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REVIEW OF EXAMINATION MALPRACTICE ACTS IN CONTEMPORARY NIGERIA: A WAY FORWARD

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Abstract

Examinations are conducted to test the understanding of students in the subject areas they have received instructions. The conduct of these examinations has been infested with various forms of malpractices before, during and after such examinations. These irregularities have assumed frightening dimensions in Nigeria necessitating the enactment of examination malpractices Act, 1999. COVID 19 has triggered valid challenges in which school were closed, students were redundantly at home, in addition to boko haram insurgency, kidnapping, banditry have pose a great fear to the populace. Additionally, the paper is meant to bring to the attention of those who are involved in examination malpractices the consequences of their actions. Finally, it is believed that the highlighting of these offences and punishment in the act will serve as a deterrent against those who are contemplating committing offences in an examination, now or in the future at a larger society.

Keywords: Malpractice, Examination, Examination malpractice act, Offences, Punishments

Introduction

Education all over the world is seen as a process of transmitting the cultural heritage, stabilizing the present and improving or changing the future of the people. The school system in this regard is generally accepted as a major agent of education. It is the aggregate of all the process a child or young adult develop his/her abilities, attitude and other forms of behavior which are of value to the society in which he or she lives (Sule, 2007). Examinations are conducted to test the understanding of students in the subject areas

they have received instructions. The conduct of these examinations has been infested with various forms of malpractices before, during and after such examinations (Okoh & Adie, 2016). The effects of these examination malpractices are very shocking to educational, economic and political development of any nation. These irregularities have assumed frightening dimensions in Nigeria necessitating the enactment of examination malpractices Act, 1999 in section 33 of the federation law (constitution).

This Act is divided in to two parts.

- The first part contains the various sections detailing offences that constitute malpractice before during and after examination.
- The second part on the other hand contains procedures for trial of children and young persons who commit offences under the Act; the court that has jurisdiction to try offences under the Act and the power of the examination bodies to ban persons from writing examinations, power of search, interpretation, short title etc.

Examination malpractice have assumed topical and high profile dimensions in public discourse in Nigeria" (Sule, 2007). These malpractices are a reminder of the extent to which values have diminished. Our societal values have so tumbled and in such a state of free fall that analysts have concluded that ours is an endangered society. The situation whereby parents, guardians and otherwise respected persons in the society aid, condone or even promote illicit examination and academically related malpractices paints a doomsday scenario for a society that is increasingly known for its notoriety for contradicting precepts and compromising its own laws and statutes.

Other academically related offences like certificate forgery, impersonation of valid certificates, academic charlatanry, plagiarism and despicable award and public acclaim for undeserved honorary academic titles are a reminder of the sorry state of things in contemporary Nigeria. As irritating as they are, they constitute a disincentive for our youths and scholarly minded persons. In Nigeria, the number of security personnel are grossly inadequate which causes a great threat to the security, the issue of kidnapping and banditry are so rampant that in near future our children are going to stop coming to school because they may be kidnapped (Ishaq, 2021). And most of those kidnappers are above 25years of age meaning to say they are above basic and middle school age.

Covid-19 and Insecurity in Nigeria

Recently, the whole world is ravage by the outbreak of corona virus disease (COVID-19) which led to the enforced lockdown by many countries in the world including Nigeria. The resultant effects of these stringent public health actions have led to enormous economic losses, disruption of the usual physical and social contacts, massive loss of jobs and means of livelihood as well as increase in mental health issues (Garba- Yola, 2020). **The economic impact of the pandemic** was especially harsh on the young population and micro and small

businesses. This was observed by Oyebode (2020) that 60% of Nigeria's population is under the age of 25, yet, 16 million Nigerian children were out of school in 2019, up from the last count of 13.2 million in 2018. **To worsen the situation, most of the approximately** 40 million SMEs **in the country,** where young people find employment, have also been badly hit by the pandemic and necessary restrictions to business activity. In short Nigeria is in a precarious position.

