

The Ombudsman and Redress of Injustice in Nigeria: Remedies for the Improvement

Moshood Kayode Lawal¹, Oladele Taiwo Oluyemi², Mosobolaji Taiwo Ayodele³

¹*The Oke-Ogun Polytechnic Saki, Oyo State Department of Public Administration*

²*Department of Public Administration The Oke-Ogun Polytechnic Saki, Oyo State*

³*The Oke-Ogun Polytechnic Saki, Oyo State Registry Department*

Corresponding Author: Moshood Kayode Lawal

Abstract: There have been continuous attempts by mankind to reach common understanding on the value of justice and how to practice it fairly at all level, irrespective of influence of any kind. A number of Africa have a comprehensive legal framework for the establishment of the office of the Ombudsman and it is called Public Complaints Commission in Nigeria's context. The study examines the role of Ombudsman in redressing injustice in Nigeria and using Oyo State as a case. The study evaluates the influence of investigative power of Public Complaints Commission and its influence of awareness of the commission's investigative activities in redressing injustice in Oyo State. It investigate the extent to which the insufficient funds affects the commission's activities as well as examine the hindrance to effective performance of the commission's investigative activities in redressing injustice in Oyo State between 2011 and 2015. Social justice and utilitarian theories were adopted to support the study. The study also adopts a surveys design and made use of both of primary and secondary data. The study concludes that redress of injustice has not been much achieved in Oyo State and therefore recommends that the constitution which established PCC should be reviewed, public awareness should be improved, there should be adequate provision of fund and the appointment of technocrat for the commission so to serve as measure for improving the commission's performance in Nigeria.

Keywords: PCC, Injustice, Complaints, Constitution, Oyo-State.

Word Count: 230

Date of Submission: 18-04-2019

Date of acceptance: 04-05-2019

I. INTRODUCTION

1.1 Background to the Study

The Ombudsman is known to protect citizens' fundamental rights. There have been continuous attempts by mankind to reach a common understanding on the value of justice and how to practice it fairly at all levels irrespective of influence of any kind. It is in the light of this that Ombudsman was established and its terms of reference and power assigned to the institution to enable it perform its duty.

Ombudsman originated in Sweden and it means officer, spokesman or representative. The Dictionary of Public Administration defines Ombudsman as an independent, high-level official, usually with legal training, who is authorized to handle complaints from citizens who are not satisfied with the actions or inactions of any administrator in government, through the process of inquiring into the matters involved and making recommendations for appropriate solution (Raj, 1998; Sarker & Alam, 2010).

The Ombudsman system was first introduced in Tanzania in 1965 and later adopted by a significant number of African states as an instrument for making government responsible to the governed. By the mid 1980s, Ombudsman like other institutions had been established in three other Sub-Saharan African (SSA) countries and by 2005, the number of countries that adopted it had risen to 26 and they spread across central, eastern, southern and western Africa. Ombudsman all over the world is empowered to initiate investigations on matters within its competence, in addition to cases brought to before it by aggrieved citizens. The power to initiate investigations has proved very effective in curbing cases of repression and maladministration as experiences in the Scandinavian countries tend to suggest (Ayo & Anthony, 2011).

Currently, there are 34 Ombudsman institutions in Africa. The proliferation of Ombudsman institutions across the continent shows a commitment of government to embrace (or be seen to embrace) democracy and good governance, and to assist citizens who seek redress against maladministration to get some reasonable solutions.

Ombudsman interaction should lead to quality service, accountable governance and leadership, general improvement in public institutions and integrity in public service.

A number of African countries has a comprehensive legal framework for the establishment of the office of the Ombudsman and the public service. This framework covers both policy and operational issues. In a few countries in Africa, the institutions of Ombudsman is practiced by the constitution in addition to legislation, and are financially supported by the public, thereby guaranteeing their independence and effective functioning. Such arrangements provide the overall frame work within which the diversity of Ombudsman in Africa is acknowledged and its common purpose recognized. But it is rare that constitutional guarantee will provide complete solutions to every uncertainty that arises in administering laws and policies on administrative justice issues in Africa. Issues will continue to arise and they require the exercise of discretion, practical judgment and foresight(Mukoro,2005)

In Nigeria, Ombudsman is called the Public Complaints Commission (PCC). On the whole, whatever may be the name; there are similarities in purposes and functions. After gaining independence from the British colonialist, the Nigerian government did not deviate from the established practice of the colonial administration in relation to the protection of the rights of the citizens. The only available channel for citizens to challenge arbitrary and capricious actions of administrative officials is the conventional court of law. Justice in the administrative areas under this arrangement seems to be slow and wanting. By the mid-1970s, military rule in Nigeria, though an aberration, had become well entrenched in the polity.

Arising from the flagrant disregard of laid down rules, regulation and excessive administrative abuse of office were endemic among the civil servants before the advent of democratic government. The seeming need to conceal its dictatorial excesses led to the setting up of the Udoji Commission by the Military government of Murtala Mohammed in 1975 to review the system and make recommendations. However, outraged by an inept and moribund civil service system, the Commission recommended among others, the setting up of an Ombudsman institution in Nigeria as an independent arbiter. It was established by Decree No. 31 of 16th October, 1975 and amended by Decree No. 21 of 31st May, 1979 of that same year; the Public Complaints Commission was enshrined in the Constitution of the Federal Republic of Nigeria, under Section 274, during General Obasanjo's regime before handing over power to Shagari's era of the Second Republic.

During General Babangida regime, there was a National Assembly or what was known as the Third Republic which in 1990 encoded, all important and relevant military decrees into an Act of the National Assembly and was codified by Cap P37 LFN 2004. The law now also forms part of the 1999 Constitution of the Federal Republic of Nigeria. Section.315, (5) (b). Cap P.37 Laws of the Federation of Nigeria, 2004, consist of 12 sections. Section one deals with the establishment of the Public Complaints Commission; Section 2 is concerned with the appointment and tenure of office of the Chief and other Commissioners. Section 3 is on appointment and tenure of other staff; Section 4 is the application of Pension Act while Section 5 spells out the powers and duties of the Commission. Restriction, recommendation after investigation, offences and penalties, power to summon person's immunity from legal process, interpretations and short are treated in Sections 6, 7, 8, 9, 10, 11 and 12, respectively (Ngu, 2011).

