

TITLE PAGE

THE ROLE OF TRADITIONAL INSTITUTION IN LAND MANAGEMENT.
(A CASE STUDY OF LAPAI TOWN IN NIGER STATE).

BY

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IN

ENVIRONMENTAL MANAGEMENT.

MARCH 2001.



CERTIFICATION

I hereby certify that this research project has been conducted solely by me under the guidance of Dr P.S. Akinyeye of School of Science and Science Education, Federal University of Technology, Minna, and I have neither employ someone nor has done it for me.

Credit has been given to writers whose works have been referred to in this project.

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(Students Name)*

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Dean Post Graduate school*

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External Examiner.

DATE

DEDICATION: -

This dissertation is dedicated solely to my beloved Wife, Mallama Fatima Bello Lapai. And all my Children; Hadiza, Zainab, Bashir, Aisha, Ibrahim and Yahaya; for their endurance and patience.

ACKNOWLEDGEMENT:

It is a great duty on me to register my thanks to Almighty 'Allah' whose guidance, source of strength and wisdom, saw me through in undertaking this project.

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ABSTRACT

In any human society, no matter its political outlook or level of economic development, there is an indispensable dependence upon land. Ancient cultures depended on it, highly developments economic add to its substance as regards building s, industrial plants, communicate facilities and infrastructures of all types. Labour, both active and at rest work live upon land.

So, whether we like it or not, land matters happen to be one of the most fundamental essentials of mankind. Therefore, management of land for the benefit of all needs to be address by the government, because land has a pervading influence in our lives.

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CHAPTER ONE

1.0 Introduction

1.1 Preamble

The management of the land is a collective responsibility since the creation of the earth by the Almighty 'God'. However, management is one of the cordial duties of human being on the earth and no community would achieve decent living without adhering to the principle and procedure of land management. In this case, the traditional institution which is the eye of the community in Nigeria have duty to play in the management of our land.

The recent modification in the management of the land by the government through the enactment of the Land Use Act of 1978 had without doubt vested the control and management of the land in the Governor of the state.

The need for land management involves a judicious use of land for various purposes in order to enhance compatibility, accessibility, liveability, beauty and harmony.

However, a good building plan without a good accessibility render such building valueless, because accessibility enhance the value of properties, compatibility enhance acceptability and also increases property values.

Incompatible land uses is detrimental to health, value and environmental degradation.

Further thrust in dealing with the issue of land quality was made by the urban and Regional planning Decree No. 88 of 1992. Apart from the general and specific guidelines for development, paying heed to the quality of environment, section 33 of the decree provides that a developer shall submit application for a development to the development control Department together with detailed environmental impact Assessment for an application for the following.

- a. A residential land in excess of 2 hectares*
- b. Permission to build or expand a factory or for the construction of four floor or 5000 square meters of lettable space, and*
- c. Permission for a major recreational development.*

Sequel to the above provision, a project can be approved rejected or delayed if the conditions are not met.

Since, land is an integral part of human existence and limited in supply, therefore, land policies are aimed at safeguarding the right of man to land.

1.2 AIMS AND OBJECTIVES

Any intending set out exercise must aim to achieve goals and objective.

The aim of this study is to evaluate the role of the traditional institution in the management of land in Lapai Town before the enactment of the Landuse Act of 1978.

The main objectives are: -

- t. To examine the method of land allocation*
- u, To examine the pattern of development*
- m. To examine the impact of Role of traditional institution on the community.*
- w. To examine the impact of Landus eAct of 1978*
- v. To outline the recommendation and conclusion.*

1.3 SCOPE OF STUDY

The study centres in the land management from 1968 - 1977 both by the traditional institution in Lapai with particular emphasis on the problems encountered during the covered periods.

1.4 JUSTIFICATION:-

Land is a scarce commodity and limited in supply. The need to manage it to the highest and best use ought to be the matter of moment in any society. The management of land by the traditional institution pre-Landuse Act of 1978 period was mixed with ill feelings. These however, call for the attention of the author to the fact that any society without a planned management and effective control resulted in crises.

The traditional institution, which is the eyes of the community in one way or the other, ended in selfishness and in-balance distribution of land. The Royal classes are often given an upper - hand in allocation of land. The worst point of it is in the case of farmland where only the royal classes are considered. This however, made the other class look like foreigners.

