

THE BANKING OMBUDSMAN SCHEME, 2006*

[26th December, 2005]

The Reserve Bank of India today announced the revised Banking Ombudsman Scheme with enlarged scope to include customer complaints on certain new areas, such as, credit card complaints, deficiencies in providing the promised services even by banks' sales agents, levying service charges without prior notice to the customer and non-adherence to the fair practices Code as adopted by individual banks. Applicable to all commercial banks, regional rural banks and scheduled primary cooperative banks having business in India, the revised scheme (Annex) will come into effect from 1st January, 2006.

In order to increase its effectiveness, the revised Banking Ombudsman Scheme will be fully staffed and funded by the Reserve Bank instead of the banks. Under the revised Banking Ombudsman Scheme, the complainants will be able to file their complaints in any form, including online. The bank customers would also be able to appeal to the Reserve Bank against the awards given by the Banking Ombudsmen.

The new scheme provides a forum to bank customers to seek redressal of their most common complaints against banks, including those relating to credit cards, service charges, promises given by the sales agents of banks, but not kept by banks, as also, delays in delivery of bank services. The bank customers would now be able to complain about non-payment or any inordinate delay in payments or collection of cheques towards bills or remittances by banks, as also non-acceptance of small denomination notes and coins or charging of commission for acceptance of small denomination notes and coins by banks.

The Reserve Bank had first introduced the Banking Ombudsman Scheme in 1995 to provide expeditious and inexpensive forum to bank customers for resolution of their complaints relating to deficiency in banking services. The Scheme was revised in 2002 mainly to cover Regional Rural Banks and to permit review of the Banking Ombudsmen's awards against banks by the Reserve Bank. The Banking Ombudsmen currently have their offices in 15 centres.

The Reserve Bank is also in an advanced stage of setting up an independent Banking Codes and Standards Board of India to ensure that comprehensive Code of conduct for fair treatment to customers are formulated by banks and adhered to. The Reserve Bank of India had announced setting up of the Board in its Annual Policy for 2005-06 announced by the Governor, Dr. Y.V. Reddy in April 2005.

ANNEX

THE BANKING OMBUDSMAN SCHEME, 2006

The Scheme is introduced with the object of enabling resolution of complaints relating to certain services rendered by banks and to facilitate the satisfaction or settlement of such complaints.

* *Vide Circular No. RPCD.BOS. 441/13-01-01/2005-06 dated 26th December, 2005, issued by the Reserve Bank of India.*

CHAPTER I
PRELIMINARY

1. Short title, commencement, extent and application.—(1) This Scheme may be called the Banking Ombudsman Scheme, 2006.

(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 business in India of a bank as defined under the Scheme.

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 provisions of the Scheme, either generally or in relation to any specified bank.

(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 thinks fit.

3. Definitions.—(1) "award" means an award passed by the Banking Ombudsman in accordance with the Scheme.

(2) "Appellate Authority" means the Deputy Governor in charge of the Department of the Reserve Bank implementing the Scheme.

(3) "authorised representative" means a person duly appointed and authorised by a complainant to act on his behalf and represent him in the proceedings under the Scheme before a Banking Ombudsman for consideration of his complaint.

(4) "Banking Ombudsman" means any person appointed under clause 4 of the Scheme.

(5) "bank" means a "banking company", a "corresponding new bank", a "Regional Rural Bank", "State Bank of India" a "Subsidiary Bank" as defined in section 5 of the Banking Regulation Act, 1949 (10 of 1949), or a "Primary Co-operative Bank" as defined in clause (c) of section 56 of that Act and included in the Second Schedule of the Reserve Bank of India Act, 1934 (2 of 1934), having a place of business in India, whether such bank is incorporated in India or outside India.

(6) "complaint" means a representation in writing or through electronic means containing a grievance alleging deficiency in banking service as mentioned in clause 8 of the Scheme.

(7) "Reserve Bank" means the Reserve Bank of India constituted by section 3 of the Reserve Bank of India Act, 1934 (2 of 1934).

(8) "the scheme" means the Banking Ombudsman Scheme, 2006.

(9) "secretariat" means the office constituted as per sub-clause (1) of clause 6 of the Scheme.

(10) "settlement" means an agreement reached by the parties either by conciliation or mediation under clause 11 of the Scheme.

CHAPTER II

ESTABLISHMENT OF OFFICE OF BANKING OMBUDSMAN

4. Appointment and tenure.—(1) The Reserve Bank may appoint one or more of its officers in the rank of Chief General Manager or General Manager to be known as Banking Ombudsmen to carry out the functions entrusted to them by or under the Scheme.

