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RECORDS MANAGEMENT OF A TYPICAL STATE JUDICIARY IN NIGERIA

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Abstract

The study is aimed at investigating the management of legal records in Nigeria with special reference to the Oyo State Judiciary. Questionnaire, interviews and direct observation methods were used for data collection. The study revealed that the state judiciary generates and receives records of various types such as case files, probate files, record books, cause books and registers. These records are in paper format. The records life-cycle concept was not applied to the management of the legal records. Also, there was no records retention and disposition schedule, the records centre operations are not performed, records appraisal was never done, and the filing system in use was alpha-numeric and chronological.

Akusu, E.A. (1983) *Information Needs of Medical Laboratory Technologists and Available to Them at the College of Medicine, University of Ibadan*

Introduction

Legal records constitute a very important class of public records in Nigeria. They are created/generated and received by institutions such as the judiciary, the police, the army and the Ministry of Justice as well as other ministries, government agencies and parastatals that perform duties that are by nature legal and quasi-legal. Also, corporate bodies and private individuals in the course of their operations or legitimate businesses generate legal records of immense value. They are important source of materials for information. They assist immensely in our understanding of the society in which we live.

According to Jordan (1970), "the law in one way or another, is the basis of most institutions – political, social, cultural, and economic. Both civil and criminal laws are an integral part of the story of national development". Solomon (1979) also echoed this

assertion when he says: "I would also include in the category of records to be preserved all official letters, clerk's memoranda, opinion drafts, and inter-judge correspondence of the judges of all state courts. These materials might allow us to develop further our ideas of the process of adjudication and better understand social, political and economic concerns which affect legal development"

He stressed this because of constitutionally mandated rights to due process, bail, and fair trial. The criminal trial contains more stages than the civil and generates more records. These records yield information on the nature of crimes and criminals, and shed light on social and political history. The bail bond records might help to explain the relationship between ethnic groups, crime and urban political machines. The case file would facilitate a much-needed study of the victims of crime.

Dumbauld (1973) considers the importance of legal records within the context of the Anglo-American situation, which applied, *mutatis mutandis*, to Nigeria by virtue of our historical link with the English legal system. He states that "the availability of judicial opinions is important to lawyers and judges because Anglo-American law is uniquely based upon the doctrine of precedent or *stare decisis*. The rule of *stare decisis* is a genuine use of historical processes within the legal system itself" In analyzing the importance of legal records Gersack (1973) remarked: "When the archivist acquires court records, he becomes the custodian of source materials covering the spectrum of human experience."

Connor (1960) opines that "if one wishes to write the history of any unit of government... on a political basis, as most histories have been written, it is not enough to research the records of the executive office and the statutes law or ordinance passed by the legislative body. More in the decisions of the courts often lie the ultimate meaning, and sometimes the original cause, of the actions of the other two major branches of government." Legal materials are of course important to any form of biographical history, but the extent of their usefulness depends logically on the subject of the biography.

In adducing reasons for keeping closed (legal) records, Guth (1998) says: "...as the legal profession develops over time the archival value of some client files becomes evident. Collections of files may contain documentation for policies and practices, which helped to shape the entire profession. Select cases also preserve information about an individual or group which may have significance for the provincial national heritage. Records of the lawyers for each side in an important constitutional case, for example, become

essential to the writing of accurate legal history". The judiciary generates and receives numerous legal records in the course of administration of justice. Therefore, it is highly desirable to adopt good records management techniques for the effective dispensation of justice and quick adjudication of cases in the judiciary of Oyo State, Nigeria.

Objectives of the Study

The study seeks to achieve the following objectives:

1. To identify the various classes of legal records in the custody of the Oyo State Judiciary.
2. To determine the volume of the legal records of the institution.
3. To know the state and condition of the records.
4. To ascertain the storage facilities available for records, records filing system and their retrieval methods, and
5. To assess the records preservation policy of the institution.

Literature Review

Records and information are indispensable tools of court administration and effective dispensation of justice in the modern society. One distinct characteristic of modern judiciary is the production of vast quantity of records of varying degree of importance in the course of the transaction of daily business operations. This leaves judicial personnel (judges, magistrates, registrars and clerks) with one of the greatest challenges confronting them today: how to effectively and economically control and utilize their ever-expanding information base. At the level of the third arm of government (The Judiciary) in Nigeria especially Oyo State, technology and social changes have brought about the need for the creation and dissemination of endless array of different records. Similarly, the exponential growth in the number of civil and criminal cases filed in the Nigerian courts, necessitate the need for creation and receipt as well as the maintenance of records of incredible proportions for effective dispensation of justice.

