

## LEGAL PROTECTIONS AND REMEDIES FOR TELECOMMUNICATIONS CONSUMERS IN NIGERIA

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**Abstract:** The Nigerian Communications Act was enacted, establishing a comprehensive regulatory framework for the sector. This Act led to the creation of the Nigerian Communications Commission (NCC), which oversees the licensing of operators, ensures service quality, and facilitates dispute resolution within the industry. This paper examines the remedies available to consumers who experience loss or damage due to substandard telecommunications services. It explores the mechanisms established by the Nigerian Communications Act for consumer protection and argues that the provisions for redress are adequate. Through a detailed analysis, the paper demonstrates that the existing regulatory framework provides effective avenues for consumers to seek compensation and resolve disputes, thereby upholding consumer rights and enhancing the overall quality of telecommunications services in Nigeria.

**Keyword:** Telecommunications deregulation; Nigerian Communications Act; Consumer protection; Service quality.

### INTRODUCTION

According to recent statistics from the International Telecommunications Union (ITU), by 2013, the number of mobile-cellular subscriptions had nearly matched the global population<sup>5</sup>. The data indicates a global mobile-cellular penetration rate of 96 percent, amounting to an estimated 6.8 billion subscriptions<sup>6</sup>. Mobile services have evolved significantly from basic telephones used for talking and texting to versatile mini-computers that provide essential access to information and services crucial for livelihoods and health. These devices are no longer merely convenient; they have become indispensable tools that empower citizens and consumers. Access to mobile connectivity has thus transitioned from a luxury to a necessity<sup>7</sup>.

Before its deregulation in 2002, Nigeria had fewer than half a million connected telephone lines. By April 2014, this number had surged to over 129 million active lines, resulting in a tele density of 92.42<sup>8</sup>. This remarkable growth has positioned Nigeria's telecommunications industry as the fastest-growing in Africa. However, the rapid expansion and subsequent increase in the consumer base have led to widespread consumer

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<sup>5</sup> Medudula, Murali Krishna, Mahim Sagar, and Ravi Parkash Gandhi. *Telecom management in emerging economies* (Springer India, 2016) p.42.

<sup>6</sup> See K. A. Apori and M. E. Ibanga, "Regulatory. Agencies in the Telecommunications Sector and the Protection of the Nigerian Consumer" *The Calabar Law Journal*, Vols. 8.

<sup>7</sup> F. N. Monye, *The Consumer and Consumer Protection in Nigeria: Struggles, Burdens and Hopes*. 59th Inaugural Lecture, University of Nigeria, 26 May, 2011 (Nsukka: University of Nigeria Ceremonials Committee, 2011) p. 6

<sup>8</sup> See B. B. Kanyip, "Service Liability under Nigerian Consumer Law" in F. N. Monye (ed.), *Consumer Journal*, Vol. 1 No. 1 (Enugu: Consumer Awareness Organisation, 2005) pp. 79 – 97.

dissatisfaction. Common complaints against telecommunications service providers in Nigeria include poor quality service, incorrect billing, unsolicited telemarketing, and exploitative automated services.

As the communications industry has grown and its consumer base has expanded, there has been a surge in consumer complaints. In Nigeria's communications sector, the primary concerns voiced by consumers revolve around tariff rates and service quality. The main service quality issues include difficulties with recharging due to faulty recharge cards or network malfunctions, call setup problems such as service interruptions, cross talk, dropped calls, and voice impairment, as well as the disconnection or suspension of telephone and internet lines.

### **THE LEGAL FRAMEWORK FOR CONSUMER REDRESS IN THE NIGERIAN TELECOMMUNICATIONS INDUSTRY**

Telecommunication service consumers in Nigeria have the option of seeking resolution through statutory provisions or the broader legal framework.

