



Administrative Law and the Dearth of Ombudsman in the Nigeria Public Service

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ABSTRACT:

By Decree No. 31, the Federal Military Government of Nigeria created the Public Complaints Commission as the nation's ombudsman agency in 1975. This decree constituted a catalyst law that came about as a result of the Public Service Review Panel's 1974 report, which the Military Government had established in order to evaluate and reform the public service in the nation. After Nigeria returned to democratic rule in 1999, the commission's establishment law—which assigned it the duty of defending citizens' rights within the administration—was later renamed the Public Complaints Commission Act, CAP P37 of Laws of the Federation of Nigeria 2004. The research makes use of theme analysis to examine qualitative data that was obtained from secondary sources. The results show that the Commission's efficacy is hampered by its lack of independence and its limited ability to penalize violators legally. As a result, the study suggests that, in order to improve the functioning of the country's ombudsman institution, the Commission's Establishment Act be amended to guarantee its independence from the legislative and executive branches of the Federal Government of Nigeria and to give it punitive powers.

Keywords: Ombudsman, Public Complaints Commission, Bureaucratic abuse, citizenry, maladministration.

1. Introduction

Governments provide essential services to citizens through various institutions. These institutions and their officials, while fulfilling their legal responsibilities, may sometimes engage in illegitimate activities. Such behaviour not only contradicts their fundamental purpose but also undermines the rights and interests of the public they are meant to serve. Recognizing the state's primary role in safeguarding citizens' rights, many governments worldwide have established authorities at different levels to allow citizens to file complaints against public entities or officials and seek redress for issues such as corruption or abuse of power (Hayes, 2022). This authority, known as the “ombudsman,” refers to an official responsible for monitoring governmental activities to protect citizens' rights. The ombudsman has the power to investigate complaints by individuals about abuses or improper activities by government agencies (Aina, 2012; Hayes, 2022). Therefore, the ombudsman system represents the government's commitment to protecting citizens' rights by shielding them from possible administrative misconduct by public agencies or officials. The ombudsman is known by various names in different contexts, such as public advocate or national defender (Hayes, 2022), but its primary purpose and function remain consistent.

In Nigeria, the national ombudsman body is the Public Complaints Commission (PCC), established in 1975. Reflecting the general purpose of the ombudsman institution, the PCC handles citizens' complaints of injustice, corruption, unfair treatment, and abuse of office by public officers (Abasiokong & Uzoma, 2019, p. 2). However, over the years, the PCC's effectiveness in addressing administrative corruption and misuse of office in the Nigerian public service has been limited (Osegbue & Madubueze, 2017; Afegbua & Adejuwon, 2015; Osakede & Ijimakinwa, 2014; Awopeju & Oyewole, 2011), leading to widespread dissatisfaction among Nigerians. This paper examines the underlying issues contributing to the weaknesses of the Nigerian ombudsman institution in the current democratic era, aiming to propose solutions to enhance its performance. This conceptual analysis is significant as it offers the current Muhammadu Buhari-led federal government an opportunity to reassess the importance of this crucial institution, aligning with the administration's commitments to “zero tolerance for corruption” and “good and inclusive governance” in Nigeria.

2. Literature Review

In response to the evident ineffectiveness of traditional institutions and practices in curbing the arbitrariness of public officials, the ombudsman emerged as a crucial component of public sector reform in the twentieth century, promoting ethical behavior in public service (Afegbua & Adejuwon, 2015). As a result, “ombudsman institutions (OIs) have become a common feature of most countries' institutional framework” (Organisation for Economic Co-operation and Development [OECD], 2018, p. 4). The need to reform and streamline governmental policy administration procedures demands professional, responsive public service and appropriate accountability frameworks (Bukhari & Asif, 2013).

The primary role of the ombudsman is to enhance public administration by identifying weaknesses in laws, processes, conventions, principles, and guidelines for official behavior (Ebiziem&Amadi, 2015). Over time, the ombudsman has become an essential element of the democratic system of the state (Batalli, 2015, p. 232). As countries advance in strengthening democratic practices and human rights protection, ombudsman institutions have proliferated globally (OECD, 2018). Originating in Sweden, the term “ombudsman” translates to “representative” in English, and the concept was integrated into the Swedish constitution in the nineteenth century to provide Parliament with a mechanism to oversee government and judicial administration (OECD, 2018). The increasing complexity of public administration and inherent deficiencies in the public sector have substantiated the need for the general acceptance and incorporation of ombudsman institutions. Financial constraints faced by many governments and declining public service standards, particularly affecting ordinary citizens, further exacerbate these complexities (Bukhari & Asif, 2013). Given governance's complexity and its direct impact on citizens' lives, a guardian is necessary to ensure that government functions without infringing on basic rights and that public officials adhere to ethical standards (Fajonyomi, 2012).

