



2023



ANNUAL REPORT

BANKING MOHTASIB PAKISTAN



OUR AIM

To resolve all disputes amicably through an informal and friendly process of reconciliation rather than a formal adversarial procedure. We do not take sides.

MISSION STATEMENT

As an independent statutory body established to resolve disputes between consumers and banks, it has been our commitment to deliver free of cost, speedy solutions for all disputes referred to us, in a manner that is impartial, fair and equitable to all parties.

CORE VALUES

We function as a closely-knit team and take collective responsibility for individual decision-making. We have full ownership of our Core Values and firmly believe that by abiding these values, both in our professional and personal lives, we can make a difference.

Responsive

We receive a large number of complaints daily. We use a practical and rational approach to find fair and amicable outcomes in a manner that is informal and speedy.

Compassionate

Disputes, howsoever petty, cause unnecessary pain and stress. We analyze each dispute with an open mind and if necessary listen to parties concerned, patiently and sympathetically, so as to find a practical and equitable solution.

Flexible

We believe that most disputes can be resolved in a friendly and amicable manner. We do not allow rigidity to dictate the dispute resolution process. Instead, we endeavor to create an environment where all concerned are encouraged to be reasonable and conciliatory.

Trustworthy

We treat all those we meet with respect, courtesy and compassion because only by doing so we gain their confidence and trust.

Transparent

We are neither consumer champions nor advocates. Neutrality and openness underpin our deliberations. Our service is free of charge. We respect confidentiality in all disputes and institute a process of conciliation that is acceptable to both parties. Decisions taken by us are consistent, clear and balanced so that any rational mind can appreciate the reasoning behind our findings.

CONTENTS

<u>Mr. Sirajuddin Aziz takes Oath as Banking Mohtasib Pakistan</u>	1
<u>Message from Banking Mohtasib</u>	3
<u>Institutional Legal Framework</u>	5
<u>Receipt and Disposal of Complaints in 2023</u>	11
<u>Overview of Last Three Years Performance</u>	19
<u>President Stresses the need to Promote Digital Banking</u>	25
<u>President upholds Banking Mohtasib's Orders/Findings</u>	33
<u>Activities</u>	41
<u>Human Resource Development Efforts</u>	57
<u>Case Studies</u>	65
<u>State Bank Guidelines on Enhancement of Security of Digital Banking Products and Services to Mitigate Fraudulent Activities</u>	79
<u>Public Acknowledgement</u>	93

Mr. Sirajuddin Aziz takes Oath as Banking Mohtasib Pakistan



The President of Islamic Republic of Pakistan, Dr. Arif Alvi administered the Oath of Office of Banking Mohtasib Pakistan to Mr. Sirajuddin Aziz at a simple but impressive ceremony held at Aiwan-e-Sadr, Islamabad on 18th July, 2023.

The appointment of Mr. Sirajuddin Aziz as Banking Mohtasib for a period of four years was notified by the Ministry of Law and Justice on 4th July, 2023. He has replaced Mr. Muhammad Kamran Shehzad, who has completed his four-year tenure as Banking Ombudsman.

Mr. Sirajuddin Aziz brings a lot of banking experience to his new assignment. He is professionally qualified and experienced banker, who has worked for different organizations in Pakistan, China, Hong Kong, United Kingdom, Nigeria and United Arab Emirates.

He was the President & Chief Executive Officer of financial institutions for almost two decades.

Mr. Sirajuddin Aziz is a Fellow of Institute of Bankers Pakistan (IBP). He was also the Editor of the Journal of IBP for over a decade. He is also a Member of Pakistan Institute of International Affairs and of the English-Speaking Union of Pakistan.

He serves on the Board of Governors of various educational institutions and social organizations and is a regular speaker at prestigious universities and professional forums, where he conducts sessions on a diverse range of subjects.

Mr. Sirajuddin Aziz is a regular contributor to national and international dailies, journals and magazines on varied subjects. He actively participates in televised debates on economy, education and social issues. He is an accomplished author, with published works comprising "In Quest of Mirage," "Bitter & Sweet – Life & Times of Dad," "The Essence of Islam" and "Emerging Dynamics of Management", "Handbook for Effective Management" and "Corporate Pakistan (Insights into leadership)".

Banking Mohtasib Pakistan Meets Senators Ishaq Dar, Azam Nazeer Tarar

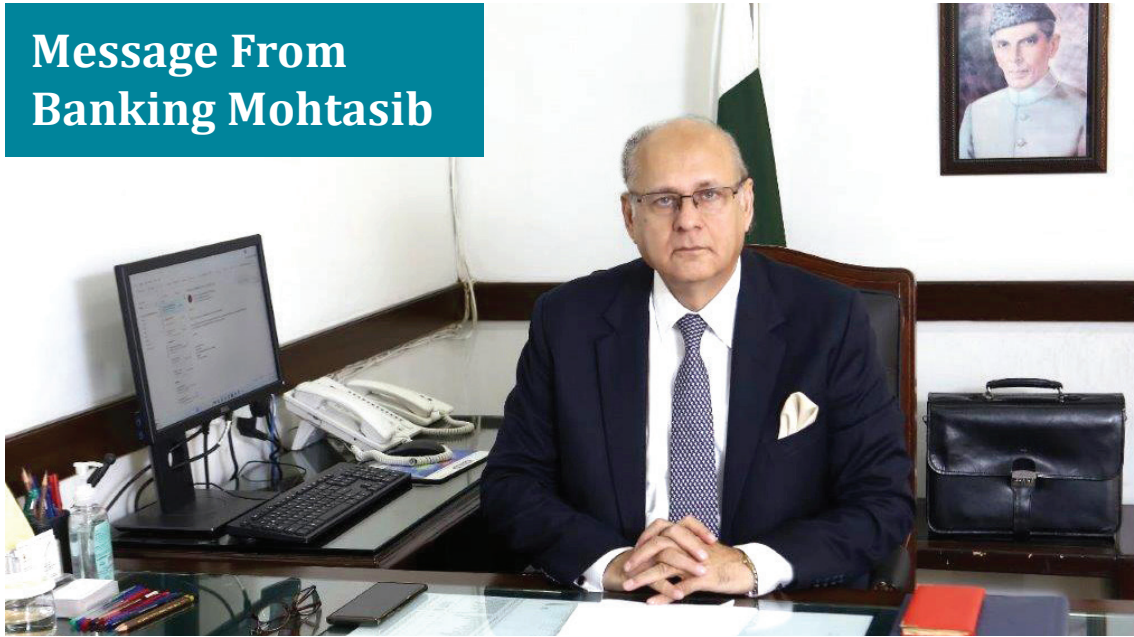


Mr. Sirajuddin Aziz, Banking Mohtasib Pakistan called on the then Finance Minister, Senator Muhammad Ishaq Dar at Finance Division, Islamabad on July 19, 2023



A view of the meeting of Banking Mohtasib Pakistan, Mr. Sirajuddin Aziz with Senator Azam Nazeer Tarar (the then Federal Minister of Law and Justice) in Islamabad on July 19, 2023

Message From Banking Mohtasib



Mohtasib is an Arabic word, derived from the root word 'hisbah' or 'accountability', in English. A person, so appointed is vested with authority to investigate the complaints of the aggrieved, and to provide them the requisite and relevant relief. In the same spirit, the Office of the Banking Mohtasib Pakistan was established in the year 2005.

Since its inception, this Office has disposed of a large number of cases through persuasion, amicable resolution and the process of formal hearings and resultantly financial relief of approximately Rs 6 billion has been provided to the Complainants over the last eighteen years.

In July 2023, the Honorable President of the Islamic Republic of Pakistan, administered the Oath of Office, to the undersigned, and as such vested with authority as the Banking Mohtasib Pakistan. The holding of this Office brings upon me the responsibility to remain accountable for settlement of disputes between banking institutions and various segments of society due to reason of fraud, malpractice and maladministration, etc.

During the year 2023, there was a massive surge of complaints due to increasing use of digital and electronic platform of banking services. The growth in Mobile and Digital applications has also led to increase in the number of frauds as fraudsters are taking advantage of loopholes, laxity and weakness in internal control of banks depriving thousands of people of their rightful savings/ money. This institution has tried to provide maximum relief to the people in financial distress as many at times have lost all their age old hard earned money. Although all the banks as well as PTA (Pakistan Telecommunication Authority) have very strongly and constantly run the campaign through mobile phones as well as on electronic media platforms to warn the customers to be aware of the fraudsters, but I think there is still need to educate the masses at large, of the consequences, of sharing personal credentials / financial information with any third person.

Banking Mohtasib Office receives complaints directly from the customers through posts, emails and walk in customers on the desk at our Secretariat as well as Regional Offices. Additionally, complaints are referred to us through Prime Minister's Portal and State Bank of Pakistan as well as from Wafaqi Mohtasib Pakistan. With the launching of Banking Mohtasib's Portal in 2023, the number of complaints has grown significantly. It may be added here that besides the Secretariat at Karachi, Banking Mohtasib's Regional Offices are located at

seven different cities of the country, including AJK, which receive complaints from banking customers and then these are then forwarded to Karachi Secretariat.

In cases, where Complainants are to be heard personally, hearings are arranged at our Regional Offices, since it is our aim to provide justice to the Complainants at their doorsteps, so as to relieve them from the financial burden of travelling to large cities. We are indebted to State Bank of Pakistan, which since inception of the Banking Mohtasib Pakistan Office, is extending cooperation and assistance not only in housing our Regional Offices at its premises at all centres, but also providing technical assistance and training to our staff.

To ensure expeditious handling and settlement of complaints, the Banking Mohtasib Pakistan has installed a robust Complaint Management System with the valued assistance of a local software firm which has successfully been launched. The transition from the previous system (Banking Ombudsman Complaint Tracking System) which was an in-house built system wasn't free of glitches and errors, but the technically qualified staff of the Mohtasib Office, ensured smooth and seamless transition. We are, however, still in quest for further upgradation of the system for efficient and speedy disposal of complaints.

The Banking Mohtasib Pakistan Office has competent staff comprising of senior and experienced bankers, who are continuously striving towards improving the technical knowledge and competence of the younger staff members. To promote and inculcate an environment of learning and continuous improvement, staff members are encouraged to understand, grasp and routinely make presentations on the new products and services launched by the banking industry, coupled with the introduction of new policies, rules and regulations by the State Bank of Pakistan.

While, we continue to upscale the technical proficiency of our existing staff, due to increase in number of complaints over the last two to three years, there is an urgent need to hire and induct more professionals. As a consequence of growth in technology based financial products and services, there is also a requirement of more and more trainings for our staff, which will be taken up on emergent basis in the coming months. Further, the President of Islamic Republic of Pakistan, being the appellant authority in respect of the orders/ decisions of Banking Mohtasib, at times has been kind enough to provide guidance for sympathetic consideration of Complainants' grievances. I have also to thank the officials of the Ministry of Law and Justice and the Ministry of Finance for their continued support and necessary assistance to the institution of Banking Mohtasib.

The statistical details of the complaints received and resolved is available on the next pages in tabulated formats. A few case studies have also been incorporated in the report as they have been found to be useful for training to new entrants in the banking industry and for dissemination of knowledge to all the readers.

In matters of financial arrangements, the element of confidentiality is more pronounced than any other segment of social life. In alliance with the thought, extreme care, caution and prudence has been exercised to maintain privacy of Banker – Customer relationship.

It is thus with privilege, pleasure and honour that I present the Banking Mohtasib Pakistan's Annual Report 2023.

Sirajuddin Aziz
Banking Mohtasib Pakistan

The background features a repeating geometric pattern of interlocking lines forming star and polygonal shapes, typical of Islamic art. This pattern is rendered in a light gray color against a white background. The page is divided into sections by solid color blocks: a light blue block at the top, a dark teal block in the middle containing the title, and another light blue block at the bottom.

Institutional Legal Framework

Institutional Legal Framework

- i. The institution of Banking Mohtasib Pakistan (BMP) was established 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 in March 2013, the provisions of which have effect notwithstanding anything contained in any other law for the time being in force. It repeals by implication whatever is inconsistent with it in the other enactments and confers upon Ombudsman additional power of review.
- ii. The institution of Banking Mohtasib helps in settlement of disputes and facilitates an amicable resolution/settlement between complainants and commercial banks, including the disputes between the banks – fairly, reasonably, amicably informally and in accordance with the Law.
- iii. The governing laws under which the institution of Banking Mohtasib is functioning require that the Institution of Ombudsman must be independent, impartial and autonomous, both administratively and financially, in the execution of its functions relating to adjudication of complaints. Banking Mohtasib’s services are free/ bear minimal cost to the complainants/ parties in disputes.

Jurisdiction

The role of institution of Banking Mohtasib in the financial industry is to resolve disputes through a process, which is largely conciliatory, and where such mediation is unsuccessful, to adjudicate and pass a speaking order to decide the dispute.

- i. In relation to all commercial banks operating in Pakistan, the Banking Mohtasib has been empowered to entertain complaints of the following nature:
 - a) Failure to act in accordance with banking laws and regulations, including policy directives or guidelines issued by the State Bank of Pakistan from time to time.
 - b) Delays or fraud in relation to the payment or collection of cheques, drafts, other banking instruments or transfer of funds.
 - c) Fraudulent or unauthorized withdrawals or debit entries in accounts.
 - d) Complaints from exporters or importers relating to banking services and obligations, including letters of credit.
 - e) Complaints from holders of foreign currency accounts whether maintained by residents or non-residents.
 - f) Complaints relating to remittances to or from abroad.

- g) Complaints pertaining to markup or interest rates on the ground of a violation of an agreement or directives of State Bank of Pakistan.
 - h) Complaints relating to payment of utility bills.
- ii. In relation to banks in the public sector, the institution of Banking Mohtasib is authorized to entertain complaints against such banks on the following additional grounds as well:
- a) Corruption or mala fide practices by the officers of banks.
 - b) Gross dereliction of duty in dealing with customers.
 - c) Inordinate delays in taking decisions.
- iii. However, the institution of Banking Mohtasib cannot accept complaints relating to banks' policy matters. For example, the following matters lie outside the jurisdiction of the Banking Mohtasib:
- a) Matters relating to grant of loans, advances or finances to customers.
 - b) Complaints against banks' loan and mark-up policies, risk policies, or product and service pricing as included in their schedule of charges and/ or any other policy matter.
 - c) Grievances of banks' employee or ex-employee pertaining to terms and conditions of their service also fall outside the jurisdiction of the Banking Mohtasib.

Empowerment of the Institution of Banking Mohtasib

Act XIV of 2013 enhanced the effectiveness of all Federal Ombudsmen with focus on providing speedy and inexpensive relief and to promote good governance. The following standardized institutional reforms provide additional powers to the Office of the Banking Mohtasib:

i. Financial and Administrative Autonomy

In terms of Section 17 of the Act, the Banking Mohtasib is the Chief Executive and Principal Accounting Officer of the Office enjoying complete administrative and financial autonomy, and the expenditure of the Mohtasib's Office is charged to the "Federal Consolidated Fund" within the allocated budget.

ii. Standardization of Ombudsmen Institutions

Act XIV of 2013 has an overriding effect on the laws presently in force and operates to standardize the working of all Federal Ombudsmen institutions in Pakistan.

iii. Compatibility with International Ombudsmen Institutions

The standardization and harmonization of institution of Banking Mohtasib Office, its independence, mandate and power, as well as the requirements regarding the appointment and removal of the Mohtasib and its funding meet the general criteria set out for membership of international ombudsman associations like the International Ombudsman Institute. This facilitates cooperation, information exchange, sharing of experience, and adoption of international best practices among different Ombudsman institutions.

iv. Review and Representation

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

- a) 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.
- b) The Ombudsman shall decide the review petition within forty five days.
- c) In review, the Ombudsman may alter, modify, amend, or recall the recommendation, order or decision.

Section 14 of Act XIV of 2013 provides for a Representation to be made to the President of Islamic Republic of Pakistan in the following terms:

- a) 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.
- b) The operation of the impugned order, decision, findings, or recommendation shall remain suspended for a period of sixty days, if the representation is made as per sub-Section (1).
- c) The representation shall be addressed directly to the President and not through any Ministry, Division or Department.
- d) The representation shall be processed in the Office of the President by a person who had been or is qualified to be a judge of the Supreme Court or has been a Wafaqi Mohtasib or Federal Tax Ombudsman.

v. Confidentiality

The principle of banking secrecy is strictly followed by the institution of Banking Mohtasib. Therefore, the statements made and the documents produced by the parties in the course of adjudication, remain strictly confidential.

Receipt & Disposal of Complaints in 2023

Receipt & Disposal of Complaints in 2023

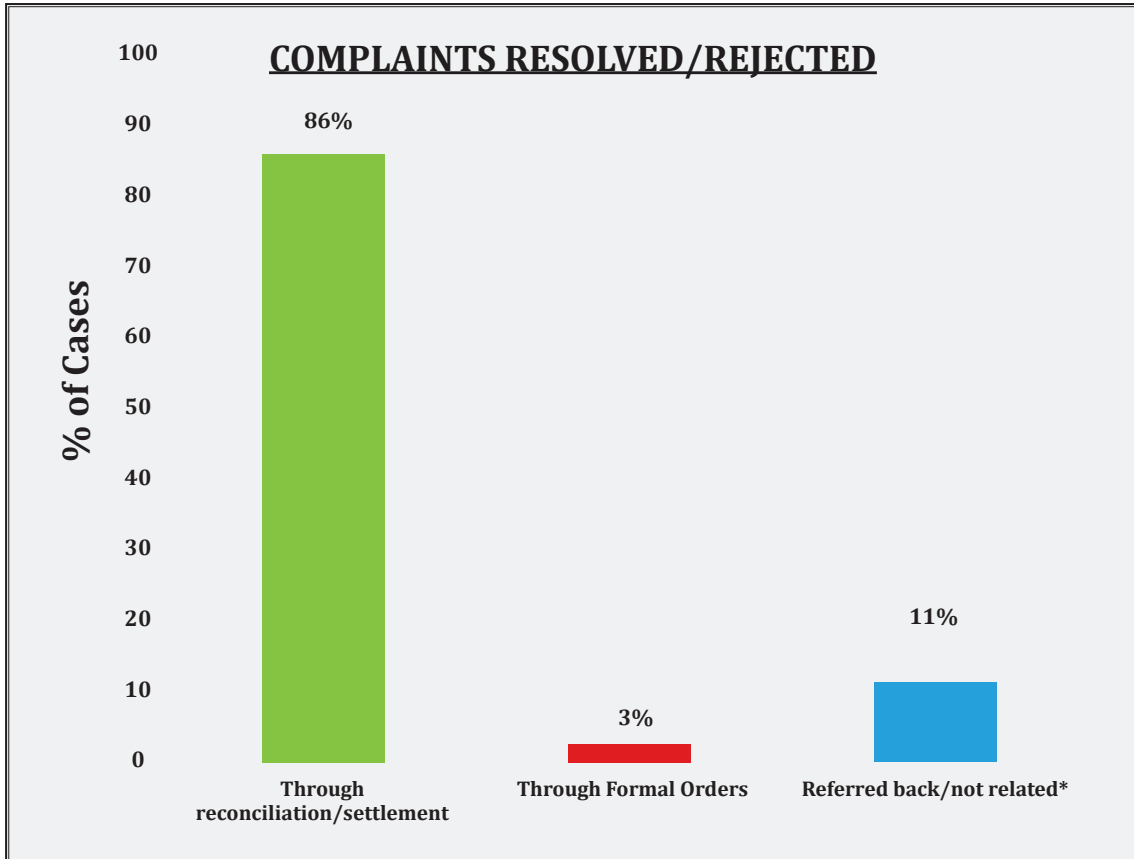
The law under which the institution has been established provides that the Banking Mohtasib Pakistan shall facilitate the amicable resolution of complaints. However, in certain situations a tripartite across the table dialogue or a formal hearing is arranged to provide opportunity to both the parties to present their view point face to face, after which appropriate findings are forwarded to the concerned parties for implementation.

During the period under review, 28,830 complaints were received while 7,607 complaints were brought forward from last year. Thus, making total complaints in hand 36,437, out of which 21,886 complaints were resolved amicably through reconciliation while after formal hearings, findings/ orders were passed in 676 cases. About 2,931 complaints were found incomplete and required further information or were rejected being frivolous and for want of jurisdiction as the same either pertained to insurance or related to microfinance banks/fund managers or administrative issues of banks.

Complaints related to banking sector on Prime Minister's Portal (Government-owned system based on Mobile Application) during the year under review worked out to 7,698 complaints. Thus, there was 41% decrease in the complaints received from Prime Minister's Portal, while 21,132 complaints were lodged directly with BMP Office, which reflect increase of 21% as compared to preceding year's receipt of 17,514 complaints. However, there was an overall decrease of 5% in total number of complaints received during the year 2023 as compared to last year. This year balance complaints are 10,944. Efforts are made to dispose of complaints expeditiously, however, 2,625 complaints received during the last 45 days of the year 2023 have caused overall increase in complaints to be brought forward for next year.

The receipt and disposal of complaints during the year are as under:

Complaints carried forward from 2022		7,607
New Complaints Received 2023		28,830
Total		36,437
Cases Decided / Disposed of		-
Orders issued by Banking Mohtasib	676	-
Resolved amicably with the approval of Banking Mohtasib	21,886	-
Incomplete/not related/ seeking further information/ documents & services matters complaint	2,931	25,493
Complaints outstanding as of December 31, 2023		10,944
Relief provided to the Complainants		Rs 1268.424(M)



* seeking further information/documents & service matters complaints

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Raast

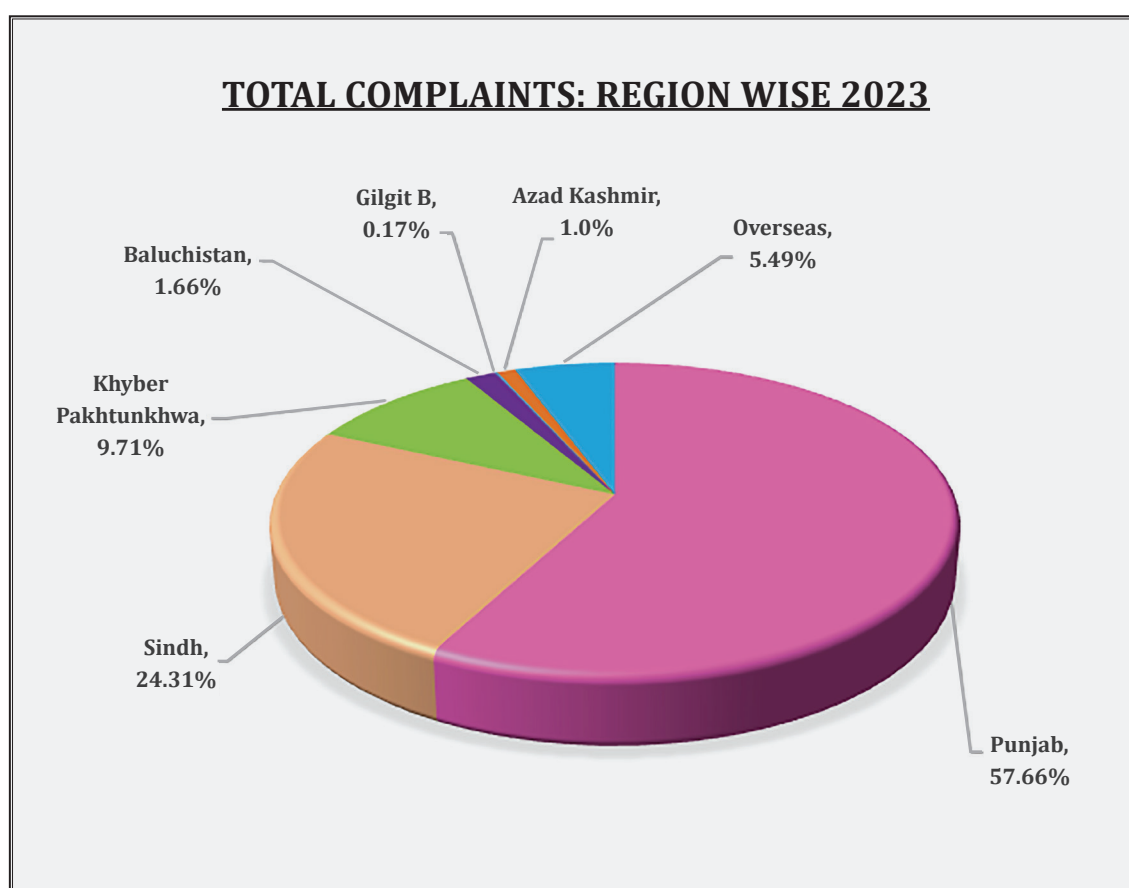
It is a digital payment platform launched by the State Bank of Pakistan in 2020. It enables instant fund transfers between banks, government entities, and individuals. Raast is a game-changer in terms of financial inclusion as it allows people even without bank accounts to receive and send money.

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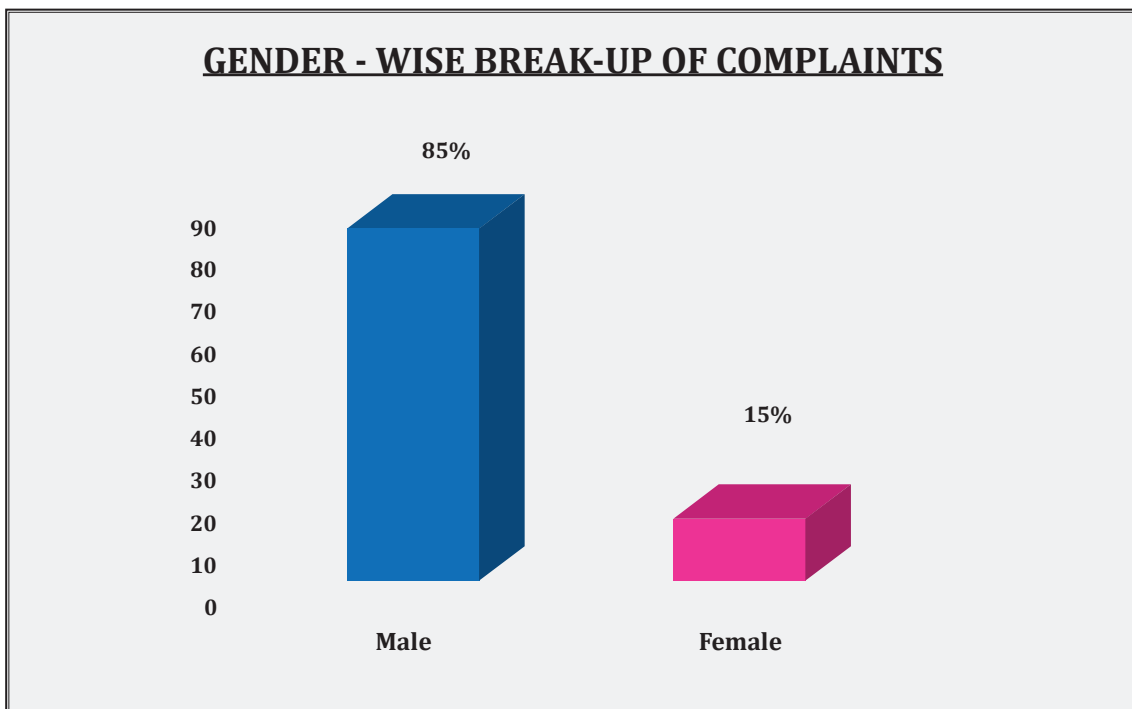
Region-wise Break-up of Complaints received during the year 2023

The table given below shows region-wise breakup of complaints received against commercial banks with branches spread all over the country while the pie chart compares the percentage of complaints received (region-wise) during the year 2023.