#### **The Nigerian Communications Act (NCA) 2003<sup>9</sup>**

This is the primary legislation that governs the provision and utilization of telecommunications services and networks in Nigeria. The Act, which became effective on July 28, 2003, aims to establish a regulatory framework for business and safeguard the rights and interests of service providers and consumers in Nigeria. Nigeria created the Nigerian Communications Commission (NCC) to oversee and regulate the telecommunications industry in Nigeria. The Commission's functions regarding consumer protection encompass several aspects. Firstly, it aims to safeguard consumers against unfair practices and actively promote their interests in the telecommunications sector. Secondly, it ensures that licensees consistently implement and operate an efficient and accurate billing system. Thirdly, it develops and monitors performance standards and indices to assess the quality of telephone and other communication services provided to consumers in Nigeria, taking into account international benchmarks.

The Commission examines and resolves complaints, objections, and disputes involving licensed operators, subscribers, or any other individuals in the communications industry. It employs various dispute-resolution methods, such as mediation and arbitration, as determined by the Commission. While exercising its authority, the Commission has enacted and released several regulations and guidelines to safeguard the interests of Nigerian telecommunications service users. These encompass:

- (a) Dispute Resolution Guidelines 2004;
- (b) Consumer Code of Practice Regulations 2007;<sup>10</sup>
- (c) Enforcement Processes, etc Regulations 2005;<sup>11</sup>
- (d) Competition Practices Regulations 2007;<sup>12</sup> and
- (e) Quality of Service Regulations 2012.<sup>13</sup>

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<sup>9</sup> Act No. 19, 2003.

<sup>10</sup> S.I. No. 32 of 2007.

<sup>11</sup> S.I. No. 7 of 2005.

<sup>12</sup> S.I. No. 39 of 2007.

<sup>13</sup> S.I. No. 3 of 2012.

The rules and regulations aim to ensure the protection of consumer interests. The dispute resolution rules and the Consumer Code of Practice Regulations are particularly relevant to this discussion.

### **NCC Dispute Resolution Guidelines (2004)**

In accordance with the Nigerian Communications Act, 2003<sup>14</sup>, the Commission has created procedures or guidelines for the submission, reception, and management of consumer complaints regarding the behavior or functioning of licensees. The Dispute Resolution Guidelines of 2004 provide a process for resolving small consumer claims valued at or below one million naira that does not involve complex legal issues or witness examination. The Commission independently oversees arbitration proceedings, separate from the jurisdiction of the Arbitration and Conciliation Act. The Commission appoints arbitrators from its pool of experienced arbitrators. The guidelines allow for a determination based solely on document examination.

The Commission ensures adherence to the General Consumer Code and any other relevant consumer rules. A violation of a relevant consumer code results in administrative fines being applied, as outlined in Chapter IV of the NCC Enforcement Regulations 2005. When determining sanctions for a breach, the Commission is required to take into account the severity of the breach, the licensee's previous behavior in complying with the code, and any compensation provided by the licensee to impacted consumers<sup>15</sup>.

### **National Information Technology Development Agency (NITDA) Act 2007**

The National Information Technology Development Agency (NITDA) is a public service institution and the official government body responsible for creating the framework for planning, research, development, standardization, application, and regulation of information technology practices in Nigeria. Established in April 2001, NITDA implements the Nigerian Information Technology Policy and serves as the primary agency for e-government implementation, internet governance, and overall IT development in Nigeria.<sup>16</sup> Regarding data protection specifically, the NITDA is Nigeria's foremost regulatory authority. In this capacity, the Agency "aims at innovating data protection management in Africa through inclusive regulatory strategies, partnerships and continuous improvement..."<sup>17</sup>

While Nigeria currently lacks comprehensive data protection legislation, several general and sector-specific laws are in place. These include the 2013 NITDA's Guidelines on Data Protection, the 2017 (draft) Guidelines on Data Protection, the 2019 Nigeria Data Protection Regulation, the 2020 Guidelines for the Management of Personal Data by Public Institutions in Nigeria, the Freedom of Information Act, the Nigeria Data Protection Regulation–Implementation Framework, the National Identity Management Commission Act 2007, the Cybercrimes (Prohibition, Prevention, etc.) Act 2015, the Child's Right Act

<sup>14</sup> sections 4(p) and 75(2)

<sup>15</sup> 1 Consumer Awareness Organisation "Press Briefing on Consumers and Telecommunications Services in Nigeria: Fact Sheet Presented by Professor Felicia Monye, President, Consumer Awareness Organisation on 20 February 2014 at Sunshine Hotels and Guest House, Enugu"

<sup>16</sup> National Information Technology Development Agency, 'Background' [Online] Available from: <https://nitda.gov.ng/background/> last accessed July 7, 2021].