Towne (2013) notes that the recent expansion of governmental responsibilities into various aspects of human life has increased the potential for conflicts between citizens and the state, particularly regarding basic human rights and liberties. The growing scope of government functions and the resulting friction with citizens' interests have necessitated the establishment of mechanisms for resolving grievances (Fajonyomi, 2012). Consequently, the influence of the ombudsman institution continues to grow (Batalli, 2015). With its autonomy, neutrality, and extensive investigative powers, the ombudsman operates effectively in most polities (Batalli, 2015). Globally, ombudsmen have the authority to conduct fact-finding investigations within their jurisdiction and address concerns raised by dissatisfied citizens.

As an independent, high-ranking authority, the ombudsman assists citizens in addressing their concerns with the administration, serving as a protective instrument beneficial to both citizens and the administration (Sander, 2013). Batalli (2015, p. 232) supports this view, stating, “The ombudsman presents a new type of guarantee for the rights and fundamental freedoms of individuals and organizations.” This is supported by the ombudsman's ability to reposition public organizations to better serve citizens and to provide restitution when rights, such as the right to standardized services, are violated. The ombudsman's uniqueness lies in its ability to address unfair administrative measures that are unsuitable for judicial review. This makes the ombudsman a valuable tool for promoting transparency and accountability in public administration. Batalli (2015, p. 235) asserts, “the Ombudsman as an institution is dedicated to the consolidation of democracy and serves as an instrument of control, transparency, and accountability, protecting citizens' rights and freedoms and combating maladministration.” In Latin America, many ombudsman organizations were established in the 1990s, a period of significant institutional transformation aimed at enhancing accountability and democratic governance (OECD, 2018). The OECD (2016) notes that the ombudsman, as the guardian of public interest, plays a crucial role in mediating problems encountered by citizens in their interactions with public administration, thereby advancing open government policies and programs. Osegbue and Madubueze (2017, p. 40) add that the ombudsman acts as the defender of civil rights against bureaucratic arbitrariness, bridging the horizontal relationship between authorities and the vertical control of the state by citizens. This dual role enhances the two fundamental dimensions of accountability in democratic systems.

Overall, the relevance of the ombudsman institution in a state is multifaceted, contributing significantly to the protection of citizens' rights and the promotion of transparent, accountable governance.

2.1. A Brief Evolutionary History of the Nigerian Ombudsman

Following Nigeria's Civil War in 1975, based on the recommendations of the Public Service Review Panel, commonly known as the Udoji Panel or Commission, named after its head, the late Chief Jerome Udoji (Ohaegbu, 2015). The panel was formed in response to the evident deficiencies of the Nigerian public/civil service in the post-independence period, characterized by inefficiency, poor service delivery, and systemic corruption, all stemming from its colonial roots. After gaining independence, Nigeria inherited the British colonial administration's model of public service (Nebo & Nnamani, 2015; Afegbua&Adejuwon, 2015). The colonial public service was designed primarily to extract financial and material resources for the benefit of Britain, rather than to serve the developmental needs of Nigeria (Nebo & Nnamani, 2015).

When Nigerians assumed political and administrative control at independence in 1960, the bureaucrats who took over leadership roles adopted the colonialists' attitude of acquiring wealth and power for personal gain (Tagowa, 1999). This led to widespread abuse of public office among Nigerian bureaucrats. As Nebo and Nnamani (2015, p. 1) put it, “Instead of improving the lot of Nigerians, they [Nigerian bureaucrats] were colonial masters in black man skin.” Consequently, Nigerian public officials turned the post-colonial public service into a tool for personal enrichment at the expense of the general populace. Government officials wielded excessive power, often to the detriment of junior officers and the public. Atrocities were committed with impunity, and the morale of public servants was severely undermined (Ohaegbu, 2015). Citizens, bearing the brunt of these deficiencies and unscrupulous activities, found their rights inadequately protected. According to Afegbua and Adejuwon (2015), citizens were left with the option of challenging arbitrary and ill-considered actions of administrative officials through the regular law courts, a system that did not facilitate speedy and efficient justice.

