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JUDICIAL RECORDS MANAGEMENT AND ADMINISTRATIVE EFFECTIVENESS IN THE RIVERS STATE MINISTRY OF JUSTICE, NIGERIA

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ABSTRACT

The aim of the study was to investigate the judicial records management and administrative effectiveness in the Rivers State Ministry of Justice. The specific objectives of the study were to: identify the types and format of judicial records, examine the storage facilities used, find out the retrieval methods used, establish if the staff possess the right knowledge and skills and identify the problems associated with the record management. Qualitative research methodology was employed; interviews and observation approaches were used as instrument for data collection. The findings of the study show that criminal records, civil litigations and will records are mainly the records created by the ministry. The study further revealed that metal and wooden shelves are the storage facilities used. Challenges confronting the management of judicial records in the Ministry studied are lack of staff commitment, poor electricity supply etc. The study concluded with recommendations such as automating the system for effective service delivery, formulating standard record management policy amongst others.

Keywords: Judicial Records, Record Management, Administrative Effectiveness, Rivers State, Ministry of Justice.

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INTRODUCTION

Record occupies a strategic position in the efficient and effective management of any organization. In fact, it is central in the administration of an organisation because it documents the planning and implementation of appropriate services allowing proper monitoring of work. In conventional paper-based organizations, such as the Ministry of Justice, paper continues to be viewed as the materials for records in administrative documentations (Igwoku, 2008).

The term 'record' derived its origin from the Latin word 'recordar' meaning to be mindful of or to remember (Esse, 2002). It refers to recorded information, regardless of form or medium, received and maintained by an agency, institution, organization or individual in pursuance of its legal obligations or in the transaction of business of any kind (Abdulrahman, 2015). The National Archives Decree (1992) of the Federal Republic of Nigeria has provided a most encompassing definition of records as all papers registers, printed matter, books, plans, maps, photographs, microforms, cinematographic film, sound recording or other documentary materials regardless of physical forms or characteristics made or received by public or state office or by business houses or companies, private bodies and individuals in pursuance of their legal obligations or in connection with the transaction of their proper business.

Similarly, Usanga (2007) submitted that records can be said to be any information or communication captured and retained in some reproducible media. Records in this case become the object, the document or medium which carries the information. Records therefore are information media created and valuable enough to be retained. Most records are paper-based that is to say that the information was captured on paper. However, the media for information carriage can also be in other forms like machine readable disks, graphics, images, CD, flash drives and pictorial media, be they photographic or/not.

Records are important historical and legal tools and are necessary for the smooth running of the Ministry of Justice. Records constitute an essential instrument of administration, without which operational processes and functional cannot be executed. For example, a successor to a position needs available records to find his bearing when he takes over from another or when he has to fill vacancy created by resignation, transfer, retrenchment or death. Using such records as a springboard, the successor can decide on whether to continue with, modify or change certain techniques or practices (Ijaduola, 2006). Similarly, legislation, decrees, other enactment duly assented by authorities can be subjected to modification, amendment and development as time goes.

Records play immeasurable role in administration because managers, administrators and even legal officers employ them on routine basis for carrying out diverse administrative duties especially in decision making. The information contained in records helps the legal officers and administrators on issues relevant to the organization.

Records are also used as important sources for strategic planning and successful implementation as well as good policy formulation and implementation (Umar, 2005). Popoola (2000) states that what actually keeps the civil service (Ministry of Justice) going in any modern system of government is recorded information called 'record' which is used for planning, decision making and controlling. The Ministry of Justice as a unit in the executive arm of government can create, maintain and use records for their daily administrative and other purposes. For instance, decision making as a micro aspect of a system is an administrative function and invariably requires information in the form of records. Thus, information is very vital in any decision making process, this is because decision directs actions. Good and effective

decision can be made when the right information/record is made available at the right time, to the right recipient.

