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Review Of Research



PERFORMANCE OF BANKING OMBUDSMAN SCHEME IN NORTH – EAST INDIA– AN ANALYTICAL REVIEW



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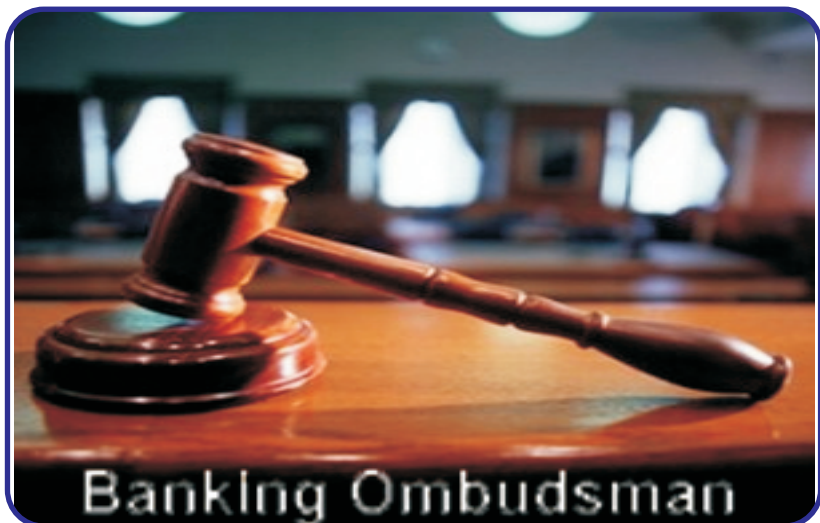


Sumee Dastidar

ABSTRACT

The Banking Ombudsman Scheme (BOS) was introduced on 14th June 1995 under Section 35 A of the Banking Regulation Act, 1949 by RBI with a view to provide expeditious and inexpensive resolution of customer complaints on deficiencies in banking services. Introduction of different banking products and change in the expectations of bank customers, the scheme has gone through wide alterations over the years. RBI in its initiative further widened the scope, thereby including deficiencies arising out of internet banking in the year February 2009. A bank customer can now lodge a complaint about any banking services to the office of Banking Ombudsman, if the concerned

bank does not offer redressal of his/her grievances within a stipulated timeframe. A customer can now file a complaint if a bank fails to comply with the provisions of the Fair Practices Code for lenders or the Code of Bank's Commitment to customers issued by the Banking Codes and Standards Board of India (BCSBI). This paper attempts to highlight few crucial aspects regarding the scheme and its performance in North-East India viz;



general principles to be followed by the banks, nature of complaints covered by the scheme, number of complaints received, various modes of receiving the complaints, different complainant category, mode of disposal of complaints and area of complaints.

KEYWORDS: Banking Ombudsman Scheme, Banking Regulation Act, Bank and Complaint.

I. INTRODUCTION:

Malyadri and Sirisha (2012) highlighted that in spite of RBI's recommendations and guidance

the number of complaints against the banks has been on rise relating to deficiency of services. The banks are under huge pressure to satisfy the diverse needs of its customers due to change of its role from 'Class Bank' to 'Mass Bank'. Even though the number of complaints received in the office of Banking Ombudsman has increased manifold yet the lack of awareness amongst the customers was a matter of great concern. In order to build up the confidence of the customers regarding the scheme, the RBI has to ensure that the awards of the ombudsman are implemented by the banks.

While providing banking service, it is possible that the banks may not be able to fulfill its customer's expectations leading to dissatisfaction and complaints. These complaints can be reported through proper channels to the bank, wherefrom best solutions can be expected within a specific period of time depending upon the nature of complaints. A proper analysis and disclosure of complaints would be possible only if there is effective machinery for redressal of grievances in banks. It is imperative that every bank should have:

- Help Desk or Help Line at the bank branches,
- A Code Compliance Officer at each controlling office,
- Display of the name and contact number of the Code Compliance Officer at each branch, and
- Display of the name, contact number and address of the Banking Ombudsman of the area concerned.

However, if the customer does not receive any response from the bank within 30 days of filing of the complaint or is dissatisfied with the resolution of the complaint by the bank, he may approach the Banking Ombudsman under whose area the branch falls for resolution of the complaint through the banking mediation process. For strengthening the grievance redressal mechanism available to bank customers, all public sector banks, select private sector and foreign banks are advised to appoint Chief Customer Service Officers as Internal Ombudsman in banks who should examine complaints, which remained unresolved/ partially resolved by the internal grievance redressal mechanism of the bank.

