરિયાદ નોંધાવવામાં આવે છે.

સમજૂતી 1: પેટા-કલમ (2)(a) ના હેતુઓ માટે, 'લેખિત ફરિયાદ'માં અન્ય માધ્યમો દ્વારા કરવામાં આવેલી ફરિયાદોનો સમાવેશ થાય છે જ્યાં ફરિયાદી દ્વારા ફરિયાદ કરવામાં આવી હોવાના પુરાવા રજૂ કરવામાં આવી શકે છે.

સમજૂતી 2: પેટા-કલમ (2)(b)(iii) ના હેતુઓ માટે, કાર્યવાહીના એક જ કારણને લગતી ફરિયાદ પરંતુ કોઈપણ કોર્ટ અથવા ટ્રિબ્યુનલ સમક્ષ પેન્ડિંગ અથવા નિર્ણય લેવાયેલી ફોજદારી કાર્યવાહીની પોલીસ તપાસનો સમાવેશ થતો નથી.

6. બેંકિંગ ઓમ્બુડ્સમેનમાં ફરિયાદ દાખલ કરવાની પ્રક્રિયા શું છે?

(1) આ હેતુ માટે બનાવેલ પોર્ટલ (<https://cms.rbi.org.in>) દ્વારા ફરિયાદો ઓનલાઈન નોંધાવી શકાય છે.

(2) ફરિયાદ ઇલેક્ટ્રોનિક અથવા ફિઝિકલ મોડ દ્વારા પણ રિઝર્વ બેંક દ્વારા સૂચિત કેન્દ્રીયકૃત રસીદ અને પ્રક્રિયા કેન્દ્રને સબમિટ કરી શકાય છે. જો ફરિયાદ ભૌતિક સ્વરૂપમાં સબમિટ કરવામાં આવી હોય, તો તેના પર ફરિયાદી અથવા અધિકૃત પ્રતિનિધિ દ્વારા યોગ્ય રીતે સહી કરવી જોઈએ. ફરિયાદ રિઝર્વ બેંક દ્વારા નિર્દિષ્ટ કરવામાં આવે તેવા ફોર્મેટમાં ઇલેક્ટ્રોનિક અથવા ભૌતિક રીતે સબમિટ કરવી જોઈએ.

7. શું ચુકાદામાં ઉલ્લેખિત વળતરની રકમની કોઈ મર્યાદા છે?

લોકપાલને વળતરના માર્ગે ચુકવણીની દિશાના સંદર્ભમાં આવો નિર્ણય પસાર કરવાની સત્તા રહેશે નહીં, જો રકમ, જે ફરિયાદીને પરિણામે નુકસાન છે, તે રૂ. 20 લાખથી વધુ હોય પરંતુ બેમાંથી જે ઓછું હોય. ઓમ્બુડ્સમેન દ્વારા ચૂકવવામાં આવતું વળતર વિવાદમાં સામેલ રકમને બાદ કરતાં રહેશે.



8. શું માનસિક યાતના અને સતામણી માટે વળતરનો દાવો કરી શકાય?

ફરિયાદીના સમયની ખોટ, ફરિયાદીને થયેલ ખર્ચ, પજવાણી અને માનસિક વેદનાને ધ્યાનમાં રાખીને, લોકપાલ ફરિયાદીને એક લાખ રૂપિયાનું વળતર ચૂકવી શકે છે પરંતુ તેનાથી વધુ નહીં.

9. જો કોઈ બેંકિંગ ઓમ્બુડ્સમેનના નિર્ણયને નકારે તો શું અન્ય કોઈ ઉપાય ઉપલબ્ધ છે?

15(1) અથવા હેઠળના 16(2)(c) થી 16(2)(f) હેઠળના ચુકાદાથી નારાજ ફરિયાદી ફરિયાદને નકારી શકે છે અને ચુકાદો મળ્યાની તારીખથી 30 દિવસની અંદર અથવા અંદર એપેલેટ ઓથોરિટી સમક્ષ અસ્વીકારની અપીલ. પરંતુ જો અપીલ સત્તાધિકારી સંતુષ્ટ હોય કે ફરિયાદી પાસે સમયની અંદર અપીલને પ્રાધાન્ય ન આપવા માટે પૂરતું કારણ હતું, તો વધુ સમયગાળો 30 દિવસથી વધુ ન હોય.

અપીલ સત્તાધિકારીનું સચિવાલય તપાસ કરશે અને અપીલ પર કાર્યવાહી કરશે.

10. એપેલેટ ઓથોરિટી અપીલ સાથે કેવી રીતે કામ કરે છે?

