

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 304-02/2020

Mst. Ramey Naseem Akhtar

(Appellant)

Vs

The Banking Mohtasib Pakistan

(Respondent)

Date: 18.3.2020

Fawad Malik: Information Commission

Present: Mr Saleem Akhtar Advocate, senior legal adviser, on behalf of the respondent.

A. APPEAL:

- 1- Mst. Ramey Naseem Akhtar (Appellant) has filed the appeal against the Banking Mohtasib, Pakistan (Respondent) for the non-provision of the requested information, under the Right of Access to Information Act 2017. The appellant has escorted with the appeal a copy of a letter dated 21.1.2020 addressed to the respondent probing the status of her complaint dated 14.11.2019 filed with the respondent.
- 2- The grievance of the appellant is against the MCB Ltd for not replying the legal notice dated 21.10.2019 served upon the Complaint Resolution Unit, Service Quality Division of the Bank, by the appellant. The text of the legal notice is reproduced as under;

*“ I, Mst. Ramey Naseem Akhtar (Nominee) / Widow of deceased Mr. Sabir Hussain (Life Assured) have been forced to serve Legal Notice to **Company** (EFU Life Assurance Ltd) & NIB Bank Ltd amalgamated/merged into **MCB Bank Ltd** due to considerable delay in processing the death claim against **Policy no. 648506/238-NF**.*

You are hereby required to conclude the complaint against indolent concerned officials and share the reasons whatsoever due to which the claim is shelved from a period of around one year by the Company:-

1. *Share the copy of MOU / contract which Company (EFU Life Assurance Ltd) signed with NIB Bank Ltd now amalgamated/merged into MCB Bank Ltd for selling of Banc Assurance under which this policy was sold.*
2. *What are the SOP, Policy, Rules, Regulations and Turn Around Time (TAT) of MCB Bank Ltd approved by its Board of Directors/concerned Committees to process the Life Insurance from start/selling till maturity or claim.*
3. *What share of profit and margins are being distributed among Company (EFU Life Assurance Ltd) & NIB Bank Ltd now amalgamated/merged into MCB Bank Ltd on account of Bank Assurance?*
4. *What services are being provided to the prospective policy holders separately by Company (EFU Life Assurance Ltd) & NIB Bank Ltd now*

amalgamated/merged into MCB Bank Ltd? Job descriptions of relevant dealing staff required separately being bank employee and EFU employee.

- 5. What types of on job trainings are essential for your employees especially who deals with Bank Assurance?*
- 6. Whether Bank Assurance is target based, incentive based, or service based product?*
- 7. Share the certified copies of whole file/documents pertaining to this policy since inception including submission of death claim filed by me (Nominee).*
- 8. What was the annual premium amount and benefits in terms of 'future' and in case of 'accidental death & disability' avowed/promised at the time of selling/issuance of this policy?*
- 9. How many premiums were deposited by policy holder?*
- 10. When the claim was lodged/submitted by me (Nominee)?*
- 11. Whether any objection/s or discrepancies were shared with me (Nominee) in writing?*
- 12. Provide certified hard copies along with evidences of all correspondence with my client from start of the policy, during policy and till submission of claim regarding any sort of information/intimation/development/guidance/objection/discrepancy.*
- 13. I am being the customer of your bank treated by the Company (EFU Life Assurance Ltd) in this way. They used your floor to entice the policy holder. What are the Vision/Mission/ Values/Ethics/ Business Practices statements of the Bank?*

Treat it as an intimation that in case of further delay in processing the death claim against subject policy as per explicitly promised 'accidental death & disability' benefit shall force me (Nominee) to file complaint/s against NIB Bank Ltd now amalgamated/merged into MCB Bank Ltd & Company (EFU Life Assurance Ltd) before honourable Banking Mohtasib Pakistan, Federal Insurance Ombudsman, Insurance Division of Securities & Exchange Commission of Pakistan, Company Law Division of Securities & Exchange Commission of Pakistan and appropriate court of law.

It is to further note that in case of failure to settle the claim within 15 days, all costs of filling legal suit along with appropriate damages on account of mental agony and atypical dillydally which I am (Nominee) suffering with will be borne by the Bank."

B. PROCEEDINGS:

- 3- The Commission vide notice dated 12.2.2020 asked the respondent to provide reasons in writing within seven days as to why the requested information has not been shared with the appellant as each public body is bound to respond to a request as soon as possible and in any case within ten days of the receipt of the request as required under section 14 of the Right of Access to Information Act 2017.

- 4- The Banking Mohtasib Pakistan vide letter dated February 26, 2020 responded to the appellant as under;

In this regard we have to advise that your complaint was passed on to the Federal Insurance Ombudsman vide letter Re: 2019-ACH-Misc- 3662- dated the 28th January, 2020 under endorsement to you (copy enclosed) as the subject matter pertained to them. Your complaint has been processed by them under No. 2019-2082.

- 5- The appeal was fixed for hearing on 18.3.2020 and both the appellant as well as the respondent were informed accordingly vide notices dated 3.3.2020.

C. COMMISSION'S VIEW:

- 6- After hearing the learned counsel on behalf of the respondent and perusing the record the Commission is of the view;
- a. The jurisdiction of the Banking Mohtasib as mentioned in the Banking Mohtasib Pakistan Amended Law (June 2007) in relation to banking transactions shall be to:
 - i. Enquire into complaints of banking malpractices;
 - ii. Perverse, arbitrary or discriminatory actions;
 - iii. Violation of banking laws, rules, regulations or guidelines;
 - iv. Inordinate delays or inefficiency and
 - v. Corruption, nepotism or other forms or maladministration.
- 7- The Honourable Banking Mohtasib has forwarded the matter to the Federal Insurance Ombudsman for necessary action vide letter dated 28.1.2020 under intimation to the appellant with advice that all further correspondence on the subject be made with that office.
- 8- The subject matter in this appeal pertains to the grievance of the appellant regarding delay in the processing of the death claim in the insurance policy against the MCB Bank Ltd, a private entity.
- 9- The Government has established the institution of Federal Insurance Ombudsman specifically to solve the matters and complaints relating to the insurance policies.
- 10- Requisite action has been undertaken by the Banking Mohtasib as required under the law by referring the matter to the Federal Insurance Ombudsman for necessary action. The reply filed by the respondent further reveals that the complaint of the appellant has been processed by the Insurances Ombudsman under the No. 2019-2082.

D. ORDER:

11- The Commission refer a copy of the captioned appeal along with all the documents to the Director General, The Federal Insurance Ombudsman, for information and necessary action. With this direction the Appeal is disposed of.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Certified that this order consists of four (4) pages. Each page has been read and signed.