Therefore the need to modify the injustice is an issue at hand.

CHAPTER TWO

2.0. THE STUDY AREA

2.1 THE HISTORICAL BACKGROUND OF THE STUDY AREA.

Lapai, as a town came into existence at about 1822 as a war camp from where Daudu Maza, its founder, waged Jihad (a religion war on the neighboring) Gwari settlement. The name Lapai originated from the word poi, which is the name of a Gwari settlement, situated on a hilltop.

The historical origin of Lapai did not start from Lapai town itself but a ward in katsina town known as 'Yan - Tumaki'. Yan - Tumaki is a Fulani settlement from where Fulani cattle reare moved to the outside world in search of green pasture for their cattle.

However, we can not deny that Lapai Emirate emerged at the wake of the Jihad.

When Daudu Maza separated himself from his master, Mallam Baba of Agaie, he settled at this hilly environment because of its strategic position and abundant fresh air. It was Dauda Maza, while constructing his palace that said God willing, if he was able to complete this building, he would become the king of Lapai from their on the settlement became know as Lapai.

2.2 THE PHYSICAL SETTING OF THE STUDY AREA.

2.2.1 THE PHYSICAL SETTING.

Lapai, the Headquarters of Lapai Local Government Area lies between Latitude 9° 01' 45" - 9° 03' 00" and longitude 7° 34' 00" - 60° 35' 00". It is bounded on the North and North - East by Paikoro and Gurara Local Government respectively and on the West by Ajaie local government and on the South by the boundaries of the Federal - Capital Abuja and Kogi State. It covers an area of about 3,730 square kilometers whose population was estimated to be about 88,172 (1991 census). Presently with massive migration into the town the population can be estimated to 200,000 - 250,000.

The area experienced both wet and dry seasons characteristic of tropical climate. The rainy season starts from April/May to October with heavy rainfall from July to September. The mean normal rainfall varies between 1,300mm to 1,600mm. The cold harmattan wind ushered in the dry seasons between November and February, which gradually becomes hot between March and May when the rain sets in again.

2.2.2 OCCUPATION.

Lapai has a vast fertile land and farming is the main occupation of the people. They cultivated the land all the year round. During the raining seasons there is a large scale farming whereby the people produce rice, maize, guinea - corn, millet, cassava, groundnuts, among others. During the dry seasons farming activities is carried out around River Estwan through irrigation system. Products it's such as tomatoes, Onions, Paper, garden egg lentils other are cultivated.

2.2.3 MIGRATION AND SETTLEMENT PATTERNS.

Migration is always a major factor in the population of urban towns and Lapai is not an exception to this. Two factors have contributed to urbanization of Lapai as a town. These are the ecological factors and the Jihad (religious wars) fought during the formative period of Lapai.

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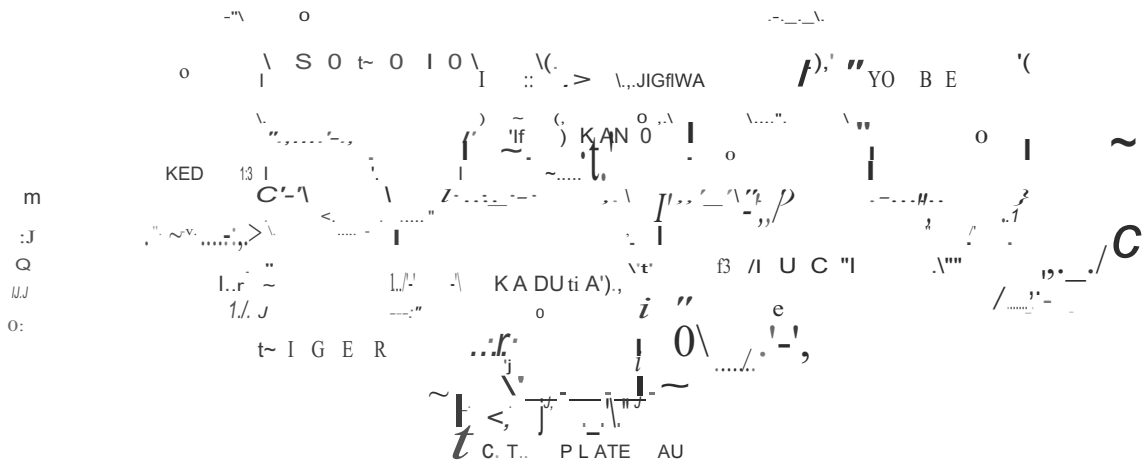
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MAP OF NIGERIA

