



**A CRITICAL REVIEW OF PERFORMANCE OF BANKING
OMBUDSMAN SCHEME IN INDIA**

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ABSTRACT

In an age of increasing competition to provide quality service to its customers, the Banking sector in India emphasizes on gratification of service and customer satisfaction. Where the customer is not happy with the services rendered by the bank, the customer shall be entitled to lodge a complaint with the grievance cell of the bank. Every year, banks get in to many lawsuits, several of which go beyond the years. This shows the incompetence of the banks' grievance resolution system in solving all customer complaints. When customers feel that Grievance Cell of the Bank is ineffective in solving the customers' problem, they have the option to knock the doors of Banking Ombudsman. In 1995, India launched the Banking Ombudsman Scheme to resolve customer complaints effectively, quickly and impartially and to prevent deficiencies and delay in existing legal protection mechanisms. Although the number of complaints received over this platform has recently amplified, a major concern has been the lack of awareness among customers. With some constructive steps of RBI and the Banking Ombudsman's popularity drives, the situation now appears far better. This study is an attempt to explore the role of Banking Ombudsman in addressing grievances filed by customers of various banks. Data was obtained from RBI bulletins for the purpose of the research. The study may help to understand the Banking Ombudsman Scheme with regard to the reception and dissemination of grievances, the type and mode of grievances received the area-wise coverage of complaints and the trend of decline of complaints.

KEYWORDS: *Banking Ombudsman, Customer, Complaint, Grievances, RBI, Redressal Measures.*

1.0 INTRODUCTION

In today's highly competitive banking landscape, the most significant instrument for sustainable business growth is outstanding customer service. [1] Customer service has been

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the most challenging task in the banking sector, especially after financial sector reforms and the introduction of new age technologies. Providing a fast and efficient service is one of the priorities of commercial banks in order to attract potential customers and maintain current customers.[2] Moreover, the quality of the services offered by banks is based on the services provided to customers, and this influences the bank's reputation and progress. It is the result of the RBI initiatives that all commercial banks now have their own grievance redressal cells for handling customer complaints. However, sometimes banks do not properly handle customer complaints, which can lead to customer dissatisfaction. In this case, the Reserve Bank of India provided another mechanism for addressing customer complaints by establishing an ombudsman in India. [3]

The Banking Ombudsman Scheme (BOS) is a quick and cost-effective setting for customers of bank for addressing grievances about some of the services provided by banks. [4] The Banking Ombudsman Scheme was initiated by the RBI with effect from 1995 in accordance with Section 35 A of the Banking Regulation Act of 1949. The Banking Ombudsman Scheme 2006 (amended up to July 1, 2017) is currently in force.[5] Anyone unsatisfied with the decision taken by the concerned bank may file a complaint in person or through their agent with Banking Ombudsman for the reasons given in the Banking Ombudsman Scheme 2006. [6]

The word "Ombudsman" generally means 'grievance man', an official in charge of investigating grievances against the management. He is to intervene for the citizen in his dealings with the complex machine of the establishment [7].

The Banking Ombudsman is a senior official nominated by the Reserve Bank of India for a term not exceeding three years to settle the concerns of customers regarding deficiencies in some of the banking facilities. If the response is not sought from the bank concerned in one month of receiving the complaint, or if the bank refuses the objection, or if the complainant is not pleased with the solution issued by the bank, a complaint can be lodged with the banking ombudsman. [8]

The Banking Ombudsman makes a treaty through a negotiation between the appellant and a specific bank that receives the complaint. If the bank and appellant jointly offer the settlement, it must be accepted by the Banking Ombudsman. After the final settlement, the banking ombudsman would issue an order. Only Scheduled Commercial Banks, Regional Rural Banks, Scheduled Primary Co-Operative Banks are covered under this scheme, so any customer of these banks can resolve complaints related to certain banking services. [9]

2.0 DATA COLLECTION

The current research is focused on secondary information. Secondary data was gathered from journals, prior studies, committee reports, RBI bulletins and banking information news reports. Core information has been obtained from Annual Report of Banking Ombudsman Scheme published by RBI. The Banking Ombudsman Act 2006 with a men dmentsis relied for reference and understanding of the scheme.

