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APPLICATION OF INFORMATION TECHNOLOGY (IT) IN THE MANAGEMENT OF COURT RECORDS IN THE SUPREME COURT OF NIGERIA

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Abstract:

Information technology (IT) being crucial to the management of records in all sectors, the study investigated the level of awareness and application of IT to court records management in the Supreme Court of Nigeria. It examined the facilities available, use, constraints and prospects. The research instruments adopted for data collection were interview and observation. The results showed that there is high level of awareness of the importance of IT. The technology is used mainly for record creation and distribution. Constraints include poor funding and lack of well-trained staff in the use of IT for records management. The study concluded and made necessary recommendations for the improved use of IT for court record management in the Supreme Court of Nigeria

Introduction

Records form the bedrock of the activities of any organisation. They are generated in the course of the business transactions of the organisation. They not only serve as the evidence of such transactions, they also constitute the collective memory of the organisation and serve as vital ingredients for decision-making. All conceivable objectives, particularly those relating to governance such as the rule of law, accountability, management of state resources and protection of rights of citizens, are dependent on records (Azangweo, 2000). Records, according to Esse (1996), are the only channels of cultural transmission from generation to generation.

Information technology (IT) has made a tremendous impact on the management of records. Apart from the fact that the whole life cycle of records from creation to disposal has been influenced by the presence of information technology, the generation of records in electronic media has also been made possible through information technology. The management of records in these new media seems to be one of the greatest challenges facing the records manager of this century. It is, therefore, necessary to "recognise the need to co-ordinate and merge the various technologies (communications, data processing, micrographic, reprographics, word processing, etc) into a total [records management] programme" (Southwood, 1987). The Supreme Court

as the apex court in Nigeria serves as a model for other courts to follow. The ability to take this lead, particularly in the area of records management, will depend to a large extent on how much of the new technology the court can bring to bear on the management of its records

Supreme Court of Nigeria

The evolution of the Supreme Court in Nigeria can be traced back to 1863 when a court by that name was established by Ordinance No. 11 of 9th April 1863 "to provide for the better administration of justice within the settlement of Lagos". The court was presided over by the Chief Magistrate or a duly appointed deputy, and had jurisdiction in civil and criminal cases. Appeals from the court lay to the Governor-in-Council.

By Ordinance No. 13 of 8th September 1863, the name of the court was changed to the Chief Magistrate Court with provision made for two assessors to assist the Chief Magistrate. This change did not last for long, as the old title was restored in 1864 and modified to "The Supreme Court of Her Majesty's Settlement of Lagos". Under the Ordinance effecting the change, the court was to be presided over by a Chief Justice assisted by two assessors. In addition to civil and criminal jurisdiction, it was also made a court of Probate and granted jurisdiction in bankruptcy.

In 1876, the Supreme Court Ordinance No. 4 was enacted establishing the Supreme Court of the Gold Coast which was a unified court. Section 3 of the Ordinance established the Supreme Court of the Colony of Lagos which consisted of a Chief Justice and such judge or judges as the Governor might appoint from time to time. The Chief Justice and every judge of the Supreme Court of the Gold Coast were to be puisne judges of the Supreme Court of the Colony of Lagos (Ume, 1989: 50).

With the enactment of the Supreme Court Proclamation No. 6 of 1900, the Supreme Court of Southern Nigeria was established to serve the whole of Southern Nigeria. The composition was similar to that of the Supreme Court established under the 1876 arrangement. As such, it consisted of a Chief Justice and a number of puisne judges, and the Chief Justice and judges of the Gold Coast were made ex-officio members (Ume 1989: 58). In addition two new courts, the "Niger Courts" and the "Native Councils", were created to take care of the extended territorial jurisdiction of the Supreme Court of Southern Nigeria. The Native Council, which was also a court of law, was presided over by a British officer and appeals from it and the Niger Courts lay to the Supreme Court.

By the Protectorate Courts Proclamation No. 4 of 1900, the Supreme Court of Northern Nigeria was established. It was made up of "Judges then presiding over the Nigeria Company's Supreme Court and of such other judge or judges

as the High Commissioner might from time to time appoint by Letters Patent under the seal of the Protectorate in accordance with his instructions from the Secretary of State" (Ume 1989: 60). Consequent upon the amalgamation of Northern and Southern Nigeria in 1914, the Supreme Court of Nigeria was established by the Supreme Court Ordinance No. 6 of 1914. Section 3 of the Ordinance States that:

"There shall be a court which shall be called the Supreme Court of Nigeria and shall under and subject to the terms of this Ordinance, constitute the Supreme Court of judicature for the colony and Protectorate of Nigeria."

