

Affirmative action or removing the bar? a critique of admission requirements into government schools in Nigeria

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Abstract

Affirmative Action is a positive policy designed to help disadvantaged groups who had suffered marginalization in the past. It comes with different designation. In Nigeria, it is called Quota System and/or Federal Character. These policies are meant to address regional imbalances in recruitments and appointments into federal government ministries, agencies, and departments. But beyond that, implementation of these policies is stretched to include admission into unity schools and higher institutions. This has obviously led to the discriminatory lowering of admission cut-off marks into these schools—with acute disregards for merit. This results to abuse of standard, process, and logic. This paper critiques the notion that certain regions in Nigeria suffered marginalization in the past. It questions the usefulness of these policy instruments in solving the problem of regional imbalances in the educational sector. Data are secondarily sourced and the theory of Distributive Justice is adopted for analysis. Its findings show that the Quota System policy was faulty from the get-go as its implementation is not time bound. This strips it of any justification as affirmative policy which is conventionally designed as temporary corrective measure. Though Quota System in Nigeria had some laudable objectives at conception, this paper argues that it has outlived its usefulness. Thus, it is currently counterproductive as it does great harms to admission process in Nigeria. It concludes that this policy encourages admitting students with abysmally low academic performance into public schools with absolute disregards for merit. It recommends equity—guided by merit—in admission process.

Keywords: Equal Opportunity; Justice; Marginalization; Mediocrity; Merit

INTRODUCTION

The education sector remains a critical sector in any society. A society neglects it only to its peril. It is the force that drives nations to great heights. The commitment of a state to education is evidence of its commitment to development and progress. A nation retrogresses when it neglects or shows little commitment to education. The esteemed role of education cannot be over emphasized especially in knowledge based modern state—with its complicated socio-political and economic system. Araromi (2017, p. 211) aptly and nicely captures the sterling attribute of education; he wrote: “Education is a backbone of development in any society, and it is also opium of growth and creates avenue for information acquisition which can help to grease the wheel of progress in the society.”

The all important role of education and the necessity to educate every citizen must have informed the Nigerian government’s decision to come up with different policies like the Quota System in its regulations guiding admission into public schools. This policy which is a form of affirmative action is purposely designed to help the educationally disadvantaged regions and states; and to encourage enrolments and tackle illiteracy. By implication, the policy is meant to bridge the literacy gap between the educationally less developed states (ELDS) and the educationally advanced states (EAS).

How effective has been the Quota System in bridging the educational gap since its introduction? What is the targeted time frame for bridging the gap? To what extent should academic standard be comprised—by means of quota system in the process of bridging educational gap if it must be compromised? And must it be compromised? Who or what created the gap in the first place? How true is the notion that admission quota system in Nigeria is meant to address past discrimination and marginalization? Who discriminated against whom? Who are the marginalized? Who marginalized them and how were they marginalized? These are some of the questions this paper seeks to answer. To answer these questions, this paper traces the origin of quota system in Nigeria to as far back as the pre-independence era. It juxtaposes the arguments of its proponents and antagonists. After

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more than six decades of implementation, is quota system of any use? Using empirical data on admission requirements into the country's unity schools and its higher institutions, and within the context of present-day Nigeria, this paper makes some conclusions and gives recommendations.

METHOD

This study basically relies on secondary source for data collection. Being a research rooted in history, it touches on history to understand when the policy under discussion started and why it was formulated. Logic is employed to argue for the need for its continuity or discontinuity. And because it is aimed at addressing a very current issue, its data are generally sourced from books, journals, online materials, newspapers, and government publications and websites. It uses tables and percentage to present its data for scientific analysis.

Study gap and justification

Many researchers in the past had examined the nature and politics of quota system in Nigerian school admission process. They have also drawn attention to the need for its continuity. These researchers are majorly from the southern part of Nigeria and their arguments are viewed with paranoia in the north. This is because most of the ELDS (19 out of 23 i.e. 82%) are from the north and all the northern states are ELDS with no exemption. This paper is justified on the ground that its author is from the north lending the same voice to the discontinuation of the quota system in admission process. While other researchers lay emphasis on the injustice of the discriminatory entry scores in favor of the ELDS in the admission process, this paper goes beyond that. It critiques the very notion of marginalization that is used to justify discriminatory admission requirements. Many researchers did not pay attention to this. This paper, rather than focus (only) on the inappropriateness of the continuous implementation of quota system, it demystifies the alleged discrimination which informed the quota system in the first place.