The military took over political power in 1966, and by the mid-1970s, military rule was firmly established in Nigeria (Afegbua&Adejuwon, 2015). The military government prioritized bureaucracy, and the widespread demand for reforms due to the undesirable state of the Nigerian public service (Nebo & Nnamani, 2015) led to the establishment of the Udoji-led Public Service Review Commission in 1974 by General Yakubu Gowon (Afegbua&Adejuwon, 2015; Anazodo et al., 2012). To borrow the words of Nebo and Nnamani (2015, p. 4-5):

The major thrust of the [Udoji] commission is [was] to carry out holistic reform of the civil service in terms of organization, structure, and management of the public service; investigate and evaluate methods of recruitment and conditions of employment; examine all legislation relating to pension, as regarding all post; establish the scale of salaries corresponding to each grade as a result of job evaluation.

The Udoji panel was specifically tasked with recommending solutions to the near collapse of Nigeria's public service sector (Ohaegbu, 2015). In its 1974 report, the panel recommended several measures, including the establishment of the Public Complaints Commission as Nigeria's ombudsman body, a recommendation that was approved by the federal military government (Ohaegbu, 2015; Osakede&Ijimakinwa, 2014). Following this, the military government enacted the Public Complaints Commission Decree No. 31 of 1975 (now an Act), establishing the Commission in October of the same year (Aina, 2012; Awopeju&Oyewole, 2011). The Nigeria Ombudsman was instituted to oversee and regulate administrative procedures in government agencies, ensuring that existing rules and regulations were adhered to (Ohaegbu, 2015). Its purpose was "to act as an institutionalized check on the excesses of government functionaries and any abuse of executive power" (Mojolaoluwa, n.d., p. 2). The Public Complaints Commission was thus established to mitigate the harmful impacts of those wielding power at the time, ensuring that their actions did not adversely affect subordinates or citizens (Public Complaint Commission, n.d.).

In terms of its composition, the Commission initially consisted of a Chief Commissioner and twelve other Commissioners selected by the Supreme Military Council (SMC), to which the Commission was accountable (Osegbue&Madubueze, 2017). The Commission was granted broad investigative powers. As Aina (2012, p. 2) notes, "The Commission has the power to initiate investigations on its own or upon complaint regarding administrative actions by federal or state agencies, statutory corporations, local government authorities, and public institutions and companies in both the public and private sectors." In 1979, the military government amended the Public Complaints Commission Decree 31 of 1975 through Decree 21, aiming to protect the Commission from legalistic challenges in performing its duties (Osegbue&Madubueze, 2017). This amendment was intended to ensure the Commission's continued existence, operational autonomy, and independence from the legislative and executive branches, thus enabling unimpeded performance (Mojolaoluwa, n.d., p. 2-3). The 1989 Constitution further elevated the Commission's status, re-establishing it as a federal body under Section 151 and requiring it to be constituted by the President within a year of assuming office. The Constitution redefined the Commission's composition and powers under Part 1 of the Third Schedule (Mojolaoluwa, n.d.).

2.2. Establishment of Legislation and Composition of Nigerian Public Complaints Commission

As earlier mentioned, the reinstatement of democracy in Nigeria in 1999 has transformed the law establishing Nigeria's PCC from a military Decree to an Act of the National Assembly of the country now called the Public Complaints Commission Act. The Act establishes the PCC under section 1(1) as a federal government body and refers to it as "the Commission". The Commission's headquarters is domiciled in Abuja, Nigeria's Federal Capital Territory (FCT) and it has branches in every of the states that make up the Nigerian federation. The National Assembly is vested with powers to superintend over the Commission. As stipulated by section 1(1) and (2) of the Act, the Commission comprises a Chief Commissioner and several other Commissioners as determined occasionally by the National Assembly. Under section 1(2), it is also within the powers of the National Assembly to authorize the number of branches that the Commission may establish across the states of the country. While the Chief Commissioner is under the supervision of the National Assembly, the Chief Commissioner coordinates the activities of all the Commissioners of the state branches of the Commission.

2.3. Powers and Duties of the Commissioners

Section 5(2) of the PCC Act empowers each Commissioner to initiate investigations at their discretion or based on complaints presented by individuals regarding administrative activities of the following entities:

- (a) Departments or ministries of the federal or state government;
- (b) Departments of local government authorities;
- (c) Legitimate companies or public organizations established by any government in Nigeria;
- (d) Firms founded under the Company and Allied Matters Act, whether owned by the government or private individuals in Nigeria;
- (e) Personnel and employees of any of the aforementioned organizations.

Under Section 5(3), the Act provides that:

- (a) The Chief Commissioner determines how complaints are presented;
- (b) Commissioners have the discretion to decide whether to inform the public about their actions or planned actions regarding any specific case and the means of doing so;
- (c) Commissioners have the power to request any information deemed necessary for performing their duties effectively and can visit and examine the premises of any individual or public or private organizations;
- (d) Commissioners retain the power to probe with exceptional attention any administrative acts that are:

- (i) inconsistent with any statute or injunction;
- (ii) erroneous in law or unreasonable in the determination of truth;
- (iii) irrational, discriminatory, repressive, or opposed to the regular duties of administrative structures;
- (iv) inept in encouragement or contingent on inappropriate conceptions;
- (v) ambiguous or improperly explicated, and then unacceptable;

In section 5(3)(e), the Act requires every Commissioner to possess the capacity to interrogate administrative processes of any courts of law in the country.