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FEDERAL REPUBLIC OF NIGERIA



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- INTERNATIONAL BOUNDARY.....
- STATE BOUNDARY.....
- NIGER STATE

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CHAPTER THREE

3.0 UTERATURE REVIEW.

3.1 REVIEW OF EXISTING LITERATURE.

Land, apart from satisfying the basic needs of the people is a means of social integration, and a symbol of unity and religion. Land belongs to the living and to the unborn as well as the dead. It was considered as a natural endowment (:, rain, sunlight and the air we breathe).

The term 'land' therefore means different things to different people, depending upon their outlook and their interest at moment.

The Oxford Advanced Learners Dictionary of current English defined 'Land' as the solid part of the earth's surface.

"The technical terms for property people" by D.H Champman, simply defined land to include 'easement, right, privileges or benefit in area or derived from land.

The legal conception of land under customary law has been a matter of controversy among writers. Obi claims that a remarkable aspect of African Customary law is the fact that land does not include things growing on, or attached to, the soil and that neither economic trees nor homes form a part of the land in which they stand. Loyal2yr also claim that in Yoruba customary law destruction is draw between land (the soil) and

improvement thereon. On the other hand Dr Coker stated categorically that in any application of the term, 'Land' includes buildings thereon. This view is supported by Ollennu as regards the customary law of Ghana.

Coker's view, which appears to agree with judicial decisions on the subject, is more convenient and is therefore to be preferred. Thus, as conceived by law, land includes the surface of the earth, the sub-soil and the air space above it, as well as things that are permanently attached to the soil.

Olawoye (1974) opined that "Land includes streams and ponds". He also went further to remark that "thing placed on land whether made of the product of the soil or not, do not constitute land, thus, building materials placed in land, do not become land until the building is erected and will cease to be land when the building is demolished. Again, timber is only land when it grows, as good as it is cut, and it ceases to be land. Annual crops, though growing in land, are not regarded as land because of the transient nature of their cultivation.

Umeh, (1995) defined land as fundamental necessity for life, it is the very foundation and framework on and within which social, economic and political activities of a nation function.

However, section 205 of the Law of Property Act 1925 defines land to include land of any tenure and mines and minerals whether or not held apart from the surface; and building or parts of buildings and other corporeal

hereditaments and also rents and other incorporeal hereditament, benefits, rights or privilege in, on, over, or derived from land.

In legal terms therefore land meant the topsoil with all other superjacent things namely: -

- a. Things naturally growing from the earth's surface e.g vegetation.*
- b. Things affixed to the earth's surface by man i.e buildings, other man-made structures and trees planted by man.*
- c. The air and atmosphere above the earth.*
- d. Water bodies such as lakes, lagoons, rivers, sea etc.*

Land also includes subjacent things like mines, minerals and underground water bodies.

The law goes further to define land as a hereditament i.e something that is capable of being inherited by way of decent from one generation to another. Defined in this way, land consists of corporeal and incorporeal hereditaments.

CORPOREAL HEREDITAMENTS

Roughly equates with the physical characteristics of land i.e the earth itself to an indefinite height. It includes soil, minerals, trees, and building and also incorporates sections of air space carved-out above the surface e.g flat in upper storey buildings.

INCORPORAL HEREDITAMENTS:

On the other hand are non-physical in nature and only exists in contemplation. A right of occupancy is an example of incorporeal hereditament in that it is merely a concept which confers on the holder certain legal rights and liabilities with regard to a defined parcel of land. Incorporeal hereditaments are often held over corporeal hereditaments. Thus, the right of occupancy as incorporeal hereditament enables the holder to enjoy the use, benefits or profits of a corporeal hereditament - land and building which is the subject matter of the grant.

It can therefore be said that land consists of both the physical parts of the earth and also rights enjoyed in respect of such physical part.

