

DECLARATION

Student's Declaration

I declare that the Field Attachment Report entitled Examining the Different Records kept at Record Management Service in the Court is a Record of independent field work carried out by me under the supervision and guidance of DR. SIMON MLUNDI. This has not been previously submitted for the award of any Certificate or any other academic award.

Name: EDWINA MSEKWA ALINOTI

Registration number: NS2523/0062/2020

Signature:

Date:.....

Supervisor's Declaration

I certify that this Field Attachment Report entitled Examining the Different Records Kept at Record Management Service in the Court submitted to the Institute of Judicial Administration Lushoto, in partial fulfilment of the NTA Level 4 is a Record of independent research work carried out by Edwina Msekwa Alinoti under my supervision and guidance. This has not been previously submitted for the award of any Certificate or any other academic award.

Name: DR.SIMON MLUNDI

Date:

Signature:

DEDICATION

I would like to dedicate this field research to my external supervisor Hon. Magistrate Majura M. M for his support and encouragement up to accomplish my field research.

ACKNOWLEDGEMENTS

I would like to extend my special thanks to the almighty God for granting me his Blessing and good health from the time I started my field research to up to the end.

Fortunately, special thanks go to my parents Mr. Mathayo Singomba and Mrs. Magdalena Mathayo who encouraged and supporting me to continue with my studies from the time I applied to the Institute.

Also, I would like to appreciate the efforts of my internal supervisor from Institute of Judicial Administration Dr. Simon Mlundi and external supervisor Hon. Magistrate Majura M. M and Mrs Alafa who is a court clerk at the court I was assigned to conduct my field research for the great support they offered me up to accomplishment of my fieldwork.

ABBREVIATIONS

Dr - Doctor

IJA - Institute of Judicial Administration

Hon - Honourable

MR - Mister

MRS - Misses

NS - Serial number

NTA - National Technical Award

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CHAPTER ONE

CONCEPTUAL ISSUES

1.0 Introduction

This is the field research entitled Examining the Different Records Kept at Record Management Service in the Court conducted at Kongwa Urban Primary Court from the date of 14th February 2022 to 11st March 2022

The term Records means recorded information regardless of form or medium created, received and maintained by any institution or individual in the pursuance of its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business. This is according to Mhina, A. C. (2012) Basic Principles of Records Management. The records can helps to provide evidence or in different planning in the Institution for instance in Kongwa Urban Primary Court the records kept that is of case proceeding helps to give evidence that can saves the rights of an individual.

This chapter introduces the study by showing location, duration and problem and difficulties faced at Kongwa Urban Primary Court.

1. 1 Location

This Field research was conducted at Kongwa Urban Primary Court located at Kongwa Urban District at the city of Dodoma.

1.2 Duration

This field research was commenced on 14th February 2022 Up to 11st march 2022 that was almost four weeks.

1.3 Problems and difficulties faced

In Kongwa Urban Primary Court there is different problems and difficulties faced which as follows;-

1.3.1 Inadequate of Tools

in order for the Court to be well in their activities there must be have the adequate tools such as computer for the purpose of writing judgment, document and receiving the mail and outgoing of mail .The absent of electronic system in Kongwa Urban Primary Court it makes the court to fail to provide the judgment in prescribed time , there is only one computer which is used to type all judgment by one typist , absence of printer and photocopy machine ,few punching machine, stepping machines , and seals .

1.3.2 Misplacement of Document/ File

During field work period there was misplacing of document in which people they are so complained, because you may find the parties have come on the date of mentioning or execution of his or her case but the file does not be seen due to the misplacing of file, because files of execution it have long time from when it have opened so the court clerk

they are misplacing with files which are already given the judgments.

1.3.3 Poor Storage Facilities

There was poor storage facilities in Kongwa urban Primary court , no electronic means of storage and retrieving the information, shelves and cabinet are very few ,also they are method of record keeping is very confusing but I get used to it . Due to that we found very difficult to find a certain files of judgment which needed by a magistrate which take longtime to get it, also store has not proper organized.

1.3.4 Inadequate of Buildings

in the court there must be many buildings which includes chambers and open court so that every magistrate to proceed with their own case but in Kongwa urban primary court there is the few number of chamber room and open court so this it make the magistrate to take more time in hearing the case, this is due to the fact that one chamber or open court it used by two magistrate and sometimes they make use of shifting chamber. Sometime a magistrate decides to make a proceeding in his/her chamber room because of inadequate of open court.

CHAPTER TWO

THE RECORD KEEPING AT KONGWA URBAN PRIMARY COURT

2.0 Introduction

This study Examined the Record Keeping at Kongwa Urban Primary Court in Dodoma Region.

2.1 Definitions of key terms

This study comprises of main two key terms that is Records and Record Keeping defined as follows;-

2.1.1Records

Records means recorded information regardless of form or medium created, received and maintained by any institution or individual in the pursuance of its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business. Records can be created and maintained by an individual or organization in whatever media or format.