In Nigeria, the recommendation of the Udoji Public Service Review to examine the organization, structure and management of public services and its reforms where desirable brought out the establishment of the Oyo State office of the PCC to produce its Annual Report for 2009. This Report is the 34th in the annals of the Commission and is a compilation of its activities from 1st January to December 31st, 2009. Traditionally, the Oyo State Public Complaint Commission report as in past years, continues to characterize the terrain that the Commission has trod through. That is, the challenges and successes that the institution experience in 2009.

Prior to the Fourth Republic in Nigeria, the dominant role of the military institution on the Nigerian state had been all pervading. This makes the PCC in Nigeria to be seen as working in tandem with past military rulers to deny the greater proportion of citizens' happiness. In the current democratic setting, democracy as a western concept allows for rule of law to prevail, freedom of speech to thrive, happiness of the citizens, popular participation of the citizens, and above all acceptance of peoples' fundamental human rights in Nigeria. Despite these features of democratic rule, there are factors militating against the operations of the Commission in Nigeria. These are prolonged military rule, interference by government, lack of funds, bureaucratic problem and inadequate institutional capacity to deal with cases brought before it (Awopeju & Oyewole, 2011).

1.2 Statement of the Problem

The establishment of Ombudsman across the globe was to address issues arising from misunderstanding and injustice among public institutions, public servants as well as members of the public. The institution is saddled with some responsibilities that include addressing and fostering good working relationship, promoting justice, equity and fairness among all parties that are involved.

All over the world, the Ombudsman institution has been largely used to address tensions that arise from maladministration. The Ombudsman has not only always played a complementing role alongside the traditional

mechanism of legal protection of citizens, but has also proved to be a means of redressing citizens' grievances (Daniel, 2013).

The annual report of the Commission between 2011 and 2015 gave the total number of cases received as two thousand three hundred and four (2,304). One thousand two hundred and forty two (1,242) cases were resolved while one thousand and sixty two (1,062) cases were still pending till 2016. In spite of its determination to achieve its objective, the Commission has not been to achieve much in Oyo State. This is so because of the inability of the Commission to sanction offenders after determination of the cases. This goes further to indicate that the Commission lacks adequate power to execute its mandate.

Furthermore, aside the capital of Oyo State which is Ibadan, other areas of the state such as Oyo West, Ogbomoso North, Orire and Ibarapa have little knowledge of the activities the Commission. Much has not been done in the area of awareness to intimate the general public to the essence and duties of the Commission.

The Commission at one point or the other has been accused of political interference. One of the instances of political interference is the wrongful appointment of Honorable Commissioner for the state which is usually done by the National Assembly. Not only that, there was a case of Oyo State' Street Sweepers brought to the Commission against Oyo State the Ministry of Environment. The Chief Executive of the state intervened to stop the Commission from further investigation into a matter. Though after some months of the said delay, all the outstanding arrears of salary of the street sweepers were paid.

Layana (2003) describes political interference as an act of meddling in decision making process of a society and such meddlesomeness are being done outside the confines of law.

Despite the constitutional provision and mandate that has been given to the Commission since its inception in Nigeria and Oyo State, in particular the administrative body has been facing some major setbacks in the state.

Although both the government and the Commission might have made moves, it seems that accessibility of the Commission by citizens in the nooks and crannies of the state has been seriously lacking. Consequently, the problem of accessibility has the tendency to adversely affect the redress of injustice in a given state, thereby affecting the citizens' patronage.

1.3 Objective of the Study

The main objective of the study is to explore the role of Public Complaint Commission in redressing injustice in Nigeria, using Oyo State as a case study.

Other specific objectives are to:

1. Evaluate the influence of investigative power of the Public Complaint Commission in redressing injustice in Oyo State
2. Find out the influence of awareness on the Public Complaints Commission's investigative activities in redressing injustice in Oyo State.
3. Examine the hindrances of effective performance of the Public Complaints Commission's investigative activities on the redress of injustice in Oyo State between 2011 and 2015.

1.4 Research Questions

1. What influence does the Public Complaints Commission's power of investigation have on redressing injustice in Oyo State?
2. How does awareness of investigative activities of the Public Complaints Commission affect redressing of injustice in Oyo State?
3. What are the hindrances to effective performance of the Public Complaints Commission's investigative activities on redressing of injustice in Oyo State between 2011 and 2015?

II. REVIEW OF RELATED LITERATURES

2.1 Concept of Ombudsman

The word 'Ombudsman' a derivative from a Swedish term means "agent or representative of the people or group of people." The modern form of the office originated from the *Justitie Ombudsman*, which was established by the Swedish constitution of 1809 to oversee the parliament and supervise public administration in government. In general, the Ombudsman office today deals with complaints from the public regarding decisions, actions, or failures to act by public administrative authorities. While the function of an Ombudsman office is tailored to the political culture and historical context of a particular country, some common themes emerge in virtually all institutions.

The Ombudsman office is not a judicial body and typically has only limited, if any, power to enforce orders or reverse administrative action. Rather the Ombudsman's principal approach is to seek solutions to problems through investigation and conciliation. The authority and influence of the office derives from its basis in law, its mandate to report to one of the principal organs of state (usually the parliament or chief executive),

and its power to publicize findings and reports on administrative actions and procedures (NDI, 2005). In lay terms, the Ombudsman exists to make the bureaucratic world under the authority of the state a better place for ordinary people to conduct their affairs. Citizens approach the Ombudsman if they are unhappy with the way a government institution has treated them. For example, they could do so if they believe that a decision against them was unfair or that the procedures used to make the decision were inappropriate.

National government as well as some international organizations has started creating anti-corruption agencies and ethical bodies with large sum of money with a view to enhancing good governance and good ethical practice in Africa's public institutions. Examples of these bodies are the United Bank, the Common Wealth, the African Association for Public Administration and Management, among others. What comes from these shades of opinions between state organs and international enquiry is the need for the institution of the Ombudsman that will be strengthened throughout Africa. The situation before now was its non – existence in many countries of Africa. Mukoro (2005) summarized the whole essence as follows;

the number of S.S.A (Sub-Sahara Africa) countries with Ombudsman institution increased from six (Tanzania, Ghana, Zambia, Sudan, Nigeria and Zimbabwe) in the late 1980's to about twelve in 1995 with Malawi, Namibia, Senegal and South Africa among the new comers. (p. 4)

By 2005, the number of the countries that adopted it had risen to twenty-six and they spread across central, eastern, southern and western Africa.

