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TEACHERS' PERCEPTION ON LAWS AND EDUCATION IN NIGERIA

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ABSTRACT

This study sought to find out the perception of teachers on the applicability of the federal laws on education. 1,480 teachers were randomly selected from 3 geo-political zones in Nigeria. A 20 item questionnaire titled "Applicability of Federal Laws in Nigeria" (AFLEN) was designed by the researcher. This instrument was validated by experts in law as well as Test and Evaluation. The instrument was further subjected to a test of reliability using the test-retest method and the data were analysed using the Pearson Product Moment Correlation Coefficient. The questionnaire were administered by the researcher as well as 158 research assistants. They were collected on the spot. The data collected were analysed using simple descriptive statistics. The findings of the study include federal laws are made concerning education but not properly implemented by the various agencies as perceived by teachers. Laws on Examination malpractice, National Teachers Institute, Teachers Registration, free and compulsory education are not properly handled as expected by teachers. Recommendations were therefore made to ensure effectiveness and efficiency of the federal laws on education.

Keywords: Perception, Law, Examination malpractice, Teachers' Registration council of Nigeria, National teachers' institute.

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Contribution/ Originality

This is an original work with equal contributions from the authors using authentic information gathered from the law reports and responses from teachers who are the respondents.

1. INTRODUCTION

Education is the greatest instrument for growth and development of any society, state or individual. No nation can achieve meaningful development without developing its human and material resources. Like other spheres of life in Nigeria, the constitution remains the bible that directs, coordinates, prescribes and moderates the activities of man as he operates within the confine of the country. Education is largely controlled by the laws of the federal and state governments but majorly by the constitution of Nigeria.

The constitutional provisions that affect education are very few. The first is section 18 which states as follows:

1. Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.
2. Government shall promote science and technology.
3. Government shall strive to eradicate illiteracy and to this end, Government shall as and when practicable provide:
 - a. Free, compulsory and universal primary education,
 - b. Free secondary education
 - c. Free university education
 - d. Free adult literacy programme. ([Government of Nigeria, 1999](#)).

The above provisions indicate clearly governments intention to provide free education for all her citizenry, but the constitution in the 2nd schedule divides the educational powers of the nation between federal and state governments.

- a. The National Assembly shall have powers to make laws for the Federation or any part thereof with respect to University education, Technology education or such professional education as may from time to time be designed by the National Assembly.
- b. The power conferred on the National Assembly under paragraph 27 of this item shall include power to establish an institution for the purpose of University, post primary, technological or professional education.
- c. Subject as therein provided, a House of Assembly shall have power to make laws for the state with respect to the establishment of an institution for purpose of University, technology or professional education.
- d. Nothing in the foregoing paragraphs of this item shall be constructed so as to limit the powers of a House of Assembly to make laws for the state with respect to technical, vocational, post-primary, primary or other forms of education including the establishment of institutions for the pursuit of such education.

This means that even though a state government can establish a University or any institute for professional training, the regulation of standards for all post secondary forms of education or training is vested exclusively on the Federal Government. The regulation of standards by this provision holds that for primary and post primary education, as well as establishment of educational institutions of that cadre are exclusively for state.

The Federal Government made the following acts to guide education in Nigeria.

1.1. Examination Malpractice Act Cap E15

Adesina and Segun (2004) noted that examination malpractice has remained a major concern in the education industry and requires urgent diagnosis and treatment. The first comprehensive law aimed at tackling in a wholesome way the menace of examination malpractice in Nigeria was established in this Act. The law provides that if a person under the age of 18 years cheats at an examination, he shall pay a fine of N100,000 or imprisonment of up to 2 years. In case of a person above 18, or a teacher, principal, invigilator, supervisor, examiner or staff of an examination body, the punishment is imprisonment for up to 3 years without option of fine. A school or an examination body is empowered by Section 16 of the Act to suspend, seize, ban or blacklist a student from its examination when it is satisfied by fair process that the student is guilty of malpractice.

1.1.1. Supporting Case 1

In *WAEC vs Mbamalu (1992)* 3NWL R Pt 230, 47, a girl was caught trying to copy from another student at a WAEC examination. On being confronted by the invigilator, she became aggressive and even slapped him. She was later taken out of the examination hall with the aid of security men at the centre. Her result was seized and WAEC banned her for 3 years from its examinations. She sued WAEC. It was held that both the seizure and ban were lawful. However, seizing of result or imposing a ban on a student or school for examination malpractice, the examination body must follow the rules of natural justice. Once results are released, they cannot later be cancelled.

1.1.2. Supporting Case 2

In *WAEC vs Akinwelemi (2002)* 2 NWLR Pt 766, p 327, a student for the 1992 May/June WAEC obtained 2 A's (Distinction), 4 C's (Credit) and 1 pass. He was admitted into the university of Illorin. In his final year as part of the final screening exercise, the University requested him like other students, to produce their original WAEC results. It was then that the respondent in this case went to his secondary school in Mushin, Lagos, where he completed his secondary education to collect his result. He was informed that WAEC had cancelled all the results in that centre because of alleged malpractice. The student filed an action for order to compel WAEC to release his results and it was granted, the court held that an examination body cannot release results and later cancel it.