(2) The appointment of Banking Ombudsman under the above clause may be made for a period not exceeding three years at a time.

5. Location of office and temporary headquarters.—(1) The office of the Banking Ombudsman shall be located at such places as may be specified by the Reserve Bank.

(2) In order to expedite disposal of complaints, the Banking Ombudsman may hold sittings at such places within his area of jurisdiction as may be considered necessary and proper by him in respect of a complaint or reference before him.

6. Secretariat.—(1) The Reserve Bank shall depute such number of its officers or other staff to the office of the Banking Ombudsman as is considered necessary to function as the secretariat of the Banking Ombudsman.

(2) The cost of the Secretariat shall be borne by the Reserve Bank.

CHAPTER III

JURISDICTION, POWERS AND DUTIES OF BANKING OMBUDSMAN

7. Powers and jurisdiction.—(1) The Reserve Bank shall specify the territorial limits to which the authority of each Banking Ombudsman appointed under clause 4 of the Scheme shall extend.

¹[(2) The Banking Ombudsman shall receive and consider complaints relating to the deficiencies in banking or other services filed on the grounds mentioned in clause 8 irrespective of the pecuniary value of the deficiency in service complained and facilitate their satisfaction or settlement by agreement or through conciliation and mediation between the bank concerned and the aggrieved parties or by passing an Award as per the provisions of the Scheme.]

(3) The Banking Ombudsman shall exercise general powers of superintendence and control over his Office and shall be responsible for the conduct of business thereat.

(4) The Office of the Banking Ombudsman shall draw up an annual budget for itself in consultation with Reserve Bank and shall exercise the powers of expenditure within the approved budget on the lines of Reserve Bank of India Expenditure Rules, 2005.

(5) The Banking Ombudsman shall send to the Governor, Reserve Bank, a report, as on 30th June every year, containing a general review of the activities of his Office during the preceding financial year and shall furnish such other

1. Subs. by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017, for sub-paragraph (2) (w.e.f. 1-7-2017). Sub-paragraph (2), before substitution, stood as under:

“(2) The Banking Ombudsman shall receive and consider complaints relating to the deficiencies in banking or other services filed on the grounds mentioned in clause 8 and facilitate their satisfaction or settlement by agreement or through conciliation and mediation between the bank concerned and the aggrieved parties or by passing an Award in accordance with the Scheme.”

information as the Reserve Bank may direct and the Reserve Bank may, if it considers necessary in the public interest so to do, publish the report and the information received from the Banking Ombudsman in such consolidated form or otherwise as it deems fit.

CHAPTER IV

PROCEDURE FOR REDRESSAL OF GRIEVANCE

8. Grounds of complaint.—¹[(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—]

- (a) non-payment or inordinate delay in the payment or collection of cheques, drafts, bills, etc.;
- (b) non-acceptance, without sufficient cause, of small denomination notes tendered for any purpose, and for charging of commission in respect thereof;
- (c) non-acceptance, without sufficient cause, of coins tendered and for charging of commission in respect thereof;
- (d) non-payment or delay in payment of inward remittances;
- (e) failure to issue or delay in issue of drafts, pay orders or bankers' cheques;
- (f) non-adherence to prescribed working hours;

²[***]

- (h) failure to provide or delay in providing a banking facility (other than loans and advances) promised in writing by a bank or its direct selling agents;
- (i) delays, non-credit of proceeds to parties' accounts, non-payment of deposit or non-observance of the Reserve Bank directives, if any, applicable to rate of interest on deposits in any savings, current or other accounts maintained with a bank;

³[***]

- (k) complaints from non-resident Indians having accounts in India in relation to their remittances from abroad, deposits and other bank-related matters;

1. Subs. by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009, for sub-paragraph (1) (w.e.f. 3-2-2009). Sub-paragraph (1), before substitution, stood as under:

"(1) A complaint on any one of the following grounds alleging deficiency in banking or other services may be filed with the Banking Ombudsman having jurisdiction."