Section 4 of the Ordinance gives the composition of the court as consisting of "a Chief Justice and such judges as the Governor shall from time to time appoint by letters patent... and also of the Chief Justice and every judge of the Supreme Court of the Gold Coast Colony and the said Chief Justice and Judges of the Supreme Court of the Gold Coast Colony shall be puisne judges of the Supreme Court of Nigeria".

In 1933, there was a re-organisation in the judicial structure. Although the Supreme Court was retained in the new arrangement, the extent of its jurisdiction was, however, reduced. The High Court established under the Protectorate Courts Ordinance No. 45 of 1933 became a court of co-ordinate jurisdiction with the Supreme Court and appeals from both courts lay to the West African Court of Appeal. The Supreme Court was, however, to exercise jurisdiction in probate, divorce and matrimonial causes, Admiralty cases and proceedings under specific Ordinances to the exclusion of the High Court (Obilade 1979: 30).

Under the 1943 reforms the High Court ceased to exist and a new Supreme Court was established for the whole country to replace the old Supreme Court of Nigeria and the High Court of the Protectorate. By virtue of the Nigeria (Constitution) Order-in-Council of 1954, Nigeria became a Federation comprising three regions namely the Northern, Western and Eastern regions and a Federal Territory. This necessitated the establishment of the Federal Supreme Court for the whole country and a High Court for the federal territory of Lagos and each of the regions. The composition of the Federal Supreme Court comprised a Chief Justice of the Federation, two Federal Justices and such serving Federal Justices as might be appointed. The Court was to sit in Lagos or any appointed part of Nigeria.

The 1954 pattern was maintained at independence under the Nigeria (Constitution) Order-in-Council, 1960, except that the Judges of the Federal Supreme Court were to include the Chief Justice of each territory. Appeals from the Court were also to lie to Her Majesty's Privy Council. The 1963 Republican Constitution restored the old name of the Supreme Court of Nigeria. The Court, which was to be a superior court of record, was to sit in the federal territory and such other places in Nigeria as the Chief Justice of

Nigeria may appoint. It also became the highest court for the country as the system of appeals to the Privy Council was abolished.

The structure of the Supreme Court under the provisions of subsequent Nigerian Constitutions is essentially the same. Today, the Supreme Court remains the highest court in Nigeria with the Chief Justice at the head. The seat of the court finally moved from Lagos to Abuja in 1996.

Objectives

The objective of the study is to investigate the level of awareness and application of information technology to the management of court records in the Supreme Court of Nigeria. It looks at the available technological tools, and their use and inhibition in the management of the records of the institution, as well as future prospects.

Statement of the Problem

The impact of information technology is being felt in all spheres of human endeavour. The management of records is no exception to this. Unfortunately, our courts in Nigeria have not been able to catch up with developments in other parts of the world as far as the use of technology in the management of their records is concerned. This study focuses on the problems of bringing the benefits of information technology to bear on the management of court records, particularly those of the Supreme Court of Nigeria.

Literature Review

Records

Records constitute an essential commodity for the activities of any organisation. Record creation and record-keeping date back to the prehistoric period. The media of recording have, however, evolved through the ages.

The term "record" is said to be derived from the Latin word "recordari" meaning to be mindful of or to remember (Esse, 2000). Originally, it denotes the written documents kept by a court as evidence of its proceedings (*The Report of the Committee on Legal Records* [in Britain], Cmnd 3084, August 1966: known as the Denning Report). Today, it refers to recorded information regardless of form or medium created, received and maintained by an agency, institution, organisation or individual in pursuance of its legal obligations or in the transaction of business of any kind (ICA Glossary).

In Nigeria, the National Archives Act 1992 defines the term "records" to mean

"... all papers, registers, printed matters, books, maps, plans, photographs, microfilms, cinematographic films, sound recordings, or other documentary materials regardless of physical form or characteristics made or received by public or State offices, or by business houses or companies, private bodies or individuals in pursuance of their legal obligations or in connection with the transaction of their proper business..."

This definition is similar, in certain material respect, to that of Schellenberg (1956) and Maedke et al. (1981).

Therefore, information recorded in any permanent medium including electronic can be regarded as record. It is created or generated by an organisation, private or public, or an individual in the transaction of its business and it documents such transactions.

Court Records

The common notion is to equate legal records with court records (Dumbauld, 1973). However, legal records are not synonymous with court records as the term "legal records" is more embracing and it includes court records. Shepard (1984) defined court records as the official legal records of a judicial system, noting that their characteristics are essentially determined by this status as official legal records.