3.1.1 LAND USE ACT OF 1978:-

It is a legislative instrument, which regulates land matters in Nigeria, issue pertaining to allocation, disposal and compulsory use of land. In other words, it is a statutory framework for land tenure that is applicable to all land in the country.

The aim of land use Act is to assert, assure, protect and preserve the rights of all Nigerians to the land of Nigeria so that all Nigerians may use and enjoy land in Nigeria and the natural fruits thereof in sufficient quantity to enable them to provide for the sustenance of them selves and their families. This aim is further broken down into specific objectives for easy accomplishment.

The objectives of the land use Act are thus: -

- a. To remove the bitter controversies, resulting at times in loss of lives and limbs, which land is known to be generating.*
- b. To streamline and simplify the management and ownership of land in the country.*
- c. To assist the citizenry, irrespective of his social status to realize his ambition and aspiration of owning the place where he and his family will live a secure and peaceful life.*
- d. To enable the government to bring under control the use to which land can be put in all parts of the country and thus, facilitate planning and zoning programmes for particular uses.*

3.1.1 a. PROCEDURE FOR PROCUREMENT OF RIGHT OF OCCUPANCY

The land uses Act No.6 of 1978 vested all land comprised in the territory of each state of the federation in the Government of that state who shall hold in trust and administer it for the use and common benefit of all Nigerian.

The administration of land matters in Niger State, without prejudice to the provisions of the land use Act, is delegated to the Ministry of Lands, Survey and Town Planning.

However, two distinct categories of acquiring bodies are noticeable in the land acquisition framework of the state. These are government bodies and non-government bodies. Government bodies make direct application to the

Ministry of Land, Survey and Town Planning specifying the use for which the land is intended. Such applications are required to be accompanied by sketch plan of the selected site.

The lands - division therefore convenes a site board meeting (comprising of representatives of original landholders, consultants of both the acquiring authorities and the daming parties official of local government council in which then land is located, representative of the acquiring body, the area lands officer, members of the emirate council and other interested parties) to consider the following issues: -

- a. The consent and approval of the landholders to relinquish their title interest in the land.*
- b. Payment of fair and adequate compensation by the acquiring body to the titleholder issuance of certificate of occupancy to the acquiring body.*
- c. Other resettlement and welfare package planned for the landholder by both the government and the acquiring body.*

After a successful site board meeting, the Director of Lands summons members of the land use and allocation committee to consider the subject.

The recommendation of the land use and allocation committee is thereafter communicated to the Governor for assent. Immediately the Governor signifies his assent, a grant of right of occupancy is issued to the

acquiring body by the Hon. Commissioner who the Governor delegated some land matters to.

The provisions of the grant of right of occupancy among other include the following conditions: -

- a. Payment of compensation for economic trees crops and structures to the disposed villagers at the government approved rates and to resettle them, if necessary.*
- b. Perimeter survey of the land to be carried out by the survey division of the department.*
- c. Assessment of compensation to be carried out by a consortium of registered firm of estate surveyor and values (appointed by the acquiring authority) and the lands division.*
- d. Payment of 15% of the amount of compensation for resettlement of those to be displaced.*

The procedures for procuring a grant of right of occupancy in land to be acquired by non-governmental bodies are more extensive and cumbersome. A non-governmental investor is expected to purchase application form for a sum of N5, 000.00 non-refundable fee. The application form when completed is returned to lands - division with the following documents.

- r. Two copies of memorandum and article of association (for corporate bodies only)*

- u. *Two copies of preliminary feasibility report on the proposed project.*
- ur, *Two copies of evidence of finance for the project.*
- w. *A letter of recommendation from Ministry of Agriculture (if the site is required for agriculture) or Ministry of works Housing and Environment (if the site is housing scheme) or Ministry of Education (if the site is for institutional) or Ministry of Commerce and Industrial (if it is a proposed commercial/industrial site).*
- v. *A refundable deposit of N30, 000 for heavy industry, N25, 000.00 for light industry and N20, 000.00 commercial petrol filling station).*
- vi.. *A sketch plan of the site (if not required within government approved layout).*
- vu. *Two copies of the certificate of incorporation for limited liability companies only).*
- vi.i.i.. *Payment of annual ground rent at the rate of 1¥500.0 per hectare for agricultural purpose, 1¥50, 000.00 per hectare for petrol filling station, N8000.00 per hectare for Residential and N35, 000.00 per hectare for commercial purpose.*

On the submission of the completed application form with the necessary documents the lands - division convenes the site board meeting. The meeting is similar in content and composition to those summaries in case of acquisition by government bodies.

