

THE ROLE OF PUBLIC COMPLAINTS COMMISSION IN PROMOTING DEMOCRACY AND GOOD GOVERNANCE IN ADAMAWA STATE

By

Umar, D. J. and Nuruddeen, H.

Department of Political Science and Administration, Faculty of Social and Management Sciences, Adamawa State University, P.M.B. 25, Mubi, Adamawa State, Nigeria.

ABSTRACT

Public complaints commission is an institution of government established by Decree No. 31 of the 1975 and adopted by section 315(5) of the 1999 constitution which later became CAP 37, laws of the Federation of Nigeria, 2004 to address cases of administrative injustices in governance. This work examines the role of public complaints commission in promoting democracy and good governance in Adamawa state. The paper using survey method found that the commission maintains cooperation with other bodies in discharging its responsibility. Civil servants with bachelor's degree or Higher National Diploma are more represented in the survey followed by business persons and students in Adamawa State. The paper also found that the activities of the commission are not well publicized. Between 2013 to 2017 the commission received a total of 3276 complaints and disposed only 1596 which is less than the assumption of effectiveness of the commission in the State. And finally, conclusion and recommendations are made and references used are duly acknowledged.

Keyword: Public, Complaints, Democracy, Governance and Administration

INTRODUCTION

Since public administration permeates all spheres of life in the modern society, bureaucracy or administrative power has consequently become rather expansive and far reaching with the resultant effect that violation of citizen's rights has become a common occurrence. Hence the need for an institutional framework that will serve as the 'defender' of civic rights against the arbitrariness of bureaucracy and also as part of the vertical control of the state by citizens which promotes the two basic ideals of democracy and good governance.

In democratic state, Rule of Law, Accountability, Transparency, Human rights and Dignity, Participation as well as Freedom constitute the inputs geared towards producing 'Good Governance' which finds its proper manifestations through the institutional mechanisms of representative legislature, Ombudsman, impartial and accessible Judiciary, and also impartial and free press. Thus, democracy and good governance are systemically interrelated, without good governance democracy would be valueless. Therefore, for democratic government to be capable of attaining the objectives of good governance, a constant control, both political and legal are imposed on the functionaries of the government.

The commission has been doing their best to confront serious cases of unethical behavior and indiscipline which breeds inefficiency, corruption and maladministration and undermines good governance and democracy in Adamawa State. The commission has powers to receive complaints from the general public, investigate such complaints if they are within the terms of

reference of the commission and make recommendation to the appropriate body for implementation.

The Public Complaints Commission (PCC) has established thirty-six (36) state structures and one at the Federal Capital Territory to enhance accessibility on its duty to the general public through attending to complaints, investigate, and proffer resolution. The PCC in Adamawa state, to further facilitate decentralization and accessibility, and promote effective and efficient public service that is responsible and responsive to the people has established six offices across the senatorial districts of the state. The Adamawa state office of the commission was set to carry out investigation and resolution of complaints against administrative authority, body, or person, whether public or private body, using alternative dispute resolution skills such as arbitration, mediation, conciliation skills etc. with the aim of promoting fair treatment to the general public with courtesy, compassion, and honesty and engendering good governance. **Research Objectives**

The general objective of the study is to examine the role of Public Complaints Commission in Promoting Democracy and Good Governance in Adamawa State.

Research Questions

- i. Is the Public Complaints commission an effective institution for ensuring good governance in Adamawa state?
- ii. Is the office of the Public Complaints Commission in Adamawa state effective in handling cases brought before it?
- iii. What is the link between public complaints commission and democracy in Adamawa State?

CONCEPTUAL DISCOURSE

Public Complaints

The institutional mechanism established by government with the mandate to address any administrative injustice in any of the government establishment. The mandate is also extended to cover incorporated companies registered under Companies and Allied Matters act (CAMA). It is created in such a way that the citizens especially those at the grassroots of the society are the highest beneficiaries as they get justice without any cost. According to Dimock and Dimock (1970) public complaint is defined as public institution established by government to address mal-administration, injustice, abuse of power and grievances by the general public. In other word, public complaint is an office provided for by the constitution or by an action of the legislature to express grief, mal-administration, abuse of power as well as wrong doing by the general public. It is normally an expression of grief or dissatisfaction, as a formal allegation or charge against appropriate court or officer, as for a wrong done or a crime committed.