Adamolekun (2006) argued that the performance of the Commission is significantly among the countries that have established it in Africa. But in each of the cases, the existence of the office of the Ombudsman reflects on affirmation of commitment to assisting citizens who seek redress against maladministration to get some reasonable solutions. This is a signal to public officials in Africa that there is need to treat citizens with fairness and impartiality. Several countries in Africa have now realized the need to adopt the Ombudsman plans and anti-corruption institutions in their bureaucracies (Adamolekun, 2006, p. 6).

One fact however, remains very fundamental; the erected institutions for seeking redress have not succeeded in raising the level of accountability and good governance in Africa (Olowu, 2007). The system whether in grievance or through the operations of the public service shows signs of defects. This is because not only is there a wide gap between the government and the people, leadership indulges in gross disregard for the rule of law and abuse of power. Although alienation of state from society and the perception of the state as a hostile force, reasonably leads to a lost of faith in the system.

2.2 The Concept of Justice

Creyke and Mc. Millan (2005) emphasize that Justice as expressed in the legal system of any state is inevitably contingent and at best an approximation of a Platonic ideal. There will be shortcomings in the legal system of any country and these are attributable to some reasons. With regards to the administrative law component of a legal system, the singular fact that they are "administrative" processes that are under scrutiny will readily provide one explanation for the failure to measure up to any absolute standard. Not surprisingly, the preamble to the South African Promotion of Administrative Justice Act 2000 states the need to balance "efficient administration" with administrative law rights bestowed upon the people. Those seeking a definition of "administrative justice" will thus need to recognize that the essence of the concept is tempered by conflicting (and legitimate) interests.

Makpodea (2011) stresses that the cry for equal justice under law has been on through the centuries. Although justice may be separated from law and even from equality, the link between these three terms has supported the development of the third great institution of government, that is, the judiciary. In other words, the inevitability of conflicts, differences in opinions and the rise of unforeseen circumstances in the functioning of society and other social systems, such as the public and private schools, have necessitated the obvious need for an agency that will resolve conflicts when they arise. This is necessary for the society or institution within it to operate with some degree of efficiency.

Creyke (2007) claims that the first attempt at a systematic analysis of administrative justice in Australia occurred in 1999 at the annual conference of the Australian Institute of Administrative Law, the theme of which was 'Administrative Justice - The Core and the Fringe'. Many facets of administrative justice were discussed, but as the editors of the resulting publication pointed out, the notion is an elusive one and 'those seeking a definition of "administrative justice" will ... need to recognize that the essence of the concept is tempered by conflicting (and legitimate) interests.

Administrative justice's philosophy is an administrative decision-making of the right and interest of individual that should be properly safeguarded (Creyke, 2007). The juxtaposition of 'administrative' and 'justice' makes this uncertainty inevitable, since it involves balancing the distributive justice focus of public administration against individual interests. This is the central conundrum in assessing what administrative justice is. That conundrum was discussed by Professor John McMillan in the context of the place of tribunals in the system of administrative review, albeit in words which could apply equally to administrative justice. As he

pointed out, agencies must balance justice in the individual case with other imperatives, such as government policy, consistency, and the need for efficient operation within budgetary constraints (Creyke, 2007). Other researchers in the field of administrative justice take a different view. Since 'justice' focuses on the recipient, it is the recipient's interests that should predominate. It follows that 'administrative justice' should be equated with 'social justice' or 'justice for individuals'. Social perspective is reflected in the notion that is inherent in administrative justice and its purpose is to safeguard the rights and interests of individuals. This is to be achieved by effecting just administrative outcomes and fairness in administrative law processes. An example of this perspective is found in commentary on the office of the Ombudsman, a facility of particular relevance for disadvantaged groups such as prisoners or those in remand centre.

2.3 Concept of Civil Liberty

Kapur (2014) asserts that civil liberty is the personal liberty of individuals, either by themselves or in association with one another, to choose and pursue objectives which they deem good, provided that all enjoy liberty equally. It is both positive and negative in character and includes individual's right to free action and immunity from interference provided it does not interfere with the identical liberty of others. All these essential rights must be clearly guaranteed and protected from arbitrary interference from other citizens and government officials.

The civil liberty of individuals is protected against encroachment on the part of other individual or association of individuals by the laws of the state, enforced by the organs of government, especially the police and courts. If one's liberty is infringed upon by the action of another person, the laws of the State could come to rescue in the realization of the affected person's liberty. It means an adjustment of the relations of the individual through the law of the State. The adjustment of man's relation to his fellowmen was one of the chief purposes for which the State came into being. With the passage of time, there was further refinement and the State recognized the basic right of man, made them definite and equally enjoyable by all classes in State, and assured to all of protection against encroachments.

Douglas (2011) argues that civil liberties are not identical with human rights and differ according to the prevailing moral code of the society. They constitute a set of mutually agreed criteria for behavior that societies adopt in order to provide an acceptable working framework for co-existence. The way in which a right may be modified by code of civil liberties depends on whether the right is absolute or conditional

2.4. Theoretical Framework

The study, Role of Ombudsman in Redressing Injustice cannot be complete without situating the subject under theoretical framework that would provide the foundation for which prediction is made. The two theories that would be used to explain the realities on the subject matter are social justice theory and utilitarian theory.

2.4.1 Social Justice Theory

The social justice theory that is most suitable for this work was first propounded by Plato and later adopted by John Rawl. The history of the state in the Plato's Republic culminates in the conception of justice and is the bond which holds a society together, a harmonious union of individuals each of whom has found his life work in accordance with his natural fitness and his training. It is both a public and a private virtue because the highest good of the state and of its members is thereby conserved. There is nothing better for a man than to have his work and to be fit to do it; there is nothing better for other men and for the whole society than that each should thus be filling the station to which he is entitled.