According to Charman (1990), "Records are 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. This includes any paper, book, photograph, microfilm, map, drawing, chart, magnetic tape or any copy or print out thereof". Iredale (1973) in attempting a definition of reports says: "Any document created as authentic evidence of a matter of legal importance is known as a record: a marriage register at the church for example".

However, records management is devised as a means of tackling the challenge of information explosion, especially paper proliferation occasioned by technological

advancement. Henedon (1987) says that records management is the systematic control of information and records from creation to final disposition.

Also, Fyborokhai (1984) posits that records management is that area of general administrative management concerned with achieving economy and efficiency in the creation, use and maintenance, and disposition of records. Thus, in records management, the entire life cycle of records is given careful consideration. Adeniran (1992) puts it

bluntly when he defined records management as the control of the life cycle of a record from its creation through processing, checking, maintenance and protection. Unigbe (1989) states that the objective of a sound records management policy and practice is to reduce the frightening mass of papers to a manageable size so as to preserve evidence and valuable information. The main objective of records management still remains the achievement of efficiency and economy. Efficiency is achieved through rapid information retrieval thereby facilitating effective use of records. The programme makes for economy by freeing valuable office space of unnecessary records and by reducing the costs of servicing the records. Ham (1943) remarked that "Records management rests on the notion that records pass through four stages: creation, active administration or office use, semi or inactive storage and final disposition, either by destruction or through preservation in an archives." Therefore, implementation of records management programme in an organisation should be anchored on the concept of records life-cycle.

All the same, records inventory is an important prerequisite for records management. Daramola (1992) viewed a records inventory as a complete listing of file contents by category together with sufficient supporting information to enable a proper evaluation of file function and activity. The purpose of an inventory is to collect data so that managers can understand their institution's documentary system, the types of records created and their formats, their locations, and the storage facilities used in housing them. Therefore, an inventory is a basic tool for proper appraisal of records and for devising a records retention programme because it provides relevant and reliable information about the records, their creator, functions, and the activities they document. Also, the information collected during the records audit exercise in an organisation assists in the preparation of the disposition and retention schedule.

Alegbeleye (1996) defines appraisal as the process of determining the value and thus the final disposition of records, making them either temporary or permanent. It includes a review of the administrative, fiscal, legal, and archival value of record by record series. Therefore, if records management is the control of records from creation to disposition, then records appraisal which assists in reaching a decision as to the final disposition of records is an indispensable tool of records management. A sound disposition programme demands for a realistic appraisal of the records based on their period of usefulness and value to the agency that created them.

The records centre is another important instrument of records management. It is the spinal cord of records management programme. A records centre may be defined as a centralised and low cost storage area for housing and servicing of semi-active, or inactive records, whose reference rate does not warrant their retention in costly office equipment. According to Henedon (1987), it provides "a low cost approach to maintaining those records no longer required in active files-but still requiring retention for administrative, legal or historical need." Perderson (1987) asserted that "The storage area ...is the permanent home of the records and its quality and management has an enormous impact on their continued preservation. Traffic and work activities in this area should be kept to a minimum so that the environment is kept stable." In fact, the room for records storage must be clean, cool, and free from water and fire hazards. The ideal environment for paper records storage is + 15°C to 20°C and 50 percent relative humidity. The environment in which records are stored is critical to their preservation. Temperature, relative humidity, lighting and air purity and circulation are the principal determinants. The choice of equipment on which to store records provides the records managers with a good opportunity to reduce further deterioration. Regardless of how good is the storage environment, badly shelved and housed records can deteriorate if allowed to continue unchecked.

Research Methodology

The study population was made up of 48 courts, i.e. 22 High Courts and 26 Magistrate Courts excluding Customary Courts in the Oyo State judicial System. The stratified sampling technique was used. The stratification was done along the six judicial divisions in the State as shown in the Table 1 below:-

Table 1:
Distribution of Courts By Judicial Division in Oyo State

Division	High Courts	Magistrate Courts	Total
Ibadan	17	15	32
Oyo	2	2	4
Ogbomosho	1	3	4
Saki	1	4	5
Eruwa	1	2	3
Total	22	26	48

The sampled respondents comprised of 96 officers in the registrar cadre with two selected from each of the 48 courts in the State. They are officers saddled with the responsibility of generating, receiving, keeping and preserving court records. They play vital role in the administration of justice in Oyo State and in matters relating to records management of the courts.