Theoretical framework

Distributive Justice identifies the ownership of goods in a society. It contends that there must be fairness in distribution such that equal work or performance by each citizen should provide equal outcome or reward. Justice is denied when equal performance does not produce equal outcome or when some individuals or groups are disproportionately rewarded (Jordan, n.d.). In reference to his two principles of justice for institutions, Rawls (1971, p. 266) asserts that; "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all." From the perspective of this theory, the process of admission into public schools should be one that would ensure equality, proportionality, and fairness.

The theory of Distributive Justice explains why no unit of a federation should feel cheated or discriminated against in admission process into its public schools—secondary or tertiary. Accordingly, the floor should be flattened for every unit of Nigeria's federation to grow and develop through

massive investment in education and other such critical sectors of the state. It is left for each unit (or geo-political zone as the case may be) to attain great height or remain at the lower rungs. In other words, while the playing grounds are levelled for equal participation and equal opportunity is given to each federating unit to excel, there will definitely be no equal ceiling for growth and achievement. This will be left for those who strive harder to attain greatness. Levelling the playing ground implies that no encumbrance stands on the part of anyone who desires excellence in any chosen profession. When this is made possible, then distributive justice can be said to be present (Jordan, n.d.). From the viewpoint of this theory, discriminatory cut off marks in favor of the ELDS is against the principle of distributive justice and fairness.

What is affirmative action?

Historically, affirmative actions are policies formulated in the United States to address the civil rights of people of color—the less privileged—to protect them from ghettoization which is an outgrowth of past discrimination (William & Modigilani, 1987). Literally, they are positive steps taken to reverse past discriminations. In 1961, President Kennedy became the first to utilize the term "affirmative action" in Executive Order 10925; included the provision that government contractors take positive steps to ensure that factors like race, creed, nationality, color etc. do not become prime determiners in the process of employment (Erin 1998). It was envisaged that this executive order of the government will purposely create equal opportunities for all competent applicants. Thus, affirmative action becomes a national instrument that the United States employs to address the age long problem of discrimination and race. Obviously what President Kennedy meant by "affirmative action" is "equal opportunity" to stop discrimination against minority groups. It is not a positive action that compensates or remedies past discrimination. To put affirmative action into its proper perspective, President Lyndon Baines Johnson who succeeded President Kennedy asserted in 1965 that civil rights law alone is not sufficient to remedy past discrimination. In a famous speech, he said:

"You do not take a man who for years has been hobbled by chains, liberate him, bring him the starting line of a race, saying, 'you are free to compete with all the others,' and still justly believe you have been completely fair...We seek not just freedom but opportunity—not just legal equity but human ability—not just equality as a right and theory, but equality as a fact and as a result. (Johnson, 1965)."

Be that as it may, affirmative action refers to the special attention given to women, racial subgroups, and members of other historically marginalized groups. It bears different names in different countries. In India it is called reservation policies; in Europe it is known as positive action; while in Nigeria it is called quota system, zoning, and federal character. Many countries across the globe have come up with different legislations on affirmative action.

Quota system—what it connotes

Quota system, also known as quotaism, is a concept of administration in a social system which is premised on having different demographics represented at all levels of government. These demographics could be based on gender, age, race, and other characteristics. According to Cambridge Dictionary (n.d.), it is “a method of setting a limit on how much of something a country or company is allowed to have, produce, import, etc.” It is one of the ways in which affirmative action policy might be implemented. According to Weisskopf (2004), under a quota system, the number of selected members of any group targeted by such policy will equal the size of the quota—unless fewer group applicants actually apply. In practice, Weisskopf further explains, quota systems are often constrained by specification of minimum conventional qualifications (e.g., a minimum qualifying score) below which targeted group applicants will be rejected, even if their quota is not filled.

Quota System is often confused with the Federal Character Policy in Nigeria. The former is older. Many authors assume that the latter replaced the former or the former metamorphosed into the latter (Okolo, 2014; Oyadiran, and Toyin, 2015). This seems not to be the case. The two affirmative policies are extant. They are implemented simultaneously but in different spheres. The Federal Character is used to determine whom to employ (and from where) in all federal government establishments and whom to appoint as political appointees by elected executives. The implementation sphere of the Federal Character Policy is wider and near all-encompassing. This explains its popularity and domineering status over the quota system which enjoys implementation only in schools as a factor in admission process.