Society justice thus may be defined as the principle of a society, consisting of different types of men... who have combined under the impulse of their need for one another, and by their combination in one society, and their concentration on their separate functions, have made a whole which is perfect because it is the product and the image of the whole of the human mind. (p.54)

This is Plato's elaboration of the prima facie definition of justice as "giving to very man his due." For what is due to him is that he should be treated as what he is, in the light of his capacity and his training, while what is due from him is the honest performance of those tasks which the place accorded him requires.

2.4.2 Utilitarianism

Jeremy Bentham and John Stuart Mill are the progenitors of this theory. Utilitarianism is a theory in normative ethics holding that the proper course of action is the one that maximizes utility and is usually defined as maximizing total benefit and reducing suffering or the negatives. In utilitarianism, the moral worth of an action is determined only by its resulting consequences and not necessarily how the result is achieved. In a fragment of government, Bentham (1776) says it is the greatest happiness of the greatest number that is the measure of right and wrong, and describes this as a fundamental axiom.

Mill (1998) refers to “the principle of utility” but later prefers “the greatest happiness principle and thus stress that:

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do... By the principle of utility is meant that principle which appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or to oppose that happiness. I say of a private individual, but of every action measure of government.(p.56)

The underlying explanation of this theory, that is, “principle of utility” was supported by Bentham (2009, p.1) that an action must be directed towards satisfying the citizens. In the governance parlance, action must be geared toward satisfying the citizens. The theory as explained by Mill places emphasis on happiness and pleasure as things that are desirable to every individual.

Mill (1998) opines that the principle of utility does not mean that any given pleasure, as music, for instance, or any given exemption from pain, for example, health, is to be looked upon as means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves; besides being means, they are a part of the end. Virtue, according to the utilitarian doctrine, is not naturally and originally part of the end, but it is capable of becoming so; and in those who love it disinterestedly have become so, and is desired and cherished, not as a means to happiness, but as a part of their happiness.

III. METHODOLOGY

3.1. Research Design

The study adopted a survey design to explore the role of the Public Complaints Commission in redressing injustice in Oyo State between 2011 and 2015. This study adopted survey design which enabled the researcher to rely on inferences about the targeted population from the investigation of the sample. The research was survey design that involves quantitative data method. The survey instruments that the researcher used to obtain quantitative data was questionnaire. The researcher considered the instrument to be appropriate for the study because it allowed the collection of large and standardized data from the study population. Data were also obtained from newspapers, journals, special reports and archives in order to have a critical evaluation of the study.

3.2. Area of Study

The study focus mainly on the Public Complaint Commission in redressing injustice in Oyo State between 2011 and 2015.. The cases before 2011 will not be considered and the year after 2015 which has not ended could not be part of the investigation. In addition, cases between two governments as well as court cases will not be in the study. The office of the Public Complaint Commission is in Ibadan, the capital of Oyo State as well as the government ministries, department and agencies. It also covers local governments and members of the public in Oyo State. The Oyo State Public Complaint Commission is chosen because it has zonal offices at four strategic cardinal locations in the state. These are Onireke, Oyo, Saki and Ogbomoso. They will enable the citizens to get access to lodge complaints with the Commission and this will help the Commission to cover the whole state in resolving grievances that are brought to it.

3.3. Population of the Study

The central focus of this study is Oyo State and 35, 730 population was adopted for the study. This population consisted of 22,571 for the 19 Ministries and their Agencies, 13, 068 for the 33 Local Governments; 51 for the Public Complaint Commission and 40 for the members of the public in Oyo State.

The Institutions and population in Oyo State selected were depicted diagrammatically as follows:

Tables 1: Institutions and Population of Oyo State

S/N	I n s t i t u t i o n s	P o p u l a t i o n	S a m p l e s i z e
1 .	Ministries, Departments and Agencies	2 2 , 5 7 1	1 8 2
2 .	L o c a l G o v e r n m e n t s	1 3 , 0 6 8	1 7 8
3 .	P u b l i c C o m p l a i n t C o m m i s s i o n	5 1	2 0
4 .	M e m b e r s o f P u b l i c	4 0	1 6
	T O T A L	3 5 , 7 3 0	3 9 6

Source: Field Survey, (2017)

3.4. Sample Size and sampling Technique

Sample size is a process of selecting a proportion of the population considered adequate to represent all existing characteristics with the target of population for the purpose of generalizing the findings (Yamane, 1964).

However, the total population of the study was thirty five thousand seven hundred and thirty (35,730), and a sample size of three hundred and ninety six (396) was chosen from this population. Since the population under study is finite, a finite population characteristic formula for sample size determination was used. The Yaro Yamane's formular in Osuala (2011) for sample size determination for a finite population characteristic was hereby adopted in this study.

The formula

$$\frac{n = N}{I - N(e)^2}$$

Where n= sample size

N = Population design

e = Error margin

I = mathematical constant

The researcher applied the above formula to determine the sample size of the study as follows:-

n = sample size (to be calculated)

N = 35,730

$\alpha = 5\% = 0.05$

Hence n = 35,730

$$\frac{35,730}{1 + 35,730(0.05)^2}$$

$$= \frac{35,730}{1 + 89.33}$$

$$= \frac{35,730}{90.33}$$

$$= 396$$

n= 396

Therefore, the sample for this study was three hundred and ninety six (396)

3.5 Sampling Techniques

Oyo State was selected as center of analysis because it was assumed by the researcher to be the traditional headquarters of the South West geo-political zone that started redressing injustice immediately after the promulgation of Decree 31 of 1975 for the operation of the Commission. The strategy for selection of sample size involved both stratified and purposeful sample procedures.

The stratified sampling technique was used to select respondents for the administration of questionnaire since all the MDAs, Local Governments, Public Complaint Commission and members of the public were too cumbersome to cover. While purposive sampling techniques was used to select respondents for interview. The choice of the purposive sampling techniques was as a result of the researcher's belief that certain primary data were required for the study and could only be provided by certain individuals in the Ministries, Departments, Agencies of State government, Local Governments, Ombudsman office and the public.