Following the provisions in Sections 5(4) to 5(6), if a particular complaint is brought before two or more Commissioners simultaneously, the Chief Commissioner has the authority to designate which Commissioner will handle the issue, and this decision is final. All Commissioners and staff are required to maintain a high level of confidentiality in handling cases brought before the Commission, ensuring that neither the source nor the content of the complaints is publicly disclosed. However, a commissioner may divulge details of such cases if, in their opinion, it is necessary to provide justifications for their findings and recommendations. While exercising the powers granted by the Act, a commissioner is not subject to the direction or control of any other individual or authority.

2.4. Statutory Limitations to Exercise of Powers by the Commissioners

In section 6(1), the Act restrains a Commissioner from investigating any cases:

- (a) that are overtly exterior to his scope of concern;
- (b) that are undecided by the National Assembly, the Council of State, or the President;
- (c) that are ongoing at any court of law in Nigeria;
- (d) that are concerning whatever is done or presumed to be done by any member of the armed forces of Nigeria or the Nigeria Police Force under the Armed Forces Act, or the Police Act;
- (e) where the complainant in view of the Commissioner, yet to exhaust all possible legal and administrative processes;
- (f) involving any act or thing done before 29 July 1975 or regarding which the complaint is brought after more than twelve months from the date of the act or thing done where the complaint emanated;
- (g) where the complainant does not have any individualized interest. Section 6(3), specifies that a Commissioner is bound by the law to declare the reasons for deciding not to investigate a complaint brought before him or her, if he or she determines that is, if a Commissioner decides not to probe a complaint.

2.5 Impediments to the Effectiveness of the Nigerian Public Complaints Commission

Despite the significant powers granted to Nigeria's ombudsman body by the Establishment Act, Akpa et al. (2020) assert that Nigerians continue to suffer from increasing rates of administrative corruption and brutality, even with the Commission's existence. This is evident, for example, in the steady rise in the number of reported administrative cases in Nigeria, which increased from 41,889 in 2015 to 54,655 in 2017 and 58,504 in 2018 (PCC, 2015, 2017, 2018). This troubling situation arises because certain issues pose major obstacles to the effectiveness of the Commission in fulfilling its critical responsibilities in the interest of citizens within the current democratic framework.

2.6 Lack of Independence

Although section 5(6) states that the Commission and/or Commissioners should not be subject to the control of any other persons or authorities in the course of discharging their duties, this is not the case. Both the National Assembly and the Presidency influence the affairs of the Nigerian ombudsman. By law, the Commission's staff are appointees of the government of the day (Osegbue&Madubueze, 2017). The Act empowers the National Assembly to appoint and remove all the Commissioners of the institution at any time, highlighting the insecurity and susceptibility of a Commissioner's office within the Nigerian ombudsman body to legislative control (Igwenyi et al., 2020). The various segments of the Nigerian population have persistently clamored that, "this leaves the fate of Commissioners in the hands of the Federal Law Makers, who can remove them even in bad faith and will equally make a Commissioner vulnerable" (Igwenyi et al., 2020, p. 35). Indeed, to avoid being removed from office, the Commissioners are ordinarily compelled to do the bidding of the National Assembly. This is more so that the appointment of the Commissioners of the Commission is based on political patronage (Alemika, 2015), rather than on merits.

On the other hand, the monthly salaries and retirement benefits of PCC's Commissioners are paid to them in line with the instructions of the President. In consistency with the maxim, "he who pays the piper dictates the tune", "this implies or shows that the Commissioners are under the executive arm of government and are responsible to the presidency" (Obodo&Anigbata, 2017, p. 58).