Democracy

The concept of democracy as "rule by the either directly (pure democracy) or, through representatives Republicanism)" (Obaidullah, 2001). It is a government by popular consent of the people; a form of government in which the supreme power is vested in the exercised by them or by their elected agents under a free electoral system. The idea that the People are the ultimate authority and the source of the authority of government is a fundamental principle of democracy because democracy is as Abraham Lincoln said "government of the people, by the people for the people". Democratic government assumes that men are rational and have the capacity to play a

part in the government process. Democracy whether liberal or African or modern includes fundamental recognition of popular sovereignty, equal opportunity for all, majority rule, representativeness, minority rights, right of choice between alternative programs, popular consultation, consensus on fundamental issues and more essentially periodic elections (Oke, 2005).

Okiror (2011) referred to these rules as the pillars, tenets, or principles of democratic rule. He asserts that these principles differentiate democratic rule from any other types of government and listed them to include: participation, Equality, Political tolerance, accountability, transparency, regular free and fair elections, economic freedom, control of abuse of power, separation of powers, bill of rights, a culture of accepting the results of elections, human rights, multi-party system, neutrality of state institutions, and rule of law.

Governance

Governance it is a broader term that literally means general management or administration and control and could be employed in the perspective of different matters, whether the in private or public sectors (Oladoyin, 2012). In the public sector, governance refers to 'the institutional underpinnings of public authority and decision making', and broadly includes the 'institutions, systems, "rules of the game" and other factors determine how political and economic interactions are structured and how decisions are made and resources allocated' (Grindle, 2010).

According to the Commission on Global Governance (1995), 'Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to perceive to be in their interest'. Adejumbi (1995) opined that governance implies the efficient management of state institutions and also that it has to do with steering society and the state towards the realization of collective goals. Governance is therefore the sum total of ways by which the general affairs of the commonwealth is managed in the interest of all involving all the executive or administrative functions of the state, carried out to effectively manage the resources of the society with a view of fulfilling terms of social contract or constitutional obligations to the citizenry.

Public Complaints Commission

Public Complaints Commissioner is an official usually appointed by the government or parliament, who is charged with representing the interests of the public by investigating and addressing complaints reported by individual citizens. The national network of Public Complaints Commission that constitutes Nigeria's ombudsman system which the Wikipedia (2011) transmitted that it is an indigenous Danish Norwegian, and Swedish term which is etymologically rooted in the old world, essentially meaning "agent or representative of the group of people." The concern on Ombudsman or as it is referred to in Nigeria Public Complaints Commission. This internationally acclaimed definition of Ombudsman indicates quite clearly that the legislature appoints the ombudsman, but it may not interfere with it handling of particular cases. It is an

independent and presumably impartial arbiter between government and individual. It is vital that all powers should be exercised in a way, which conforms to the ideas of liberty, fair dealing and good administration.

Malemi (2008) sees Public Complaints Commission as a body which gives citizens safeguards against mal-administration by investigating and pursuing administrative authority, body, or person, whether public or private body with a view to finding solutions to the issues raised. In principle it enables a citizen who feels that they have been the victims of mal-administration to make a complaint to the commission's office. This office will, after ensuring the complaint is not malicious or trivial, call for evidence and files on the matter and investigate the fairness and justice of the administrative action on which the complaint lies. In the countries with this institution, the ombudsman is a legislative Commissioner for the investigation of citizen's complaints of bureaucratic abuses. The public Complaints Commission therefore uses alternative dispute resolution skills such as arbitration, mediation, and conciliation skills etc. to effect settlement and results. In Nigeria, it was promulgated by Decree No. 31 of 1975 to establish what today is called Public Complaints Commission. In review of the distinctions made by writers, the Classical and the Contemporary (Executive Ombudsman) is hereby explained. As Morris (2008) cited in (Onu, 2009) has observed that there are two major forms of ombudsman offices. These are

- (i) a "classical" ombudsman and
- (ii) an "executive" ombudsman office.