The subsequent recommendation of the site big the kind use and allocation committee is forwarded to the Governor for approval.

Grant of right of occupancy differs from certificate of occupancy. While, the former is a document that ascertains government assent to grant the demised land to the acquiring body, the later confirms title on the acquiring body. Grant of right of occupancy is not a right of tenure until conditions contained there in is fulfilled and a certificate of occupancy duly endorsed by the Governor is issued in that regard.

3.1.1. b. AREA LANDS OFFICE. LAPAI.

The Area Lands office Lapai was created in 1984. The office was able to designed three layouts all for residential purpose namely LTPI, LTP 2 and LTP 3. However, all the residential layouts has an additional public facilities incorporated in order to ease movement of the people for their daily needs and security of lives.

However, a total number of 7,561 plots for residential purpose was allocated to prospective applicants.

In addition, the Area Lands office is not only involved in direct allocation of government approved layout but however, also involved in the conversion of customary title to statutory right of occupancy. 150 commercial plots were converted to statutory right of occupancy and 175 Agricultural lands were converted to statutory right of occupancy.

Furthermore, the Area Lands office makes an acquisition of 475 farmlands to individuals.

CHAPTER FOUR

4.0 RESEARCH METHODOLOGY

4.1 DATACOLLECTION

The following procedures were adopted for data collection.

1. ADMINISTRATION OF QUESTIONNAIRES

Total number 100 questionnaires were distributed. Only 30 numbers responded questioners were received from the respondents.

2. INTERVIEW

Personal interviews were also hold with key traditional title-holder in Lapai.

3. LITERATURE

Important information was also obtained from textbooks, journals, handout and dailies etc.

4. SITE VISIT

The author had a personal trip to the study area to pry out some information conversationally which otherwise could be impossible to obtain by the use of formal means such as questionnaires.

4.2 DATAANALYSIS

Analysis are presented in form of tables, bar charts and illustrated.

CHAPTER FIVE

~O DISCUSSION OF RESULT

5.1 DISCUSSION OF RESULT

The allocation of land was made by the traditional institution in conjunction with the sanitary officer. The prospective applicant will apply for the land through the Emirate Council and the sanitary officer will be directed to allocate the land to the person. The size of land varies and the land available for the allocation is mainly residential and agricultural land. The residential plots are classified into two different sizes i.e 100ft by 100ft and 50ft by 100ft.

However, lands were allocated free of charge, until 1973 when a meager charge of N50.00 was introduced.

From the data gathered, 2,791 plots of residential plots were allocated on 50ft x 100ft basis while, 774 residential plots were allocated on 100ft x 100ft basis. The table (5.1) indicates the number of plots allocated each year on residential purpose.

(Table: 5.1) Record of plot allocated for residential purpose from 1968 to 1977.

<i>SINO</i>	<i>YEAR</i>	<i>50FTx100FT (RESIDENTIAL)</i>	<i>100FTx100FT (RESIDENTIAL)</i>
1	1968	42	15
2	1969	51	22
3	1970	64	30
4	1971	70	35
5	1972	75	35
6	1973	101	41
7	1974	135	46
8	1975	401	50
9	1976	523	80
10	1977	1,329	420
	<i>TOTAL</i>	2,791	774

Source: Lapai Emirate Council

However, it will be good to present the above table (5.1) figures in Bar Chart in order to assist reader to identify the year that has largest allocation at a glance.

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From the data available in figure 5.1 and 5.2 (Table 5.1) 1977 witnessed the largest number of allocation. This however, was due to the enactment of the Landuse Act that will take effect on ES: March 1978. The prediction was that the new law on land matter might appear with conditions, which will be difficult to adhere. Meanwhile, this data does not include the transactions that took place between individuals, most especially the inherited lands. The data was based on local allocations made by the traditional institution. However, the allocations on (100ft x 100ft) were mainly made to the Royal class and influential indigenes of the town. The allocations on (50ft x 100ft) were made to the strangers and other indigenes that want to build their personal accommodation outside the family land. Table 5.2 below indicate the number of plots allocated on agricultural land each year i.e (the number of person allocated and the hectares of land involved).