Region	Complaints received during the year
Punjab	16,622
Sindh	7,009
Khyber Pakhtunkhwa	2,800
Balochistan	479
Gilgit Baltistan	48
Azad Kashmir	288
Overseas	1,584
Total	28,830



Gender-wise Break-up of Complaints





Real-Time Gross Settlement (RTGS):

It is an electronic payment system in which transactions are settled on real-time basis. RTGS is widely used in Pakistan for large-value transactions such as interbank transfers, government payments, and corporate transactions. The system is efficient, secure, and reliable, ensuring timely and accurate settlement of transactions.

e-Commerce:

Pakistan has seen a significant growth in the e-commerce sector in recent years. Platforms such as Daraz, OLX, Foodpanda, Amazon and Ali Express have become popular among consumers who prefer to shop online.

Bank-wise Break-up of Complaints received during the year 2023

The following table shows number of complaints received against each bank during the year under review.

S. No.	Bank	Complaints Received		
		BMP Secretariat	Via Prime Minister's Portal	Total
1	AlBaraka Bank (Pakistan) Limited	95	107	202
2	Allied Bank Limited	1126	923	2049
3	Askari Bank Limited	500	182	682
4	Bank AL Habib Limited	960	246	1206
5	Bank Alfalah Limited	1436	360	1796
6	The Bank of Khyber	74	219	293
7	The Bank of Punjab	658	0	658
8	BankIslami Pakistan Limited	263	170	433
9	Bank Makramah Limited (Former Summit Bank)	89	103	192
10	Citibank N.A.	5	0	5
11	Dubai Islamic Bank Pakistan Limited	186	134	320
12	Faysal Bank Limited	957	246	1203
13	First Women Bank Limited	7	0	7
14	Habib Bank Limited	3948	1331	5279
15	Habib Metropolitan Bank Limited	236	99	335
16	JS Bank Limited	572	227	799
17	Meezan Bank Limited	2026	476	2502
18	MCB Bank Limited	1314	574	1888
19	MCB Islamic Bank	189	38	227
20	National Bank of Pakistan	1612	0	1612
21	Punjab Provincial Cooperative Bank Ltd.	23	16	39
22	Samba Bank Limited	59	118	177
23	Sindh Bank Limited	53	92	145
24	Silkbank Limited	432	296	728
25	SME Bank Limited	15	1	16
26	Soneri Bank Limited	156	114	270
27	Standard Chartered Bank (Pakistan) Ltd	746	280	1026
28	United Bank Limited	3059	769	3828
29	Zarai Taraqiati Bank Ltd.	94	0	94
30	Others	242	577	819
	Total	21132	7698	28830

*Overview of Last
Three Years
Performance*



Receipt & Disposal of Complaints during the last Three Years

Year (January - December)	Brought Forward from last year	Complaints Received	Total	Amicably Resolved through Reconciliation	Formal Order Passed after Hearing	Rejected	Carried Forward	Amount Granted/ Relief Provided to Complainants (Rupees in million)
2021	4,168	33,196	37,364	25,231	437	6,924	4,772	708.8
2022	4,772	30,493	35,265	21,822	734	5,102	7,607	974.4
2023	7,607	28,830	36,437	21,886	676	2,931	10,944	1,268.4

Total Number of Hearings Held and Orders Passed

The following table gives a view of total number of complaints resolved at this office by formal orders passed during the last three years.

Year	Number of Hearings	Orders Passed
2021	483	437
2022	782	734
2023	760	676
Total	2,025	1,847

Banking Customers BEWARE

With a view to protecting your hard-earned savings, Banking Customers are warned that never share your banking/financial personal credentials with anyone via SMS, call, email or any other means.

It may be added here that the Bank will never ask for your secure banking information i.e. username/ password/login ID/PIN/OTP/ Card number/ CVV/ Expiry date.

Never respond to calls claiming you have won a prize and you share your financial and personal information to get the prize.



Category-wise Complaints (2021-2023)

S. No.	Categories	2021	2022	2023
		No. of Complaints	No. of Complaints	No. of Complaints
1	Service Inefficiency/ Delays/ Others	2293	3225	2144
2	Consumer Products (credit/debit cards, personal/ auto/ agri loans etc)	2813	3875	3029
3	ATMs	1905	2314	2138
4	Internet Banking/IBFT/E-commerce/Mobile Banking/ Mobile App/ Digital Banking	1543	2574	4037
5	Frauds/ Parallel Banking	467	1392	3626
6	Insurance / Bancaassurance	883	1038	776
7	Gross Dereliction of Duty/ Staff Misbehaviour	305	321	437
8	Lockers	31	55	30
9	Zakat Deduction	21	41	38
10	Foreign Currency Account/Bank Guarantees/ Remittance	28	47	839
11	Exports/Imports	32	30	181
13	Service Rules	59	220	53
14	Utility Bills	15	114	55
15	Breach of Confidentiality	7	13	34
16	Miscellaneous/Others	2545	846	1245
17	Account Related/Blockage/Dormant etc	1352	1245	2266
18	Pension Account	135	164	204
19	Complaints received through Prime Minister's Portal	18762	12979	7698
	Total	33196	30493	28830

* Miscellaneous includes complaints relating to Microfinance Banks, Investment Banks, SBP, National Savings, EOBI/Pension & others

*President Stresses the need to
Promote Digital Banking*

President Stresses the need to Promote Digital Banking



The President of Islamic Republic of Pakistan, Dr. Arif Alvi has emphasized upon the need to promote digital banking. Addressing an awareness Seminar on “Digital System for Public Welfare: Weaknesses and Remedies”, jointly organized by Banking Mohtasib Pakistan and Express Media Group at Aiwan-e-Sadr, Islamabad on 9th March, 2023, the President elaborated that in order to move out of economic crisis, we have to move towards digitization with a faster pace. He added that presently people are afraid to adopt new technology because of fraud and forgeries. The President said that fraud and forgeries do take place, but we have to educate people that the risk of fraud in the system is lesser as compared to its advantages. He urged the bankers to make efforts in spreading the public awareness in this regard so as to protect the people from fraudsters.

The President lauded the efforts of Banking Mohtasib in providing relief to the aggrieved banking customers and also praised the State Bank of Pakistan and banks as they have made it possible for women to open their accounts by sitting at home. There would be lot of gains if the women are linked up with digital system because they constitute more than 50% of the country’s population, he added.

Speaking on the occasion, the then Banking Mohtasib Pakistan, Mr. Muhammad Kamran Shehzad welcomed the President and thanked him for allowing to host a Seminar at the Presidency. He added that Institution of Banking Mohtasib had disposed of 160,644 complaints and provided relief of Rs 4.8 billion to the banking customers since its inception in 2005 till December, 2022 which is a proof of the effectiveness of the Banking Mohtasib’s institution which provides free of cost service to complainants.

He also underlined the need for formulating separate rules for online purchases in view of rapid increase in online purchases and that these rules may be publicized for the benefit of the people, Mr. Kamran Shehzad added. He also suggested that a list of genuine traders in each city may be prepared which should be regularly updated so that online purchasers may be protected from losses.

The Banking Mohtasib also emphasized on the banks to launch their public awareness campaign in regional languages also so as to spread outreach of the awareness messages, particularly for the people living in rural areas.

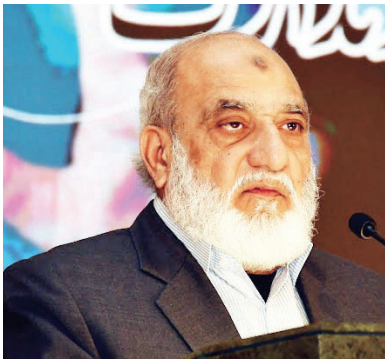
Mr. Tawfiq A. Hussain, Secretary General, Pakistan Banks’ Association speaking on

the occasion, said that digitization has played an important role in the banking industry and in achieving the target of financial inclusion of the Government and State Bank of Pakistan. He assured that banking industry in the country is dynamic and amenable to the technological developments of the day with vigour, speed and efficiency.

Speaking on the occasion, the Executive Director, State Bank of Pakistan, Syed Sohail Javaad disclosed that the number of mobile users has shot up to 12.3 million in 2022 from 1.4 million in 2012. He said that 3.3 million transactions worth Rs 13.6 billion took place in 2012 whereas 12.3 million transactions worth Rs 12 trillion took place by the end of 2022. This speaks of the growth of digital banking in the country, he added.



President Dr. Arif Alvi and the Guests standing while the National Anthem is being played



Mr. Kamran Shehzad presenting welcome address to the Chief Guest



Mr. Tawfiq A. Hussain, Secretary General, Pakistan Banks' Association addressing the Seminar



Syed Sohail Javaad, Executive Director, State Bank of Pakistan addressing the Seminar



Group photograph of the President Dr. Arif Alvi with the dignitaries and organizers of the Seminar

Dr. Arif Alvi Chairs Meetings on Banking Issues, Disability Initiatives of Banks and Women Empowerment



The President of Islamic Republic of Pakistan, Dr. Arif Alvi presided over a follow up meeting on 'Banking Issues, Disability Initiatives of Banks and Women Empowerment' at Governor House, Karachi on 28th August, 2023.

The meeting was arranged/organized by the institution of Banking Mohtasib Pakistan. CEOs and heads of various banks, including high officials of State Bank of Pakistan, Pakistan Banks' Association, FIA and PTA attended the meeting. The President was briefed about the steps taken by banks in respect of issues highlighted during the last meeting held on 15th February, 2023. The Banking Mohtasib, Mr. Sirajuddin Aziz informed the President that his institution was resolving the cases of banking customers by redressing their grievances and providing them relief.

The Representative of State Bank of Pakistan briefed the meeting about the measures taken for financial inclusion of persons with disabilities. Secretary General of Pakistan Banks' Association, Mr. Tawfiq A. Hussain highlighted the efforts of different banks by providing opportunities for employment to the differently abled people in the society.

Some CEOs of private commercial banks briefed the meeting about the measures taken for providing more job opportunities to women.

Earlier, Dr. Arif Alvi also presided over a meeting on the same subject at Governor House, Karachi on February 15, 2023 which was attended by the Banking Mohtasib Pakistan and his team, representatives from various banks, State Bank of Pakistan, Pakistan Banks' Association, FIA and PTA.

The President stressed the need to make collective efforts for the employability, facilitation, and acceptability of differently-abled people (DAPs) to make our society more inclusive.

He asked the banking sector to devise an annual reward mechanism to encourage those banks which are performing well in the areas of women empowerment and financial inclusion of persons with disabilities.

Dr. Alvi asked the banking industry to develop win-win partnerships with NGOs or private organizations to promote inclusiveness and development in society through their Corporate Social Responsibility (CSR) programs.

The key points discussed during the meeting include inclusiveness of differently-abled people in society by providing them opportunities for employment and by facilitating them in all walks of life.

Representatives of State Bank of Pakistan, Pakistan Banks' Association, FIA and PTA presented their views at the meeting. They highlighted the issues related to digital banking during the meeting.

Seminar on “Transparency in Bancassurance and Role of Ombudsmen”



A Seminar on “Transparency in Bancassurance and Role of Ombudsmen” was organized by the Federal Insurance Ombudsman and the Banking Mohtasib Pakistan on 15th February, 2023 at Governor House, Karachi.

His excellency, the President of Islamic Republic of Pakistan, Dr. Arif Alvi was the Chief Guest on the occasion.

The Seminar focused on the role of Ombudsman for bringing transparency in Bancassurance by eliminating mis-selling of the products.

Mr. M. Hussain Hirji, Chairman, Insurance Association of Pakistan, Mr. Muhammad Kamran Shehzad, the then Banking Mohtasib Pakistan and Mr. Khawar Jameel, Federal Insurance Ombudsman have shared their views at the Seminar.

Digital Banking

- Digital banking offers a range of services such as online account opening, mobile banking, and digital wallets.
- This has made banking more accessible and convenient for customers, especially those living in remote areas.

Banking Mohtasib attends Annual Conference of Forum of Pakistan Ombudsman



The Banking Mohtasib Pakistan, Mr. Sirajuddin Aziz has attended the Forum of Pakistan Ombudsman (FPO) Annual Conference and General Body Meeting (GBM) which were held in Quetta on 4th and 5th August, 2023. The Forum of Pakistan Ombudsman had organized the Conference and the Meeting in collaboration with the Provincial Ombudsman, Balochistan. The Conference was organized at the Governor House, Balochistan. Hon'ble Governor, Mr. Malik Abdul Wali Khan Kakar inaugurated the proceedings.

Mr. Sirajuddin Aziz briefed the participants of the Meeting about the working of Banking Mohtasib Pakistan and its achievements and future plans to improve the efficiency of the institution.

Authentication of ADC facility

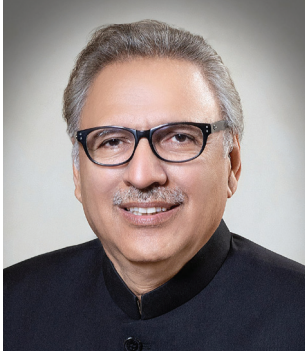
Banks are responsible for ensuring customer authentication for activation of any ADCs (Alternative Delivery Channels) and any loss of customer funds due to false activation of any ADCs shall be compensated by the respective bank.

Arrangement to monitor usage activity on 24/7 basis

Banks are required to make arrangements to monitor on 24/7 basis usage/activity regarding payments made through their cards or through online transactions on their internet banking platforms.

***President upholds Banking
Mohtasib's Orders/Findings***

President Directs Banks to Refund Rs 4.1 Million to Fraud Victims by Rejecting Representations against the Orders of Banking Mohtasib Pakistan



President Dr Arif Alvi has directed two private banks to return a collective sum of Rs 4.1 million to four customers, who were swindled out of their money by fraudsters.

The President gave these remarks while rejecting four representations filed by two different commercial banks against the Orders of the Banking Mohtasib directing these banks to refund the lost amount to victims of bank fraud.

The banks had activated the Electronic Funds Transfer (EFT) without obtaining the consent of the customers and were found negligent in complying with the State Bank of Pakistan's various regulations regarding online fund transfer facilities, disclosing the terms of fund transfer in a clear and simple language to customers, and assigning limits to fund transfer.

President Alvi said that the loss of money occurred due to the reason that the banks made EFT operational without the account holders' request, therefore, the banks committed maladministration and were liable to make good the loss of the customers.

As per details, the four complainants lost Rs 1,558,700, Rs 985,000, Rs 960,000, and Rs 598,000 respectively when these amounts were transferred from their bank accounts without their consent.

One Complainant received a call from a number resembling the Bank's helpline and asked for his personal banking information to update the bank account. After he shared his banking information, Rs 598,000 were transferred from his account.

Two Complainants found out that huge amounts were missing from their bank accounts even though they hadn't shared their personal details with anyone.

They separately approached the banks for the refund of lost amounts but to no avail. Feeling aggrieved, they filed complaints with the Banking Mohtasib who ordered the banks to refund their amounts as maladministration had been established on the part of the banks. The banks, however, filed representations with the President against BMP's decisions.

The President observed that the complainants had not requested their respective banks to open EFT facilities and the banks also did not put in place adequate systems and controls to mitigate the risk of fraudulent activities.

He said that the fraudsters took advantage of banks' weak systems and controls and managed to get themselves registered and conducted disputed transactions.

He also noted that new devices for conducting online transactions were registered with the banks only a few days before the fraudulent transactions were conducted.

The President further stated that the banks were found negligent and in non-compliant to SBP's rules and regulations on obtaining the consent of customers before opening online fund transfer facilities, informing the customers about the pros and cons of EFT facility in writing in simple language, and transaction limits.

He said that the banks' stance that OTP was utilized for conducting transactions and was considered as customers' consent was preposterous. He highlighted that the first step was obtaining the consent of the customer for opening the EFT facility and the second step was the customer's authentication for security before conducting the transaction. He added that the banks were mixing two separate steps with each other.

President Alvi concluded that the banks were given ample opportunity to controvert the claims of the customers and present evidence that customers' consent was obtained.

He held that had the EFT channel not been opened without consent, the customers could have avoided financial loss.

'The banks failed to discharge the burden and statutory liability cast upon them under the law, hence, maladministration on the part of banks was established', he said.

The President, therefore, rejected the representations of banks and directed them to pay the collective sum of over Rs 4.1 million to the aggrieved customers.

Bank Directed to Initiate Criminal Proceedings against its Corrupt Officials

President Dr Arif Alvi has directed a big commercial bank to investigate and initiate criminal proceedings, including the registration of FIRs, against corrupt bank officials of Gojra Road Branch, Jhang, who were involved in bank fraud. He also directed the Bank to return Rs 3.093 million to customers who had been swindled out of their money through the connivance of a Tea Boy and bank officials posted at the Branch.

The President gave these directions while deciding the representation of the Bank against the decision of the Banking Mohtasib directing the Bank to pay the Complainants a sum of Rs 3.093 million, according to a Press Release issued by the President's Office on December 1, 2023.

The Complainants were maintaining a joint account at the Gojra Road Branch, Jhang Saddar of the Bank. They complained that upon reconciliation of the account in March 2021, they found a huge shortfall in their account balance and that 292 deposit slips totalling Rs 3,941,660/- were not credited to their account. They also held valid deposit slips duly signed and stamped by the bank officials for the deposits. They approached the Bank for the redressal of their complaint but the Bank rejected their claim on the basis that a Tea Boy, posted at the branch, used to visit their

laboratory for cash collection and the deposit slips were affixed with a "Utility Bills Received" stamp instead of "Cash Received" stamp. They further contended that the Tea Boy was employed by a third-party organization that had already lodged an FIR against him. The Bank stated that it was not responsible for the personal dealings of the customers with the Tea Boy which took place outside the Branch premises. Feeling aggrieved, they approached the Banking Mohtasib for redressal of their grievance. The Banking Mohtasib accepted the complaint and directed the Bank to credit the Complainants' account with a sum of PKR 3.093 million and report compliance within 40 days. Subsequently, the Bank filed a representation against the Mohtasib's decision with the President.

The President conducted a personal hearing of the case at Aiwan-e-Sadr and rejected the Bank's representation. In his decision, the President stated that the Bank's denial of the claims of the Complainants on the ground that the deposit slip neither had the required "Cash Received" stamp nor was validated with any system entry was not tenable as the receipt was a bonafide document and admittedly issued under the signature of the Bank's authorized Teller Services Officers (TSO) who had been penalized in terms of dismissal from the Bank's service. He further observed that the Bank branch had violated the procedures by not complying with the Bank's own SOPs, introducing on its own a new system of signing deposit slips, affixing the "Utility Bills Received" stamp (on customer copy only) without receiving cash as well as collecting cash from customers from their business place. This, he added, proved the Bank's maladministration, malpractice, system failure and control weaknesses.

The President held that the Bank was vicariously liable for the acts of their employees' conduct who were in active service of the Bank when the Complainants had become victims of fraud. "Shifting of liability on a Tea Boy is preposterous and carries no weight as he was admittedly, deputed by the Branch to collect cash from customers' business place and pre-signed and pre-stamped deposit slips were handed over to him by the Branch and, as such, he was working as the Bank's agent and not as customers' agent", he said. He added that such fraud could not have been committed by a mere Tea Boy without the connivance of the corrupt bank officials by violating the defined procedure and in-vogue banking practices.

The President concluded that the Bank failed to fulfill its responsibility, breached the trust of the customers, and put them at a disadvantageous and risky position. He added that the appointment of vigilant, honest and professional bank officials/staff was the responsibility of the Bank and not of the Complainants, who had posed trust in the Bank. "It is a case of wrongdoing and maladministration by the Bank owing to its negligence. The Bank is responsible for making good the loss of the Complainants.", held the President and rejected the Bank's representation.

Bank to Refund Rs 344,600 to Fraud Victim

President Dr. Arif Alvi has upheld the orders of Banking Mohtasib directing a bank to pay Rs 344,600 to a customer as the amount was fraudulently transferred from his account and the Bank had committed maladministration by opening the fund transfer facility without his consent which caused financial loss to the customer.

While deciding upon a representation filed by the Bank against the decision of the Banking Mohtasib, the President held that the Bank failed to discharge the burden and statutory liability cast upon it under the law and that it had committed basic irregularity and non-compliance by activating Internet Banking/Electronic Funds Transfer (IB/EFT) channels without the customer's consent. In his decision, according to the Press Release issued by the President's Office on 29th November 2023, the President observed that although the complainant received a phone call from a number similar to the Bank's Helpline, after which, a sum of Rs 344,602 was transferred from his account. However, if the IB/EFT facility had not been opened by the Bank, the customer could have been saved from the financial loss caused to him with no fault on his part. He pointed out that the complainant had neither requested the IB/EFT facility nor had conducted any transaction through such channels in the past.

The Complainant, a citizen of Hyderabad, immediately filed a complaint with the Bank after the fraud, but his grievance was not resolved. Later, he approached the Banking Mohtasib to get a refund of the lost amount. The Mohtasib directed the Bank to refund the defrauded amount, but the Bank filed a representation with the President against the decision of the Banking Mohtasib.

The President held a personal hearing of the case and in his decision noted that the Bank failed to establish the legitimacy of the disputed transaction in terms of Section 41 of the Payment Systems and EFT Act, 2007. "From the record it is apparent that the transactions were conducted on a single date and almost in a very short span of time and on the same pattern. It could have evoked the alert system of the Bank or at least call the customer about it. It is a matter of concern to be addressed by the Banks and the regulator i.e., State Bank of Pakistan", the President noted. He added that the citizen was not conversant with digital banking and did not have adequate knowledge of the present-day banking products based on modern technology.

In view of the facts, the President concluded that IB/EFT was an unsolicited facility and the Bank had failed to comply with various binding and mandatory provisions of the Payment Systems and EFT Act 2007 as well as directives issued by the State Bank of Pakistan regarding the opening of such channels.

The President, therefore, rejected the representation filed by the Bank and directed it to report compliance to BMP within 30 days from the date of the Order.

Banks Directed to Refund Rs 519,649 to Fraud Victims

President of Islamic Republic of Pakistan, Dr. Arif Alvi has directed two private banks to refund an amount of Rs 519,649/- to three victims of bank fraud who were swindled out of their money by fraudsters through online fund transfers and fraudulent ATM transactions.

In one case, the Complainant received a call from a number similar to a commercial bank's helpline and the caller introduced himself as the Bank's representative. The Complainant shared his banking information with the caller, after which a sum of Rs 348,500 was deducted from his account.

Similarly, another Complainant lost Rs 170,969 to some unknown person using a commercial bank's Digital App even though he had neither requested for Electronic Funds Transfer (EFT) Facility nor had he ever used it.

The Complainants approached the banks for relief, but without any result. Later, they approached the Banking Mohtasib, who directed the banks to refund the lost amount to them.

Representations were later made to the President against the orders of the Banking Mohtasib by the aggrieved parties/ banks.

The President in his decisions observed that the respective banks had opened EFT Facility by default without the consent and knowledge of the customers, which was in violation of the State Bank of Pakistan's rules/regulations and the Payments Systems and Electronic Funds Transfer (EFT) Act, 2007.

He noted that the Complainants had not requested for the opening of such channels and the banks could not produce any evidence with regard to the full disclosure of terms of fund transfer in a clear manner as stipulated in the EFT Act, 2007.

As such the decisions of the Banking Mohtasib were upheld as malpractice and maladministration on the part of banks had been established. Therefore, the banks were liable to make good the loss of Rs 348,500 and Rs 170,969 to the customers.

Customer Account Handling and Maintenance

- *Unless a bank receives a customer's prior signed authorization to the contrary, the bank should issue, and provide the customer free of charge, monthly statement of every account the bank operates for the customer.*
- *Each such statement should set out all transactions concerning the account during the period covered by the statement and provide details of the interest rates applied to the account during the period covered by the statement.*
- *Each credit card statement should set out the minimum payment required and the total interest cost that will accrue, if the cardholder makes only the required minimum payment.*
- *Each mortgage or other loan account statement should clearly indicate the amount paid during the period covered by the statement, the total outstanding amount still owed, the allocation of payment to the principal and interest, and, if applicable, the up-to-date accrual of taxes paid.*
- *When a customer signs up for paperless statements, such statements should be in an easy-to-read and readily understandable format.*

Activities



Mr. Sirajuddin Aziz visits Regional Offices



Rawalpindi Regional Office



Lahore Regional Office



Peshawar Regional Office



Quetta Regional Office

SBP Officials Call on Banking Mohtasib Pakistan



A five-member delegation led by Director, Banking Conduct Policy Department, State Bank of Pakistan, Syed Ali Raza called on the Banking Mohtasib Pakistan, Mr. Sirajuddin Aziz at BMP Secretariat, Karachi on 8th December, 2023.

The Senior Advisors, Mr. Anwer A. Chaudhry, Mr. Farhat Saeed, Syed Faheemuddin Ahmed and Mr. Muhammad Ali Jangda and Legal Advisor, Mr. Shahid Mahmud Khan were present on the occasion.

During the interaction, it was agreed to have regular consultations between the State Bank of Pakistan and the Banking Mohtasib Pakistan on quarterly basis so as to speed up the process of resolution of customers' complaints against the commercial banks. During discussion, it was agreed that the Federal Government may be approached to enhance the powers of the Banking Mohtasib for dealing cases of fraud and forgeries, and to bring Microfinance Banks also to the ambit of jurisdiction of Banking Mohtasib.

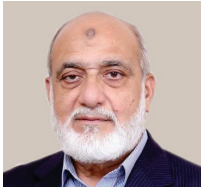
Further, the timeline of 45 days given to Banks to respond to the Complainant may also be reduced so that the Complainant gets justice quickly.

