

## **An Assessment of the Role of Consumer Protection Agency in Protection of Consumers of Public Service Delivery: A Case Study of Kogi State and the Federal Capital Territory**

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### **Abstract**

*In commercial transactions and service delivery, the consumers are the vulnerable party and most often treated with no due regards to their rights of quality goods and services. This research explores the role of a consumer protection agency, specifically the Federal Competition and Consumer Protection Commission (FCCPC) in the protection of consumers of public service delivery. Public service delivery are services rendered by government agencies or private monopolies regulated by government especially now in the era of privatization. Public Service delivery in Nigeria has been known to be shoddy, inefficient and ineffective leaving consumers distraught and helpless. The FCCPC is a consumer protection agency. The research investigates whether its protection extends to consumers of public service delivery. The objectives of the study are to appraise whether the FCCPC effectively uses its mandate to protect consumers of public service delivery and to examine the structures of redress and the challenges if any. From the findings, the FCCPC provides a redress mechanism that is available to aggrieved consumers of public service delivery. The challenges are the lack of awareness on the part of aggrieved consumers on the channels of redress and the inability of the FCCPC to enforce the redress resolutions against the concerned agency of government. The methodology employed was both doctrinal and non-doctrinal. Advocating for a more robust FCCPC legislation that protects all consumers of public service delivery and not just public service delivery engaged in commercial activities.*

**Keywords:** *Consumer Protection, Public Service Delivery, Consumer Redress, Kogi State, FCT*

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## **Introduction**

Consumer protection is cardinal to the facilitation of economic development and market efficiency. An Ideal market situation envisages a balance of power between the supplier of service and the consumer; where the consumer wields equal strength with the supplier and is not intimidated by the towering power of the supplier. Where the ideal standard and balance of power is not met, the State intervenes to protect the consumers to create an efficient system that works superbly for the supplier and the consumer.

Consumer protection is therefore the safeguarding of the interests of the consumer in matters relating to the supply of goods and services.<sup>1</sup> Consumers are protected being considered as the weak party in a contract of goods and services. In Nigeria, the State intervenes through the FCCPC which is an agency of the government of the Federal Republic of Nigeria for the protection of consumers. It protects consumers of goods and services against not just private establishments but government owned establishments that offer services to Nigerians. The FCCPC provides a redress mechanism that is speedy, inexpensive and nontechnical; it provides protection to a consumer who is adjudged the vulnerable party by making provision to resolve consumer complaints in a way that makes it accessible to get a redress to complaints.

The services of government are made available to the public through the agencies of government; this is called public service delivery. The Public Service is a setup of government, where programmes and policies of government are converted into tangible goods and services for the consumption of the citizenry. Consumers of public service delivery are susceptible to abuse too, especially due to the operational inefficiency of agencies of government. A public service delivery most times provides services that as consumers we may and do not have alternative provisions. As consumers we are at the mercy of the attendants of the public service delivery agencies who do not feel they are under any obligation to render the service rather they make consumers feel that they are doing them a favour by rendering such services. The FCCPC has a mandate to protect consumers of public services from the unscrupulous attendants in order to make public service delivery effective and valuable to a consumer. An unsatisfied consumer of a public service delivery should find a redress through the agency of FCCPC. This research understudies the role of the FCCPC in resolving such disputes between a consumer and the government agency poised to deliver services to Nigerians. It investigates whether they have been able to effectively discharge their duties as a consumer protection agency vis-a-vis government agencies and thereby ensuring a good service delivery of the government agencies to Nigerians.

## **Statement of the Problem/ Justification**

Public service delivery in Nigeria is critical to the well-being of the Nigerian populace. The social and economic development of a nation is hinged on public service delivery, it therefore follows that where public service delivery is inefficient and not answerable to the consumers; it will constitute a barrier to the economic and social development of the nation.

