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SEVENTH PARLIAMENT OF THE FOURTH REPUBLIC OF  
GHANA

REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL  
AND PARLIAMENTARY AFFAIRS

ON THE

WRITTEN PETITION BY THE NATIONAL ASSOCIATION OF  
LAW STUDENTS SEEKING REFORMS IN THE COUNTRY'S  
LEGAL EDUCATION SYSTEM

DECEMBER 2019

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL & PARLIAMENTARY AFFAIRS ON THE WRITTEN PETITION BY THE NATIONAL ASSOCIATION OF LAW STUDENTS SEEKING REFORMS IN THE COUNTRY'S LEGAL SYSTEM**

**1.0 INTRODUCTION**

- 1.1 On 7<sup>th</sup> October, 2019, the National Association of Law Students submitted a written petition to His Excellency the President seeking reforms in the country's legal education system, and copied the Rt. Hon. Speaker of Parliament.
- 1.2 The Rt. Hon. Speaker subsequently referred the petition to the Committee for consideration and report pursuant to Order 179 of the Standing Orders of the House.

**2.0 DELIBERATIONS**

- 2.1 The Committee first met with Representatives of the General Legal Council (GLC) and the Independent Examinations Committee (IEC) on Thursday, 31<sup>st</sup> October, 2019 and discussed the petition and related matters.
- 2.2 The Committee proceeded to meet with Leadership of the National Association of Law Students on Tuesday, 5<sup>th</sup> November, 2019 to discuss the petition and related matters.
- 2.3 The Committee further met with the GLC and IEC on Monday, 25<sup>th</sup> November, 2019 to discuss the issues arising out of the Committee's meeting with Leadership of the Association.

**3.0 REFERENCE DOCUMENTS**

The Committee referred to the following documents during its deliberations:

- i. The Constitution, 1992;
- ii. The Standing Orders of Parliament, 2000;
- iii. The Legal Profession Act, 1960 (Act 32);

- iv. The Legal Profession (Professional and Post-Call Law Course) Regulations, 2018 (LI 2355);
- v. The Legal Profession (Amendment) Bill, 2018; and
- vi. Report of the Committee on Constitutional, Legal and Parliamentary Affairs on Petition by Professional Law Students Seeking Review of the Results of the 2018 New Professional Law Course Examinations.

#### **4.0 BACKGROUND INFORMATION**

- 4.1 The GLC is the statutory body charged with the responsibility to arrange the country's legal education and uphold standards of professional conduct of lawyers.
- 4.2 Per the current structure of legal education, the GLC delivers professional legal education through the GSL, while the Bachelor of Laws programme (LLB) is offered by tertiary institutions accredited by the National Accreditation Board (NAB) and recognised by the Council.
- 4.3 The IEC is the body tasked with the responsibility of conducting both entrance and professional law examinations on behalf of the GLC.
- 4.4 The IEC conducted this year's entrance examination for admission to the Ghana School of Law (GSL) on 26<sup>th</sup> July, 2019. The results were released on 7<sup>th</sup> October, 2019. The results showed that only 128 (representing 7%) out of the 1,820 candidates who wrote the examination passed, while 1,692 failed.
- 4.5 Following the release of the results, the National Association of Law Students staged a demonstration in Accra to protest against the mass failures and thereafter submitted a petition to H.E the President, and copied the Rt. Hon. Speaker and other distinguished personalities.
- 4.6 The Rt. Hon. Speaker subsequently referred the petition to the Committee for consideration and report pursuant to the Standing Orders of the House.

## **5.0 SUMMARY OF PETITION**

- 5.1 In the petition, the Association recounted that, prior to the year 2012, LLB graduates transitioned seamlessly into the professional legal training at the GSL without any written examination.
- 5.2 They alleged that whereas the number of law faculties kept increasing with the attendant increase in the number of LLB graduates, the GLC kept the GSL as the sole institution administering professional legal training in the country. Accordingly, the number of LLB holders seeking admission to the GSL increased astronomically but not much was done to create corresponding access to professional legal training.
- 5.3 The Association alleged that the GLC instituted the entrance examination in the admission process as a filtration mechanism to deal with the failure on their part to provide corresponding facilities to absorb the increasing numbers. In that regard, they rejected the justification that the entrance examination served as quality-filtering system, as it does not lend itself to hard work or merit, but offer very little time for students to prepare adequately for the large number of subjects involved.
- 5.4 They also maintained that the mass failures being recorded did not reflect actual performance of the students but they rather show the systemic failure within the country's legal education system.
- 5.5 They therefore called for massive reform in the legal education system including scrapping of the Ghana School of Law and the entrance examination and allowing all or the existing law faculties to take up the professional legal training programme. They further proposed that, upon completion, students must be made to write Bar Examinations which may be conducted at least four times within a year. In addition, marking schemes and examiners' reports must be published alongside the results to serve as a guide to law lecturers and students.

## **6.0 OBSERVATIONS**

The Committee made the following observations during the deliberations:

### **6.1 Persistent mass failures in Law Examinations**

The Committee expresses grave concern over recent mass failure in law examinations conducted by the IEC on behalf of the GLC. It recalled that a similar abysmal performance was recorded in the 2017 and 2018 Professional Law Examinations in which only 17.5% and 12.2% of law students respectively passed the professional law examinations. The Committee therefore takes the considered view that there exist certain systemic challenges which warrant massive reforms in the country's legal education architecture. This could be preceded by amending Act 32 and LI 2355.