3.0 HISTORY

The complaints about banks for poor service have risen over time, while banks have made different efforts to notify the RBI. As the focus of banks has been shifted from a "class bank" to a "mass bank", Banks are under pressure to meet the diverse needs of customers. [10] These crucial areas were investigated by the Narasimham Committee on "Banking and Financial Sector Reforms" which advised the implementation of the "Banking Ombudsman Scheme 1995" as part of the 1991-92 to 1995-96 Financial Sector Policy and Framework Reforms. Recommendations are very significant and undoubtedly required as a necessity. This is appropriate in light of the changing demands of users in relation to the increasing

liberalization of the financial sector and banking, as well as the increasing awareness of their rights among customers. In this context, the RBI approved the proposal and, on 14th June 1995, as part of Banking Policy, Dr. C. Rangarajan, Governor RBI announced the Banking Ombudsman Scheme.

The system was promulgated under the provisions of the Banking Regulation Act of 1949 and includes all Scheduled Commercial Banks and the Scheduled Primary Co-operative Banks operating in India. The program entered into force in June 1995. Originally, the Ombudsman was based in three centers, i.e., Mumbai, New Delhi and Bhopal, on full time basis, later it expanded its base of operations. The purpose and goal of the Ombudsman is to provide a fast and cost-effective way to address customer complaints resulting from poor banking services. Therefore, the Ombudsman's Office is in charge of dealing with public complaints against deficiencies in banking services related to the functioning of deposit accounts and loans and advances. Paradigm change from the Banking Ombudsman Scheme 1995 to the Banking Ombudsman Scheme 2006 has been made to expand the reach and scope of the bank ombudsman to previously discovered sectors. [11]

The Ombudsman is a quasi-judicial authority operating under the Indian Banking Ombudsman Scheme. The agency was constituted as a result of the Indian government's decision to facilitate the resolution of complaints from banking clients about certain services provided by banks. [12]

4.0 JURISDICTION OF BANKING OMBUDSMAN

The Banking Ombudsman Scheme 2006 applies to entire India and covers all Scheduled Commercial Banks, Regional Rural Banks and Scheduled Primary Co-operative Banks.[13] The location of the office will be determined by the RBI. However, in order to resolve the issue quickly, a banking ombudsman may function in the appropriate places within his jurisdiction that he considers necessary. [13] There are twenty-two offices of the Banking Ombudsman with particular provincial law, comprising 29 states and 7 union territories. [14] These offices are located in Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Chandigarh, Chennai, Dehradun, Guwahati, Hyderabad, Jaipur, Jammu, Kanpur, Kolkata, Mumbai-I, Mumbai-II, New Delhi-I, New Delhi -II, New Delhi-III, Patna, Raipur, Ranchi and Thiruvananthapuram. [15] Each center has its own operational area of responsibility. For example, Mumbai centre has an operational area over Maharashtra and Goa.

5.0 VISION AND GOALS OF THE BANKING OMBUDSMAN

5.1 Vision

- ❖ To be a visible and credible dispute resolution system for ordinary people who use banking services. [16]

5.2 Goals

- ❖ To ensure that customer complaints about banking services are resolved in a cost-effective, quick and fair manner to promote the continuous improvement of customer service in the banking sector.
- ❖ Provide feedback / suggestions to the Reserve Bank of India in order to formulate appropriate and timely guidelines for banks to improve customer service and strengthen their internal complaint systems.
- ❖ To enhance the awareness of the Banking Ombudsman Scheme.
- ❖ To facilitate the quick and fair (non-discriminatory) redressal of complaints through the use of IT systems, a comprehensive and easily accessible database, and improving staff skills through training [16].