એપેલેટ ઓથોરિટી, પક્ષકારોને સુનાવણીની વાજબી તક આપ્યા પછી:

(a) અપીલ બરતરફ કરો; અથવા

(b) અપીલને મંજૂરી આપવી અને લોકપાલના નિર્ણય અથવા હુકમને બાજુ પર મૂકવો; અથવા

(c) એપેલેટ ઓથોરિટી દ્વારા જરૂરી અથવા યોગ્ય ગણાય તેવા નિર્દેશો અનુસાર નવા નિકાલ માટે મામલાને લોકપાલને રિમાન્ડ કરવા; અથવા

(d) લોકપાલના આદેશ અથવા નિર્ણયમાં સુધારો કરીને અને લોકપાલના આદેશને અસર કરવા માટે અથવા આ રીતે સુધારેલા નિર્ણયને અસર કરવા માટે જરૂરી હોય તેવા નિર્દેશો પસાર કરીને; અથવા

(e) તેને યોગ્ય લાગે તેવો અન્ય ઓર્ડર પસાર કરવો.



रिजर्व बैंक - एकीकृत लोकपाल योजना, 2021 की मुख्य विशेषताएं

1. बैंकिंग लोकपाल योजना क्या है?

बैंकिंग लोकपाल योजना, बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10), धारा 45L की धारा 35ए के तहत भारतीय रिजर्व बैंक द्वारा विनियमित संस्थाओं द्वारा प्रदान की जाने वाली सेवाओं के संबंध में ग्राहकों की शिकायतों को त्वरित और लागत प्रभावी तरीके से हल करने की एक योजना है। भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) और भुगतान और निपटान प्रणाली अधिनियम, 2007 (2007 का 51) की धारा 18 के तहत। वर्तमान में रिजर्व बैंक - एकीकृत लोकपाल योजना, 2021 प्रचलन में है।

2. बैंकिंग लोकपाल कौन है?

रिजर्व बैंक इस योजना के तहत सौंपे गए कार्यों को करने के लिए अपने एक या अधिक अधिकारियों को लोकपाल और उप लोकपाल के रूप में नियुक्त कर सकता है।

3. रिजर्व बैंक - एकीकृत लोकपाल योजना, 2021 के अंतर्गत कौन से बैंक शामिल हैं?

i) सभी वाणिज्यिक बैंक, क्षेत्रीय ग्रामीण बैंक, अनुसूचित प्राथमिक (शहरी) सहकारी बैंक और गैर-अनुसूचित प्राथमिक (शहरी) सहकारी बैंक, जिनकी जमा राशि पिछले वित्तीय वर्ष के लेखापरीक्षित बैलेंस शीट की तारीख को 50 करोड़ रुपये और उससे अधिक है।;

ii.) सभी गैर-बैंकिंग वित्तीय कंपनियां (आवास वित्त कंपनियों को छोड़कर) जो

(अ) जमा स्वीकार करने के लिए अधिकृत हैं; या

(ब) पिछले वित्तीय वर्ष की लेखापरीक्षित बैलेंस शीट की तारीख के अनुसार 100 करोड़ रुपये और उससे अधिक की संपत्ति के साथ ग्राहक इंटरफेस है;

iii.) योजना के तहत परिभाषित सभी प्रतिभागी।

4. शिकायतों के आधार क्या हैं?

कोई भी ग्राहक किसी विनियमित संस्था के किसी कार्य या चूक जिसके परिणामस्वरूप सेवा में कमी हुई है, से व्यथित है, वह व्यक्तिगत रूप से या किसी अधिकृत प्रतिनिधि के माध्यम से योजना के तहत शिकायत दर्ज कर सकता है।

5. लोकपाल द्वारा किसी की शिकायत पर कब विचार नहीं किया जाएगा?

इस योजना के अंतर्गत निम्नलिखित मामलों में सेवा में कमी की कोई शिकायत नहीं होगी:

(a) विनियमित इकाई के वाणिज्यिक फैसले/वाणिज्यिक निर्णय;

(b) आउटसोर्सिंग अनुबंध से संबंधित विक्रेता और विनियमित इकाई के बीच विवाद;

(c) शिकायत जो सीधे लोकपाल को संबोधित नहीं है;

(d) विनियमित इकाई के प्रबंधन या अधिकारियों के खिलाफ सामान्य शिकायतें;

(e) विवाद जिसमें विनियमित इकाई द्वारा वैधानिक या कानून लागू करने वाले प्राधिकरण के आदेशों के अनुपालन में कार्रवाई शुरू की जाती है;