2. Clause (g) omitted by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009 (w.e.f. 3-2-2009). Clause (g), before omission, stood as under:

"(g) failure to honour guarantee or letter of credit commitments;"

3. Clause (j) omitted by Notification No. CSD, BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009 (w.e.f. 3-2-2009). Clause (j), before omission, stood as under:

"(j) delays in receipt of export proceeds, handling of export bills, collection of bills, etc., for exporters provided the said complaints pertain to the bank's operations in India;"

1[***]

²[(l) Non-adherence to the instructions of Reserve Bank on ATM/Debit Card and Prepaid Card operations in India by the bank or its subsidiaries on any of the following:

- (i) Account debited but cash not dispensed by ATMs
- (ii) Account debited more than once for one withdrawal in ATMs or for POS transaction
- (iii) Less/Excess amount of cash dispensed by ATMs
- (iv) Debit in account without use of the card or details of the card
- (v) Use of stolen/cloned cards
- (vi) Others.]

²[(m) Non-adherence by the bank or its subsidiaries to the instructions of Reserve Bank on credit card operations on any of the following:

- (i) Unsolicited calls for Add-on Cards, insurance for cards etc.
- (ii) Charging of Annual Fees on Cards issued free for life
- (iii) Wrong Billing/Wrong Debits
- (iv) Threatening calls/inappropriate approach of recovery by recovery agents including non-observance of Reserve Bank guidelines on engagement of recovery agents
- (v) Wrong reporting of credit information to Credit Information Bureau
- (vi) Delay or failure to review and correct the credit status on account of wrongly reported credit information to Credit Information Bureau
- (vii) Others.]

²[(n) Non-adherence to the instructions of Reserve Bank with regard to Mobile Banking/Electronic Banking service in India by the bank on any of the following:

- (i) delay or failure to effect online payment/Fund Transfer,
- (ii) unauthorized electronic payment/Fund Transfer.]

³[(o) levying of charges without adequate prior notice to the customer;

³[(p) non-adherence by the bank or its subsidiaries to the instructions of Reserve Bank on ATM/Debit card operations or credit card operations;

³[(q) non-disbursement or delay in disbursement of pension (to the extent the grievance can be attributed to the action on the part of the bank concerned, but not with regard to its employees);

1. Clause (l) omitted by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017). Clause (l), before omission, stood as under:

"(l) refusal to open deposit accounts without any valid reason for refusal; "

2. Ins. by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).

3. Clauses (m) to (t) renumbered as clauses (o) to (v) thereof by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).

- ¹[(r)] refusal to accept or delay in accepting payment towards taxes, as required by Reserve Bank/Government;
- ¹[(s)] refusal to issue or delay in issuing, or failure to service or delay in servicing or redemption of Government securities;
- ¹[(t)] forced closure of deposit accounts without due notice or without sufficient reason;
- ²1[(u)] 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;]
- ²1[(v)] non-observance of Reserve Bank guidelines on engagement of recovery agents by banks; and]
- ³[(w)] Non-adherence to Reserve Bank guidelines on para-banking activities like sale of insurance/mutual fund/other third party investment products by banks with regard to following:
 - (i) Improper, unsuitable sale of third party financial products
 - (ii) non-transparency/lack of adequate transparency in sale
 - (iii) non-disclosure of grievance redressal mechanism available
 - (iv) delay or refusal to facilitate after sales service by banks.]
- ⁴[(x)] any other matter relating to the violation of the directives issued by the Reserve Bank in relation to banking or other services.

(2) A complaint on any one of the following grounds alleging deficiency in banking service in respect of loans and advances may be filed with the Banking Ombudsman having jurisdiction:

- (a) non-observance of Reserve Bank directives on interest rates;
- (b) delays in sanction, disbursement or non-observance of prescribed time schedule for disposal of loan applications;
- (c) non-acceptance of application for loans without furnishing valid reasons to the applicant; and
- ⁵[(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;]
- ⁵[(e)] non-observance of Reserve Bank guidelines on engagement of recovery agents by banks; and]

-
1. Clauses (m) to (t) renumbered as clauses (o) to (v) thereof by Notification No. CEPD.PRS. No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).
 2. Subs. by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009, for clause (s) and clause (t) (w.e.f. 3-2-2009). Clause(s) and clause (t), before substitution, stood as under:
 - "(s) refusal to close or delay in closing the accounts;
 - (t) non-adherence to the fair practices code as adopted by the bank; and"
 3. Ins. by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).
 4. Clause (u) renumbered as clause (x) thereof by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).
 5. Ins. by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009 (w.e.f. 3-2-2009).

¹[(f)] non-observance of any other direction or instruction of the Reserve Bank as may be specified by the Reserve Bank for this purpose from time to time.

(3) The Banking Ombudsman may also deal with such other matter as may be specified by the Reserve Bank from time-to-time in this behalf.