6.0 REASONS OF THE COMPLAINT

A complaint can be submitted to the responsible Banking Ombudsman for one of the following reasons:

- a) Non-payment or delays in paying bills, draft, cheques, etc.
- b) Non-acceptance of banknotes or coins with a small denomination without sufficient reason.
- c) Failure to pay or late payment of inward transfers.
- d) Delay or non-issuance of payment orders, draft, etc.
- e) Non adherence of working hours.
- f) Delay or failure to provide any banking service other than loans and advances.
- g) Non adherence of Reserve Bank of India regulations regarding savings account interest rates, etc.
- h) A complaint from a non-resident Indian about remittances.
- i) Refusal to open a deposit account without sufficient reason.
- j) Levying of fees without prior notice.
- k) Failure to comply with Reserve Bank's ATM / Debit Card Transactions Policy.
- l) Closure of deposit accounts without reason or sufficient notice.
- m) Delaying or refusing to close accounts.
- n) Non adherence of the Bank's Code of Fair Practice issued by the Banking Codes and Standards Board of India or the Code of Banking Commitments to customers.
- o) Failure to comply with the Reserve Bank of India's Debt Collection Agency guidelines.
- p) Failure to comply with the Reserve Bank of India's guidelines for banking services.[13]

7.0 DATA ANALYSIS

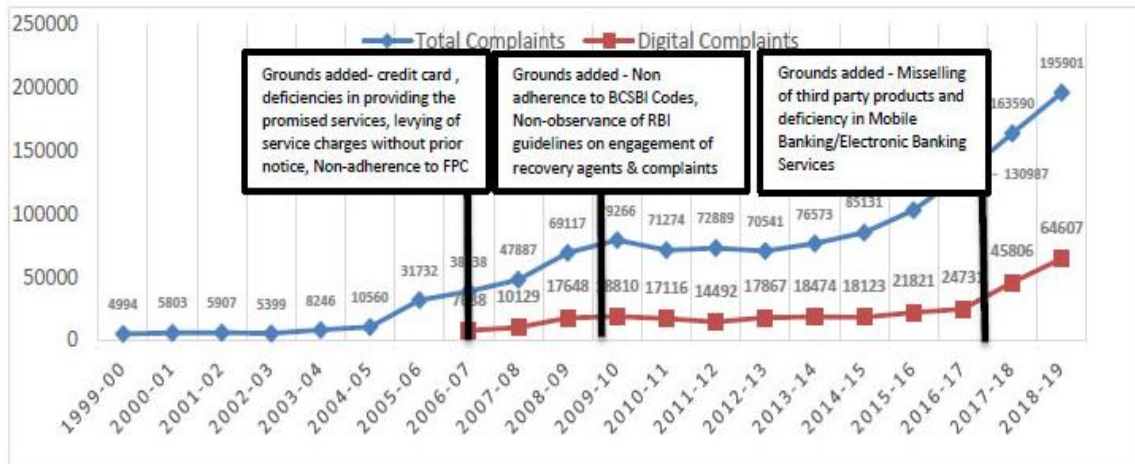
TABLE 7.1: NUMBER OF COMPLAINTS RECEIVED BY OFFICE OF BANKING OMBUDSMAN (OBO)

Year	No. of OBOs	Complaints received during the year
2016-17	20	130987
2017-18	24	163590
2018-19	22	195901

Source: Annual Report of BOS of RBI

It can be observed that complaints received from customers under the RBI Banking Ombudsman Scheme has amplified year on year. In 2018-19, the number of complaints reported by Banking Ombudsman rose by 19.75% compared to 2017-18. Among other factors, the upward trend may be attributed to the surge in the percentage of bank customers, the intensified use of electronic banking methods and the effect of financial inclusion measures and the outreach of RBI's awareness activities, including via TV channels, FM radio, SMS (RBI Say) and the regional-level awareness efforts of OBOs. [17]