- (f) सेवा जो रिजर्व बैंक के नियामक दायरे में नहीं है;
- (g) विनियमित संस्थाओं के बीच का विवाद; तथा
- (h) विनियमित इकाई के कर्मचारी-नियोक्ता संबंध से संबंधित विवाद।

योजना के तहत शिकायत तब तक मान्य नहीं होगी जब तक:

(a) शिकायतकर्ता ने, योजना के तहत शिकायत करने से पहले, संबंधित विनियमित संस्था को एक लिखित शिकायत की हुई हो और -

(i) शिकायत को पूरी तरह या आंशिक रूप से विनियमित संस्था द्वारा खारिज कर दिया गया हो, और शिकायतकर्ता उत्तर से संतुष्ट नहीं हो; या शिकायतकर्ता को शिकायत प्राप्त होने के 30 दिनों के भीतर कोई जवाब नहीं मिला हो; तथा

(ii) शिकायतकर्ता को शिकायत के लिए विनियमित संस्था से जवाब मिलने के एक साल के भीतर या शिकायत की तारीख से एक साल और 30 दिनों के भीतर, जहां कोई जवाब नहीं मिलता है, तब शिकायत लोकपाल को की जाती है।

(b) शिकायत उसी कार्यवाही के कारण के संबंध में नहीं है जो पहले से ही है-

(i) एक लोकपाल के समक्ष लंबित या एक लोकपाल द्वारा निपटाया या योग्यता के आधार पर निपटाया गया, चाहे वह उसी शिकायतकर्ता से या एक या अधिक शिकायतकर्ताओं, या एक या अधिक संबंधित पक्षों से प्राप्त हुआ हो या नहीं;

(ii) किसी न्यायालय, न्यायाधिकरण या मध्यस्थ या किसी अन्य फोरम या प्राधिकरण के समक्ष लंबित; या, किसी भी न्यायालय, न्यायाधिकरण या मध्यस्थ या किसी अन्य फोरम या प्राधिकरण द्वारा योग्यता के आधार पर निपटाया या निपटाया गया, चाहे वह एक ही शिकायतकर्ता से या संबंधित एक या अधिक शिकायतकर्ताओं/पक्षों से प्राप्त हुआ हो या नहीं;

(c) शिकायत अपमानजनक या तुच्छ या तंग करने वाली प्रकृति की नहीं है;

(d) इस तरह के दावों के लिए सीमा अधिनियम, 1963 के तहत निर्धारित सीमा अवधि की समाप्ति से पहले विनियमित इकाई को शिकायत की गई थी;

(e) शिकायतकर्ता योजना के खंड 11 में निर्दिष्ट पूरी जानकारी प्रदान करता है;

(f) शिकायतकर्ता द्वारा व्यक्तिगत रूप से या किसी अधिकृत प्रतिनिधि के माध्यम से जो अधिवक्ता के अलावा हो, शिकायत दर्ज कराई जाती है या जब तक कि अधिवक्ता पीड़ित व्यक्ति न हो।

स्पष्टीकरण 1: उप-खंड (2) (ए) के प्रयोजनों के लिए, 'लिखित शिकायत' में अन्य तरीकों से की गई शिकायतें शामिल होंगी, जहां शिकायतकर्ता द्वारा शिकायत किए जाने का सबूत पेश किया जा सकता है।

स्पष्टीकरण 2: उप-खंड (2)(बी)(ii) के प्रयोजनों के लिए, शिकायत जोकि कार्रवाई के एक ही कारण के संबंध में हो लेकिन इसमें किसी न्यायालय या न्यायाधिकरण के समक्ष लंबित या तय की गई आपराधिक कार्यवाही पुलिस जांच शामिल नहीं है।



6. बैंकिंग लोकपाल के समक्ष शिकायत दर्ज कराने की प्रक्रिया क्या है?

(1) शिकायत इस उद्देश्य के लिए बनाए गए पोर्टल (<https://cms.rbi.org.in>) के माध्यम से ऑनलाइन दर्ज की जा सकती है।

(2) शिकायत को रिजर्व बैंक द्वारा अधिसूचित केंद्रीकृत रसीद और प्रसंस्करण केंद्र को इलेक्ट्रॉनिक या भौतिक मोड के माध्यम से भी प्रस्तुत किया जा सकता है। यदि शिकायत भौतिक रूप में प्रस्तुत की जाती है, तो उस पर शिकायतकर्ता या अधिकृत प्रतिनिधि द्वारा विधिवत हस्ताक्षर किए जाएंगे। शिकायत इलेक्ट्रॉनिक या भौतिक रूप में ऐसे प्रारूप में प्रस्तुत की जानी चाहिए जिसमें रिजर्व बैंक द्वारा निर्दिष्ट की गई जानकारी हो।

7. क्या किसी निर्णय में निर्दिष्ट मुआवजे की राशि की कोई सीमा है?

