

1. Description of the public body's organization and functions, duties, powers and any services its provides to the public including a directory of its officers and Employees, indicating their duties functions and their respective remunerations, perks and privileges.

The Institution of Banking Mohtasib has been established vide inserting Banking Companies (Amendment) Act XIV of 1997 as Part IV A in Banking Companies Ordinance, 1962 ("BCO"). The institution was further strengthen through Federal Ombudsmen Institutional Reform Act 2013 (FOIRA 2013). The functions, duties, and powers of the Institution are to help settle disputes between customers and commercial banks, including the disputes between banks and banks fairly, reasonably, amicably and informally, in accordance with the Law.

The governing laws under which Banking Mohtasib is functioning provide that the Institution of Ombudsmen must be independent, impartial and autonomous both administratively and financially in the execution of their functions relating to adjudication of complaints.

Banking Mohtasib's services are free of cost to the parties to the disputes. Both the parties to the disputes are always free to opt for a Representation to the President of Islamic Republic of Pakistan in case they are not satisfied with the decision of the Banking Mohtasib, but in case no representation is filed within 30 days of the order of Banking Mohtasib, it becomes binding on both parties.

Sub Section 3 of Section 82 A of BCO 1962:

- (3) The jurisdiction of the Banking Mohtasib in relation to banking transactions shall be to:
- (a) enquire into complaints of banking malpractices;
 - (b) perverse, arbitrary or discriminatory actions;
 - (c) Violations of banking laws, rules, regulations or guidelines;
 - (d) Inordinate delays or inefficiency and
 - (e) Corruption, nepotism or other forms or maladministration

Sub Section 4 and 5 Section 82 B of BCO 1962:

- (4) The Banking Mohtasib shall have the power and responsibility ...
- a. to entertain complaints from customers, borrowers, banks or from any concerned body or organization;
 - b. to facilitate the amicable resolution of complaints after giving hearings to the complainant and the concerned Bank;
 - c. receiving evidence on affidavit

- d. issuing commission for the examination of witnesses; and
- e. in the event that complaints cannot be resolved by consent, to give finding which shall be acted upon in the manner set out herein.

(5) The Banking Mohtasib shall exercise his powers and authority in the following manner :-

- a. In relation to all banks operating in Pakistan:- The Banking Mohtasib shall be authorized to entertain complaints of the nature set out herein below:-
 - (i) failure to act in accordance with banking laws and regulations including policy directives or guidelines issued by the State Bank from time to time.

Provided that there is a dispute as to the proper interoperation of any regulations, directions or guidelines, the same shall be referred to the State Bank for clarification.

- (ii) delays or fraud in relation to the payment or collection of cheques, Drafts, or other banking instruments or the transfer of funds;
 - (iii) fraudulent or unauthorized withdrawals or debit entries in accounts;
 - (iv) complaints from exporters or importers relating to banking services and obligations including letter of credits;
 - (v) complaints from holders of foreign currency accounts, whether maintained by residents or non-residents;
 - (vi) complaints relating to remittances to or from abroad;
 - (vii) complaints relating to mark-up or interest rates based on the ground of a violation of an agreement or of State Bank directives; and
 - (viii) complaints relating to the payment of utility bills.
- b. In relation to banks in the public sector. The Banking Mohtasib shall be authorized to entertain complaints against such banks on the following additional grounds as well ...
 - (i) corrupt or malafide practices by bank officers;
 - (ii) gross dereliction of duty in dealing with customers; and
 - (iii) inordinate delays in taking decisions.

Sub Section 1 of 82 E of BCO 1962:

Recommendations for implementation:-

- (1) In the event the Banking Mohtasib comes to the conclusion that the complaint is justified in part or in whole, he shall try and facilitate an amicable resolution or settlement by resort to mediation and failing that communicate his findings to the concerned bank with the direction
 - (a) to reconsider the matters;
 - (b) to modify or cancel the earlier decision, action or failure to the appropriate action;
 - (c) to pay reasonable compensation to the complaint as fixed by the Banking Mohtasib;
 - (d) to take the requisite steps to improve the functioning or efficiency of the bank; and
 - (e) to take such other remedial steps or actions as may be specified by the Banking Mohtasib.

Sub Section 82 F of BCO 1962:

82F. Power to call for information:-

The Banking Mohtasib shall have the power for purposes of disposing a case, to require a bank to disclose to him any information subject to the following conditions.

- (a) The Banking Mohtasib shall make every endeavour to ensure that banking confidentiality is maintained as required by banking law and procedure and shall take no action which is violative thereof.
- (b) The Banking Mohtasib may call for any or all such documents which are relevant or pertinent for purposes of deciding a complaint:
Provided that he shall not be entitled to call for unrelated documents or documents which may compromise the bank's position in relation to other customers:
- (c) In the event of a bank refusing to furnish information, or copies of relevant documents, the Banking Mohtasib shall not be authorized to compel the bank to comply with his order but may draw an adverse inference and comment on the same in his findings.