Ideally, quota system should be constrained. What Nigeria practices in its school admission process is a pure quota system which Weisskopf (2004) considers more arbitrary than the constrained quota system that gives room to some form of merit. The manner of its implementation in the admission process is why Okoroma (2008) posits that quota system in admission policy could be responsible for fall in the standard of university education in Nigeria. In the same vein, Akani (1996) states that the policy in education is responsible for the fall in admission standards and this allowed for poorly qualified candidates to be admitted into the universities while good candidates have no place.

Quota system in Nigeria: origin and reactions

Quota system dates back, explains Okolo (2014), to the pre-independence era of nationalist struggle particularly after Nigeria became a Federation in 1954, for participation in the administration of colonial Nigeria. It was originally concerned with legislative representation and equalization of regional opportunities in education and appointments at the federal level. Quota system came into being due to the observation that there were regional imbalances in the socio-economic development and level of political awareness of citizens in the country. Therefore, when Nigeria opted for a federal system of government in 1954, the concept of quota system as a positive

policy of government was implemented in the recruitment into the Officers' Corps of the Armed Forces and the Police as well as in admission into public schools (Oyadiran and Toyin, 2015).

However, affirmative policies are always perceived with skepticism. Some sections of the country reacted negatively arguing that quota system breeds and enthrones mediocrity under the pretense of fair representation and national integration. Emphasizing the need to do away with quota system in educational matter, Anyanwu (2010) accounts that despite the vast educational gap between the North and the South in the 1950s the quota system was not employed. This was because the Inter-University Council (IUC) insisted that admissions to the University College, Ibadan must be based on merit and academic excellence. This position on merit over quota was upheld by the post-colonial government of Alhaji Tafawa Balewa—also through out the 1960s. In fact, the Ashby report's recommendations—which include merit over quota—were accepted by the federal government in 1960 and “it formed the basis for the launching of the First National Development Plan (First NDP) for the period between 1962 and 1968.” (Anyanwu, 2011, p. 80) This further expanded the educational gap between the North and South, thus widening the socioeconomic disparity. After the Nigerian Civil War, Northern leaders became more anxious with the extent to which the North has been left behind in the area of secular education, thereby intensifying the clamor for an introduction of the quota system in education. As expressed by Anyanwu:

“In the early 1970s, states in the North intensified their call for a quota system designed to reserve admission slots for their indigenes in the existing universities. The South had resisted the idea of quota system because they saw it as discriminatory and anti-academic standard. The call for quota system in university admission was a clear indication that the North was dissatisfied with low enrollment of their indigenes in the existing universities (Anyanwu, 2010, p. 11).”

In a lecture titled “In search of a Nigerian dream,” Adesina argues that quota system should be scrapped. He emphasizes that:

“A major Achilles heel of federalism in Nigeria is the quota system. The quota system was introduced to take care of some perceived inadequacies in our federalism. It was designed as a stop-gap measure to help a region build capacity and also feel included in the programmes of nation-building. Unfortunately, the quota system has now become an albatross on the neck of the country. There were complaints that the system had become a never-ending one to create a privileged region. The former Emir of Kano, Muhammadu Sanusi II became one of the critics of the system. (Olaniyi, 2021, para. 4-5).”

This is because, Akpan & Undie (2007) contend that, using quota system to guide and regulate access to university has inequitable effect. In the same vein, Enemuo (2004) protests that the policy encourages group discrimination against the other. He states that the quota system, in all its ramifications, is

the practice of denying meritorious candidates admission into universities while favoring unqualified candidates on the basis of tribe, nepotism, state of origin, and local government area.

Despite the criticisms against quota system as being inequitable, some consider it as an equity formula. For instance, Ekundayo and Ajayi (2009) assert that the quota system and catchment area policies ensure equity and fairness in the admission processes. Gboyega (1989), is of the opinion that special consideration should be given to candidates from the North and other areas where educational amenities were more insufficient than elsewhere. Oduwaiye (2011) takes a middle position and warns that even though it is good to encourage the educationally disadvantaged area, it should not be at the detriment of others in a situation where a candidate does not gain access just because of his birthplace which is not too good.

Attitude of northerners towards western education

The history of formal secular education in Nigeria could be traced to the colonial era. Though there existed some forms of education in some parts of the Southern Nigeria championed by Christian missionaries, it was far away from standard education as the objective was to teach people how to read the Bible and to promote evangelism. The British colonialists later standardized and formalized education especially after the 1914 amalgamation. But the education introduced and promoted by the British colonialists was viewed with suspicion in the Muslim North by their mallams and emirs who feared religious conversion of their wards from Islam to Christianity since the education was handled by Christian missions.