लोकपाल के पास मुआवजे के माध्यम से भुगतान का निर्देश के संबंध में ऐसा निर्णय पारित करने की शक्ति नहीं होगी, यदि राशि जो शिकायतकर्ता को हुई परिणामी हानि या 20 लाख रुपये से अधिक हो पर जो भी कम देने वाला हो। एक लोकपाल द्वारा दिया जा सकने वाला मुआवजा विवाद में शामिल राशि को छोड़कर होगा।

8. क्या मानसिक पीड़ा और उत्पीड़न के लिए मुआवजे का दावा किया जा सकता है?

शिकायतकर्ता के समय की हानि, शिकायतकर्ता द्वारा किए गए खर्च, उत्पीड़न और मानसिक पीड़ा को ध्यान में रखते हुए लोकपाल शिकायतकर्ता को एक लाख रुपये का मुआवजा दे सकता है पर उससे अधिक का नहीं।

9. यदि कोई बैंकिंग लोकपाल के निर्णय को अस्वीकार करता है तो क्या कोई और सहारा उपलब्ध है?

शिकायतकर्ता, खंड 15(1) के तहत निर्णय से पीड़ित है या खंड 16(2)(c) से 16(2)(f) के तहत शिकायत को अस्वीकार कर सकता है और निर्णय प्राप्त होने या अस्वीकृति की तारीख के 30 दिनों के भीतर अपीलीय प्राधिकारी के समक्ष अपील करें। बशर्ते कि अपील प्राधिकारी, यदि वह संतुष्ट है कि शिकायतकर्ता के पास समय के भीतर अपील नहीं करने के लिए पर्याप्त कारण था, 30 दिनों से अधिक की और अवधि की अनुमति दे सकता है।

अपीलीय प्राधिकारी का सचिवालय अपील की जांच करेगा और उस पर कार्रवाई करेगा।

10. अपीलीय प्राधिकारी अपील से कैसे निपटता है?

अपीलीय प्राधिकारी, पक्षकारों को सुनवाई का उचित अवसर देने के बाद:

- अपील को खारिज कर सकता है; या
- अपील की अनुमति देकर और लोकपाल के निर्णय या आदेश को रद्द करके; या
- अपीलीय प्राधिकारी द्वारा आवश्यक या उचित समझे जाने वाले निर्देशों के अनुसार मामले को नए निपटान के लिए लोकपाल को रिमांड करना; या
- लोकपाल या निर्णय के आदेश को संशोधित करके और ऐसे निर्देश पारित करें जो लोकपाल के आदेश को प्रभावी करने के लिए आवश्यक हो या इस प्रकार संशोधित निर्णय; या
- कोई अन्य आदेश पारित करना जो वह ठीक समझे।



SALIENT FEATURES OF

RESERVE BANK - INTEGRATED OMBUDSMAN SCHEME, 2021

1. What is the Banking Ombudsman Scheme?

The Banking Ombudsman Scheme is a Scheme for resolving customer grievances in relation to services provided by entities regulated by Reserve Bank of India in an expeditious and cost-effective manner under Section 35A of the Banking Regulation Act, 1949 (10 of 1949), Section 45L of the Reserve Bank of India Act, 1934 (2 of 1934) and Section 18 of the Payment and Settlement Systems Act, 2007 (51 of 2007). Presently the Reserve Bank – Integrated Ombudsman Scheme, 2021 is in operation.

2. Who is a Banking Ombudsman?

The Reserve Bank may appoint one or more of its officers as Ombudsman and Deputy Ombudsman, to carry out the functions entrusted to them under the Scheme.

3. Which are the banks covered under the Reserve Bank – Integrated Ombudsman Scheme, 2021?

- i. All Commercial Banks, Regional Rural Banks, Scheduled Primary (Urban) Cooperative Banks and Non-Scheduled Primary (Urban) Co-operative Banks with deposits size of Rupees 50 crore and above as on the date of the audited balance sheet of the previous financial year;
- ii. All Non-Banking Financial Companies (excluding Housing Finance Companies) which
 - (a) are authorised to accept deposits; or
 - (b) have customer interface, with an assets size of Rupees 100 crore and above as on the date of the audited balance sheet of the previous financial year;
- iii. all System Participants as defined under the Scheme.