II.METHODOLOGY OF THE STUDY:

The study has been carried out in order to analyse the functioning of Banking Ombudsman Scheme in North-East India through analytical review of the annual reports for 5 years (from 2008-09 to 2012-13) as well through interview of the concerned officials (RBI, Guwahati) to find out the effectiveness of the scheme.

III.OBJECTIVES OF THE STUDY:

The main objectives of the study are;

- i.To study the general principles as well as the new grounds of complaints;
- ii.To analyse the number of complaints registered under the scheme by the seven north-eastern states respectively; and
- iii.To examine the complainant category, mode of disposal of complaints and area of complaints.

IV.GENERAL PRINCIPLES TO BE FOLLOWED BY THE BANKS:

- Due diligence and adherence to the bank's rules, procedures and instruction should be guiding lights for the bank officials.
- The bank is in the customer oriented business and should take prudent measures promptly to protect the interest of its customers.
- The bank should honour its commitment to the customers.

- Casual effort and attitude of the bank officials do not yield effective results.
- The customer should not suffer because of any deficiency of service on the part of the bank.
- There should be a fair deal in all transactions of the bank with its customers.

V. NEW GROUNDS OF COMPLAINTS: TO SERVE A WIDER SPECTRUM OF CUSTOMERS:

- Inordinate delay in payment or collection of cheques etc.
- Non-acceptance of small denomination notes and coins; charging commission for the service
- Failure to provide or delay in providing a banking facility (other than loans) promised by a bank or its DSAs
- Refusal to issue or delay in issuing, or failure to service or delay in servicing or redemption of Govt. securities
- Non-adherence by the bank to the instructions of RBI relating to ATM, debit/credit card operations
- Non-adherence or delay in disbursement of pension
- Refusal to accept or delay in accepting payment towards taxes, as required by government/RBI
- Non-adherence to fair practice code as adopted by the bank
- Refusal to close or delay in closing of accounts

CASES EXCLUDED:

- **FRAUD AND FORGERY:** Complaints arising out of frauds and forgery cases (Supreme Court's observation that it would not be appropriate for BO's to give a finding on forgery or to form an opinion on cases already referred to courts)
- **ARBITRATION:** Inter-bank disputes and disputes between a bank and its constituent where both parties voluntarily approach the BO for arbitration. This provision has been removed from the earlier scheme.

VI. NATURE OF COMPLAINTS:

CREDIT CARDS:

- Raising of debit voucher (claim) after surrender/closure of credit card
- Threatening call/physical harassment for fictitious claims
- Non-furnishing of statement of accounts against credit card
- Sanctioning of credit card without consent and sending the same to beneficiary and subsequent demand of charges against the same
- Non-effecting of transfer of balance to another bank's credit card account
- Amount deposited in a credit card, not reflected in the statement of accounts

ii. CAR LOANS:

- Non-refund of excess payment
- Non-settlement of dues and forceful recovery of loan
- Forceful seizure of car, demanding of repossession charge, charging of pre-closure/pre-payment charge
- Non-submission of statement of accounts

iii. HOME LOANS:

- Non-release of loan even after a sanction letter is issued although processing charges realised and documentation made

- Non-furnishing of statement of accounts

iv. PERSONAL LOAN AND CONSUMER LOAN:

- Sanction of loan without application and consent
- Exorbitant rate of interest charged
- Non-allowing of pre-payment of loan
- Non-return of EMI cheques against unavailed loan
- Delay in disbursement of loan

VII. ANALYSIS OF DATA:

The data has been analysed by using trend analysis, bar diagram, column diagram and pyramid diagram to give a pictorial representation of the data.