Thus, northern emirs and mallams were blamed for the late acceptance of Western education in the North. As observed by Ozigi and Ocho (1981, p. 12): “The local mallams are against modern ‘Western’ education because they think, perhaps wrongly, that it threatens their means of livelihood and prestige in society.” Tibenderana (1983, p. 517) also reports the common notion that emirs were responsible, though he argued convincingly against it. He argues:

“The emirs who, up to the establishment of the Northern Regional House of Assembly in 1947, were the vanguard of the northern political leadership, have been largely blamed for contributing to the educational backwardness of northern Nigeria by their deeds and omissions.”

Fafunwa (1974, p. 105) concludes that the “attitude of the Christian missions, more than anything, was responsible for the slow educational development in the North.” He arrives at this conclusion because Christian missionary had the mission of converting the Muslim populace through the instrumentality of secular education. For instance, Christian Missionary School (C.M.S), explains Fafunwa (1974, p. 106), “succeeded in converting their first Hausa Christian, Mallam Fate, who helped Miller to translate most of his selected texts. Another convert was Mallam Audu who was trained at St Andrew’s (Teacher-Training) College at Oyo and returned to Zaria to help with the boys’ school.”

Discussing the educational gap between the North and the South, Tibenderana (1983, p. 517) argues that the seed of educational imbalance were sown during the colonial period. But he, unlike Fafunwa, Ozigi and Ocho, largely blamed the British colonial officers for it. He averred that criticisms against northern emirs are ill founded. Those criticisms are premised on a misconception of the emirs’ power in the colonial administration whom he argued were not de facto rulers of their emirates and had no such powers to initiate educational reforms. He cites numerous cases which show the solicitousness of many emirs for establishing schools in their emirates. Even when he acknowledges the negative attitude of some emirs towards Christian mission enterprises—which include establishing schools in the Muslim north—, Tibenderana (1983, p. 525) still blames British colonialists for it. He argues:

“The attitude of the emirs to missionary enterprise in general and education in particular was largely influenced by British colonial policies...For example, missionary societies could not establish stations and schools in the Muslim emirates without prior approval of the Governor. And until the 1930s, missionary societies found it very arduous to secure such approval.”

Why are the British colonialists against educating the North? Tibenderana further explains: “the British political officers’ desire to maintain the status quo and to avoid the production of ‘disgruntled intellectuals’ who were held culpable for anti-British activities in such places as India, Egypt, and Lagos.” To surmise, many factors contributed to the fate of education in the North. All the authors mentioned above are right and they all agreed on the contributing factors. They only differ on the major contributing factor.

Who discriminated against the ELDS in the past?

From the foregoing, first and foremost, it is evident that the British colonialists never wanted the North educated like their counterparts in the South but not out discrimination, hatred, or injustice against the North. It was glaringly a deliberate policy to preserve the status quo in the North and to ensure the successful implementation of indirect rule whereby emirs remain symbols of authority. That said, the Northerners have a share of the blame. Their misconception of Western education as a rival to Islamic education which has the potency to vitiate the latter is also a major factor. Over six decades after Nigeria’s independence, animosity towards Western education refused to die down completely in the North as demonstrated by the Boko Haram insurgency in 2009—a fifteen-year-old insurgency which is yet to be quelled.

The point is, for all the factors identified, there are no cases of discrimination by the South—or its ruling elites—against the North. Why should admission quota be implemented to amend for some supposedly past discrimination in favor of the North to the disadvantage of the South as if the South had historically discriminated against the North? This is exactly what admission quota does. It should be noted that the ELDS have four other states located the South; who is to blame for the supposedly

backwardness of these states which are not even in the North? These states are Bayelsa, Cross River, Ebonyi, and Rivers. In the next sub-themes, this paper turns to how admission quota system adversely affects admission requirements into unity schools in Nigeria. It shall also address how this quota system influences the reduction of UTME score requirements into higher institutions recently to the low of the low as if exams were not meant to be passed.

