EFFECTIVE INSTITUTIONAL FRAMEWORK OF CONSUMER PROTECTION: AN INDISPENSABLE TOOL FOR ECONOMIC DEVELOPMENT IN NIGERIA

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Abstract
The underlying importance of effective consumer protection mechanism in every nation can hardly be over-emphasised. This is because in consonance with the axiom that health is wealth, the wealth of a nation is a direct byproduct of the state of health of the citizenry, which in itself largely depends on how properly organized the economy is and how well the economic policies are articulated and implemented. If the economic policies are well formulated with the consumer in focus, that is, the consumer understood in the broad sense of every citizen from the highest to the lowest, and all and every organization, or body capable of being categorized as consumer in terms of goods and services of every form, nature, and ramification, the impact on the economy will be self evident. Viewed from this perspective, it will be seen that effective or viable institutional framework of consumer protection set up and effectively championed and propelled by Governments at all levels will positively impact on the general wellbeing of the citizens invariably the wealth of the nation. On the other hand, an ineffective institutional framework will impact negatively on the health of the citizenry and directly affect the wealth of the nation. It therefore becomes highly necessary to examine the available institutional framework of consumer protection to see the extent to which the same positively impacts on the economic development of the nation and if not, what should be done to put in place an effective and viable institutional framework to achieve sustained economic development. The objective of the paper is to undertake the exercise and arrive at the panacea.

Keywords: consumer, consumer protection, institutional framework, economic development.
When reference is made to the consumer protection regimes available in Nigeria, we mean two things; the legal and the institutional frameworks. The legal regime is made up of the statutes, that is the laws relating to the protection of the consumer while the institutional framework refers to the core institutions set up under these or other statutes and empowered to apply the provisions of those statutes for the purpose of achieving the objectives for the enactment of such statutes. Within the sphere of the law of consumer protection, these two constitute the consumer policy framework. The enacted laws cannot exist in vacuo. Every law enacted must have a corresponding body or agency to carry the letters into effect. Without such a body the enactment of such a law would be a fruitless exercise and its existence a non-issue. This tallies with the view that “the legislative provisions are mere declarations of policy, attitudes and intentions because the actual execution of such provisions depends on the human institutions established for that purpose” (Akande, 1991). Consequently the success or otherwise of a legislation in achieving the purpose of its enactment depends to a very large extent on the effectiveness of the institutional or administrative framework set up by it or available to it. This strategic position of such institutions in according protection to the consumer elicited our interest in taking a peep into such bodies to ascertain whether their existence makes or mares the protection to be accorded the consumer.

The collective and universal conviction world over is that the role of government in consumer protection is to promote legislative polices and oversee the implementation of the legislation by setting up various agencies (Macleod, 2002) in charge of ensuring the realization of the policies. The reason for this conviction is not far-fetched. The emergence of large corporations which created a perceived need for such government intervention to protect the people from the superior powers which firms often possess is one veritable reason (Metzger et al, 1992). This created the need for institutional regulation which is based on the paternalistic philosophy that the consumer is incapable of protecting himself and that he needs state regulatory devices to fend off product selectiveness (Badaiki, 2001). Thus it is the statutory responsibility of the government to protect its citizens from unsafe consumables and sub-standard services by setting up appropriate regulatory framework (Babatunde, 2000).

The protection of the interests of the consumers and the responsibilities and obligations of manufacturers, wholesalers and retailers have over the years gained recognition and have necessitated the establishment of different regulatory bodies expedient to the individual country. In Nigeria, the past thirty years have witnessed laudable attention by the Federal Government to the vexed issue of consumer protection. Thus the government has set up a number of regulatory agencies and bodies. Most of these organizations have their different roles depending on the functions which such a body is set up to perform. Among these existing organizations, there are two
bodies whose functions are broad based and all encompassing in relation to the
protection of the affairs of all and every consumer irrespective of the product
concerned. These are the Consumer Protection Council (CPC) and the Standards
Organization of Nigeria (SON). These two organizations form the focus of this
research. The paper will x-ray the establishments, compositions and functions of these
bodies to determine whether by their operations, they exist wholly for the interest of the
consumer or whether their activities are trammeled by legislative inadequacies and
short comings to the utter detriment and hurting the consumer.