1. Numbers of complaints received by the Banking Ombudsman during the last 5 years (2008-09 to 2012-13)

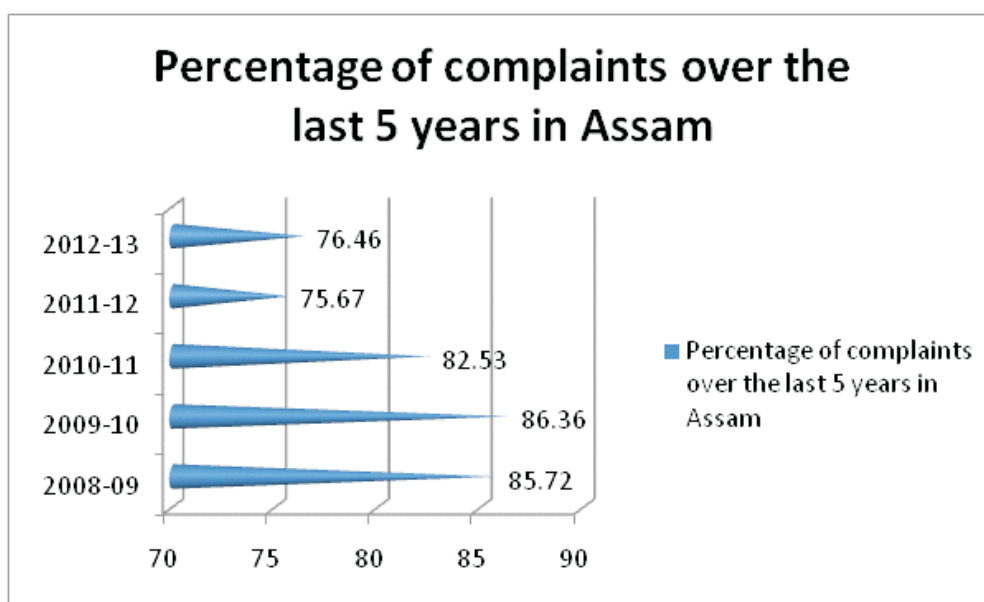
The number of complaints received by this office has been continuously increasing over the years. From a mere 37 complaints registered during the year 1996-97, the number of complaints received during the year 2010-11, increased to 584 and further to 807 during the year 2012-13. Further, resulting upon the newspaper or magazine advertisements issued and the Financial Outreach Programmes, Banking Awareness Campaigns, Press Meets, Town Hall Meetings etc. organized in the seven states of the North - East Region, the office has been receiving queries regarding the Banking Ombudsman Scheme and its services both over telephone as well as in writing (including through e-mail). For the purpose of analysis, however, only registered complaints have been considered.

Table 1: COMPLAINTS RECEIVED DURING 2008-09 TO 2012-13

STATE	2008-09	%	2009-10	%	2010-11	%	2011-12	%	2012-13	%
ARUNACHAL PRADESH	13	2.85	11	2.08	15	2.57	16	2.26	19	2.35
ASSAM	390	85.72	456	86.36	482	82.53	536	75.67	617	76.46
MANIPUR	08	1.75	17	3.22	14	2.40	22	3.11	24	2.97
MEGHALAYA	18	3.96	16	3.03	25	4.28	35	4.95	43	5.33
MIZORAM	04	0.89	02	0.38	04	0.68	04	0.57	7	0.87
NAGALAND	06	1.31	04	0.76	07	1.20	15	2.12	15	1.86
TRIPURA	16	3.52	22	4.17	37	6.34	48	6.79	43	5.33
CREDIT CARD	-	-	-	-	-	-	32	4.53	39	4.83
TOTAL	455	100	528	100	584	100	708	100	807	100

Source: Annual Reports of Banking Ombudsman (2008-09 to 2012-13)

Chart 1: Complaints received during 2008-09 to 2012-13



Source: Table 1

The total number of complaints received from the State of Assam has increased from 390 (2008-09) to 456 (2009-10) to 482 (2010-11) to 536 (2011-12) and finally to 617 (2012-13). Though the share of Assam in total complaints received from the Seven Sisters has been continuously falling from 82.53% in 2009-10 to 76.10% in 2010-11 to further down to 75.67% in 2011-12, there has been a slight increase in 2012-13 to 76.46%.

The steady increase in the number of complaints received over distribution of complaints reflects the effectiveness of the Financial Outreach activities viz; (15) Awareness Programmes, (6) Press Meets, (3) Town Hall Meetings, (37) News paper advertisements were conducted by the office during the year 2012-13.