Good Practice Debt Recovery



- *Banks are prohibited from employing any abusive debt collection practice against any customer of the bank, including the use of any false statement, any unfair practice, or the giving of false credit information to others.*
- *The type of debt that can be collected on behalf of bank, the person who can collect any such debt, and the manner in which that debt can be collected should be indicated to the customer of the bank when the credit agreement giving rise to the debt is entered into between the bank and the customer.*
- *A debt collector should not contact any third party about a bank customer's debt without informing the customer of the debt collector's right to do so, and the type of information that the debt collector is seeking.*

Mr. Muhammad Kamran Shehzad Retires



Mr. Muhammad Kamran Shehzad retired as Banking Mohtasib Pakistan on 18th July, 2023 after completion of his 4-year term.

Mr. Kamran Shehzad during his four-year tenure as Banking Ombudsman has disposed of 106,486 complaints and provided relief of over Rs 3 billion to banking customers.

He had joined BMP Office in April 2019. Earlier, he was Deputy Governor, State Bank of Pakistan (SBP). His distinguished professional & central/commercial banking career spreads over a period of more than 46 years.

During his tenure in SBP, he served at different senior positions of Director, Executive Director and Managing Director, Banking Services Corporation, a wholly owned subsidiary of SBP, before he was appointed by the Prime Minister as Deputy Governor, SBP. He has played a vital/lead role in implementation of Financial Sector Reforms and transformation of banking system to an existing strong dynamic and vibrant banking sector.

Banking Mohtasib Office interacts with Commercial Banks

With a view to ensure speedy disposal of complaints and to amicably resolve the grievances of banking customers to the maximum, the Banking Mohtasib Pakistan holds regular consultations / meetings with the officials of commercial banks.

The consultations with commercial banks help the Office of Banking Mohtasib to make the stakeholders comprehend the issues raised by customers at large and to take suitable measures for redressal of their grievances.

In a series of such proposed meetings, the first meeting was held at Karachi Secretariat and the other at Lahore Regional office premises with senior level officials of United Bank Limited and Allied Bank Limited respectively. Senior Advisors / Advisors of BMP Secretariat had also attended the meetings.



A view of the meeting of Officials of Banking Mohtasib Pakistan with the officials of UBL at Karachi Secretariat on February 02, 2023



A view of the meeting between the Banking Mohtasib Pakistan with the officials of Allied Bank Limited at Lahore Office on March 10, 2023

Officers, Staff of Banking Mohtasib arrange Annual Lunch

The Officers and Staff of Banking Mohtasib Pakistan arranged an Annual Lunch Programme at a local club in Karachi on Saturday, the 23rd December, 2023.

Beside Mr. Sirajuddin Aziz, incumbent Banking Mohtasib Pakistan, the lunch was also attended by former Banking Mohtasibs, Mr. Mansur-ur-Rehman Khan and Mr. Anisul Hassnain. M/s Azhar Hamid and Muhammad Kamran Shehzad, being out of city, could not attend the function. However, both of them sent their greetings and best wishes to all the participants of BMP Office. Bouquets were presented to the incumbent as well as retired Banking Mohtasibs.

Speaking on the occasion, Mr. Anisul Hassnain appreciated the role of the Institution of Banking Mohtasib in resolving the complaints of banking customers. Mr. Hassnain said that he had served several institutions under the Federal Government, but he mostly enjoyed working as Banking Mohtasib and had tried his level best to provide relief to the suffering banking customers.

Mr. Mansur-ur-Rehman Khan in his remarks while lauding the efforts of the officers and staff of Banking Mohtasib expressed good wishes for the success of the present incumbent of the Banking Mohtasib Office.

Responding to the views of his predecessors, Mr. Sirajuddin Aziz while thanking the former Banking Ombudsmen for their kind words and good wishes in the discharge of his new assignment, assured all the staff members that with their cooperation he would leave no stone unturned in bringing overall improvement in the service structure of the institution to reach to a destination which may enjoy banking customers confidence at large by redressing their grievances speedily.

Banking Ombudsmen Since 2005

The institution of Banking Mohtasib Pakistan was established in May 2005 under Chapter IV A of Banking Companies Ordinance, 1962 (BCO).

The Office has been headed by the following Banking Mohtasibs since inception.

- | | |
|---------------------------------------|---|
| 1. Mr. Azhar Hamid | 2nd May, 2005 to 30th April, 2008 |
| 2. Mr. Mansur-ur-Rehman Khan | 2nd May, 2009 to 30th April, 2012 |
| 3. Mr. Anisul Hassnain | 14th March, 2013 to 14th April, 2019 |
| 4. Mr. Muhammad Kamran Shehzad | 15th April, 2019 to 17th July, 2023 |
| 5. Mr. Sirajuddin Aziz | Effective from 18th July, 2023 |

Photo Glimpses of Annual Lunch



Senior Advisors with Banking Mohtasib, Mr. Sirajuddin Aziz and former Banking Ombudsmen, Mr. Mansur-ur-Rehman Khan & Mr. Anisul Hassnain



Banking Mohtasib, Mr. Sirajuddin Aziz with Advisors and Former Banking Ombudsmen, Mr. Mansur-ur-Rehman Khan & Mr. Anisul Hassnain



Group Photo of Banking Mohtasib, Mr. Sirajuddin Aziz with Female Staff of the Secretariat along with Former Banking Ombudsmen, Mr. Mansur-ur-Rehman Khan & Mr. Anisul Hassnain



Investigation Officers with Banking Mohtasib, Mr. Sirajuddin Aziz and former Banking Ombudsmen, Mr. Mansur-ur-Rehman Khan & Mr. Anisul Hassnain



Mr. Aamir Ali, Assistant Director presenting a bouquet to former Banking Mohtasib, Mr. Anisul Hassnain



Mr. Shahan Sheikh, Deputy Director presenting a bouquet to former Banking Mohtasib, Mr. Mansur-ur-Rehman Khan



Mr. Kazi Raheel Javed, Assistant Director presenting a bouquet to Mr. Sirajuddin Aziz, Banking Mohtasib Pakistan



Group Photograph of all Officials /Staff of Banking Mohtasib Pakistan at the Annual Lunch held on 23rd December, 2023

Inauguration of Banking Mohtasib's Regional Office at Muzaffarabad



The then Managing Director, State Bank of Pakistan Banking Services Corporation, Mr. Muhammad Ashraf Khan formally inaugurated the Regional Office of Banking Mohtasib Pakistan at SBP BSC, Muzaffarabad premises on May 3rd, 2023.

Speaking on the occasion, he lauded the role of Banking Mohtasib Pakistan in resolving the banking customers' grievances.

Mr. Muhammad Kamran Shehzad, the then Banking Mohtasib Pakistan briefed the participants in detail about the complaint resolution statistics and procedure being followed at his institution.

The Office had commenced operation after a soft opening on November 1st, 2022. Now with full-fledged commencement of its operation, this Office would further facilitate the complainants of Muzaffarabad, Azad Jammu & Kashmir and its adjoining areas as earlier the banking customers of these areas had to travel to Rawalpindi for redressal of their grievances. The number of Regional Offices of BMP has now risen to seven, besides the Secretariat in Karachi.

It may be pointed out that the services of Banking Mohtasib are free of cost and the complainants do not need to engage an advocate / legal counsel to plead their cases.

The inauguration ceremony was attended, among others, by representatives from Business Community, Academia, Banking Industry and District Bar Association.

Customer awareness

Banks are required to educate customers about various types of online banking frauds as well as the corresponding preventive measures.



Improvement in IT Operations - Adoption of “Cloud Technology”



The institution of Banking Mohtasib Pakistan (BMP) is regularly working to enhance its delivery mechanism by embracing the latest digital trends of IT industry as needed for improvement of IT operations. This year (2023), BMP introduced two major services to “cloud computing environment”, including email hosting at “NTC” and the “Complaint Management System (CMS)” at “COMSATS” Internet Services. Cloud computing offers enterprises unparalleled flexibility, enabling savings both in time and money while enhancing agility and scalability. With cloud systems, the Banking Mohtasib Pakistan has mitigated the risk of hardware, software or infrastructure malfunctioning, which would have disrupted the smooth operations. One of the aspects of “cloud technology” is its mobility and flexibility, empowering the employees to work from any location at any time, which will lead to improve productivity and efficiency.

On January 1, 2023, the Banking Mohtasib Pakistan successfully launched its new application for lodging and handling complaints called the “Complaint Management System” (CMS), replacing the legacy application (Banking Ombudsman Complaint Tracking System). With the introduction of CMS, the complaint handling and operations have become easier and smooth. The system generates multiple types of “Management Information Systems (MIS)” reports as required by the management while complainants can now lodge their complaints through the “Banking Mohtasib Pakistan Website” using the Online Complaint Form, making the process simpler and quicker as compared to the paper-based formalities. Since the launch of CMS, there has been two fold increase in the number of online complaints lodged against banks.

The CMS was developed in collaboration with a local software firm. On completion of the rollover of the system, a simple but impressive signing ceremony was held on July 17, 2023 at the BMP Secretariat, Karachi, which was attended by senior officials from Banking Mohtasib Pakistan and the representatives of the vendors. The vendors have currently handholding arrangements with BMP so as to provide support for CMS and address operational issues that may arise. This handholding period of one year will conclude in June 2024.

Banking Mohtasib Pakistan Mr. Sirajuddin Aziz Hearing Complaints at Karachi Secretariat /Regional Offices



Karachi Secretariat



Rawalpindi Regional Office



Peshawar Regional Office



Lahore Regional Office

Breast Cancer Awareness Session for Female Employees of Banking Mohtasib Pakistan



A Breast Cancer Awareness Session was arranged by Shaukat Khanum Memorial Cancer Hospital and Research Centre for female employees of Banking Mohtasib Pakistan Karachi Secretariat on 16th October, 2023.

The Session, conducted by Dr. Amna of SKMCH, was attended by all female employees of BMP Secretariat.

Abbreviation & Acronyms

AMC	Asset Management Companies
AML	Anti-Money Laundering/ Combating the Financing of Terrorism
BCO	Banking Companies Ordinance
BOCTS	Banking Ombudsman Complaint Tracking System
CDS	Central Depository System
CIB	Credit Information Bureau
CP	Consumer Protection
CPD	Consumer Protection Department
CRR	Cash Reserve Requirements
CMS	Complaint Management System
CDNS	Central Directorate of National Savings
DFID	Department for International Development
DPS	Deposit Protection Scheme
eCIB	Electronic Credit Information Bureau
EFT	Electronic Fund Transfer
FATF	Financial Action Task Force
FSA	Financial Sector Assessment
MOU	Memorandum of Understanding
MTBs	Market Treasury Bills
NCC	National Clearing Company
NGO	Non-Governmental Organisation
OGCC	Operational Guidelines for Credit Cards
PBA	Pakistan Banks' Association
PLS	Profit and Loss Sharing
SBP	State Bank of Pakistan
SAOF	Standardized Account Opening Form
SECP	Securities & Exchange Commission of Pakistan
SLR	Statutory Liquidity Requirements
USSD	Unstructured Supplementary Service Data

*Human Resource
Development Efforts*



Mr. Sirajuddin Aziz Distributes Certificates to Officers/Staff of Banking Mohtasib Secretariat on Completion of Training



The Forum of Pakistan Ombudsman has arranged two training sessions on “the Role of Registrars in Ombudsman Office” and “Investigation by Ombudsman Offices” at Federal Ombudsman Secretariat, Islamabad on July 20, 2023 and July 31, 2023 respectively.

The Organisation of Islamic Countries Ombudsman Association (OICOA) has also arranged its first training session on “Islamic Concept of Ombudsmanship” at its Secretariat situated at the headquarters of Federal Tax Ombudsman Secretariat, Islamabad on August 1, 2023.

Mr. Shahan Sheikh, Deputy Director, Mr. Rana Irfan Shahid, Assistant Director and Mr. Farooq Hussain, Office Assistant attended the training session on the Role of Registrars in Ombudsman Office while Ms. Fouzia Salman, Consultant, Mr. Satish Inder Jesrani, Assistant Director, Ms. Humaira Hassan, Deputy Assistant Director, Ms. Nighat Jabeen, Deputy Assistant Director and Mr. Azeem Tariq, Office Assistant attended the training session regarding Investigation by Ombudsman Offices.

Mr. Ali Hussain Brohi, Advisor, Mr. Muhammad Ikram, Deputy Director, Mr. Kazi Raheel Javed, Assistant Director and Ms. Khushbakht Mohsin, Office Assistant attended the training session on the Islamic Concept of Ombudsmanship.

The Banking Mohtasib Pakistan, Mr. Sirajuddin Aziz distributed certificates to the above mentioned officers / staff of his organization at a ceremony held at BMP Secretariat, Karachi on 4th September, 2023.



Promotion of Learning Culture at Banking Mohtasib Pakistan

To foster and build a learning culture, all staff members of Banking Mohtasib Pakistan are being encouraged to not only acquire knowledge and skills, but are being proactively encouraged to share their experiences. To bolster this activity, the following Officers have made presentations on the topics mentioned against each.

Name	Designation	Topic	Date
Mr. Aamir Ali	Assistant Director	Electronic Funds Transfer – Investigation Perspective	Sept 15, 2023
Mr. Fahad Haqnawaz	Assistant Director	Role of Investigation Officer	Oct 5, 2023
Mr. Muhammad Aun Abbas	Assistant Director	ATMs – Risk, Responsibilities & Dispute Resolution	Oct 17, 2023

A group presentation on Artificial Intelligence was also made by the following officials on December 12, 2023.

- Mr. Muhammad Aun Abbas Assistant Director
- Ms. Fouzia Salman Consultant
- Syed Muhammad Irfan Abbas Assistant Director/Consultant
- Mr. Muhammad Imran Deputy Assistant Director
- Ms. Khushbakht Mohsin Office Assistant



Assistant Director, Mr. Aamir Ali making a presentation on Electronic Funds Transfer - Investigation Perspective



Assistant Director, Mr. Aun Abbas making a presentation on ATMs – Risk, Responsibilities & Dispute Resolution

Training on “Operations and Complaint Management Process”

An online training on “Operations and Complaint Management Process” was organized by the Forum of Pakistan Ombudsman at Islamabad on May 16, 2023.

The training session, conducted by Dr. Arslan Subactageen, Advisor (Customs) Federal Tax Ombudsman, was attended by Mr. Arif Mahmood Butt, Advisor, Ms. Beenish Khan, Deputy Assistant Director and Ms. Khushbakht Mohsin, Office Assistant of Banking Mohtasib Pakistan.

Training on “Guidelines for Investigation and Drafting of Recommendations & Orders”

An online training on “Guidelines for Investigation and Drafting of Recommendations & Orders” was organized by the Forum of Pakistan Ombudsman at the Headquarters of Federal Tax Ombudsman Secretariat, Islamabad on June 7, 2023.

The training session was conducted by Mr. Yasin Tahir who has served as Senior Advisor to Federal Tax Ombudsman and held important positions at various government departments. The training was attended by Mr. Yousuf Imran, Advisor and Mr. Muhammad Junaid, Consultant of Banking Mohtasib Pakistan.

International Webinar on “The Proposal Power of the Mediators and Ombudsman: an Important Mechanism to Support Administrative and Legal Reform”

A Webinar on “The Proposal Power of the Mediators and Ombudsman: an Important Mechanism to Support Administrative and Legal Reform” was organized by the International Ombudsman Institute in collaboration with the Institute of the Mediator of the Kingdom of Morocco on 15th November, 2023.

The Webinar was comprised of two sessions:

- i. The Proposal Power of the Mediators and Ombudsman: Mechanism to Support Administrative and Legal Reform.
- ii. Good Experience and Practice upon the Path and Results of the Implementation of the Proposal Power.

The Webinar was attended by Advisors, M/s Ali Hussain Brohi, Arif Mehmood Butt and Assistant Directors, M/s Muhammad Aun Abbas, Aamir Ali and Rana Irfan Shahid of Banking Mohtasib Pakistan.

Webinar on “Informal Resolution of Disputes”: Pakistan’s Experience

A Webinar on “Informal Resolution of Disputes (IRD): Pakistan’s Experience” organized by the Asian Ombudsman Association on 14th June, 2023, was hosted by the Federal Ombudsman’s Secretariat, Islamabad.

The Webinar was comprised of two sessions:

- i. Alternate Dispute Resolution (ADR): An Overview.
- ii. Informal Resolution of Disputes: Pakistan’s Experience.

The Webinar was attended by Senior Advisor, Syed Faheemuddin Ahmed, Advisors, M/s Yousuf Imran and Arif Mahmood Butt of Banking Mohtasib Pakistan.

Training Session on “The Rise of Islamophobia in Europe and Seeking Rights in These Terms”

An online training session on “The Rise of Islamophobia in Europe and Seeking Rights in These Terms” was organized by the Organization of Islamic Co-operation Ombudsman Association (OICOA) on 28th November, 2023.

The training session was conducted by Ms. Basak Manav, who is In-charge of the ‘Human Rights Monitoring and Research Bureau’ in the Ombudsman Institution of Republic of Turkiye. The training was attended by M/s Riaz Hussain Hamdani (Consultant) and M/s Ali Hussain Brohi (Advisor), Assistant Directors, M/s Muhammad Aun Abbas and Kazi Raheel Javed and Deputy Assistant Director, Ms. Bibi Zareena of Banking Mohtasib Pakistan.

Seminar on Threats of Cybercrime: Growing Vulnerabilities of Societies

A Seminar on “Threats of Cybercrime: Growing Vulnerabilities of Societies” was organized by OICOA Member Institution (Federal Ombudsman of Pakistan) in collaboration with the Asian Ombudsman Association (AOA) on 30th November, 2023 at COMSAT University – Islamabad Campus.

The Seminar was attended online by Advisor, Mr. Mushtaq Ahmed, Assistant Director (Legal), Rana Irfan Shahid, Assistant Director, Mr. Aamir Ali and Consultants, Mr. Rahim Rajan and Mr. Junaid Khan of Banking Mohtasib Pakistan.

Training on "Alternate Dispute Resolution Mechanism"

An online training on "Alternate Dispute Resolution Mechanism" was organized by the Forum of Pakistan Ombudsman at the Headquarters of Federal Tax Ombudsman Secretariat, Islamabad on December 29, 2023.

The training session was conducted by Syed Akbar Hussain, who is an expert in Alternate Dispute Resolution Mechanism and also the founder of Pakistan's first ADR platform, "The ADR Initiate LLP (ADRI)".

The training was attended by Mr. Rana Irfan Shahid, Assistant Director (Legal), Mr. Muhammad Junaid, Consultant, Mr. Abdul Qadeer Sheikh, Assistant Director and Deputy Assistant Directors, Ms. Afshan Inam & Naseema Yousuf of Banking Mohtasib Pakistan.

Resignations

- Mr. Faisal Rasheed, Deputy Director resigned on 1st June, 2023. He had joined the Office of Banking Mohtasib Pakistan on 18th July, 2016 on contract basis. Mr. Faisal has moved abroad for future prospects.
- Ms. Umaima Kiran, Data Entry Operator resigned on 14th April, 2023. She had joined the Office of Banking Mohtasib Pakistan on 11th October, 2021 and has now moved to NIBAF (National Institute of Banking and Finance) for her career growth.
- Mr. Naqshab Khan, Office Assistant resigned on 25th October, 2023. He had joined the Office of Banking Mohtasib Pakistan on 7th June, 2021 and has now moved abroad for future prospects.

Privacy and Data Protection

- *The Financial transactions of any customer should be kept confidential by the institution.*
- *The law required to ensure that they protect the confidentiality and security of personal data of their customers against any anticipated threats or hazards to the security or integrity of such information, and against authorized access.*

Case Studies



Case 1: Bank Amicably Resolves Issue of Investment in Term Deposit Account

A health organization had made an investment of Rs 45 million in Term Deposit Account for a period of one year on roll over basis. The Bank had confirmed the said investment vide its letter dated June 20, 2019 mentioning therein "Roll Over period 1 Y". However, on maturity i.e. on June 15, 2020, the Bank instead of rolling over, transferred the amount to a non-profit bearing account of the organization for a period of nine months causing loss of markup to the organisation. The Complainant stated that the Bank vide its letter dated June 20, 2019 had made it clear that the amount will be rolled over on maturity, therefore, no further permission for roll over was required from him. Hence the Bank was liable to pay profit for 9 months i.e. for the period the amount was kept by the Bank in its non-profit bearing account. The Complainant on numerous occasions wrote to the Bank to pay the profit for the period the funds remained parked in non-profit account and final notice in this regard was given to the Bank on April 30, 2021. However, the Bank didn't respond to the same, as such the organisation approached the Banking Mohtasib for remedy.

On taking up the matter, the Bank submitted that according to Complainant's letter dated April 23, 2019, TDR deal was booked on June 14, 2019 at the rate of 12.65% for the period of one year with fixed maturity (June 15, 2020) and the same was duly confirmed to the Customer via Bank's letter dated June 20, 2019. After maturity of the TDR, no instructions were received from the Customer for rollover of the amount. As such TDR was encashed and proceeds transferred to current account of the Customer on June 15, 2020. New profit rates were conveyed to Customer vide Bank's letter dated July 8, 2020, October 28, 2020 and December 22, 2020, however, confirmation letter for re-booking of TDRs was not received from the organisation.

To resolve the issue, the case was fixed for hearing. The Bank's representative on the occasion failed to produce any documentary evidence to the effect that it had written to the organisation for instructions to roll over the deposit or otherwise. It, however, transpired that the System generated TDR Deal Print provided by the Bank bears the clause "Roll Over period 1 Y", which was a system glitch. Moreover, on the "Deal input Form" which is the Bank's internal document, both terms "Fixed maturity / Roll over" were appearing i.e., the term whichever not applicable, was not struck. Under the circumstances, the Bank officials were asked to revisit the case. Subsequently, the Bank provided a copy of letter dated October 4, 2023, whereby the Complainant had agreed to an amicable settlement for a profit @ 4% p.a. for 277 days (the period wherein the amount of TDRs was transferred in non-profit bearing account) amounting to Rs1,375,890.41 as full and final payment against their claim. The said amount was credited in the account of the Complainant organisation on October 9, 2023.

Case 2: Fraud of 3.8 Million through Stolen Cheques

The Complainant stated that he was maintaining a partnership account in a bank branch since long and added that on 6th and 7th May 2021, two stolen cheques amounting to PKR 1,900,000/- each were fraudulently encashed and the amount debited to the partnership account. These cheques were neither issued by the Complainant nor by his partner. As per the Complainant statement, the Bank had not obtained call back confirmation (CBC) for honouring the cheques while making cash payment at the counter. The complaint lodged was turned down by the Bank. Being aggrieved, the Complainant approached the Banking Mohtasib for remedy.

On taking up matter, the Bank submitted that apparently it's an external fraud as cheque book was in the custody of the customer & cheque book issuance & payment of the cheques were done as per procedure, as such there was no need for independent investigation. The Bank further informed that two disputed cheques of PKR 1.9 million each were paid / encashed after completing all requisite formalities and SOPs.

The case was fixed for hearing. The Complainant took the stance that these stolen cheques were encashed through forged signatures. He further stated that infact when the cheque book was examined, it was intact (in original binding form) and no clue of theft of two disputed cheque leaves was found, as even counter folio of these disputed cheques were there. The Complainant was of the view that although he did not count the cheque leaves of the cheque book given to him, he was sure that these cheques were already taken out at some stage before delivery of the cheque book to him. The Complainant presented the intact cheque book and also requested for forensic examination to determine the genuiness or otherwise of the signatures on the disputed cheques and as to whether these cheques were snatched out or were not stacked in cheque book at the initial stage.

The Bank was directed to arrange forensic examination of signatures of two disputed cheques from a reputable firm/expert at their own cost. The Bank submitted the forensic report dated 05.05.2023 which confirmed that signatures on disputed cheques were forged. The arguments put forward by the Bank were not maintainable/acceptable as under section 29-B of Negotiable Instruments Act, 1881, the Bank is liable to make good the loss to customer. This principle of law has also been expounded by the Honourable Sindh High Court, Karachi in its judgement reported in PLD 1975 Kar 252 & PLD 1987 Kar 599 that a forged instrument is a nullity and confers no title.

Based on the available evidences and recorded statements from both the parties, the Banking Mohtasib of Pakistan directed the Bank to pay / credit the Complainant's account with an amount of PKR 3,800,000 .

Case 3: Embezzlement of Rs 3 Million by Branch Staff: Agricultural Running Finance

The Complainant, who owns a Gas Station, was approached by the Branch Manager to avail overdraft facility. He was reluctant to accept the offer since his business is cash based and did not require any such facility. However, after constant persuasion by the Branch Manager, he agreed to avail an overdraft facility of PKR 3.0 million. He added that he utilized the facility and withdrew PKR 6,900,000/- through four cheques on different dates and re-paid the entire amount in time. However, on January 30, 2020, he obtained statement of overdraft account, which showed debit balance of PKR 3 million. On a query, he was surprised to know that an amount of PKR 2,977,749/- was withdrawn through six cheques from this account, whereas the original cheques were in his custody. The Complainant lodged a written complaint with the Bank, but to no avail. Being aggrieved, he approached the Banking Mohtasib for remedy so as to clear the debt from the account and to remove his name from e-CIB(as defaulter) list and to release his mortgaged property.

On taking up the matter, the Bank submitted that according to the Complainant the Branch staff without his consent withdrew funds from his account and that the Branch Manager had forced him to avail Agri. Loan of Rs 3.0 million by opening an Agri. Running Finance (“ARF”) account and had issued him a cheque book. According to the Complainant, the Branch staff had withdrawn an amount of PKR 3 million from his account. As per Bank, this was the third fraudulent incident involving the staff of the Branch, which was referred to Complaint Investigation Unit (CIU) for investigation. However, even after admittance of Bank’s staff in the embezzlement of funds, the Bank was not willing to provide remedy to the Complainant in spite of being established that there is no fault at his end.

The case was fixed for hearing and the Complainant alleged that the Bank’s staff had withdrawn the funds from his account without the cheques. The original cheques were in his possession and were shown to the Bank’s investigation team when he was called by them. It was argued that the Bank’s staff was involved in parallel banking, and he was a victim of illegal act of Branch staff. The Complainant repaid the entire finance amount of Rs 3.0 million which he had utilized as per cheque book in hand, but was unaware about the unauthorized utilization of funds from his account by the Bank’s staff. The fraud had surfaced when the Complainant approached the Bank and obtained the statement of account as on January 30, 2020. The Complainant requested the Banking Mohtasib to direct the Bank to settle the issue and release the collateral which was mortgaged to secure the said facility.

The Bank’s officials stated that as per preliminary inquiry, fraudulent activities were observed in the Branch, therefore, a detailed investigation was conducted by CIU. It is an admitted fact that the Complainant’s fund was withdrawn in the absence of cheques and in the system cheque numbers were incorporated by the staff at their own. The Bank has filed criminal complaint before the FIA which presently is under investigation, while the relevant concerned staff has been removed from the Bank’s service after due process. As a matter-of-fact the fraudulent activities were carried out in the Bank’s premises, but due to weak controls and monitoring, the Branch Manager and staff had acted as hand in gloves and committed fraud with a number of customers.