<sup>17</sup> National Information Technology Development Agency, 'Nigeria Data Protection Regulation' [Online] Available from: <https://ndpr.nitda.gov.ng/#:~:text=NITDA%20as%20the%20Regulatory%20Authority,strategies%2C%20partnerships%20and%20continuous%20improvement.> last accessed July 7, 2021).

2003, and various other sector-specific guidelines and regulations. The NITDA's authority to regulate the processing of personal data by individuals, governments, and institutions is primarily based on its legislative mandate "to create a framework for the planning, research, development, standardization, application, coordination, monitoring, evaluation, and regulation of Information Technology practices in Nigeria by developing standards, guidelines, and regulations for that purpose."<sup>18</sup>

### **The Freedom of Information Act, 2011(FOIA)**

The Freedom of Information Act 2011 stands as the primary legislation addressing access to public information in Nigeria. This Act ensures the right to access or request any information or record held by any public institution or private bodies providing public services, performing public functions, or utilizing public funds.<sup>19</sup>

Additional laws relevant to the right to access or withhold public information in Nigeria encompass the Constitution of the Federal Republic of Nigeria, the Official Secrets Act of 1962, the Criminal Code under Cap C 38, LFN 2004, and the Penal Code under Cap P 53, 2004. Furthermore, the legal landscape includes the Armed Forces Act, A20 LFN, 2004; United Nations Declaration of Human Rights from 1948; International Covenant on Civil and Political Rights (ICCPR) from 1976; and the African Charter on Human and Peoples' Rights from 1981. Most recently, the Nigeria Data Protection Act of 2023 was enacted into law on June 14, 2023, by President Bola Ahmed Tinubu. The Act aims to protect fundamental rights, freedoms, and the interests of data subjects as enshrined in the 1999 Constitution of Nigeria. It establishes the Nigeria Data Protection Commission (NDPC), replacing the former Nigeria Data Protection Bureau (NDPB) established in 2022 by former President Muhammadu Buhari.<sup>20</sup>

### **PROVISIONS OF THE NIGERIAN COMMUNICATIONS ACT: ARE ALTERNATIVE AVENUES OF REDRESS BLOCKED?**

Upon initial scrutiny of specific provisions within the Nigerian Communications Act and its associated regulations concerning the handling of complaints, it may appear that the Act's framework inhibits individuals from pursuing alternative avenues for resolution. Section 74(1) mandates that parties must first attempt to resolve any disputes through negotiation before escalating the matter to the Commission. Moreover, when a disagreement is referred to the Commission in accordance with the Act, it stipulates that the Commission's decision will hold legal authority over the involved parties<sup>21</sup>. Additionally, the Commission holds the authority to enforce its decisions by directing a party involved in the dispute to comply. If the Commission issues a certificate to the complainant, this enables the complainant to seek enforcement through the Court, which can enforce the Commission's decision as if it were its own judgment. Sections 86–88 of the Act detail the rights of individuals adversely affected by the Commission's decision, allowing them to request a written explanation and seek a review by the Commission.

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<sup>18</sup> NITDA Act. S.6(a).

<sup>19</sup> Guidelines On The Implementation Of The Freedom Of Information Act 2011 Freedom Of Information Act 2011 Revised Edition 2013, Published Under The Authority Of Published Under The Authority Of The Honourable Attorney General The Honourable Attorney General Of The Federation And Minister Of Justice, March 29<sup>th</sup> 2013.