The National Archives Act of Botswana, 1978, adopted the term "judicial records" and defined it as "... any records constituting the official records of any proceedings before the court, commission or board of inquiry, other judicial or quasi-judicial body or person..."

Court records are, therefore, records generated by a judicial institution in the course of carrying out its judicial functions. In a narrow sense, the term refers to the operational records of a judicial institution. They are the official legal records of the institution. This official status, according to Shepard (1984) differentiates court records from other legal records without official status.

Records Management

Although the concept of records creation and records keeping has existed for many centuries, the development of records management practices did not take place until the 1940s. The problem of paperwork management which was a direct consequence of paper records explosion in the USA necessitated the introduction of records management.

Traditionally, records management can be defined as the control of records from creation to final disposition (Schellenberg, 1956, Benedon, 1987). It deals with the full range of paperwork from the creation of a new record to the

moment a decision is taken either to destroy or keep it for all time (Unuigbo, 1989). Penn, Pennix and Coulson (1994) defined records management as the management of information captured in reproducible form that is required for conducting business. It is, according to them, a logical and practical approach to the creation, maintenance, use and disposition of records.

The main goal of records management is to ensure efficiency and economy in the creation, maintenance, use and disposition of records. These elements are emphasised by Evborokhai (1984), Ham (1993) and Azangweo (2000) in their definitions of records management.

Information Technology

A uniform definition of information technology is often difficult to come by as different people have defined it differently in terms of tools, processes and/or knowledge (Tiamiyu, 2000). Baker, quoted by Tiamiyu (2000), defined IT as "computers, microelectronics and telecommunications equipment used to produce, obtain and send information". The American Library Association (1983) defined IT in similar terms as the application of computers and other technology to the acquisition, organisation, storage, retrieval and dissemination of information.

Often, IT is seen in terms of computer-based technologies. The concept is, however, much broader and extends beyond computers (Dike 2000), Omekwu 2002). Wirsly and Shafack (2002), however, are of the view that the computer is at the core of modern information technologies. IT components include globalisation, database, one-line information search, CD-ROM, Multimedia Network, Internet and World Wide Web (Oyegade, 2000).

The application of IT in all arms of the Nigerian Public Service is critical for efficiency, effectiveness, impact and enhanced productivity (Peters, 2000). IT adoption does not just imply the mere possession of computers, but the use of IT for an organisation's core functions and activities (Fasheun-Motesho, 2001).

Methodology

The research instruments used for the study were interview and observation. Interviews were conducted with key officers of the institution, and the researcher was able to inspect IT facilities on the ground.

Findings

The management of the Supreme Court of Nigeria has realised the importance of IT in the management of court records in particular and in carrying out other activities in general. According to one of the staff interviewed, there is

an increasing appreciation of the fact that operational tasks are better, faster and more easily performed using IT than the manual system. "This appreciation has, in turn, made the task of convincing the management of the need for an IT programme less burdensome".

There is in existence a unit designated as the IT section. Computers have been acquired and installed in the IT section and offices of heads of key sections. They are, also in the meantime, being extended, according to one of the staff interviewed, "to only the departments where they are unavoidably needed". Computers are already being used for records creation and storage. The institution can now send and receive electronic mail. There are also fax facilities, which are being used by the institution. A website is under construction although it cannot yet be accessed. However, a database of all enrolled legal practitioners in Nigeria since 1886 has been created.

The IT programme has not been fully implemented. Efforts are still being made to determine the operations of the institution that are amenable to IT application. Consultants have been engaged to work out the modalities for implementation. Poor funding and lack of qualified manpower in IT field had all along delayed the implementation of an IT programme in the institution.

Conclusion

The study has shown that the Supreme Court of Nigeria is conscious of the importance of IT in the management of court records. It has, therefore, taken bold steps to adopt IT in the management of its records. The programme, however, has not been fully implemented as application is, for now, limited to records creation and storage.

The barriers to the implementation of the programme have been poor funding and lack of adequate manpower to cope with the challenges of IT application in a court environment.

The institution is leaving no stone unturned and has demonstrated its commitment to implementing a full IT programme. The future, therefore, looks bright for the application of IT in the management of the records of the Supreme Court.

Recommendations

Records constitute an important tool for the operation of any court. The management of records is, therefore, an important activity that cannot be toyed with. IT offers better opportunities for the management of records. Based on the outcome of this study, the following recommendations are being made.

- The Supreme Court of Nigeria should give priority to the full implementation of an IT programme.
- The IT programme must be properly funded.
- Relevant staff must be adequately trained in the use of IT for the management of the institution's records.
- The institution should collaborate with similar or relevant institutions within and outside Nigeria in the full implementation of its IT programme.

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