It was pointed out to the Bank officials that the Branch Manager and other staff were authorized employees/ officers of the Bank to carry out banking business on behalf of the Bank and it is a well settled principle of law that the employer is “vicariously” liable to its customer for any fraud or other wrong doings of his employee during the course of his employment. It is of no concern to the Complainant, whether or not the employees of the Bank concerned are brought to justice and what disciplinary action is finally taken against them and whether or not the Bank succeeds in recovering the embezzled sum from them. As such the Bank was directed to make good the loss by crediting the account of the Complainant with a sum of PKR 2,977,749/- plus PKR 78,230/- markup charged on 31.01.2020 (Total PKR 3,055,979/-) in Complainant’s account and release the collateral held against the ARF limit of PKR 3,000,000/-, provided there are no other charge on the same property/collateral and to get the Complainant’s name removed from e-CIB list in case it was reported as defaulter.

Case 4: Unjustified Deduction of Charges by Bank on Early Encashment of TDRs

The Complainant (a widow) stated that she was maintaining an account in a bank and had invested Rs 6.5 million for 5 years (1/1/2017 to 1/1/2022). However, she had encashed the invested amount prematurely after 3 years. She added that the Bank paid her profit of Rs 1,192,514/- on encashment and deducted Rs1,092,534/-. Thereafter, Rs 239,563/-, Rs 6,555/- and Rs 119,781/- were further unduly deducted on different dates from her account. Infact, the Bank paid a net profit of Rs 99,980/- only (i.e. Rs 1,192,514 - Rs 1,092,534= 99,980/-), but deducted taxes aggregating Rs 365,899. The Complainant had lodged a written complaint with the Bank, but to no avail. Being aggrieved, she approached the Banking Mohtasib for remedy.

The matter was accordingly taken up with the Bank and it was observed that the procedure for premature encashment of TDRs was unilaterally amended by the Bank and conveyed to all its branches without any intimation / consent of customer as regards to changes in agreed terms & conditions of those TDR’s which were already issued and outstanding. The said TDRs were early encashed by the Complainant in October 2019 and excessive amount was forcibly recovered by the Bank without giving any explanation.

Upon detailed examination of the case by BMP Office, the Bank was found to have deducted taxes on profit which had not been actually received by the Complainant. Bank’s own interpretation of its Circular was dubious as calculations made upon early encashment of TDRs, lacked thoughtful explanation resulting in unduly charge to customer’s account of Rs 359,344/- in the shape of early encashment penalties / taxes. After continuous follow up by BMP Office, the Bank finally agreed to refund the full amount of Rs 359,344/- to the Complainant, which was later credited to the Complainant’s account.

Case 5: Undue Charges Levied against Personal Loan

The Bank through an App approved a loan of Rs 586,080/- on March 11, 2022, to the Complainant and after approval without any call back confirmation (CBC) credited the loan amount in her account within few seconds. She without wasting a moment, contacted the Bank's Helpline on the same date i.e. March 11, 2022 for the termination of said loan as she had never intended to obtain / avail any loan facility. On March 29, 2022, the Bank provided her payoff sheet advising her to pay Rs 693,391/- despite the fact that the request for termination of loan facility was made on the day when the loan was disbursed in her name. She, therefore, returned the principal amount of Rs 586,080/- vide cheque No.29422016 dated April 5, 2022 and requested the Bank to reconsider the charges. The Bank then sent her revised payoff sheet advising her to pay Rs 670,377/- giving relief of Rs 23,014/- only. Feeling aggrieved, she approached the Banking Mohtasib for remedy.

The matter was accordingly taken up with the Bank which provided a report to the effect that the Complainant had willingly applied for a Personal Loan and had digitally accepted all terms & conditions.

While the Bank's response was under review, the Complainant contacted the BMP Office and informed having already deposited the principal amount of Rs 586,080/- on April 5, 2022, disbursed in her name. The Bank had deducted one installment of June 2022. The matter was discussed with the Bank in detail and the BMP Office advised the Bank to adjust her loan with value date i.e. March 11, 2022, the day on which the loan amount was said to have been credited so that undue mark-up and termination charges are reversed. The Bank was further directed that any installment recovered may be refunded and NOC be issued to the Complainant. On August 12, 2022, the Bank submitted that her availed loan has been cancelled, deducted installment amounting to Rs 25,091/13 has been reversed and NOC has also been issued. The Bank has also informed the factual position to the Complainant who expressed her satisfaction on amicable resolution of the complaint.

Case 6: Undue Auto Debit Charges / Late Payment Fee Levied against Credit Card

The holder of a Credit Card of a Bank had stated to have made Credit Card payments through Auto Debit and due date of the Card's payment for July, 2023 was August 9, 2023. According to the Complainant, he deposited the funds to meet the bill amount on due date i.e. on August 9, 2023, but the Bank had charged penalties of Rs 1,200/ as the Auto Debit was executed one day before the due date i.e. on August 8, 2023. He lodged a complaint with the Bank, but to no avail. Being aggrieved, he approached the Banking Mohtasib for remedy.

The Bank was duly informed that it cannot burden a customer with liability before it accrues. Nothing can happen before the due date and any charges levied before the "due date" is a clear breach of contract. The Bank should refund auto rejec-

tion fee/penalties which the Bank had charged from the customer before the due date of payment.

The Bank accepted the system glitch of auto debit and agreed to reverse the auto rejection fee / penalties levied in this regard. The Complainant expressed satisfaction over the amicable resolution of his complaint.

Case 7: Mis-selling of Insurance Policy by Branch Staff

The Complainant stated that her husband was working in Armed Forces and during service he died. For receiving his dues as well as pension, she opened an account with a bank's branch at Mianwali. The Branch Manager, however, persuaded her to get an insurance policy by highlighting its benefits. She purchased the insurance policy in the year 2018 having an annual premium of Rs 250,000/-. The Policy was for five years. However, after three years, the Bank staff told her that due to loss to the insurance company she would only get the amount she had paid as insurance premium. Despite lodgement of complaint she was not even refunded the actual amount she had deposited as insurance premium. Being aggrieved, she approached the Banking Mohtasib for remedy.

The matter was accordingly taken up with the Bank and it was observed that Bank's own SOPs were violated and no laid down procedure was adopted before issuance of insurance policy. The lady was a widow and have six daughters and a son and the pension she used to receive was the only source of income for her household expenses. Without considering her financial standing, the Complainant was sold an insurance policy with annual premium of Rs 250,000/- by connivance of the Bank and the Insurance Company.

The Bank was advised to refund her the amount as the Complainant had no other means to feed her children. The Bank accepted the BMP decision and in co-ordination with the Insurance Company refunded her full amount of insurance premium deposited by her. As such an amount of Rs 750,000/- was refunded to the Complainant. She expressed satisfaction on the resolution of her complaint.

Case 8: Refund of Full Amount of Insurance Policy to Complainant

The Complainant stated that her husband was working abroad and he used to send money from time to time which she had been depositing in a bank account and using it for household expenses etc. On December 5, 2022, when she visited the branch for withdrawal of some amount, the Bank staff told her about a lucrative investment plan and offered false commitments for attractive profit in return. After sometime, she came to know that there was no such investment plan, instead the branch staff had sold her an insurance policy. She visited the branch and demanded return of her husband's hard earned money, but to no avail. Later, her husband left the job and returned to Pakistan and now he is unemployed and they were facing

difficult time due to non-availability of funds. She lodged a complaint with the Bank, but to no avail. Being aggrieved, she approached the Banking Mohtasib for redressal of her grievance.

The Bank was asked by BMP Office to provide the insurance policy documents, recording of Call Back Confirmation and other relevant information. However, the Bank failed to provide anything except the policy documents, which transpired that there was a possibility of an element of misselling of insurance policy in this particular case. The Bank accepted the BMP decision and agreed to refund the full amount of Rs 250,000/- to the Complainant and the same was credited to her account accordingly. The Complainant expressed satisfaction on amicable resolution of her complaint.

Case 9: Payment of Offered Profit by Bank to Government Owned Corporate Organisation

One of the Government owned corporate organisations complained that it has been maintaining collection accounts with different banks for collection of revenue throughout Pakistan as well as for receipt of remittances from foreign carriers. Accordingly, with mutual agreement, two accounts (one in US\$ and the other in PKR) were opened with a Bank in Islamabad. As per terms and conditions of the agreement, profit was to be paid @ 5.4 % p.a. with minimum threshold of deposit of Rs 50 million. The Complainant submitted that the Bank had not credited any profit to their account. The organisation thus had to bear an interest loss of Rs 311,975/-. Since the issue could not be resolved by the Bank, the Complainant approached the Banking Mohtasib for redressal of the grievance.

On taking up the matter, the Bank informed that the proposed profit rate was initially offered to the organisation, but subsequently on scrutiny of necessary documents provided by the organisation, their Compliance Department observed that the organisation is not eligible for a profit account. The position was conveyed / apprised to the management of the organisation and after obtaining signatures on account opening form, a non-profitable collection account was opened with their consent.

The funds received were collected and credited to the said account and were regularly transferred to other Bank as per instructions of the management. The periodical statement of account was also being regularly provided to the account holder, but no claim for profit was made prior to lodgement of this complaint.

The case was thus declined by Banking Mohtasib, on the grounds that the Bank's stance as given above appeared to be justified. Subsequently, the organisation with some additional facts filed a "Review Petition" against BMP's above decision and requested for a hearing. Their request was acceded to.

After detailed proceedings, it was found that a profit bearing account was offered by the Bank and the account remained operative, but after four months, the Bank officials in a meeting with organisation's CFO informed that no profit can be paid by them as the organisation's account is a collection account, notwithstanding the fact

that earlier the Bank itself offered payment of interest @ 5.4% p.a. on deposit and based on this offer the organisation had opened the account. As per the Complainant they continuously pursued during the four-month period for payment of profit as per it's (Bank's) own commitment and the Bank officials kept on informing them that the matter has been escalated with the Bank's Head Office for profit calculation and the profit would soon be credited to their account.

During the hearing, the Bank officials kept on insisting that CC (Cash Collection) Account was clearly mentioned in the Account Opening Form (AOF), as agreed and signed by the customer, but they failed to produce any evidence of having educated the customer about the salient features of CC Account. Even the Bank had not provided a copy of AOF to the customer which is in itself a violation of SBP's directives.

It was obligatory on the part of Bank as it's fiduciary responsibility to clearly divulge the terms and conditions before opening the Account. In the instant case, the Bank failed to fulfil its responsibility and opened the account, advising the organisation that profit shall be credited soon. If it was not possible for the Bank to open a profit bearing account due to any legal constraints then Bank should have clearly informed the organisation and should have left the decision of opening the account or otherwise with the organisation.

The stance of the organization appeared to be reasonable. That's why the account was opened by the Bank without first getting internal clearance from their concerned Department. Further, why the account was converted as non-profitable without the organisation's consent, ignoring their earlier commitment for opening of profitable account.

This appears to be a crucial fact which was not earlier stated by the Bank in their reply. The foregoing facts loud and clearly speak that refusal of crediting profit was a subsequent development and after thought when the Bank's concerned department did not give clearance for opening of profit bearing account (after a lapse of almost four months since opening of account).

The delay in communicating the decision on the part of the Bank is construed as an act of malpractice & malfunctioning, Hence, the review petition was considered as having merits and the Banking Mohtasib allowed the review petition by directing the Bank to make payment of agreed profit to the organisation @ 5.40% from the period starting from 7th September 2018 to 10th October 2018 (where threshold of Rs 50 million was maintained in the account) and report compliance.

The Bank filed a representation before the Hon'ble President of Islamic Republic of Pakistan against the above orders. The representation was rejected on the grounds that after giving proper opportunity to both the parties, the matter was re-considered by the Banking Mohtasib on filing of review petition from all angles, and a reasoned and comprehensive order was passed which calls no interference. In addition, the agency was directed to add profits accrued on the amount for payment to the Complainant. The Bank subsequently complied with the President's directives.

Case 10: Widow Defrauded through Parallel Banking

The Complainant invested PKR 23 million on a monthly profit scheme on the assurance of Manager Teller Services that the Bank has launched a scheme wherein profit will be paid to her @ 20%. p.a. The Complainant said that she was provided counterfoil of Bank cheques of the said amount wherein names of different persons were mentioned and it was clarified to her by the Manager that these names were of the Bank's staff and the Investment Certificates were issued accordingly.

The Complainant was getting profit through credit in her account. However, in March 2021, the profit was not credited to her account. Therefore, she approached the Branch of the Bank and it was surfaced that the services of the said Manager were terminated due to fraudulent acts committed by him.

The Complainant lodged a written complaint with the Bank, but to no avail. She, therefore, approached the Banking Mohtasib for redressal of her grievance.

On taking up the matter, the Bank informed that the case pertained to parallel banking fraud which was being run by the MTS (Manager Teller Services) from December 2016 to January 2021. The modus operandi of MTS was that he used to obtain funds from Customers of the Bank by promising them high yield returns in its products. He used to request the customers to provide funds through Banker Cheque ("BC") which usually had the respective Customer's name as Beneficiary. The Counterfoil of the BCs was given to the Customers as Receipt. Those BCs were then credited into fifteen (15) Bank accounts; out of which most of the accounts were apparently under the control of MTS and included accounts of his wife, brothers etc.

The root cause of the current incident was attributed to weak governance, possible collusion between staff members. The acts perpetrated were in violation of instructions relating to issuance & encashment of BCs as mentioned in "Branch Operation Manual, Para 3 of Remittance" and also a violation of the Clause "Fraud, theft or Illegal Activities" mentioned on Page 13 of "Code of Ethics and Business Conduct".

During the hearing, the Bank admitted the fraud was committed in the Branch and an FIR has also been lodged which was under investigation by FIA. The Bank also informed that the relevant staff have been removed from the Bank's service after due process of disciplinary action.

It was also observed that parallel banking was being conducted by a group of staff from 2019 to 2021 and during the period the Bank's system and control, audit inspection could not point out such unlawful activities. Thus it showed that the system and control were not in place and internal control was very weak which prompted the delinquent staff to commit fraud and parallel banking.

As a matter-of-fact, the Branch Manager (MTS) and other staff were authorized employees/ officers of the Bank (with proper POA) to carry out banking business on behalf of the Bank and it is a well settled principle of law that the employer is "vicariously" liable to its customer for any fraud or other wrong doings of its employee during the course of his employment. It is of no concern of the Complainant, whether or not the employees of the Bank concerned are brought to justice and what disci-

iplinary action is finally taken against them and whether or not the Bank succeeds in recovering the embezzled sum from them. It was held by the Honorable Sindh High Court, Karachi reported in PLD 1994 Karachi 323 that “If the amount was misappropriated by the Manager of the Bank or for that matter by any other officer of the Bank, the Bank would still be liable to make good the loss in so far as the Customer is concerned. It is entirely the concern of the Bank to have honest officer & staff to eliminate chances of dishonesty and misappropriation.”

Although the Complainant was maintaining a current account, she was persuaded by the Ex-MTS to place her funds in a Bank scheme which offered profit rate @ 20% p.a. Therefore, she had transferred her funds from National Savings Centre. The Complainant, who is a widow and dependent on profit on her savings, has legitimately claimed refund of her hard-earned money along with profit merits consideration.

The Bank was, therefore, directed to make good the loss of the Complainant and pay/credit her account with a sum of PKR 19.635 million.

Case 11: Embezzlement of Funds from Customer’s Account

The Complainant opened an account with the Mandi Bahauddin Branch of a Bank on 6th March, 2013 and had executed last withdrawal of Rs 235,000/- from his account on 14th March, 2016. On checking his statement of account after he came to know about certain fraud in the Branch, he found that an aggregate amount of Rs 3,750,000/- had been withdrawn from his account through seven cheques bearing his forged signatures. The Bank did not make good his loss despite his repeated requests. He, therefore, approached the Banking Mohtasib Office for remedy of his grievance.

On taking up the matter, the Bank informed that the Complainant has been maintaining his photo account since 6th March, 2013. Being illiterate, his signature on SS Card was in Urdu and card was stamped stating “Thumb impression will be affixed on cheques in presence of BANK OFFICER”. The Bank’s record indicated that three cheque books were issued to the Complainant, although the Complainant had applied for only one cheque book which was duly received by him on 15th March, 2013. The second and third cheque books were issued on 11th February, 2014 and 3rd August, 2016 respectively.

The Complainant’s signature on his cheque book request, its receipt / acknowledgement on cheque book etc. did not appear to tally with the account holder’s signature on his SS Card. For both the cheque books, the Branch had not received any request from the Complainant and the same was not acknowledged by him. Both cheque books were fraudulently entered and verified by the staff who were involved in the fraud at the Branch. It was observed by the Investigation team that the Branch Manager acted with malafide intentions and withdrew an amount aggregating to Rs 3,200,000/- along with WHT aggregating to Rs 19,200/- from Complainant’s account.

The case was fixed for hearing. Having heard both the parties and examined the documents/record produced by them, it was observed that the Bank failed to protect the interest of its customer. The perpetrator, the then Branch Manager misappropri-

ated and defrauded the customer's funds which were deposited in the Bank's Branch. The Bank lacked the proper check and control over the Branch operation as the perpetrator has succeeded to defraud a number of other customers of the Branch to the tune of million of rupees by indulging in Parallel Banking.

The Branch did not obtain prescribed cheque book issue request from the Complainant rather a cheque book requisition form meant for use for new accounts was found in record. The cheque book requisition and issuance was entered by one official & authenticated by another official in the system. The Complainant's signature on requisitions for second & third cheque books were verified with initials which could not be ascertained. The Complainant's signature on second & third cheque books issue request, its receipt / acknowledgment on cheque book requisition slip & cheque book did not seem to tally with the Account Holder's signature on his SS Card which were also required to be verified by a Bank Officer as he was maintaining a photo account.

In the presence of both the parities, the BMP carefully examined the disputed cheques and it was clear from the naked eye that the signatures on the cheques were different than the signature on SS Card. The Bank accepted the variation in signatures, but stated that the employees were not handwriting experts and thus not trained to detect such inconsistencies.

It was also observed from examination of the disputed as well as certain genuine cheques that signatures on these cheques were different, therefore, the stance of the Bank was found to have no weightage in the defence that all cheques were issued by the Complainant. The Complainant accepted the cheque signed by him, but categorically denied his signature upon disputed cheques. The Complainant's claim was investigated by Internal Audit and an amount of Rs 3,219,200/- stand "verified" out of total claim amount of Rs 3,772,500/- subject to forensic verifications of disputed cheques. The Bank was advised for forensic examination of disputed cheques as well as cheque books requisition slips.

The Bank submitted the forensic report. It has been observed that the forensic report related to only cheque books requisition slips and not with regard to cheques in dispute. As such the Complainant and the Bank were advised to coordinate with each other for engagement of any "Hand writing expert" acceptable to both parties, however both of them could not agree and coordinate each other for the engagement of any "Hand Writing Expert. The Complainant's Attorney submitted that despite taking 30 specimens of Complainant's signature, the Bank could not draw any conclusion and requested that in such a scenario when the forensic report is inconclusive and unable to verify the signature of the Complainant in either way i.e. genuine or not genuine, therefore, instead of referring the matter again to Forensic agency, conclusion should be drawn on other available evidences including the Bank's first internal audit report which indicates that fraud was perpetrated by the Branch Manager. The Complainant's claim was verified and indemnity form was provided by the Bank to the Complainant for refund of claim upto Rs 0.700(M), which was not accepted by the Complainant against his claim of Rs 3.75(M).

Further, as per forensic report, no conclusion was drawn as regards the signatures

on the disputed cheques and as observed from the naked eye the cheques did not appear to have been written or signed by the Complainant and did not carry thumb impression of the account holder on cheques which was prime and essential condition to operate the account.

It is a settled principle as given in Judgement of Supreme Court reported in 1999 SCMR 85, that in certain eventualities the Court enjoins powers to itself compare the signature along with other relevant material to effectively resolve the main controversy.

The Banking Mohtasib also can adopt any procedure for investigation of a complaint under Sub Section 3 of Section 82 D of BCO 1962.

This tantamount to gross negligence on the part of the Bank (being vital and mandatory condition), therefore under section 29-B of Negotiable Instruments Act, 1881, the Bank is liable to make good the loss to customer as all these cheques are to be treated as void in the eyes of law.

The said section reads as under:

Considering all the relevant documentary evidences and stances of both the parties, the Bank was advised to crediting the Complainant's account with PKR 3,750,000/- along with the profit applicable on BMA Account from the date of withdrawal of the amount till the date of payment/ credit of amount in his account. The Bank filed a representation before the Hon'ble President of Islamic Republic of Pakistan against the above findings of the Banking Mohtasib Pakistan.

The President, however, rejected the Bank's representation and upheld the Banking Mohtasib's Orders on the grounds that the Bank was given ample opportunity before the learned Banking Mohtasib to defend and controvert the claim of the Complainant and even before the Presidency, however, it has failed to discharge the burden and statutory liability cast upon it under the law. Hence, no justification has been made to upset the Order of the learned Banking Mohtasib. The representation of the Bank is devoid of any merit and deserves to be rejected.

Verisys Biometric Function

This is a biometric authentication system introduced by the SBP that uses fingerprints and facial recognition to verify the identity of account holders. This technology is an innovative approach to ensure financial security and prevent fraud.



***State Bank Guidelines on
Enhancement of Security of Digital
Banking Products and Services to
Mitigate Fraudulent Activities***

State Bank Guidelines on Enhancement of Security of Digital Banking Products and Services to Mitigate Fraudulent Activities

The State Bank of Pakistan has rolled out a new and detailed set of guidelines on enhancing the security of digital banking products and services on April 14, 2023. The Banks were directed by the State Bank to implement these comprehensive guidelines by December 31, 2023.

Following is the full text of BPRD Circular No. 4 dated April 14, 2023 along with its Annexure.

The rapid growth in Digital Banking Products and Services supports digital transformation of the financial landscape and enables the banks/MFBs to cater to the growing needs of banking customers. However, adoption of digitization needs to be supplemented with necessary controls to mitigate the risk of fraudulent activities.

State Bank of Pakistan (SBP), from time to time, has been advising the banks / MFBs to implement appropriate controls and remedial measures for enhancing security of their digital banking products and services. In this continuum, to enhance the security of digital banking products and services, SBP has prepared a set of control measures which are given at Annexure - A.

Banks/ MFBs are advised to develop a comprehensive plan with monthly milestones, to be implemented by December 31, 2023, duly approved by the Chief Executive Officer (CEO) and submit the same to their relevant Banking Supervision Department (BSD) in SBP, within thirty (30) days from the issuance date of this Circular. Thereafter, a monthly progress report shall be submitted to the concerned BSD within ten (10) days from the close of each calendar month.

Banks/ MFBs failing to implement these controls within the stipulated timeline shall be liable to compensate their victim customer(s) within three (3) working days of the reporting of fraud, apart from any enforcement action under the applicable laws & regulations.

1- Governance

Financial Institutions (FIs)¹ shall:

- i. Formulate Digital Fraud Prevention Policy to protect their account holders and ensure effective communication of such policy.
- ii. Promote a risk control culture through prudent and ethical practices as well as behaviors across all levels of the people, processes and technology components to ensure customers' protection against digital frauds.

¹ FIs include Banks and MFBs

- iii. Establish and strengthen digital fraud risk management units under the supervision of senior management official with an effective management control and oversight of the Board or its designated committee.
- iv. Allocate and provide necessary resources, systems and people, to build and update the capacity by making adequate investment in digital fraud risk management.
- v. Ensure identification and implementation of digital fraud risk controls through compliance assurance and implement fraud control related KPIs.
- vi. Ensure that the customer education and awareness by the FIs' management and operations gain special focus from top to bottom to combat frauds in digital banking services through cyber channels.

2- Management Control

FIs shall:

- i. Design, review and continuously improve end-to-end processes of digital fraud risk management and customer complaint management in consultation with relevant stakeholders.
- ii. Identify and implement digital fraud risk controls to continuously monitor, prevent, detect, respond and remediate incidents of fraud.
- iii. Clearly inform their expectations, roles, responsibilities and liabilities to all internal and external participants of the processes for digital fraud risk management including third party vendors/service providers, Financial Market Infrastructures (FMIs) regarding fraud prevention including fraud detection, reporting, investigating and monitoring requirements.
- iv. Enforce security mechanisms commensurate with the risks in the respective areas of digital banking and payments products and services (such as using Card, Browser, App, Voice or e- Commerce) through channels like (Internet or Mobile Banking etc.).
- v. Ensure that the overall product and service design, development and operations shall strictly follow the core principles of information security i.e., confidentiality, availability and integrity. Further, any of these principles shall not be neglected or violated at any stage or step of the product / service.
- vi. Implement ISMS² using applicable standards of ISO27000 family on the service components.
- vii. Conduct comprehensive information security reviews of new digital products and services and for any modification in their existing digital products and services including but not limited to people, complete process and technology.

² ISMS: Information Security Management System

viii. Ensure that the weaknesses and all critical/high and medium vulnerabilities identified from the information security reviews shall be rectified and controlled through validation before deployment to the production/operations and launch of products/services.

ix. Ensure that the applications, payment cards and channels used by the FIs for such services have to be PCI/DSS³ and PCI/SSF⁴ certified as applicable.

x. Conduct regular and spot fraud risk assessment(s) to ensure implementation of policies and processes governing initial and ongoing fraud risk management.

xi. Use internal and external sources of information to develop insight into the instances of fraud happening in financial sector both in Pakistan and other countries.

xii. Ensure effective mutual coordination by efficient mechanism of sharing required logs and exchange of information to trace illegitimate transfers, payments and withdrawals made through suspected accounts and wherever applicable use such authentic information to resolve customer claims and / or complete legal enforcement actions.

xiii. Maintain oversight of the fraud investigations through senior management periodic reporting.

3- Operational Controls

A. Enablement of Digital Banking Channels⁵ & Device Registration:

- i. FIs shall conduct NADRA biometric verification of customers (preferably digitally), with the exception for USSD channel, in the following cases:
 - a. At the time of digital banking channels activation/sign-up;
 - b. New device registration;
 - c. Modification of customer email address and phone numbers.

Alternatively, for the following types of customers/ scenario, FIs shall implement a combination of at least two controls i.e. facial recognition, in-app live original identity document verification, in-app live picture verification, and call back verification shall be implemented:

- a. Non-resident customers;
- b. Customers with physical disabilities (like limbs disability, uneven texture/ erased / unclear fingerprints, etc.);
- c. Customer's having temporary issue (e.g. wounded/ bandaged hands/ mehndi, etc.);
- d. Foreign nationals;
- e. Non-financial services.