<sup>20</sup> John Anyanwu & Ola Agbaje, Nigeria Data Protection Act Review available at [nigeria-data-protectionact2023\\_kpmg-review.pdf](https://www.kpmg.com/au/issuesandinsights/articlespublications/2023/01/nigeria-data-protection-act-2023-kpmg-review.pdf) last accessed 2<sup>nd</sup> December 2023.

<sup>21</sup> Section 78(1)

Subsequently, aggrieved parties may pursue judicial review, but only after exhausting all other available procedures outlined in the Act.

### **The Consumer Protection Council Act<sup>22</sup>**

The primary objective of this legislation is to safeguard customers against dangerous products and substandard services while also ensuring prompt resolution of consumer grievances through methods such as negotiation, mediation, and conciliation. The establishment of the Consumer Protection Council (CPC) has positioned it as the highest authority in the country for safeguarding consumer rights. The Council's jurisdiction encompasses both tangible products and intangible services and has a direct impact on the resolution of consumer complaints. The Council's functions and powers are clearly outlined in sections 2 and 3 of the Act. These include: (a) resolving consumer complaints promptly through negotiation, mediation, and conciliation. (b) Ensuring that companies, firms, trade associations, or individuals responsible for harmful, injurious, violent, or highly hazardous technologies take appropriate measures to protect, compensate, and provide relief to affected consumers or communities. (c) Addressing and rectifying obnoxious practices or unscrupulous exploitation of consumers by companies, firms, trade associations, or individuals.

The Act<sup>23</sup> stipulates the creation of a State Consumer Protection Committee in each state of the Federation to aid the Council. The State Committee, under the overall oversight of the Council, has the authority to accept, examine, and take action on consumer complaints. If a customer or community has experienced any form of harm or damage due to the utilisation or effects of a product or service, they have the option to submit a written complaint or seek compensation through the State Committee. If an inquiry conducted by the Council or State Committee confirms that a consumer's rights have been violated or that a wrongful act has occurred in relation to trade, services, information provision, or advertising, resulting in harm or loss to the consumer, the consumer is entitled to seek compensation or restitution through a civil lawsuit in a competent court. This right is in addition to any redress that may be imposed by the State Committee, subject to the Council's approval.

Consequently, the consumer has the right to pursue legal action against the perpetrator for damages, in addition to any compensation provided by the State Committee. Although it is evident that the consumer has the right to file a lawsuit in court for breach of contract or negligence, the mentioned provision lacks clarity regarding whether the civil action can solely be based on the violation of the Act.

### **Utilities Charges Commission (Amendment) Act, 2017**

The Utilities Charges Commission (Amendment) Act, 2017, signifies a critical advancement in the regulation and oversight of utility services in Nigeria. This amendment aims to enhance the original Utilities Charges Commission Act by expanding the scope and authority of the Commission, ensuring more comprehensive regulation across various utilities such as electricity, water, and telecommunications. The Act empowers the

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<sup>22</sup> Cap. C32, Laws of the Federation of Nigeria (LFN) 2004. Other statutes may be relevant for ancillary purposes only such as incorporation of telecommunications outfit under the Companies and Allied Matters Act, Cap. C20, LFN 2004; and enforcement of national and state environmental standards under the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, No. 25, 2007, and do not relate to the relationship between the consumer and the telecommunications services providers.

<sup>23</sup> Section 4

Commission to conduct regular audits and enforce compliance with established performance metrics, thereby promoting accountability among utility providers. By mandating detailed justifications for tariff changes and facilitating public participation in the tariff review process, the Act fosters transparency and ensures that pricing reflects the quality of service provided.

The implications of the Utilities Charges Commission (Amendment) Act, 2017, extend to various stakeholders, including utility service providers, consumers, and regulatory bodies. Utility providers must now adhere to more stringent regulatory requirements, which necessitate greater efficiency and accountability in their operations. Consumers, on the other hand, benefit from increased protection and transparency, gaining more confidence in the fairness of utility charges. For the regulatory bodies, the Act provides enhanced monitoring and enforcement capabilities, enabling them to collaborate effectively and ensure comprehensive oversight. Overall, the Act represents a significant step towards improving the quality and fairness of utility services in Nigeria, fostering a more equitable and transparent system for all stakeholders involved.