Organizations today, need to pay attention to the management and administration of records in their custody for efficiency and effectiveness. Information in form of records reduces uncertainties and facilitates decision making. The civil service of which the Ministry of Justice is a unit possess huge amount of records such as litigations, public prosecutions, legal aids, estate administration, legal drafting, citizen rights, accounting, administrative documents etc.

Management, according to Hornby (2001), is the act of running and controlling a business or similar organization to ensure success and continuity of any organization. Brophy (2005) is of the view that management is concerned with the organization and directing of different kinds of resources for specific purposes. Adequate management involves the five principles: planning, organization, staffing, supervision and control.

Records management is increasingly becoming an important instrument for good management; it helps any organization to deal more effectively with information. Records management is a term used to refer to the way that they have meaning and can be used continuously by the users such as legal authorities, managers, records professionals, educational institutions, and any other interested parties. Records management is the systematic and confident control of all records throughout their life cycle (World Bank, 2009). Records management is a way of looking at how records are created, used, maintained and ultimately disposed of. The objectives in managing judicial records are to make the records serve the purpose for which they were created as cheaply and effectively as possible, and to make a proper disposition of them after they served those purposes. To guarantee efficiency and effectiveness, records must be actively managed throughout their life.

Brief History of the Rivers State Ministry of Justice

The Ministry of Justice is one of the seven (7) Ministries created by the government when the state was created in 1967 in May. In June 1967, this Ministry was inaugurated with the appointment of Hon Chief (Dr.) Nabo Graham-Douglas as the first Attorney-General of Eastern Nigeria and the defunct Republic of Biafra. With his experience and guidance that the Ministry took its footing under the Honorable Attorney-General and Commissioner is the Solicitor-General and permanent secretary of the Ministry. Together, with other directors of department they administer the ministry.

The Rivers State Ministry of Justice is a ministry of the Government of Rivers State responsible for handling and coordinating matters relating to judicial administration. The headquarters of the ministry is located at the State Secretariat in Port Harcourt. The current Attorney-General and Commissioner for Justice is Dr. Zaccheus Adango (Mitee, 2010).

Objectives of the Study

The study is based on the following objectives:

- To identify the types and format of judicial records in Rivers State Ministry of Justice;
- To examine the types of storage facilities made available for records management that will enhance administrative effectiveness;
- To find out the retrieval method used for effective administration of judicial records;

- To establish if the staff possess the right knowledge and skills in records management to enhance effective administration of the Ministry of Justice;
- To identify the problems associated with the management of judicial record in Rivers State Ministry of Justice.

LITERATURE REVIEW

Concepts of Records and Records Management

Records are generally considered as accounts of facts, events and issues created and stored (preserved) in any physical form as authentic evidences for reference. Ladan (2014) defines a record as recorded information produced or received in the institution, conduct or compilation of an institutional or individual activity that comprises content, context and structure sufficient to provide evidence of the activity. Moreover, International Standard organization (ISO, 2001) defines records as information created, received and maintained as evidence and information by organizations or person in pursuance of legal obligations or in the transaction of business. Records are preserved or appropriated for preservation by the institution or its legitimate successor as evidence of its function, policies, procedures, decisions, operations or other activities or because there is value in the information contained numeric, graphic or other information that are created or received by an organization. She added that, records constitute the memory of our society, and the evidence of our experiences. These definitions indicate that there are different types and formats of records. The types of records of an organization depend on the functions of any particular organization.

The concept of records management evolved during the years of the Great Depression and the Second World War. The aim was to control the accumulation of papers in the government agencies. As (Lawal, 2002) stated, records management spread from the USA to Britain, Canada and Scandinavian countries. In 1914, the Colonial Office in Nigeria issued guidelines on the management of records for government ministries and agencies. Another effort was the records survey conducted by Dike between 1951-1953, which was to determine a nation's noncurrent/historical records and to prevent them from loss to posterity. This survey led to the establishment of the National Archives of Nigeria in 1954. Records management, according to the National Archives of Scotland (NAS) is the systematic control of an organization's records throughout their life cycle, in order to meet operational business needs, statutory and fiscal requirements, and community expectations. Effective records management allows fast, accurate and reliable access to records, ensuring the timely destruction of superfluous information and the identification and protection of vital historically important documents.