Definition of Terms

In order to have clearer understanding of the discourse, it behoves us to attempt
an exposition of the prominent terms or keywords connected with or related to the
topic. These are such terms as Institutional Framework, Consumer, Consumer
Protection, Economic Development that need brief explanation.

The Consumer

To legal minds the word consumer has both broad and narrow meanings (Ajai
1992/93). The narrow meaning confines the word to those who purchase goods for
general or household use as different from the acquisition of capital goods that is
consumption of capital goods. From this angle (Lowe and Woodroffe, 1991) describe a
consumer as a customer who buys for personal use and not for business purposes.
Following suit, the Nigerian Consumer Protection Council Act (2004) provides that a
consumer is an individual who purchases, uses, maintains or disposes of products or
services. Agreeing with the above Investorwords (2013) see a consumer as an
individual who buys products or services for a personal use and not for manufacture or
resale. Furthermore, the consumer is seen as a person who buys goods or services for
personal, family or household use, with no intention of resale, a natural person who
uses products for personal rather than business purpose (Garner, 2007). The broad
meaning of the word regards as consumers all persons who purchase goods and
services. Thus consumers can be defined simply as the final or end users of all goods
and services produced in an economy (Grady, 1982).(Tarr, 1981) gave a wider meaning
to the word when he posited that a consumer is any person, natural or legal to whom
goods, services or credit are supplied or sought to be supplied by another in the course
of business carried on by him. Widening it further, (Schiffman and Kanut, 1984) see
the consumer as being of two forms- the personal and the organizational consumers. A
personal consumer to them is one who buys goods and services for his own use, for the
use of his household or for just one member of the household or even as a gift for a
friend while an organizational consumer comprises private business, government
agencies and institutions all of which must buy products, equipment and services in
order to run their organizations whether for profit or not. Deducing from the foregoing
meanings, the general consensus is that a consumer is an individual whether natural or
artificial. Therefore, to us, a consumer is a juristic person irrespective of whether it is a physical individual as a man or woman or as a corporate or legal entity or an association. So while giving the meaning of a consumer, both the narrow and broad descriptions of the word should be subsumed into it to avoid a situation where the protection which is to be accorded a consumer is denied due to the manner in which the meaning of a consumer is couched. Marrying both meanings will give a wider sphere to its description and thereby extend the dragnet of the protection accorded the consumer, which in fact is the essence of the law of consumer protection.

**Consumer Protection**

The phrase consumer protection has been defined as protection of consumers from various unfair trade practices. The purpose of such protection is to avoid exploitation and check various business malpractices. (Bird, 1983) described it as legislation which protects the interest of consumers. Consumer protection consists of laws and organizations designed to ensure the rights of consumers as well as fair trade competition and free flow of truthful information in the market place (Consumer Protection 2013). According to (Monye, 2013), the phrase means the act of safeguarding the interest of the consumer in matters relating to the supply of goods and services, fraudulent and hazardous practices as well as environmental degradation. It has been explained to mean concrete efforts made by individuals or organizations to protect the consumers against defective and often unsatisfactory goods and services frequently provided by manufacturers and sellers; it refers to the use of laws and legislations to keep these manufacturers in check with the sole aim of protecting the rights of the consumers (Enemuo 2002). Inferring from the above meanings and descriptions of the phrase consumer protection, the phrase to us means the prevention of injuries, losses or wrongs from occurring to the users of goods and services and the provisions of remedy to the consumer in a situation where there had been such an occurrence through the instrumentalities of the law, governmental and non-governmental organizations.