Public service delivery in Nigeria over time has proven to be shoddy, substandard, thereby causing harm and injury to consumers. Government owned service providers in Nigeria are neither efficient nor willing to render services, and sometimes the staff may go to the extent of asking for an inducement before attending to the would-be consumer. The nature of service delivery in Nigeria has been described:

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<sup>1</sup> Monye, F.N. (2003) *Law of Consumer Protection*. Ibadan: Spectrum Books Ltd. 19

‘as “chaotic,” “epileptic,” “unsatisfactory,” “shoddy”, “deplorable”, “sensitive”, “inflexible”, “non-cost effective” and so on; and has been characterized by such negative attitudes and traits as insensitivity towards customers and their complaints, lateness; absenteeism, needless delay and red-tapism; palpable negligence, inexcusable incompetence, unbridled corruption, favouritism, lack lustre performance and a general lackadaisical attitude to work.’<sup>2</sup>

Public Sector service delivery in Nigeria has recorded a history of woeful failure and disappointments particularly in the defunct public enterprises sub-sector such as Power Holding Company of Nigeria (PHCN) and others.<sup>3</sup> Nigerians are left frustrated with these agencies in service delivery, the interests of consumers in service delivery is zero. They do not care and they do not give a hoot about consumer satisfaction; these cuts across many government agencies.

Many at times, complaints by consumers of such government agencies goes unresolved probably because there are no proper channels known to such consumers to direct their grievances. In 2004 SERVICOM was established by the Federal Government to promote effective and efficient service delivery in MDAs to ensure customer satisfaction and to manage the performance-expectation gap between government and citizens as well as other members of the public on issues of service delivery.<sup>4</sup> However SERVICOM is far from being a success story in the improvement of service delivery in Nigeria. The public service is still failing in meeting the needs of the citizens who are the consumers of public service.

The unfortunate state of a consumer in seeking redress was reiterated by Mrs Atoki,<sup>5</sup> the then Director General of the Consumer Protection Council (CPC). She admitted to the sad state of things in the commission when she stated that the commission is only known among elites in Abuja and Lagos. Consumers in most other places are left to the unfortunate fate of being cruelly treated by service and goods providers because the impact, awareness and effectiveness of the Consumer Protection Council<sup>6</sup> are not well publicized.<sup>7</sup> According to Ukwueze<sup>8</sup> the essence of a consumer protection law is to prevent harm or injury to a consumer and to provide redress that is speedy, nontechnical and inexpensive, in the event that the consumer suffers harm or injury from a producer or a supplier of goods and services.

The FCCPC which replaced the CPC is an institution of government for the protection of consumers of goods and services. However when it comes to public goods and services does the FCCPC have any role to play? The FCCPC over the years have proven to be more effective in the protection of consumers than sector regulators in many instances by providing a redress mechanism that is accessible to the people.

The research is an assessment of the role of the consumer protection agency which is the FCCPC in protecting consumers from the unscrupulous service delivery of the government

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<sup>2</sup> Okon, E. (2008) Public Service Reforms and the concept of “Service Compact with all Nigerians” (SERVICOM) in Nigeria Beyond 2007: Issues, Perspectives and Challenges. Saliu, H.A. et al (ed).

<sup>3</sup> Nwekeaku, C. & Obiorah, B. ‘Public service Reforms and Effective Service Delivery in Nigeria (2019)

<sup>4</sup> <https://servicom.gov.ng/our-clinic/about/> accessed on Oct. 4<sup>th</sup> 2024

<sup>5</sup> 2013

<sup>6</sup> As it then was before the repeal and replacement by the FCCPA (2018)

<sup>7</sup> Daily Sun Newspaper 7<sup>th</sup> June 2013 Pg. 59 cited in Ananim Iwok & Basseyy Kooffreh: An Appraisal of the Legal Regime Available for the Protection of Consumers of Telecom Services in Nigeria. [www.iiste.org](http://www.iiste.org)

<sup>8</sup> Ukwueze, F.O; ‘Towards a New Consumer Rights Paradigm: Elevating Consumer rights in South Africa’. South African Journal on Human Rights (2016) 6

agencies. It examines the structure of redress and the challenges posed to its performance. The study contributes to improving the conditions of consumers in Nigeria and the repositioning of the Commission towards an effective use of its regulatory mandate in the protection of consumers.

### **Methodology**

The methodology adopted is doctrinal and non -doctrinal. Doctrinal because it involves an analysis of some of the provisions of the FCCPA that protects consumers. It is also non-doctrinal because interview was conducted of staff of the agency. A survey was also conducted using Google forms to get the responses of 22 consumers on their consumer experience of government agency.

### **The Study Area**

The study area of the research is Kogi State and the Federal Capital Territory (FCT). The study area was selected based on the fact that the headquarters of the FCCPC is in the FCT. Kogi State is selected to know what is obtainable in a state where the FCCPC does not have an office and where the offence is against an agency of federal or state government. Where do the dissatisfied consumers register their grievances?