A 'classical' ombudsman she notes is an independent high-level public official responsible to the parliament or legislature and appointed by constitutional or legislative provisions to monitor the administrative activities of government. An Executive ombudsman (contemporary) is a centralized complaint handling officer who has been appointed to serve at the pleasure of an elected or appointed Chief Executive. The word "Centralized" in this definition is crucial in distinguishing the Executive Ombudsman from other forms of complaints handling mechanisms.

Highlight on the Functions of the Public Complaints Commission

The task of the ombudsman generally is to conduct investigations and then give judgments. These investigations arise from complaints made by the public about the activities of government agencies. Akinde (1992) while quoting Van Leen and Whittington gave the functions of the ombudsman to be universally the same. This is;

- (a) To protect the right of the citizens;
- (b) To act as an indirect check on the misuse of powers by the administrators or any government officials;
- (c) To investigate, publicize abuses of bureaucratic power and in cases to initiate legal action much as a private citizen would.

The core business of the Public Complaints Commission as provided in Section 5 (2) of Public Complaints Commission Act in Nigeria investigating and redressing of people's complaints relating to administration of government agencies or their functionaries.

Reasons for Establishing Public Complaints Commission

Aina (2012) gave the rationale for the establishment of Ombudsman in Nigeria to include:

- i. The overzealous officers of government are known for exceeding their powers and flagrant use of their administrative power for their own personal gains.

- ii. A very important reason for the establishment of the Commission is the cost of access to the courts. The common man may not be so endowed to finance court process and payment of legal fee. The Commission therefore, is a formidable window to complaints against human rights abuses and other administration, maladministration and oppression.
- iii. Apart from the cost of litigation, it is quite obvious that not all oppressive acts or abuse of office may be actionable.
- iv. The Ombudsman is a very important institution for government to receive feedback from the public on the activities of its officers and general polices and mode of administration of the government. The easy access to the Commission will also encourage the citizen to approach the office whenever there is a special need to do so.

The Link Between Democracy, Good Governance and Public Complaints Commission

Democratic politics is about how to reach a consensual decision in the face of conflicting interests. The action which implements this decision is usually relegated to the domain of non-political administration. If administration grows autonomous from democratic politics this is considered an illegitimate intrusion of power into society, undermining the free and equal voicing of one's interests. These are often confused, such as when books about governance declare that "Good governance" expresses approval not only of the type of government (usually democracy) and its related political values (for example human rights) but also for certain kinds of additional components (Smith 2007). Good governance is not 'liberal democracy'. It does not 'come after' democracy; nor does it exist 'in the shadow' of hierarchy. Democratic government by itself does not guarantee good governance, unless it ensures accountability to and transparency for their actions and policies to the people at large.

There is an interface between a democratic system of government in a state and good governance, although the former does not guarantee the latter (Reif, 2000).

The Public Complaints Commission can build democracy and good governance in a state by realizing all three of these core principles of good governance. This institution acts as mechanisms by which members of the public can participate in the regulation of the conduct of public administration by initiating complaints that lead to investigations of human rights abuses or faulty administration. Accountability of the administration is improved, lines of accountability are drawn between the public, the national institution and the executive/administrative branch, and the latter has to comply with the investigation, have its behavior scrutinized according to standards of law and equity, and respond to recommendations or other stronger remedial action. Transparency of government conduct is heightened through formal, objective scrutiny and public reporting by the Public Complaints Commission.

THEORETICAL FRAMEWORK

The paper used utilitarian theory. The basic premise of utilitarian theory is that of human beings as a rule seek happiness; that pleasure alone is good, and that only the right action is that which produces the greatest happiness of the greatest number (Mukherjee and Ramaswamy, 2006:259-288). The desire of theorist (Jeremy Bentham, 1748-1892), Francis Hutcheson (1694-1746), William Parley (1743-1805), John Stuart Mill (1806-73) and other contemporary advocates was the restructuring of government and legal institutions so as to maximize individual happiness.

Happiness in this respect is defined as the surplus pleasure over pain. Pleasure and pain are therefore the main springs of human action.

