

New Approach to Curbing Age Cheating in Civil-Service and Other Professions, Ghana

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ABSTRACT

Age cheating or age falsification is a widespread phenomenon in many nations and professions, and even in social arrangements such as marriages and partnerships. It is not unique to Ghana or Africa, though the motivations for it may differ from country to country or profession. In Ghana, age cheating phenomenon has been experienced in football, civil service recruitment, job retention and the unilateral postponement of retirement, high level corporate management jobs, sports competitions and qualification for foreign scholarships for post-graduate degrees, and enlistment into the security forces, where a lower age is a pre-condition for eligibility, consideration, acceptance, retention and promotion.

The Social Restitutive Theory, SRT, is proposed as an approach to claw back the resulting benefits to the age cheater or age falsifiers, upon the discovery of the fraud of age cheating in order to put society where it would have been without the fraudulent act. SRT lays down the approach at finding solutions to age cheating phenomenon; attempts to explain why it happens, and how society could recover any calculable losses that may have occurred, due to the fraud of cheating in age for personal gain in any social situation, where normative social structures may have been abused by the cheater with intentionality and the obfuscation of personal identifiable information.

The initiation of restitutive measures for the recovery of salary and other emoluments paid to the actor in age cheating is valid, irrespective of the benefits that may have accrued to society from the individual's enterprise, contribution, or personal circumstance. This paper may contribute to a higher level of accountability, transparency and ethics in the professions, where age cheating is rife as well as encourage further research into the phenomenon.

Keywords: Abuse of normative social structures, Age cheating, Civil service, Data obfuscation, Enlistment into security agencies sports, Social restitutive theory.

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I. INTRODUCTION

Cheating is a universal negative moral trait which goes against “categorical imperative” of Stuart Mills, and the normative values of society that, we are each other's keeper, with its attendant duties and responsibilities as well as the display of virtue and honesty in our dealings with each other (Mills, 1977). When communications between the sender and the receiver cannot be trusted, this would lead to serious disruption to social norms and basic etiquette. Cheating, therefore, is a disrupter of optimal community engagements. Writing about the incidence of cheating in relationships, Wang alleged that, “in general men are more likely than women to cheat, but the gender gap in infidelity varies by age” (Wang, 2018). She also reported, at least, in the case of religious families in the United States of America that, “men, adults who didn't grow up in intact families, and those who rarely or never attend religious services are more likely than others to have cheated on their spouses”. Such findings may be of limited value to the cohort Wang studied. This is because, there are literally hundreds of thousands of published works that, although admit that religion exerts enormous moderating influence on fidelity, sexual harassment and other sexual proclivities, still, there are equal number of research that debunks the notion that religious individuals are less likely to cheat on their partners or even engage in sexual perversion (McFarland, Uecker, & Regnerus, 2011).

Adopting from the writer and his co-authors' previously published paper on sexual mores in Ghana that dealt with this particular issue of religion playing a moderating role on sexual perversions, it was found that “religion plays very influential role in moderating sexual desires and activities among the members of a particular group” (McFarland, Uecker, & Regnerus, 2011; Brothers, 1993; Burton, 1992; Butler & Harper, 1994; In Norman *et al.* 2014). McFarland *et al.* (2011) reported that elevated religiosity, which they defined

as church attendance and strength of religious identification, reduced the incidence of premarital sex among Catholics and conservative Protestants. However, the same was not true among liberal or moderate Protestants (Cochran, Chamlin, Beeghley, & Fenwick, 2004). This suggests that religion may shape people's relationship to sexual activities ... (such as) having multiple partners (McFarland, Uecker, & Regnerus, 2011). Despite the role of religion in limiting sexual experimentation of; or cheating by; a given religious group, there appears to be other socio-demographic developments in the national sexual landscape that needs to be understood, particularly in relation to cheating. These include the relationship between education and sexual freedom, marital union and quality of life," moral maturity and duty of care of social values against the prevailing morality of the population (Carvalho & Nobre, 2011). To put it more succinctly, a man, who makes the rational choice to cheat on his age for promotion or a job, may not stop himself from cheating on his wife in the absence of a capable guardian, or stealing from his employer where there is the opportunity to do so, or even ignore the care of his own children but choose to spend the family income on extra-marital relationships and other perversions.