9. Procedure for filing complaint.—(1) Any person who has a grievance against a bank on any one or more of the grounds mentioned in clause 8 of the Scheme may, himself or through his authorised representative (other than an advocate), make a complaint to the Banking Ombudsman within whose jurisdiction the branch or office of the bank complained against is located:

²[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.]

(2) (a) The complaint in writing shall be duly signed by the complainant or his authorised representative and shall be, as far as possible, in the form specified in Annexure 'A' or as near as thereto as circumstances admit, stating clearly:

- (i) the name and the address of the complainant,
- (ii) the name and address of the branch or office of the bank against which the complaint, is made,
- (iii) the facts giving rise to the complaint,
- (iv) the nature and extent of the loss caused to the complainant, and
- (v) the relief sought for.

(b) The complainant shall file along with the complaint, copies of the documents, if any, which he proposes to rely upon and a declaration that the complaint is maintainable under sub-clause (3) of this clause.

(c) A complaint made through electronic means shall also be accepted by the Banking Ombudsman and a print out of such complaint shall be taken on the record of the Banking Ombudsman.

(d) The Banking Ombudsman shall also entertain complaints covered by this Scheme received by Central Government or Reserve Bank and forwarded to him for disposal.

(3) No complaint to the Banking Ombudsman shall lie unless:—

- (a) the complainant had, before making a complaint to the Banking Ombudsman, made a written representation to the bank and the bank had rejected the complaint or the complainant had not received

1. Clause (d) re-numbered as clause (f) thereof by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009 (w.e.f. 3-2-2009).

2. Subs. by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009, for proviso (w.e.f. 3-2-2009). The Proviso, before substitution, stood as under:

"Provided that a complaint arising out of the operations of credit cards, shall be filed before the Banking Ombudsman within whose territorial jurisdiction the billing address of the card holder is located and not the place where the bank concerned or the credit card processing unit is located."

- any reply within a period of one month after the bank received his representation or the complainant is not satisfied with the reply given to him by the bank;
- (b) the complaint is made not later than one year after the complainant has received the reply of the bank to his representation or, where no reply is received, not later than one year and one month after the date of the representation to the bank;
- ¹[(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;]
- ¹[(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;]
- (e) the complaint is not frivolous or vexatious in nature; and
- (f) the complaint is made before the expiry of the period of limitation prescribed under the Limitation Act, 1963 for such claims.

10. Power to call for information.—(1) For the purpose of carrying out his duties under this Scheme, a Banking Ombudsman may require the bank against whom the complaint is made or any other bank concerned with the complaint to provide any information or furnish certified copies of any document relating to the complaint which is or is alleged to be in its possession:

Provided that in the event of the failure of a bank to comply with the requisition without sufficient cause, the Banking Ombudsman may, if he deems fit, draw the inference that the information if provided or copies if furnished would be unfavourable to the bank.

(2) The Banking Ombudsman shall maintain confidentiality of any information or document that may come into his knowledge or possession in the course of discharging his duties and shall not disclose such information or document to any person except with the consent of the person furnishing such information or document:

Provided that nothing in this clause shall prevent the Banking Ombudsman from disclosing information or document furnished by a party in a complaint to the other party or parties to the extent considered by him to be reasonably

1. Subs. by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009, for clause (c) and clause (d) (w.e.f. 3-2-2009). Clause (c) and clause (d), before substitution, stood as under:

- “(c) the complaint is not in respect of the same subject-matter 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 subject-matter;
- (d) the complaint does not pertain to the same subject-matter, 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;”.

required to comply with any legal requirement or the principles of natural justice and fair play in the proceedings.

11. Settlement of complaint by agreement.—(1) As soon as it may be practicable to do, the Banking Ombudsman shall send a copy of the complaint to the branch or office of the bank named in the complaint, under advice to the nodal officer referred to in sub-clause (3) of clause 15, and endeavour to promote a settlement of the complaint by agreement between the complainant and the bank through conciliation or mediation.

¹[(2) For the purpose of promoting a settlement of the complaint, the Banking Ombudsman shall not be bound by any rules of evidence and may follow such procedure as he may consider just and proper, which shall, however, at the least, require the Banking Ombudsman to provide an opportunity to the complainant to furnish his/her submissions in writing along with documentary evidence within a time limit on the written submissions made by the bank.

Provided, where the Banking Ombudsman is of the opinion that the documentary evidence furnished and written submissions by both the parties are not conclusive enough to arrive at a decision, he may call for a meeting of bank or the concerned subsidiary and the complainant together to promote an amicable resolution.