However, where these alternate controls are difficult to implement, in-person verification shall be implemented.

³ Payment Card Industry Data Security Standard

⁴ Payment Card Industry Software Security Framework

⁵ Digital Banking Channel: Mobile Banking, Internet banking, USSD Banking and payment Card (as applicable)

ii. In case where, customer maintains multiple accounts with a single FI, customer's explicit consent for enabling each account(s) on digital channels shall be obtained.

iii. FIs shall ensure that the credential reset (such as change in user ID/password of mobile banking/internet banking channel of customers) is only performed using customers' registered device. Further, for credential reset, FIs shall implement One Time Password (OTP) auto-fetch or auto-fill functionality, with sender binding control⁶ restricting manual entry of OTP. However, where the FIs face limitation(s) or other concerns (such as customer inconvenience) in implementation of aforementioned controls then Robo Call Back (RCB) or Call Back Confirmation (CBC) or in-app NADRA biometric verification must be implemented in order to authenticate genuine customers through a foolproof mechanism for ensuring non-repudiation by the customers.

iv. While implementing RCB confirmation, the FIs shall customize its implementation to mitigate the risk of social engineering frauds by adopting intelligent and randomized confirmation process (instead of employing predefined confirmation steps). In this regard, the RCB confirmation shall include: seeking negative confirmations, obtaining step-wise confirmations, etc. Upon failing the confirmation process, the call/ case should be routed to call center agents for manual confirmation.

v. Customer devices (such as computer, laptop, tablet or mobile etc.) shall be registered using device finger-printing / device binding⁷ for authenticating customer access. The functionality of managing the devices by the customers in their internet banking/mobile application shall also be provided. The FIs shall work with Third Party Service Providers (TPSPs) to make available the device identification functionality within USSD channel.

vi. Any new device registered shall be notified to the customer immediately on its registered contact number and if available, on registered email address.

vii. FIs shall define a reasonable limit on number of accounts accessed per device, and implement additional authentication controls (i.e. CBC, obtaining and recording the justification for exceeding the limit along with customer verification) for devices exceeding the defined limit.

viii. FIs shall apply a reasonable limit on the maximum number of registered devices. FIs shall implement a 2-hours cooling-off period before activation of mobile apps for newly registered customers. Further, cooling-off period shall also be introduced before implementation of requests for key account changes such as device, customer's mobile number, email ID, transaction limits, password reset etc. Customer may be intimated beforehand in this respect through SMS, as well as through alternate channels such as email.

ix. Registration/ sign up process for digital channels enablement shall not provide affirmation regarding existence of the customer account(s) with the FIs until completion of the process.

⁶ Mobile App of the FI only uses/recognizes OTPs received from the FIs' SMS short code for auto-fetch or auto-fill

⁷ Device Finger-Printing / Device Binding: Using unique set of identification features such as Device ID, Universal Unique Identifier (UUID), Integrated Circuit Card Identifier (ICCID), International Mobile Equipment Identity (IMEI) Number or International Mobile Subscriber Identity (IMSI) Number.

B. Transactional Control:

- i. FIs shall employ transactional controls commensurate to the risks identified in the digital banking.
- ii. FIs shall set reasonable default transaction limits on the digital channels and permit the customers to enhance or reduce these limits after due authentication. Further, the customers shall also be provided with the option to manage transaction limits for all digital channels.
- iii. FIs shall define and enforce reasonable limits on the number of utility bill payments made to a utility company/ vendor through digital channel from a particular account (excluding bill payments by branchless banking agents). However, the said limit may be enhanced upon customer specific request.
- iv. For transactions initiated using FIs accounts including branchless banking accounts/ wallets, from third party internet portal or mobile application, the FIs shall implement additional controls such as RCB/ CBC/verification through USSD /in-app verification. These requirements shall not apply to the subscription based services.
- v. FIs shall ensure that data / information is encrypted in transit and at rest in all stages of transaction based on classification and sensitivity of data which shall inter alia include customers' Personally Identifiable Information (PII), payment card related data, etc.
- x. For branchless banking accounts, FIs, upon receipt of a successful credit, shall allow cash out, on-line purchases or mobile top-up against the transferred funds after two (02) hours. During this period, funds will remain on "in-progress" status. Customer may be intimated beforehand in this respect through SMS, as well as through alternate channels such as email. However, for their trusted customers, beneficiary FI may allow cash withdrawal, online purchases or mobile top-up.

C. Post Incident Follow-up:

- i. FIs shall realign their processes for fraud risk management and complaint management to ensure that the dispute against the fraudulent transactions are immediately (not more than 30 minutes after receiving complaint from the customer), raised in Fraudulent Transaction Dispute Handling (FTDH) system.
- ii. The beneficiary FIs shall temporarily hold the fraudulent proceeds received from the sender FIs where any supplementary/ secondary information in the FTDH dispute request is invalid. In all such cases where supplementary/ secondary information is invalid, the sender FIs shall rectify the supplementary information within reasonable time (not more than 30 minutes from the time FTDH dispute request is marked invalid).
- iii. Beneficiary FIs, upon receipt of complaint in FTDH, shall immediately contact the account holder in whose account fraudulent funds are transferred and obtain the source of incoming funds and in case of unsatisfactory response the beneficiary FIs may generate suspicious transaction report (STR) against the beneficiary account.

iv. For digital frauds where the proceeds are routed to multiple FIs, each beneficiary FIs in the layering process, on receiving FTDH dispute request from the sender FIs, shall be responsible for raising FTDH dispute request against the next beneficiary FIs in the chain within reasonable time (not more than 30 minutes of acknowledging the dispute).

v. Beneficiary FIs, upon receipt of dispute in the FTDH shall immediately (not more than 30 minutes after receiving complaint from the customer) block withdrawal of disputed funds and suspend the digital channels to prevent further use of the said account for digital frauds. Subsequently, the relevant FIs shall complete the investigation within ten days of lodgment of dispute in FTDH and after establishing the fraud, reverse the funds within three days to the account of the victim.

vi. In case of e-Commerce transaction, FIs shall immediately report disputed fraudulent online transactions to respective domestic merchants either directly or through their acquiring institutions after being reported by the customers. The acquiring institution shall ensure that the information about the disputed transaction is conveyed to the merchant immediately with the request to block the shipment of physical goods. Further, the FIs shall also make all possible efforts for recovery of customers' funds.

vii. FIs shall identify the CNICs and accounts of the fraudsters or collusive beneficiaries (itself not victim(s)) established to be involved in fraudulent activity, after due investigation. The details of such fraudulent accountholders as well as of those who are used in routing fraud proceeds will be shared across the industry for enhanced monitoring.

viii. As a result of digital fraud investigations, where appropriate, FIs may approach Law Enforcement Agencies (LEAs) for necessary action.

ix. FIs shall use FTDH for raising disputes against all type of fraudulent transactions including those conducted using RAAST.

x. FIs shall continue the reporting of Digital Fraud under BC&CPD Circular Letter No. 03 of 2022.

D. Monitoring Control:

i. FIs shall ensure continuous monitoring of the services extended to the customer for which FIs shall implement an Enterprise Fraud Management (EFM) solution that should support detection, analysis and management of fraud across users, accounts, products, processes and channels.

ii. The scope of real-time fraud monitoring tools and alerts mechanism specified in the PSD Circular No. 09 of 2018 related to payment card systems shall be enhanced to include all digital products. Further, FIs shall implement fraud risk scenarios which shall be periodically reviewed, require additional authentication from the customers based on digital fraud risk score, and for taking timely actions such as suspending transactions/accounts, etc. For this purpose, FIs may use Intelligent Algorithm based

Customer's Transaction Behavior Profiling techniques for detection of suspected transactions. Some fraud risk scenarios may include but not limited to:

- a. Change of device followed by credential reset request;
- b. Change of device followed by addition of number of beneficiaries and IBFT transactions;
- c. Addition of multiple beneficiaries followed by multiple debit transactions not in line with the historical pattern;
- d. Change of geographic region;
- e. Value, number and time of transactions;
- f. Deviation in mean time to carry out transactions;
- g. Transfer of funds to accounts, suspected to be involved in fraudulent transactions;
- h. Suspected IPs and geo locations;
- i. Multiple transactions in quick succession.

iii. FIs on an ongoing basis or at least quarterly, shall also identify and review devices (e.g. mobile phones, computers, tablets, etc.) used to digitally access significant number of accounts (especially victims' accounts, layering accounts and fund utilization accounts) and take necessary action against such devices including blocking access of digital services through the device. FIs shall also develop internal procedures for unblocking devices on case-to-case basis. Further, all devices found used in fraudulent transactions shall be immediately reported to PTA for necessary action, and shall be immediately blocked by the FIs.

iv. FIs shall assess the effectiveness of the controls by reviewing the number of digital banking frauds, and enhance control(s) or implement additional control(s) in case of increase in number of digital banking frauds

v. FIs shall ensure that their systems are capable of maintaining sufficient logs/information about digital channel activities such as device IDs, accounts, date and time of activity, transactions, mobile number, agent ID, agent location, device location, etc.

E. Encryption and confidentiality of customer information:

i. Throughout the service chain at all stages, the customer information should be stored or transmitted in hashed or encrypted as applicable form using non-obsolete cryptographic algorithms, such as AES 256 and SHA256 or the updated versions, duly vetted by subject matter experts.

ii. FIs shall design the process and application in such a way that the chances of disclosure of customer information - in whole or partially in a manner that makes it possible to be collated to reconstruct - are eliminated or minimized.

iii. FIs shall strictly ensure that the information so collected shall not appear or be disclosed in whole to any individual processing officer/staff/third party and shall

appear in partially anonymized/tokenized/hashed/masked form as applicable, while rendering assisted banking services or reporting and management of banking service operations - to minimize its disclosure. Any information required to be displayed internally shall be strictly on Need-to-Know basis.

iv. FIs shall ensure that biometric information of customers should not be stored or transmitted in unencrypted form.

v. FIs shall ensure masking of critical information⁸ (e.g. PAN) during any stage of the end-to-end process of the service e.g. in the bank (account) statements/credit card statements or messages to the customers, unless specifically requested by the customer or vital for operations.

vi. The information of customers, individual or in bulk, shall never be in the personal possession or personal access⁹ of the FIs' staff or transportable by the staff, third parties and any other service provider to prevent its possible misuse.

vii. FIs shall ensure to place sufficient controls and measures to safeguard the confidentiality of customer's PII under their outsourcing arrangements, and where such data is stored and processed outside the FIs software/ applications (i.e. in office productivity software/tools).

viii. FIs shall ensure equally effective process and procedural controls to protect confidentiality of the customers' data at their branches and ensure safe collection, use and disposal of customers' documents/data/records under a defined policy.

F. Call Center:

i. Authorized call center agents and branch staff shall be provided with the functionality to block individual as well as all digital channels of a customer with a single option, after obtaining consent of the customer.

ii. The requirement of BC&CPD Circular No. 03 of 2021, regarding call wait times of not more than one minute for card block request shall also apply to blocking request for all digital channels including branchless banking accounts/ wallets, mobile and internet banking channels, etc. Further, the FIs shall also provide self-service IVR based functionality for blocking digital channels through their call centers.

iii. FIs shall ensure that their officials conducting customer verification on the phone are vigilant. FIs may consider implementing technology based solutions to ensure authentication of the customers and spoofed call at the call centers and management of the associated risks.

iv. FIs shall not require the customers to provide verbally OTPs to their officers including the call center agents.

⁸ Critical Information includes account number, credit card number and any combination of person identifiable information which uniquely identify that person such as name and CNIC number.

⁹ Personnel access include all types of access which is not provided officially to employee(s), whereas the official access should be provided based on Principle of Least Privilege (PoLP) access

G. Branchless Banking Agents:

i. FIs shall analyze the digital frauds data, identify and investigate suspected branchless banking agents, and initiate action against the agents involved in digital frauds, including where appropriate approach/ cooperate with LEAs for taking action(s) against such agents. Further, FIs themselves shall physically inspect the suspected branchless banking agents, which have not been blacklisted.

ii. As advised in Framework for Branchless Banking Agent Acquisition and Management issued vide BPRD Circular No. 06 of 2016, background check of branchless banking agents is primary responsibility of the FIs. In this regard, FIs shall not rely on any evaluations conducted by their related or third parties without sufficient evidence. Moreover, FIs shall ensure capacity building of their agents through trainings/ seminars/ awareness sessions etc.

iii. FIs shall maintain sufficient oversight of the biometric verification devices provided to their agents. In this regard, FIs shall also review the biometric verification logs to identify and investigate abnormal instances such as multiple biometric verifications, at one agent, within short span of time.

iv. FIs shall maintain complete trail of their agent based banking transactions (identification of sender and/or beneficiary in every transaction). In the light of SBP's existing Branchless Banking Regulations, it is reiterated that:

a. FIs shall keep all necessary record on transactions for at least ten years following completion of the transaction;

b. FIs shall maintain sufficient transaction record that can facilitate reconstruction of individual transactions so as to provide, if required, evidence of prosecution of criminal activity;

c. FIs shall keep record of all attempted transactions for at least ten years from the date of transaction.

H. Communication and Customer Education:

i. The customers should be provided option to select the languages primarily Urdu and English in which they want to receive the notifications.

ii. The messages (SMS and emails) should be composed of the context, substance and date and time logs along with contact information of the Bank in a clearly understandable format.

iii. In addition to the existing requirements of PSD Circular Letter No. 01 of 2019 regarding sending free of cost transaction alerts on SMS and email (where email IDs are available), the FIs shall also send instant (free of cost) alerts on: sign-in from a new device not already registered, password reset, failed login attempts and request for availing lending products. FIs shall prioritize these alerts and also arrange for sufficient capacity/bandwidth for instantly sending these alerts.

iv. FIs shall never communicate the balance available in the account, while sending transaction alerts,

v. FIs shall develop a strategy and program to improve customers' awareness about digital frauds and implement it through active campaigning including awareness regarding ongoing methods of digital frauds happening in the industry and preventive guidance to the consumers. In this regard, FIs shall utilize electronic, print and digital media effectively.

I. Other Operational Controls:

i. FIs shall conduct comprehensive investigations of the digital banking frauds and prepare formal investigation reports and engage with the customer to transparently present/explain bank's findings. The scope of the investigation shall be end to end (from victim to ultimate beneficiary) and at least include validation of customer assertions, potential of internal staff involvement, role of branchless banking agents (including those responsible for conducting biometric verification), review of PII access logs, gaps or weaknesses in FI's systems, applications and processes, etc. Further, FIs shall take action against the branchless banking agents involved in the digital frauds and staff delinquent in conducting proper KYC and CDD.

ii. FIs shall implement Data Loss Prevention Controls to prevent compromise of data including specially the customer data.

iii. FIs for convenience of their domestic customers travelling overseas and RDA accountholders may exempt certain digital channel controls on customers' request.

iv. FIs shall ensure that the OTPs used for authentication are of reasonable length with appropriate validity (i.e. time out).

4- Liability Framework

FI shall:

i. Offer transactional insurance to their customer at reasonable and competitive charges, the insurance should be activated upon explicit customer's consent or request.

ii. Be responsible for loss of any customer funds due to delay on their part in taking timely remedial and control measures such as delay in blocking digital channels, delay in raising dispute requests, etc. In this regard, the FIs shall compensate in whole the customers for such losses.

iii. Observe the following liability structure subsequent to a fraudulent transaction/social engineering scam:

a. Complete liability to make good of all customer loss would lie with originating bank (sender FI) in case dispute is not lodged in FTDH within the stipulated time.

b. Originating bank (sender FI) shall bear the complete liability in case affected customers were not able to lodge dispute complaint due to unavailability of complaint lodgment channel.

c. Complete liability to make good of all customer loss would lie with beneficiary bank (receiving FI) in case funds are withdrawn while lien for the involved amount was not marked on the account within the stipulated time after receiving the dispute in FTDH.

d. All beneficiary FI(s) shall share proportionate liability in case FTDH timelines are breached for marking lien on the suspected beneficiary account and funds are withdrawn.

e. In case of ab initio false registration of the customer, the concerned FI shall be completely liable if the required controls related to registration were not in place or not properly implemented.

f. FIs shall be liable to compensate the customers, in case where they are unable to establish that the transactions were executed through the customers' registered device.

g. Complete liability to make good of all customer loss in case transaction alerts are not timely received by the customer, due to delay in generation of alerts.

iv. In case of a dispute in branchless banking account referred at para 3-B-vi, the liability will reside with the beneficiary bank.

v. In case where any of the stipulated controls are not implemented or failed, originating FIs shall be responsible to compensate the customers.

Public Acknowledgement



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28th December 2023

The Banking Mohtasib Pakistan
Karachi Secretariat 5th Floor,
Shaheen Complex,
M. R. Kiyani Road, Karachi.

Subject: Letter of thanks and appreciation for successful resolution of complaint number [REDACTED]

Dear Sir,

Reference is made to the above-captioned subject.

I had approached the Honourable Banking Mohtasib Pakistan after Bank [REDACTED] had deducted Zakat from the Bank Account of my Late Father, who had already passed away when such deduction was made from his account. The Bank refused to reverse the said deduction after I had complained to the Bank, after which I approached your office.

Through this letter, I wish to convey my profound thanks and appreciation to the officers and staff of your good office for recognizing the merits of my complaint and for facilitating a successful resolution of the matter. The entirety amount in question has now been released by the Bank to myself and other legal heirs of my Later Father via Pay Orders, and no amount remains outstanding.

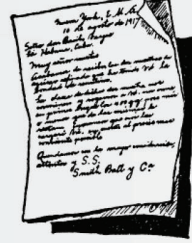
In particular, I would like to convey my thanks to Mr. [REDACTED] (Investigation Officer), [REDACTED] (Investigation Officer) and Mr. [REDACTED] (Advisor) for their untiring efforts in ensuring that a fair and just outcome is reached.

The Office of the Honourable Banking Mohtasib Pakistan has proven to be a vital safeguard for the consumers of the Banking Sector of Pakistan, and I am extremely grateful for the selfless devotion and professionalism with which the officers and staff of the Banking Mohtasib execute their functions.

With Best Regards

[REDACTED]
[REDACTED]
(Complainant)

Letters of Appreciation



بخدمت جناب عمار

السلام علیکم!

بجوالاتہ امر اسلامہ نمبر [REDACTED] بتاریخ 27-02-2023 کو موصول ہوا۔

جناب والا میں آپ کا تہ دل سے مشکور ہوں کہ آپ کے فیصلے پر علم درآدہ کرتے ہوئے، میں نے

مجھے مذکورہ رقم وادار دی ہے۔

مزید یہ کہ آپ کا تہ دل سے دعا گو ہوں کہ آپ نے متعلقہ اداروں میں فیصلہ لکھا ہے۔ کیونکہ آپ نے بہت

باریک بینی سے تحقیق کی ہے۔ اللہ تعالیٰ اس کا اجر آپ کو عطا فرمائے آمین۔ اہلکم تعالیٰ (مکرمہ صبر و کوشش)

عطا فرمائیں
السلام علیکم

16 October 2023

Mr. Sirajuddin Aziz
Banking Mohtasib Pakistan
Shaheen Complex
5th Floor, M.R. Kiyani Road
Karachi

SUBJECT: MOHTASIB COMPLAINT REF # [REDACTED], 26 Sept 2023
[REDACTED] Compl (Ref# C000991596 & C0009991032)

Honorable Mohtasib sab

With reference to subject complaint filed with the Banking Mohtasib, please be informed that the charges incorrectly debited by [REDACTED] from my account with regard to use of CIP Airport Lounge, Lahore, on 01 July 2023 have been reversed,

With current state of affairs in Pakistan your prompt action and decision in my favor has come as a fresh air that has left a good impression on me (a Pak-US Citizen) that there still are institutions and people who are conscientious to provide justice.

Please accept my thanks and duas for Allah to bless you with prosperity and greater responsibilities to serve the people of Pakistan.

Sincerely

To,
The Banking Mohtasib Pakistan
5th Floor, Shaheen Complex, M.R Kiyani Road,
Karachi

Subject: Complaint against [REDACTED]
Lahore (Complaint Number: [REDACTED])

Dear Sir,

I am writing to express my gratitude to you for addressing my grievances and recovering the money that was fraudulently withdrawn from my account. I am glad that I brought up the matter with you, and your efforts have restored my faith in your office. I hope you will continue to act in the interest of the public.

Yours truly,
Sqn Ldr (R) [REDACTED]



Hello [REDACTED],

Thank you for your email and for your support during this entire process. I had given up hope on the complete resolution of the complaint.
Jazak Allah to you and the various teams that contributed towards ensuring that this complaint has been completely addressed.

Regards,
[REDACTED]



Feedback of Complainants on Prime Minister Delivery Unit (PM's Portal)

ماتشاء اللہ بہت جلد کوریجنٹ کر آگے بھیج کر دل سے دعائیں نکلی کہ ہمارے حکومتی ادارے اہماداری سے اپنی ٹیوٹی سر انجام دے رہے ہیں۔ اب مجھے امید ہے کہ جلد مجھے ایسے۔
لینگے۔

thanks alot before complain bank was not even really intrested to listen to my issue but after this they solve it

17-Jan-2024

Satisfied: Yes

Thanks allot for the detailed message, proud of such officers.

02-Nov-2023

Satisfied: Yes

Dear Authorities,

Thanks for your support I am very thankful to you for your help. CNIC was not expired nor any issue from me this is a clerical mistake from bank officials but they were not accepting but due to your help the issue resolved.

16-Jan-2024

Satisfied: Yes





Thank you for banking in Mohtasib Pakistan for resolving my issue. banking mohtasib doing great work. banking mohtasib always resolved my matter and granted me relief. i write my issue to citizen portal. citizen portal mark application to governer state bank pakistan. state bank forward my complain to banking mohtasib to resolved matter. banking mohtasib provide me justice and resolved my issue. thanks to the banking mohtasib and Citizen portal. i always trust th citizen portal team to resolve my issue. i always get instant justice from citizen portal. please appoint some judge in citizen portal they study every case and provide justice to the citizen

18-Dec-2023

Satisfied: Yes

Complaint Resolved Successfully. The Response was very quick and effective. Regards

08-Dec-2023

Satisfied: Yes

Thank You SO Much To Government of Pakistan to this app or Citizen Team How Doing his Job Really Appreciate♥This App is a time saver no need to write complain or wait to respond... Now I Feel Our Government Give Us to right to complain anyone no matter who is he or she.....Welldone Citizens Portal Team♥

15-Sep-2023

Satisfied: Yes

Sir I m strongly satisfied and happy that through ur efforts and citizen portal it's now easy to resolve any issue in some days. Thank u again

08-Sep-2023

Satisfied: Yes



موازنہ خود کرنے کا اختیار رکھتی ہے۔ بینکنگ کمپنیز آرڈیننس 1962ء کی دفعہ 28D کی ذیلی دفعہ 3 کے تحت بینکنگ محتسب کو بھی یہ اختیار حاصل ہے کہ وہ کسی شکایت کی تحقیقات کے لئے کوئی بھی طریقہ کار اپنا سکے۔

بینک کا یہ عمل اپنی اہم اور لازمی ذمہ داری سے غفلت برتنے کے مترادف قرار دیا گیا اور یہ تمام چیکنس قانون کی نظر میں کالعدم قرار پائے اس لئے نگوشی بیل انسٹرومنٹس ایکٹ 1881ء کی دفعہ 29B کے تحت بینک اپنے صارف کو پہنچنے والے نقصان کو پورا کرنے کا ذمہ دار قرار پایا۔

تمام دستاویزی شہادتوں اور دونوں فریقین کے دلائل کو مد نظر رکھتے ہوئے بینک کو ہدایت کی گئی کہ وہ شکایت کنندہ کے کھاتے سے 3,750,000/- روپے نکلوانے کی تاریخ سے لے کر یہ رقم دوبارہ اس کھاتے میں جمع کرانے کی تاریخ تک اس کھاتے پر لاگو ہونے والے منافع کی رقم سمیت یہ مجموعی رقم شکایت کنندہ کے کھاتے میں جمع کرائے۔

بینکنگ محتسب کے اس فیصلے کے خلاف بینک نے صدر، اسلامی جمہوریہ پاکستان سے اپیل کردی۔ تاہم صدر مملکت نے اس بنیاد پر بینک کی اپیل مسترد کردی کہ گرچہ بینک کو بینکنگ محتسب اور صدر مملکت کے سامنے اپنا دفاع کرنے اور شکایت کنندہ کے دعوے کو غلط ثابت کرنے کا بھرپور موقع دیا گیا تھا۔ تاہم بینک قانون کے تحت عذر ہونے والی ذمہ داریاں پوری کرنے میں ناکام رہا۔ اس لئے بینکنگ محتسب کے حکم میں کسی قسم کی مداخلت کا کوئی جواز نہیں ہے اور بینک کی اپیل مسترد کی جاتی ہے۔



بینک صارفین محتاط رہیں

"بینک آن لائن فون بینکنگ، ای میل، ایس ایم ایس، لنکس یا سوشل میڈیا کے ذریعے بینکاری سے متعلق آپ کے ذاتی کوائف مثلاً استعمال کیا جانے والا نام/ پاس ورڈ/ لاگ ان آئی ڈی/ ذاتی شناخت نمبر (PIN) / کارڈ کا OTP / کارڈ نمبر/ CVV / کارڈ کے ختم ہونے کی تاریخ وغیرہ آپ سے کبھی بھی معلوم نہیں کریگا اور نہ ہی ان کی طرف سے آپ کو کسی ای میل لنک کے ذریعے اپنے اکاؤنٹ سے لاگ ان کرنے کی ہدایت

کی جائیگی۔ خود کو دھوکہ بازوں کی جعل سازی سے محفوظ رکھنے کے لئے محتاط رہیں اور اپنی ذاتی مالیاتی معلومات کسی بھی غیر متعلقہ فرد کو فراہم نہ کریں کیونکہ اس سے آپ کو مالی نقصان پہنچ سکتا ہے۔"

شکایت کنندہ نے اُن چیکس کو تسلیم کیا جن پر اُن کے دستخط تھے لیکن متنازعہ چیکس پر اپنے دستخطوں سے یکسر انکار کر دیا۔ بینک کے انٹرنل آڈٹ کے شعبے نے شکایت کنندہ کے دعوے کی جانچ پڑتال کی اور 3,772,500/- روپے کی مجموعی رقم میں سے 3,219,200/- روپے کی تصدیق کر دی گئی جو ان متنازعہ چیکس کی فائزنگ جانچ سے مشروط تھی۔ بینک کو حکم دیا گیا کہ وہ ان متنازعہ چیکس اور چیک بک کے اجراء کے لئے دی گئی درخواست فارم پر شکایت کنندہ پر کھاتے دار کے دستخطوں کی فائزنگ کرائے۔

