

THE RESERVE BANK – INTEGRATED OMBUDSMAN SCHEME, 2021 - SALIENT FEATURES

The Integrated Ombudsman Scheme, 2021 is effective from November 12, 2021. The Scheme adopts 'One Nation One Ombudsman' approach by making the RBI Ombudsman mechanism jurisdiction neutral. It integrates the existing three Ombudsman schemes of RBI namely, (i) the Banking Ombudsman Scheme, 2006; (ii) the Ombudsman Scheme for Non-Banking Financial Companies, 2018; and (iii) the Ombudsman Scheme for Digital Transactions, 2019.

➤ **APPLICABILITY: The scheme covers the following regulated NBFCs**

- i. All Commercial Banks, Regional Rural Banks, Scheduled Primary (Urban) Co-operative 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 authorized 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.

➤ **PROCEDURE FOR GRIEVANCE REDRESSAL UNDER THE SCHEME:**

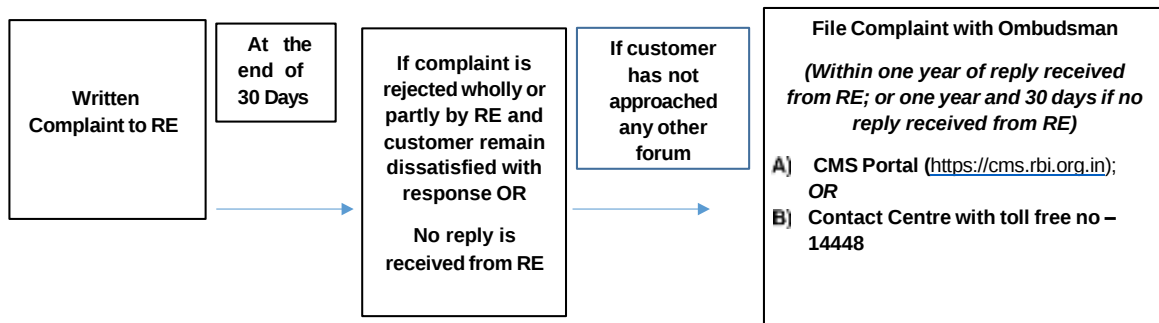
- I. Grounds of complaint: Any act/omission of Regulated Entity (RE) resulting in deficiency in service may file complaint personally or through an authorized representative. "Authorized Representative" means a person, other than an advocate (unless the advocate is the aggrieved person) duly appointed and authorized in writing to represent the complainant in the proceedings before the Ombudsman.
- II. Deficiency in service: Means a shortcoming or an inadequacy in any financial service or such other services related thereto, 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.
- III. Complaint shall not lie under the Scheme, 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 authorized representative other than an advocate unless the advocate is the aggrieved person.

IV. Grounds for non-maintainability of a Complaint under the scheme are those involving matters such as-

- a. Commercial judgment/commercial decision of a RE;
- b. Dispute between a vendor and a RE relating to an outsourcing contract;
- c. Grievance not addressed to the Ombudsman directly;
- d. General grievances against Management or Executives of a RE;
- e. Dispute in which action is initiated in compliance with the orders of a statutory or law enforcing authority;
- f. Service not within the regulatory purview of RBI;
- g. Dispute between RE's; and
- h. Dispute involving the employee-employer relationship of a RE.
- i. a dispute for which a remedy has been provided in Section 18 of the Credit Information Companies (Regulation) Act, 2005; and
- j. a dispute pertaining to customers of Regulated Entity not included under the Scheme.

➤ **PROCESS FOR FILING COMPLAINT:**



➤ **APPEAL BEFORE APPELLATE AUTHORITY:**

- The complainant aggrieved by an Award or rejection of a complaint by Ombudsman Office, may, within 30 days of date of receipt of award or rejection of complaint, prefer an appeal to Executive Director, Consumer Education & Protection Department (CEPD), RBI.
- The Appellate Authority may, if it 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.

➤ **RESOLUTION OF COMPLAINTS BY OMBUDSMAN**

- Shall consider the complaints relating to deficiency in service only.
- Proceedings before Ombudsman are summary in nature.
- Ombudsman promotes settlement through facilitation, conciliation or mediation between the complainant and the company. If not reached any settlement, Ombudsman can issue Award/Order.
- 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.

NOTE:

- This is an Alternate Dispute Resolution mechanism.
- Complainant is at liberty to approach Court, Tribunal or Arbitrator or any other forum or authority.
- 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.

- 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.

Please refer:

https://rbidocs.rbi.org.in/rdocs/content/pdfs/RBIOS2021_amendments05082022.pdf