### **The Theoretical Framework and the Law of Consumer Protection in Nigeria**

There is a general consensus that governmental control or intervention is essential in the protection of consumers. According to Leigh Anderson most economists studying consumer protection agree that some level of government intervention in the markets is necessary to remedy market failures.<sup>9</sup> This is also in line with Ross Cranston's theory that government controls are often the best protection for consumers. Government intervention is necessary to ensure economic efficiency; individual rights and distributive justice.<sup>10</sup>

The principal law for the protection of consumers in Nigeria is the Federal Competition and Consumer Protection Act (FCCPA) 2018. The FCCPA regulates competition and provides for consumer protection. It establishes the Federal Competition and Consumer Protection Commission and the Competition and Consumer Protection Tribunal. The FCCPA makes provision for the development and promotion of fair, efficient and competitive markets in the Nigerian economy; facilitate access by all citizens to safe products, secure the protection of rights for all consumers in Nigeria and for other related matters"<sup>11</sup>

### **Who is a Consumer?**

According to J.F. Kennedy, everyone is a consumer.<sup>12</sup> However, not every consumer is termed a consumer for purposes of consumer law. A consumer has been defined as someone who procures goods and services for use and not for resale or use in production. The FCCPA provides that "consumer" includes any person:

- (a) who purchases or offers to purchase goods otherwise than for the purpose of resale but does not include a person who purchases any goods for the purpose of using them in the production or manufacture of any other goods or articles for sale; or (b) to whom a service is rendered

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<sup>9</sup> Samantha Kiel & C. Leigh Anderson (2019)

[https://epar.evans.uw.edu/sites/default/files/epar\\_uw\\_387\\_consumer-protection-20190404\\_2.pdf](https://epar.evans.uw.edu/sites/default/files/epar_uw_387_consumer-protection-20190404_2.pdf) (accessed on 21/06/2021)

<sup>10</sup> UNCTAD; Manual on Consumer protection. 2016

<sup>11</sup> The Preamble of the FCCPA

<sup>12</sup> "Special Message to the Congress on Protecting the Consumer's Interest."

A consumer, by virtue of consumer law refers to only natural persons who acquires or uses goods or services of a kind ordinarily acquired for personal, domestic or household purposes; thus a consumer protection law does not extend to sales or manufacturing.<sup>13</sup> Under the India Consumer Protection Act, a person who obtains the goods for ‘resale’ or ‘commercial purposes’ is not a consumer; but ‘commercial purpose’ according to the Indian consumer protection law, does not include an exclusive use by a buyer for the purpose of earning his livelihood by means of self-employment.

According to David Oughton<sup>14</sup> a consumer is also a person who makes use of the services provided by public sector bodies or private monopolies subject to public control. Therefore a consumer is a user of goods and services provided by private persons and public agencies. He further argued that a consumer may have a reason to complain about services received from the Department of Social Security or in the Hospital. He also argued that the complaint of a tenant against a landlord should be protected by consumer law. A consumer therefore is one who procures goods and services for his personal use and not for commercial purposes. A consumer of a public service delivery is one who makes use of services rendered by an agency of government which attracts charges no matter how minimal.

### **Review of Related Literature**

Several published articles have examined the functions of the Consumer Protection Council (CPC) in protection of consumers of goods and services. The law that established the CPC has been repealed and replaced by the Federal Competition and Consumer Protection Commission Act (FCCPA). Adeleye’s article<sup>15</sup> is focused on the erstwhile Consumer Protection Council. It outlines the functions of the council, one of which is providing redress to consumer complaints. It further outlined consumer rights as adopted by the General Assembly of the UN on the 16<sup>th</sup> of April 1985 which specifically highlighted the right to redress, where there is an unsatisfactory public or private services including the right to a healthy environment which is provided by a government agency. The author went further to point out the short-comings of the Consumer Protection Council<sup>16</sup> to be amongst others (1) low-level awareness of the functionality of the council. (2) Weak mechanism in seeking redress. While Nwankwo et al<sup>17</sup> in examining the role of CPC in the protection of consumers alluded the vulnerability of the consumers to the imbalance of the knowledge gap in the relationship of the consumers to the suppliers of goods and services. They observed the inability of the CPC to adequately protect the consumers due to the fact that not many consumers are aware of their rights and even those who are aware did not fully realize the protection of CPC when they needed it most. Now there is a new development which is the establishment of a new legislation, the FCCPA. The FCCPA replaces the CPC. This research is based on the more recent legislation of consumer protection which is the FCCPA.