A. Cheating on Examinations

Age-cheating, which is really the subject of this paper, though not the same as other types of cheating such as spousal infidelity; end up with the same utilitarian calculus: - Would the cheating give the cheater pain or pleasure? Would the end be beneficial and would the cheater get away with it? If the answer is affirmative, then without a capable guardian to stop the cheater from pursuing the planned conduct, efforts would be initiated to complete the task of cheating whether it is for pleasure or for financial gain (Sen, 1992; Mills, 1977; Beauchamp and Childress, 2005). Salehi and Gholampour (2021), who investigated the reasons, attitudes and the role of demographic variables instigating cheating on examinations in Iranian universities, reported that gender and age had no effect on cheating. Their finding is directly opposite the earlier findings of Wang (2018). They cited other studies from other parts of the world to underscore how widespread the conduct is thus,

“Cheating is an academic dishonesty (Colnerud & Rosander, 2009) that is rampant in university milieu. Apparently, it is taking place at so alarming a rate that it has prompted research worldwide. Studies include, but are not limited to, Canada (Hughes & McCabe, 2006), Australia (Brimble & Stevenson-Clarke, 2005), the United Kingdom (Newstead *et al.*, 1996), Singapore (Lim & See, 2001), central European countries (Magnus *et al.*, 2002), Western Europe (Teixeira & Rocha, 2008), and Tunisia (Hamani *et al.*, 2013),” (In Salehi and Gholampour, 2021).

Cheating on everything and on anything, whether it is done in football, school placement, job placement or even marriages is as common a phenomenon in Ghana and many nations in Africa as the air we breathe. Year in year out, the West African Examination Councils are bedeviled with leaked exam questions by Leaked Questions Contractors, assisted by secretive cohort of parents, who desire to obtain exam questions for their wards before the day of sitting. Such perpetrators pose as workers of the various Councils, gain access to exam questions and grab what they can to sell to students and their parents. A case in point is what occurred at the Tweneboah Kudah Senior High School, Ghana, in 2020. Some students went on demonstration for the right to cheat during examinations. Their grievance was ignited by their perception or experience that “the invigilators were too strict and would not allow them to exercise their self justified right to cheat, copy and help each other in the examination center” where they took their senior secondary school exams (Essandoh Jonah, 2021, Ghanaweb.com, accessed, 04/14/2022). In another case in 2021, a group of Final Year Distance Learning students at the Kumasi Campus of the University of Cape Coast rose up in demonstration against that august university on the allegation that, their examination questions for (Advance Financial Reporting II), among other grievances, were too difficult for them to answer and the invigilators were too strict to cheat. They were preparing for the Bachelor of Commerce degree (Ghanaweb, news, 2021, accessed 4/14/2022). The point being made here is that, cheating is not limited to age cheating alone but affects many aspects of life in Ghana and Africa as well as the rest of the world. This realization does not justify or excuse any form of cheating.

B. Age-Cheating or Falsification in Ghana

Researchers in Sub-Saharan Africa on age cheating or age falsification have, sometimes, advanced sympathetic, ethical and consequentialist arguments to explain and justify or excuse the practice. Such apologia arises from the position that, somehow, those who cheat or falsify their ages are motivated by social and political compulsion. Others do it due to the lack of post-retirement economic opportunities (Tosam 2015: 5). It is also alleged that, others falsify their ages because of corruption at the highest level of government (Ebai and Forge 2009). Another group of researchers accuse the old political leaders such as the old Presidents of Ghana who is 78 (circa, 2022), Cameroun, who is 83 (circa, 2022), the Ivory Coast, who is 80 (circa, 2022), Senegal, Uganda and others, nations with leaders that are over seventy (70) years of age or older, as the reasons why age cheating occurs in their particular nations. That, because the older

men at the helm of affairs still cling on to power, that justifies why those in public service who are also paid from the public purse and who are over sixty (60) should also cling on to their positions, irrespective of what those nations' constitutions and labor laws provide on age-related retirement (Tosam 2015; Sinnott and Molinga 2013; Mbaku 2007). Such argument is not only reductive but it shows, perhaps, sarcasm of the researchers towards the practice and the perpetrators of age falsification. Dispassionately speaking, most of those old leaders referred to above did not falsify their ages in order to be elected, although in the case of the Ugandan President, there is a bit of a debate about his real presidential age. By and large, the populace voted them into power with full knowledge of their advanced ages, at least in the case of Ghana, where Presidential and Parliamentary elections are more often free and fair than not. Whether or not the elections that brought these leaders to power were free and fair is not the subject of this paper. Their presences at the helm of national affairs may be attributable to some other unfair advantage they may have, but it is not because they lied about their ages, generally speaking.