Three methods of data collection, namely interview, direct observation and questionnaire administration were adopted. They were meant to complement one another in the process of data collection considering the complex nature of the study. The response rate of 100

percent was achieved and the reliability of the instrument (questionnaire) used is 98.5 percent using the Spearman Brown correlation coefficient formula of the form:- $r_s = nr / 1 + (n - 1) r$ (1) where r_s is the Spearman Brown correlation coefficient, n = number of repeated trials, i.e. 2, and $r = 0.97$ correlation coefficient (simple) from the data collected and analysed from both actual survey exercise and post enumeration survey.

Data Analysis and Discussion

The State Judiciary generates and receives a preponderance of legal records. These records are in various categories and sizes. They include case files, probate files, record books, cause books and registers. The State Judiciary creates annually an average of 2,000 files and it has existed in this area for more than six cadres.

Its case file and probate records were estimated to be a little over 35,000. In addition, there are quite a good number of files for petitions for grant of letters of administration from the Ministry of Justice. All the sampled respondents claimed that their legal records are in paper formats. The reason being that electronic records are not admissible as legal documents in Nigeria. In addition, paper is the most common medium of recording legal and business information in a developing country like Nigeria.

However, the study revealed that the concept of records life-cycle was not applied to the management of legal records in the state judiciary. Also, of the 96 sampled respondents, 94 (97.9%) confirmed the non-existence of records retention and disposition schedule in managing their legal records while the rest 2(2.1%) reported in affirmative. The concept of records life-cycle and formulation of records retention and disposition schedule are the operational instrument for achieving the objectives of records management programme in an organisation.

It was also found that the greatest percentage, i.e. 93.9% of the respondents reported that their records were in a deplorable condition and never inventoried. The semi-current and non-current records are dumped on the floor in a room called record centre. The records centre operations were never performed. The inactive records of most courts are locked up in wooden cupboards while others are placed on steel cabinets. It is very surprising that modern records storage facilities like monographic cabinets, microfilm cabinets and metal shelves are lacking the state judiciary.

Utilization and Accessibility of Records

In view of their importance, the legal records of the judiciary are consulted and utilized from time-to-time in the administration of justice in the state. However, the consultation and utilization are, more often than not, limited to court officials, litigants and their counsel.

The difficulty in retrieving records, particularly the very old ones, constitutes the major obstacle. It takes an unreasonably long time to search for and retrieve the records that are needed. The average time taken to locate and retrieve the required. Out of the 96

respondents, 93 (96.9%) reported that the filing system adopted for their legal records was chronological and alpha-numeric types. Apart from the primary finding aids like the registers, there are really no finding aids that could facilitate records retrieval.

Disaster Control and Vital Records Management

In the course of this study, it was discovered that the Judiciary has never disposed of its records. By virtue of being vital records, they have always been retained, and no appraisal exercise was carried out to determine the value of the records. Also, there are no disaster control measures in place in the institution as well as vital records programme. The non-current records of the institution have not been duplicated in any other formats that could reduce the wear and tear of the original records and assist in recovery in the event of any disaster that may adversely affect the records.

General Awareness of Records Preservation

Out of the 96 sampled respondents, 94 (97.9%) of them claimed that they were very familiar with the National Archives and its role in records preservation even though their institution has never sought the assistance or advice of the National Archives on matters relating to the management and preservation of the records of their courts; while the remaining 2(2.1%) were not aware of the existence of the National Archives. Also, most of the respondents were not aware of the existence of the National Archives Decree No.30 of 1992 and the responsibility of their institution under the decree. Although some of the officials of the institution (The Judiciary) are very conscious of the role of information technology in records management and preservation, it appears there is neither a concerted effort nor official policy, at least for now, for the automation of the records of the institution.

Conclusion and Recommendations

The study revealed that the Judiciary is one of the most prolific creators of legal records in Oyo State. It creates and receives legal records on a large scale unknown to any other institutions in the state. It is therefore, no surprise that records of incredible proportions of different types dating back to several decades can be found in the custody of the Judiciary.

However, the importance of legal records within and outside their primary constituency cannot be over-emphasized. Judges, court officials, litigants and their lawyers rely heavily on these materials for the administration of justice and for the prosecution of their cases. They also constitute a veritable source-material for legal historians and researchers. Yet, outside the primary constituency, legal records in Nigeria appear to have been totally neglected.

The doctrine of judicial precedent or *stare decisis* which requires a lower court to follow what was previously decided by a higher court makes reliance on legal records inevitable.