### **The Public Complaints Commission Act, 1975<sup>24</sup>**

This legislation created the Public Complaints Commission. Section 2 of the Act grants a commissioner the authority to conduct investigations into administrative or other measures, either at their own discretion or in response to individual complaints.

- (a) Any federal or state-level governmental department or ministry.
- (b) Any organization established by the Nigerian government, whether it is a statutory corporation or a public institution;
- (c) The Companies and Allied Matters Act establishes any corporation, irrespective of its ownership by the Nigerian government or private individuals.
- (d) Any official or employee from any of the aforementioned organisations.

Following the investigation, the commissioner may provide recommendations to the relevant individual or agency. These suggestions may involve further examination of the issue and the adjustment, revocation, or modification of the objectionable administrative, decision, or other action.

This presents a significant opportunity to seek compensation from public corporations, particularly when these enterprises have legal protection from legal action. In addition to government ministries and agencies, its jurisdiction also encompasses incorporated companies. The Companies and Allied Matters Act established the majority of Nigeria's telecommunications service providers as corporate entities, binding them to the Act's provisions. When appropriate, the commissioner has the authority to suggest that a service provider compensate a consumer. However, the Commission's authority is limited, as it cannot delve into specific issues. Although the Commission has jurisdiction over certain matters, it lacks the authority to enforce its decisions. Instead, it can only provide recommendations to the relevant person or administrative agency. However, these recommendations are not legally binding, and the recipient has the option to disregard them without facing any legal consequences.

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<sup>24</sup> *Public Complaints Commission* (PCC) (The *Nigerian* Ombudsman) is set up to redress complaints against administrative injustice

## THE LAW OF CONTRACT

The contract law applies to all areas of human activity, including the supply of services. Consumer protection in contract law focuses on the rights and privileges of individuals involved in a consumer transaction. In cases where suppliers of products and services fail to fulfil their contractual obligations, the primary objective of consumer protection under contract law is to provide consumers with a means of redress. In cases involving product sales, consumer protection in contract law is particularly noticeable. In addition to the explicit terms of the contract, consumers can also depend on the implicit terms provided by the Sale of Goods Act.<sup>25</sup> In the context of consumer protection, this principle implies that if a consumer experiences loss, injury, or damage due to faulty products or poor services, and they were not aware of the contract for the supply of those goods or services, they would not have any legal recourse against the supplier. A consumer can only exercise a right to take legal action under a contract if they are the buyer of the products or services that caused the loss, injury, or damage.

The Nigerian Communications Act explicitly supports the principle of privity by defining a “consumer” as an individual who subscribes to and utilizes a communication service. This policy is highly limiting and discriminates against individuals who utilise communication services without being subscribers themselves<sup>26</sup>. This widely accepted definition of “consumer,” which includes an individual who purchases, uses, or experiences a product or service, does not align with this. The definition of “consumer” in the Consumer Protection Council Act states that it refers to an individual who buys, uses, maintains, or gets rid of products or services. Therefore, we recommend changing the phrase “person who subscribes to and uses” in the Nigerian Communications Act's definition of consumer to “person who subscribes to or uses”.

Freedom of contract refers to the principle that individuals have the liberty to form agreements with anyone of their choosing, and that the parties involved in a contract have the freedom to negotiate and agree upon any conditions they like.

## NEGLIGENCE TORT

According to the principle of negligence, an individual who performs an action without taking reasonable precautions can be held responsible for any harm caused to those who were reasonably foreseeable to be affected by the action or omission. This liability extends to any damage that can be reasonably anticipated as a result of the individual's behavior. The three essential components are: duty of care, violation of duty, and resultant damage. In order for a person to win a case for negligence, they must demonstrate not only that the defendant had a responsibility to take care, but also that the defendant failed to fulfil that responsibility. In order to prove his case, he must demonstrate that the defendant failed to take reasonable care in the specific matter in question, which ultimately caused the injury he is seeking to address<sup>27</sup>.