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<sup>13</sup> UNCTAD (2016); Manual on Consumer Protection

<sup>14</sup>Oughton, David W. (1991) Consumer Law; Text, Cases and Materials London : Blackstone Press Ltd. P. 1 cited in Consumer Protection Law in India, PhD Thesis.

<sup>15</sup> Adeleye, A. “An Appraisal of the Consumer Protection Council Act and Consumer Rights in Nigeria” June 1997, The Gravitas Review of Business &Property Law, Vol. 8 No. 2

<sup>16</sup> As it then was

<sup>17</sup> Nwankwo, C. ‘Protecting the Nigerian Consumer: An Expository Examination of the Role of Consumer Protection Council’ [www.researchgate.net/publication/332189211](http://www.researchgate.net/publication/332189211) (April 2019)

The essence of a consumer protection law is to provide a redress where a harm or injury is occasioned by a supplier of goods and services.<sup>18</sup> Ibegbulem<sup>19</sup> adumbrates the eight universally accepted basic rights of a consumer which includes among others, the right to redress and the right to be heard. Ibegbulem's paper is premised on the protection of consumers of personal data in Nigeria given the dispensation of E-Commerce. The article examines the FCCPA to determine whether it attended to the data protection of consumers in e-commerce. He observed that in the FCCPA, there is no provision for the regulation of e-commerce, neither for the personal data protection of e-consumers. He however acknowledged the applicability of the Act to both States and Non State entities.

Bello, Suleiman and Danjuma<sup>20</sup> focused on the challenges of consumerism and consumer protection in the Consumer Protection Council Act of 2004. After its findings it came to the conclusion that consumerism is at its lowest ebb in Nigeria and recommended a clearly worded consumer's rights and compensatory measures within the body of the Act instead of being subsumed into the functions of the council.

Monye<sup>21</sup> analysed issues of consumer protection from the perspective of public protection and civil liability. She observed that there are sufficient legislations for the protection of consumers, at least on paper. She also examined the issues of civil liability of the manufacturer or supplier in contract and tort especially as it relates to defective products. This study is different from the reviewed articles in respect of the fact that none of the articles reviewed above is focused on protection of consumers of public service delivery. The research is focused on the role of the FCCPC in protecting consumers of public goods and services. The consumer protection regime has been on for a while in Nigeria, the FCCPC has come a long way in resolving consumer grievances; but when it comes to a sister agency of government, how is the FCCPC able to hold the agency of government accountable to good service delivery? This research is focused on the pragmatic and functionality of the consumer protection agency in the protection of consumers specifically against bad service delivery of government agencies

According to Ekwoma,<sup>22</sup> the enforcement of consumer rights is a serious problem in Nigeria. He attributed it to the ignorance of the consumers of their rights; poverty and the rigidity of the judiciary to adhere to strict legal rules. Kanyip,<sup>23</sup> also observed that the disparity between the consumer and the producer prevents the consumer from pursuing redress unaided. This observation underscores the importance of a consumer protection commission with an effective redress mechanism to enable an aggrieved consumer to obtain a redress that is non-technical and inexpensive.

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<sup>18</sup> Ukwueze F.O. 'Toward a New Consumer Rights Paradigm: Elevating Consumer Rights to Human Rights in South Africa; South African Journal on Human Rights (2016) 6 cited in Dike J. Ibegbulem

<sup>19</sup> Ibegbulem, D. J., 'The Protection of Consumers' Personal Data in the Era of E-Commerce in Nigeria', [www.researchgate.net/publication/334837471](http://www.researchgate.net/publication/334837471) (July 2019)

<sup>20</sup> Bello, K.B., Suleiman, J.B.A., and Danjuma, I. (2012) Perspective on Consumerism and Consumer Protection Act in Nigeria. *European Journal of Business and management*. ISSN 2222- 1905 (PAPER) ISSN 2222-2839 (on line) Vol. 4 No. 10, 2012, [www.iiste.org](http://www.iiste.org)

<sup>21</sup> Monye F. (2003) *Law of Consumer Protection*

<sup>22</sup> Ekwoma, O.J.H. Enforcement of Consumer Protection Laws in Nigeria: An Appraisal <https://irepos.unijos.edu.ng/jspui/bitstream/123456789/1772/1/enforcement%20of%20consumer%20protection%20law.pdf>. Accessed 14<sup>th</sup> August 2021