1.2. National Teachers Institute Act Cap N79

The NTI was established in 1976 primarily because of the pressing need in the country for trained, qualified teaching staff at all levels of the educational system.

It is the national agency charged with the responsibility of upgrading teachers skills in Nigeria, especially at primary and secondary level. The NTI was mandated to provide courses of instruction leading to the upgrade, development and certification of Nigeria teachers as specified in the relevant syllabuses using the distant learning system. The vision of the NTI is to enhance

professional skills of serving teachers for high quality education delivery at primary and secondary levels. The institute was empowered to award Nigerian Certificate in Education (NCE) and Postgraduate Diploma in Education (PGDE) and to formulate policies, and initiate programmes at all levels of education designed to improve the quality and content of education in Nigeria as cited in Section 3 of the Act.

1.3. Teachers' Registration Council of Nigeria CAP T3

This is perhaps the most important federal law with the greatest impact on teaching as a profession in Nigeria as noted by Okolo (2010). Before this Act, there had been feeble attempts by a few regional and state governments aimed at professionalizing teaching. The Education law of Eastern Nigeria 1963, the Education law of Cross River State 2003 are examples as noted by Kilo and James (2010). This law, Cap 13 established a Teachers Registration Council with powers among others for regulating and controlling the teaching profession in Nigeria in all its aspects and ramifications. The governing board of the council comprises Ministry of Education officials at federal and state levels, Deans of Education, Provost of Colleges of Education, National University Commission, National Commission for Colleges of Education, etc. The Chief Executive is the Registrar, who is required to annually compile a list of all registered teachers in Nigeria. A person is said to be registered as a teacher if he has attained 21 years, has a qualification accepted by the Council as sufficient for registration as a teacher and is of good character. The council has the power to approve the certificates of educational institutions or to withdraw such recognition.

It is an offence punishable by fine of up to N50,000 (fifty thousand naira) or imprisonment for up to 2 years or both for a person who is not a registered teacher to teach in any school. The law set up a Teachers Investigation Panel in all the 36 states and Federal Capital Territory to investigate cases of professional misconduct against teachers and report to the Teachers disciplinary committee. It is the duty of the Head Teacher of any school to report all cases of misconduct by a teacher and failure to do so, is an offence punishable by fine or imprisonment.

1.4. Compulsory Free Universal Basic Education Act, CAP E 2

The basic provision of this law is the establishment of Universal Basic Education Commission at the states. The commission's duty is to implement the free basic education; that is the first 9 years of schooling programme of the federal government in conjunction with the states. The funds for the programme at the federal level are charged directly on the Consolidated Revenue Fund at 2% with counterpart funding from the states. The law says, Basic Education in Nigeria is free and compulsory. Section 2 of the law makes it an offence punishable by fine or imprisonment for a parent who does not "ensure" that his child or ward completes primary and secondary education. It is also an offence to demand or receive any fee from any child by any staff or teacher in any school. The Act, Cap E2 makes it mandatory for any educational correspondence programme to be incorporated and then accredited by the Federal Ministry of Education as well as the Education Tax Act to pay 2% of their taxable profit to an Education fund.

2. OBJECTIVE OF THE STUDY

The objective of the study is to ascertain if the federal laws on education are practically applied to education in Nigeria as perceived by teachers.

3. RESEARCH QUESTIONS

The following research questions are raised:

1. What is the perception of teachers on examination malpractice laws?
2. What is the perception of teachers on the Nigeria Teachers Institute law in producing teachers?
3. What is the perception of teachers on the Teachers Registration Law?
4. What is the perception of Teachers on the free and compulsory education law?

4. METHODOLOGY

A descriptive survey research was adopted in the study. The study population comprised all primary, secondary and tertiary levels of education in three geo-political zones in Nigeria, South-south, North central and North East. Using the stratified sampling method, 1,480 teachers were randomly selected from the three geo-political zones. A questionnaire titled "Applicability of Federal laws on Education in Nigeria (AFEN) was drawn by the researcher. The questionnaire was divided into two parts, Section A sought information about personal data of the respondent while Section B contained items on the applicability of federal laws on education. The questionnaire was graded using the 4-point likert scale-Strongly Agree (SA) Agree (A) Strongly Disagree (SD) Disagree (D) with 4, 3, 2, 1, points respectively. The content validity of the instrument was ascertained by two law lecturers and four experts in tests and evaluation in Niger Delta University, Wilberforce Island, Bayelsa State – Nigeria. The instrument was further tested for reliability when the content validity has been ascertained using the test-re-test method. Using the Pearson Product Moment Correlation Coefficient the reliability coefficient was established at 0.85. The instrument was administered by the researcher as well as 158 research assistants drawn from the three geo-political zones. The questionnaires were collected on the spot.

