

## **A Critical Analysis of Prohibition of Fraudulent Practices on Land and Property Law 2012 of Anambra State, Nigeria.**

Celestine U. Ugonabo and Charles C. Egolum

*Both of Department of Estate Management  
Nnamdi Azikiwe University, Awka, Nigeria  
Corresponding Author: Celestine U. Ugonabo*

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**Abstract:** Land is a resource of primary importance upon which the economy of any nation hinges. Universally, land is one resource that has generated and attracted the widest attention. Human society existence is largely dependent on land and its resources. Indeed all basic necessities of man namely shelter, food, clothings, etc are derived from land. The indispensability of land to mankind warranted state intervention in regulation and management of the resource for effective and optimum use. In the light of the foregoing, this paper examined the land grabbers' menace in Anambra State and enactment of the Prohibition of Fraudulent Practices on Land and Property Law of Anambra State, 2012 with particular reference to its provisions and implementation. A brief comparison Anambra State Law with Lagos State Properties Protection Law, 2016 was made; the paper adopted Lagos State Law as the model law and recommended urgent amendment of the Anambra State Law in line with Lagos State Law in forms of Implementation Machinery and Setting up of special court to try cases in this respect.

**Keywords:** Access to land, Prohibition of Fraudulent Practices on Land, Lagos State Properties Protection Law, Machinery for Enforcement, Land Grabbers.

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### **I. Introduction**

Land is a resource of primary importance upon which the economy of any nation hinges. Universally, land is one resource that has generated and attracted widest attention. This perhaps explains why statutes, regulations, policies, bylaws, edicts, conventions, enactments and even beliefs held in respect of it keep on emerging, getting reviewed, repeated, conflicted and even duplicated from time to time (Ozigbo, 2012).

Human society existence is largely dependent on land and its resources. Indeed all the basic necessities of man namely shelter, food, clothing, etc are derived from land. Omotola (1988), states that:

Every person requires land for his support, preservation and self actualization within the general ideals of the society. Land is the foundation of shelter, food and employment. Man lives on land during his life and upon his demise, his remains are cremated, the ashes eventually settle on land. It is therefore crucial to the existence of the individual and the society. Man has been aptly described as a land animal.

It could be deduced from the foregoing that the life of man and that of the society revolve around land and its resources. Thus it is apposite that man's fulfillment of his potentials in life depends largely on his relationship with land (Otubu, 2013). Global recognition of the relevance of land to the life of man can be gleaned from the proceedings at the United Nations Conference on Human Settlement (Habitat II, 1996) where member countries committed themselves to:

Promoting optimal use of productive land in urban and rural areas and protecting fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements inter alia through developing and supporting the implementation of improved land management practices that deal comprehensively with potentially competing land requirements for agriculture, industry, transport, urban development, green space, protected area and other vital needs.

It is this overwhelming importance of land to mankind and the society that necessitated the state intervention by way of property legislations in order to ensure adequate and efficient land management policies for the benefit of majority of the citizens. Banire (2016) affirms this point to wit:

Virtually every form of investment or development by government and private entities is dependent upon land in one way or another. It is now generally accepted that poor land administration can impede economic development and social welfare.

Thus no nation jokes with land management polices as no nation handles the issue of land management within its borders with levity (Datong, 1991).

It is probably the connections between land, housing development and economic prosperity of an individual and a nation that informed the constitutional provision respecting the inviolability of private property rights in various jurisdictions worldwide. In Nigeria, the provision of Section 43 of the 1999 Constitution as amended provides that no right or interest in movable or immovable property shall be compulsorily acquired anywhere in Nigeria without the payment of adequate compensation.

The Land Use Act (Cap L.5 Laws of the Federation of Nigeria, 2004) and other subsidiary legislations like Prohibition of Fraudulent Practices on Land and Property Law of Anambra State, 2012, were enacted to address this importance of land to mankind by ensuring easy and unimpeded access to land and proffering viable land management tools for land administration in Nigeria.