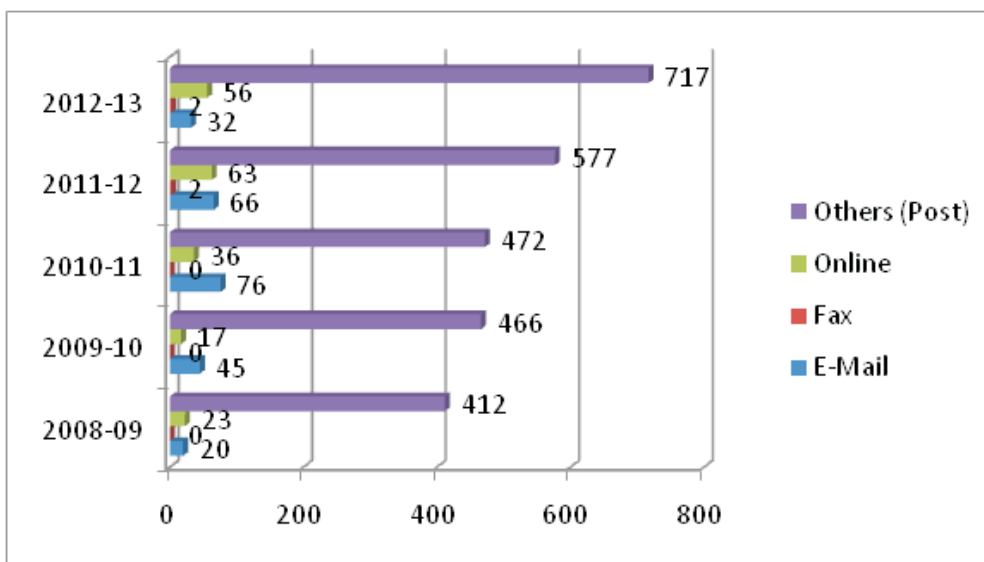
2. Different modes through which the complaints are received.

Table 2: MODES OF RECEIVING COMPLAINTS

MODE	2008-09	%	2009-10	%	2010-11	%	2011-12	%	2012-13	%
E-mail	20	4	45	8.50	76	13.01	66	9.34	32	3.97
Fax	0	0	0	0	0	0	02	0.28	02	0.25
Online	23	5	17	3.20	36	6.16	63	8.77	56	6.94
Others (Post)	412	91	466	88.30	472	80.82	577	81.61	717	88.85
TOTAL	455	100	528	100	584	100	708	100	807	100

Source: Annual Reports of Banking Ombudsman (2008-09 to 2012-13)

Chart 2: Modes of receiving complaints



Source: Table 2

Usually the complaints received through letters (post) are comparatively more in the North - Eastern region than email or online because of less access to the internet. There has been a fall in the receipt of complaints through the electronic mode viz. e-mail and online. However, there has been an increase in the postal mode of filing complaints from 80.82% (2010-11) to 81.61% (2011-12) finally to 88.85% in 2012-13 and has been considered as the most desirable mode by the complainants. On the other hand the major factor responsible for the decrease in the usage of electronic mode is due to poor connectivity and lack of internet accessibility in the north-eastern region.

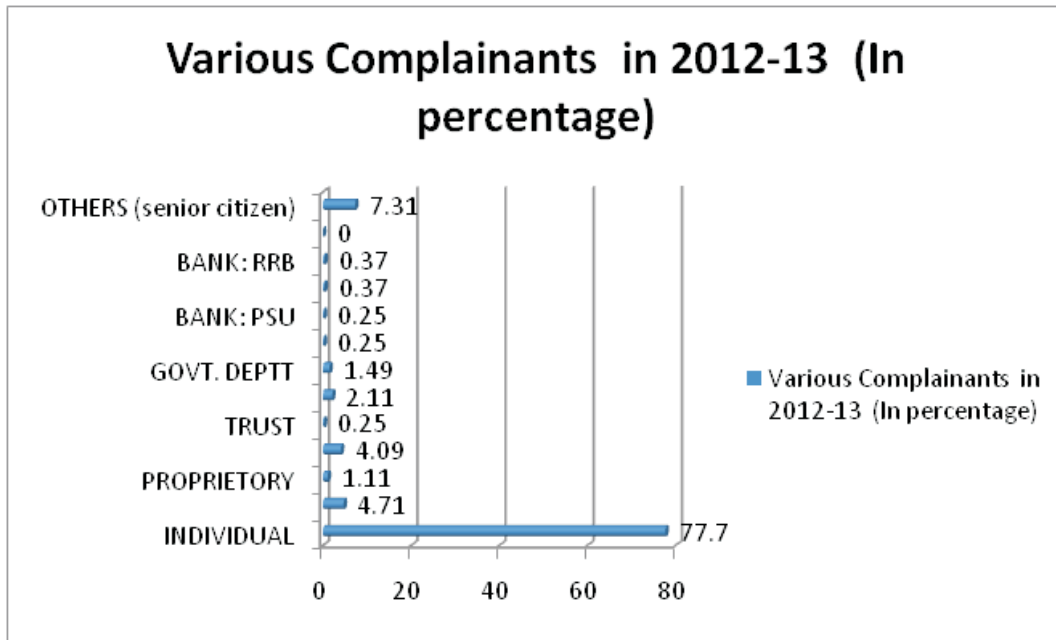
3. Various complainants from whom complaints are received.