Quota system and admission policy in unity schools

The quota system gives room for a wide range of unequal cut off points for different states of the federation. As shown in Table 1, while candidates in Yobe and Zamfara States only need to score 2 out of 300, those from Anambra State need to score 139, Osun State 127, and Imo State 138 out of the same total marks (300). This system of admission has been harshly condemned as a rape on excellence. The Federal High Court in Lagos, according to The Cable (2014), passed a verdict which apparently voided the discriminatory use of entry marks for admission into Unity Schools. Prior to this court judgment, the former Supervising Minister of Education, Nyesome Wike, admitted that entry requirements into Unity Schools were not in order; as the process is based on “30 per cent merit and 70 per cent other factors”. The Cable further reports that at a time Olisa Agbakoba (SAN), who was once the President of the Nigerian Bar Association (NBA), filed a public interest litigation against discriminatory admission requirements. He approached the court to contest the legality of using different cut-off marks for Unity Schools based on gender, ethnicity, and state of origin. He premised his argument on the provisions of the 1999 Constitution (as amended) as well as 2009 Fundamental Human Rights Enforcement Rules. He described such application as “discriminatory and a violation of the fundamental rights to freedom from discrimination guaranteed by the Constitution.”

Agbakoba maintained that the policy contravened Section 42 (1) (b) of the 1999 Constitution which says:

“A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.”

However, the Federal Government defended the policy which it claimed was aimed at nurturing peace, promoting unity, and fostering amicable coexistence among its citizens. The Government further clarifies that using the deliberate discriminatory cut-off marks was to bridge the yawning admission gaps between states that are still educationally less developed and those that are developed. It argued that differentiated cut-off mark strategically allows for the diversities of students from different ethnic groups in the unity schools. It added that if single and uniform cut-off mark were applied, it would mean that some states would be absent from the unity schools. The government also claimed that Agbakoba

lacked the locus standi to file the suit which was rather “speculative, hypothetical and academic, which ought to be dismissed with costs.”

The court—two years later—declared as unconstitutional the age-long state-based quota system of admission into Federal Government Colleges. This violates Section 42(1) of the 1999 Constitution (as amended) (Lawal, 2017). The court further stated that the administrative acts of the Federal Ministry of Education which prescribe and apply different requirements based on gender, ethnicity, and states of origin for candidates seeking admission into federal government colleges as a discriminatory action that violates Section 42(1) of the Constitution. The presiding judge—Justice John Tsoho—continuously restrained the Federal Government, whether by itself, agents, servants, privies or otherwise from further acts of discrimination in admission into government colleges. The court also held that the preamble to the 2009 Fundamental Human Rights Enforcement Rules was clear on who had locus standi to file a public-interest litigation. It says in preamble 3(b) (e): “The Court shall encourage and welcome public interest litigations in the human rights field and no human rights case may be dismissed or struck out for want of locus standi.” On this premise, the court asserts that Agbakoba is qualified to file the instant suit (The Cable, 2014).

From the above table, the cut off marks for Yobe and Zamfara are 2 and 4 respectively for male. As applied, quota system apparently removes the bar. How would 2 Out of 300 (0.01%) qualify a candidate for admission? This is an abuse of process. It is aiding and abetting ignorance and an indirect (if not direct) way of telling ‘pampered’ students not to work hard. Such students will, most probably, not do well in school. More so, students from Kebbi, Sokoto, Taraba, Yobe and Zamfara States are not encouraged to work hard. It should be noted that the admission policy also discriminates against female students in Kebbi/Sokoto, Yobe and Taraba States where male candidates need to score 9, 2 and 3 points against females who will need 20/13, 27 and 11 points respectively. Also in Zamfara State, the cut off discriminates against male students where male applicants are expected to have 4 points as against their female counterparts who need 2 points. What is the justification for this?

Quota system and admission policy in higher institutions

Conventionally speaking, pass marks for most examination bodies and higher institutions of learning are pegged at the range of 40-50 percent. It is logical and commonsensical that when a student gets 40-50 percent in an examination, he or she may be considered an average student that needs to be spurred for better performance. However, it is bizarre and it came to many as a shock when, in 2017/2018, the Joint Admission and Matriculation Board (JAMB) lowers its pass mark to 120 out of 400. To worsen the matter, 100 out of 400 (25%) is made the pass mark for colleges of education and polytechnics. Colleges of education are established with the mandate to teach and train

Table 1: Unity Schools' Admission Cut Off Marks for 2022/2023 Session Per States of the Federation and FCT