## **II. Literature Review**

Title to land and land tenure in Nigeria are principally governed by the provisions of Land Use Act (Cap L.5 Laws of the Federation of Nigeria, 2004). The Act regulates all transactions on land in both urban and non-urban areas in Nigeria. Section 1 of the Act vests all land in the territory of each state of the federation in the Governor of the State who holds the land in trust and administers same for the use and common benefit of all Nigerians in accordance with the provisions of the Act. By Section 49, land vested in the Federal Government or its agencies is exempted from the vesting declaration of Section 1.

Management and control of land in urban areas in a state are specifically the responsibilities of the Governor while the local government chairmen assume the same responsibilities over land in non-urban areas (Section 2). Before the enactment of the Land Use Act, control over some land was however subjected to customary land law of the people (traditional land tenure system) which vested ownership rights and control of land in the families and or the communities. Thus the practice in certain quarters was for the land owning families or traditional rulers to either lease the land under a tenancy system while still maintaining/ exercising control over the tenants' land or to alienate the land out rightly.

Although the Land Use Act was meant to override the traditional land tenure system and transfer title and trusteeship in the land from the families and communities to the state Governor, but in reality the Act has not fully achieved this. Indeed, it has created a dual structure of land tenure systems in the country; namely: customary and state systems. This development has brought with it the unfortunate consequence of double purchase of land practice in the country and particularly in Anambra State; from the state at first instance and subsequently from the customary owners and vice versa. This scenario has negative impacts on security of access to and development of land. It is a common experience to see purchasers of land from the state government or individuals pay some huge sums of money to group(s) of persons (land grabbers) claiming through the original land owning families or communities for unsubstantiated purposes before they could be allowed to erect structures (of any kind) on the land or enjoy peaceable possession of the land they purchased.

Indeed, it has unfortunately become an unwritten law for land purchasers to first settle these land grabbers before any development on the land. Failure to settle attracts serious consequences which may include forcefully dispossessing the lawful owner of his/her land and in some instances selling same land to another person; that is a particular parcel of land would be sold to several persons and the mightier of them takes possession eventually. This practice has become a common feature in the acquisition of land in many cities in contemporary Nigeria (Adeshina, Opia-Enwemuche & Ayorinde, 2016).

The monies the land grabbers extort from land purchasers are called different names which include the *son-of-the-soil fee*, *youth development levy*, *security levy*, among others. In mono-valence, the different fees/levies are referred to as *settlement*. They would threaten the continued occupation, use and enjoyment of the property should the buyer find a way to circumvent meeting their demands and developed the land until he/she complies. They ensure that the land purchasers/developers are not free from their strangulating grip. Land grabbers have more or less become authority unto themselves charging and fining innocent and unsuspecting land buyers different absurd fees as it pleases them. They demand for settlement at every stage in the development of the property. Prominent among such demands are: *foundation levy*, *lintel levy*, *development levy*, *roofing levy*, *fencing levy* and a whole lot more. Without these payments, the purchaser/developer and/or his construction workers are subjected to threats of physical violence. Instances abound where persons have been maimed or killed. In some cases, the victims had had their structures demolished or costly building materials wasted as the land grabbers stormed their sites in commando-like style, wielding harmful weapons and attacking the workers on site. Where the developer was unfortunately met at the site, he/she was sometimes mercilessly beaten up, wounded and forced to stop work until their demand is met. Through this ugly maneuver, land grabbers stall development of many projects. It has now become the norm for individuals and organizations planning to buy and develop lands within most cities in Nigeria to factor the costs of *settlement* into their budgets.