Already being young in Nigeria is very challenging, and the opportunities for jobs are hardly available. With the COVID-19 outbreak, there has been an exponential increase in the nation's already staggering youth unemployment data. These statistics do not only include youth, but as 15-34year-old account for close to half of the nation's working-age population and a vast majority of small business, young people will feel the greatest brunt of this economic shock (Oyebode, 2020).

This was few years ago, Nigerians were anxiously concerned on how the federal government can tackle the corrosive and caustic corruption, education, agriculture and power failure, but the recurring spate of hapless killings in the Northern parts of Nigeria diverted the minds of Nigerians to make the federal government to concentrate on tackling security threats in the country (Odidi, 2016).

According to Olukotun, (2021) insecurity of lives and property is becoming the new normal of Nigerian social life. On top of the galloping inflation translating into the ever-increasing price of foodstuffs, Nigerians confront in their daily lives another source of suffering, uncertainty and tragedy, namely: insecurity. Like a plague that will not go away, the daily flow of news is not complete without heartbreaking information about the number of lives lost or wounded in the surging incidences of insecurity in the shape of banditry, insurgency, kidnappings for ransom, targeting of schools and universities, among others.

One of the most recent occurrences is in the Jos area where at least 20 passengers travelling between Bauchi and Ikare in Ondo State were killed by a mob proceeding on a burial procession on behalf of some victims of insecurity. Considering the religious undertone of the killings, the Jos North area of Plateau State has been under a curfew since then in order to prevent the contagion of bloodletting. Despite the curfew, deaths from rioters or those engaging in reprisals have continued while 11 people lost their lives earlier this week in the Dansadau Emirate of Zamfara State (Olukotun, 2021). In the same state of Zamfara, 40 people were abducted while another 10 students in a separate circumstance were kidnapped in Katsina State. Given that not all the abductions and killings are reported, the daily toll of casualties may well be higher than media accounts of them. However, Covid 19 and insecurity has been the greatest enemy our dear nation and if drastic measures is not taken this will lead gloomy days in the country.

Examination Malpractice in Nigeria

Education serves as a prime instrument in the development of Nigeria but the issue of malpractice has led to the problem of this system. The main purpose of examination is for

certification of achievement, selection for educational and employment opportunities, quality control of the curriculum and its delivery, monitoring of educational standards and the assessment of school effectiveness.

However, the occurrence of examination malpractices at any level of educational system poses the greatest threat to the certificate thereby, issued. According to Yunus, (2013) examination malpractice is not a recent phenomenon neither is it peculiar to tertiary level. It has been with us in Nigeria for a long time and has now almost assumed an epidemic influence.

The phenomenon increases in number, scope, and complexity. The first publicity reported case of examination malpractice in Nigeria occurred in 1914 when there was leakage of question papers in senior Cambridge local examination before the scheduled date of examination (Okoye, 2010). Since then there has been several cases of malpractice reported. Thus, examination malpractice which started at a low trend became more pronounced in 1970, involving persons other than the candidates. Since then examination malpractice became more advanced and sophisticated.

However, 1977 marked a watershed in the history of examination malpractice as there was an outcry in Nigeria on the credibility of West African Examination Council (WAEC), which was the only organ saddled with the responsibility of conducting the public examination in Nigeria. Within the past, two to three years cases of examination malpractice have been too rampant in virtually all levels of education in the country, with those of the secondary school being most alarming (Yunus, 2013).

Traced to its root, there are apparent pointers to the alarming fact that parents, school authorities, examination invigilators, examination officers and amazingly too, maybe security agents sent to schools by the examination board to assure sanity in the conduct of the examination collaborate to allow examination malpractices. If we consider also the cases of examination malpractices which occurred over the years within our school system as well as examinations nowadays conducted by examination bodies such as JAMB, NABTEB, NAEC, WAEC, NECO, NTI, and other professional bodies, it could be concluded that examination malpractice is a common daily experience. The WAEC or NECO withheld the results of quite a large number of schools found to have been involved in examination malpractice in every yearly examination.