2.7 Lack of Legal Punitive Capacity

Perhaps, one of the gravest barriers to the workings of the Nigerian ombudsman is its statutory inability to punish offenders after investigation. In Nigeria, “the Ombudsman only investigates a case and cannot carry out justice against offenders” (Abasiokong & Uzoma, 2019, p. 6). The provisions in sections 7(3) and (4) of the PCC Act are directly inimical to the effectiveness of the institution, in this regard. Section 7(3) instructs the Commission to, after carrying out investigations and establishing that an individual has committed an offense, refer the case to an appropriate authority or simply prescribe that the individual should be arraigned in a court of law. Similarly, section 7(4) of the Act specifies that, if the PPC has confirmed that a person’s action warrants the administration of corrective measures to the person, the Commission should report the case to an appropriate authority that would take the action. The inability of the Commission to enforce its decisions in terms of pushing erring officials is a big problem as it reduces the institution to more or less an advisory body than an authentic broker of administrative justice (Osegbue & Madubueze, 2017). This lapse is not only described as a deadly blow to the institution (Igwenyi et al., 2020), but it has also resulted in the Commission being regarded as a Dog that merely barks without biting (Abasiokong & Uzoma, 2019; Igwenyi et al., 2020). This partly explains why many Nigerians do not repose absolute faith and confidence in the nation’s ombudsman body, but rather hold it at a very low esteem.

2.8 Insufficient Funding

Regardless of the huge responsibilities saddled on the Nigerian ombudsman, the Federal Government poorly funds the Commission. This is another cogent explanation for the unsatisfactory performance of the institution in the country, and this problem has persisted over the years as successive Chief Commissioners of the Commission have repeatedly complained of not having enough financial resources to fund their activities. A former Chief Commissioner of the Public Complaints Commission, Mr. Funsho Olukoga, for example, confirms that the Federal Government is not adequately funding the Commission. Olukoga was even spurred by the situation to poignantly assert that the Federal Government of Nigeria should either increase funding to the ombudsman body or scrap it completely (Ojoye & Folarin, 2017). He notes that the institution’s funding has been handicapped over the years (Suleiman, 2018). A paucity of funds creates numerous logistics challenges in the Commission’s effort to execute its duties (PCC, 2018, 2015). As Mr. Igbawua stated when he was still in office, “We are currently faced with difficulty in mobility, due to lack of vehicles, because our job requires officers to go round and carry out investigations” (Olukomaiya, 2018, para. 4). Preceding years, the Commission only received from the executive arm of the government the sum of N4.2 billion in 2018 out of the 7.4 billion budgetary allocations to it (PCC, 2018; Asadu, 2019). In 2015, the Commission was given only N4 billion to run its activities (PCC, 2015). The current Chief Commissioner of the PCC, Mr. Abimbola Ayo-Yusuf, who was appointed in May 2021, has also reacted to the lingering problem of inadequate funding. After N8.6 billion was proposed for the Commission in the 2022 budget (Akpan, 2021), he summoned the courage and presented a new budgetary proposal of N23 billion to the National Assembly to enable the Commission to discharge its duties effectively (Aborisade, 2021). It is however very clear that the Federal Government attaches little or no importance to the institution vis-à-vis the protection of the rights of the generality of the citizens.

2.9 Inadequate Publicity

The situation is worse concerning Nigerians living in rural areas (PCC, 2015). Mr. Chille Igbawu, the former Chief Commissioner of the Commission validates this fact in an interview in 2020 as he states that the issue of visibility is one of the greatest problems of the Commission (Suleiman, 2018). He explains, that the overall level of awareness among Nigerians about the Commission, which has existed for more than 40 years, is low compared with the level of publicity being enjoyed by other agencies that were established many years after it. The problem of limited popularity of the PCC is also tied to the issue of paucity of funds as reasonable amounts of financial resources are required in the modern era to proactively utilize both traditional and social media to prosecute robust publicity campaigns to significantly raise the level of knowledge about the Commission and its activities in the country (PCC, 2018, 2017, 2015). The persistence of this problem, therefore, is consolidated by the general incongruous disposition of the government of the day towards the country’s ombudsman.

2.10 Illiteracy and Ignorance

Literacy is an invaluable tool for the protection of human rights. Literacy, apart from being a human right in itself, is also an instrument for the advancement of other rights. (Eze, 2016). Similarly, Crompton and Dunkerly-Bean (2016, p. 1) believe that “literacy is a tool of personal empowerment through expression, as well as a means to social, cultural and human development”. As far back as 1968, the United Nations Educational, Scientific and Cultural Organization (UNESCO), in a piece titled “Illiteracy and Human Rights”, published on the occasion of the International Year for Human Rights, recognized that “illiteracy is a major obstacle to the effective enjoyment of human rights” (UNESCO, 1968, p. 8). The organization further explains as follows:

An illiterate is unaware of the law that could protect him, for example, of the guarantees provided for in the Universal Declaration in matters relating to policing and justice, marriage, work, participation in and supervision of the management of public affairs. He is completely at the mercy of others... For those who cannot read, modern society constitutes a world as incomprehensible as was the world of nature to our earliest ancestor, cowering in their caves, and the helplessness is about the same in both cases (UNESCO, 1968, p. 7).