Provided further that where such meeting is held and it results in a mutually acceptable resolution of the grievance, the proceedings of the meeting shall be documented and signed by the parties specifically stating that they are agreeable to the resolution and thereafter the Banking Ombudsman shall pass an order recording the fact of settlement annexing thereto the terms of the settlement.]

¹[(3) The Banking Ombudsman may deem the complaint as resolved, in any of the following circumstances:

- (a) Where the grievance raised by the complainant has been resolved by the Bank or the concerned subsidiary of a bank with the intervention of the Banking Ombudsman; or
- (b) The complainant agrees, whether in writing or otherwise, to the manner and extent of resolution of the grievance provided by the Banking Ombudsman based on the conciliation and mediation efforts; or
- (c) In the opinion of the Banking Ombudsman, the bank has adhered to the banking norms and practices in vogue and the complainant has been informed to this effect through appropriate means and complainant's objections if any to the same are not received by Banking Ombudsman within the time frame provided.]

²[(4)] The proceedings before the Banking Ombudsman shall be summary in nature.

1. Subs. by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017, for sub-paragraph (2) (w.e.f. 1-7-2017). Sub-paragraph (2), before substitution, stood as under:

“(2) For the purpose of promoting a settlement of the complaint, the Banking Ombudsman may follow such procedure as he may consider just and proper and he shall not be bound by any rules of evidence.”.

2. Sub-paragraph (3) re-numbered as sub-paragraph (4) thereof by Notification No. CEPD.P.R.S. No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).

12. Award by the Banking Ombudsman.—(1) If a complaint is not settled by agreement within a period of one month from the date of receipt of the complaint or such further period as the Banking Ombudsman may allow the parties, he may, after affording the parties a reasonable opportunity to present their case, pass an award or reject the complaint.

(2) The Banking Ombudsman shall take into account the evidence placed before him by the parties, the principles of banking law and practice, directions, instructions and guidelines issued by the Reserve Bank from time to time and such other factors which in his opinion are relevant to the complaint.

(3) The award shall state briefly the reasons for passing the award.

¹[(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.]

²[(5) Notwithstanding anything contained in sub-clause (4), the Banking Ombudsman shall not have the power to pass an Award directing payment of an amount towards compensation which is more than the actual loss suffered by the complainant as a direct consequence of the act of omission or commission of the bank, or two million rupees whichever is lower. The compensation that can be awarded by the Banking Ombudsman shall be exclusive of the amount involved in the dispute.]

²[(6) The Banking Ombudsman may also award compensation in addition to the above but not exceeding Rs. 0.1 million to the complainant, taking into account the loss of the complainant's time, expenses incurred by the complainant, harassment and mental agony suffered by the complainant.]

(7) A copy of the Award shall be sent to the complainant and the bank.

³[(8) An award shall lapse and be of no effect unless the complainant furnishes to the bank concerned within a period of 30 days from the date of receipt of copy of the Award, a letter of acceptance of the Award in full and final settlement of his claim:

1. Subs. by Notification No. CSD. BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2011, for sub-paragraph (4) (w.e.f. 3-2-2009). Sub-paragraph (4), before substitution, stood as under:

"(4) The award passed under sub-clause (1) shall specify the amount, if any, to be paid by the bank to the complainant by way of compensation for the loss suffered by him and may contain any direction to the bank."

2. Subs. by Notification No. CEPD.PRS.No. 6317/13.01.01/2016-17, dated 16th June, 2017, for sub-paragraph (5) and (6) (w.e.f. 1-7-2017). Earlier sub-paragraph (6) was substituted by Notification No. CSD.BOS.No. 4736/13.01.1/2008-09 dated 3rd February, 2009 (w.e.f. 3-2-2009). Sub-paragraphs (5) and (6), before substitution, stood as under:

"(5) Notwithstanding anything contained in sub-clause (4), the Banking Ombudsman shall not have the power to pass an award directing payment of an amount which is more than the actual loss suffered by the complainant as a direct consequence of the act of omission or commission of the bank, or ten lakh rupees whichever is lower.

(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."

3. Subs. by Notification No. CSD. BOS. No. 4638/13.01.01/2006-07, dated 24th May, 2007, for sub-paragraph (8) (w.e.f. 24-5-2007). Sub-paragraph (8), before substitution, stood as under:

Provided that no such acceptance may be furnished by the complainant if he has filed an appeal under sub-clause (1) of clause 14.]

¹[(9) The bank shall, unless it has preferred an appeal under sub-clause (1) of clause 14, within one month from the date of receipt by it of the acceptance in writing of the Award by the complainant under sub-clause (8), comply with the Award and intimate compliance to the Banking Ombudsman.]