In recent times, malpractice in examination has gone hi-tech e.g internet aid, and the use of GSM phones etc. examination malpractice exists in various names and forms, some which are very shameful, others apparently glorious but evil, parents also help their children cheat in examinations. Malpractice during examination occurs in different forms as observed by Oko and Adie, (2016) which includes

i. Obstructing any invigilator/ supervisor in the performance of his/her duties, thereby causing harm or damage.
ii. Impersonation: writing an examination for another candidate/student
iii. Falsification of test or examination marks/grade
iv. Destroying evidence by chewing or any other means or an attempt to do same

v. Use of scripts other than those designated for an examination
vi. Bringing to examination hall un-authorized materials relevant to the examination being taken
vii. Copying with co-operation
viii. Copying without co-operation „giraffing"
ix. Presentation of identical responses/answers to the same question(s) by two or more students even in cancellation
x. All forms of communication during examination e.g passing or dropping papers and collecting or picking papers
xi. Appearance of different handwriting in a student"s script
xii. Courier: Smuggling of examination question paper or material from or to examination hall.
xiii. Reading of notes or text books in the toilet or outside during the relevant examination
xiv. Mobile phones and data or information storage devices shall not be taken to or allowed in examination halls.

All these forms of misconduct during examination and the embarrassing increase in examination malpractice, plagiarism, certificate forgery, and false academic claims that have led to the public insisting on stiffer penalties for these offences, if we are to redeem our image. The examination malpractice Act (1999) is an important law that seek to redeem to the stated loosen image of our educational system.

List of Examination Offences, Sections and Punishments

Offences: section 1

Procuring of question paper produced or intended for use in any examination whether or not the question paper is fake or genuine or related or to the examination in question. Delivery of any question paper intended to be used at any examination to anybody.

Buys, sells, procure or otherwise deals with any question paper intended for use or represented as a genuine question paper in respect of any particular examination.

Punishments

A person under eighteen (18) years, a fine of one hundred thousand (N 100,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

Offences: section 2

Steals or take a question paper, an answer sheet or script of any candidate.

Punishments

A fine of one hundred thousand naira (N100,000) or imprisonment fr a term not exceeding three years or both fine and imprisonment.

Offences: section 3

Falsely represents oneself as a candidate sitting for the examination. Write or attempt to write a paper in the name of some other person whether that name is the name of a person living or dead.

Alter or in any way tempers with aa documents that has been issued to a candidate in relation to an examination.

Punishments

A person under eighteen (18) years, a fine of one hundred thousand naira (N100,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

A principal, teacher, an invigilator, a supervisor, an examiner, an agent or employee of examination body, imprisonment for a term of four (4) years without option of fine.

Offences: section 4

A candidate at an examination who leaves the examination hall or any other place appointed for the examination and mixes up with any other persons with the intent to cheat.

Punishment

A fine not exceeding fifty thousand naira (N50,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

Offences: section 4

Communicating or attempt to communicate any information relating to any question paper to a candidate during examination hall during examination when not a candidate.

Punishment

A person under eighteen (18) years, a fine of one hundred thousand naira (N 100,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

A principal, teacher, an invigilator, a supervisor, an examiner, an agent or employee of examination body, imprisonment for a term of four (4) years without option of fine.

Offences: section 5

To be in possession of offensive weapon or use offensive weapon near examination hall or any place appointed for examination.

To act or incites other to act in a disorderly manner at or near examination hall or any place appointed for examination.

Punishment

A person under eighteen (18) years, a fine of one hundred thousand (N 100,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

A principal, teacher, an invigilator, a supervisor, an examiner, an agent or employee of examination body, imprisonment for a term of four (4) years without option of fine.

Offences: section 6

Misconduct in an examination hall. Failure to obey any lawful order of a supervisor, invigilator and agent of examination body.

Punishment

A fine of fifty thousand naira (N50,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

The removal of the person from the examination hall by police officer, supervisor, invigilator, or agent of examination body.

Offences: section 7

Obstruction of supervisor, an invigilator or agent of the examination body at an examination hall or a place appointed for an examination.