Chart IX: Volume of complaints received under BO Scheme



Source: Annual Report of BOS of RBI

TABLE 7.2: CATEGORY-WISE DISTRIBUTION OF COMPLAINTS

Particulars	Number of complaints received		
	2016-17	2017-18	2018-19
Non-observance of Fair Practice Code	13,769	36,146	37,557
	24.25%	22.10%	19.17%
ATM/ Debit Cards	16,434	24,672	36,539
	12.55%	15.08%	18.65%
Mobile/ Electronic Banking	-	8,487	14,794
	6.80%	6.75%	6.81%
Failure to Meet Commitments	8,911	11,044	13,332
	6.80%	6.75%	6.81%
Credit Card	8,297	12,647	13,274
	6.33%	7.73%	6.78%
Deposit Accounts	7,190	6,719	10,844
	5.49%	4.11%	5.54%
Levy of Charges without Prior Notice	7,273	8,209	8,391
	5.55%	5.02%	4.28%
Loans and Advances	5,559	6,226	7,610
	4.24%	3.81%	3.88%
Pension Payments	8,506	7,833	7,066
	6.49%	4.79%	3.61%
Non-adherence to BCSBI Codes	3,699	3,962	5,981
	2.82%	2.42%	3.05%
Remittances	3,287	3,330	3,451
	2.51%	2.04%	1.76%
Para-Banking	-	579	1,115
	-	0.35%	0.57%
DSAs and Recovery Agents	330	554	629
	0.25%	0.34%	0.32%
Notes and coins	330	1,282	480
	0.25%	0.78%	0.25%
Others	23,169	26,219	28,330
	17.69%	16.03%	14.46%
Out of Purview of BO Scheme	6,230	5,681	6,508
	4.76%	3.47%	3.32%
Total	1,30,987	1,63,590	1,95,901

Source: Annual Report of BOS of RBI

Total thirty reasons for filing complaints with the Banking Ombudsman stated in Clause 8 of the Banking Ombudsman Scheme (BOS). The above table shows generally the percentage of complaints received depending on the numerous reasons specified in the BOS. [17]

Although non-compliance with the Code of Practice continued to be a major reason for complaints, there is a decreasing trend in the past three years under this head. Complaints relating to pension, levy of charges without notice, and remittance also showed a decreasing trend in the review period. However, the number of grievances related to mis-selling went up from 579 in 2017-18 to 1,115 in 2018-19, an alarming rise of 92.57%. ATM/ Debit Card complaints accounted for 18.65% of all complaints, up from 15.08% in 2017-18. A notable sub-category of the total number of ATM / Debit Card complaints was "Account debited but cash not dispensed by ATMs," which reported for approximately 53% [17]It represents the cyber security issues connected with digital banking which required to be addressed by RBI. The complaints out of purview of the Act also decreased indicating that there is more awareness and understanding of the scheme.

TABLE 7.3: OBO-WISE POSITION OF COMPLAINTS DISPOSED DURING 2018-19

OBO	Complaints pending at the beginning of the year	Complaints received during the year	Complaints handled	Complaints disposed	Pending at the end of the year	Rate of disposal (%)
Ahmadabad	0	9,796	9,796	9,450	346	96.47%
Bengaluru	0	11,044	11,044	9,703	1,341	87.86%
Bhopal	22	6,107	6,129	5,822	307	94.99%
Bhubaneswar	11	4,138	4,149	3,947	202	95.13%
Chandigarh	2	13,063	13,065	13,008	57	99.56%
Chennai	0	11,557	11,557	11,324	233	97.98%
Dehradun	82	3,958	4,040	3,660	380	90.59%
Guwahati	5	2,061	2,066	1,987	79	96.18%
Hyderabad	66	10,391	10,457	10,286	171	98.36%
Jaipur	27	11,455	11,482	10,912	570	95.04%
Jammu	0	908	908	880	28	96.92%
Kanpur	901	14,314	15,215	14,755	460	96.98%
Kolkatta	280	11,793	12,073	11,518	555	95.40%
Mumbai-I	1,538	13,106	14,644	13,667	977	93.33%
Mumbai-II	1,296	10,162	11,458	9,517	1,941	83.06%
New Delhi-I	1,096	33,690	34,786	32,010	2,776	92.02%
New Delhi-II	321	11,242	11,563	10,663	900	92.22%
Patna	274	7,998	8,272	7,841	431	94.79%
Raipur	0	1,906	1,906	1,891	15	99.21%
Ranchi	109	2,174	2,283	2,210	73	96.80%
Thiruvananthapuram	152	5,038	5,190	4,963	227	95.63%
Total	6,182	1,95,901	2,02,083	1,90,014	12,069	94.03%