<sup>23</sup> Kanyip, B.B. 'Reflections on consumer Law in Nigeria' *Law, Justice and the Nigerian Society* (NIAL: Lagos 1995)

Ohiole's<sup>24</sup> article underscores improving the public service delivery through the infusion of the New Public Management (NPM) reforms. The NPM perceives citizens as customers of public services. Egugbo's<sup>25</sup> paper discusses public service delivery in Nigeria and the strategies for its delivery in the Fourth Republic. It identified challenges such as corruption, ethnicity and religion, lack of technology and the knowhow, poor power supply as hindrances to effective service delivery. The paper employed social contract theory to underline the obligation of the state to provide essential services. Recommendations include addressing corruption, enhancing public-private partnerships, and improving power supply to facilitate better service delivery.

Shittu on his part also highlighted the role of government in formulating and implementing public policies for the benefit of citizens. It distinguishes between public service and civil service, defining public service as broader and encompassing various sectors like healthcare, education, and policing. It emphasizes the necessity of effective service delivery to meet public expectations.<sup>26</sup>

This research will focus on the intervention of the consumer protection agency in the protection of consumers of public service delivery in cases where a service has not been delivered to a customer efficiently and effectively. It explores the institutional machinery of government saddled with the responsibility of protecting consumers and whether they are able to protect consumers of public enterprises by redressing their grievances.

### **The Scope of the Act**

The ambit of the law of consumer protection is to protect an individual dealing with a commercial enterprise.<sup>27</sup> The scope of the application of the Nigerian consumer protection law<sup>28</sup> is on all undertakings and commercial activities within or having effect within Nigeria.<sup>29</sup> The Act is also applicable to a government agency if the government agency engages in commercial activities or economic activities.<sup>30</sup> The Act does not define economic or commercial activities. It is not clear whether all government agencies that render services to individuals who pay minimal fees for such services are engaged in commercial activities or economic activities. For instance FCCPC has received complaints from persons complaining about delay in processing Nigerian International passports and have had to mediate in such instances by engaging officers in the establishment to ensure that the complainants procure their international passports.

However, going by virtue of David Oughton's definition of a consumer under the cover of a consumer protection law, a service of a public sector fit into the scope of the consumer protection law.<sup>31</sup> David Oughton speaking about the British consumer law maintains that the

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<sup>24</sup> Ohiole, O.K. &Ojo, I.S. 'Improving Public Service Delivery in Nigeria: A Paradigm Shift between Traditional Public Administration and New Public Management.' *Journal of Policy and Development Studies*, Vol9, No. 2, February 2015. [www.arabiamjbm.com/JPDS\\_index.php](http://www.arabiamjbm.com/JPDS_index.php) Accessed 8th November 2023

<sup>25</sup> EGUGBO, C.C. 'Public Service Delivery In Nigeria's Fourth Republic: Issues, Challenges And Prospects for Socio-Economic Development' *Journal of Public Administration, Finance and Law*, Issue 17, 2020

<sup>26</sup> Shittu A.k. (2020) <https://www.researchgate.net/publication/344493632> (accessed 30th October, 2023)

<sup>27</sup> Singh G. *Consumer Protection Law in India: A Socio-Legal Study* PhD Thesis 1993

<sup>28</sup> The FCCPA 2018

<sup>29</sup> S. 2(1) FCCPA

<sup>30</sup> S. 2(2)(a)(b)

<sup>31</sup> David Oughton as stated above said a consumer 'encompasses a person who makes use of the services provided by public sector bodies...'

consumer protection law would also cover complaints by individuals about the services provided by British Gas, British Rail, electricity and water companies. He argues that, in the public sector, a consumer might have a reason to complain about the way in which he has been dealt with by the Department of Social Security or that it may have a legitimate complaint about the service he has received in hospital.<sup>32</sup> The consumer protection agency which is the commission is empowered to protect a recipient of a service delivery of a government institution or agency that offers services in different respects by resolving consumer complaints against poor service delivery of such government agencies.