The application of tort law can resolve the issue of contractual privity, effectively protecting consumer rights. An individual who is not directly involved in a contract but experiences harm or loss due to a faulty product or someone else's negligence can file a negligence lawsuit without the burden of proving a contractual relationship. The law of

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<sup>25</sup> See *Price v Easton* (1833) 4 B & Ad 433; *Tweddle v. Atkinson* (1861) 1 B & S 393; *Dunlop Pneumatic Tyre Co. Ltd. v. Selfridge Ltd.* [1915] AC 847; *Shuwa v. Chad Basin Authority* (1991) 7 NWLR (Pt. 205) 550;

<sup>26</sup> See F. O. Ukwueze, “Consumer Protection under the Law of Contract in Nigeria” *Nnamdi Azikiwe University Law Journal*, (2008) Vol. 7, No. 1, pp. 1 – 18.

<sup>27</sup> *Adeosun v. Adisa* [1986] 5 NWLR (Pt. 40) 227.

negligence, however, has inherent limits that pose significant challenges in ensuring consumer protection. The plaintiff establishes liability only when they can prove the defendant's negligence. Additionally, the plaintiff cannot seek compensation for purely economic losses that do not involve physical harm to a person or property. In order to succeed, the plaintiff must demonstrate the specific action or failure of the defendant that constitutes a violation of their duty to exercise care.

### **THE TELE-COMMUNICATIONS INDUSTRY OFFERS VARIOUS FORMS OF CONSUMER REDRESS.**

There is a wide range of legal remedies accessible to customers of telecommunications services in Nigeria. The remedies provided include financial compensation, repair services, refunds, and replacements for defective recharge cards and equipment. You can obtain these remedies from the regulatory agencies and public entities previously mentioned. The Nigerian Communications Act empowers the Commission to instruct individuals on adhering to or violating any license conditions or provisions of the Act or its subsidiary legislation<sup>28</sup>. Under the Act, the Commission has the authority to handle consumer complaints, and it can use any of the powers granted by the Act to do so<sup>29</sup>. The NCC Act processes offer a wide range of remedies to a wronged consumer. The Commission has complete discretion in determining the appropriate action, which may include compensation, refund, repair, or replacement. The NCC (Enforcement Processes, etc.) Regulations 2005 grant the Commission the authority to impose administrative penalties. Furthermore, the State Consumer Protection Committee has the authority, with the consent of the Consumer Protection Council, to enforce various forms of remedy, such as compensation, refund, repair, and replacement.

Redress under the general law encompasses many remedies, such as compensatory damages for contract breaches and negligence, the cancellation of a contract (rescission), the rejection of a contract (repudiation), the enforcement of a contract's precise terms (specific performance), and the prevention of a contract violation through a court order (injunction). Only after a claimant has successfully litigated their case can they obtain these judicial remedies from the court. Legal proceedings in Nigeria are excessively time-consuming, intricate, and costly. Given the country's low literacy rate, it is uncertain if the average Nigerian user of telecommunication services is aware of their legal rights and how to effectively exercise them. Despite his knowledge of his rights, he may lack the financial means to litigate in order to vindicate them.

A human rights activist and lawyer has recently initiated legal proceedings against the NCC and MTN Communication Ltd. at the Federal High Court in Abuja, seeking N2 million in damages. The plaintiff claims that between December 2009 and April 2010, a period of approximately four months after subscribing to the MTN Fast Link Internet Service, they consistently received poor quality and unreliable service. Despite purchasing a N500 voucher intended to provide 24 hours of service, the internet connection would only function for a brief period of time, typically ranging from thirty minutes to a few hours, before abruptly ceasing. This consistent lack of reliable service greatly hindered the plaintiff's work as a legal practitioner, as they heavily relied on the internet to conduct research on national and international legal practices.