5. FINDINGS

Relevant data were subjected to a descriptive statistical analysis. The results are presented in table 1-4.

Table 1 show that apart from the candidates who are often severely punished for examination malpractice majorly by cancellation and withholding of results as agreed by 73.3% of the total respondents, the teachers perceived that the schools are moderately punished while supervisors, invigilators, Heads of Schools as well as subject teachers are often not punished according to the law.

Table-1. Applicability of the Examination Malpractice Law

Applicability of Examination Malpractice Law to:	Levels of Application					
	Severe		Moderate		Not applied	
	N	%	N	%	N	%
Candidates	1100	74.3	300	20.2	80	5.5
Schools	200	13.5	1204	81.4	76	5.1
Supervisors	200	13.5	71	4.8	1209	87.7
Invigilators	80	5.5	100	6.6	1300	87.9
Heads of Schools	200	13.5	80	5.4	1200	81.1
Subject Teachers	300	20.2	80	5.4	1100	74.4

Table-2. Adequacy of Teachers Produced by NTI

Adequacy of teachers produced by NTI	Not adequate		Adequate	
Nigeria Certificate in Education	1100	74.3%	380	25.7%
PGDE	1174	79.3%	306	20.7%

Table 2 shows that only 25.7% of the total respondents as read that the NCE holders produced by NTI are adequate while 74.3% strongly agreed that the NCE teachers are grossly inadequate. The PGDE programme organized by NTI is not producing the required number of teachers needed as perceived by 79.3% of the respondents.

Table-3. Applicability of the Teachers Registration law

Applicability of Teachers Registration law	Levels of Application			
	Applied		Not applied	
	N	%	N	%
Primary School	376	25.4	1104	74.6
Secondary School	272	18.4	1208	81.6
Colleges of Education	276	19.0	1200	81.0
Universities	302	20.4	1178	79.6

Table 3 shows that the implementation of the teachers registration law is not effective in most schools as it is evident that most teachers are yet to be registered.

Table-4. Applicability of the Compulsory Education Law

Adequacy of teachers produced by NTI	Not applied		Applied	
	N	%	N	%
Primary School	1400	94.6	80	5.4
Junior Secondary School	1284	86.8	196	13.2
Senior Secondary School	1420	95.9	60	4.1
Tertiary Institutions	1410	95.3	70	4.7

On the issue of the application of the free and compulsory education for all Nigeria citizens, 94.6% of the respondents believed that the law is applied in the primary schools, 86.8% also agreed that the law is applied in the secondary school levels, 95.3% strongly agreed that the law is applied at the tertiary education level.

6. DISCUSSION

Laws are made to guide the activities of man in a society. The federal government of Nigeria established laws to guide examination malpractice, NTI, Teachers Registration, and Compulsory education.

Awokoya (2002) noted that examination malpractice must not be condoned in any form. Laws were also made to punish offenders but the study shows that only students often feel the impact of the punitive measures. The invigilators, supervisors, teachers and Heads of school are often spared as there are very little reported cases of such persons being made to face the wrath of the law either by imprisonment or fine or both as stipulated by law.

The NTI was established with the hope that qualified teachers will be produced through it to cope with the much needed manpower. Igwe (2002) observed that the NTI programme though present and functioning all through Nigeria but lack/funding and supervision. There is low patronage and as such the success rate is low. The study showed that few teachers are often produced through the NTI programmes.

Professionalizing, teaching has always remained a problem in Nigeria. Onabamiro (2002) observed that until the registration is taken seriously by the Teachers' Registration Council, most teachers in Nigeria will still be operating illegally. The study showed that the level of awareness is low as there are still many cases of teachers that are not registered in Nigeria thereby contravening the law.

The free and compulsory education though a national problem, Obioha and Alueze (2004) stated that though most state governors have tried to implement the law only at the primary and secondary school levels, very many states are yet to do so. The study clearly shows the perceptions of teachers on the implementation of the law and they believed that free and compulsory education law is yet to be implemented in so many states.

7. CONCLUSION

- The federal government has made relevant laws to guide examination, malpractice NTI, Teachers' Registration and free and compulsory education in Nigeria.
- The laws on examination malpractice are felt by the students majorly while the administrators suffer less.
- The NTI programmes are not properly funded and not properly supervised
- The registration of teachers is not properly enforced in Nigeria.
- Education in Nigeria is not free and compulsory in most states.

8. RECOMMENDATION

- The federal laws on education should be enforced through the various agencies.
- Examination malpractice law should be enforced strictly on administrators.
- The NTI programme should be better funded and supervised by the government.
- Teachers should be "forced" to register as profession teachers or face disciplinary actions.

- All states in the federation should strive to encourage free and compulsory education.

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