3.6. Method of Data Collection

The primary data were generated through the questionnaire and administered to Public Officers in the MDAs, Local Governments, Public Complaint Commission and few members of the public in Oyo State who were purposively selected. Data were collected from (10) ten selected ministries which were: Ministry of Health, Ministry of Education, Ministry of Justice, Ministry of Works and Transport, Ministry of Lands, Housing and Survey, Office of Surveyor General (State), Ministry of Culture and Tourism, Ministry of Establishment and Training, Ministry of Youth and Sport and Ministry of Finance. Eighteen (18) questionnaire were administered to each ministry except Ministry of Health with 22 questionnaires because of its large in population. Twenty-nine (29) questionnaires were administered to each of the six (6) selected Local Governments while thirty-three questionnaires were administered to Ibadan North East Local governments out of the six selected local government because of its large population.

These councils that were used are Oyo West and Ibadan Nort-East from Oyo Central, Ogbomosho North and Orire from Oyo North, Ibarapa and Ido Local Government from Oyo-South. Twenty (20) questionnaires were administered to senior public servants in the Public Complaint Commission. This was to generate the data base on their length of training and experience on the work. 15 questionnaires were administered to the member of the public in order to gather data from a wider source.

3.7. Validity and Reliability of the test instrument

The item on the questionnaire gave face and content by the use of expert opinion and the approval of the supervisor of the research work. The measuring instrument was validated by the department of political science and public administration as well as knowledgeable scholars in the areas of public administration.

Furthermore, the study was also validated by the methodologist P.G. School as well as Babcock University Health Research Ethics committee (Buhrec)

3.8. Method of data Analysis

The returned questionnaire were analyzed by using descriptive statistics of frequency counts and percentage from the 4 scale unit of responses, tailored along the Likert scaling model, ranging from strongly agree (SA) to strongly disagree (SD). The responses obtained were used to answer the research questions and to analyze other relevant questions in the questionnaire. The primary data was also analyzed, using measure of central tendency and linear regression analysis techniques with the aid of statistical package for social science (SPSS) software. The researcher carried out inferential statistics in testing questions that were formulated, using linear regression analysis and interview questions to complement the data gathered from questionnaire responses.

IV. DATA PRESENTATION AND ANALYSIS

4.1 Demographic Data of the Respondents

Section A: Analysis of Bio-Data

Table 3: Frequency Distribution of Respondents by Sex.

S e x	F r e q u e n c y	P e r c e n t (%)
M a l e	2 1 8	5 5 . 0
F e m a l e	1 7 8	4 5 . 0
T o t a l	3 9 6	1 0 0 . 0

Source: Field Work, 2017

Table 3 shows that 218 of the respondents which is 55% were males while 178 which is 45% were females. This shows that respondents from both sexes were represented.

Table 4: Frequency Distribution of Respondents by Age

A g e	F r e q u e n c y	P e r c e n t (%)
2 1 - 3 0	9 0	2 3 . 0
3 1 - 4 0	1 3 4	3 4 . 0
4 1 - 5 0	1 2 3	3 1 . 0
5 0 a b o v e	4 8	1 2 . 0
T o t a l	3 9 6	1 0 0 . 0

Source: Field Work, 2017

Table 4 reveals that 23% of the respondents were between age 21-30yrs; 34% were between age of 31-40; 31% were between the age of 41-50 while 12% of the respondents were 50 years and above. This showed that majority of the respondents are mature to work.

Table 5: Frequency Distribution of Respondents by Educational Qualification

Q u a l i f i c a t i o n	F r e q u e n c y	P e r c e n t (%)
S S C E / G C E / O . L	3 5	9 . 0
H S C / A . L / O N D / N C E	9 4	2 4 . 0
B . A / B S c / H N D	2 3 3	5 9 . 0
M a s t e r s / P h . D	3 4	8 . 0
T o t a l	3 9 6	1 0 0 . 0

Source: Field Work, 2017

Table 5 indicates that 35 which is 9% of the respondents were SSCE/GCE/O.L holders; 94 which is 24% of the respondents were HSC/A.L/OND/NCE holders; 233 which is 59% of the respondents were B.A/BSc/HND while 34 which is 8% of the respondents were Masters/Ph.D holders. This indicates that most of the respondents are well educated

Table 6: Frequency Distribution of Respondents by Marital Status.

M a r i t a l s t a t u s	F r e q u e n c y		P e r c e n t (%)			
M a r r i e d	3	0	0	7	6	. 0
S i n g l e	8		2	2	1	. 0
D i v o r c e e	0		8	2		. 0
W i d o w / w i d o w e r	0		6	1		. 0
T o t a l	3	9	6	1	0	0 . 0

Source: Field Work, 2017

Table 6 reveals that 300 of the respondents which is 76% were married; 82 which is 21% of the respondents are single; 8 which is 2% of the respondents were divorced while 6 which is 1% of the respondents were widow/widower. This shows that the majority of the respondents are mature to work.

4.2. Respondent from the subject matters
Section B: Analysis of the Research Questions

Table 7: Power of investigation given to Public Complaints Commission influences administrative injustice in Oyo State

R e s p o n s e s	F r e q u e n c y		P e r c e n t %			
S t r o n g l y a g r e e	1	2	7	3	2	. 1
A g r e e	2	3	3	5	8	. 8
D i s a g r e e	2		4	6		. 1
S t r o n g l y d i s a g r e e	1		2	3		. 0
T o t a l	3	9	6	1	0	0

Source: Field Work, 2017

Table 7 indicates that 32.1% strongly agreed and 58.8% agreed. Both were of the view that the Public Complaints Commission’s power of investigation influences the redress of injustice while 6.1% disagreed and 3.0% strongly disagreed on the issue, respectively. This shows that the powers given to the Public Complaints Commission influences the redress of injustice in Oyo State.

Table 8: Awareness influences PCC’s investigative activities in redressing injustice in Oyo State

R e s p o n s e s	F r e q u e n c y		P e r c e n t %			
S t r o n g l y a g r e e	1	4	1	3	5	. 6
A g r e e	2	3	0	5	8	. 1
D i s a g r e e	1		7	4		. 3
S t r o n g l y d i s a g r e e	8			2		. 0
T o t a l	3	9	6	1	0	0

Source: Field Work, 2017

Table 8 shows that 35.6% strongly agreed and 58.1% agreed that the level of awareness of the Commission’s investigative activities affect redress of grievances for the citizens of Oyo State, while 4.3% disagreed and 2.0% strongly disagreed with the view, respectively. This shows that the level of awareness hinders the Commission’s investigative activities of redressing injustice for the citizens in Oyo State.