**Institutional Framework**

‘Institutional’ is the adjectival form of institution, which within the context of our topic is an established organization or body especially one of a public nature or character (Garner 2009) and ‘framework’ connotes a set of ideas, rules or principles on which something is based or from which it is developed (Quirk 2009). Thus, institutional framework within the context of consumer protection means the institutions or bodies of public nature set up under the statutes on consumer protection and the activities or functions of which are based on the legal principles, ideas, rules or provisions geared towards or aimed at the objective of promoting and achieving the protection of the consumer within the legal framework of consumer protection. Institutional framework connotes the scheme under which the law made for the
protection of the consumer sets up a statutory body and assigns responsibilities to it with the requisite authority and power for the purpose of ensuring and achieving the implementation of the provisions of the law towards protecting the consumer in such ways as have been duly provided for under the law.

**Economic Development**

The concept of economic development generally refers to the sustained concerted actions of policy makers and communities that promote the standard of living and economic health of a specific area. It refers to the quantitative and qualitative changes in the economy which can involve such multiple areas as development of human capital, critical infrastructure, environmental sustainability, social inclusion, health safety, literacy and other initiatives. The concept differs from economic growth in that whereas economic development is a policy intervention endeavour with aims of economic and social well-being of the people, economic growth is a phenomenon of market productivity and the rise in the gross domestic product. Economic growth is naturally subsumed into and forms part of the process of economic development. The scope of the concept of economic development includes the process and policies by which a nation improves the economic, political and social well-being and the health of its people. It also involves the attainment of a standard of living achieved by proactive and progressive policies aimed at ensuring a consumer friendly environment.

**The Relationship between Consumer Protection and Economic Development**

The relationship between the protection of the consumer and economic development of every nation is not difficult to recognize. Thus, the axiom that health is wealth translates to the fact that the wealth of every nation is a direct by product of the state of health of the citizenry, which in itself depends to a large extent on how well organized the economy is and how progressively the economic policies are articulated and implemented. Thus if the national economic policies are formulated with the consumer in focus, that is, the consumer understood in the broad sense and signification, then its impact on the economy will be self evident for the same will positively impact on the general well – being of the citizen and invariably the wealth of the nation. Effective consumer protection regimes carry with them a high degree of positive orientation and discipline not only on the implementing and enforcing organs of government but also on the consumers who are the target of the protection mechanisms. These will naturally provide a positive drive for the economy because the production policies, the import and export policies and other necessary policies required for effective consumer friendly economic environment will naturally pervade and flourish within the economy and impact positively on the economic development of the nation. In this way, development of human capital and critical infrastructure will be anchored on a positive national drive towards optimum development. These will
also include environmental sustainability, social inclusion, health, safety, literacy and other equally imperative indices for comprehensive economic development.

If on the other hand ineffective or faulty institutional framework is in place, the effect on the economic development of the nation will be negative and counter-productive. This is because multiple loopholes and escape routes for cheating and pulling down the economy will be common place to the detriment of the economic development and general well-being of the nation.

Therefore effective institutional framework of consumer protection is a sine qua non for sustained economic development in every nation, Nigeria inclusive. Thus how effective the available institutional framework in Nigeria is will be seen as we proceed with the examination of those which constitute the focus of this discourse.

The Consumer Protection Council

The Consumer Protection Council was created by the promulgation of Decree No 66 of 1992. This decree gave birth to the Consumer Protection Council Act, Cap C25 Laws of the Federation of Nigeria 2004(CPC Act). The consumer protection council is the apex consumer agency of the Federal Government established to promote and protect consumers’ interests in all areas of product and services, provide speedy redress to their complaints, inform, educate and empower them (consumers) to act as discerning and discriminating consumers in the market place.

Constitution

The Council shall be made up of a chairman, a representative of each State of the Federation and five other persons representing the related Ministries which are the Ministries of Commerce, Industry, Science and Technology, Health and Petroleum Resources. The Council shall have a Director-General who shall be the Chief Executive. Consequently the Council is composed of forty-three (43) persons in its membership (S1 (2) of the Consumer Protection Council Act).