Judicial Records

The judiciary as an institution comprises courts that interpret law and provide a forum to resolve disputes. It also comprises various cadre of staff principally Judges, Registrars, Litigation Officers and other clerks. The success of their duties largely depends on the collection and use of information. In this regard the most useful to those officers is contained in judicial records, which include case files, registers, record book and case book. The availability of information for

use by those officers so as to adjudicate judicial cases depends on the way records have been physically and intellectually organized and managed.

Judicial records are records constituting the official records of any proceeding before the court, commission or board of inquiry, other judicial or quasi-judicial body or person. Judicial records, therefore, refer to records generated by courts in relation to courts adjudications or litigations (Ladan, 2014).

Similarly, Immaculate (2018) in her research revealed judiciary records to be adoption records, divorce records, probate records, case files, dockets, minutes and orders. In addition, a variety of other administrative data from the locality is also recorded frequently.

Organization, Storage and Arrangements of Records

The availability of information for use by judicial officers so as to adjudicate judicial cases depends on the way records have been physically and intellectually organized. Thus, the information which the judicial officers in the courts need for judgments, proceedings and decision-making is embedded in internally generated and externally received records. The proliferation of records generation/creation is the major headache confronting judicial institutions in Nigeria. It created enormous problems for organizing, utilizing and accessing vital information contained in the records.

Organization of information resources in archives entails description and arrangement of the materials in relation to their creating agency. In this regard (Jimason, 2003) pointed out that the essential purpose of archival organization is to know what you have so that you can find it. If records are not properly arranged, they cannot be found readily or when needed. In (Maidabino, 2003) the author observes that information contained in archival materials cannot be adequately exploited without being described and arranged systematically. He further stated that in the past, archives were arranged based on chronological order, subject matter and geographical consideration. These were considered artificial arrangements and inefficient. The most common and modern device that emerges in record keeping in recent times is computerization. This has made information and its management easy and efficient in terms of generation, organization, storage, utilization, retrieval and even destruction (when necessary) (Adebowale & Osuji, 2008).

Abdulrahman (2015) states in his study cupboard, wooden shelves/cabinets, steel shelves, drawers for flat file, and top of tables are available storage facilities. Similarly, Popoola (2000) reported the prevalence of these records' storage equipment in Oyo state civil service. The importance of good storage cannot be overlooked. The purpose of good storage as observed by Akporhonor (2011) is to provide conditions which minimize or prevent deterioration while still allowing access to the records.

Access, Utilization and Retrieval Method

One of the concepts of records management is accessibility. Records of an organization can only be useful to the organization if they are accessible to the members of the organization who need to use them. This implies making sure that they are readily retrievable when required (Chinyemba & Ngulube, 2005). In this regard, Asogwa (2004) states that records could be maintained for easy retrieval by: ensuring that files are constantly retrieved, ensuring proper sorting, modification or outright destruction or archiving some before filing and storage. Access

to records of organizations is governed by the policy of the organization and the access policy may differ from one organization to another.

Professionalism in Records Management

Records management is not professionalized in most organizations. People who look after records in many organizations lack the skills required for managing records. Another challenge facing management of legal records is lack of adequate and well-trained staff. The staffs manning these records are not well trained in the area of records management and archives. Some of the staff engages in unethical practices like hiding of files and misfiling. Therefore, they cannot manage these records professionally. The staffs are inadequate and there will be no transparency and accountability. This will give an organization a bad image and it may even close its business. Professional staffs need to be employed, they should be people of integrity and who have good public relations.

Qualified and well-trained staff will lead the organization to an advanced stage in terms of operation, growth and quality of work (Immaculate, 2018). Wamukoya and Mutula (2005) cite IRMT (2002) note that the introduction of the new technology poses a challenge that records and archive management staff should be trained and retrained for the new skills and competencies for effective operation in the new technology. This will enable the government to comply with accountability and defeat corruption and malpractices. The staff should be equipped with competencies and skills which include, but are not limited to, records management, information management and technology. The skills that are specifically required in electronic records management include creation, capturing, classifying, indexing, storing, retrieving, tracking, appraising, preserving, archiving and disposing.