Concerning age-cheating in employment or the civil service, another group of researchers from Nigeria have developed what I call, "Pauperization Theory" to explain and justify why age cheating is common in that nation, in that nation's sports, civil service, competitive employment and even competition for scholarship for post-graduate education overseas (Sokoh, 2017; Adeleke 2012). It appears some of these researchers see age cheating as a form of nuisance or a misdemeanor, which does not rise to the level of a fraudulent criminal conduct. Therefore, perpetrators of age falsification when caught; should be treated with a mere slap on the wrists without tarnishing their reputations, or charging them with incarceration or demanding restitution from them to recover the illegal gains resulting from the lies about their ages that they might have received. Poverty, per their argument, appears to give the perpetrators of age cheating, positive right-of-claim for a new age, and thus, creating a rights-claim-base entitlement to justify age cheating. It boils down to a simple axiom: I am poor; therefore, I can use all means possible to stay out of poverty. Poverty is not a friend of rational thinking public workers, when there is an alternative means to staying out of poverty in one's post retirement years. That is to say, because more than two thirds of the over 200 million population of Nigeria lives in poverty, those who engage in age cheating should, perhaps, be treated with Exceptionalism and allow them the benefit of doubt to operate. Poverty as a rights based claim, challenges rational thinking and choice. Poverty is not a fixed condition like gender. Even today, being male or female depends on your personal choice, to some extent due to the availability of sex change option. Being poor could be a transient period during which a poor person may become well to do and have enormous agency to do the things that are important to him, for example, by winning a big ticket lottery, or being endowed with considerable wealth through inheritance.

II. APPROACH

Internet searches at sites such as Journals of Criminology and Law, Politics and Law, Ethics and Law, Education and Law Review Journals, and other search engines such as PubMed, Medline, Page Press, Google Scholar for peer reviewed papers and others on cheating on examinations, cheating in relationships, social insurance and pensions and other areas of human lives were done. I used phrases like "What constitutes age-cheating in Civil Service", "What examples of age-falsification in sports in Africa?", "Is age-cheating a Public Health menace in the civil service?", "what are the modalities for restitution to recover gains made by the age cheater?" and "what restitution theories are available in the literature on age cheating?", "What is the financial cost or effect on age cheating on the public purse?", were employed in finding relevant literature. The author expanded the search to include the 'case law on fraudulent misrepresentation of material fact', 'issues of the lack of veracity', 'issues of prevarication' and 'what is an administrative mistake in biometric data capture' or 'what is lawful approach for asset recovery from age-cheaters'. Specific to available literature on age cheating, the author conducted the review opportunistically, by using the snowball approach from the first important paper, combing the references and moving on to the next, due to the paucity of published literature on age-cheating in the civil-service. Altogether 36 papers that spoke to cheating and age cheating in various walks of life were briefed and analyzed for this work and the appropriate lessons drawn from them. Case law were used to buttressed the legal aspect of age cheating that in relation to it being a fraudulent act in law.

III. FINDINGS

A. Variables That Encourage Cheating

The practice of age cheating persists in the civil service and in other facets of life in Sub-Sahara Africa and Ghana, among other considerations, due to the lack of prosecution and the lack of demand for restitution from those caught cheating on their ages in many of these Sub-Saharan African nations, shows, perhaps, the level of moral degradation in the region. With apparent weak collective normative ethics and morality