Appointment and Tenure

The Chairman of the Council is to be appointed by the President based on the recommendation of the Minister, while that of the state representatives is on the recommendation of the Governor of the respective states. The five representatives of the Ministries enumerated above are to be appointed by the President also, presumably on the recommendation of the Ministers of such ministries. This is the most likely supposition as the Act is silent on this. In the same vein, the President shall appoint the Director General of the Council. Such a person to be appointed for the post shall have such relevant academic qualifications and practical experience as are appropriate for the functions of his office, while the Council has the duty of appointing the support
staff. Regarding tenure, each member of the Council shall hold office for a term of three (3) years. Such a member can only be re-appointed once and no more (Ss 22(1&4) & 3, CPC Act). A good piece of legislation designed to ensure that nobody holds such a post as his exclusive preserve. Any member reserves the right to resign his appointment through a personal letter by him to the President. But the President has the power, at any time, to remove any member of the Council from office where he is of the opinion that the continuous stay of that member in office is neither in the national interest nor that of the Council. Such a member shall be notified of his/her removal. In like manner, where the Council opines that the continued presence of any of its members is against the national or Council’s interest, the Council can recommend the removal from office of that member, to the President through the Minister(S1(4,5,6) CPC Act). Apart from the resignation of any member of the Council, the removal of any member is a discretionary matter depending on the opinion of the President or the Council.

The position of the Director-General is different regarding tenure and conditions, as he is to hold office on such terms and conditions as to emoluments and conditions of service, as may be specified in his letter of appointment, and on such other conditions as may, at intervals be approved by the Federal Government for public officers. For other employees, their terms of office shall be determined by the Council in accordance with the salaries approved form time to time by the Council and this is in accordance with the terms and conditions approved by the Federal Government for public officers too.

State Committees

To assist the Council in achieving these objectives, the Act` provided for the establishment of a state committee in each state of the federation which is to operate under the general supervision of the Council. Each state committee shall be made up of five or more members. Three of the members are to be nominated by the Governors of the state. One of them shall be the chairman of the committee while the other two shall represent other diverse interests. The remaining two-persons shall be appointed by the Minister. Out of these two appointees of the Minister, one shall be the professional officer in charge of the Ministry of Commerce in the state who acts as the secretary of the committee. The Act further provides under Section 4 subsection 3 that the Minister shall appoint an officer to be the secretary to the state committee. He may also appoint such other staff as he thinks may be necessary, from time to time, including on secondment or transfer from any public service in Nigeria. By this subsection, the number of members of the state committee depends on the discretion of the Minister. Besides it is within the powers of the Minister to remove any member of the state committee from office (S4 (1-4) CPC Act).
Functions and Powers of the CPC and State Committees

The functions and powers of the Council are many and diverse. They include inter alia: the provision of speedy redress to consumer’s complaint through negotiation, mediation and conciliation; to seek ways and means of removing or eliminating hazardous products with safer and more appropriate alternatives; to cause an offending company, firm, trade association or individual to protect, compensate and provide relief and safeguards to injured consumers or communities from adverse effects of technologies that are harmful, injurious, violent or highly hazardous; to ensure the maintenance of quality standards that are designed to safeguard the interest of the consumer; ensure that consumers’ interests receive due consideration at appropriate ‘forums’ and provide redress for obnoxious practices or the unscrupulous exploitation of consumers by companies, firms, trade associations or individuals; encourage the adaptation of appropriate measures to ensure that products are safe for either intended or normal safe use; apply to court to prevent the circulation of any product which constitutes an imminent public hazard; compel a manufacturer to certify that all safety standards are met in their products; cause necessary quality test to be conducted on a consumer product; compel manufacturers, dealers and service companies to give public notice of any health hazard inherent in their product; ban the sale and distribution of products which do not comply with safety or health regulations; encourage the formation of voluntary consumer groups or associations for consumers’ well being, and organize and undertake campaigns and other forms of activities as will lead to increased public consumer awareness(Ss 2&3 CPC Act).