Section 9, 10, 11, 12, 13, 14, 15, 16 and 17 of the Federal Ombudsman Institutional Reforms Act 2013

9. Expeditious disposal of complaints – (1) The Agency shall, if so required by the Ombudsman submit written comments in a complaint within fifteen days, and this period may be extended for a further period of seven days on a sufficient cause.

(2) The representative of the Agency shall, if so required by the Ombudsman, attend the hearing of the complaint, or may request in writing for adjournment with specific reasons, such adjournment if justified shall not be allowed more than seven days.

(3) Disciplinary action shall be taken by the competent authority if there is failure in terms of sub-section (1) or sub-section (2)

(4) the competent authority shall within fifteen days inform the ombudsman about the action taken on his orders under sub-section (3).

(5) The Ombudsman shall dispose of the complaint within a period of sixty days.

10. Powers of Ombudsman – In addition to powers exercised by Ombudsman under the relevant legislation, he shall also have following powers of a civil court, namely:-

- (i) granting temporary injunctions: and
- (ii) Implementation of the recommendations, orders or decisions.

11. Temporary Injunction – The Ombudsman may stay operation of the impugned order or decision for a period not exceeding sixty days.

12. Power to punish for Contempt – An Ombudsman shall have power to punish for contempt as provided in the contempt of Court Ordinance, 2003 (V of 2003).

13. Review. – (1) The Ombudsman shall have the power to review any findings, recommendations, order or decision on a review petition made by an aggrieved party within thirty days of the findings, recommendations, order or decision.

(2) The Ombudsman shall decide the review petition within forty five days.

(3) In review, the Ombudsman may alter, modify, amend or recall the recommendations, order or decision.

15. Personal hearing – It shall not be necessary for the President or the Ombudsman to give personal hearing to the parties and the matter may be decided on the basis of available record and written comments filed by the Agency.

16. Supply of copies – The Ombudsman shall supply free of cost copies of the findings and recommendations to the parties within fifteen days of the decision.

17. Administrative and financial powers of Ombudsman. – (1) The Ombudsman shall be the Chief Executive and Principal Accounting Officer of the Office and shall enjoy complete administrative and financial autonomy.

(2) The remuneration payable to the Ombudsman and the administrative expenses of the office shall be an expenditure charged upon Federal consolidated Fund.

(3) The Ombudsman shall have full powers to create new posts and abolish old posts, to change nomenclature and upgrade or downgrade any post provided the expenditure is met from within the allocated budget of the office of Ombudsman.

(4) The Ombudsman shall have full powers to re-appropriate funds from one head of account to another head of account and to sanction expenditure on any item from within the allocated budget.

(5) The Ombudsman may delegate any of his financial powers to a member of the staff not below BPS-21 or equivalent.

Provided that approval of the Ombudsman shall be obtained by the delegate for exercise of powers under sub-section (3) and for re-appropriation of funds under sub-section (4), before implementation thereof.

2 Statues, Statutory Rules, Regulations, by-laws, orders and notifications etc. applicable to the public body, including any manual or polies used by its employees

The office of the Banking Mohtasib Pakistan (BMP) was formally established and started its function in the year 2005 under **Part IV-A of Banking Companies Ordinance, 1962 (“BCO”)**. Subsequently, an Act of Parliament called **The Federal Ombudsmen Institutional Reforms Act, 2013** (Act XIV of 2013), was promulgated to reinforce the institution in March 2013, the provisions of which have effect notwithstanding anything contained in any law for the time being in force. It repeals by implication whatever is inconsistent with it in the other enactments and confers upon Ombudsman complete administrative and financial autonomy, and additional powers of Review.

Both Banking Companies Ordinance, 1962, the Federal Ombudsman Institutional Reforms Act, 2013 (Act XIV of 2013) are the governing laws for the institution of the Banking Mohtasib.

3. Substantive or procedural rules and regulations of general application evolved or adopted by the public body, including any manual or polices used by its employees

As approved by the Banking Mohtasib under Sub Section 3 of Section 82 D of BCO 1962 read with other enabling provisions of BCO 1962 and FOIRA 2013.

Sub Section 3 of Section 82 D of BCO 1962

Procedure for making complaints.