about misappropriation, even embezzlements of public funds, petty pilfering from one's place of work of pens and writing pads, there does not appear to have been a systematic evaluation of the practice to assess the potential cost to the respective societies. Additionally, there has been no assessment of the disequilibrium it creates in the normal functioning of society. It also suggests that the law enforcement agents, the judiciary and the society as whole; have doubts as to whether age-cheating should be treated like any other crime such as impersonation, or it should be treated as an infraction, which is of less severity than a misdemeanor? None of the published papers reviewed in this work used the word 'crime' in the age-cheating narratives they borrowed from as illustrations. It appears, in age falsification incidence, it is rather assumed that living in an economically distressed ecosystem in Sub-Saharan Africa is, probably, a wise decision to delay the onset of alleged poverty status by delaying to go on retirement. This is particularly so, after a long period of having held gainful employment with the government, by falsifying one's age of retirement in order to retard the commencement of retirement. Such thinking denies rational choice to the individuals about whom the discussion concerns, and have adopted a paternalistic abstractionist approach to the knowledge, skills and abilities of those workers engaged in age falsification as if they do not matter. For some unexplained reason, because they are residents and citizens of nations in Africa, they should be spared a critical appraisal of their conduct since just about every action on their part is motivated by survival instinct. Although this is an admission of the low developmental stage of human resource management culture in these nations in Africa, it also illustrates the lack of overall creativity and innovation on the part of the most professionally organized group of workers, the civil servants, in any of these nations.

B. Justification of the Practice due to Poverty

It was also found that other researchers justify age falsification on the basis of Africa or Ghana being poor, generally speaking, and the difficult of those advanced in age finding new jobs. The pauperization theory has been extended to the rationale that, the lack of opportunities in Ghana or Nigeria for those who are in their retirement ages, is a critical part of why age falsification or cheating occurs. Therefore, if society removes the handicaps, if society creates economic opportunities, age falsification will also die off or diminish. This argument is tenuous. Age cheating is not a complex undertaking. It is a linear item with singular focus designed to benefit the perpetrator of the act. Therefore, no matter how many opportunities are made available in a locale, the practice may continue and may not profit from the multiplier effect of the new opportunities in that locale. Or, to use an absurd example, that if society stops criminalizing armed robberies, there would be no social need for prisons. That, "due to the fact that the private sector is not yet well developed to a thriving level, where it could provide employment for the teeming population, the state being the largest employer of labor, has become an instrument for stemming unemployment and other negative socio-economic development...", and "that developing nations depend on central government for their development because of their peculiar circumstances" (Olaleya 2012). If such thinking is to be sustained, then it can also be argued that the youth that has not ever held a paying job may engage in criminality because their unmet needs for cash, for housing, for economic and material wellbeing justifies their actions. As it can be seen there is no utility in engaging in such consequentialist rationalization of age falsification or youth engaged in robberies, because it is absurd and may lead to anarchy.

Without engaging in aesthetic intellectualism for its own sake on the phenomenon of age cheating, I submit here and as do many others that, age falsification or cheating is fraud with legal consequences about which much would be discussed in this paper. It is a criminal offence. It is a punishable offence irrespective of the mitigating factors with the exception of administrative mistakes by, say, a data input and management service provider. I posit that age falsification or cheating leads to losses sustained and borne by the collective members of society. In order to put society back at where it would have been but for the fraud practiced on it, that society needs to recoup that which might have been lost to the perpetrator. Society, therefore, needs to be restored to where it would have been but for the fraud. The modalities for achieving the goal of social restitutive theory would be discussed later in this paper.

In normal parlance, age falsification is when an individual, with deliberate intentionality, misrepresents his or her true age with the intent to gain a personal profit or advantage, privilege or status, which he or she would otherwise not be eligible or qualified for such a status, profit, advantage or privilege without the age falsification. The manipulation can affect a vertical rise or a lower gradient to make the individual appear younger or older depending upon the eligibility age of entry, consideration or participation in a given activity. Such manipulation of age occurs when individuals want access into the civil service, or once engaged in the civil service, when such individuals desire to postpone their retirement to future dates by lowering the previously recorded age to a lower figure (Cryer, 2014; Muisyo, 2018). The Civil Service Act of 1993, (PNDCL 327) of Ghana has delineated series of epochs in one's employment to retire, irrespective of whether or not there was finagling about one's age at the point of entry into the service. The first option (Compulsory retirement) is, where the system appears to have the most incidence of post-employment age falsification by affidavit or actual falsification of employment documents within the civil service.