اس حکم کی تعمیل میں بینک کی جانب سے فائزنگ رپورٹ جمع کرائی گئی تاہم یہ فائزنگ رپورٹ صرف چیک بک کے اجراء کے درخواست فارم کی تھی جبکہ اس رپورٹ میں ان متنازعہ چیکس کے بارے میں کوئی ذکر نہیں تھا۔ اس موقع پر شکایت کنندہ اور بینک دونوں کو ہدایت دی گئی کہ وہ باہمی طور پر کسی ماہر تحریر شناس سے رابطہ کریں جو دونوں کے لئے قابل قبول ہو۔ تاہم دونوں فریقین کسی ماہر تحریر شناس سے رائے لینے پر آمادہ نہیں ہوئے۔ شکایت کنندہ کے وکیل نے بتایا کہ ان کے موکل کے دستخط کے 30 نمونے لینے کے باوجود بینک کسی نتیجے پر نہیں پہنچ سکا ہے اور فائزنگ رپورٹ بھی کسی حتمی نتیجے کی حامل نہیں ہے اور نہ ہی شکایت کنندہ کے دستخطوں کے اصل یا جعلی ہونے کی تصدیق کرتی ہے، اس لئے اس صورتِ حال میں درخواست کی جاتی ہے کہ یہ معاملہ دوبارہ فائزنگ ایجنسی کو بھیجنے کے بجائے دیگر دستیاب شواہد کی بنیاد پر کسی نتیجے پر پہنچا جائے جن میں بینک کے انٹرنل آڈٹ کی پہلی رپورٹ بھی شامل ہے جس میں برانچ مینیجر کو اس دھوکہ دہی کا مرتکب قرار دیا گیا ہے۔ شکایت کنندہ کے دعوے کو تسلیم کرتے ہوئے انہیں بینک کی جانب سے 0.700 ملین روپے کی واپسی کے لئے (Indemnity Form) پیش کیا گیا تاہم انہوں نے 3.75 ملین روپے کے اپنے دعوے کے جواب میں بینک کی اس پیشکش کو قبول کرنے سے انکار کر دیا۔

مزید برآں، فائزنگ رپورٹ کے مطابق متنازعہ چیکس پر دستخطوں کے بارے میں کوئی حتمی نتیجہ اخذ نہیں کیا گیا تھا جبکہ دیکھنے پر یہ بات بالکل عیاں تھی کہ یہ چیکس شکایت کنندہ کے لکھے ہوئے یا دستخط شدہ نہیں ہیں اور نہ ہی ان پر کھاتے دار کے انگوٹھے کے نشان ہیں جو اس کھاتے میں لین دین کے لئے اولین اور لازمی شرط تھی۔

1999, SCMR 85ء میں عدالتِ عظمیٰ کے فیصلے کے مطابق یہ طے شدہ اصول ہے مخصوص صورتِ حال میں کسی تنازعے کو موثر طریقے سے حل کرنے کی غرض سے عدالت دیگر متعلقہ مواد کے ساتھ ساتھ دستخطوں کا

بھی کر دی۔ تحقیقاتی ٹیم کو معلوم ہوا کہ برانچ مینجر نے بددیہتی سے مجموعی طور پر 3,200,000 روپے اور وہ ہولڈنگ ٹیکس کی مد میں 19,200 روپے کی رقم صارف کے کھاتے سے نکال لی ہے۔

یہ مقدمہ بینکنگ محتسب کے دفتر میں سماعت کے لئے مقرر کیا گیا۔ جس کے دوران دونوں فریقوں کو سُننے اور اُن کی جانب سے پیش کئے گئے دستاویزی ثبوتوں کا جائزہ لینے پر یہ بات سامنے آئی کہ بینک اپنے کھاتے دار کے مفادات کے تحفظ میں ناکام رہا ہے۔ اس جرم میں ملوث اس وقت کے برانچ مینجر نے کھاتے دار کے کھاتے میں گڑبڑ کر کے بینک میں جمع اُن کی رقم ہتھیا لی۔ برانچ کے کاروبار کی نگرانی اور اس پر نظر رکھنے کے ضمن میں بینک کے نظام میں بھی خرابی تھی جس سے فائدہ اٹھاتے ہوئے برانچ مینجر متوازی بینکاری کی ذریعے دیگر کئی کھاتے داروں کو لاکھوں روپے سے محروم کرنے میں کامیاب رہا۔

برانچ نے شکایت کنندہ سے چیک بک کے اجراء کے لئے مقررہ فلام پر درخواست حاصل نہیں کی جبکہ بینک کے ریکارڈ میں چیک بک کے اجراء کا درخواست فلام بھی موجود پایا گیا۔ چیک بک کے لئے درخواست اور اس کے اجراء کا پورا عمل صرف ایک افسر نے کیا اور بینک کے سسٹم میں اس کی تصدیق دوسرے افسر نے کر دی۔ دوسری اور تیسری چیک بک کے اجراء کی درخواست پر کھاتے دار کے دستخط کی تصدیق صرف مختصر دستخطوں سے کی گئی جن کی شناخت نہیں ہو سکی۔ علاوہ ازیں، دوسری اور تیسری چیک بک کے اجراء کے لئے درخواست، چیک بک کے اجراء کی سہلپ، چیک بک کی وصولی کی رسید اور چیک بک پر ہونے والے دستخط، بینک کے ریکارڈ میں موجود کھاتے دار کے دستخطوں سے مطابقت نہیں رکھتے تھے جبکہ ان دستخطوں کی تصدیق ایک بینک افسر کی طرف سے ہونا ایک لازمی شرط تھی کیونکہ کھاتے میں کسی لین دین کے لئے کھاتے دار کی تصویر بھی حاصل کی گئی تھی۔

دونوں فریقین کی موجودگی میں ان متنازعہ چیکس کا بدیک بنی سے معائنہ کیا جس سے یہ بات واضح طور پر سامنے آئی کہ ان چیکس پر ہونے والے دستخط بینک میں موجود صارف کے دستخطوں کے نمونے سے یکسر مختلف تھے۔ بینک نے دستخطوں میں اس فرق کو تسلیم کیا لیکن ساتھ ہی میں یہ موقف بھی اختیار کیا کہ بینک کے ملازمین تحریر شناسی کے ماہر نہیں تھے اور اس قسم کی غیر مطابقت کو پکڑنے کے لئے اُن کی تربیت نہیں کی گئی تھی۔

ان متنازعہ چیکس اور دیگر اصلی چیکس کی پڑتال پر یہ بات مشاہدے میں آئی کہ ان چیکس پر ہونے والے دستخط مختلف تھے اس لئے بینک کے اس استدلال میں کوئی وزن نہیں تھا کہ یہ تمام چیکس شکایت کنندہ ہی نے جاری کئے تھے۔

اوائیگی کے مطالبے کے لئے حق بجانب ہیں۔ چنانچہ بینک کو حکم دیا گیا کہ وہ -/19,635,000 روپے شکایت کنندہ کے کھاتے میں جمع کراتے ہوئے ان کو پہنچنے والے نقصان کا ازالہ کرے۔

کیس نمبر 11: بینک کے عملے کے ہاتھوں صارف کے کھاتے سے رقم کی خرد برد

شکایت کنندہ کے مطابق انہوں نے 6 مارچ 2013ء کو منڈی بہا ولدین میں ایک بینک کی شاخ میں اپنا کھاتہ کھولا۔ انہوں نے اپنے کھاتے سے آخری بار 14 مارچ 2016ء کو -/235,000 روپے کی رقم نکلائی۔ بینک کی اس شاخ میں ہونے والے غبن اور خرد برد کے کئی واقعات کا معلوم ہونے پر انہوں نے بھی اپنا کھاتہ چیک کیا تو انہیں پتہ چلا کہ سات چیکس کے ذریعے، جن پر ان کے جعلی دستخط کئے گئے تھے، ان کے کھاتے سے مجموعی طور پر -/3,750,000 روپے کی رقم خرد برد کر لی گئی ہے۔ اس سلسلے میں ان کی متعدد درخواستوں کے باوجود بینک نے ان کے نقصان کا ازالہ نہیں کیا، جس پر انہوں نے اپنے مسئلے کے حل کے لئے بینکنگ محتسب سے رجوع کیا۔

اس معاملے کی تحقیقات کرنے پر بینک نے مطلع کیا کہ صارف 6 مارچ 2013ء سے اپنا (فوٹو اکاؤنٹ) چلا رہے ہیں۔ ان کے ناخواندہ ہونے کی وجہ سے بینک میں دستخطوں کے نمونہ کارڈ (SS card) پر ان کے دستخط اردو میں تھے اور کارڈ پر درج کر دیا گیا تھا کہ ان چیکس پر کھاتے دار کے انگوٹھے کا نشان بینک کے کسی افسر کی موجودگی میں لگایا جائے گا۔ بینک کے ریکارڈ کے مطابق شکایت کنندہ کو تین چیک بکس جاری کی گئیں جبکہ شکایت کنندہ نے صرف ایک چیک بک کے لئے درخواست کی تھی اور یہ چیک بک انہوں نے 15 مارچ، 2013ء کو وصول کر لی تھی۔ دوسری اور تیسری چیک بک بالترتیب 11 فروری، 2014ء اور 3 اگست، 2016ء کو جاری کی گئیں۔

چیک بک کے اجراء کی درخواست اور اس کی وصولی کی رسید پر ہوئے دستخط، کھاتے دار کے ان دستخط سے مطابقت نہیں رکھتے تھے جو انہوں نے بینک میں نمونہ دستخط کے کارڈ پر کئے تھے۔ برانچ کو ان چیک بکس کے اجراء کے لئے کھاتے دار کی جانب سے نہ تو کوئی درخواست موصول ہوئی اور نہ ہی ان کی جانب سے ان چیک بکس کی وصولی کی رسید وصول ہوئی۔ دھوکہ دہی میں ملوث برانچ کے عملے نے جعل سازی کے ذریعے یہ دونوں چیک بکس جاری کیں اور ان کی تصدیق

مقدمے کی سماعت کے دوران بینک نے برانچ میں ہونے والی دھوکہ دہی کا اعتراف کرتے ہوئے بتایا کہ اس سلسلے میں ایک ایف آئی آر بھی درج کرائی جا چکی ہے جس پر وفاقی تحقیقاتی ادارہ (ایف آئی اے) تحقیقات کر رہا ہے۔ بینک نے مزید بتایا کہ متعلقہ عملے کو ضروری تادیبی کارروائی کے بعد بینک کی ملازمت سے برطرف کر دیا گیا ہے۔

یہ بات بھی مشاہدے میں آئی کہ بینک عملے کے ایک گروہ کے ہاتھوں متوازی بینکاری کا یہ عمل 2019ء سے 2021ء تک جاری رہا اور اس دوران بینک کا نگرانی، آڈٹ اور معائنے کا نظام ان غیر قانونی سرگرمیوں کی نشاندہی کرنے میں ناکام رہا اس سے امور کاروبار چلانے اور اس کی دیکھ بھال کے نظام کی عدم موجودگی کے علاوہ یہ بھی ظاہر ہوتا ہے کہ بینک کا نگرانی کا اندرونی نظام بھی بہت کمزور تھا جس نے مجرم عملے کو اس دھوکہ دہی اور متوازی بینکاری کا موقع فراہم کیا۔

یہ ایک حقیقت ہے کہ مذکورہ برانچ مینیجر (ایم ٹی ایس) اور دیگر عملہ، بینک کی جانب سے کاروبار بینکاری کو سرانجام دینے کے لئے اختیارات کے حامل مجاز افسران و ملازمین تھے اور یہ ایک تسلیم شدہ قانونی اصول ہے کہ آجر اپنے ملازم کی دھوکہ دہی یا دیگر غلط سرگرمی کی وجہ سے، جس کا ارتکاب اس نے اپنی ملازمت کے دوران کیا ہو، کسی صارف کو پہنچنے والے نقصان کی تلافی کا براہِ راست ذمہ دار ہے۔

شکایت کنندہ کا اس سے کوئی سروکار نہیں کہ بینک کے متعلقہ عملے کو قانون کے کٹھرے تک لایا گیا یا نہیں، اُن کے خلاف کیا تادیبی کارروائی کی گئی اور بینک اُن سے خرد برد کی گئی رقم واپس وصول کرنے میں کامیاب ہوا یا نہیں۔ معزز عدالتِ عالیہ سندھ، کراچی کے PLD 1994 Karachi 323 کے فیصلے میں کہا گیا ہے کہ "اگر رقم بینک کے مینجر یا بینک کے کسی اور افسر کے ہاتھوں خرد برد کی گئی ہے تو بھی صارف کو پہنچنے والے نقصان کو پورا کرنے کا ذمہ دار بینک ہی ہوگا۔ یہ تمام تر ذمہ داری بینک کی ہے کہ وہ بددیانتی اور خرد برد کے امکانات کے خاتمے کے لئے ایماندار افسران اور عملے کو ملازم رکھے۔"

اگرچہ شکایت کنندہ کا کھاتہ، ایک جاری کھاتہ (Current Account) تھا، پھر بھی سابق ایم ٹی ایس (MTS) نے انہیں بینک کی ایسی اسکیم میں سرمایہ رکھنے کی ترغیب دی جس پر 20% فی صد سالانہ کی پیش کش کی گئی تھی۔ چنانچہ انہوں نے اپنا سرمایہ مرکز قومی بچت سے نکلا کر بینک کی اس اسکیم میں جمع کرادیا۔ شکایت کنندہ ایک بیوہ خاتون ہیں اور ان کی گذر بسر کا انحصار اپنی بچت پر ملنے والے منافع پر ہے، اس لئے وہ اپنی محنت سے کمائی رقم کی واپسی اور اس پر منافع کی

کیس نمبر 10: متوازی بینکاری کے ذریعے بیوہ کھاتے دار کے ساتھ دھوکہ دہی

بینک کے مینجر ٹیلر سروسز (Manager Teller Services) نے کھاتے دار کو بینک کی جانب سے شروع کی جانے والی ایک ماہانہ منافع اسکیم کا بتایا اور انہیں یقین دلایا کہ اس اسکیم میں سرمایہ رکھنے سے انہیں 20 فی صد سالانہ منافع ملے گا اور اس طرح انہیں اس اسکیم میں 23 ملین روپے کی سرمایہ کاری پر آمادہ کر لیا۔ شکایت کنندہ کے مطابق اس رقم کے سلسلے میں انہیں بینک چیکس کے کاؤنٹر فوئلز (counterfoils) فراہم کئے گئے جن پر مختلف افراد کے نام درج تھے اور اس کی وضاحت کرتے ہوئے مینجر نے انہیں بتایا کہ یہ افراد بینک کے ملازمین ہیں اور انہیں سرمایہ کاری سرٹیفکیٹس جاری کردئے گئے۔

ان سرٹیفکیٹس پر ملنے والا منافع شکایت کنندہ کے کھاتے میں جمع ہوتا رہتا تاہم مارچ 2021ء میں جب انہیں یہ منافع موصول نہیں ہوا تو انہوں نے بینک کی برانچ سے رابطہ کیا جس پر انہیں پتہ چلا کہ مذکورہ مینجر کو دھوکہ دہی کی وارداتوں میں ملوث ہونے پر ملازمت سے برطرف کر دیا گیا ہے اس پر شکایت کنندہ نے بینک میں اپنی تحریری شکایت جمع کرائی لیکن ان کی کوئی شنوائی نہیں ہوئی۔ چنانچہ انہوں نے اپنے مسئلے کی دلا رسی کے لئے بینکنگ محتسب سے رجوع کیا۔

اس مقدمے کی تحقیقات کرنے پر بینک نے بتایا کہ یہ دھوکہ دہی متوازی بینکاری کے ذریعے کی گئی ہے جو مذکورہ مینجر ٹیلر سروسز (Manager Teller Services) کے ہاتھوں، دسمبر 2016ء سے جنوری 2021ء تک جاری رہی۔ مذکورہ ایم ٹی ایس کا طریقہ کار یہ تھا کہ وہ سرمایہ کاری پر بھاری منافع کا وعدہ کر کے بینک کے کھاتے داروں سے رقم حاصل کرتا تھا۔ وہ کھاتے داروں سے درخواست کرتا تھا کہ اسے رقم بینکر چیک (BC) کے ذریعے دی جائے اور ان بینکرز چیکس پر عموماً اسی کھاتے دار کا نام وصول کنندہ (Beneficiary) کے طور پر درج ہوتا تھا۔ ان چیکس کے کاؤنٹر فوئلز کھاتے داروں کو رسید کے طور پر دے دیئے جاتے تھے۔ بعد ازاں، ان بینکر چیکس کی رقم 15 مختلف کھاتوں میں جمع کرا دی جاتی تھی جن میں سے بیشتر کھاتے مذکورہ مینجر، اپنی اہلیہ، بھائیوں اور دیگر کے نام پر چلا رہا تھا۔

اس زیر نظر واقعے کی بنیادی وجہ کمزور نظم و ضبط اور بینک کے عملے کی آپس کی ملی بھگت تھی۔ اس تمام عمل کا ارتکاب، "برانچ آپریشن مینول: ترسیلات زر پیرا نمبر 5" میں درج بینکر چیکس کے اجراء اور انہیں بھرنے سے متعلق ہدایات کے علاوہ "امور کاروبار اور اخلاقیات کے ضابطے" کے صفحہ نمبر 13 پر درج "دھوکہ دہی، چوری یا غیر قانونی سرگرمیاں" کے عنوان سے دفعہ کی بھی صریحاً خلاف ورزی کرتے ہوئے کیا گیا تھا۔

کھولنا ممکن نہیں تھا تو بینک کو چاہیے تھا کہ وہ ادارے کو اس امر سے آگاہ کرتا اور اکاؤنٹ کھولنے یا نہ کھولنے کا فیصلہ ادارے کی صوابدید پر چھوڑ دیتا۔

اس ضمن میں ادارے کا موقف مدلل تھا کہ بینک نے پہلے اپنے متعلقہ شعبے سے کلیئرنس لئے بغیر اکاؤنٹ کیوں کھولا اور دوسرے یہ کہ جب ایک منافع کے حامل اکاؤنٹ کھولنے پر اتفاق ہو گیا تھا تو ادارے کی رضامندی کے بغیر ایک غیر منافع بخش اکاؤنٹ کیوں کھولا گیا۔ یہ ایک اہم حقیقت تھی جو بینک نے اپنے جواب میں پہلے بیان نہیں کی تھی۔

بیان کئے گئے حقائق اس بات کا یقین ثبوت ہیں کہ منافع کی ادائیگی سے انکار ایک بعد کی پیش رفت تھی جو اس وقت ہوئی جب اکاؤنٹ کھولے جانے کے چار ماہ بعد بینک کو اس کے متعلقہ شعبے کی جانب سے منافع کے حامل اکاؤنٹ کھولنے کی اجازت نہیں دی گئی۔

بینک کی طرف سے اس فیصلے کو صارف کے علم میں لائے جانے میں تاخیر کو بینک کی بد معاملگی سے تعبیر کیا گیا اور اس کے پیش نظر، ادارے کی جانب سے نظر ثانی کی درخواست کو قابل غور تسلیم کیا گیا اور بینکنگ محتسب نے اس نظر ثانی درخواست پر غور کرتے ہوئے بینک کو ہدایت کی کہ وہ ادارے کو 7 ستمبر 2018ء سے 10 اکتوبر 2018ء تک کی مدت کے لئے (جس دوران اکاؤنٹ میں 50 ملین کا کم از کم رقم موجود رہی) طے شدہ 5.4% فیصد سالانہ کی شرح سے منافع ادا کرے اور ساتھ ہی بینک کو اس فیصلے پر عمل درآمد کی رپورٹ کرنے کی بھی ہدایت کی گئی۔

بینک نے بینکنگ محتسب کے مذکورہ بالا احکامات کے خلاف عزت مآب، صدر، اسلامی جمہوریہ پاکستان کے سامنے اپیل دائر کی۔ یہ درخواست اس بنیاد پر مسترد کر دی گئی کہ دونوں فریقین کو مناسب موقع دینے اور نظر ثانی درخواست دائر ہونے کے بعد بینکنگ محتسب نے اس کیس کا ہر زاویے سے جائزہ لیا اور اس ضمن میں ایک مدلل اور جامع فیصلہ جاری کیا جس میں کسی رد و بدل کی ضرورت نہیں۔ ساتھ ہی بینک کو تاکید کی گئی کہ وہ شکایت کنندہ کو ادا کی جانے والی رقم میں اس رقم پر جمع ہونے والے منافع کو بھی شامل کرے۔ نتیجتاً بینک نے صدر مملکت کے احکامات پر عملدرآمد کیا۔

وصولی سے حاصل ہونے والی رقوم اس مذکورہ اکاؤنٹ میں جمع کی جاتی رہیں اور انتظامیہ کی ہدایات کے مطابق یہ رقوم ادارے کے دوسرے اکاؤنٹ میں باقاعدگی سے منتقل کی جاتی رہیں۔ علاوہ ازیں، ادارے کو اکاؤنٹ کا اسٹیٹمنٹ بھی باقاعدگی سے فراہم کیا جاتا رہتا ہے اس شکایت سے پہلے ادارے کی جانب سے منافع کی ادائیگی کے لئے کوئی دعویٰ نہیں کیا گیا۔

بینکنگ محتسب نے بینک کے نقطہ نظر کو درست تسلیم کرتے ہوئے ادارے کی شکایت کو مسترد کر دیا۔ بعد ازاں، ادارے نے چند اضافی شواہد کے ساتھ بینکنگ محتسب کے اس فیصلے کے خلاف نظر ثانی کی درخواست (Review Petition) دائر کرتے ہوئے اس مقدمے کی سماعت کی درخواست کی جسے قبول کر لیا گیا۔

تفصیلی کاروائی کے بعد معلوم ہوا کہ بینک کی جانب سے ادارے کو منافع کے حامل ایک اکاؤنٹ کی پیش کش کی گئی تھی اور یہ مذکورہ اکاؤنٹ زیر استعمال بھی رہا لیکن چار ماہ بعد، بینک کے حکام نے ادارے کے CFO کے ساتھ ایک میٹنگ میں بتایا کہ اس اکاؤنٹ پر کوئی منافع نہیں دیا جاسکتا کیونکہ یہ محصولات کی وصولی کا اکاؤنٹ ہے۔ اس موقع پر اس حقیقت کو نظر انداز کر دیا گیا کہ بینک نے خود ہی پہلے ڈپازٹس پر 5.4% فیصد سالانہ کی شرح سے منافع کی ادائیگی کی پیش کش کی تھی اور اسی بنیاد پر ادارے نے یہ اکاؤنٹ کھولا تھا۔

شکایت کنندہ کے مطابق وہ چار ماہ کے اس عرصے کے دوران بینک سے اس کے اپنے وعدے کے مطابق منافع کی ادائیگی کا مسلسل مطالبہ کرتے رہے اور بینک کے حکام انہیں ہمیشہ بتاتے رہے کہ منافع کے حساب کے لئے یہ معاملہ بینک کے ہیڈ آفس میں ہے اور منافع کی رقم جلد ہی ادارے کے اکاؤنٹ میں منتقل کر دی جائے گی۔

مقدمے کی سماعت کے دوران بینک کے حکام اس بات پر مصررہے کہ اکاؤنٹ کھولنے کے فارم پر واضح طور پر نقدی کی وصولی کا اکاؤنٹ لکھا گیا تھا جس پر ادارے نے رضامندی دیتے ہوئے دستخط بھی کئے تھے۔ تاہم بینک اس بات کا کوئی ثبوت نہیں دے سکا کہ صارف کو اس وصولی اکاؤنٹ کے بارے میں پوری طرح آگاہی دی گئی تھی۔ حتیٰ کہ بینک نے صارف کو اکاؤنٹ کھولنے کے فارم کی نقل بھی فراہم نہیں کی جو اسٹیٹ بینک آف پاکستان کی ہدایات کی صریحاً خلاف ورزی ہے۔

بینک ایسا کرنے کا پابند تھا کیونکہ اکاؤنٹ کھولنے سے پہلے شرائط و ضوابط کو واضح طور پر ایک امانت دار کی حیثیت سے یہ اس کی ذمہ داری ہے۔ زیر غور معاملے میں بینک نے اپنی ذمہ داری پوری نہ کرتے ہوئے یہ اکاؤنٹ کھول دیا اور ادارے کو بتایا گیا کہ منافع ان کے اکاؤنٹ میں جلد منتقل کر دیا جائے گا۔ اگر کسی قانونی رکاوٹ کی وجہ سے بینک کے لئے منافع کا حامل اکاؤنٹ

بینکنگ محتسب کے دفتر کی جانب سے بینک کو ہدایت کی گئی کہ وہ بیمہ پالیسی کی دستاویزات، صارف کو تصدیقی ٹیلیفون کال کی ریکارڈنگ اور دیگر متعلقہ معلومات فراہم کرے۔ تاہم بینک بیمہ پالیسی کی دستاویزات کے سوا کوئی مطلوبہ معلومات فراہم نہیں کر سکا جس سے واضح ہوتا ہے کہ اس معاملے میں بیمہ پالیسی کی غلط طور پر فروخت کے امکانات موجود ہیں۔

بینک نے بینکنگ محتسب پاکستان کے فیصلے کو تسلیم کرتے ہوئے شکایت کنندہ کو 250,000 روپے کی پوری رقم واپس کرنے پر آمادگی ظاہر کی اور یہ رقم شکایت کنندہ کے اکاؤنٹ میں منتقل کر دی گئی۔ اس مسئلے کے حل کئے جانے پر شکایت کنندہ نے اپنے اطمینان کا اظہار کیا۔

کیس نمبر 9: حکومتی کارپوریٹ ادارے کو بینک کی جانب سے طے شدہ منافع کی ادائیگی

حکومت کے ایک کارپوریٹ ادارے نے بتایا کہ پاکستان بھر سے محصولات جمع کرنے اور غیر ملکی ترسیلات زر کی وصولی کے لئے اس کے مختلف بینکوں میں اکاؤنٹ ہیں۔ اس سلسلے میں باہمی معاہدے کے تحت اسلام آباد میں ایک بینک میں دو بینک اکاؤنٹس (ایک امریکی ڈالر اور دوسرا پاکستانی روپے میں) کھولے گئے۔ معاہدے کی شرائط و ضوابط کے مطابق 50 ملین روپے کے کم از کم ڈپازٹ پر 5.4% فیصد سالانہ کی شرح سے منافع کی ادائیگی پر اتفاق کیا گیا۔ ادارے نے بینک کو شکایت کی کہ بینک نے ان کے اکاؤنٹ میں کوئی منافع جمع نہیں کرایا ہے جس کی وجہ سے ادارے کو 311,975 روپے کا نقصان برداشت کرنا پڑا ہے۔ چونکہ بینک یہ معاملہ حل نہیں کر سکا اس لئے شکایت کنندہ نے بینکنگ محتسب سے رجوع کیا۔