No	State	Male	Female
1.	Abia	130	130
2.	Adamawa	62	62
3.	Akwa-Ibom	123	123
4.	Anambra	139	139
5.	Bauchi	35	35
6.	Bayelsa	72	72
7.	Benue	111	111
8.	Borno	45	45
9.	Cross-River	97	97
10.	Delta	131	131
11.	Ebonyi	112	112
12.	Edo	127	127
13.	Ekiti	119	119
14.	Enugu	134	134
15.	Gombe	58	58
16.	Imo	138	138
17.	Jigawa	44	44
18.	Kaduna	91	91
19.	Kano	67	67
20.	Katsina	60	60
21.	Kebbi	9	20
22.	Kogi	119	119
23.	Kwara	123	123
24.	Lagos	133	133
25.	Nasarawa	58	58
26.	Niger	93	93
27.	Ogun	131	131
28.	Ondo	126	126
29.	Osun	127	127
30.	Oyo	127	127
31.	Plateau	97	97
32.	Rivers	118	118
33.	Sokoto	09	13
34.	Taraba	03	11
35.	Yobe	02	27
36.	Zamfara	04	02
37.	Abuja	90	90

teachers—trainers of the younger generation—while the polytechnics' mandate is to train technologists towards technological development and advancement of the country. How can candidates with such sordid antecedents of failure be effective teachers to the upcoming generations of students?

It is claimed to be the decision of Nigerian universities' vice chancellors and other stakeholders; to enable some parts of the country who are considered to be educationally backward to gain admission into higher institutions. However, many vice chancellors vow not to admit candidates with points lower than 180. In fact, Lawal (2017) reports that the Academic Staff Union of University (ASUU) dubbed it a "sad policy decision" (para. 11) and further asserts that it was in "tandem with dream of the present government to destroy public universities in the country" (para. 11). Many commentators perceive it as an attempt to reflect federal character in the admission process which they condemned. The Guardian Editorial Board (2017) called the policy "obnoxious and self defeating" (para. 4). Aruleba (2017) for instance, lamented by asking that, "what is the meaning of promoting quantitative education through assisting eggheads with 30 per cent achievement in today's highly competitive world?" (para. 4). He angrily described as useless the quota system of federal character in the realm of education. He argued that not everybody is a university material.

As if the admission umpire (JAMB) was not comfortable with the ferocious criticisms that trailed the unprecedented policy of abysmally low qualifying entry point scores into Nigeria's higher institutions, it raised the benchmark a bit by making the pass mark for admission into universities 160 (40%) in the 2019/2020 academic year. As reported by PM NEWS (2019), the decision was announced at the 19th Stakeholders' Policy Meeting on Admissions to Tertiary Institutions in Osun State. The Board approved 140 (35%) for private universities, 120 (30%) for public polytechnics and 110 (27.5%) for colleges of education.

The argument advanced by JAMB through its head of information, Dr. Fabian Benjamin, is that if admissions are based on merit, it might happen that institutions will only have candidates from certain ethnic nationalities, and that will bring about lopsidedness in the process. This argument is at best illogical; and at worst it is like saying some Nigerian nationalities are naturally foolish and unintelligent. No nation or ethnic group in Nigeria will accept this derogatory classification. To be fair to him, he did not mention any nation or ethnic group; though the North is generally believed to be educationally left behind. It should be noted, as shown in Table 2, that while most of the ELDS states are actually from the North; some states in the South are also included. Therefore, it is not exclusively a northern phenomenon.

In addition, for how long will these states maintain the ELDS status? The youngest among the states were created 28 years ago (1996). Kwara, Rivers, and Kano are 57 years old. Kaduna which nicknames itself 'Center of Learning' and Cross-River, that allegedly produced the first professor in Nigeria, are 57 years old (created in 1967), and yet categorized as ELDS. If

these states were actually educationally less developed as officially claimed after this long year of existence, it means the discriminatory admission policy which influences the unprecedentedly low UTME cut off marks is only helping people who probably do not need it. Put differently in Rawls' (1971, p. 266) words, "it does not ensure greatest benefit of the least advantaged, nor consistent with the just savings principle."

Table 2: ELDS States and their Ages as at 2024

No	State	Year of Creation	Age
1.	Adamawa	1991	33
2.	Bauchi	1976	48
3.	Bayelsa	1996	28
4.	Benue	1976	48
5.	Borno	1976	48
6.	Cross-River	1967	57
7.	Ebonyi	1996	28
8.	Gombe	1996	28
9.	Jigawa	1991	33
10.	Kaduna	1967	57
11.	Kano	1967	57
12.	Katsina	1987	36
13.	Kebbi	1991	33
14.	Kogi	1991	33
15.	Kwara	1967	57
16.	Nasarawa	1996	28
17.	Niger	1976	48
18.	Plateau	1976	48
19.	Rivers	1967	57
20.	Sokoto	1976	48
21.	Taraba	1991	33
22.	Yobe	1991	33
23.	Zamfara	1996	28