The state committee is charged with three main duties; to receive complaints and enquiries into the cause or circumstances of injury, loss or damage suffered or caused by a company, firm, trade association or individual; to negotiate with the parties concerned and endeavour to bring about a settlement, and where appropriate recommend to the Council the payment of compensation by the offending person to the injured consumer (S3 CPC Act). These duties are to be performed subject to the control of the Council. From the foregoing, the duties of the Council are proactive in nature while the state committee takes care of the remedial aspect of the function of the Council as envisaged by section 2 (1) (a,d,l) of the Act which are to provide redress to consumers through negotiation, mediation and conciliation, to cause the offending party to provide compensation and relief to the injured consumer and provide redress for obnoxious practices meted out to the consuming public.

The Standards Organisation of Nigeria

The body in the country today charged with the responsibility of standardization of methods and products is the Standards Organization of Nigeria (SON), the brief history of which has been given above. Currently the enabling
legislation is the Standards Organization of Nigeria Act, Cap S9 Laws of the Federation of Nigeria, 2004 (SON Act).

**Nature and Composition of the Organization**

The SON is set up to cater for and ensure that the goods produced and consumed in the country, are of at least the minimum required standard. The organization is a parastatal of the federal government and administered by the Ministry of Industries. It has two arms through which it operates – a Council which is the governing body of the organization called the Standards Council of Nigeria and the organization itself. The Council sees to the running of the organization through the formulation of polices in accordance with the intent for the formation of the organization while the organization implements such polices. The organization is made up of a Director-General (DG) of Standards, the Directors, Secretary and other support staff to help in the running of the organization (S1(2) SON Act). The Council, the policy making body of the organization is made up of a seventeen member panel with the chairman who shall be the Director-General of the Federal Ministry of Industry, the D.G Standards and a representative from each of these bodies and fields of activity – the Federal Ministry of Industries and Agriculture and Rural Development, Health, Defence, Commerce, Transport, Works and Housing, University Education and Research, Chambers of Commerce, Industry and Mines, Engineering and Engineering Consultancy Services, Processing and Manufacturing Industry, Construction Industry, Employers Association, Consumers Association and one person who appears to the Minister to represent interests or fields of activity not already represented. Although the President reserves the sight to increase, reduce or vary this composition of the Council (S1(1-3) Schedule to the SON Act).

**Appointment and Term of Service**

The Director-General shall be appointed by the President based on the recommendation of the Minister of Industries. The law provides that the appointment, remuneration and other conditions for other Directors and the support staff are determined or prescribed by the Council in consultation with the Federal Civil Service Commission (Ss1(4&5)&24(1) SON Act). This presupposes that the Council takes care of the their appointment. Apart from the Chairman and the D.G; the Minister appoints other members of the Council. The members of the Council are to hold office for a period of four years from the date of their appointment or the instrument of such appointment. The appointment is renewable. Any member of the Council can resign his appointment which resignation notice shall be in writing signed by the member and served on the Minister of Industries. Or any member can be removed from office by the appointing authority that is the President for the D.G. and probably the Chairman but just as the Chairman of the Council because the person still retains his portfolio as the D.G. in the Federal Ministry of Industries from where he was seconded, and others by
the Minister. Although the President has the overriding power in this issue of membership of the Council as he can increase or decrease the composition of the Council (Ss1(1&3),2,3&4 Schedule SON Act).

The other staff of the organization has their conditions of service under the control of the Council. This, it is given, also includes the tenure of their employment as the Act is mute on this. It is arguable that since the Council oversees these staff after consulting with the Federal Civil Service Commission, that the conditions of service of Federal Public Servants apply to them as well so the mode of resignation and removal including pensionability of their appointments should also be as is obtainable under the federal public service.