Table 3: DIFFERENT COMPLAINANT CATEGORY

COMPLAINANT CATEGORY	2008-09	%	2009-10	%	2010-11	%	2011-12	%	2012-13	%
INDIVIDUAL	389	85.52	476	90.0	519	88.87	555	78.38	627	77.70
BUSINESS	29	6.38	27	5.10	28	4.79	29	4.09	38	4.71
PROPRIETARY	11	2.42	01	0.20	6	1.03	08	1.12	9	1.11
PRIVATE LIMITED COMPANY	07	1.54	03	0.60	6	1.03	08	1.12	33	4.09
TRUST	01	0.21	03	0.60	2	0.34	04	0.56	2	0.25
ASSOCIATION	12	2.63	09	1.70	9	1.54	17	2.40	17	2.11
GOVT. DEPTT	01	0.21	03	0.60	5	0.86	16	2.26	12	1.49
PUBLIC SECTOR UNDERTAKING	05	1.09	06	1.20	9	1.54	02	0.28	02	0.25
BANK: PSU	0	0	0	0	0	0	0	0	02	0.25
BANK: PVT.	0	0	0	0	0	0	0	0	03	0.37
BANK: RRB	0	0	0	0	0	0	0	0	03	0.37
BANK: Co-operative	0	0	0	0	0	0	0	0	0	0
OTHERS (senior citizen)	0	0	0	0	0	0	69	9.75	59	7.31
TOTAL	455	100	528	100	584	100	708	100	807	100

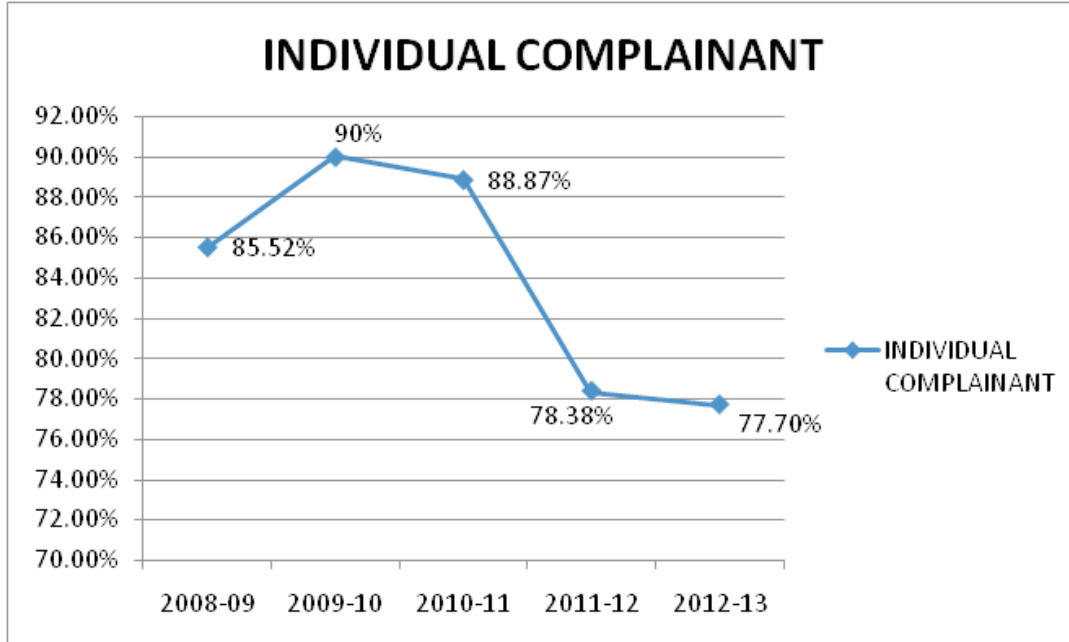
Source: Annual Reports of Banking Ombudsman (2008-09 to 2012-13)

Chart 3 (a): Different complainant category



Source: Table 3

Chart 3 (b): Trend analysis of individual complainants during 2008-09 to 2012-13



Source: Table 3

As evident from the table and the bar diagram, the majority of the complaints are received from individuals accounting for 77.7% in 2012-13, whereas the numbers of complaints received from other concerns are comparatively less. Yet, the trend analysis depicts a fluctuation amongst the individual

complainants regarding the percentage of registering complaints.