Source: Annual Report of BOS of RBI

Of the 1,95,901 complaints that the Banking Ombudsman received in 2018-19, New Delhi-I reported the maximum number of complaints (33,690), which was 17.20% of the total complaints lodged with the Banking Ombudsman. The total number of complaints received by OBO in New Delhi is 44,932 cases, which is 22.94 percent of all complaints recorded during 2018-19. This reflects the regional imbalance among metro cities in the filing of complaints. The Scheme promotes the resolution of complaints through negotiation and

settlement by BOS. The BO will make a judgment or authorize an award if the parties do not reach an appropriate agreement. In the past two years, the number of complaints resolved through settlement has increased significantly. As shown in the table 7.5, 69.88% of manageable complaints were amicably resolved, comparison with 65.82% in 2017-18 and 42.43% in 2016-17, representing that mediation acts are used as appropriate mechanism to resolve complaints. [17]

TABLE 7.5: MODE OF DISPOSAL OF MAINTAINABLE COMPLAINTS

Disposal of maintainable complaints	2016-17	2017-18	2018-19
By Mutual Settlement/ Agreement	26,535	54,987	64,470
	42.43%	65.82%	69.88%
Disposal by Award	31	113	98
	0.05%	0.16%	0.11%
Maintainable Complaints Rejected	35,792	28,259	26,905
	57.23%	33.82%	29.16%
Maintainable Complaints Withdrawn	181	153	791
	0.29%	0.18%	0.56%
Total	62,539	83,532	92,264

Source: Annual Report of BOS of RBI

8.0 DISCUSSION

The Banking Ombudsman's annual performance reports on the Banking Ombudsman Scheme is issued by the RBI and performance is measured against such aspects as the number of complaints they have processed, the ability to manage the problem, and the effectiveness of the decisions of Banking Ombudsman. This review is based on the most recent data available. [6]

It is also noticed in the Banking Ombudsman Report for the year 2018-19 that because of their larger base, the number of complaints received by public sector banks is higher, but the figure referring to complaints per branch depicts the true picture as it places each bank in the same place. And against private-sector banks, the figure is highly negative. According to the Banking Ombudsman report of 2018-19 published by RBI, private banks were not performing well in terms of customer satisfaction. HDFC Bank and Kotak Mahindra Bank reported more than double the number of complaints, exceeding the all-banks average of 1.4 complaints per branch in 2018-19. 3.3 complaints per branch were received by Kotak Mahindra Bank, while the HDFC number reported 3 complaints per branch. There were 2.7 complaints received by the State Bank of India (SBI) per branch. The same trend is also expressed in the related data for the past three years. HDFC had 2.5 complaints per branch and Kotak Mahindra Bank had 2.9 complaints per branch in 2017-18, while the all-bank complaints per branch were 1.2 complaints per branch. Similarly, all-bank grievances per branch in 2016-17 were 0.98, while HDFC and Kotak Mahindra Bank had 2.1 and 2.56, respectively. [17]

The analysis also shows that 59,522 complaints were received by the State Bank of India (SBI), and is the maximum among banks in the public and private sector. The total number of complaints from all nationalized banks reached 61,755, when a total of 54,922 complaints were received by private sector banks. After SBI, the Punjab National Bank ranked second among the public sector banks and received 10,791 complaints, followed by the Bank of Baroda with 9,385. HDFC Bank received the highest complaints among the private sector banks (15,105), followed by ICICI bank (11,257) and Axis bank (10,010). [17]

The number of complaints received from the Nationalized Banks is maximum, whereas the number of complaints received from the Private Sector Banks, Foreign Banks and RRBs and Urban Cooperative Banks is minimal during the last 3 financial years. The main reason may be that the nationalized banks and SBI group of banks are having the highest customer-base and the same is increasing day-by-day. A part from the reason that there are more customers for public sector banks even the staffs of public sector banks are not as efficient and customer friendly as staff in private and other banks.