A number of different fraudulent land practices take place in many cities in Nigeria. In some cases, a plot of land may be sold to a purchaser with forged title documents and the sellers (purportedly from the

landowning families) disappear into thin air immediately after collecting money from the buyer. There have been many instances where unsuspecting buyers paid for land only to be told to pay again to reclaim their land or settle some aggrieved family members who were not yet born or still infant when the transaction took place and as such were not factored into the sharing formula of the previous payment. These fraudulent practices on land have been on for a long while now and have resulted in loss of confidence by investors who are preyed on (Olalere and Odima, 2016)

In the words of Obia (2016):

Miscreants among the aboriginal communities in Lagos State have almost immemorially constituted an ever-present nightmare for land buyers and property developers. They appear at virtually every stage of land and property development to make illegal, frustrating and sometimes, impossible demands. They have formed themselves into bands of land-grabbers who go about dispossessing legitimate purchasers of land of their property.

Ugbodaga (2017) corroborated Obia and according to him:

The activities of the Land Grabbers (with their collaborators in high and official places) have continuously enforced a reign of terror on the people. The horror they leash on land buyers and property developers in Lagos State, both in the cities and in the rural areas, is best imagined than experienced. People have lost huge sums of money, business and even lives all in the bid to defend and secure their legitimate land holdings. It is highly suspected that some dubious elements in some security agencies who are supposed to protect the lives and property of the citizens are often in collaboration with these land grabbers in oppressing the people.

This might probably explain why the land grabbers always act with impunity and arrogantly giving the impression that they are above the law.

The resultant effect of this violent possession of lands by miscreants cannot be over-emphasized. They scare away investors and stall growth in the real estate sector of the economy. Indeed land grabbing slows down the wheels of progress in society and promotes Machiavellian concept of *might is right* and the Darwinian philosophy of *survival of the fittest*.

These evil practices have not only hindered real estate development in Anambra State but has also made many individuals and organizations to relocate to neighbouring states where the level of such fraudulent practices on land are minimal (Aruya, 2016)

The foregoing gory picture of the menace of land grabbers though originated in the South West particularly Lagos and Ogun States applies with equal force to Anambra State considering that more than 60% of the population lives in urban areas (UN-Habitat, 2012). Thus fraudulent practices on land associated with Lagos, Ogun and other western states have been imported wholly into and are being practiced in like-manner in Anambra State. Land grabbers have formed horrible youth/tout groups which harass, intimidate and extort real estate developers in virtually all the urban and semi-urban towns in Anambra State. In some of the towns you cannot carry out repairs to or renovation of your old house without paying development fee, levy or royalty to the youth/tout groups. When the developer fails to pay before commencing the development work, they would seize and carry away the tools of the artisans engaged to do the work together with some lightweight building materials that might have been provided for the work until the developer settles them. The most vexing aspect of the ugly practice is that there may be different groups operating in the same area to the effect that if you settle one group, the next day another group will emerge and claim to be authentic group and so on. This frustrating situation drives away property investors from Anambra State to neighbouring states where investment climate is friendlier (Ugonabo and Emoh, 2013).

It is in the light of these unpalatable actions of the land grabbers that Anambra State Government blazed the trail in combating the menace of land grabbing in the State by enacting Prohibition of Fraudulent Practices on Land and Property Law of Anambra State in 2012.

## **THE STUDY AREA**

Anambra State is in the South-East of Nigeria. It lies between latitudes 5° 45' N and 6° 45' N within longitudes 7°15' E and 7°45' E (Goggle Map, 2018). Its name is anglicized version of the original Oma Mbala, the Igbo name of the Anambra River. Anambra State shares borders with Delta State and Edo State in the West, Imo State, Abia State and Rivers State in the South, Enugu State in the East and Kogi State in the North. The State has a total land area of 4,887 Km<sup>2</sup> spreading across 21 Local Government Areas (LGAs). It is the second smallest state in Nigeria (Anambra State Ministry of Lands, Survey and Town Planning, 2010).

Anambra State has estimated total population of 5,931,587 made up of 2,921,733 male and 3,009,853 female and is the tenth most populated state in Nigeria with annual population growth of 2.83% (Updated National Population Commission, 2006). The indigenous ethnic groups in Anambra State are Igbo (98% of the population) and Igala (2% of the population). The Igalas live mainly in the North western part of the State. Anambra State is the second most densely populated state after Lagos State with a population density of 571

persons per Km<sup>2</sup> (National Population Commission, 2010). Anambra State has the lowest poverty rate in Nigeria (UN-Habitat, 2012). Anambra State is one of the most urbanized states in Nigeria with 62% of the population living in urban area (UN-Habitat, 2012).