C. What the Legislative Framework on Retirement Provides

As provided for by the Civil Service Act 1993, these periods are:

Section 71-Compulsory retirement: (1) A person holding a civil service post shall in accordance with article 199 of the Constitution retire from the Service on reaching the age of sixty years; (2) Subsection (1) does not prevent the appointment of a person who is more than sixty years of age on a limited engagement for two years at a time not exceeding five years in total.

The 1992 Constitution provides in Article 199 (1) that: “A public officer shall, except as otherwise provided in this Constitution, retire from the public service on attaining the age of sixty years”.

Voluntary retirement, otherwise known as early retirement, can occur immediately after reaching the age of forty-five years. In Ghana, it is seldom to see a bureaucrat in the public service exercising this option to pursue other more profitable, and probably more challenging new ventures. The obvious goal of voluntary retirement provision is, to encourage the public service workers to transfer the knowledge and experiences obtained on the job to other ventures and industry, to become their own bosses.

Section 72-Voluntary retirement: A person holding a civil service post other than on a limited engagement may, in accordance with clause (2) of article 199 of the Constitution, retire from the Service at any time after attaining the age of forty-five years.

Retirement for medical reasons is tied with the Workmen’s Compensation regime of Ghana. To qualify for Workmen’s Compensation benefits, such persons must have been employees of a public or private company or even self-employed provided the self-employed is insured with a compensation scheme or insurer. In order to come under the Workmen’s Compensation Scheme, the injury should have occurred during the course of the work of the employee-claimant. Such employees include salaried workers whether on hourly wage schedule or not; as provided for in the 1987 Workmen’s Compensation Law 187 (WCL 187). ‘The Constitutional provisions for occupational health and safety of persons employed at workplaces in Ghana are guaranteed by Article 24(1) of the 1992 Constitution of Ghana. Article 24(1) provides, among others that ... “every person has the right to work under satisfactory, safe and healthy conditions ...” It covers those who are engaged in both the formal and informal sectors, as well as those who are self-employed. The aim is to ensure that all workers work under safe conditions devoid of significant adverse effects on their health. The Constitutional protections are broader than the Workmen’s Compensation Law 187. The constitution places the burden on the government to ensure that the safety, health and welfare of persons at work are safeguarded. This is additionally provided for under Article 36(10), that: The State shall safeguard the health, safety and welfare of all persons in employment, and shall establish the basis for the full deployment of the creative potential of all Ghanaians’ (Norman, London, Aikins, Binka 2014). Below is the applicable provision of the law on retirement for medical reasons:

Section 73-Retirement for medical reasons: (1) A civil servant shall retire from the Service if, in accordance with the prescribed procedure, it is found that he is incapable, by reason of infirmity of mind or body which is likely to be permanent, of discharging the duties of office. (2) Subsection (1) shall not prevent a civil servant found incapable from being moved to grade to which his infirmity will not prevent the discharge of the duties of office.

If the cause of the medical condition was as a result of the performance of one’s work, then there has to be a medical determination as to the degree of injury or disability that makes it difficult to continue to perform one’s duties.

IV. SOCIAL RESTITUTIVE THEORY (SRT)

The Social Restitutive Theory as previously defined provides the modalities for the recuperations of payments and benefits that may have accrued to another person from the public or private purse, as a result of falsification of age. It is the intentional distortion of a person’s age or date of birth in order for him or her to either be considered younger or older for a given opportunity. It presumes that the fraud of age falsification has already occurred creating a defined perpetrator and modus operandi, with a calculable quantum of gain over the time of the fraud, against a defined victim, normally a section of society or society as a whole. It presumes a fraud of a certain duration which is calculable over the useful life of the individual committing the fraud from the point where the falsification was initiated until it was discovered. For SRT to be applied to a person, all the elements of fraud within a given jurisdiction must have been met. That is to say, a misrepresentation was in fact made, that the representation was false, the perpetrator had

knowingly made such a representation knowing that it was false, and that the statement or document or age was falsified with the intention that the other party will rely on it and enter into a contract of employment or agreement. The reliance of the victim should coincide with the representations made that one was in fact, born on year A1 when indeed one was born on year B1. To estimate the amount of material asset or gain or money to be restituted to society, with a court appointed auditor, the historical emoluments that were paid to the perpetrator over the course of time during which the falsification persisted, will be aggregated with interests to be refunded to the public coffers.