### **The Agency of Consumer Protection**

The FCCPC was established by the The Federal Competition and Consumer Protection Act (FCCPA) 2018. The Commission is the foremost agency for the protection of consumers, it doubles as a consumer protection and competition agency to administer and enforce the provision of the FCCPA and any other competition and protection of consumer law.<sup>33</sup> The convergence in the administration of consumer protection laws is vested in the FCCPC. The law gives the FCCPC ample power to protect consumers either by the law establishing it or through another legislation that is not of its making but protects consumers. The FCCPC therefore has the power to initiate policies, make rules and regulations to protect consumers.<sup>34</sup> The FCCPC is to advise the Federal Government generally on national policies and matters that pertain to all goods and services and on the determination of national norms and standards relating to consumer protection.<sup>35</sup> Consequently the FCCPC can influence the norms and practices of public service delivery that is consumer responsive and where expectations of such consumers are not being met the FCCPC can be engaged to resolve consumer complaints to enforce compliance by such agency of government to deliver quality service. The FCCPC receive complaints from consumers and they resolve it by issuing directives and apply sanctions where necessary.<sup>36</sup>

The Commission is headquartered at Abuja. The Commission in the exercise of its functions can establish offices in any part of Nigeria for the purpose of carrying out its functions.<sup>37</sup> It has established offices in the six geo-political zones of Nigeria with additional offices in Kano and Lagos, and this may not be unconnected to the volume of commercial activities in both cities in Nigeria.

### **The Nature of Public Service Delivery**

Public Service Delivery is the services provided by or on behalf of government to the public. It is the extent to which services provided by government meets the needs and sometimes exceeds the expectations of the general public. Public services are in the nature of electricity, transport, communication, health services and many others.

Services provided by government in Nigeria attract minimal fees in comparison to the high cost of charges by private organizations rendering same service. According to Oyedele, the primary responsibility of government is to deliver promptly and efficiently quality services

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<sup>32</sup> Singh G.

<sup>33</sup> S. 17 (a) FCCPA

<sup>34</sup> S. 17(b) FCCPA

<sup>35</sup> S. 17(c)

<sup>36</sup> S. 17 (h)

<sup>37</sup> S. 3 (5)



to its citizens at affordable prices. In some quarters these charges however cannot be considered as minimal due to the rise in the cost of living in Nigeria without a commensurate rise in the earnings of Nigerians to match the high cost of living. Electricity is especially high with the categorization of consumers of electricity into bands. Band 'A' consumers paying N225 kWh which may still increase; this is exorbitant for the ordinary Nigeria cowering under the weight of a poor state of economy buffeted by inflation. There is an increased level of poverty due to the poor state of the economy in the administration of Bola Ahmed Tinubu. Inflation is an all-time high, prices of products and services are astronomically high with low income earnings of the ordinary Nigerian populace.

The state of public service delivery in Nigeria has been abysmal. According to Okoye, "the reliance on the public sector to finance and provide public services in most developing countries has resulted in disappointing results."<sup>38</sup> The failure of public service institutions according to Panayotu has resulted in poor cost recovery, unsatisfied consumers, financially insolvent systems and unreliable service delivery.

### **Rationale for Protection of consumers of Public Services**

Consumer law protects consumers because they are the vulnerable party in a contract of supply of goods and services. A public service is a powerful establishment of government that can wield absolute power against a vulnerable consumer if it is not made subject to the rule of law and a protection law that guarantees the right of the customer who is the consumer and a weaker party in the contract of service. Employees in government owned enterprise can be unscrupulous and render services to the public without due regard to customer satisfaction. Services are most times rendered by the employees in these establishments with the mentality of 'is not my father's business'. The employees in these establishments therefore are not concerned about what happens to the consumer. They are not committed to delivering an effective and efficient service to the consumers and consumers are handled any how without due regard to effective service delivery. Consumers in this wise, who are the weaker party will therefore need the protection of a protection agency that will ensure that service is delivered to the people efficiently and effectively as a right given the lackadaisical attitude of civil servants and private monopolies that does not put consumer at the heart of their service delivery.

Public Service Delivery is an important factor in the development of the economy of any country. Protecting consumers of public service delivery is essential for the economic development of Nigeria. It boosts consumer's confidence in engaging in economic activities. Increased economic activities lead to increased spending and economic growth. One of the essential elements of a New Public Management (NPM) is laying emphasis on quality service and customer responsiveness.<sup>39</sup>

It is a legal principle in the law of contract that consideration though must be something of value but it must not be adequate. As long as something of value is given in exchange for a service rendered by government agencies then the agency of government is bound to fulfill the expectations of their customers who are the consumers of the products of a public service.