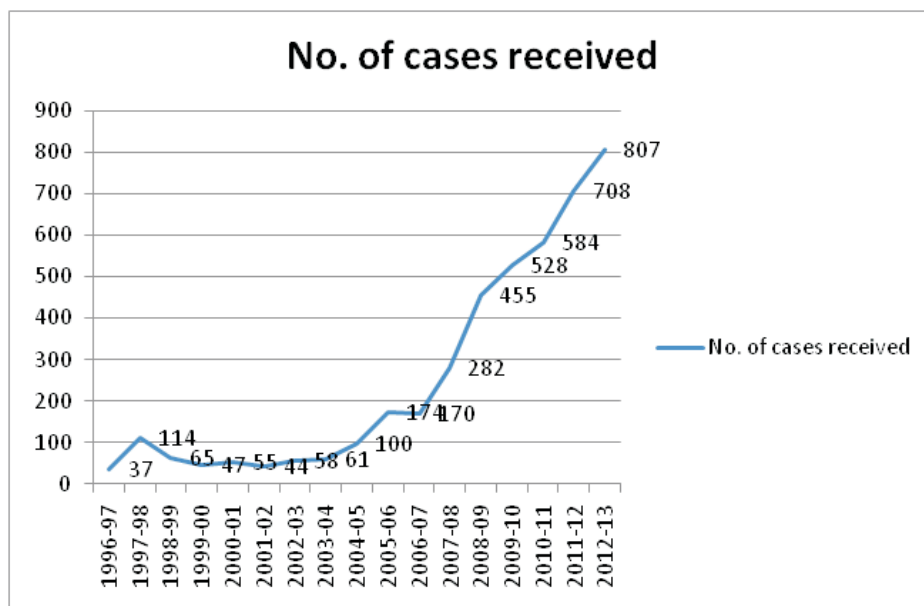
4. Number of complaints received since the inception of banking ombudsman.

Table 4: COMPLAINTS RECEIVED SINCE 1996-97

Sl. No.	Year	No. of cases received
1.	1996-1997	37
2.	1997-1998	114
3.	1998-1999	65
4.	1999-2000	47
5.	2000-2001	55
6.	2001-2002	44
7.	2002-2003	58
8.	2003-2004	61
9.	2004-2005	100
10.	2005-2006	174
11.	2006-2007	170
12.	2007-2008	282
13.	2008-2009	455
14.	2009-2010	528
15.	2010-2011	584
16.	2011-12	708
17.	2012-13	807

Source: Annual Reports of Banking Ombudsman (2008-09 to 2012-13)

Chart 4: Complaints received since 1996-97



Source: Table 4

As may be observed from the table and the trend analysis above, the number of complaints handled by this office has been continuously on rise from the year 2001-02 onwards. Banking Ombudsman for Northeast India which has recorded about 807 complaints during 2012-13 is the lowest in comparison to the rest 14 banking ombudsman across the country. From the above chart and the diagram it is observed that the numbers of complaints are rising from 37 in 1996-17 to 807 in 2012-13. The bank customers are now reporting the complaints to the Banking ombudsman if they are not satisfied with the solution provided by the concerned bank. This outcome has been possible mainly due to the awareness programme, advertisement and other publicity undertaken by the office to educate and sensitize the general people regarding filing of complaints. Such an effort will help to rectify the loopholes in the Indian Banking system.

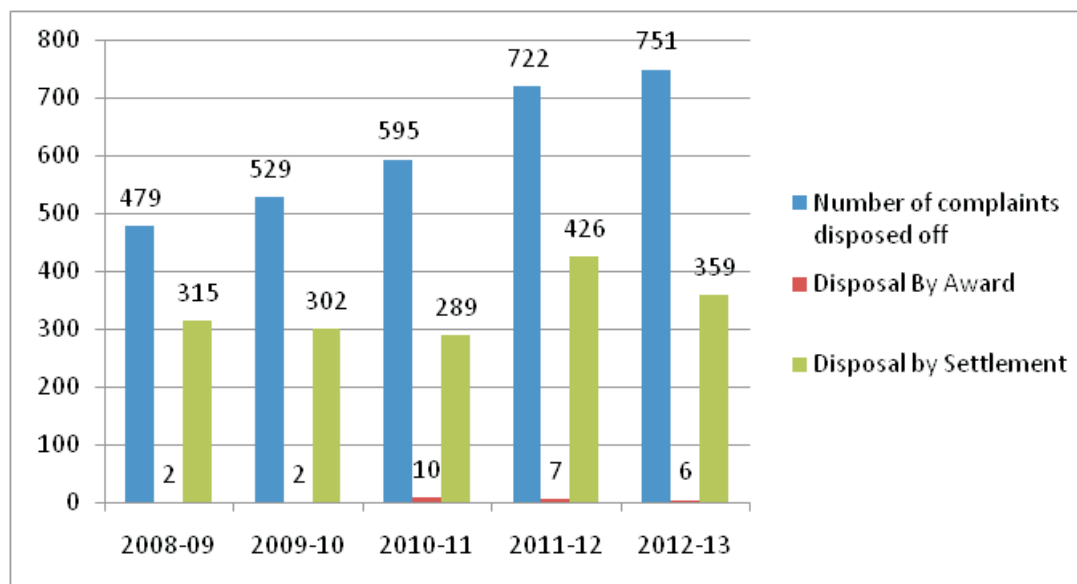
5. Mode of disposal of complaints (other than rejected complaints) during the last five years.