Functions of the Council and the Organisation

The functions of the Council and the organization are numerous and diverse. These include inter alia to:

(a) Advise the Federal Government generally on the national policy on standards, standard specifications, quality control and metrology;
(b) Designate, establish and approve standards in metrology, materials, commodities, structures and processes for the certification of production in commerce and industry;
(c) Provide the necessary measures for quality control of raw materials and products in conformity with the standard specification;
(d) Organize tests and do every thing necessary to ensure compliance with approved standards; undertake investigations as necessary into the quality of facilities, materials and products in Nigeria and establish a quality assurance system including:
(e) Certification of factories, products and laboratories, and ensure reference standards for calibration and verification of measures and measuring instruments (Ss4&5 SON Act).

In order to accomplish these lofty goals the organization is empowered through the D.G. if he is not satisfied with the quality, purity or potency of any product because such a good is detrimental or hazardous to life and property, apply to a magistrate court within jurisdiction for an order of the court so as to seize, destroy or prohibit any person from selling any such product. It can seal up the premises where such product is stored or manufactured and can direct the producer/manufacturer to rectify the deficiency in the case of low product, and the deficiency is capable of correction. By the written authority of the D. G., himself or any staff in that regard has the right of access at all times into any building or premises where an industrial or commercial undertaking is being carried on and the business required such a person to furnish it with any information required by him. The court can make any order that a seized
product which is in the court's opinion hazardous or injurious to life, be destroyed or disposed of in a manner sanctioned by the court. Where a product is seized the D. G shall direct where it should be kept. Such a product should be returned to the owner should the court refuse to order for its forfeiture or destruction (Ss17(2)&18(2) SON Act).

**Flaws in the CPC and the SON Acts**

The CPC Act is fraught with provisions that do not and cannot make good the yearnings of the consumers with respect to according them protection in the hands of the manufacturers or the society at large. So the petroleum product consumer fights his battle alone in spite of the existence of a Council created with the purpose of ensuring his protection. To start with the Council is made up of forty-three (43) persons which is rather a large crowd, subject to meetings and deliberation. Coordination will be an uphill task because bringing the crowd to reasonable agreements and decisions will be difficult. The composition of the council can unabashedly be described as weird and unusual. The number is too large and so may be counter-productive (Monye, 2003). This large number notwithstanding, there is no representative of the consumer associations. So even the Council for consumers does not have those they are representing their interest on its board, unlike the SON the composition of which includes a representative of consumers’ associations (S1(1(b)viii)Schedule SON Act). So in the deliberations of the Council there is nobody who knows and feels their pulse to present their position.

The appointing authorities are the President, the Minister and the Governor. The chairman and the state representatives are appointable by the President on the recommendation of the Minister and the Governor respectively. There is no recommending body for the appointment of the five representatives of the five ministries statutorily required to be members of the Council. Neither the ministers nor the permanent secretaries of such ministries are provided as the recommending authorities. It lies within the province of the President to appoint persons as it pleases him. He can even appoint persons from outside such ministries to represent them since he is not bound by law to appoint from within these ministries. In like manner, of the five members of the state committee, the Governor is to nominate three, one of who shall be the chairman of the state committee while the Minister appoints the remaining two out of which one should be the secretary/ a professional in charge of the Ministry of Commerce. The President solely appoints the Director-General (D.G) of the Council while the Council appoints the support staff who assist the DG in carrying out his functions. These appointments to be made without recommendation from any quarters is not the best. It is not in the best interest of the consumers knowing the important position which the Council occupies in the area of protecting the consumer. The power which such a body wields demands that appointments to it should be carefully done
with appropriate recommendations coming from the required bodies/persons. The President, Governor and Minister acting alone is perilous and risky. Moreso, where the qualifying criteria to be employed in the selection of people for the appointment are not known. The Act neither provided for qualification for people appointable to these positions nor gave the criteria to be followed in the selection for such appointments. The closest the Act came to in providing for qualification in these appointments, is where it stated that the DG shall possess such relevant academic qualifications and practical experience as are appropriate for the functions of the DG under the Act(S22(1)CPC Act) . Such ‘relevant academic qualifications and experience’ were neither provided for nor interpreted under the interpretation section to give an insight into what is required or expected from a person applying for such a post. The provision can better be described as being vague and ambiguous lying within the inner recesses of the legislature that enacted the Act who definitely will not implement it. How then does one decipher the intent of the legislature and what they mean? The answer lies in the qualification and experience of whosoever is appointed into such a sensitive post, because his qualification and experience assumes the required one. So also other members of the Council.