### **The Role of the FCCPC**

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<sup>38</sup> Okoye E.I. & Oghoghohomeh I. (2011) "Public-Private Partnership for efficient Public Service Delivery in Nigeria (The Case of Delta State Government of Nigeria)" The University Advanced Research Journal. Issue 4 April-June

<sup>39</sup> Pollitt (1995) cited in Public Service Reform and Effective Service Delivery in Nigeria Charles Nwekeaku

The Commission is the principal body charged with the absolute responsibility of administering and enforcing the provisions of the FCCPA and other laws with respect to consumer protection in Nigeria.<sup>40</sup> The commission is to initiate broad based policies and review economic activities in Nigeria to identify anti-consumer protection and restrictive practices which may adversely affect the economic interests of consumers and make rules and regulations under the FCCPA and other enactments with regards to consumer protection.<sup>41</sup> The Commission also has the role of advising the Federal Government generally on national policies and matters pertaining to all goods and services and on the determination of national norms and standards relating to consumer protection<sup>42</sup> advise the Federal Government on any matter relating to the operation of this Act including making recommendations to the Federal Government for the review of policies, legislation and subsidiary legislation as considered appropriate or as may be requested by the Federal Government or any of its ministries, departments or agencies for the eradication of anti-consumer protection and anti-competitive behaviour;<sup>43</sup> resolve disputes or complaints, issue directives and apply sanctions where necessary<sup>44</sup> give and receive advice from other regulatory authorities or agencies within the relevant industry or sector on consumer protection and competition matters;<sup>45</sup> create public awareness through seminars, workshops, studies and make available information with regard to the exercise of its powers and performance of its functions to the public;<sup>46</sup>

#### **The Dispute Resolution and Redress Mechanism of the FCCPC**

A redress in the context of consumer protection is a means of addressing a wrong that has been done to Consumers to set it right. It is a way of righting a wrong suffered by a consumer. It is intervening to remedy harm done to a consumer whose expectations were not met. Consumers who are dissatisfied with services of a public agency can file a ‘complaint’ to the Commission.<sup>47</sup> Complaints are filed by the consumer in the prescribed manner and form.<sup>48</sup> Complaints are received through multiple channels; in person, online, in writing and through multiple social media platforms.<sup>49</sup> According to a staff of the Commission, it could be through emails, the commission’s website and via hotlines.

The Commission resolves conflict through direct engagement, negotiations, mediation conciliation investigations, administrative hearings and collaboration with other regulators.<sup>50</sup>

The Act establishes a Tribunal with adjudicatory powers over prohibited conducts.<sup>51</sup> The Tribunal is specifically empowered to hear appeals from or review any decision in respect of consumer protection.<sup>52</sup>

#### **Discussion and Summary of Findings Awareness of the Existence of FCCPC**

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<sup>40</sup> S. 17 (a) FCCPA

<sup>41</sup> S. 17 (b)

<sup>42</sup> S. 17 (C)

<sup>43</sup> S. 17 (f)

<sup>44</sup> S. 17 (h)

<sup>45</sup> S. 17 (i)

<sup>46</sup> S. 17 (j)

<sup>47,48</sup> S. 146(1)(C), S. 147

<sup>48</sup> S.148

<sup>49</sup> Fccpc.gov.ng

<sup>50</sup> Fccpc.gov.ng

<sup>51</sup> S. 39 (2)

<sup>52</sup> S.47 (1)

From survey report, 76.2% of the respondents interviewed are aware of the existence of FCCPC. 23.2% showed ignorance of the existence of FCCPC.

### **Nature of Complaints**

The FCCPC according to a staff of the Commission receives complaints from consumers of government agencies. Sometimes the complaints are not consumer related; it sometimes comes from employees of government who have complaints against administrative actions of their government employer. When such complaints come to the FCCPC they further direct it to the Public Complaints Commission which is the agency saddled with the responsibility to resolve such conflicts.

The FCCPC can attend to complaints from consumers of government owned medical facilities where a consumer/patient is dissatisfied with the service provided. The FCCPC has taken the initiative in conjunction with other stakeholders and the Federal Ministry of Health to develop the Patient's Bill of Rights (PBoR) for the protection of consumers of health care service delivery. It is an illustrated guide on the patient's rights, responsibilities and the provider's responsibilities. Where the patient is aggrieved, the patient has the right to explore channels of redress which includes reporting to the FCCPC.