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<sup>28</sup> Section 53(1)

<sup>29</sup> Section 105(1)

The plaintiff claimed that he filed a complaint against the inconsistent, substandard, and unreliable service of MTN with the NCC on February 22, 2010. The NCC assured the plaintiff that they would initiate an investigation and provide a response. However, the NCC failed to conduct the necessary investigation as mandated by its governing law. Instead of responding to the plaintiff's claims, MTN submitted a preliminary objection, asserting that the court lacks jurisdiction over the case. The court rejected the initial objection and determined that it has the authority to hear the case based on the Constitution<sup>30</sup> and Section 138 of the Nigerian Communication Act. These provisions state that the Federal High Court has exclusive jurisdiction over all matters, suits, and cases related to the NCC Act.

### **REDRESS CHANNELS FOR TELECOMMUNICATIONS SERVICE USERS**

Initially, the consumer should file a complaint with the service provider and follow the service provider's complaint processing procedure. If the service provider ignores or fails to satisfactorily resolve the complaint, the consumer can escalate the matter to the Nigerian Communications Commission (NCC). The NCC has the authority to mandate a service provider to provide compensation to a consumer in appropriate circumstances and to issue instructions regarding adherence to or violation of any license conditions or provisions outlined in the Nigerian Communications Act or its subsidiary legislation. The NCC hears consumer complaints through written correspondence, electronic mail, in-person visits to its offices, and during the Telecom Consumer Parliament (TCP) and Consumer Outreach Programmes (COP) periodically arranged by the Commission.

If a consumer suffers any loss, damage, or injury due to a telecommunications service provider's faulty product or service, they can also file a complaint with the Consumer Protection Council or a State Consumer Protection Committee. Additionally, they may approach the Public Utilities Charges Commission or the Public Complaints Commission.

Ultimately, a consumer has the option to initiate a legal proceeding in court, either in contract or tort, against the service provider, regulatory agency, or public body after going through the complaint system. This approach should be considered a last resort due to the inherent issues in the judicial system, such as the high costs of litigation and the technicalities that often lead to delays in court processes. Consumers seeking guidance or support in asserting their legal rights can seek aid from various non-governmental consumer associations operating within the country.

### **CONCLUSION**

The legislation has successfully addressed many telecom service complaints from Nigerian customers, although some gaps persist. The Nigerian Communications Act and Consumer Protection Council Act provide comprehensive coverage, and the Nigerian Communications Commission's (NCC) use of its statutory authority to create subsidiary laws is commendable. However, lawsuits, while primary means for recovering damages in cases of contract breaches and negligence, can be lengthy and costly, potentially limiting effective redress for telecommunications consumers. Regulatory agencies and public enterprises should pursue legal recourse only when necessary, such as when service providers fail to comply.

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<sup>30</sup> Section 251

Despite the robustness of the relevant legislation, several challenges hinder consumers from obtaining effective redress through these institutions. One significant issue is the lack of NCC and Consumer Protection Council (CPC) offices in every Federation state. Given the vastness of Nigeria's telecommunications industry and the large number of telecom users, this gap may impact the Commission's ability to address consumer complaints efficiently. The sector is experiencing a decline in customer satisfaction due to widespread dissatisfaction with phone call services. To ensure comprehensive grassroots coverage, the NCC and CPC should establish offices in all states and outposts in each local government area.

The implementation of Mobile Number Portability (MNP) in Nigeria's telecommunications industry could significantly enhance customer satisfaction. Successful implementation of this initiative will eliminate barriers, allowing subscribers to freely choose their service providers. This will increase competition among network operators, motivating them to improve service quality and customer satisfaction. The federal government has authorised this initiative, highlighting its importance. Additionally, it is critical to educate Nigerian consumers about their legal rights and the importance of enforcement. Only with this knowledge can Nigerian telecommunications customers effectively utilise their legal remedies.

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