Yet in 2021/2022 admission exercise, JAMB made a repeat of 2017 by pegging the cut off marks to as low as 120 out of 400 for universities and 100 for other higher institutions; then warned that no institution should go below that. This pegging of JAMB score to be so ridiculously low infuriated Nasiru El-Rufai, the former governor of Kaduna State, who lamented that northerners have been given unnecessary preferential treatment which encourages them to be lazy (Salaudeen, 2021). In 2022/2023, there was no significant difference. Reacting to this abysmally low mark, Salaudeen (2022, para: 5) writes that JAMB should rather make the minimum cut off mark zero (0). Theoretically, there is no difference between scoring zero (0%) and 120 (30%). Any score between 0 and 39 is regarded as fail (F9). He asks; "What is the essence of examination if one does not necessarily need to pass and choose to fail and yet gain

admission?" In 2023/2024 admission exercise, the benchmark was 140 for universities, 100 for polytechnics and colleges of education.

What has admission quota achieved so far?

Admission quota had been in existence for decades. What it has achieved, to say the least, is removing the bar of excellence and merit which stands in the way of unwilling and poor students. It opens the gate widely for those who are not needed in schools. It has contributed, in no small measure, to the deteriorating standard of education. It was purportedly designed to help those who "suffered" discrimination in the past. But these "victims" of past discrimination, with few exceptions, have shown no significant effort to appreciate education. Rather than improve enrollment and quality of education in many of the ELDS, admission quota does the opposite. If the admission cut off scores to federal unity schools for states like Kebbi, Sokoto, Taraba, Yobe, and Zamfara as shown in Table 1 above is anything to go by, admission quota is a total failure. It means writing exam in those states is just a formality. Like Anya (2002) rightly observes, despite the utilization of the concept of educational underprivileged states over the years, the so called disadvantaged state have remained disadvantaged as they were in 1975. He argues that the quota system and federal character principle used for admission must be discarded because they were merely instruments of political manipulation which have proved ineffective.

Generally, affirmative actions like quota system are purposely designed to put an end to discrimination and give everybody an equal opportunity to progress. Nevertheless, in Nigeria, it does the opposite. It perpetuates reversed discrimination. Many Nigerian candidates who merit admission into institutions of learning are yearly denied admission because some candidates from catchment areas, or from ELDS are considered instead—this is despite their poor performances. Nothing describes the denial of admission in respect of these qualified candidates better than discrimination. Antagonists of affirmative action cringe at this kind of policy and consider it as morally unjust because it promotes reverse discrimination. It is as if diligent candidates from states outside the ELDS were punished for the crime they had never committed. If a candidate from Ogun State, for instance, who scored 220 in UTME is denied admission because another candidate from an ELDS with 140 was considered for the same slot, how can we logically explain fairness in this process? Is the Ogun State candidate responsible for the educationally less developed status of the candidate from the ELDS? So, denying such candidate admission typifies reversed discrimination.

Furthermore, that admission quota rewards wrong candidates is obviously seen in Table 1 above, where a candidate from Anambra State needs to score 139 points to be admitted into unity schools; while his counterpart from Zamfara and Yobe State needs just 4 and 2 points respectively. This discrimination is unjustifiable. It prioritizes laziness over diligence because those 'pampered' candidates will not work hard. Or how would a candidate who only needs to score 2 out of 300 points takes learning seriously? If this policy continues, those candidates

who enjoy this undue privilege will always remain complacent because they know the system will favor them, at any rate.

Quota system increases racial tension and litigations. Its continuous implementation aggravates Nigeria's fault lines—one of which is racial tension. This is why Nigeria is witnessing a barrage of allegations and complaints filed by those who felt cheated by the policy. Aside *Agbakoba v Attorney-General of the Federation* and the Minister of Education cited above, many cases have been filed by those who felt victimized by school admission policies. Another downside is that quota system makes its beneficiaries to be looked down upon even when their academic accomplishments are real. It is common knowledge that many highly placed Nigerians today benefited from it (especially those from the ELDS). Though they are talented and truly achieved their positions through hard work and intelligence, their achievements are still demeaned by the public and they are perceived as someone who only got to the top because of preferential treatment. Many southern Nigerians look down upon the northern educated elites and intellectuals as beneficiaries of quota system. This is despite the display of competency in the discharge of their duties.

Finally, quota system incubates corruption and mediocrity in the university. Admission procedure ensures that majority of candidates are not given admission on merit. There are three criteria for admitting students into Nigerian universities viz. 45% merit, 20% ELDS, and 35% catchment area. This implies that 55% of candidates admitted into Nigerian universities are not necessarily based on merit.