Nature has placed man under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On one hand, and the standard of right and wrong, on the other hand, the chain of causes and effects, are fastened to their thrones. We owe to them all our ideas; we refer to them all our judgments and all the determinations of our life'. According to Bentham (1977), the sources of pleasure and pain are physical (e.g. good scenery), political (good laws), moral (public opinion) and religious (relations with God) it is the task of the legislature to manipulate these 'sanctions' to promote human happiness, individual and The principle of utility recognized the basic psychological trait.

METHODOLOGY

The study consists of five areas (Mubi North, Mubi South Ganye, Numan and Gombi) where the Public Complaints Commission's head and zonal offices in Adamawa state are located from which the sample population will be drawn. The study adopted a total of 175 respondents considered appropriate to serve as the selected sample. A total of 35 questionnaires were administered to each of these strata i.e. the areas where the head office and the zonal offices, of the PCC in Adamawa State are located. The purposive sampling technique was also adopted in selecting respondents from the strata (the commission's head office and the four (4) zonal offices of the state) for inclusion in the survey. Hence, both primary and secondary source are used. The primary sources were collected through group discussion, interview, questionnaire etc. while the secondary sources were gathered through internet, books reviewed, journals etc. The data obtained was analyzed using simple percentage techniques.

DATA PRESENTATION, ANALYSIS AND FINDINGS

Research Question 1: Is the Public Complaints commission an effective institution for ensuring good governance in Adamawa state?

Table 1: Has the Public Complaints Commission been operationally efficient in discharging its responsibility.

Response	Frequency	Percentage (%)
Strongly Agreed	16	10.39
Agreed	64	41.56
Undecided	11	7.14
Disagreed	57	37.01
Strongly Disagreed	6	3.90
Total	154	100

Source: Field Survey, 2020.

Table 1 reveals that 64 respondents (41.56%) agreed the public complaints commission has been operationally efficient in discharging its responsibility, 57 respondents (37.01%) disagreed, 16 respondents (10.39%) strongly agreed, 11 respondents (7.14%) undecided, and 6 respondents (3.90%) strongly disagreed. The study shows the opinion of majority of the respondents is that the

commission has been operationally efficient in discharging its responsibility. This appears true looking at the fit it has achieved in providing voice to the faintest voice in the society and making public service more proactive.

Research Question 2: Is the office of the Public Complaints Commission in Adamawa state effective in handling cases brought before it?

Table 2: Public Complaints Commission maintain cooperation with other bodies in the discharge of its function.

Response	Frequency	Percentage (%)
Strongly Agreed	27	17.53
Agreed	70	45.45
Undecided	14	9.09
Disagreed	36	22.38
Strongly Disagreed	7	4.55
Total	154	100

Source: Field Survey, 2020

Table 2 shows that 70 respondents (45.45%) agreed that public Complaints Commission maintain cooperation with other bodies in the discharge of its function, 36 respondents (22.38%) disagreed, 27 respondents (17.53%) strongly agreed, while 14 respondents (9.09%) undecided and 7 respondents (4.55%) strongly disagreed. Base on the foregoing, an overwhelming majority of the respondents affirm that the commission maintains cooperation with other bodies in the discharge of its functions.

Research Question 3: What is the link between public complaints commission and democracy in Adamawa State?

Table 3: Do you perceive contacting the PCC as a form of citizens' participation in governance

Response	Frequency	Percentage (%)
Strongly Agreed	13	8.44
Agreed	49	31.82
Undecided	13	8.44
Disagreed	61	39.61
Strongly Disagreed	18	11.69
Total	154	100

Source: Field Survey, 2020.

Table 3 presents the opinion of respondents on their perception of the PCC as a form of citizens' participation in governance thus; 61 respondents (39.61%) disagreed, 49 respondents (31.82%) agreed, 18 respondents (11.69%) strongly disagreed, 13 respondents (8.44%) undecided. The study shows the commission's idea is inherently based on the democratic ideal 'of citizens' involvement and control of the administrative state, the presentation above does not agree with the conjecture that the act of complaining to the commission may be viewed as a form of political participation intended to ensure democratic accountability. Hill (1982) posit that Contacting an ombudsman, of course, is quite different from most other political participation such as voting or lobbying that are oriented mainly to the input side of government.