The major urban centres of Anambra State are Onitsha, Nnewi and Awka; hence the need for their selection as the core areas for this study. Awka and Onitsha developed as pre-colonial urban centres. Awka was the craft industrial centre of the Nri hegemony and now the state capital and seat of the State Government. Onitsha, a historic port city from pre-colonial time has now developed as the largest urban area in the Anambra State. Nnewi is sometimes called “**The Taiwan**” of Nigeria and is the second largest city and an emerging industrial cum commercial centre in the State.

The foregoing statistics of Anambra State underscore the imperative for mass provision of decent and affordable housing for the Anambraians. This can only be achieved by having easy and unimpeded access to land which is the cardinal feat the enactment of Anambra State Prohibition of Fraudulent Practices on Land and Property Law 2012 is meant to achieve.

### **PROVISIONS OF THE LAW**

On Tuesday, April 24, 2012, the then Governor of Anambra State, His Excellency, Mr. Peter Obi assented the Prohibition of Fraudulent Practices on Land and Property Law to tackle the unwholesome acts of some miscreants in various parts of the state who engage in the negative conduct of obstructing, disturbing, impeding and generally preventing the needed development and improvement on land throughout the state. Aspects of the provisions of the law are reviewed here.

#### ***Aim of the Law***

The intendment of the law is aptly captured in the explanatory note, where it states that;

The Law is to specifically prohibit the activities of fraudulent persons who sell other peoples’ land or sell one land to more than one person and to check the activities of touts who go about demanding various sums of illegal fees from land developers.

The thrust of the Law is majorly to ensure that investors, businessmen and the general public carry on their legitimate land/property transactions and development without any hindrance, harassment or intimidation from touts/land grabbers or persons who do not have legitimate claims on the land.

The cardinal provisions of the law are as discussed hereunder:

#### ***Citation and effective date of commencement***

Section 1 of the Law provides for the citation and commencement date of the Law. It states that the Law may be cited as the Prohibition of Fraudulent Practices on Land and Property Law, 2012 and shall come into force on the 24<sup>th</sup> day of April, 2012. Section 2 is the interpretation section which defines some key words and the meanings ascribed to them under the Law.

#### ***Provision on illegal sale of land***

Illegal sale of land by persons not having legal title to it is one of the commonest and most dreaded evils associated with land acquisition in Anambra State. This is more pronounced where the prospective buyer is buying community land and there is no way of knowing the accredited representatives of the community or family. It is public knowledge that a lot of people forge different types of ‘title’ to land where the land has written document, that it takes due diligence and lots of prayers on the part of the purchaser to confirm the authenticity of such documents. Some purported family agents unlawfully sell family land without the consent of the family head and other principal members of the family and issue counterfeited receipts. However by virtue of Section 3 of this law, anyone who sells or attempts to sell or otherwise transfers or attempts to transfer any land not belonging to him to any person shall be guilty of an offence, and liable to:

- (a) If it is state land, five years imprisonment or a fine of two hundred and fifty thousand naira or both; and
- (b) In any other case, four years imprisonment or a fine of two hundred and fifty thousand naira or both.

#### ***Provision on sale of land to more than one person***

It is common knowledge that some unscrupulous land owners/agents are in the business of multiple sale of the same parcel of land to different unsuspecting buyers and leaving the buyers to fight for possession of the land thereby promoting Machiavellian concept of might is right and Darwinian survival of the fittest philosophy.