²[13. Rejection of complaint.—The Banking Ombudsman may reject a complaint at any stage if it appears to him that the complaint made is—

³[(a) Not on the grounds of complaint referred to in clause 8; Or]

³[(b) Otherwise not in accordance with sub-clause (3) of clause 9; Or]

⁴[(c) beyond the pecuniary jurisdiction of the Banking Ombudsman prescribed under sub-clauses (5) and (6) of clause 12; or

⁴[(d) requiring consideration of elaborate documentary and oral evidence and the proceedings before the Banking Ombudsman are not appropriate for adjudication of such complaint; or

Contd. from previous page

“(8) An Award shall not be binding on a bank against which it is passed unless the complainant furnishes to it, within a period of 15 days from the date of receipt of copy of the Award, a letter of acceptance of the Award in full and final settlement of his claim in the matter. If the complainant does not accept the Award passed by the Banking Ombudsman or fails to furnish his letter of acceptance within the said period of 15 days or within such further time not exceeding a period of fifteen days that may be granted by the Banking Ombudsman, the Award shall lapse and be of no effect.”.

1. Subs. by Notification No. CSD. BOS. No. 4638/13.01.01/2006-07, dated 24th May, 2007, for sub-paragraph (9) (w.e.f. 24-5-2009). Sub-paragraph (9), before substitution, stood as under:

“(9) The bank shall within one month from the date of receipt by it of the acceptance in writing of the award by the complainant under sub-clause (8), or within such time not exceeding a period of fifteen days that may be granted by the Banking Ombudsman, comply with the Award and intimate compliance to the Banking Ombudsman.”.

2. Subs. by Notification No. CSD. BOS. No. 4736/13.01.01/2008-09, dated 3 February, 2009, for paragraph 13 (w.e.f. 3-2-2009). Earlier paragraph 13 was substituted by Notification No. CSD. BOS. No. 4638/13.01.01/2006-07, dated 24th May, 2007 (w.e.f. 24-5-2007). Paragraph 13, before substitution by Notification No. CSD. BOS. No. 4736/13.01.01/2008-09, stood as under:

“13. Rejection of the 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

(b) beyond the pecuniary jurisdiction of Banking Ombudsman prescribed under clause 12(5) or

(c) frivolous, vexatious, *mala fide*; 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; or

(g) requiring consideration of elaborate documentary and oral evidence and the proceedings before the Banking Ombudsman are not appropriate for adjudication of such complaint.”.

3. Subs. by Notification No. CEPD.PRS. No. 6317/13.01.01/2016-17, dated 16th June, 2017, for clause (a) (w.e.f. 1-7-2017). Clause (a), before substitution, stood as under:

“(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”.

4. Clauses (b) to (f) re-numbered as clauses (c) to (g) thereof by Notification No. CEPD.PRS No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).

¹[(e)] without any sufficient cause; or

¹[(f)] that it is not pursued by the complainant with reasonable diligence; or

¹[(g)] in the opinion of the Banking Ombudsman there is no loss or damage or inconvenience caused to the complainant.]

²[(2) The Banking Ombudsman, shall, if it appears at any stage of the proceedings that the complaint pertains 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, pass an order rejecting the complaint giving reasons thereof.]

14. Appeal before the appellate authority.—³[(1) Party to the complaint aggrieved by an Award under Clause 12 or rejection of a complaint for the reasons referred to in sub-clauses (d) to (g) of Clause 13, may within 30 days of the date of receipt of communication of Award or rejection of complaint, prefer an appeal before the Appellate Authority.]

(2) The appellate authority shall, 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

(c) remand the matter to the Banking Ombudsman for fresh disposal in accordance with such directions as the appellate, authority may consider necessary or proper; or

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

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

-
1. Clauses (b) to (f) re-numbered as clauses (c) to (g) thereof by Notification No. CEPD.PRS No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).
 2. Ins. by Notification No. CERD.PRS No. 6317/13.01.01/2016-17, dated 16th June, 2017 (w.e.f. 1-7-2017).
 3. Subs. by Notification No. CEPD.PRS No. 6317/13.01.01/2016-17, dated 16th June, 2017, for sub-paragraph (1) (w.e.f. 1-7-2017). Earlier sub-paragraph (1) was substituted by Notification No. CSD BOS. 4638/13.01.01/2006-07, dated 24th May, 2007, (w.e.f. 24-5-2007) and amended by Notification No. CSD. BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009 (w.e.f. 3-2-2009). Sub-paragraph (1), before substitution, stood as under:

“(1) Any person aggrieved by an Award under clause 12 or rejection of a complaint for the reasons referred to in sub-clauses (d) to (f)] of clause 13, may within 30 days of the date of receipt of communication of Award or rejection of complaint, prefer an appeal before the Appellate Authority:

Provided that in case of appeal by a bank, the period of thirty days for filing an appeal shall commence from the date on which the bank receives letter of acceptance of Award by complainant under sub-clause (8) of clause 12:

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

Provided further that appeal may be filed by a bank only with the previous sanction of the Chairman or, in his absence, the Managing Director or the Executive Director or the Chief Executive Officer or any other officer of equal rank.”.

(3) The order of the appellate authority shall have the same effect as the award passed by Banking Ombudsman under clause 12 or the order rejecting the complaint under clause 13, as the case may be.

15. Banks to display salient features of the scheme for common knowledge of public.—¹[(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.]

CHAPTER V MISCELLANEOUS

16. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Scheme, the Reserve Bank may make such provisions not inconsistent with the Banking Regulation Act, 1949 or the Scheme, as it appears to it to be necessary or expedient for removing the difficulty.

17. Application of the Banking Ombudsman Schemes, 1995 and 2002.—The adjudication of pending complaints and execution of the awards already passed, before coming into force of the Banking Ombudsman Scheme, 2006, shall continue to be governed by the provisions of the respective Banking Ombudsman Schemes and instructions of the Reserve Bank issued thereunder.

1. Subs. by Notification No. CSD. BOS. 4736/13.01.01/2008-09, for sub-paragraphs (1), (2) and (3) (w.e.f. 3-2-2009). Sub-paragraphs (1) (2) and (3), before substitution, stood as under:

- “(1) The banks covered by the Scheme shall ensure that the purpose of the Scheme and the name and address 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.
- (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.”.

¹[ANNEXURE 'A'**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.
- E-mail
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)

1. Subs. by Notification No. CSD.BOS. No. 4736/13.01.01/2008-09, dated 3rd February, 2009, for Annexure-A (w.e.f. 3-2-2009).

9. Nature of Relief sought from the Banking Ombudsman

(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.]

Annexure 'B'

ADDRESS AND AREA OF OPERATION OF BANKING OMBUDSMEN¹

| Centre | Address of the Office of Banking Ombudsman | Area of Operation |
|-------------|---|--|
| (1) | (2) | (3) |
| Ahmedabad | C/o Reserve Bank of India La Gajjar Chambers, Ashram Road, Ahmedabad-380 009 Tel. No. 26582357/079-26586718 Fax No. 079-26583325 Email: boahmedabad@rbi.org.in | Gujarat, Union Territories of Dadra and Nagar Haveli, Daman and Diu |
| Bangalore | C/o Reserve Bank of India 10/3/8, Nrupathunga Road, Bangalore-560 001 Tel. No. 22210771/22275629 Fax No. 080-22244047 Email: bobangalore@rbi.org.in | Karnataka |
| Bhopal | C/o Reserve Bank of India Hoshangabad Road, Post Box No. 32, Bhopal-462 011 Tel. No. 2573772/2573776 Fax No. 0755-2573779 Email: bobhopal@rbi.org.in | Madhya Pradesh |
| Bhubaneswar | C/o Reserve Bank of India Pt. Jawaharlal Nehru Marg, Bhubaneswar-751 001 Tel. No. 2396207/2396008 Fax No. 0674-2393906 Email: bobhubaneswar@rbi.org.in | Odisha |
| Chandigarh | C/o Reserve Bank of India, New Office Building, Sector-17, Central Vista, Chandigarh-160 017 Tel. No. 2721109/2721011 Fax No. 0172-2721880 Email: bochandigarh@rbi.org.in | Himachal Pradesh, Punjab, Union Territory of Chandigarh and Panchkula, Yamuna Nagar and Ambala District of Haryana |
| Chennai | C/o Reserve Bank of India, Fort Glacis, Chennai 600 001 Tel No. 25395963/25395964 Fax No. 044-25395488 Email: bochennai@rbi.org.in | Tamil Nadu, Union Territories of Puducherry (except Mahe Region) and Andaman and Nicobar Islands |