Failure to refund in whole, would lead to the legal seizure and alienation of the demised property in order to recover in whole or in part; the sum of money or benefits that may have been paid to the age cheater. Where the revenue realized at auction is insufficient to meet the calculable sum of money or gain paid to the perpetrator during the course of the age falsification, then if there are additional assets, they would be processed by law for auction and sold one by one, until the State recovers the full amount of money assessed by the court of competent jurisdiction to be paid to the State. The Social Restitutive Theory is not a theory per se, but a mechanistic way of assessing the gains made by the perpetrator of age cheating. It is a new approach of commoditizing the gains that might have inured to the perpetrator of age falsification, for the purposes of systematic recovery of such gains.

A. Legal Definition of Fraud and Culpability

For the definition of the crime of fraud, I refer to Section 132 of the Ghana Criminal Code, 1960 (Act 29). In fact, the definition of fraud here is no different from the definition of fraud in Ghana, Nigeria, Gambia and in the other Common Law jurisdictions in Africa. In Ghana's Criminal Code, frauds is defined as:

“A person is guilty of defrauding by false pretences if, by means of any false pretence, or by personation, he obtains the consent of another person to part with or transfer the ownership of anything”.

Ghana case law has also added texture to the definition of fraud in the case of *Adobor vs. Republic*. To constitute an offence of fraud by false pretence, the actor should have made representation which to his or her knowledge is false, and that, representation should be made to a person who believed it and as a result was induced to part with or transfer the ownership of anything (*Adobor vs. Republic [12 of 2007] GHACA 5 (20 December 2007)*). *Robbles vs. The State* also offers another version of what constitutes the crime of fraud. To induce is to persuade, to prevail upon another person to believe something and act upon it. In the case of false pretence, the victim must have been persuaded to accept the representation made to him as true and to act upon it to his detriment (*Robbles vs. The State [1964] G. L. R 584 at 585*). In the context of age falsification, the benefits that accrue to the person making the falsification is not the only beneficiary of the fruits of his or her act, which could be harvested over a considerable length of time. Family members often are aware of the age falsification, and so are spouses, girl- and boy-friends, and parents. In this regard, the family members or related third parties become co-conspirators in the commission of the act. In this regard, it is within public policy that those who stood by for the State to be cheated, for benefits to roll also to them are just as culpable, vicariously, and perhaps, with depraved hearts as the actual perpetrator of the age cheating. In this situation, vicariously liability should be applied to the family members as Co-conspirators and therefore should be made to return any gain they may have obtained or obtained from the actor. In an analogous case at the Supreme Court of Ghana, it found co-conspirators as guilty of the offence of fraud irrespective of actual role in the crime, so long as they had actual or constructive knowledge of the crime of fraud or participated in the fraud. In *Asiamah vs. Republic (J3 6 2020) [2020] GHASC 64, 04 November 2020*, the appellant was charged with the offence of conspiracy to defraud by false pretences contrary to Section 23 (1) and 131 (1) of the Criminal Offences Act, 1960, (Act 29). The Appellant on January 2014 acted together with the other charged persons with a common purpose to commit the crime of defrauding by false pretences. The facts of the case are that:

One Leticia Acquah, the first accused person and an officer at the Lands Commission informed the complainant, Mr. Ernest Ofori Sarpong, that there was a parcel of land for sale at Airport Residential Area (Accra) and she had a power of attorney to sell the land on behalf of the owner. The owner was said to be Theresa Duncan Enninful. Together with his brother, the complainant decided to purchase the land. Acquah gave what she presented to be a copy of the indenture on the land to the complainant and negotiated with him to sell the land to him at \$2.7 million. A contract of sale was drawn up in the name of Theresa Duncan Enninful and Osei Kwame. Accounts were opened with UT Bank, the bankers of the Complainant, for Acquah and the alleged owner of the land, Theresa Duncan Enninful, to enable payment. The complainant visited the site of a plot of land at the Airport Residential Area, which was supposed to be the site described in the indenture with Acquah. The land was walled and gated with a padlock. Acquah