Table 12: There is low performance in the operations of the Public Complaints Commission in Oyo State from between 2011 and 2015

R e s p o n s e s	F r e q u e n c y		P e r c e n t %			
S t r o n g l y a g r e e	5		5	1	3	. 9
A g r e e	2	2	5	5	6	. 8
D i s a g r e e	9		8	2	4	. 7
S t r o n g l y d i s a g r e e	1		8	4		. 6
T o t a l	3	9	6	1	0	0

Source: Field Work, 2017

Table 12 shows that 13.9% strongly agreed and 56.8% also agreed that the Commission performed low in redressing administrative injustice between 2011 and 2015. While 24.7% disagreed, 4.6% strongly disagreed,

respectively. This indicates that the Commission has been reducing mal-administration or administrative injustice between 2011 and 2015 in Oyo State.

Table 15: Insufficient funding affects the investigative activities of the Commission

R e s p o n s e s	F r e q u e n c y			P e r c e n t %		
S t r o n g l y a g r e e	1	5	2	3	8	. 4
A g r e e	1	8	4	4	6	. 5
D i s a g r e e	4		2	1	0	. 6
S t r o n g l y d i s a g r e e	1		8	4		. 5
T o t a l	3	9	6	1	0	0

Source: Field Work, 2017

Table 15 reveals that 38.4% strongly agreed and 46.5% agreed that insufficient funding affected the activities of the Commission. 10.6% disagreed and 4.5% strongly disagreed, respectively. This shows that insufficient funding affects the activities of the Commission.

5. Test of hypothesis

4.1.1 Test of Objective One

Research objective 1: Evaluate the influence of investigative power of the Public Complaints Commission on redress of injustice in Oyo State

Research question 1: What influence does the Public Complaints Commission’s power of investigation have on injustice redressing in Oyo State?

Table 19: Goodness of fit of the Model

Model	R	R square	Adjusted R square	Std. Errors of the estimate		
1	. 960 ^a	. 921	. 881	3	5	. 64197

a. Predictors: (constant) IPC

Source: Research’s Computation using SPSS, (2016)

Table 19 shows R square gives 0.921 which stipulates that about 92.1% of respondents agreed that the investigative power that was given to the Commission influenced it to redress grievances. The adjusted R square which tends to correct R square closely to reflect the goodness of the fit of model is 0.881.

Table 20: Regression Result of the Model

Model	Unstandardized coefficient		Standardized coefficient		T	Sig.
	B	Std. Errors	Beta			
1(constant)	291.000	43.653			6.666	.022
IPC	-76.900	15.940		-.960	-4.824	.040

a. Predictors: (constant) IPC

Source: Research’s Computation using SPSS, (2016)

Table 20 depicts the coefficient of the investigative power of the Commission which is represented by IPC = -76.900. The level of significance of the independent variable (power of investigation) is 0.040 which is lower than the significant level of 0.05. Hence this shows that there is predominance of opinion that the PCC’s power of investigation will enable it to redress administrative injustice. Therefore, the model that can be formulated from the table is as shown below:

$$PCC = \alpha_0 + \alpha_1 IPC + \mu$$

$$PCC = 291.0 - 76.9 IPC$$

Table 21: ANOVA

	Sum of square	D f	Mean square	F	S i g
Regression	29568.050	1	29568.050	23.276	.040 ^a
Residual	2540.700	2	1270.350		
Total	32108.750	3			

a. Predictors: (constant) IPC

b. Dependent variable: PCC

Source: Research’s Computation using SPSS, (2017)

It is evident from Table 21 that on the basis of prob. (F-Stat), the simultaneous influence of the independent variable (IPC) is insignificant (Prob. F-Stal = .040 < 0.05).

Interpretation of the Results

The result shows that the power of investigation given to the Commission will enable it to redress administrative injustice for the citizens who have been administratively wronged in Oyo State.

4.1.2 Test of Objective Two

Research Objective 2: Find out the influences of awareness of the Public Complaints Commission’s investigation on redress of injustice in Oyo State.

Research question 2: How does awareness of investigative activities of Public Complaints Commission affect redress of injustice Oyo State?

Table 22: Goodness of fit of the model

Model	R	R square	Adjusted R square	Std. Errors of the estimate
1	.959 ^a	.920	.880	3.691206

a. Predictors: (constant) IAC

Source: Research’s Computation using SPSS, (2017)

Table 22 depicts that R square 0.920 which stipulates that 92.00% of respondents agreed that awareness of investigative activities of the Commission will make citizens become fully aware of how to seek redress in case of any maladministration in Oyo State. The adjusted R square which tends to correct R-square closely reflects the goodness of the fit of the model is 0.880.

Table 23: Regression Results of the Model

Model	Unstandardized coefficient		Standardized coefficient	T	Sig.
	B	Std. Errors	Beta		
1(constant)	296.500	45.208		6.559	.022
IAC	-79.000	16.508	-.959	-4.786	.041

a. Dependent variable: PCC

Source: Research’s Computation using SPSS, (2017)

Table 23 reveals the coefficient of lack of awareness of investigative activities which is represented by IAC = -79.0. The level of the significant variable is 0.041 which is lower than the significant level of 0.05. Hence this shows that the level of awareness of the Commission’s investigative activities in the nooks and crannies of Oyo State. Therefore, the model that can be formulated from the table is as shown below:

$$PCC = \alpha_0 + \alpha_1 IAC + \mu$$

$$PCC = 296.5 - 79 IAC$$

Table 24: ANOVA

	Sum of square	D f	Mean square	F	S i g
Regression	31205.000	1	31205.000	22.903	.041 ^a
Residual	2725.000	2	1362.500		
Total	33930.000	3			

a. Predictors: (constant) IAC

b. Dependent variable: PCC

Source: Research’s Computation using SPSS, (2017)

It is evident from Table 24 that on the basis of prob. (F-Statistic), the simultaneous influence of the independent variable (awareness) is significant (Prob. F-Stal = .040 < 0.05).