1. Source: Reserve Bank of India website.

| | | |
|---------------|---|--|
| Guwahati | <p>C/o Reserve Bank of India Station Road, Pan Bazar, Guwahati-781 001</p> <p>Tel. No. 2542556/2540445 Fax No. 0361-2540445 Email: boguwahati@rbi.org.in</p> | <p>Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura</p> |
| Hyderabad | <p>C/o Reserve Bank of India 6-1-56, Secretariat Road, Saifabad, Hyderabad-500 004</p> <p>Tel. No. 23210013/23243970 Fax No. 040-23210014 Email: bohyderabad@rbi.org.in</p> | <p>Andhra Pradesh and Telangana</p> |
| Jaipur | <p>C/o Reserve Bank of India, Ram Bagh Circle, Tonk Road, Post Box No. 12, Jaipur-302 004</p> <p>Tel. No. 0141-5107973 Fax No. 0141-2562220 Email: bojaipur@rbi.org.in</p> | <p>Rajasthan</p> |
| Kanpur | <p>C/o Reserve Bank of India M.G. Road, Post Box No. 82, Kanpur-208 001</p> <p>Tel. No. 2306278/2303004 Fax No. 0512-2305938 Email: bokanpur@rbi.org.in</p> | <p>Uttar Pradesh (excluding Districts of Ghaziabad, Gautam Budh Nagar, Saharanpur, Shamli (Prabudh Nagar), Muzaffarnagar, Baghpat, Meerut, Bijnor and Amroha (Jyotiba Phule Nagar)</p> |
| Kolkata | <p>C/o Reserve Bank of India 15, Netaji Subhas Road, Kolkata-700 001</p> <p>Tel. No. 22304982 Fax No. 033-22305899 Email: bokolkata@rbi.org.in</p> | <p>West Bengal and Sikkim</p> |
| Mumbai | <p>C/o Reserve Bank of India RBI Byculla Office Building, Opp. Mumbai Central Railway Station, Byculla, Mumbai-400 008</p> <p>Tel. No. 23022028 Fax No. 23022024 Email: bomumbai@rbi.org.in</p> | <p>Maharashtra and Goa</p> |
| New Delhi (I) | <p>C/o Reserve Bank of India, Sansad Marg, New Delhi</p> <p>Tel. No. 23725445/23710882 Fax No. 011-23725218 Email: bonewdelhi@rbi.org.in</p> | <p>Delhi</p> |

| | | |
|--------------------|---|--|
| Patna | C/o Reserve Bank of India, Patna-800 001 Tel. No. 2322569/2323734 Fax No. 0612-2320407 Email: bopatna@rbi.org.in | Bihar |
| Thiruvananthapuram | C/o Reserve Bank of India Bakery Junction, Thiruvananthapuram 695 033 Tel. No. 2332723/2323959 Fax No. 0471-2321625 Email: bothiruvananthapuram@rbi.org.in | Kerala, Union Territory of Lakshadweep and Union Territory of Puducherry (only Mahe Region) |
| New Delhi (II) | C/o Reserve Bank of India Sansad Marg, New Delhi Tel. No. 011-23724856 Fax No. 011-23725218-19 Email: bonewdelhi2@rbi.org.in | Haryana (except Panchkula, Yamuna Nagar and Ambala Districts) and Ghaziabad and Gautam Budh Nagar district of Uttar Pradesh |
| Dehradun | C/o Reserve Bank of India 74/1 GMVN Building, 3rd floor, Rajpur Road, Dehradun-248 001 Tel. No. 0135-2742003 Fax No. 0135-2742001 Email: bodehradun@rbi.org.in | Uttarakhand and seven districts of Uttar Pradesh viz., Saharanpur, Shamli (Prabudh Nagar), Muzaffarnagar, Baghpat, Meerut, Bijnor and Amroha (Jyotiba Phule Nagar) |
| Ranchi | C/o Reserve Bank of India 4th Floor, Pragati Sadan, RRDA Building, Kutchery Road, Jharkhand-834 001 Tel. No. 0651-2210512 Fax No. 0651-2210511 Email: boranchi@rbi.org.in | Jharkhand |
| Raipur | C/o Reserve Bank of India 54/949, Shubhashish Parisar, Satya Prem Vihar Mahadev Ghat Road, Sundar Nagar, Raipur-492 013 Tel. No. 0771-2242566 Fax No. 0771-2242566 Email: boraipur@rbi.org.in | Chhattisgarh |
| Jammu | C/o Reserve Bank of India Rail Head Complex, Jammu-180 013 Tel. No. 0191-2477617 Fax No. 0191-2477219 Email: bojammu@rbi.org.in | State of Jammu and Kashmir |