4. What are the grounds of complaints?

Any customer aggrieved by an act or omission of a Regulated Entity resulting in deficiency in service may file a complaint under the Scheme personally or through an authorized representative

5. When will one's complaint not be considered by the Ombudsman?

No complaint for deficiency in service shall lie under the Scheme in matters involving:

- (a) commercial judgment/commercial decision of a Regulated Entity;
- (b) a dispute between a vendor and a Regulated Entity relating to an outsourcing contract;
- (c) a grievance not addressed to the Ombudsman directly;
- (d) general grievances against Management or Executives of a Regulated Entity;



- (e) a dispute in which action is initiated by a Regulated Entity in compliance with the orders of a statutory or law enforcing authority;
- (f) a service not within the regulatory purview of the Reserve Bank;
- (g) a dispute between Regulated Entities; and
- (h) a dispute involving the employee-employer relationship of a Regulated Entity.

A complaint under the Scheme shall not lie unless:

(a) the complainant had, before making a complaint under the Scheme, made a written complaint to the Regulated Entity concerned and –

(i) the complaint was rejected wholly or partly by the Regulated Entity, and the complainant is not satisfied with the reply; or the complainant had not received any reply within 30 days after the Regulated Entity received the complaint; and

(ii) the complaint is made to the Ombudsman within one year after the complainant has received the reply from the Regulated Entity to the complaint or, where no reply is received, within one year and 30 days from the date of the complaint.

(b) the complaint is not in respect of the same cause of action which is already-

(i) pending before an Ombudsman or settled or dealt with on merits, by an Ombudsman, whether or not received from the same complainant or along with one or more complainants, or one or more of the parties concerned;

(ii) pending before any Court, Tribunal or Arbitrator or any other Forum or Authority; or, settled or dealt with on merits, by any Court, Tribunal or Arbitrator or any other Forum or Authority, whether or not received from the same complainant or along with one or more of the complainants/parties concerned;

(c) the complaint is not abusive or frivolous or vexatious in nature;

(d) the complaint to the Regulated Entity was made before the expiry of the period of limitation prescribed under the Limitation Act, 1963, for such claims;

(e) the complainant provides complete information as specified in clause 11 of the Scheme;

(f) the complaint is lodged by the complainant personally or through an authorised representative other than an advocate unless the advocate is the aggrieved person.

Explanation 1: For the purposes of sub-clause (2)(a), 'written complaint' shall include complaints made through other modes where proof of having made a complaint can be produced by the complainant.

Explanation 2: For the purposes of sub-clause (2)(b)(ii), a complaint in respect of the same cause of action does not include criminal proceedings pending or decided before a Court or Tribunal or any police investigation initiated in a criminal offence.



6. What is the procedure for filing the complaint before the Banking Ombudsman?

(1) The complaint may be lodged online through the portal designed for the purpose (<https://cms.rbi.org.in>).

(2) The complaint may also be submitted through electronic or physical mode to the Centralised Receipt and Processing Centre as notified by the Reserve Bank. The complaint, if submitted in physical form, shall be duly signed by the complainant or by the authorised representative. The complaint shall be submitted in electronic or physical mode in such format and containing such information as may be specified by Reserve Bank.

7. Is there any limit on the amount of compensation as specified in an Award?

The Ombudsman shall not have the power to pass an Award directing payment by way of compensation, an amount which is more than the consequential loss suffered by the complainant or Rupees 20 lakh whichever is lower. The compensation that can be awarded by the Ombudsman shall be exclusive of the amount involved in the dispute.

8. Can compensation be claimed for mental agony and harassment?

The Ombudsman may also award a compensation not exceeding Rupees one lakh to the complainant, taking into account the loss of the complainant's time, expenses incurred, harassment and mental anguish suffered by the complainant.

9. Is there any further recourse available if one rejects the Banking Ombudsman's decision?

The complainant may, aggrieved by an Award under clause 15(1) or rejection of a complaint under clauses 16(2)(c) to 16(2)(f), within 30 days of the date of receipt of the Award or rejection of the complaint, prefer an appeal before the Appellate Authority. Provided that the Appellate Authority may, if he is satisfied that the complainant had sufficient cause for not making the appeal within the time, may allow a further period not exceeding 30 days.

The Appellate Authority's Secretariat shall scrutinize and process the Appeal.

10. How does the appellate authority deal with the appeal?

The Appellate Authority may, after giving the parties a reasonable opportunity of being heard:

- (a) dismiss the appeal; or
- (b) allow the appeal and set aside the Award or order of the Ombudsman; or
- (c) remand the matter to the Ombudsman for fresh disposal in accordance with such directions as the Appellate Authority may consider necessary or proper; or
- (d) modify the order of the Ombudsman or Award and pass such directions as may be necessary to give effect to the order of the Ombudsman or Award so modified; or
- (e) pass any other order as it may deem fit.