اس معاملے کی چھان بین پر بینک نے مطلع کیا کہ ادارے کو ابتدائی طور پر اس شرح منافع کی پیش کش کی گئی تھی لیکن بعد میں ادارے کی جانب سے فراہم کی گئی ضروری دستاویزات کی جانچ پر بینک کے کمپلائنس ڈپارٹمنٹ نے فیصلہ کیا کہ مذکورہ ادارہ ایک منافع کے حامل اکاؤنٹ کا حقدار نہیں ہے۔ اس صورت حال سے ادارے کی انتظامیہ کو مطلع کر دیا گیا اور اکاؤنٹ کھولنے کے فارم پر دستخط کے بعد ادارے کی رضامندی سے ایک کلیکشن اکاؤنٹ کھول دیا گیا جس پر کسی قسم کے منافع کی ادائیگی نہیں ہونا تھی۔

شکایت کنندہ ایک بیوہ ہیں جن کی چھ سیٹیاں اور ایک بیٹا ہے اور پینشن کی مد میں وصول ہونے والی رقم ہی ان کی گزر بسر کا واحد ذریعہ تھی۔ ان کے مالی حالات کا خیال کئے بغیر بینک اور بیمہ کمپنی کے عملے کی ساز باز سے انہیں ایک بیمہ پالیسی فروخت کر دی گئی جس کا سالانہ پرمیئم 250,000/- روپے تھا۔

بینک کو ہدایت کی گئی کہ وہ شکایت کنندہ کو ان کی رقم واپس کرے کیونکہ ان کا اس کے علاوہ کوئی اور ذریعہ آمدنی نہیں ہے۔ بینک نے بینکنگ محتسب کے فیصلے کو تسلیم کرتے ہوئے بیمہ کمپنی کے اشتراک سے خاتون شکایت کنندہ کو سالانہ پرمیئم کے طور پر جمع کرائی گئی پوری رقم واپس کر دی۔ 750,000/- روپے کی پوری رقم کی وصولی پر شکایت کنندہ نے اپنے مکمل اطمینان کا اظہار کیا۔

کیس نمبر 8: بینک کی جانب سے شکایت کنندہ کو بیمہ پالیسی کی پوری رقم کی واپسی

شکایت کنندہ کے مطابق ان کے شوہر بیرون ملک ملازمت کر رہے تھے اور وہ اپنے شوہر کی طرف سے وقتاً فوقتاً بھیجی جانے والی رقم ایک بینک میں اپنے اکاؤنٹ میں جمع کراتی رہیں تاکہ وہ یہ رقم اپنے گھریلو اخراجات پورا کرنے کے لئے استعمال کر سکیں۔ ان کے مطابق وہ 5 دسمبر 2022ء کو اپنے اکاؤنٹ سے کچھ رقم نکوانے کی غرض سے بینک برانچ گئیں۔ اس موقع پر بینک کے عملے نے انہیں سرمایہ کاری کے ایک منافع بخش پلان کے بارے میں بتایا اور اس سلسلے میں غلط بیانی سے انہیں پرکشش منافع کی پیش کش کی۔

کچھ عرصے بعد ان کے علم میں یہ حقیقت سامنے آئی کہ سرمایہ کاری کے ایسے کسی منصوبے کا کوئی وجود نہیں تھا اور بینک کے عملے نے انہیں ایک بیمہ پالیسی فروخت کر دی تھی۔ وہ بینک برانچ گئیں اور اپنے شوہر کی محنت سے کمائی گئی رقم کی واپسی کا مطالبہ کیا لیکن ان کی کوئی شنوائی نہیں ہوئی۔ بعد ازاں، ان کے شوہر ملازمت ترک کر کے پاکستان واپس آ گئے۔ ان دنوں وہ بے روزگار ہیں اور آمدنی نہ ہونے کی وجہ سے انہیں بہت مشکل حالات کا سامنا ہے۔ انہوں نے اس سلسلے میں بینک میں شکایت بھی درج کرائی جو بے سود رہی۔ جس پر انہوں نے اپنی شکایت کے حل کے لئے بینکنگ محتسب سے رابطہ کیا۔

قبل یعنی 8 اگست 2023ء کو ہوا تھا، ان پر 1200 روپے کا جرمانہ عائد کر دیا۔ انہوں نے اس بابت بینک سے شکایت کی لیکن کوئی تسلی بخش جواب نہ ملنے پر انہوں نے اپنے مسئلے کے حل کے لئے بینکنگ محتسب سے رجوع کیا۔

بینک کی توجہ اس جانب مبذول کرائی گئی کہ واجب الادا ہونے سے قبل کسی صارف پر ادائیگی کا بوجھ نہیں ڈالا جاسکتا۔ مقررہ تاریخ سے قبل کچھ نہیں ہو سکتا اور مقررہ تاریخ سے قبل کسی قسم کا جرمانہ عائد کرنا معاہدے کی صریحاً خلاف ورزی ہے۔ بینک کو چاہیے کہ وہ، وہ رقم جو اس نے ادائیگی کی مقررہ تاریخ سے پہلے آٹو ڈیبٹ کی فیس اور جرمانے کی مد میں صارف سے وصول کیں، صارف کو واپس ادا کرے۔

بینک نے آٹو ڈیبٹ کے ضمن میں اپنے سسٹم کے نقص کا اعتراف کرتے ہوئے آٹو ڈیبٹ فیس اور اس سلسلے میں وصول کئے گئے جرمانے کی رقم صارف کو واپس کرنے پر اپنی آمادگی ظاہر کی۔ مسئلے کے خوش اسلوبی سے حل پر شکایت کنندہ نے اپنے اطمینان کا اظہار کیا۔

کیس نمبر 7: بینک عملے کی جانب سے بیمہ پالیسی کی غلط فروخت

شکایت کنندہ کے مطابق ان کے شوہر مسلح افواج میں ملازم تھے اور دوران ملازمت ان کا انتقال ہو گیا۔ انہوں نے اپنے مرحوم شوہر کی پنشن اور دیگر واجبات وصول کرنے کی غرض سے میانوالی میں ایک بینک کی برانچ میں اپنا اکاؤنٹ کھولا۔ جہاں برانچ مینیجر نے انہیں بیمہ پالیسی لینے کی جانب راغب کیا اور اس سے ملنے والے فوائد بھی بیان کئے۔ انہوں نے 2018ء میں بیمہ پالیسی خرید لی جس کا سالانہ پریمیئم 250,000 روپے تھا۔ اس پالیسی کی مدت پانچ سال تھی تاہم تین سال بعد بینک کے عملے نے انہیں بتایا کہ بیمہ کمپنی کو نقصان ہو جانے کی وجہ سے انہیں صرف وہی رقم ملے گی جو انہوں نے پریمیئم کے طور پر جمع کروائی ہے۔ اس سلسلے میں شکایت درج کرانے کے باوجود انہیں وہ اصل رقم تک واپس نہیں کی گئی جو انہوں نے پریمیئم کے طور پر جمع کروائی تھی۔ اس پر انہوں نے اپنے مسئلے کے حل کے لئے بینکنگ محتسب سے رجوع کیا۔

بینک کے ساتھ یہ معاملے اٹھانے پر یہ بات سامنے آئی کہ بینک کے اپنے عمل کاری کے طے شدہ طریقہ کی خلاف ورزی ہوئی ہے اور بیمہ پالیسی جاری کرنے سے قبل اس سلسلے میں طے شدہ طریقہء کار پر عمل نہیں کیا گیا۔

اس سلسلے میں بینک سے رابطہ کیا گیا جس پر بینک نے ایک رپورٹ پیش کی جس کے مطابق شکایت کنندہ نے اپنی مرضی سے قسطوں پر ذاتی قرضے (Personal Loan) کے لئے درخواست دی تھی اور ڈیجیٹل طریقے سے اس سلسلے میں تمام شرائط اور ضوابط کو قبول کیا تھا۔

جس وقت یہ معاملہ بینکنگ محتسب کے دفتر میں زیر غور تھا، شکایت کنندہ نے بینکنگ محتسب کے دفتر رابطہ کر کے بتایا کہ ان کے نام منظور ہونے والے قرضے کی اصل رقم یعنی 586,080/- روپے وہ پہلے ہی 5 اپریل 2022ء میں بینک کو جمع کراچکی تھیں اس کے باوجود بینک کی جانب سے جون 2022ء کی ایک قسط بھی منہا کر لی گئی ہے۔ اس معاملے پر بینک کے ساتھ تفصیلی گفت و شنید کی گئی اور بینکنگ محتسب کے دفتر کی طرف سے بینک کو ہدایت کی گئی کہ وہ 11 مارچ 2020ء (یعنی جس دن قرضے کی رقم شکایت کنندہ کے اکاؤنٹ میں منتقل کی گئی تھی) کے مطابق قرضے کو ایڈجسٹ کرے تاکہ اس رقم پر منہا کئے جانے والے مارک اپ اور قرض کے خاتمے پر لاگو ہونے والے چارجز کو واپس کیا جاسکے۔ بینک کو مزید ہدایت کی گئی کہ اگر کوئی قسط وصول کر لی گئی ہے تو وہ شکایت کنندہ کو واپس کی جائے اور اس بابت انہیں این او سی بھی جاری کیا جائے۔

12 اگست 2022ء کو بینک نے مطلع کیا کہ شکایت کنندہ کو منظور کردہ قرضہ منسوخ کر دیا گیا ہے اور قسط کے طور پر ان کے اکاؤنٹ سے منہا کی گئی۔ /- 25,091.13 روپے کی رقم انہیں واپس کر دی گئی ہے۔ علاوہ ازیں انہیں اس بابت این او سی بھی جاری کر دیا گیا ہے۔ بینک نے مزید بتایا کہ اس تمام کارروائی سے شکایت کنندہ کو بھی مطلع کر دیا گیا ہے جنہوں نے مسئلے کے تسلی بخش حل پر اپنے اطمینان کا اظہار کیا۔

کیس نمبر 6: کریڈٹ کارڈ پر غیر منصفانہ آٹو ڈیبٹ چارجز

بینک کے کریڈٹ کارڈ استعمال کرنے والے صارف نے بتایا کہ انہوں نے خود کار کٹوتی (Auto debit) کے ذریعے کریڈٹ کارڈ کی ادائیگی کی اور یہ کہ جولائی 2023ء کے لئے ادائیگی کی تاریخ 9 اگست 2023ء تھی۔ شکایت کنندہ کے مطابق انہوں نے آٹو ڈیبٹ کے ذریعے اپنے اکاؤنٹ میں رقم فراہم کر دی تھی تاکہ کریڈٹ کارڈ کے بل کی ادائیگی مقررہ تاریخ یعنی 9 اگست 2023ء کو ہو سکے لیکن بینک نے اس بنیاد پر کہ آٹو ڈیبٹ کا یہ عمل ادائیگی کی مقررہ تاریخ سے ایک روز

بینک نے اپنے جس کے سرکلر کے مطابق جو کٹوتی کی تھی اس سرکلر کے بارے میں بینک کی اپنی تشریح غیر اطمینان بخش تھی اور ساتھ ہی TDRs کو طے شدہ مدت سے قبل بھوانے پر حسابات کا طریقہ غیر واضح تھا جس کے نتیجے میں صارف کے اکاؤنٹ سے قبل از وقت بھوانے پر جرمانے / ٹیکس کی شکل میں -/359,233 روپے غیر ضروری طور پر منہا کر لئے گئے۔

بینکنگ محتسب کے دفتر کی جانب سے مسلسل پیروی کے بعد بینک بالآخر شکایت کنندہ کو -/359,233 روپے کی پوری رقم واپس کرنے پر آمادہ ہو گیا اور بعد ازاں یہ رقم شکایت کنندہ کے اکاؤنٹ میں منتقل کر دی گئی۔

کیس نمبر 5: ذاتی قرضے پر غیر منصفانہ چارجز

بینک نے 11 مارچ 2020ء کو اپنی ایک ایپ (App) کے ذریعے شکایت کنندہ کے حق میں -/586,080 روپے کا ایک قرضہ منظور کیا اور ان کی رضامندی (Call Back Confirmation) کے بغیر ہی یہ رقم چند ہی لمحوں میں ان کے اکاؤنٹ میں منتقل کر دی گئی۔ شکایت کنندہ نے ایک لمحہ ضائع کئے بغیر اسی تاریخ یعنی 11 مارچ 2020ء کو بینک کی ہیلپ لائن پر رابطہ کر کے یہ قرضہ ختم کرنے کا کہا کیونکہ وہ کبھی بھی قرض کی یہ سہولت حاصل کرنے کی خواہش نہیں رکھتی تھیں۔ اس حقیقت کے باوجود کہ انہوں نے اس قرضے کی منظوری کے فوراً بعد اسی روز اس قرضے کے خاتمے کی درخواست کر دی تھی، 29 مارچ 2020ء کو بینک نے انہیں ایک پے آف شیٹ دی جس میں انہیں -/693,391 روپے واپس کرنے کی ہدایت کی گئی تھی۔ اس پر انہوں نے 5 اپریل 2022ء کو چیک نمبر 29422016 کے ذریعے -/586,080 روپے کی قرضے کی اصل رقم بینک کو واپس کر دی اور درخواست کی کہ اس رقم پر عائد کئے گئے اضافی چارجز کے بارے میں نظر ثانی کی جائے۔ جس پر بینک نے انہیں ایک نئی پے آف شیٹ ارسال کی جس میں -/23,014 روپے کم کرتے ہوئے انہیں -/670,377 روپے ادا کرنے کی ہدایت کی گئی تھی۔ اس صورت حال میں انہوں نے اپنے مسئلے کے حل کے لئے بینکنگ محتسب سے رجوع کیا۔

کے اکاؤنٹ میں جمع کرائے اور -/ 3,000,000 روپے کے ایگری رنگ فنانس (ARF) کے عوض رہن شدہ جائیداد و اگزار کرے بشرطیکہ اس ضمانتی جائیداد پر کوئی اور دعویٰ نہ ہو۔ بینک کو نادہندہ کی حیثیت سے شکایت کنندہ کا نام e-CIB سے نکلنے اور ان احکامات پر عملدرآمد کی رپورٹ جمع کرانے کی بھی ہدایت کی گئی۔

کیس نمبر 4: ٹرم ڈپازٹ رسید (TDRs) کو مدت سے قبل بھنوانے پر بینک کی جانب سے چارجز کی غیر منصفانہ کٹوتی

شکایت کنندہ (جو ایک بیوہ ہیں) نے بتایا کہ ان کا ایک بینک میں اکاؤنٹ ہے اور انہوں نے پانچ سال (یکم جنوری 2017ء تا یکم جنوری 2022ء) کی مدت کے لئے 6.5 ملین روپے کی سرمایہ کاری کی۔ تاہم انہوں نے تین سال بعد سرمایہ کاری کی یہ رقم طے شدہ مدت کی تکمیل سے قبل بھنوائی۔ اس سرمایہ کاری کو بھنوانے پر بینک نے انہیں -/ 1,192,514 روپے کا منافع ادا کیا اور -/ 1,092,534 روپے کی کٹوتی کر لی۔ اس کے بعد مختلف تاریخوں میں ان کے اکاؤنٹ سے مزید -/ 239,563 روپے، -/ 6,555 روپے اور -/ 119,781 روپے بلاوجہ منہا کر لئے گئے۔ اس طرح درحقیقت بینک نے انہیں صرف -/ 99,980 روپے کا منافع ادا کیا (یعنی -/ 99,980 = -/ 1,092,534 - 1,192,514) جبکہ مجموعی طور پر -/ 365,899 روپے کے ٹیکس منہا کر لئے گئے۔ شکایت کنندہ نے اس سلسلے میں بینک سے تحریری طور پر شکایت کی جس کا کوئی نتیجہ نہیں نکلا۔ بعد ازاں انہوں نے اپنے مسئلے کے حل کے لئے بینکنگ محتسب سے رجوع کیا۔

یہ معاملہ بینک کے ساتھ اٹھایا گیا اور دیکھا گیا کہ بینک کی جانب سے TDRs کے قبل از وقت بھنوانے کے طریقہ کار میں یک طرفہ طور پر ترمیم کر دی گئی تھی جس سے بینک کی تمام شاخوں کو مطلع کر دیا گیا تھا جبکہ ان صارفین سے جنہیں یہ TDRs اس ترمیم سے پہلے ہی جاری کئے گئے تھے اور جن کی مدت ابھی باقی تھی، ان طے شدہ شرائط و ضوابط میں ترمیم کے بابت نہ تو ان کی رضامندی لی گئی اور نہ ہی انہیں اس سلسلے میں آگاہ کیا گیا۔ شکایت کنندہ نے یہ TDRs اکتوبر 2019ء میں طے شدہ مدت کی تکمیل سے پہلے بھنوائے اور بینک کی جانب سے کسی وضاحت کے بغیر زیادہ رقم زبردستی منہا کر لی گئی۔ بینکنگ محتسب کے دفتر میں اس کیس کا تفصیلی جائزہ لینے پر یہ بات سامنے آئی کہ بینک نے اس منافع پر بھی ٹیکس منہا کر لیا ہے جو حقیقت میں شکایت کنندہ نے وصول ہی نہیں کیا۔

مقدمے کی سماعت کے موقع پر شکایت کنندہ نے الزام لگایا کہ بینک کے عملے نے چیک کے بغیر اس کے اکاؤنٹ سے رقم نکال لی ہے۔ اصل چیکس اس کی تحویل میں ہیں جو وہ بینک کی تحقیقاتی ٹیم کی جانب سے طلب کئے جانے پر انہیں بھی دکھا چکا ہے۔ ان کے مطابق بینک کا عملہ متوازی بینکنگ میں ملوث ہے اور وہ بینک کے عملے کی غیر قانونی سرگرمی کا شکار ہوا ہے۔ شکایت کنندہ نے مزید کہا کہ اس کے پاس موجود چیک بک کے مطابق اس نے قرض کے طور پر لئے گئے 3 ملین روپے کی پوری رقم واپس کر دی ہے لیکن وہ بینک کے عملے کی جانب سے اس کے اکاؤنٹ سے غیر مجاز طور پر رقم نکلوانے سے لاعلم تھا۔ یہ دھوکہ دہی اس وقت سامنے آئی جب انہوں نے بینک سے رابطہ کر کے 30 جنوری 2020ء کو اپنے اکاؤنٹ کا اسٹیٹمنٹ حاصل کیا۔ شکایت کنندہ نے بینکنگ محتسب سے درخواست کی وہ بینک کو اس مسئلے کو حل کرنے اور ضمانت کے طور پر رکھی گئی جائیداد واگذار کرنے کی ہدایت کریں۔

بینک کے حکام نے بتایا کہ ابتدائی تحقیقات کے مطابق برانچ میں دھوکہ دہی کی سرگرمیاں ان کے علم میں آئی تھیں اور اس ضمن میں شکایات کی جانچ کے یونٹ (CIU) کی جانب سے ایک تفصیلی جانچ پڑتال کی گئی۔ یہ ایک تسلیم شدہ حقیقت ہے کہ شکایت کنندہ کے اکاؤنٹ سے رقوم چیکس کے بغیر نکال لی گئیں اور بینک کے عملے نے اپنے طور پر بینک کے سسٹم میں یہ چیک نمبر شامل کر دیئے۔ بینک نے اس سلسلے میں ایک مجرمانہ شکایت درج کرادی جو اس وقت وفاقی تحقیقاتی ادارے (FIA) کے زیر تفتیش ہے جبکہ متعلقہ عملے کو مناسب تادیبی کارروائی کے بعد ملازمت سے برطرف کر دیا گیا ہے۔ یہ ایک حقیقت ہے کہ یہ دھوکہ دہی کی یہ سرگرمیاں بینک برانچ میں سرانجام پائیں لیکن کمزور کنٹرول اور نگرانی کی وجہ سے برانچ مینجر اور عملے نے ساز باز کرتے ہوئے متعدد صارفین کے ساتھ دھوکہ کیا۔

بینک کے حکام کی توجہ اس جانب مبذول کرائی گئی کہ برانچ مینجر اور دیگر عملہ بینک کا کاروبار چلانے کے لئے بینک کے مجاز افسران اور ملازمین ہیں اور یہ ایک طے شدہ قانونی اصول ہے کہ بینک اپنے کسی ملازم کی جانب سے دوران ملازمت کسی صارف کے ساتھ دھوکہ دہی اور دیگر غلط سرگرمیوں کے ارتکاب کا پوری طرح جوابدہ ہے۔ شکایت کنندہ کو اس بات سے کوئی غرض نہیں کہ متعلقہ بینک ملازمین کو قانون کے کٹھرے میں لایا گیا یا نہیں، ان کے خلاف کیا تادیبی کارروائی کی گئی اور یہ کہ بینک غبن شدہ رقم ان سے وصول کرنے میں کامیاب ہوا یا نہیں۔

بینک کو ہدایت کی گئی کہ وہ شکایت کنندہ کے نقصان کا ازالہ کرتے ہوئے - / 2,977,749 روپے کے ساتھ ساتھ 31 جنوری 2020ء کو مارک اپ کے طور پر وصول کئے گئے - / 78,230 روپے (کل - / 3,055,979 روپے) ان

کیس نمبر 3: بینک برانچ کے عملے کی جانب سے زرعی قرضے میں 3 ملین روپے کا غبن

شکایت کنندہ ایک گیس اسٹیشن کا مالک ہے۔ مقامی بینک کے برانچ مینیجر نے بینک کی اوور ڈرافٹ کی سہولت کی پیشکش کرنے کے لئے اس سے رابطہ کیا۔ شکایت کنندہ کے مطابق وہ اس پیش کش کو قبول کرنے سے گریزاں تھا کیونکہ ان کا کاروبار نقد کی بنیاد پر ہے اور اس لئے انہیں ایسی کسی سہولت کی ضرورت نہیں تھی۔ تاہم برانچ مینیجر کے مسلسل اصرار پر وہ بینک سے 3 ملین روپے کی اوور ڈرافٹ کی سہولت حاصل کرنے پر راضی ہو گیا۔ شکایت کنندہ کے مطابق انہوں نے اس سہولت کو استعمال کرتے ہوئے مختلف تاریخوں پر چار چیکس کے ذریعے -/6,900,000 روپے نکلوائے تاہم یہ تمام رقم وقت پر ادا کر دی گئی۔ انہوں نے 30 جنوری 2020ء کو اس اوور ڈرافٹ اکاؤنٹ کا اسٹیٹمینٹ نکلوایا تو ان کے علم میں آیا کہ اس اکاؤنٹ میں ان کے ذمے 3 ملین روپے واجب الادا ہیں۔ جانچ پڑتال پر معلوم ہوا کہ ان کے مذکورہ اکاؤنٹ سے چھ چیکس کے ذریعے -/2,977,749 روپے کی رقم نکلوائی گئی ہے جبکہ اصل چیکس ان کی اپنی تحویل میں تھے۔ شکایت کنندہ نے اس ضمن میں بینک سے تحریری طور پر شکایت کی لیکن ان کی کوئی شنوائی نہیں ہوئی۔ اس پر شکایت کنندہ نے بینکنگ محتسب سے رجوع کیا تاکہ اس کے اکاؤنٹ سے غیر ضروری قرضے کو ختم کیا جائے اور نادہندہ کے طور پر ان کا نام e-CIB سے نکالا جائے اور ساتھ ہی ان کی گروی رکھی گئی جائیداد بھی واگذار کی جائے۔

یہ معاملے اٹھانے پر بینک نے بتایا کہ شکایت کنندہ کے مطابق برانچ کے عملے نے اس کی رضامندی کے بغیر ان کے اکاؤنٹ سے رقم نکال لی ہیں اور اس سے قبل برانچ مینیجر نے شکایت کنندہ کو اس بات پر مجبور کیا کہ وہ اگر ایکلچر رنگ فنانس (ARF - Agri. Running Finance) اکاؤنٹ کھول کر 3 ملین روپے کا زرعی قرضہ حاصل کرے اور اس کے لئے انہیں ایک چیک بک بھی جاری کی گئی۔

شکایت کنندہ کے مطابق برانچ کے عملے نے ملی بھگت کے ذریعے اس کے اکاؤنٹ سے 3 ملین روپے کی رقم نکلوائی ہے بینک کے مطابق یہ دھوکہ دہی کا تیسرا واقعہ ہے جس میں برانچ کا عملہ ملوث تھا اور یہ معاملہ تحقیقات کے لئے شکایت کی جانچ کرنے والے یونٹ (CIU – Complaint Investigation Unit) کو بھیجا گیا تھا تاہم بینک کے عملے کی جانب سے رقم کی خرد برد کے اعتراف کے باوجود بینک شکایت کنندہ کے نقصان کے ازالے کے لئے تیار نہیں ہے جبکہ اس سارے معاملے میں اسکا کوئی قصور بھی نہیں تھا۔

اس معاملے میں بینک نے موقف اختیار کیا کہ بظاہر یہ ایک بیرونی دھوکہ دہی کا معاملہ ہے کیونکہ چیک بک صارف کی تحویل میں تھی اور چیک کا اجراء اور چیکس کی ادائیگی مروجہ طریقہ کار کے عین مطابق کی گئی تھی اس لئے اس سلسلے میں کسی آزادانہ تحقیقات کی ضرورت نہیں ہے۔ بینک نے مزید بتایا کہ 1.9 ملین روپے کے ہر چیک کی ادائیگی تمام مطلوبہ کاروائیوں اور اس سلسلے میں طے شدہ معیاری اصولوں کے مطابق کی گئی تھی۔

اس کیس کی سماعت کے دوران شکایت کنندہ نے موقف اختیار کیا کہ یہ چوری شدہ چیکس جعلی دستخطوں کے ذریعے کیش کرائے گئے ہیں۔ انہوں نے مزید کہا کہ درحقیقت جب چیک بک کا معائنہ کیا گیا تو یہ چیک بک بالکل صحیح اور اپنی جلد میں تھی اور اس سے چیکس کی چوری کا نشان تک نہیں تھا حتیٰ کہ ان متنازعہ چیکس کے کاؤنٹر فولیو بھی چیک بک میں موجود تھے۔

شکایت کنندہ کا کہنا تھا کہ گرچہ انہوں نے بینک کی طرف سے فراہم کی گئی چیک بک میں چیکس کو گنا نہیں تھا تاہم انہیں یقین ہے کہ یہ دونوں چیکس انہیں اس چیک بک کی حوالگی سے پہلے ہی کسی مرحلے پر نکال لئے گئے تھے۔ شکایت کنندہ نے اس موقع پر چیک بک جو اصل حالت میں تھی پیش کی اور درخواست کی کہ اس چیک بک اور دستخط شدہ چیکس کی فرانزک جانچ کرائی جائے تاکہ ان چیکس پر ہونے والے دستخط کے اصل ہونے یا نہ ہونے کا تعین کیا جاسکے اور ساتھ ہی اس بات کا بھی تعین کیا جاسکے کہ آیا یہ دونوں چیکس اس چیک بک سے نکال لئے گئے تھے یا سرے سے اس چیک بک میں لگائے ہی نہیں گئے تھے۔