RESULTS

From the foregoing, admission quota system was created to solve the problem of education imbalances between the South and the North. However, this paper finds that rather than bridge the gap, it resulted in reverse discrimination against diligent students whose only sin is being from the South. It created a whole new problem which is the falling standard of education. The acutely low admission cut off marks for federal unity schools is premised on (and justified by) the quota system. Similarly, consideration of the ELDS in university admission has narrowed the chance of merit as admission requirement. Nigerian universities, by regulation, only give merit 45% consideration in admitting candidates into the ivory towers. Major consideration which amounts to 55% is influenced by quota system euphemistically designated as catchment areas and ELDS criteria. In other words, the category of candidates who makes up 55% of those to be admitted do not necessarily need to pass the Unified Tertiary Matriculation Examination (UTME) administered by JAMB to gain admission. All they need do is to register and fail. The failure, as stipulated, should be in the range of 25-35% (i.e. 100-140 out of 400).

This paper also finds that the arguments for the continuation of admission quota do not hold water as the conditions that necessitated it in the first place do not exist anymore. Access to education in the ELDS is one of the reasons it was introduced. For instance, Kaduna College was, before 1948, the only secondary school in the whole of northern Nigeria. At the

inauguration of government-sponsored schooling in the North in 1910 when chiefs' sons' school was established at Nasarawa near Kano city by Hanns Vischer, emirs refused to send their sons to the school because of the risk involved (Tibenderana, 1983). Journey to Kano then was hazardous and the only available means of transport was horseback or trekking. In addition to this was the fear of conversion to Christianity and deliberate attempts by British colonialists not to educate the North as explained above (Tibenderana, 1983).

All the above mentioned reasons for imbalance do not exist anymore. The colonialists are no more, means of transportation have improved and no fear of religious conversion. It is to be noted that educational facilities are available in every state unlike the pre-independence era. Currently, every state of the federation can boast of many primary and secondary schools. Every state has a federal unity school; some states have up to three—including some of the so-called ELDS. Every state has colleges of education, polytechnics, and can boast of at least three universities (federal, state, and private)—with the exception of Bauchi and Yobe States in the north-east who do not have private university.

DISCUSSION

This paper discusses how quota system affects and impacts negatively on school admission process in Nigeria. It removes the merit bar as state of origin, not merit, influences admission policy which is being implemented purely without constraint. It should be noted that affirmative action policy is meant to address past discrimination. This paper gives an instance of the United States and India where such policies were implemented to correct some historical wrongs committed by some ethnic group(s) against another ethnic group(s). In those countries, these positive policies were implemented to compensate for ruthless past of dehumanization and ghettoization of racial minorities. This was done through giving discriminatory supports to some minority applicants by lowering schools' entry requirements in their favor. This is apparently not the case in Nigeria. No such minorities ever suffered brutal history of racial discrimination in Nigeria in the hands of supposedly superior majority.

The paper therefore concludes that discriminatory cut off marks for admission into public schools in Nigeria should be discarded. The admission quota policy has outlived its usefulness as it encourages admitting students with abysmally low academic performance into public schools with disregards for merit. It needs to be archived or abandoned into the dustbin of history. Even if it is justified, affirmative actions are timed to have an end since they are temporary measures to address some abnormalities. It cannot be a permanent feature of our educational life. If it is argued that it gives the so-called ELDS access to education, it will be counter-argued to be discriminatory against non ELDS' access to education. What is more, it has not been scientifically proven that an ethnic group or region in Nigeria is super intelligent while the other is exceptionally dull. If that is the case, indeed it is, there is no moral justification for discriminatory cut off marks across states

of the federation in respect to admission requirements into public schools.

Recommendations

The government should establish a committee of eminent Nigerians from the six geo-political zones to investigate the literacy challenges of the Educationally Less Developed States (ELDS) and propose non-discriminatory solutions if their underdeveloped status is confirmed. State governors of ELDS should invest significantly in education to eliminate the ELDS label, with admissions to federal schools being strictly merit-based to encourage healthy competition. The current admission benchmarks for higher institutions, in place since 2017, are too low and should be raised to a standard pass mark to prevent rewarding failure. Additionally, the government should discourage the notion that higher education is mandatory for everyone, as these institutions should be reserved for students who demonstrate the necessary aptitude for rigorous academic work. Given that Nigerians across all states follow the same curriculum and examinations, admissions should be equitable and merit-based.

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