Punishments

A person under eighteen (18) years, a fine of one hundred thousand naira (N100.000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

A principal, teacher, an invigilator, a supervisor, an examiner, an agent or employee of examination body, imprisonment for a term of five (5) years without option of fine.

Offences: section 8

Forgery of results slip

Alter or in any other way tampers with scores of a candidate.

Alter or in any other way tampers with the certificate duly issued duly signed by an examination body.

Punishment

A person under eighteen (18) years, a fine of one hundred thousand (N100,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

A principal, teacher, an invigilator, a supervisor, an agent or employee of examination body, imprisonment for a term of five (5) years without option of fine.

Offences: section 9

Failure to perform or discharge duty during an examination. Performing of duty fraudulently, negligently, perversely or recklessly during an examination.

Commits an act or omission in breach of duty.

Punishment
A fine not exceeding fifty thousand naira (N50,000) or imprisonment for a term not exceeding three (3) years or both fine and imprisonment.

Offences: section 9
A person employed to mark examination paper, alter or otherwise tampers or attempt to alter or tampers with the score of a candidate as recorded by another person.
A person employed by an examination body who before, during or after an examination aids or abets any candidate to cheat at an examination.

Punishment
Imprisonment for a term of four (4) years without option of fine.

Offence: section 9
A person employed to print or charged with the responsibility of printing live questions papers that communicate to any person any information contained in any of the question papers.

Punishment
Imprisonment for a term of five (5) years

Offences: section 10
Conspires with, aides, abets, or counsels, incites, procures or induces person to do any act that is unlawful before, during or after an examination.
Attempts to commit an offence or an accessory before or after the fact to an act.

Punishment
The same punishment for the person who commits the offence

Offence: section 11
Attempt to commit any of the offences under this act.

Punishment
The same punishment for the person who commits the offence

Conclusion
In conclusion, if insecurity takes further roots than it has already done, it will obviously foreclose the space for development already narrowed by recurrent pandemics and the inability of many parents, farmers etc to carry out their duties for fear of being abducted. To avert this dreadful scenario 1999 examination malpractice act must be revisited and re-emphasized for proper implementation and use so as to train our youths to be independent in whatever

situation. Various actions and inactions that constitute malpractices before, during and after an examination should serve as a measures towards addressing challenges of insecurity and economic situation of Nigerians amidst Covid-19. Strategies should be made by the security forces to combat and eradicate the threat to lives and property. Equally the various punishments for such malpractices should be set to draw attention of all stakeholders in the examination business to what constitute infringement against the law.

This paper is also meant to bring to the attention of those who are involved in examination malpractices the consequences of their actions. It is also believed that the highlighting of the offences and punishment in the act will serve as a deterrent against those who are contemplating committing offences in an examination, now or in the future life.

Recommendation

No one can claim to have all the solutions to the contemporary issues in Nigeria, but the writer believes strongly that the following suggestions will curtail menace to the barest minimum.

1. Societal re-engineering and re-orientation to revamp moral values: Good moral values should be properly inculcated into our youths, and parents counselled to stop aiding their children to cheat in examinations. Again, there is need to engage only honest persons in examination management.
2. Retraining and reassessment of teachers: Teachers should be equipped for the technological-driven world. Teachers cannot provide experience and activities that guide students' progress towards understanding of ideas if they themselves do not know what these ideas are; neither can they provide experiences that challenge students if they themselves share in the same misunderstanding. Since some of the teachers in our various level of education are beneficiaries or products of malpractice, a compulsory nationwide retraining of teachers is very important to re-equip them to impart knowledge. And those found non-trainable should be reassigned with administrative duties.
3. Promulgation and enforcement of examination malpractice (prohibition) laws: The Examination Malpractice Act 33 of 1999 should be fully implemented, it will serve as deterrent to students, invigilators, security agents, and other collaborators in the malpractice business.
4. Less emphasis on paper qualifications/certificates: Nigeria's education system is largely certificate oriented. Students should be trained to be self-reliant and independent in whatever situation they find themselves. Excessive value placed on paper qualification or certificates is the major contributing factor for examination malpractice this will force the students to develop habits of cheating that may emanate to a larger society.

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