Hence, in the absence of good education, individuals would be bereft of the necessary knowledge about their inherent rights and duties in society (Olomjobi & Osah (2019). This implies that literacy is a key factor in the realization of human rights; the more informed or conscious one is about his

or her rights the better he or she would leverage all available acceptable means to defend and/or realize them. Apeh and Onoja (2018, p. 19) rightly observe that "...though human rights apply to all citizens, many of them cannot assert their rights due to ignorance or illiteracy".

The foregoing statement typifies the situation in Nigeria where a sizable proportion of Nigerian citizens are, unfortunately, illiterate. Ultimately, there is a high rate of illiteracy in Nigeria, and this unprecedentedly affects the rights of the citizens (Eze, 2016; Dada, 2012; Okogbule, 2005). In September 2021, Nigeria's Ministry of Education released statistical evidence of the gloomy situation of adult literacy in the country. The data reveals that as much as 38 percent of the estimated Nigeria's 200 million population, which makes up more than 76 million adult citizens of the country, are illiterates (Onyedinefu, 2022). It, thus, becomes apparent why most Nigerians do not demand redress when their rights are infringed in the context of public administration. Okogbule (2005, p. 106) believes that: "An educated man will easily adapt to the realities of the situation and have the intellectual capacity to insist on the enforcement of his rights, quite unlike the illiterate. Education thus empowers him to maximize the opportunities and resources available in his environment". In the same vein, where a population is largely literate, they can read and understand government policies and positively contribute to boosting good governance. They are also able to recognize their rights, and know are abused, as well as the relevant medium through which to fight to defend their rights (Eze, 2016).

In Nigeria, the reverse is the case. Many Nigerians are wallowing in irremediable ignorance despite the Jomtien Declaration of Education for All by the year 200 (Dada, 2012). Because of the lack of education and ignorance, a vast majority of the citizens of Nigeria cannot access social justice and are estranged from the nation's political and economic fabric (Okogbule (2005). Consequently, with the estimated 76 million adult non-literate Nigerians, coupled with many others who are ignorant of their rights under the PCC Act, a substantial number of the citizens do not also know how and where to pursue administrative justice in the event of any infringements on their rights. However, the point must be made that it is the socio-economic situation of the Nigerian society that has made education inaccessible to the majority of the country's average citizens, due to high costs. As Dada (2012, p. 18) correctly states, "Many Nigerians live in want, abject poverty and penury...". Hence, education in Nigeria has almost completely become an exclusive commodity for the rich and privileged citizens, who can afford the cost.

2.11 Deficiency in the Establishment Act

The Public Complaints Commission Act that establishes the ombudsman institution in Nigeria embodies a major deficit that negatively affects the efficacy, public perception, and the realization of the goal of the Commission. This specifically bothers on the provisions in sections 8(1), (2), and (3) of the Act regarding sanctions meted out on violators of the stipulations of the law. The punishments are too light that they cannot deter people from offending the law (Igwenyi et al., 2020, p. 35; Suleiman, 2018). Under the aforementioned subsections of section 8, the Act specifies the payment of a fine of just N500 or a maximum of six months in prison as the punishments borne by anyone other than the Commissioner, who discloses any complaints brought to the Commission; denies to offer information to the Commission when requested to do so, or willfully or carelessly provides false information in writing; and willfully obstructs, stops, assaults, or otherwise stops a Commission member or another officers and staff member from carrying out their obligations, or encourages someone else to do the same.

Considering that the PCC Act gives legal backing to the Commission in pursuit of such important goals as the protection of Nigerian citizens from administrative injustices, the fine of a meagre N500 and six months imprisonment are frivolous, and it makes a caricature of the whole essence of the law and the institution. Of course, "One has the option to break the law as often as they like since the penalties or consequences for any infraction under the Act are so absurd (Igwenyi et al., 2020, p. 35). According to Chillelgbawau, the former Chief Commissioner of the PCC, the penalties are "loose" and "irrelevant," and some people can commit offences up to twenty (20) instances without being caught or having to pay the fee (Suleiman, 2018). The goal of Nigeria's ombudsman system can be clearly negated by these fines as they are unlikely to scare or demotivate anyone from breaking the law.

3. Methodology

This conceptual and qualitative seeks to provide practical solutions for resolving the problems causing the ombudsman institution in the Nigerian Public Service to be ineffective. The study's data came from secondary sources, such as journal articles, books, and official publications from the Public Complaints Commission, the Nigerian ombudsman organisation. These included the commission's annual reports, newspapers, and websites. To accomplish the study's goal, the data were examined utilizing the theme approach of qualitative data analysis.