(Table 5.2). Record of Agricultural land allocated from 1968 to 1977.

<i>SINO</i>	<i>YEAR</i>	<i>NUMBEROP PERSON ALLOCATED</i>	<i>HECTARES OPLAND INVOLVED.</i>
1	1968	3	3
2	1969	6	6
3	1970	9	18
4	1971	12	18
5	1972	15	30
6	1973	21	42
7	1974	25	50
8	1975	30	60
9	1976	36	54
10	1977	66	330
	<i>TOTAL</i>	223	611

Source: Lapai Emirate Council.

The table (5.2) is also presented in Bar Chart form in order to assist the reader to identify the year that have the largest number of persons allocated and hectares of land involved.

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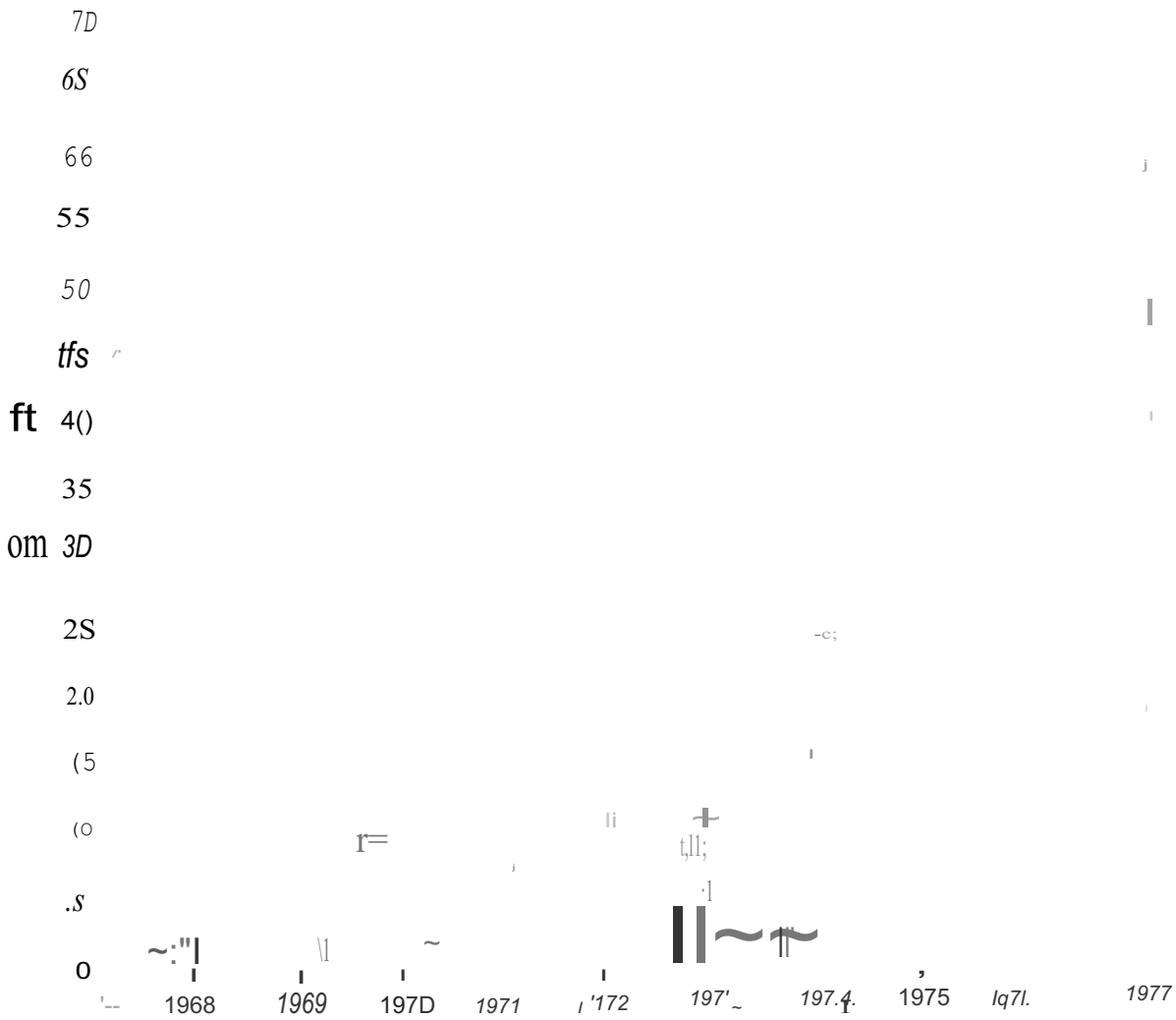
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From the data available in fig 5.3 and 5.4 (table 5.2), 1977, witnessed the largest number of persons allocated farmland and largest number of hectares of land involved. This increment in 1977 was due to two factors: -