On the whole, the council could be made up of persons who are allies and cronies of the President and the Minister in which case there will be no challenges when policy issues against the consumers are raised. It will be a house made up of ‘yes’ members who act as it pleases the President.

Another ire raising piece in the Act deals with the removal of any member by the President on the recommendation of the Council and the Minister. The President may at any time remove any member of the Council from office if he is of the opinion that it is not in the national interest or in the interest of the Council for such member to continue in office. The Council can if it is of such an opinion too, recommend to the President through the Minister that such a member be removed from office (S1 (5&6) CPC Act). This piece of provision is very subjective. The reason for the removal and or recommendation lies in the inner recesses of the President and the recommending Council. To make it worse, there is no approving body for the removal exercise which may probably question the basis for the removal. Just the opinion of the President and or Council. This legislation gives a leeway for self-opinionated decision to remove without any reasonable ground. Nobody to advise the President under subsection 5 to so remove. Just as it appeals to and seems right to him. A member who opposes government policies where they are against the consumers can by this subsection be removed without questioning. This right of recommendation for removal from the Council is far-reaching. It can lead to a gang-up where a member or few persons oppose obnoxious moves of the Council. The members can come together and in agreement recommend the removal of such a member(s). It can equally countermand
the interest of the consumers which they are appointed to protect where if any of its moves to go against interests favourable to the consumers are resisted, it can recommend removal against the source of resistance. This consequently results in muzzling up the Council so that its bidding will be at the fancy or delight of the President or the Council. As the President welds this enormous power on the Council the Minister does same on the state (4(4) CPC Act).

Therefore, the operation of a body as sensitive as the CPC is directly in the pocket of the Government via legislative provisions.

The provisions of the SON Act present lesser areas of faults by reason of the fact that it deals mainly with the establishment and maintenance of standards. In contrast with the CPC it has a minimal membership of seventeen persons and so performance will not be a hectic task. But the appointing authority, the Minister of Industries, solely appoints the representatives of the six ministries involved while of the representatives of other bodies is in consultation with the appropriate body (if any)(S1(1),(1ai-vi)SON Act&S1(b&c) Schedule SON Act) . This means that where there is no such body the minister alone appoints all the members of the organization without having recourse to any other person or organization. This portends danger as regards quality in that any matter that will come before the body from any person with the remotest relationship with the Minister will likely receive easy passage. An unsafe set-up for a body in charge of ensuring standards for products sold to the public we must agree. Any member of the council is re-appoitnable as many times as possible. There is no number of terms the person will serve and he becomes ineligible, unlike the CPC Act where renewal is only for a second term and no more.