handed over the key to the padlock on the gate to the complainant, and he instructed his bankers UT Bank to pay \$1,650,000 into the newly opened account of Theresa Duncan Enninful, and \$350,000 into the newly opened account of Acquah. Thereafter, the complainant traveled outside of Ghana only to be alerted by his bankers that they suspected fraud in the transaction because most of the money paid into the account of Theresa Duncan Enninful had been withdrawn in the space of two weeks. Investigations revealed that \$650,000 was paid into the account of the 4th accused person called Seth Kwapong. The 2nd accused person Ruby Wotordzor, found to have impersonated the alleged owner called Theresa Duncan Enninful, never signed any Deed of Assignment and the land was found to belong to a company called Wilmur Africa Ltd.

From the foregoing, it is interesting to note that culpability of the co-conspirators was not based on the weight of the role each played. It was based on participation, knowledge actual or constructive. The resulting benefits or payments to the perpetrators were the nails that sealed the coffin over them. When one falsifies his age, and continues to work as a Chief Director or Director, Chief Executive Officer or whatever the rank may be, certain amount of real calculable income accrues to the falsifier. The spouse, children, and immediate family members also benefit from such cash inflows. In many instances the spouse, children and immediate family members have knowledge of the crime of fraud being perpetrated by their fathers or mothers. In the case of football, the parents and siblings know that their boy-children or brothers, who wish to play football on the world stage, are encouraged to falsify their ages in order to qualify for FIFA under-20 games, for example. Those parents and siblings, for being the possessors of such knowledge, should be considered as co-conspirators. Tosam (2015) offers that age-cheating is probably more common in African football than in any other industry. To him, ‘age-cheating is for African football what doping is for European and American sports’. Among the many cases of age-cheating is the matter of a Cameroonian international footballer, Tobie Mimboe. Tobie was reported to hold several documents during the course of his career which showed him becoming younger in age as time passed (Mungazi 2010; In Tosam 2015: 4).

To be fair, there have been other cases in Ghana involving Ghanaian footballer, Ben Clottey, Nigerian defender Taribo West and the Congolese footballer, Chancel Mbemba Mangulu, forcing FIFA to open investigation. Mbemba’s registration with his first Congolese Club put his birth date in 1988. For the African Cup of Nations qualifications match in June of 2011, his birth date was recorded as November 30, 1991. His date of birth registered by the Belgian Club: Anderlecht was August 8, 1994. Mbemba’s own declaration against his self interests put his birth date to 1990 (Tosam 2015; Muisyo, 2018; Buckerfield, 2020). The point being made here for argument in favor of co-conspiratorial charge is that, Mbemba did not execute the birth date changes all by himself. He did not benefit from those changes by being selected to play in prestigious matches that came with bonuses, esteem and improved ranking on the international stage. Most definitely, those in his immediate circle, those of his immediate family and relatives obtained material gains from this fraudulent act and should be made to restore society to where it should have been, for example, giving the chance to an age appropriated footballer who may have been better than Mbemba (Cryer, 2014, Muisyo; 2018).

V. CONCLUSION

Age falsification is a moral, ethical and legal act that ought to be stopped in order to rationalize pension management, and retirement ages so as to improve the quality of life for all citizens. In order for Ghana to be a nation driven by fairness and justice as a basic human right in competitive sports, in seeking for jobs and appointments, in applying for promotions on the job, age cheating has to be considered as a serious public health crime that needs to be stopped immediately. It is not only the practice that ought to be stopped but also the gains that may have accrued to the perpetrators ought to be recovered or seized whether movable or immovable property. Ghana has several pieces of legislation that allows for the seizure of movable and immovable property; where the property may have been acquired through prohibited activity such as money laundering, narcotics drug distribution and participation. These include the following: Economic and Organized Crime Office, Act 804 of 2010, EOCO’s L. I. 2183 of 2012, Anti-Money Laundering (Amend) Act, 2014 (Act 874), Narcotic Control Commission Act of 2020, (Act 1019) and Anti-Terrorism Act, 2008 (Act 762) to mention but a few (Norman, *et al.*, 2014; Norman, 2016).