- a. The enactment of land use Act, which will take effect on ES: March 1978.*
- b. The creation of Niger State out of North Western State in 1976.*

However, Lapai being an area with fertile agricultural land witnesses an increase in farmland for farming purpose.

CHAPTER SIX

6.0 SUMMARY OF FINDINGS, RECOMMENDATION AND CONCLUSION.

6.1 SUMMARY

Land is a fundamental necessity of life; the foundation and framework on and within which social, political and activities of nation functions. In this regard, this chapter attempts to summarize some of the existing land management problems identified in Lapai town within the coverage of the study period.

- 1. Indiscrimination in the allocation of residential plots especially on (100ft² to 1000ft²).*
- 2. Indiscrimination in the allocation of agricultural land.*
- 3. Lack of zoning planning in the land management.*
- 4. Non-indigenes are not given fair treatment in land allocation.*

6.2 RECOMMENDATION

It has been established that land is the very foundation and framework on and within which social, political and activities of nation functions.

Therefore, the need to utilize it to the highest and best use ought to be sought in any living society.

The management of land by the traditional institution, which came to an end through the enactment of the land use Act of 1978, is a welcome development. The land use Act of 1978 was able to arrest some of the indiscriminate activities within the operational system. However, the Act also has some area of deficiency and they are: -

- a. The operational aspect of the land use Act needs some reappraisal to give effect to the good intentions of the government. It needs to be seriously looked into by federal and state governments in order to drastically minimize bureaucratic excesses and delays. As Shakespeare put it, the fault is not in our star but in us".*
- b. The provision making the Landuse Allocation committee the final judge on the issue of what compensation is payable should be reconsidered.*
- c. The provision that vested the control and management of land on the state Governor in trust for the people should be reconsidered;*
- d. The land use Act of 1978 is silent on compensation for severance, injurious affection and disturbance. The author personally believes that*

it is a serious omission to which the attention of government should be draw for amendment and urgent implementation.

6.3 CONCLUSION

The management of land has become a subject in our daily life, apparently by the way the traditional institutions handle the affair. The enactment of land use Act of 1978 to check the ill management still have some deficiencies in the system.

The Federal Government is hereby urged to set the machinery for the review of the land use Act in motion. The recommendations in this volume, if considered in such land reform scheme, will go along way in achieving government desires to always guarantee the fundamental right of rural (and urban) dwellers to fair treatment in land management.

DEPARTMENT OF GEOGRAPHY
SCHOOL OF SCIENCE AND SCIENCE EDUCATION:
FEDERAL UNIVERSITY OF TECHNOLOGY, MINNA.
*Student's Questionnaires on the Role of Traditional Institution in Land
Management. (A case study of Lapai town) in Niger State.*

*This questionnaire is for data collection for the above mentioned topic, on
which I am writing a dissertation as partial fulfillment for the Award of
post Graduate Diploma (pGD) in Environmental Management. I will be
grateful if you can cooperate to give objective and honest answers to the
following question.*

*The information will be treated in confidence. Thanks for your
cooperation.*

- 1. What is your name*
- 2. What is your age*
- 3. What is occupation*
- 4. Are you an indigene of Lapai*
- 5. Do you own a personal house*
- 6. Are you in family house*
- 7. How do you get your Land allocation*
- 8. Who is responsible for the land allocation during that period*
- 9. Is the land allocation made on merit*
- 10. Any discrimination in the land allocation*

11. *Are the size of plot in uniform*
12. *Is agricultural land easy to get*
13. *Why is it very difficult to get*
14. *Do you welcome the enactment of land use Act of 1978*
15. *Of what benefits is it to the society.*

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