Interpretation of the Results

The result showed that awareness of investigative activities of the Commission will make citizens become fully aware of how to obtain redress in case of any maladministration in Oyo State.

4.1.3 Test of Objective Three

Research Objective 3: To examine the hindrances to the effective performance of the Public Complaints Commission’s investigative activities on redress of injustice in Oyo State between 2011 and 2015.

Research Question 3: What are the hindrances to the effective performance of the Public Complaints Commission investigative activities on redress of injustice in Oyo State between 2011 and 2015?

Table 25: Goodness of fit of the model

M o d e l	R	R S q u a r e	A d j u s t e d R S q u a r e	Std. Errors of the estimate
1	. 9 5 1 ^a	. 9 0 4	. 8 5 7	3 4 . 1 2 6

a. Predictors: (Constant) HPC
 Source: Research’s Computation using SPSS, (2017)

Table 25 reveals that R square gives 0.904 which stipulates that 90.04% of the respondents agreed that the Commission’s investigative activities have been able to reduce maladministration drastically for the citizens since 2011. The adjusted R square which tends to correct R square closely reflects that the goodness of the fit of the model is 0.857.

Table 26: Regression result of the model

M o d e l	U n s t a n d a r d i s e d c o e f f i c i e n t		S t a n d a r d i z e d		T	S i g .
	b.	Std. Errors	B	e t a		
1 Constant HPC	-67.000	41.796	. 9 5 1		-1.603	.250
	66.400	15.262			4.351	.049

b. Dependent Variable: PCC
 Source: Research’s Computation using SPSS, (2017)

Table 26 shows the coefficient of the performance of investigative activities of the Commission which is represented by HPC = 66.4. The level of significance of the independent variable is 0.049 which is lower than the significant level of 0.05. Hence this shows the level of investigative activities of the Commission between 2011 and 2015 in Oyo State. Therefore, the model that can be formulated from the table is as shown below:

$$PCC = \alpha_0 + \alpha_i HPC + \mu$$

$$PCC = -67.0 + 66.4 HPC$$

Table 27: ANOVA

	S u m o f S q u a r e	D e g r e e o f F r e e d o m	M e a n S q u a r e	F	S i g .
Regression	2 2 0 4 4 . 8 0 0	1	2 2 0 4 4 . 8 0 0	1 8 . 9 2 9	0 . 4 9 ^a
Residual	2 3 2 9 . 2 0 0	2	1 1 6 4 . 6 0 0		
T o t a l	2 4 3 7 4 . 0 0 0	3			

a. Predictors: HPC
 b. Dependent Variable: PCC
 Source: Research’s Computation using SPSS, (2017)

It is evident from Table 27 that on the basis of prob. (F - Statistic), the simultaneous influence of the independent variable HPC is insignificant (Prob. F - Stal = 0.049 < 0.05)

Interpretation of Results

The result reveals that the performance of the Commission’s investigative activities has reduced maladministration or injustice drastically in Oyo State between 2011 and 2015.

4.1.4 Discussion of Findings

Research Question One: What influence does the Public Complaints Commission’s power of investigation have on redressing injustice in Oyo State?

Test of Objective One indicated that investigative power given to the Public Complaints Commission will enable it to redress administrative injustice of the citizens in Oyo State. Table 20 shows that the coefficient of investigative power which is represented by IPC is – 76.900. The level of the significant of the independent

variable is 0.40 which is lower than significant level of 0.05. It was also observed from Table 19 that R square gives 0.291 which stipulated that about 92.1 percent of the respondents agreed that the investigative power given to the Commission influences it to redress grievances. Table 7 showed that 58.8 percent of the respondents agreed that the power of investigation given to the Public Complaints Commission influences administrative justice because he/she has the power to investigate, report and make recommendations on individual cases, administrative procedure and relevant system-wide changes (Ayeni, 2009)...

Findings from the majority of the respondents interviewed unanimously agreed that the power of investigation given to the Commission to redress injustice was a good step in the right direction if it was thorough but the power was not adequate for its operation. Some agreed that the PCC's investigative activities of redressing injustice had sent a good signal to most of the senior officers to treat their subordinates fairly well in Oyo State and that the Commission needs additional power to enable it discharge its investigative role of resolving grievance efficiently in Oyo State.

Research Question Two: How does awareness influence investigative activities of the PCC in redressing injustice in Oyo State?

Test of Objective Two shows that the level of awareness influences the Commission's investigative activities to obtain administrative justice for the citizens in the case of any mal-administration in most of the organizations in Oyo State. Table 23 reveals that the coefficient of publicity which is represented by LAC is -79.0. The level of significant of independent variable is 0.04 which is lower than the significant level of 0.05. It is also observed from Table 22 that R square gives 0.920 which stipulates that 92 percent of the respondents agreed that awareness affects the investigative activities of the Commission to obtain administrative justice for the citizens in case of mal-administration in their organizations. Table 8 indicates that majority of the respondents who constitute about 58.1 percent agreed that awareness affects the investigative activities of the Commission in redressing injustice for the aggrieved citizens of Oyo State.

Research Question Three: What are the hindrances to the effective performance of the PCC's investigative activities on redress of injustice in Oyo State between 2011 and 2015?

Test of Objective Three shows that the performance of investigative activities of the Commission has reduced mal-administration or injustice drastically for the citizens of Oyo State. Table 26 reveals that the coefficient of the level of performance of the Commission which is represented by HPC = 66.4. The level of the significance of the independent variable is 0.049 which is lower than the significant level of 0.05. It was also observed from Table 26 that R square gives 0.904 which stipulates that 90.04 percent of respondents agreed that the Commission's investigative activity has reduced maladministration drastically for the citizens since its inception. From Table 11, 37.6 percent of the respondents who constituted less than half of the respondents strongly agreed that the Commission concludes complaint of its investigative activities within a year when they were lodged by the citizens at the office of the PCC in Oyo State. 41.9 percent of the respondents who constituted about half of the respondents disagreed with the view that the Commission concludes investigations on complaints within a year that citizens lodged the cases at the PCC's office. This shows low level of performance by the Commission in Oyo State. Table 12 shows that 56.8 percent of the respondents who constitute more than half of the respondents agreed that the Commission has been able to reduce maladministration or injustice between 2011 and 2015 in Oyo State.