4. Theoretical Framework

This study adopts the utilitarian theory to advance the substance of its argument concerning the subject matter of the current research. The utilitarian theory epitomizes one of the many prominent and authoritative methods in normative ethical or moral philosophy. The most notable exponents of the utilitarian theory are Jeremy Bentham and John Stuart Mill (Tardi, 2021). The theory surfaced in the 19th century and is of various versions but all the utilitarian theorists hold the common notion that an action is adjudged morally correct if it elicits the greatest measure of good or happiness (Driver, 2014). The main thrust of the theory is that every human being as a matter of rule seeks happiness, and pleasure solely is good, but it is only the actions that engender the most happiness for the highest number of the largest people in society that are morally right (Mukherjee & Ramaswamy, 2006). Therefore, as an ethical theory, utilitarianism espouses conducts or activities that promote happiness or pleasures and opposes deeds that bring about

sadness or misery (Tardi, 2021). The utilitarian theory is thus a variant of consequentialism, which is a doctrine in ethics that bases the rightness or wrongness of actions on the results or outcomes they produce (Duignan, n. d.).

The classical theorists of utilitarianism, Bentham and Mill, related the good with pleasures. They also argue that every individual should maximize the general good, that is, regard the good of others along with his or her good (Driver, 2014). In the view of Quinton (1989, p. xi), "ordinarily utilitarianism, along with some other moral theories and a lot of religiously inspired moral stock responses, is utopian altruistic. It implies that in every situation in which actions are possible, one should choose that possibility which augments the general welfare". For example, utilitarians would recommend that every individual obey the laws that guarantee equilibrium between his or her good and that of society in entirety (Rhodes, 1986), not for the person alone. By this, utilitarianism differs from other theories of consequentialism, particularly egoism, which advocates that every individual ought to seek after his or her interest alone, regardless of whether that would jeopardize the good of other people, and other moral theories that do not consider the rightness or wrongness of an action based on the outcomes. A silent implication of utilitarianism's position is that the theoretical tradition shuns individualism and calls for habitual selfless sacrifices, as a way of increasing the general level of happiness and lessening misery in the world.

The three main maxims upon which classical utilitarianism rests include, "the maximization of happiness; the definition of happiness as pleasure and absence of pain; and impartiality between individuals in the calculation of happiness" (Hayry, 2020, p. 346). This means that utilitarianism aims to attain the betterment of "all" as against the betterment of "one" "ordinarily influences every public decision, both on the multinational and national fronts, even though normative and moral ethics are regarded as fragments of the ethical philosophy (Singer, 2006). Tardi (2021) posits that "when directed toward making social, economic, or political decisions, a utilitarian philosophy would aim for the betterment of society as a whole". In light of Tardi's position and the central supposition of the utilitarian theory, which places a premium on actions that produce the most happiness for the highest number of people in society. Likewise, the reformation or strengthening of existing but weak government policies and institutions to increase their functional effectiveness in the interest of the citizens would generally be considered an action in the right direction. This institution was established to protect and promote the good of the entire citizens of the country, by shielding them from maladministration and wrongdoing by government organizations and officials, as well as redressing their grievances where there is any.

5.0 Solutions to the Problems

Nigeria must take necessary steps to address the above problems battling the effectiveness of the Public Complaints Commission, to reposition the institution for improved performance in protecting the country's citizens against administrative cruelty and corruption by government officials and organizations. In light of this, this present study suggests the following applicable measures: The Public Complaints Commission Act that sets up the Nigerian ombudsman should be amended to accord the institution independence like other critical institutions in the country, such as the Nigerian Independence National Electoral Commission (INEC). By the amendment, the relevant sections empowering the National Assembly and the presidency to interfere in the activities of the Commission under being in charge of the appointment, removal, and payment of salaries and retirement benefits of the Commissioners and staff of the institution, should be repealed. By doing this, the Commission would be released from the "legal hooks" that the legislative and executive branches of government have been using in opposition to it. It would also be granted the necessary autonomy and freedom to have the anticipated impact of halting the ongoing violations of power that the current democratic dispensation in Nigeria allows for.