Many Nigerians have been particularly dissatisfied with the electricity company. At FCCPC headquarter in Abuja; complaints are received in respect of overbilling, irregular electricity supply. The FCCPC collaborates with the Nigerian Electricity Regulatory Commission (NERC) and has mediated disputes between consumers and electricity distribution companies.

The FCCPC have had occasions where complaints have been received against the Corporate Affairs Commission (CAC) and the Nigerian Electricity Regulatory Commission.

81 % of respondents interviewed have had reason to complain about services received at the hospitals or the electricity distribution company; they walked away without an official complaint. Only a respondent complained to SERVICOM.

### **Awareness Campaign**

The FCCPC engages in a lot of awareness campaigns and programmes. The FCCPC has an ongoing programme on Bereketé Family, a popular radio programme airing on the Human Rights Radio and streams online too. In 2016, FCCPC partnered with Bereketé family to host a town hall meeting on electricity distribution in the FCT.<sup>53</sup> Engaging the community through a town hall meeting is one of the ways of creating awareness on its programmes.

### **Channels of Complaints**

There are multiple channels of complaints available to a dis-satisfied consumer: emails, website, hotlines and in person including the FCCPC Complaints app.

### **Kogi State**

The FCCPC does not have an office in Kogi State. Kogi State is however covered by the regional office in Minna, Niger State; this does not mean that reports cannot be lodged at the headquarters in Abuja. The various channels of communication are available and reports are directed to the headquarters from different parts of the country. From interviews and discussions with some residents of Kogi State, they do not lodge complaints against infractions by public agencies. A respondent only mentioned that he reported a grievance against MTN by sending an email to FCCPC and the response was immediate because he got a call from MTN attempting to resolve the problem he had with recharging an airtime.

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<sup>53</sup> FCCPC Facebook page retrieved on 15<sup>th</sup> October 2024

### **FCCPC Resolution of Complaints**

According to a staff of the Commission, addressing complaints against some of these agencies of government has been through concerted discussions and dialogue. We take the stance of a mediator, advocate and lobbyist.

One of the drawbacks in resolutions of grievances against these agencies is enforcement. A staff said they are able to get results through consistent advocacy and dialogue with a focal person at such agencies to resolve complaints of consumers.

### **Conclusions**

The functions of the FCCPC extend to protecting consumers of government agencies engaged in commercial and economic activities as provided by the FCCPA. Government agencies make services available through public service delivery. Public service delivery has been known to be unsatisfactory, deplorable and delayed and a general lackadaisical attitude on the part of civil servants. The FCCPC thus plays a crucial role in protecting consumers of public services in Nigeria by providing a speedy, non-technical, and inexpensive redress mechanism.

Despite the awareness of the FCCPC's existence among many Nigerians, there is still a significant gap in the actual lodging of complaints against public service providers. The lack of enforcement power and the need for continuous advocacy and dialogue highlight the challenges faced by the FCCPC. To improve public service delivery and consumer protection, it is essential to enhance the visibility and effectiveness of the FCCPC, ensuring that consumers are aware of their rights and the channels available for redress. This will contribute to better service delivery, increased consumer confidence, and overall economic development in Nigeria

### **Recommendations**

The high point of the FCCPC is that it provides a redress mechanism that is nontechnical, inexpensive and speedy. The cost of delay and litigation is a reason why many persons will not wish to take a legal action against the shoddiness of a public service delivery. The FCCPC has achieved much in resolving complaints of consumers, but it should take deliberate steps in drawing the attention of citizens by specifically educating consumers on their rights to good quality public service delivery and on the channels of redress where their expectations are unmet. This can be done through their social media handles, their community outreach programs and other community engagement activities with consumer groups.

The FCCPC needs to enhance its enforcement capabilities to ensure that resolutions against government agencies are effectively implemented. This could involve legislative changes to grant the FCCPC more authority and teeth to bite a sister agency where necessary.

The FCCPC should expand its accessibility by establishing more offices across various states, to make it easier for consumers to lodge complaints and seek redress. Establishing more offices across the country brings the existence of the FCCPC to the ordinary man on the streets and to persons in peri urban and rural communities.

The FCCPC should improve collaboration by Fostering stronger partnerships between the FCCPC and other regulatory bodies like SERVICOM to make complaint resolution process more accessible to consumers of public service delivery. SERVICOM is the direct agency that deals with consumers of public service delivery; the FCCPC should collaborate with SERVICOM to strengthen its capacity to resolve customer's complaints and to enhance its visibility and presence at service delivery points of public agencies.

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