FINDINGS

The public complaints commission possess adequate legal and constitutional powers to effectively carryout its mandate base on the Act establishing it, to address cases of administrative injustices in governance. The finding shows that public complain commission intervention has limited impact on citizens' trust in governance. Between the period 2013 and 2017, the Adamawa State PCC received a total of 3276, disposed 1596 of the received cases, while cases pending (not disposed) numbered 1680. The total percentage of the cases disposed by the commission, from 2013 to 2017, was put at 48.72% which is less than the assumption of effectiveness of the PCC in the Adamawa State.

Conclusion and Recommendations

Public Complaints Commission in Adamawa State is manifestly critical. This is because in the absence of an institutional mechanism to provide relief to persons suffering from administrative injustice, the integrity of government could be seriously undermined and public confidence shaken. Therefore, the main objectives of the commission include keeping a balance between the citizen and the government officials and to ensure justice among ordinary citizens. Hence this institution has universal appeal. It is also worthy to note that PCC is an advisory body against misuse of power and violation of human right. There indiscipline breeds inefficiency, corruption and mal-administration and undermines good governance and democracy in the State.

The recommendations are deduced to strengthen the PCC in Adamawa State.

- i. **Amendment of Some Sections;** The PCC Act should be amended to meet current realities and given sufficient powers to discharge its functions effectively. In order to allow for a better appreciation of the role of PCC and a more effective performance, section 6 (1) (2) & (3) of the PCC Act should be amended to remove all unnecessary restrictions placed by the section on the powers of the Commission.
- ii. **Public Access to the Public Complaints Commission:** In order to be effective as a complaint handling mechanism, access to the Commission must also be simplified and expanded. The law regarding who may "petition" must be reviewed urgently and permit others apart from the person concerned to petition the Commission. Several steps can be taken to achieve this goal.
- iii. **Location of the offices:** in order to be accessible to the population that the office is designed to protect, the physical location of the office must be taken into account. The Public Complaints Commission should have offices in all the local governments of the state so that it can be easily reached by individuals interested in submitting a complaint. This means that the offices should be accessible by bus, bicycle, motorcycle and other forms of transportation.
- iv. **The use of e-complaint devices:** the electronic means of lodging complaints via the internet should be adopted to facilitate access to the commission's information. The commission should establish a web site which will provide a platform for citizen- commission relationship.
- v. **General Public Awareness of the Institution:** the commission should engage in periodic public education campaigns to inform citizens of the role and functions of the commission. Public information should be sufficiently detailed and readily available to the public. The public relations and information unit should be strengthened and, adequately financed.
- vi. **Promptness in Resolving Cases:** All complaints lodged with the commission should be promptly disposed of. Whatever the Bourses the commission takes in the process of

investigation/dispensation, the time limit should be fixed, not exceeding three months (ninety days). Lengthy process of investigation will have negative bearing on the efficiency and dynamism of the administration and is likely to frustrate the development initiatives of the Government. To this end, all persons or organizations responsible for creating delays should be penalized to act as deterrent to others.