In the report the zone-wise receipt of complaints it can be deduced that the maximum growth in the number of complaints on an annual basis was greater in the northern area (23.41%), followed by the southern area (18.65%), in the western area (17.91 %)and the eastern zone (13.19%). During the year, 48.36% of complaints were submitted by bank customers based in urban areas. Grievances from metropolitan areas reported for 27.90%, while semi-urban and rural areas stood at 12.06% and 11.67%, respectively. [17].The reasons of less numbers of complaints from rural areas are lack of awareness and accessibility of people. Hence, it is suggested to take necessary steps to create awareness among people and to make the services accessible.

Although non-compliance with the Code of Practice continued to be a major reason for complaints with 19.17%, the percentage decreased from 22.10 in the previous year. Complaints relating to pension, levy of charges without notice, credit cards, and remittance decreased this year from the previous year. Of the total number of complaints received by OBOs, nationalized banks and SBI together accounted for 61.91% in the last three years. The BO Scheme provides for the comprehensive elimination of complaints. Complaints that require detailed documentary and verbal evidence will therefore be rejected by the BOs. These rejections were challenged from July 1, 2017 with the aim of reviewing these decisions at the level of the appeal authority. As a result, the number of such disposals decreased from 3,883 in 2016-17 to 2,337 in 2017-18 and 193 in 2018-19. [17]

There are growing customer concerns about the banking system. Although banks have their own complaints system, with an internal ombudsman, customers often discovery that their grievances remain unresolved and therefore need to turn to the external ombudsman.[18] During the 2019-20 period, the BOS was regulated by the Reserve Bank of India via 22 offices of the Banking Ombudsman (BO) that covering all states and territories of the union.

The time taken by BOs to dispose a complaint stood at 47 days during the year 2018-19 as compared to 53 days a year ago. The most remarkable improvement was marked with regard to complaints against recovery agents, which witnessed a reduction by 18 days, i.e., from 61 days to 43 days.

Previous studies show that there is a lack of knowledge of customers about the Banking Ombudsman Scheme.[19] Therefore, it is very important to educate customers so that bank customers can avoid unnecessary risks associated with banking operations. Awareness of this system needs to be created in many ways such as through social media, which can be accessed by most of the customer access. The distribution of brochures and the presentation of banners in each bank can also increase the awareness of customers. Awareness campaigns should be carried out by organizing seminars, conferences, etc.[20]

The total number of banking transactions is growing because of inclusion, new modes of payments & settlements coming up and banks increasingly bringing in newer products, offerings & services. This leaves a high scope for increasing complaints. The resolution and the pace of resolution becomes very important because if the complaints rise and lie unsettled, the customers would just move from banks to banks thus churning business from one bank to another.[30] The more things change, the more they stay the same. Although payment technology has evolved from physical to digital transactions, one thing remains

common to both situations is complaint. While digital transactions have grown tremendously, complaints about them have also increased.[21] According to the central bank in 2018-19 around 28% of consumer complaints filed with the Reserve Bank of India are related to digital transactions and card payments.[22] On January 31, 2019, the Reserve Bank of India (RBI) unveiled the Ombudsman Scheme for the online payments field to provide hassle-free digital payment experience. The regulator will redress consumer concerns and grievances related to online transactions under this scheme. [23]

9.0 CONCLUSION

The bank's success depends primarily on its customers. As a service sector, all banks should strive to meet customer needs by providing maximum functionality for their services, including grievance redressal services. Banks must provide their customers with an effective grievance redressal system and continuously monitor the level of customer satisfaction.[24] Since banks are financial institutions in all parts of the world, the resolution of complaints about their conduct is also an essential characteristic of customer satisfaction. Therefore, the authority in several countries has appointed the Banking Ombudsman for the addressing of customer complaints related to banking transactions.[25] There is no doubt that Banking Ombudsman Scheme is beneficial for bank customers, as we can see on an average more than 94% of the cases are settled annually by Ombudsmen in India. A very low level of pending cases represents the efficiency of the Indian complaint grievance redressal system followed under BO Scheme regulated by RBI. However, the increase in number of complaints in the past two years is insignificant. Therefore, it is imperative that some measures shall be adopted by the Banks and RBI to popularize Banking Ombudsman Scheme among all customers.[19]

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