The essence of the doctrine is to make for the certainty of the law and to prevent judicial anarchy. One may think that the practice of law reporting which is common in most jurisdictions, including Nigeria, may have made endless searches for precedents among court records unnecessary. The fact, however, is that law reporting, especially in Nigeria, is in recent times restricted to the decisions of the higher courts. The philosophy behind this practice is that courts and legal practitioners are much more comfortable with the decisions of the higher courts that have the binding force of precedents. The result is that many decisions of the lower courts on novel points which may have far reaching implications for the legal system remain unreported and are buried in the legal records of the judiciary. Also, the plea or res judicator (that is, once a matter or issue between parties has been conclusively litigated upon and decided, it cannot be raised again between the same parties) can only be done by adducing credible evidence. This can only be done by making use of the legal records of the judiciary.

In spite of the importance of the legal records of the judiciary, records maintenance, utilization, access, preservation and disposition are some of the many problems that are begging for urgent solutions. It is against this backdrop that some recommendations are made for improvement.

The judiciary should formulate policy on records management and preservation in the form of legislations, regulations or instructions which define scope of collections, personnel, control and budgetary support among others. It must ensure that records are not created unless they are needed and they should not be kept longer than necessary. It is also imperative on the state judiciary to formulate records retention and disposition schedule.

Also, records centre operations should be performed and archives be established for the retirement of records having enduring value. Versatile and adjustable steel shelves are recommended for records storage. Cardboard boxes should be used in storing files and other records that are not in bound volume to protect them from dust and the boxes must be acid free. The temperature and humidity of the storage area must be controlled through the use of air-conditioning. Records must also be protected against pests and mould by constant cleaning and fumigation. Disaster control measures should be put in place.

Court registrars should be given training in records management. Vital records of the judiciary must be identified and microfilmed or duplicated in any other format for off-site storage. The master negative of microfilms can be sorted while the working copies made available for consultation. For this to be possible, relevant equipment like microfilm camera and reader/printer and photocopiers are necessary. The advantages of modern information technology, specifically microcomputer, should be brought to bear on the record keeping practice of the state judiciary. It is therefore necessary that the records audit and appraisal of the non-current records of the institution be carried out, so as to prepare a retention/disposition schedule.

REFERENCES

- Adeniran, J. A. (1992). *Survey of Public Records*. Text of the lecture delivered during The Archives and Records Management Course, Ibadan, 19th October – 13th November, p. 1
- Alegbeleye, G. O. (1996): *Management of Electronic Records in Nigeria*. Paper delivered at the National Workshop on the Implementation of Records Management Programme in Nigeria, Ota, 8th – 10th July, p.7
- Charm, Derek; (1990): **“Records Surveys and Schedules:” Selected Guidelines for the Management of Records and Archives:** RAMP Reader, Paris, p. 99
- Connor, S. V., (1960) “Legal Materials as Sources of History”, *The American Archivist*, 23, (2) p.158
- Daramola, J. B. (1992): **“Transfer and Disposal of Records”**. Text of a lecture delivered during the Archives and Records Management Course, Ibadan, 19th October – 13th November, p.4-5.
- Dumbauld, Edward (1973): “Legal Records in English and American Courts,” *The American Archivist*, 36, (1) p.15.
- Evborokhai, A.O. (1984) **“Basic Elements in Records Management System”**. Paper presented at the National workshop on Archives and Records Management in Nigeria, Enugu, 10th – 13th December, p.1
- Gersack, D.H. (1973): “Colonial State and Federal Court Records: A Survey,” *The American Archivist*, 36, (1) p.40
- Guth, D. J. (1998) “Retention and Disposition of Client Files: Guidelines for Layers, *The Advocate*, XLVI, p.231.
- Ham, F.G. (1943): *Selecting and Appraising Archives and Manuscripts*. Chicago: The Society of American Archivists, p.38.
- Henedon, William, (1987) “Records Management – The Information Connection”. *The Informational Records Management Journal*, 3,(3), p.4.
- Henedon, William; Op., cit., p.5
- Iredala, David, (1973): *Enjoying Archives*. Newton, Abbot, David & Charles, p. 10

- Jordan, P.D. (1970): "In Search of Local Legal Records". *The American Archivist*, 33,(4), p,381
- Perderson, Ann (ed.) (1987) *Keeping Archives*. Sydney: Australian Society of Archivist, p. 39.
- Solomon, R. L. (1979): "Legal History and the Role of Court Records". *The American Archivist*, 42,(2) p.197
- Unuigbo, E. O. (1989): *The Future of Records Management in Nigeria*. Paper presented at the Convention of the Society of Nigerian Archivists, Benin, November 9-10,p.2

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