- (1) A complaint shall be made on solemn affirmation or oath in writing addressed to the Banking Mohtasib. The complaint shall set out the full particulars of the transaction complained of and the name and address of the complainant.
- (2) Prior to making a complaint the complainant shall intimate in writing to the concerned bank his intention of filing a complaint and if the bank either fails to respond, or make a reply which is unsatisfactory to the complaint, within a period of forty-five days, the complainant may file a complaint at any time thereafter within a further period of forty five days.
- (3) Provided that the Banking Mohtasib may, if satisfied that there were grounds for the delay in filing the complaint, condone the delay and entertain the complaints.
Provided that he shall not pass any order against a bank without first giving it a notice and an opportunity of hearing.
- (4) Subject to section 82C, the Banking Mohtasib shall not have any power to issue an order in the nature of a stay order or to entertain any complaints if the matter is pending before a court or other legal forum.
- (5) The Banking Mohtasib may reject a complaint summarily or he may accept the same or pass any other order he deems fit:

4. Relevant facts and background information relating to important policies and decisions which have been adopted , along with a statement of the plies adopted by the public body and the criteria standards or guidelines upon which discretionary powers are exercised by it;

i. Financial and Administrative Autonomy:

In terms of Section 17 of the Federal Ombudsman Institutional Reforms Act, the Banking Mohtasib is the chief Executive and Principal Accounting Officer of the Office who enjoys complete administrative and financial autonomy.

ii. Powers of Civil court:

In addition to powers exercised under the relevant legislation, all Federal Ombudsman by virtue of Act XIV of 2013 have the following powers of a civil court:

- Granting temporary injuctions
- Implementation of the recommendations, orders, or decisions.

The Mohtasib may stay the operation of an order or decision impugned before it for a period not exceeding sixty days. He also has powers under the Contempt of Court Ordinance, 2003.

iii. Review

The Mohtasib has the power to Review under Section 13 of Act XIV of 2013, given below:

The Ombudsman shall have the power to review any findings, recommendations, order, or decision on a review petition made by an aggrieved party within thirty days of the findings, recommendations, order, or decision.

In review, the Ombudsman may later, modify, amend, or recall the recommendation, order or decision.

5. The conditions upon which members of the public can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatever nature from any public body or upon which transactions, agreements and contracts, including contracts of employment which can be entered in to with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body;

N/A

6. A description of its decision makes process as defined in Federal Government's Secretariat Instructions 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions.

The Ombudsman's role is basically to mediate between the two parties so that an amicable and acceptable solution can be found. Where resolution is not forthcoming. The issue is analyzed and the concerned bank presented with our findings and recommendations on how best to settle a dispute. In most cases, banks accept the recommendations and the dispute is resolved. However, where the issue is

not resolved then an opportunity of Hearing is provided to the parties in terms of Section 82 D of the Banking Companies Ordinance 1962 after which an appropriate formal reasoned order is passed.

However, any person or party aggrieved by a decision, order, findings, or recommendations of an Ombudsman may file representation to the President within thirty days of the decision, order, findings, or recommendations as per Section 14 of the Reforms Act.

The Secretariat instructions 2004 are followed wherever applicable in letter and spirit.

- 7. Detailed budget of the public body, including, proposed and actual expenditures, original or revised revenue targets, actual revenue receipts, revisions in the approved budget and the supplementary budget;**

BANKING MOHTASIB PAKISTAN OFFICE
Summary Statement of Revised Budget Estimate 2017-18

Object Classification / Head of Account	Approved Budget Estimates 2017-18	Actual Expenditure July-Dec 2017	Revised Budget Estimates 2017-18	Adjustment Revised Budget Estimated 2017-18	Re-appropriation Minus (-) Plus (+) 2017-18	Supplementary Budget 2017-18	Revised Budget Estimates 2017-18
Employees Related Expenses	77,630,000	41,608,467	82,488,947	3,348,947	1,510,000	3,000	82,488,947
Operating Expenses	34,339,000	11,079,636	33,329,000	-	1,010,000	-	33,329,000
A06-Transfers	570,000	40,284	70,000	-	500,000	-	70,000
A09-Physical Assets	2,600,000	50,310	2,600,000	-	-	-	2,600,000
A13-Repair and Maintenance	2,015,000	620,660	2,015,000	-	-	-	2,015,000
Total	117,154,000	53,399,357	120,502,947	3,348,947	-	3000	120,502,947

- 8. The Methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contract details of the designated officials.**

Section 16 of the reforms Act 2013 states that the Ombudsman shall supply free of cost copies of the findings and recommendations to the parties within fifteen days of the decision.

9. Reports including performance reports, audit reports, evaluation reports, inquiry or investigation report and other reports that have been finalized;

The Annual Reports of the Banking Mohtasib Pakistan may be downloaded from our website www.bankingmohtasib.gov.pk

10. Such other matters which principal officer of the public body deems fit to be published in the public interest:

The Official website of the Banking Mohtasib may be referred for additional information.

11. Camera footage at public places, wherever available, which have bearing on a crime

N/A