Table 5: MODE OF DISPOSAL OF COMPLAINTS SINCE 2008-09 TO 2012-13

Year	No. of complaints disposed off	Disposal By Award		Disposal by Settlement	
		No.	%	No.	%
2008-09	479	02	0.62	315	65.76
2009-10	529	02	0.38	302	57.09
2010-11	595	10	1.68	289	48.57
2011-12	722	07	0.97	426	59.41
2012-13	751	06	0.80	359	43.10

Source: Annual Reports of Banking Ombudsman (2008-09 to 2012-13)

Chart 5: Mode of disposal of complaints since 2008-09 to 2012-13



Source: Table 5

Amongst the mode of disposal of complaints over the last 5 years, number of complaints disposed off over the years has been on a rise from 479 in 2008-09 to 529 in 2009-10, 595 in 2010-11, 722 in 2011-12 and 751 in 2012-13. The complaints are disposed either by way of award or settlement amongst the parties concerned.

6. Subjects or the areas for the complaints.

Table 6: SUBJECTS OF COMPLAINTS

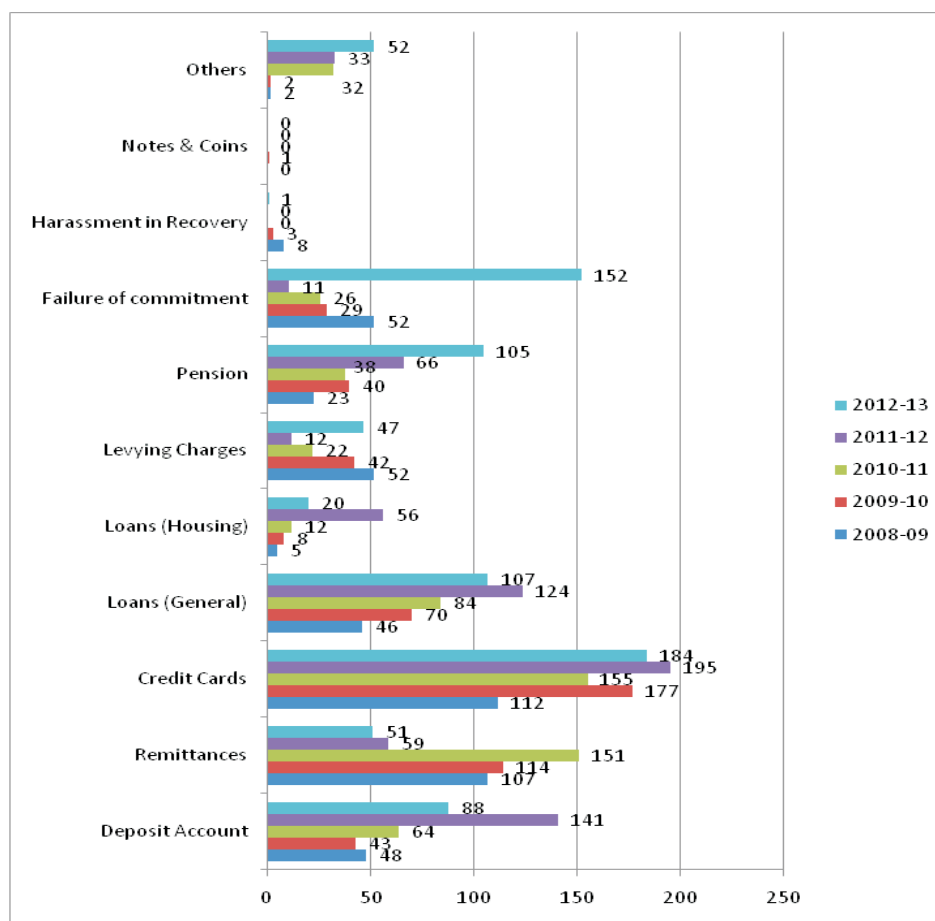
SUBJECT	2008-09	%	2009-10	%	2010-11	%	2011-12	%	2012-13	%
DEPOSIT ACCOUNT	48	10.56	43	8.10	64	10.96	141	19.92	88	10.90
REMITTANCES	107	23.53	114	21.50	151	25.86	59	8.33	51	6.32
CREDIT CARDS	112	24.63	177	33.50	155	26.54	195	27.54	184	22.80
LOANS(general)	46	10.10	70	13.20	84	14.38	124	17.51	107	13.26
LOANS (housing)	05	1.09	08	1.50	12	2.05	56	7.91	20	2.48
LEVYING CHARGES	52	11.44	42	7.90	22	3.77	12	1.69	47	5.82
PENSION	23	5.05	40	7.60	38	6.51	66	9.32	105	13.01