2.1.2 Record Keeping

Record keeping is the process of maintaining and preserving the records. For instance the current records are managed within appropriate filing system so that they can be easy located or seen when needed for example in kongwa primary court the current records are kept to the respective shelves for those records managed in paper form so that when the magistrate needs that respective files should be easy seen.

2.2 How Records are kept at Kongwa Urban Primary Court

In kongwa urban primary court there is two mainly ways of record keeping which is Electronic record keeping and manual record keeping or paper record keeping.

2.2.1 Electronic Record Keeping

This refers to the system of record keeping that used to manage electronic records. For instance in Kongwa Urban primary court some records are managed in electronic ways using computer (laptop) for example judgement mainly when the case are concluded and this ways of keeping records is well and secure so files cannot lost easy like manual record keeping.

2.2.1.1 Advantage of Electronic Record Keeping

- a) It is not easy to be destroyed for instance elapsing unlike when it is stored in paper way or manual record keeping that the records can be elapsed and be lost
- b) It makes possible to back up files for instance in case of disaster such as floods the records in electronic format can be backed up and used again for their special purpose.
- c) It reduces costs simply because it does not needs other storage facilities like record office folder and shelves that may be costly.
- d) It is secured simply because it allows security markings like password and pin lock that make it impossible to others to edit or destroy that records.

2.2.1.2 Disadvantage of Electronic Record Keeping

- a) It is costful that means it costs much money to buy for instance computer is costful other than the cost of buying paper, folder and punching machine.
- b) It may lost the records when the operating system corrupts or the user forgets the password like pin lock or pattern.

2.2.2 Manual Record Keeping

This is the system of record keeping that used to manage paper records and it is stored or kept on the shelves. For instance in Kongwa urban primary court the case files and other legal records are well numerical arranged and kept on the shelves for future use.

This system of record keeping is mainly used in Kongwa urban primary court because it is easier to use

2.2.2.1 Advantage of Manual Record Keeping

- a) There is no risk of corrupted data, that means the records managed on paper format can not be corrupted by viruses that can corrupt electronic records.
- b) It is less expensive to set up that means it needs few equipment to set up that is paper folder green tag punching machine and shelves.
- c) It is easy to correct errors in manual record keeping simply because it does not need any process out of using correction fluid and pen only.

- d) It is the simple way of record keeping that means an individual or organization can handle for instance it needs shelves files punching machine pen and correction fluid.

2.2.2.2 Disadvantage of Manual Record Keeping

- a) It is not properly secured, simply because paper format does not allows security to open like password and pin lock that any one can edit and destroy it easy.
- b) It may be misplaced easily that means the record custodian in the court that is court clerk can misplace file from each other for instance criminal case can be misplaced into civil cases.
- c) It is easy to be damaged for instance elapsing and disaster like floods can destroy paper records and can not be backed up.

2.3 The Challenges Facing Record Keeping at Kongwa Urban Primary Court

In kongwa urban primary court during my field research I realized a number of challenges I was attached such as;-

2.3.1 Inadequate Number of Record Storage Facilities

The number of record storage tools like shelves and files for manual record keeping and computer for electronic record keeping at the court were inadequate hence at times many records are kept in one place due to shortage of registry that may be destroyed or misplaced.

2.3.2 Lack of Support from the Management

This includes the lack of provision of seminars and provision of record keeping tools like computers files and shelves to ensure proper record keeping and effectively record keeping

2.3.3 Few Number of Staff (court clerk)

In kongwa urban primary court there is only one court clerk that perform record keeping at the record management since due to that challenge leads to misplacement and loss of some files and legal records

2.4 Conclusion

As far as the issue of record keeping is concerned the records at Kongwa urban primary court should be properly kept as it can bring about positive impacts or effects such as:-

2.4.1 Reduces risk Associated with Missing Evidence

The records in Kongwa urban primary court as if kept properly the records will not easy misplaced for instance case files that will enable to save time when searching that files

and reduce missing of files.

CHAPTER THREE

CONCLUSIONS AND RECOMMENDATIONS

3.0 Introduction

This chapter aims to show the conclusions and recommendations on how the Judiciary of Tanzania can do so as to improve the record keeping at Kongwa Urban Primary Court as follows

3.1 Conclusions

Generally in four weeks spent at field research in Kongwa Urban Primary Court It was noted that the things taught theoretical at IJA as certificate in law student was seen practically at Kongwa Urban Primary Court for instance record keeping tools and techniques and how to open a new files as well as about how the court process are done

3.2 Recommendations

In four weeks spent at Kongwa Urban Primary Court in field research there was a needs to recommend to the Judiciary of Tanzania the following;-

3.2.1Improvement of Tools and Storage Facilities

These includes chairs, registries files, shelves and computers which may be used to store different judgements well and secured so the Judiciary of Tanzania should make sure to provide that storage facilities especially Computers so as to improve the record keeping at Kongwa Urban Primary Court.

3.2.2 Provide the Seminars to the Court Clerks

The Judiciary of Tanzania should introduce and provide different seminars to the court clerks concerning with record keeping so that to improve efficiency of management of records in Kongwa urban primary court.

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