The organization does not investigate goods without the name and address of the manufacturer or producer, whether locally produced or imported (Monye, 20003). For such imported goods, the SON is supposed to be positioned at all ports and points of entry of goods in this country so how would such products find their way into the country in the first place? And where they do, is it not the SON that should be held responsible for their passage through the ports. It would therefore be untoward for it to turn back to assert its refusal to investigate such goods where there is a complaint by the consumers on them. The SON should be held culpable for the existence of such goods within our shores ab initio. Is not this a case of blowing hot and cold at the same time? This goes to show that the delays and possible denial of entry of goods without the issuance of SONCAP and consequential clearance by the custom declared in the SON in Brief is a ruse (SONCAP&SON in Brief: both publications of the SON). It will take negligence of duty on the part of the SON for such goods to come into this country. Import inspection ought to have revealed such unidentifiable goods.
The non-investigation of such local goods is nothing short of fighting shy and really shirking their responsibilities as it is empowered to enter any factory premises to investigate and carry out tests to ensure compliance with standards (Ss4&5 SON Act). Besides, it can follow up and trace any manufacturer of any product through the sellers.

**Conclusion**

Although there are many agencies whose functions are consumer protection related, yet we have paid particular attention to the SON and the CPC because they are the institutions created purposely to ensure that consumers consume quality products. The totality of the obligation of these two organizations is aimed at ensuring that manufacturers meet the minimum stipulated standards in the manufacturing of their products. Where there is a short-fall in the quality of any product and the consumer is injured after the consumption, these bodies shall ensure that the situation is redressed and the consumer compensated. This underscores the essence of these bodies and the sustenance of their effectiveness in the performance of their statutory functions and the discharge of their obligations can hardly be overemphasized.

But because of space we could not do justice to the examination of these two bodies. For same reason our recommendations may be considered terse. But it is hoped that the implementation of these recommendations in the organization of these two auspicious bodies will lead to according the consumer in Nigeria better protection which in turn will materialize in a healthy nation which tantamount to a wealthy nation and this invariably presupposes sustained economic development of the country.

**Recommendations**

The role of the SON in quality control is all-embracing. The SON is to carry out tests on local and imported products to ascertain the standard and make certain that the required standard is maintained. To be able to carry out this function it established the SONCAP and MANCAP (SON’s publications to aid in maintenance of products’ standards) for products imported into the country and those manufactured locally. The nature of use and the consequential effects of consuming adulterated and fake products on the public should weigh on the minds of the officials of these bodies. This could cause harm and death to their relations and their properties. There is no limit to who could suffer from the effect. By the nature of the CPC it has the overall duty to ensure that hazardous products do not find their ways to the market and where they do, it makes sure they are eliminated, enforces maintenance of quality standards by carrying out quality tests on consumer products and encourages companies to adopt measures to ensure that products are safe for their intended use among others (Ss2 (b,f),3(b,e)&generallySs2&3CPC Act). The council is encouraged to start the implementation of the functions it is charged with and not only that, it should be assertive in its performance. Just as the law is said to be the last hope of the common
man, the CPC should see itself and be seen as the last hope of the consumers with respect to the use of safe non-life threatening products.

The CPC should encourage and ensure the achievement of the policies that brought the SONCAP and MANCAP guidelines into existence. This will help in entrenching sanity into the system.

Again it is the responsibility of the CPC to create awareness and ensure increased awareness among the consuming public in relation to safe and defective products(S2(e)CPC Act). In doing this the council should organize and undertake enlightenment campaigns and other forms of activities as it thinks best will help it achieve this goal. In other to achieve this, the CPC erects bill boards, has publications where it enumerates the rights of consumers, consumers’ responsibilities, citizens charter, handbills and the like (The Nigerian Consumer Voice 2006). All these are attempts towards the right direction but because the illiteracy level in the society is still very high, the impact of these write-ups are not felt as most consumers are unable to read and appreciate the inscriptions on the billboards and documents. This call for the need for carrying out these enlightenment processes in the local vernacular to enable those they are meant for take full advantage of them. At least the three main Nigerian languages should be adopted in the writings for the majority to assimilate and the campaign to yield fruit. As it stands now, the awareness creating channels of the CPC are at best a fait accompli because the majority of those they are meant for, are unappreciative of them due to communication gap caused by language barrier. The use of vernacular will mean a grassroot campaign that will touch the soul of the consumer and achieve the essence of the enlightenment process.

References