V. SUMMARY

The study commenced with an outlook on the Nigerian environment as it relates to the role of Ombudsman. It reveals the focused, impartial and meticulous manner in which the Public Complaints Commission and investigative complaints lodged to its office against all forms of administrative injustice in the government or private circle. Its manner of operations has being to establish truth or otherwise of the complaints by seeking redress for the complainants after the Commission is sure that the complainants have genuine cases. The Commission will go ahead to appropriate recommendation of the defendant or offending authority, be it a government ministry, department, parastatal, agency, a private organization or among the member of the public to take the right remedial action and to correct the administrative injustice against the complainants (Annual Report, 2009). The study aimed to explore the role of the Public Complaints Commission in redressing injustice in Oyo State, Nigeria. Data were obtained from 396 participants through well filled questionnaire and 48 were selected among the 396 for the interview.

VI. CONCLUSION

From the foregoing, it is obvious that the study generally revealed various hindrances, extent of power, level of performance and awareness of Public Complaints Commissions' investigative activities in redressing injustice. It is evident that most of the hindrances have their causes and were traced to the government. Such causes on the part of government include inability to fund the Commission adequately and lack of awareness of the citizens about the activities of the Public Complaints Commission.

Despite the efforts of government on the establishment of the Commission, administrative cases are widespread in the state. This is because the powers of the Commission was inadequate to effectively resolve grievances. In view of the above, redress of injustice has not been much achieved in Oyo State.

VII. RECOMMENDATIONS

In view of the findings of this study and the conclusion stated above, the following recommendations are inevitable, if Public Complaints Commission is to play important role for its efficient performance in redressing injustice in Oyo State.

1. Federal government should endeavor to review ACT CAP 377, Section 273(5) of the constitution that established the Commission because its power was restricted to sanction the offenders who refuse to obey the Commission's recommendations after resolving administrative grievances for the citizens in Oyo State. Therefore, the power has to be reviewed in order to make the Commission enforce sanction on the offenders since this would enhance the performance of the Commission in resolving administrative grievance for the citizens in Oyo State.
2. There should be improvement on public awareness for the Commission' services. Both the Federal government and the Public Complaints Commission should take cognizance of wider publicity as it affects citizens' patronage and activity of the Commission in redressing injustice. It should also be added that concerted effort should be made by the Commission, National Orientation Agency and media houses to organize jingles to educate citizens on the importance of the Commission's services. This would go along way in giving the activities of Public Complaint Commission wider publicity in the nooks and crannies of Oyo State.
3. The National Assembly should appoint seasoned Ombudsmen who are not politicians but technocrats or experienced retired civil servants, judges, lawyers or retired high-ranking police officer as the chief/state Commissioner to manage the affairs of the Commission.

REFERENCES

- [1]. Adamolekun, L. (2006). *Politics, Bureaucracy and Development in Africa*, Ibadan: Spectrum Book Ltd
- [2]. Awopeju, A. & Oyewole, A. (2011). An Assessment of the Cases of Ombudsman (Public Complaints Commission) as a Tool of Accountability in Ondo-State: *Journals of sustainable development in Africa*, 13 (4).
- [3]. Ayo, A. & Anthony, O. (2011). An Assessment of the Cases of Ombudsman as a Tool for Accountability in Nigeria. *Journal of Sustainable Development in Africa*, 13(4),61-71.
- [4]. Creyke, R, & McMillan, J. (2005). *Control of Government Action: Text, Cases and Commentary*. London: Butterworth's. Clark (ed.). Peace Studies and Conflict Resolution in Nigeria: A Reader, Ibadan: Spectrum Books Limited. *International Ombudsman Conference Papers, Canberra, Canadian Federal corrections* 15 (5) : 15-24.
- [5]. Creyke, R. & Macmillan, J (2007). *Administration Justice – Towards integrity in Government*, *Journal of law Review*, 3, 708-709
- [6]. Douglass, C. (2011). A Conflict of Interest, Human Rights, Civil Liberties and Water Fluoridation [http://www.ulccat.org/files/humanright civil liberties and water fluoridation.pdf](http://www.ulccat.org/files/humanright%20civil%20liberties%20and%20water%20fluoridation.pdf)
- [7]. Fajonyomi, B. S. (2012). Ombudsman in Public Administration. In I. Olojede & Fajonyomi (eds) *Essential of Public Administration*, Lagos: LASU Publisher
- [8]. Kapur, A.C (2014). *Principle of Political Science*, New Delhi, S. Chard and Company ltd.
- [9]. Makpodea, E. D. (2011). Appraisal of the use of Law Courts in the Administration of Justice: A Case Study of Delta State Secondary School Nigeria. *Journal of Public Administration and policy research*. 3(7): 213-219.
- [10]. Mukoro, A. (2005). *The Ombudsman Phenomenon in African State Public Service*, A Seminar Paper Presented at Obafemi Awolowo, Ile-Ife, Osun State.
- [11]. NDI (2005). The role and Effectiveness of the Ombudsman institution: Working to strengthen and expand democracy world wide, *Rights consortium rule of law source paper*, Washington D C: freedom House
- [12]. Ngu, S. M (2011). *The Ombudsman in Theory and Practice*, Zaria: Amadu Bello University Press Limited

- [13]. Olowu, D. (2002). Accountability and Transparency. In Adamolekun Ladipo (ed) *Public Administration in Africa*. Ibadan: spectrum books Limited
- [14]. Premchand, L (n.d). Social Justice and Rawls' Difference Principle. *Essex Student Research Online* 9 (2): 1-3. www.1.essex.ac.uk
- [15]. Sultana, R. (2007). *The Ombudsman question*, Lucknow. Universal Press.

Moshood Kayode Lawal. " The Ombudsman and Redress of Injustice in Nigeria: Remedies for the Improvement." IOSR Journal of Humanities and Social Science (IOSR-JHSS). vol. 24 no. 05, 2019, pp. 04-18.