### **6.2 Causes of mass failures in the 2019 Entrance Examination**

The GLC provided that most of the candidates failed the 2019 entrance examination due to poor grammar and comprehension, complete deviation of the questions, inadequate preparation by students and poor teaching and learning at the various law faculties.

On their part, the law students rejected the outcome of the examination and insisted that the 93% failure rate did not represent their actual performance at the examination. They explained that the questions especially the Section B consisted of a fundamental question, such as sources of Ghanaian law which is very basic to the LLB programme. They accordingly pleaded with the Committee to implore on the GLC to consider a re-mark of the scripts at a reasonable fee. They also assured the Committee of their readiness to waive their data protection rights to enable GLC carry out the review process.

### **6.3 Determination of Pass Mark**

The members of the GLC on the other hand, informed the Committee that the pass mark of 50% which was applied has been in operation since 2017. They explained that previously the determinant for admission of LLB graduates into the GSL was based upon the raw scores, interview process and availability of space in an academic

year. However, the inherent injustice with that method propelled the Council to change the criterion for determining the pass mark to a more professional and objective criterion.

#### **6.4 Impact of the Abolition of Oral Interview on 2019 Admission**

The GLC also cited the abolition of the oral interview under LI 2355 as part of the causes of the high failure rate recorded in the entrance examination. They explained that Council could not review the pass mark downwards due to the abolition of the oral interview which hitherto provided opportunity for candidates who performed marginally below the pass mark to be interviewed in order to shore-up their raw scores. In that regard, they hinted of the intention of the Council to seek review of the LI 2355 as part of the holistic review of the current system.

#### **6.5 Infrastructural capacity of the Ghana School of Law**

The members of the GLC informed the Committee that even before the conduct of the entrance examination, the Council had made sufficient arrangements to get the GSL admit about 1,200 students for the 2019/2019 academic year. They disclosed that the Council set up a Committee to look for additional teaching facilities in some public tertiary institutions. They said the Committee consulted Heads of University of Ghana, the Kwame Nkrumah University of Science and Technology (KNUST) and the Ghana Institute of Management and Public Administration (GIMPA) and obtained teaching facilities that could capacitate the GLC to admit about 1,200 students for the academic year. Apart from the above, they further disclosed that the Council had earlier considered a proposal by the Ghana School of Law to run a double track system for the academic year, which had been successfully implemented by the GSL in some years past.

### **7.0 RECOMMENDATIONS**

Based on the above observations, the Committee recommends as follows:

## **7.1 Release of Marking Schemes and Examiners' Reports**

The members of the GLC admitted that the Council did not release or otherwise make available examiners' reports and marking schemes to prospective applicants to the Ghana School of Law.

The Committee recommends to the GLC to consider publishing recent marking schemes and examiners' reports on the website of the GSL and deposit copies at the GSL library.

## **7.2 Re-marking of Scripts**

Members of the GLC informed the Committee that, the Council has already met on the 15<sup>th</sup> November, 2019 and taken far-reaching decisions to deal with the current challenges including setting out conditions for re-marking of failed scripts. They however informed the Committee that those decisions would be implemented prospectively and not retrospectively as being agitated for by the Association of Law Students.

On the account of the GLC's decision and the strong contention by section of the candidates that they passed the examination, the Committee recommends to the Council to re-consider its decision by allowing scripts of students who failed in the 2019 entrance examination to be re-marked upon request and payment of reasonable fees.

In addition, the Committee is cognisant of the fact that, the 2019/2020 academic year for the Ghana School of Law has already started. In that regard, the Committee recommends that, the GSL should develop a viable enrolment and a catching-up strategy to incorporate the successful candidates in the Professional Law Programme.

## **7.3 Comprehensive Review of Ghana's Legal Education System**

The Committee observed that past reforms in the Ghana's legal education system have been piecemeal and that accounted for the inability to find lasting solution to the issue. The passage of the new LI 2355 was cited as one of such failed efforts.

In that regard and upon preliminary review of the Legal Profession (Amendment) Bill, 2018, the Committee is of the considered view that the Bill has been overtaken by events and thus, should be withdrawn

and replaced by a new one that will take account of all the challenges confronting our legal education system. The Committee therefore urges the GLC to expedite action so as to have a new bill in place.

## 8.0 CONCLUSION

The Committee considers that the current challenges confronting the country's legal education system offer unique opportunity for us to carry out massive legislative and structural reforms towards finding lasting solution to the challenges in the system.

In that regard, the Committee strongly recommends to the Hon. Attorney-General and Minister for Justice to submit a new Bill to the House to replace the Legal Profession (Amendment) Bill, 2018 to achieve the above stated purpose.

On the account of the controversies surrounding the results of the 2019 entrance examination for admission to the GSL, the Committee recommends to the GLC to commence the process for re-marking of scripts upon request and payment of reasonable fees.

The Committee therefore recommends to the House to adopt this Report.

Respectfully submitted.



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**HON. BEN ABDALLAH BANDA**  
**CHAIRMAN, COMMITTEE ON**  
**CONSTITUTIONAL, LEGAL AND**  
**PARLIMENTARY AFFAIRS**

PARLIAMENT OF GHANA LIBRARY



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**MRS. AKUA D. OWUSU AGYEKUM**  
**CLERK TO THE COMMITTEE**