Problems of Records Management

In the global context, management of records is not properly handled as they are expected to be, as identified by (Adami, 2003). Records management in institutions is faced with great challenges. Traces of history have shown that even in the famous Indian film industry, such problems of records management are observed. Similarly, researches on records management in Nigeria indicated that most public offices do not have any records management programme in place. Records, for instance, are not properly organized and kept. Instead, they are merely dumped on top of shelves or in rooms. Similarly, (Abioye & Popoola, 1998) reported that “the condition of all records surveyed were generally in a bad, deplorable conditions and very chaotic”. Problems associated with record management in Nigeria in particular have been reported by many scholars. For instance, (Abioye, 2007) notes that a major problem in Nigeria archives and records centers and for the majority of African archives is infrastructure. Similarly, (Okoro, 2005) postulates that the unorganized nature of records in Nigeria institutions has been greatly influenced by near lack of awareness and nonchalant attitude of organizations to records management training.

METHODOLOGY

For the purpose of collecting data for this study, qualitative research methodology was employed. Creswell (2008) emphasizes that qualitative research consists of three kinds of data

collection: in-depth-open ended interviews; direct observation and written documents. In this study, interviews and observation approaches were used. Questions related to the objectives of the study were asked and some were written down for the staff to provide the answers. The various directors and department in the Ministry of Justice were consulted for the purpose of this study: Director of Administration, Director of Finance and Accounts, Director of Planning, Research and Statistics, Director of Public Prosecution, Director, Civil Litigation, Director, Public Defender, Director of Legal Drafting, Director, Citizens Rights, Director, Library Services and General Office.

DISCUSSION OF FINDINGS

What are the types and format of judicial records in RSMOJ?

Data collected from the Ministry of Justice regarding the types of judicial records created indicated that records such as injunction, probate, fundamental human right, land appeal, cases of government quarters, chieftaincy matters, monetary claim for damage, breach of contract and order of certiorari. These records constitute what is called civil litigations. Under public prosecution are records involving legal opinions in respect of criminal matters such as murder, armed robbery, man slaughter, attempted murder, arson, defilement and rape, perjury, abduction obtaining by false pretenses, forgery, breach of peace, threatening of violence and conspiracy. Further result shows records of wills such as administration of estates and public trustees created in the Ministry of Justices. In addition, the respondents indicated that all records are in paper formats.

This finding supported Ladan (2014) who stated that judicial records are records generated or received by courts in relation to courts adjudications or litigations such as case file, case book, registers, record books etc. Similarly, Immaculate (2018) observes that judicial records of the Ministry of Justice were on paper format. This is not in agreement with Adami (2003) who stated that judicial records comprises of the audio-visual records (audiotape, CD-ROM with digital sound files and video reading of trial proceeding and witness testimony), the exhibits and transcripts of hearing and of transfer for detention. However, Ngulube (2004) opined that managing electronic records has remained a nightmare to many institutions in Africa.

How do you store and preserve your records?

In order to find out the storage facilities and preservation method used for records in the Ministry of Justice, the respondents were asked how judicial records were stored and preserved. It was revealed that records are stored according to subject matter (civil and criminal) and arranged in chronological order. It was pointed out that only metal and wooden shelves were used as storage facilities. The research also reveals that preservation measures such as fan, air conditioners, fire extinguishers, photocopiers and fumigation were to prevent destruction of records.

The result, however, shows that other records storage facilities, including boxes and saves are not provided. Metal and wooden shelves are mostly used for the preservation of the records. This finding may not be surprising because storage facilities such as cupboards, wooden shelf, metal shelf and drawers are commonly found in most of the organizations in Nigeria. The researcher observed that the wooden and metal shelves provided were not even sufficient and most of the records were dumped on the tables and floor which is not healthy for the records.