The Ghana Civil Service considers age cheating as misconduct. Section 75-General definition of misconduct, considers age falsification as an offence. (1) An act done by a civil servant without reasonable cause constitutes a misconduct if the act (a) amounts to a failure to perform in a proper manner any duty imposed on that civil servant, or (b) contravenes an enactment relating to the Service, or (c) is otherwise prejudicial to the efficient performance of the functions of the Civil Service, or (d) tends to bring the Civil Service into disrepute. (2) The conviction of a civil servant for an offence involving fraud, dishonesty, or moral turpitude, constitutes a misconduct which tends to bring the Service into disrepute. Additional penalties include: (1) The penalties specified in this section may be imposed in disciplinary proceedings in

respect of misconduct or unsatisfactory service: (a) dismissal, that is termination of appointment with forfeiture of retirement benefits where applicable, (b) removal, that is termination of appointment with or without a reduction in retirement benefits where applicable, (c) reduction in status, that is removal from one grade to another grade with an immediate reduction in salary, (d) surcharge, (e) reduction in salary, that is an immediate adjustment of salary to a lower point in the salary scale attached to the post in question, (f) deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years, (g) stoppage of increment, that is non-payment for a specified period of an increment otherwise due, (h) suspension from duty with consequent loss of pay and allowances for a period not exceeding fourteen days, (i) reprimand. (2) For the purposes of this Act, dismissal, removal and reduction in status are major penalties and all other penalties are minor penalties. All such provisions were designed to make the public service more professional and driven by ethical values such as probity, transparency and accountability.

Unfortunately, Ghana appears to have a good legal framework to promote moral and professional conduct but, it appears the nation also lacks the political will to enforce the law, which goes without saying that, Ghana actually prefers to operate without legal regimentation. Ghana prefers the *lassie faire* application of the normative legal structures to allow room for immoral and unprofessional experimentation and misconduct. This appears to be one of the moral traits of the people of Ghana at both the official and private levels. We tend to throw caution to the wind, and treat exigencies as if they are a set of mundane occurrences that require no deliberate action to bring those exigencies to a halt or under control. Age Cheating is another type of corruption, another way of padding the public payroll and unnecessarily increasing the financial burden of the public (Amoako-Tuffour, 2002). While the Auditor General of Ghana may be good at removing ghost names from the payroll, it also need to reckon with age-cheaters who stay on the payroll on presumed legitimacy by age, and whose names and emoluments should otherwise be expunged from the payroll. In one such sweep of the payroll in 2020, the Auditor-General revealed that ghost names in the public sector payroll in 21 Ministries, Departments and Agencies (MADs) cost the State Ghc 467,634,792” (Petetsi, 2020).

Those affected institutions included some of the largest such as Ministry of Local Government Service, Finance, Communications, Education, Agriculture, Health, Information, Interior, Youth and Sports, Chieftaincy, Foreign Affairs, Roads and Highways. There were these others as well, Ministry of Justice and Attorney General, Environmental, Science and Technology, Gender, Children and Social Protection, Tourism, Culture and Creative Arts, Lands and Natural Resources, Trade and Industry, Local Government and Rural Development, and the Judicial Services.

The question begging to be asked is, if all the listed institutions had ghost names on the payroll, all critical institutions in Ghana, then, of those confirmed as *bona fide* employees, how many of them had doctored their biometric data and had their ages of retirement lowered so that they can stay on the job longer? What is the cost of the delay of retirement to the State, where research has found that, a significant of such employees under-perform, and often suffer from absenteeism and prolonged sick leaves due to the onset of age related diseases (Tosam 2015; Sinnott and Molinga 2013)? The impact of the phenomenon of ghost names and shadowy workers on the public wage bill in Ghana was so concerning that in 2002 and thereafter, it was reported by the Institute of Economic Affairs that, “representatives of donor agencies and countries called on the Ministry of Employment to remove ghost names from its payroll, if aid to the Ministry was to continue” (Amoako-Tuffor, 2002). Added to the challenge of ghost names, is the more insidious practice of age falsification which appears to exert a higher cost burden to the wage bill. This is because it appears many of the perpetrators who are either getting closer to the retirement age or seeking for promotion are those earning higher salaries as Directors, Chief Directors, Senior Managers and sometimes, even Chief Executive Officers.

CONFLICT OF INTERESTS

No conflict of interest declared.

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