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FAILURE OF COMMITMENT	52	11.42	29	5.50	26	4.45	11	1.55	152	18.84
HARASSMENT IN RECOVERY & ACTIVITIES OF DSA	08	1.75	03	0.60	0	0	0	0	01	0.12
NOTES & COINS	-	-	01	0.20	0	0	0	0	0	0
OTHERS	02	0.43	02	0.40	32	5.48	33	4.66	52	6.44
TOTAL	455	100	529	100	584	100	584	100	807	100

Source: Field survey May 2013 and Annual Reports of Banking Ombudsman (2008-09 to 2012-13)

Chart 6: Subjects of complaints



Source: Table.6

Card related complaints including credit and debit cards still accounts for the major chunk of complaints even though it has come down from 195 in 2011-12 to 184 in 2012-13. The share however has decreased from 28% to 23%. Complaints relating to non-sanction of loans and failure to fulfill commitments form the next complaint prone areas.

VIII.FINDINGS:

1.The number of complaints registered by the customers in the office of banking ombudsman in the state of Assam has been on a gradual rise since the last 5 years. In 2008-09 the recorded complaints was 390 which increased to 456 in 2009-10, 482 in 2010-11, 536 in 2011-12 and 617 in 2012-13. This increase is mainly due to the efforts undertaken by the banking ombudsman office by organising a number of meetings, press meets and awareness campaigns all over the region.

2.Amongst the other mode of receiving complaints viz; e-mail, fax, online etc., the customers mostly prefer to register their complaints through post. The major factor responsible for the decrease in the usage of electronic mode is due to poor connectivity and lack of internet accessibility in the North-eastern region.

3.Over the last 5 years, the majority of the complaints are received from individuals, whereas the numbers of complaints received from other concerns viz. business, Government department, proprietary etc. are comparatively less.

4.Regarding the subject of complaints, card related complaints including credit and debit cards still account for major chunk of complaints even though it has come down from 195 in 2011-12 to 184 in 2012-13. The share however has come down from 28% to 23%. Complaints relating to non-sanction of loans and failure to fulfill commitments form the next major group.

5.Amongst the mode of disposal of complaints over the last 5 years, number of complaints disposed off records the highest and continuous rise from 479 in 2008-09 to 529 in 2009-10, 595 in 2010-11, 722 in 2011-12 and 751 in 2012-13. It was followed by disposal by settlement and disposal by award.

6.Complaints reaching the office of Banking Ombudsman prove that complaint redressal mechanism at branch/controlling office level is virtually non-existent. Most of the complaints at Banking Ombudsman level are settled at conciliation meetings. Thus, if handled properly, these could have been resolved at branch/controlling office level.

IX.CONCLUSION:

The mixed economy of India is thriving on public as well as private banks and the advent of foreign commercial banks has revolutionized the banking sector. These have remarkable changes in the Indian banking fraternity which in turn has also increased a number of frauds, malpractices and ill-treatments. Banking Ombudsman Scheme being a quasi-judicial authority has immensely helped in resolving the dispute between the parties through mediation. In order to further popularise the schemes in these states more awareness campaigns should be organised especially in the rural areas and also internet accessibility should be easily available so that electronic mode can be used with ease for registering bank complaints. Protection of the bank customers in five vital areas - Right to Fair Treatment, Right to Transparency, Fair and Honest Dealing, Right to Suitability, Right to Privacy and Right to Grievance Redress and Compensation should be given utmost importance by the scheme. RBI must also review the scheme in order to see its effectiveness in semi-urban areas.

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