The Commission ought to get given the legal authority to conduct investigations by amending its formation act, prosecute as well as punish offenders, instead of referring the cases to other authorities after investigation, as it is under the current Act. This is highly important, as it would give the Commission teeth to "bite" rather than just "barking". The Commission would gain more institutional esteem and authority if it were given the ability to use punitive powers, which would also cause dishonest bureaucrats and organisations to shudder at the mere thought of the Commission, just like the Economic and Financial Crimes Commission (EFCC), a major Nigerian anti-corruption agency. The Federal Government must, without hesitation, change its attitude towards the Commission concerning the issue of funding. Given the essentiality and enormity of its responsibilities, adequate funding should consistently be allocated to the Commission in annual budgets henceforth. Also, the executive arm of the federal government must refrain from the illegitimate and debilitating act of releasing to the Commission amounts below the approved budgetary allocation to it, as has been witnessed over the years even up till the present moment. Making considerable amounts of financial resources available to the Commission would certainly increase its efficiency and effectiveness in executing its statutory functions for the good of the citizens and the country as a whole. This step, if taken, would also portray the image of the government in a good light as it would be regarded by Nigerians as a strong demonstration of the government's genuine commitment and political will to guarantee proper protection of the rights of the country's citizens in the public administration, thereby strengthening government's support base within the population. There is a need for a vibrant collaborative effort between the Nigerian Federal Government, the PCC itself, and the various anti-corruption and human rights-focused civil society organizations (CSOs) in Nigeria to improve the visibility of the Commission within the country's population through purposeful vigorous nationwide enlightenment and sensitization campaigns about the existence and activities of the body. The intensive mass enlightenment campaigns should be implemented through various mediums, including physical seminars and symposia (for government workers), and social and traditional media platforms to create adequate awareness of the existence and workings of the institution among the citizenry. The relevance and utility of the ombudsman institution in Nigeria would increase with an increased knowledge of its existence and proper understanding of its purpose by the masses of Nigerian citizens.

Government at all levels in Nigeria - federal, state, and local government, should prioritize education and bring it to the front burner of their development policies. If not made completely free, education should be highly subsidized, and sustainably, in all public schools across all levels - primary, secondary, and tertiary. This would provide an opportunity /for the poverty-stricken segment of the Nigerian population, which constitutes the majority, to access education on an equal basis with their affluent counterpart citizens, thereby increasing the literacy level in the country and

diminishing ignorance. Also, a well-thought-out and organized national adult literacy program should be designed and rolled out by the Nigerian Federal Government to offer all interested adult Nigerians an opportunity to acquire basic education that would bequeath to them the essential skills of reading and writing. To encourage greater participation, this adult literacy program should likewise be free or subsidized to the barest possible minimum.

These measures would, to a very large extent, immensely empower Nigerians by raising the level of knowledge and awareness about human rights among them and thus reducing their vulnerability to abuses on all fronts, including in the sphere of public administration. Through the proposed amendment to the PCC Act, the provision under section 8 that deals with punishments apportioned to offenders under the current law should be revisited. The current sanctions of an N500 fine and six months imprisonment should be completely jettisoned and replaced with heavier, more deterrent penalties. For the Public Complaints Commission Act, the Commission, and its mandate to be taken seriously by government officials and citizens alike, it is essential to impose stricter penalties. This paper recommends raising the fine to a minimum of N1,000,000 and the prison term to a minimum of 36 months. Such measures would significantly enhance caution and deter individuals from flagrantly contravening the provisions of the Act, unlike the current legislation.

5.1 Conclusion

The Federal Military Government of General Yakubu Gowon founded the Public Complaints Commission, Nigeria's ombudsman agency, in 1975 with the purpose of shielding the populace from official atrocities and malfeasance. Upon the issuance of Public Complaints Commission Decree No. 31, which approved the Public Service Review Panel's 1974 findings, the Commission was established. The purpose of this panel's establishment was to assess and recommend changes to Nigeria's public service in order to increase its efficacy and efficiency. The Commission has continued to operate under the Public Complaints Commission Act, CAP P37 of the Laws of the Federation of Nigeria 2004 after the reinstatement of democracy in Nigeria in 1999. However, the Nigerian ombudsman institution has not been as active as expected in discharging its duties in the prevailing democratic dispensation in the country.

Based on the study, there are a few problems that explain why Nigeria's Ombudsman has not performed up to par. These comprise, among other things, the institution's lack of autonomy from the legislative and executive branches of the federal government of Nigeria; its lack of legal authority to punish violators; its lack of funding; the public's lack of knowledge about the institution's circulation and operations; illiteracy and ignorance; and the foundational flaws in the Act that established the institution, particularly in light of the severity of the penalties meted out to violators under the current legislation. Taking this into consideration, the research offers the following fixes for the issue: altering the Commission's founding Act; giving the organisation penalty authority; increasing the amount of money allotted to it; and raising awareness of the agency and its operations through vigorous dissemination and sensitisation activities; the proposed modified Act's application of harsher penalties against violators; the opening of education to all Nigerians and the institutionalization of a national adult literacy program. These, the study's conclusion is, are the best approaches to help the Nigerian Ombudsman fulfil its mandate more effectively and in the best interests of the people and the country.

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