بینک کو ہدایت کی گئی کہ وہ اپنے خرچ پر کسی ماہر/فرم سے ان دونوں چیکس پر ہونے والے دستخطوں کی فرانزک جانچ کرائے۔ بینک نے 5 مئی 2023ء کو فرانزک رپورٹ پیش کی جس سے اس بات کی تصدیق ہوئی کہ ان متنازعہ چیکوں پر موجود دستخط جعلی تھے۔ بینک کی جانب سے دیئے گئے دلائل قابل قبول تسلیم نہیں کئے گئے کیونکہ نگوشی ایبل انسٹرومنٹس ایکٹ 1881 (Negotiable Instruments Act 1881) کے سیکشن 29-B کے مطابق بینک صارف کو ہونے والے

نقصان کو پورا کرنے کا ذمہ دار ہے۔ اس قانونی اصول کی تشریح معزز عدالت عالیہ سندھ، کراچی کے PLD 1975 252 اور PLD 1987 کے فیصلے میں بھی کی گئی ہے کہ ایک جعلی انسٹرومنٹ قانونی حیثیت نہیں رکھتا اور نہ ہی قابل استحقاق ہو سکتا ہے۔ دستیاب شہادتوں اور دونوں فریقین کے بیانات سننے کے بعد بینکنگ محتسب نے بینک کو ہدایت دی کہ وہ شکایت کنندہ کے اکاؤنٹ میں -/3,800,000 روپے منتقل کرے۔

اس مسئلے کو حل کرنے کے لئے کیس کی سماعت کا فیصلہ کیا گیا۔ اس موقع پر بینک کا نمائندہ اس بات کا کوئی دستاویزی ثبوت پیش کرنے سے قاصر رہا کہ بینک کی جانب سے ادارے کو رقم کو رول اوور کرنے یا نہ کرنے سے متعلق خطوط ارسال کئے گئے۔ تاہم یہاں سسٹم کے تحت تیار ہونے والے ٹی ڈی آر ڈیل سے متعلق فارم پرنٹ میں رول اوور مدت (Roll Over Period 1 Y) ایک سال کی ایک شیٹ کا انکشاف ہوا، جو سسٹم کا ایک نقص ہے۔

مزید برآں، ڈیل ان پٹ فارم (Deal Input Form) پر جو بینک کی اپنے استعمال کی دستاویز ہے، فکسڈ میچورٹی / رول اوور / Fixed Maturity / Roll Over دونوں موجود تھے یعنی ان میں سے کسی ایک کو بھی قلمزد نہیں کیا گیا تھا۔

اس صورتِ حال میں بینک کے حکام کو اس معاملے کا جائزہ لینے کا کہا گیا۔ بعد ازاں بینک نے اپنے خط مورخہ 4 اکتوبر، 2023ء کی نقل پیش کی جس کے مطابق شکایت کنندہ نے ایک باہمی تصفیے پر اپنی رضامندی ظاہر کی تھی جس کے مطابق انہیں 277 دنوں کے لئے (وہ مدت جس میں ٹی ڈی آر کی رقم غیر منافع بخش اکاؤنٹ میں رکھی گئی تھی) 4% سالانہ کی شرح سے -/ 1,375,890.41 روپے ان کے دعویٰ کے حتمی ادائیگی کے طور پر ادا کئے جانے تھے، اپنی رضامندی ظاہر کی تھی۔ یہ رقم 9 اکتوبر، 2023ء کو شکایت کنندہ ادارے کے اکاؤنٹ میں منتقل کر دی گئی۔

کیس نمبر 2: مسروقہ چیکس کے ذریعے 3.8 ملین روپے کی دھوکہ دہی

شکایت کنندہ کے مطابق ان کا طویل عرصے سے ایک بینک برانچ میں پارٹنرشپ اکاؤنٹ ہے۔ ان کے مطابق 6 مئی اور 7 مئی 2021ء کو چرائے گئے دو چیکوں کے ذریعے جن میں سے ہر ایک کی رقم -/ 1,900,000 روپے تھی، اس کے پارٹنرشپ اکاؤنٹ سے رقم نکلوا لی گئی۔ شکایت کنندہ کے مطابق یہ دونوں چیک نہ تو انہوں نے اور نہ ہی ان کے شراکت دار نے جاری کئے تھے۔ ان کے بیان کے مطابق بینک نے اپنے کاؤنٹر پر ادائیگی کرتے وقت ان چیکس کے لئے تصدیقی فون (Call Back Confirmation) نہیں کیا۔ تاہم اس سلسلے میں ان کی شکایت کو بینک نے مسترد کر دیا۔ اس پر شکایت کنندہ نے اپنے مسئلے کے حل کے لئے بینکنگ محتسب سے رجوع کیا۔

کیس اسٹڈیز

کیس نمبر 1: بینک نے ٹرم ڈپازٹ اکاؤنٹ میں سرمایہ کاری کا مسئلہ خوش اسلوبی سے حل کر دیا

شعبہ صحت سے تعلق رکھنے والے ایک ادارے نے ایک بینک میں رول اوور (Roll over) کی بنیاد پر ایک سال کے لئے ٹرم ڈپازٹ اکاؤنٹ میں 45 ملین روپے کی سرمایہ کاری کی۔ بینک نے اپنے 20 جون، 2019ء کے خط کے ذریعے اس بات کی تصدیق کی کہ اس سرمایہ کاری کا رول اوور کا عرصہ ایک سال ہے۔ تاہم، 15 جون، 2020ء کو اس مدت کی تکمیل پر بینک نے رول اوور کے بجائے یہ رقم نو ماہ کے لئے اس ادارے کے ایک ایسے اکاؤنٹ میں منتقل کر دی جس پر کوئی منافع نہیں ملتا تھا۔ بینک کے اس اقدام سے ادارے کو اس رقم پر ملنے والے مارک اپ سے محروم ہونا پڑا۔ شکایت کنندہ ادارے نے موقف اختیار کیا کہ چونکہ بینک نے اپنے 20 جون، 2019ء کے خط کے ذریعے اس بات کو واضح کر دیا تھا کہ مدت کی تکمیل (maturity) پر یہ رقم از خود رول اوور کر دی جائے گی اس کے لئے ادارے سے مزید اجازت کی ضرورت نہیں تھی لہذا بینک (9) نو ماہ کا منافع، جس دوران یہ رقم ادارے کے غیر منافع بخش اکاؤنٹ میں رکھی گئی، ادارے کو ادا کرنے کا پابند ہے۔ شکایت کنندہ نے اس مدت کے لئے منافع کی ادائیگی کے لئے بینک کو متعدد بار خط لکھے اور اس ضمن میں 30 اپریل، 2021ء کو بینک کو ایک حتمی نوٹس بھی دیا گیا۔ تاہم بینک کی جانب سے اس سلسلے میں کوئی جواب نہیں دیا گیا اس لئے ادارے نے اس مسئلے کے حل کے لئے بینکنگ محتسب سے رجوع کیا۔

اس ضمن میں بینک نے اپنے جواب میں مطلع کیا کہ شکایت کنندہ کے خط مورخہ 23 اپریل، 2019ء کے مطابق، 14 جون، 2019ء کو وہ 12.65% کی شرح سے ایک سال کے لئے ٹی ڈی آر (TDR) کی ایک ڈیل بک کی گئی جس کی طے شدہ میچورٹی ایک سال (جو 15 جون، 2020ء) تھی۔ بینک نے اپنے خط مورخہ 20 جون، 2019ء کے ذریعے شکایت کنندہ کو اس بابت مطلع بھی کیا تھا۔ ٹی ڈی آر کی اس مدت کی تکمیل پر اس رقم کے رول اوور کے لئے صارف کی جانب سے کوئی ہدایت موصول نہیں ہوئی اس لئے ان ٹی ڈی آر کو بھنوا لیا گیا اور اس کی رقم 15 جون، 2020ء کو صارف کے رواں کھاتے میں منتقل کر دی گئی۔ اس سلسلے میں بینک کے جانب سے ادارے کو 8 جولائی، 2020ء، 28 اکتوبر، 2020ء اور 22 دسمبر 2020ء کے خطوط کے ذریعے ٹی ڈی آر میں سرمایہ کاری کی نئی شرح منافع سے آگاہ کیا گیا تاہم ادارے کی جانب سے کوئی جواب موصول نہیں ہوا۔

بینکنگ محتسب پاکستان کا دفتر قابل، سینئر اور تجربہ کار بینکرز پر مشتمل ہے جو عملے کے نوجوان ارکان کے تکنیکی علم اور استعداد کو مزید بہتر بنانے کے لئے مسلسل سرگرواں ہیں۔ سیکھنے کے عمل کو مسلسل آگے بڑھانے لئے سازگار ماحول کی فراہمی اور اسے فروغ دینے کی غرض سے عملے کی حوصلہ افزائی کی جاتی ہے کہ وہ بینکوں کی جانب سے متعارف کرائی جانے والی نئی مصنوعات و خدمات کے ساتھ ساتھ اسٹیٹ بینک آف پاکستان کی نئی پالیسیوں اور قوانین و ضوابط کو بھی سمجھیں، ان پر عبور حاصل کریں اور اس سلسلے میں پریزنٹیشنز (Presentations) کے ذریعے اپنے علم سے دوسروں کو بھی مستفید کریں۔

ہم اپنے موجودہ عملے کی تکنیکی استعداد کو بڑھانے کے لئے مسلسل کوشاں ہیں تاہم گذشتہ دو تین برسوں میں شکایات کی تعداد میں اضافے کے پیش نظر، ادارے میں پیشہ ورانہ مہارت کے حامل مزید افراد کی بھرتی کرنے کی فوری ضرورت ہے۔ تکنیکی بنیاد کی حامل مالی مصنوعات اور خدمات میں اضافے کے باعث اس سلسلے میں ہمارے عملے کی زیادہ سے زیادہ تربیت کی اشد ضرورت ہے جس پر آئندہ ہنگامی بنیادوں پر کام کرنے کا ارادہ ہے۔

میں صدر اسلامی جمہوریہ پاکستان کا بھی بے حد ممنون ہوں جو بینکنگ محتسب کے احکامات / فیصلوں کے خلاف اپیل سننے کا اختیار بھی رکھتے ہیں، انہوں نے شکایت کنندگان کے مسائل کے ہمدردانہ حل کے لئے مجھے متعدد مواقع پر رہنمائی فراہم کی۔ اس کے علاوہ بینکنگ محتسب کے ادارے کے ساتھ مستقل طور پر تعاون کرنے اور ہمارے عملے کی تربیت کے علاوہ انہیں شکایات کی تحقیقات میں معاونت فراہم کرنے پر میں وزارت انصاف و قانون اور وزارت خزانہ کا بھی شکر گزار ہوں۔

ادارے کو موصول ہونے والی اور حل کی گئی شکایات کی شماریاتی تفصیلات انہی صفحات میں جدولی شکل میں فراہم کی گئی ہیں۔ چند کیس اسٹڈیز کو صنعت بینکاری میں شامل ہونے والے نئے افراد کی تربیت اور عمومی طور پر تمام قارئین کی معلومات کے لئے مفید جاننے ہوئے اس رپورٹ میں شامل کر لیا گیا ہے۔ ان بینکوں کے مطابق یہ کیس اسٹڈیز ان کی تربیتی پروگراموں کے لئے بھی سود مند ثابت ہوں گی۔

مالیاتی معاملات میں رازداری کا عنصر سماجی زندگی کے کسی بھی پہلو سے زیادہ اہمیت کا حامل ہے۔ اس اصول کا احترام کرتے ہوئے بینکر اور صارف کے مابین رشتے کی رازداری کو یقینی بنانے کے لئے انتہائی احتیاط اور دانش مندی سے کام لیا گیا ہے۔

اس موقع پر بینکنگ محتسب پاکستان کی سالانہ رپورٹ برائے 2023ء پیش کرنا میرے لئے انتہائی مسرت اور اعزاز کا باعث ہے۔

سراج الدین عزیز

بینکنگ محتسب پاکستان

یہ ادارہ اپنی عمر بھر کی پونجی سے محروم ہونے پر مالی مشکلات کا شکار ہونے والے شکایت کنندگان کو زیادہ سے زیادہ سہولیات اور آسانیاں فراہم کرنے کی بھرپور کوشش کرتا رہا ہے۔ اگرچہ بینکوں کے کھاتے داروں کو ان دھوکہ بازوں سے خبردار کرنے کے لئے تمام بینکوں اور پاکستان ٹیلی کمیونی کیشن اتھارٹی (PTA) کی جانب سے موبائل فون اور ابلاغ کے دیگر الیکٹرانک ذرائع پر مستقل اور بھرپور مہم جاری رہتی ہے۔ تاہم میرے خیال میں عوام کو اپنی ذاتی اور مالی معلومات کسی غیر متعلقہ فرد کو فراہم کرنے کے نتائج سے آگہی دینے کی مزید ضرورت ہے۔

بینکنگ محتسب پاکستان کا دفتر بذریعہ ڈاک اور بینکنگ محتسب کی ویب سائٹ کے آن لائن کمپلینٹ فارم کے علاوہ کراچی میں واقع اپنے سیکریٹریٹ اور دیگر شہروں میں اپنے علاقائی دفاتر میں شکایت کنندگان سے براہ راست شکایات وصول کرتا ہے۔ علاوہ ازیں، ادارے کو وزیر اعظم کے پورٹل اور اسٹیٹ بینک آف پاکستان کے ساتھ وفاقی محتسب پاکستان کے دفتر کے توسط سے بھی شکایات موصول ہوتی ہیں۔ 2023ء میں بینکنگ محتسب کے پورٹل کے قیام کے بعد شکایات کی تعداد میں نمایاں اضافہ ہوا ہے۔

یہاں یہ تذکرہ بھی بے جا نہیں ہوگا کہ کراچی سیکریٹریٹ کے علاوہ آزاد جموں و کشمیر سمیت ملک کے سات مختلف شہروں میں بینکنگ محتسب کے علاقائی دفاتر موجود ہیں جہاں بینکوں کے صارفین سے شکایات وصول کی جاتی ہیں اور بعد ازاں، انہیں کارروائی کے لئے کراچی میں واقع محتسب کے سیکریٹریٹ کو بھیج دیا جاتا ہے۔ چونکہ شکایات کنندگان کو ان کے دروازے پر انصاف کی فراہمی ہمارا مطمح نظر ہے، اس لئے ان مقدمات میں جہاں شکایات کنندہ کو ذاتی طور پر سُننا ضروری ہو، ان کے مسئلے کی سماعت کا اہتمام ہمارے علاقائی دفاتر میں کیا جاتا ہے تاکہ وہ بڑے شہروں تک سفر کے مالی بوجھ سے بچ سکیں۔

ہم اسٹیٹ بینک آف پاکستان کے ممنون ہیں جو بینکنگ محتسب پاکستان کے دفتر کے قیام سے اب تک نہ صرف اپنی عمارات میں ہمارے علاقائی دفاتر کے لئے جگہ کی فراہمی کے ساتھ ساتھ تکنیکی مدد اور ہمارے عملے کی تربیت کی صورت میں بھی اس ادارے کو تعاون اور مدد فراہم کرتا چلا آ رہا ہے۔

شکایات کی جلد از جلد جانچ پڑتال اور ان کے فوری تصفیے کو یقینی بنانے کے لئے بینکنگ محتسب پاکستان کے دفتر میں ایک مقامی سوفٹ ویئر فرم کے بیش قدر تعاون سے شکایات کے انتظام کے ایک فعال اور موثر نظام (Complaint Management System) پر عمل درآمد کیا جا رہا ہے۔ شکایات سے نمٹنے کے پرانے نظام (Banking Ombudsman Complaint Tracking System) سے اس نئے نظام کی جانب ہموار منتقلی کو محتسب کے دفتر کے تکنیکی طور پر ماہر عملے نے بخوبی ممکن بنایا۔ تاہم، شکایات کو موثر اور فوری طور پر نمٹانے کے لئے ہم اس نظام کو مزید بہتر بنانے کے لئے بھی کوشاں ہیں۔

بینکنگ محتسب پاکستان کا پیغام



"محتسب" عربی زبان کا لفظ ہے جس کا بنیادی لفظ احسبہ 'یا انگریزی زبان میں اکاؤنٹبیلیٹی (Accountability) ہے۔ محتسب کو متاثرہ افراد کی شکایات کی جانچ پڑتال کرنے اور ان کے مسائل و شکایات کی دادرسی کرنے کا مکمل اختیار حاصل ہوتا ہے۔ اس جذبے کے تحت بینکنگ محتسب پاکستان کے دفتر کا قیام عمل میں لایا گیا۔ اپنے قیام کے بعد سے یہ دفتر فریقین کے مابین باہمی افہام و تفہیم اور رسمی سماعت کے ذریعے لاتعداد مقدمات کو نمٹا چکا ہے جس کے نتیجے میں 18 سال کے عرصے میں متاثرہ شکایت کنندگان کو تقریباً 6 ارب روپے کی رقم واپس دلوائی گئی۔

جولائی 2023ء میں محترم صدر اسلامی جمہوریہ پاکستان نے مجھ پر بینکنگ محتسب پاکستان کے عہدے کا حلف لیا اور اس عہدے کے اختیارات تفویض فرمائے۔ اس عہدے پر تعیناتی سے مجھ پر ذمہ داری عائد ہوتی ہے کہ میں بینکوں اور معاشرے کے مختلف طبقات خصوصاً بینکوں کے کسٹمرز کے مابین دھوکہ دہی، غیر ذمہ داری اور بد نظمی وغیرہ کے باعث وقوع پذیر ہونے والے تنازعات کے حل کے لئے کوشش کرتا ہوں۔

بینکاری کی سہولیات کے لئے ڈیجیٹل اور الیکٹرانک ذرائع کے بڑھتے ہوئے استعمال کے نتیجے میں متعلقہ شکایات کی تعداد میں بھی بے تحاشا اضافہ ہوا ہے۔ علاوہ ازیں، نئی نئی موبائل اور ڈیجیٹل اپلیکیشنز کی وجہ سے دھوکہ دہی کے واقعات میں بھی قابل ذکر اضافہ ہوا ہے اور بینکوں کے نگرانی کے اپنے نظام میں نقائص، خامیوں اور کمزوریوں سے فائدہ اٹھاتے ہوئے، دھوکہ باز افراد لاکھوں لوگوں کو ان کی جائز آمدنی اور جمع پونجی سے محروم کر چکے ہیں۔

جناب سراج الدین عزیز کی بحیثیت بینکنگ محتسب پاکستان تقرری



صدر اسلامی جمہوریہ پاکستان، ڈاکٹر عارف علوی نے 18 جولائی 2023 کو ایوان صدر اسلام آباد میں منعقد ایک پروقار تقریب میں جناب سراج الدین عزیز سے بینکنگ محتسب پاکستان کا حلف لیا۔ وزارت قانون و انصاف کی جانب سے مورخہ 4 جولائی 2023 کو جناب سراج الدین عزیز کی بطور بینکنگ محتسب چار سالہ تقرری کا نوٹیفکیشن جاری کیا گیا تھا۔

جناب سراج الدین عزیز نے جناب محمد کامران شہزاد کی جگہ بینکنگ محتسب کے عہدے کا چارج سنبھالا ہے۔ جناب محمد کامران شہزاد 18 جولائی 2023 کو اپنے عہدے کی چار سالہ میعاد کے خاتمے پر ریٹائر ہو گئے۔

جناب سراج الدین عزیز بینکنگ کا وسیع تجربہ رکھتے ہیں۔ وہ ایک اعلیٰ اور تجربہ کار بینکر ہیں، انہوں نے پاکستان، چین، ہانگ کانگ، برطانیہ، ناٹجیریا اور متحدہ عرب امارات میں مختلف بینکنگ اور مالیاتی اداروں کے لیے کام کیا ہے۔

جناب سراج الدین عزیز نے مالیاتی اداروں کے صدر اور چیف ایگزیکٹو آفیسر کی حیثیت سے تقریباً ۲۰ سال کے عرصے تک خدمات انجام دیں۔

جناب سراج الدین عزیز انسٹیٹیوٹ آف بینکرز پاکستان (IBP) سے بھی منسلک ہیں۔ وہ ایک دہائی سے زائد عرصے تک IBP کے سہ ماہی جریدے کے ایڈیٹر بھی رہے۔ وہ پاکستان انسٹیٹیوٹ آف انٹرنیشنل ایفیز اور انگلش اسپیکنگ یونین آف پاکستان کے رکن بھی ہیں۔

انہوں نے مختلف تعلیمی اداروں اور سماجی تنظیموں کے بورڈ آف گورنرز میں خدمات انجام دیں اور ممتاز یونیورسٹیوں اور پیشہ ورانہ فورمز میں مختلف موضوعات پر سیشنز میں شرکت کرتے رہے ہیں۔

جناب سراج الدین عزیز قومی اور بین الاقوامی روزناموں اور جرائد کے بھی مستقل لکھاری ہیں۔ وہ ایک باکمال مصنف ہیں۔ ان کی قابل تحسین تصانیف میں "In Quest of Mirage"، "Bitter & Sweet - Life & Times of Dad"، "The Essence of Islam"، "Sarab ki Talash Main"، "Emerging Dynamics of Management" اور Corporate Pakistan (Insights into Leadership) شامل ہیں۔

فہرست

1 جناب سراج الدین عزیز کی بحیثیت بینکنگ محتسب پاکستان تقرری

3 بینکنگ محتسب پاکستان کا پیغام

7 کیس اسٹڈیز

ہمارا مطمح نظر (مقصد)

جملہ تنازعات کو ضابطے کی رسمی اور خصمانہ کارروائی کے بجائے غیر رسمی اور باہمی رضامندی سے طے کرنا۔ ہم کسی پارٹی کی طرف داری نہیں کرتے۔

تنظیم کا ادعا (دعویٰ)

یہ ادارہ ایک آزاد قانونی ادارہ کی طرح قائم کیا گیا ہے۔ تاکہ بینکوں اور صارفین کے درمیان ہونے والے تنازعوں کو طے کرے۔ یہ ہماری ذمہ داری ہے کہ ان تمام تنازعات کو جو ہمیں بھیجے جائیں ان کا بلا کسی لاگت کے اور بلا تاخیر کے ایسا حل تلاش کیا جائے جو غیر جانب دارانہ، شفاف اور جملہ فریقین کے لئے منصفانہ ہو۔

بنیادی اقدار اصول

ہم ایک مربوط ٹیم کی طرح کام کرتے ہیں۔ انفرادی فیصلہ سازی کی اجتماعی ذمہ داری قبول کرتے ہیں اور بنیادی اصولوں پر کوئی سمجھوتہ نہیں کرتے۔ ہم اس بات پر پختہ یقین رکھتے ہیں کہ ان اصولوں کو اپنا کر اور ان پر عمل کر کے ہم اپنی پیشہ وارانہ اور نجی زندگیوں میں بہتری لاسکتے ہیں۔

روزانہ تنازعوں کی ایک کثیر تعداد وصول کی جاتی ہے اور ہم عملی طور پر ایک ایسا معقول انداز اختیار کرتے ہیں جس کا نتیجہ شفاف اور مخلصانہ صورت میں ظاہر ہوتا ہے جو غیر رسمی اور فوری ہوتا ہے۔

ذمہ داری:

تنازعات خواہ کتنے ہی معمولی کیوں نہ ہوں، غیر ضروری تکلیف اور ذہنی دباؤ کا باعث ہوتے ہیں۔ ہم کھلے ذہن سے ہر تنازعے کا تجزیہ کرتے ہیں اور اگر ضروری محسوس کرتے ہیں تو متعلقہ فریقین کی بات سن کر تنازعہ کا عملی اور عدل پر مبنی حل تلاش کرتے ہیں۔

ہمدردانہ:

ہم اس بات پر یقین رکھتے ہیں کہ تنازعات کو دوستانہ اور مخلصانہ انداز سے طے کیا جاسکتا ہے۔ ہم تنازعہ کی کارروائی میں سختی سے حکم نہیں دیتے بلکہ اس کے بجائے ایسا ماحول پیدا کرنے کی کوشش کرتے ہیں جہاں تمام فریقین کو معقولیت اور مصالحت کی راہ اپنانے کی حوصلہ افزائی کی جائے۔

لچک داری:

ہم تمام شکایات کنندگان کا احترام کرتے ہیں اور ان سے اخلاق سے اور منصفانہ طور پر ملتے ہیں۔ کیونکہ اسی طریقے سے ہم ان کا اعتبار اور اعتماد حاصل کر سکتے ہیں۔

قابل اعتبار:

ہم نہ تو صارف کے چیمپین ہیں اور نہ ہی ان کے وکیل۔ غیر جانب داری اور کشادہ دلی ہمارے بحث و مباحثے کو توجیت فراہم کرتی ہے۔ ہماری شفافیت: خدمات بلا معاوضہ ہیں۔ ہم تمام تنازعات میں رازداری کا اہتمام کرتے ہیں۔ اور مصالحت کا ایسا طریقہ اختیار کرتے ہیں جو دونوں فریقوں کو قبول ہوتا ہے۔ ہم جو فیصلے کرتے ہیں وہ با اصول، واضح اور متوازن ہوتے ہیں اس لئے عقلیت پسند افراد کو ان کے پس منظر کو سمجھنے میں کوئی دشواری نہیں ہوتی۔

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Contact details as under:

All Complaints are to be addressed to Banking Mohtasib Pakistan's Secretariat at Karachi.

Complaints can be lodged through our website www.bankingmohtasib.gov.pk or on following URL for Online Complaints.

www.bankingmohtasib.gov.pk/website/ComplaintForm.aspx

Addresses and contact numbers of all our Offices are given below:

Karachi Secretariat

Banking Mohtasib Pakistan Secretariat
5th Floor, Shaheen Complex,
M.R. Kiyani Road, Karachi

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Fax: 92-21-99217375

Rawalpindi Regional Office

Office of the Banking Mohtasib Pakistan
c/o SBP, Banking Services Corporation
The Mall , Rawalpindi

Telephone: 051-9273252
Fax: 051-9273253

Quetta Regional Office

Office of the Banking Mohtasib Pakistan
c/o SBP, Banking Services Corporation
Shahrah-e-Abbas Ali, Quetta

Telephone: 081-9203144
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Lahore Regional Office

Office of the Banking Mohtasib Pakistan
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Office of the Banking Mohtasib Pakistan
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Office of the Banking Mohtasib Pakistan
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Faisalabad Regional Office

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M. A. Jinnah Road, Faisalabad

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رپورٹ

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