REFERENCES

- Aina, K (2012): The Relevance of Public Complaints Commission to Nigeria's Democratic Development. In *International Journal of Advanced Legal Studies and Governance*, (3): 10 -18.
- Ake, C. (1991): *For Africa, the Way Forward*. Lagos: The Guardian Publishers.
- Akindele, S.T. (1992): "Judicial Review and Ombudsman System: Examination of their Efficacy as means of Citizens. Redress" in *Journal of Nigerian Public Administration and Management Vol. 1, No. 2*.
- Anderson, N. A. (2000). Ideas. Retrieved February 8, 2018 from <http://ideas.respec.org>
- Barker, E (1968): *The Politics of Aristotle*. London: Oxford University Press.
- Bassiouni, C. (1998): "Toward a Universal Declaration on the Basic Principles of Democracy: From Principles to Realization." *The Inter-Parliamentary Union; Switzerland*. ISBN 92-9142-036-0.
- Betham, J. (1977): *Introduction to the Principles of Morals and Legislation*. London: Heinemann press.
- Bryce, L. (1921): *Modern Democracies*. New York: Macmillan Press.
- Clapham, C. (1994): "Democratization in Africa: Obstacles and Prospects" *Third World quarterly*, 28.
- Federal Republic of Nigeria (1975): *Public Complaint Commission*. Decree 31. Federal Republic of Nigeria (1999): *Constitution*. Lagos: Government printers.
- Ghali, B. (1995): "Democracy: A newly Recognized Imperative", *Global Governance Goetz and Gaventa*. 34 (2): 23.
- Gladden, E. N. (1952). An introduction to public administration. Harper International Edition, 2nd Edition, New York.
- Gullick, L. (1937). Science, values and public administration. In Gullick, & Urwick, L. Institute of public administration, New York, United State.
- Heald, D. (1993): "Democracy: From city-state to Cosmopolitan Order" in Held, D. (ed.) *Prospects for Democracy*. Bristol: Cambridge Policy Press.
- Hobbes, T. (1952): *Leviathan*. Oxford University: Clarendon Press. *International Ombudsman Institute*, Netherlands. The workshop was titled Strengthening the Ombudsman Office in Africa. 26th August.
- Khan; M.M. (1997): "Governance: Meaning Issues and Challenges ". *Bangladesh Public Administration Review*, Vol. 1.
- Lindsey, A.D. (1951): *Essentials of Democratic Government*. London: Oxford University Press.
- Locke, J (1953): *Two Treatises of Government*. Cambridge: Cambridge, University Press.
- MacIver, R.M. (1964): *Modern State*. London: Oxford University Press, Macmillan.
- Max, F. M. (1959). Element of public administration. Retrieved February 8, 201 from <http://books/about/Elements of public administration-Edited>.

- Malemi, E. (2008): *Administrative Law*. Ikeja: Princeton Publishers.
- Morris, C.J. (2008), Cited in G. Onu (2009) "The Methods of Conflict Resolution and Transformation" in M. Ikejiani Clark (ed.). *Peace Studies and Conflict Resolution in Nigeria: A Reader*. Ibadan: Spectrum Books Limited.
- Mukherjee, S. and Ramaswamy, S. (2006): *Political Theory and Ideas and Concepts*. New Delhi: Daryaganj Publisher.
- Nigro, F. A. (1971). *Modern public administration*. Harper International Edition, London.
- Obaidullah, A.T.M. (2004). *Bangladesh Public Administration: Study of Major Reforms*. Dhaka: Academic Press and Publishers Ltd.
- OECD, (1992): Development Assistant Committee Work on Participatory Development in Khan, M.M. (1997): "Governance: Meaning, Issues and Challenges ". *Bangladesh*
- Oke, L. (2005). "Globalization, democracy and women empowerment: Issues and challenges in Nigeria". In Olufayo, Olu Olu (ed.): *Perspective on Globalization and Africa Development*. Lagos. Bolabay Publications.
- Okiror, G. (2011): *Concepts and Principles of Democratic Governance and Accountability; Guide for Peer Educators*. Uganda; Konrad Adenauer Stiftung.
- Ousting, M. (1996): "The Ombudsman: A Profession". *A Workshop Paper delivered at the Public Administration Review*, Vol. 1.
- Sabine, G (1961). *History of Political Theory*. NY: Holt, Rineheart & Winston Press London.
- Smith, B.C. (2007): *Good Governance and Development*. pundsmills, Basingstoke; Palgrave
- Touraine, A. (1991): "What does Democracy Mean Today?" *In International Social Science in Journal* 128 (May).
- Volli, L (1998): *Which Democracy? Democracy: Its principles and achievement*. Geneva, Switzerland; Inter-Parliamentary Union.
- Wade, H.W. (1997): *Administrative Law*. Oxford: Clarence Press.
- Woods, N. (1999): *Good Governance in International Organizations* in Reif, L C. (2000): "Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection." *Harvard Human Rights in Journal* 13;1-69.