Twinning and Quick (1994) argue that these problems are caused by the increases in the volume of records produced and lack of storage as well as preserving records for a long time. According to IRMT (2002), magistrate courts need physical infrastructure for court records. These authors mention that magistrate's court need to have storages to deal with the load of case records. They further argued that the storage for keeping court records must have enough space to accommodate equipment used to keep records. They further mention that proper records management requires appropriate environmental conditions and physical security.

According to Motsaahebe and Mnjama (2007) court records must be protected from all hazards, improper access, accidental loss, theft, damage and unwanted destruction. They further mention that there are some security measures that are used to protect court records which include fire detectors, fire extinguishers, fire alarms and use of security guards.

What are the retrieval methods used?

From the result, it was revealed that applications, paper request and perusal forms were the methods used to retrieve records from the Ministry of Justice. This implies that every records sought for must be approved or cited by either the honorable Attorney-General or the office of the Solicitor General who in turn detail the line directors of technical services department to either produce, disseminate, comply or route such demands to the appropriate beneficiary. This shows that the retrieval methods lack modernization which slows down the rate of record retrieval. Griffin and Roper (1999) in Immaculate (2018) purpose that in order to improve record retrieval systems in institutions, basic records tracking tools such as file location cards, file movement sheets, file transfer slips, and records census forms should be used.

Do you have knowledge and skills on record management?

The study revealed clearly that majority of the staff do not possess the right knowledge and skills in records management and this affects service administration in the Ministry of Justice. According to IRMT (2002), proper records management requires trained staff, adequate and continuous funding. Motsaahebe and Mnjama (2007) mention that managing records requires time and effort and this can be achieved through dedicated and well-trained staff. Studies done by Motsaahebe and Mnjama (2009) revealed that due to problems encountered in managing court records, regular training for registry personnel should be standardized. The staff requires to be regularly well trained in records management to remain well horned in their work. It can be concluded from these findings that the court does not provide training opportunities regularly which reduces the productivity of the staff. The study revealed that court has many operational challenges that negatively affect staff effectiveness in service delivery.

What are the problems associated with record management in RSMOJ?

The study revealed a number of problems confronting management and administration of judicial records in Rivers State Ministry of Justice. Problems associated with poor funding, the directors identified poor electricity supply; lack of ICT facilities/automated records were pointed out by the director of library services. Other problems of record management in the Ministry observed by the researcher were lack of commitment of the staff, inadequate space and storage facilities and lack of constant cleaning of the records.

CONCLUSION AND RECOMMENDATIONS

The study concluded that the type of judicial records created by the Rivers State Ministry of Justice are mainly criminal records, civil litigations and will records. The facilities used to store these records are metal and wooden shelves, fans, fire extinguishers; fumigations are also used to preserve these records. The records are arranged in chronological order based on their subject. The methods of retrieving the records are through application, paper request and perusal form. The Ministry does not have a records management policy to govern its records management practices, there are no functional records management manuals to assist these records. The staff lack the right knowledge and skills to manage these records and thus they need to be trained. The finding of the study has disclosed a number of challenges confronting the management of judicial records in the Ministry studied. The experience generated from the study indicates, among other things such as funding, lack of staff commitment, poor electricity supply, and lack of ICT etc. which has brought about low effectiveness in the administration and management of judicial records in the Rivers State Ministry of Justice.

Based on the findings of the study, the following recommendations are therefore put forward for immediate consideration:

- The findings indicate that judicial records of the Rivers State Ministry of Justice are on paper format. Therefore, it is recommended that records should be digitalized to meet ICT challenges.
- Adequate electricity supply should be provided for creation and management of judicial records.
- Storage facilities such as safes, boxes for sensitive records and electronic storage facilities should be provided.
- Records should also be protected against hazard.
- Records management program should be developed and implemented.
- Professional record managers should be employed to manage the records and regular training should be observed.
- There should be a standard and uniform records management policy to guide the entire records management issues.

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