This was the case in COP v Paul Okechukwu MCN/56C/2017 at Chief Magistrate Court, Nteje which was later transferred to Otuocha High Court 2 as State v Paul Okechukwu: Case No. OT/27C/2017. In that case a 65years old man, Chief Paul Okechukwu, alleged notorious for selling one portion of land many times was arraigned at Nteje Chief Magistrate Court on a 2-count charge bordering on conspiracy and fraud. He was

accused of defrauding Barrister Ik Izuegbunam of the sum of ₦750,000 on the pretext of selling a plot of land at Amuche Village, Nkwelle Ezunaka to him. He was accused of making false presentation of allocation papers for plot Nos. 509, 511, 411 and 412 situated at Imeagu Onyiliajodu Layout, Amuche Village, Nkwelle Ezunaka; property of one Chikamso Nonso Okegbo of same Umeri family with Chief Okechukwu and fraudulently collected the sum of ₦750,000; thereby committed an offence punishable under section 1(1)(a)(3) of Advance Fee Fraud and Other Fraud Related Offences Act, Laws of the Federation of Nigeria, 2006. He was also accused of unlawfully selling plot Nos. 411 and 412, property of Chikamso Nonso Okegbo and thereby committed an offence punishable under section 3(b) of Prohibition of Fraudulent Practices on Land and Property Law of Anambra State, 2012. The case is still going on at High Court 2 but we were reliably informed that the accused has started repaying the ₦750,000 to the victim in a plea to settle the matter out of the court.

#### ***Provision on liability of agent***

Section 5 of the Law provides that any person who facilitates whether as an agent or not, the commission of any of the offences in section 3 and 4 of the Law, shall be guilty of the same offences as stated in those provisions and punishable accordingly.

It is a known fact that some professionals acting as estate agents participate actively in real estate transactions. The law therefore prohibits such agents from facilitating a contractual agreement between a land owning family or prospective seller and any other person or prospective buyer which amounts to offence of aiding and abetting the commission of such offences and is therefore punishable accordingly. Estate agents are by this law required to do due diligence (search) on the title of a property for sale before accepting to market same to avoid running afoul of the law.

#### ***Provision on illegal collection of fees/unlawful destruction of property***

Sections 6, 7 and 8 of the Law deal with illegal collection of fees, unlawful destruction of property and assault on site workers. These provisions are taken together.

Refusal to pay the illegal fees results, in most cases, to unlawful destruction of property and assault on site workers. The three sections appear to be the most popular provisions of the Law as fraudulent practices on land manifest mainly in illegal collection of fees, unlawful destruction of property and assault on site workers, by touts as measures to coerce the land developer to bulge and pay the illegal fees.

It is common practice in most urban/semi-urban towns in Anambra State for land purchasers to first settle previous land owning families before any development can commence on the land they have fully purchased. The youth group/land grabbers are known to demand some illegal fees from the purchasers and threaten their continued use and enjoyment of the property should they fail to comply. They ensure that purchasers are not freed from their strangulating grip until they extort all their levies/fees (*settlement*) from them at every stage of the development. The activities of these land grabbers, whose numbers have tremendously increased in recent years amid rising rate of unemployment in Nigeria, has discouraged investors, hindered businesses and stalled land development in Anambra State.

This socio-economic anomaly is what the Sections of the Law above stated seek to address.

Section 6(i) provides that any person who demands or collects any fee not approved by law from any person who is developing or improving an already existing property in the state shall be guilty of an offence and liable to imprisonment for five years or to a fine of five hundred thousand Naira or both.

Section 6(ii) provides that unauthorized survey of state land by any person is an offence punishable by five-year imprisonment or a fine of five hundred thousand Naira or both.

Section 7 provides that any person, who willfully damages, destroys, pulls down or removes any beacon or structure on any land or commits any nuisance on any land, building or fence belonging to another person without lawful authority, is guilty of an offence and liable to imprisonment for five years or to a fine of one million Naira or both.

Section 8 precludes any person from harassing, obstructing or assaulting any worker in a construction site with intent to compel the worker or owner of the land to pay any illegal fee. Any person who contravenes the provision of the section commits an offence and shall on conviction be liable to imprisonment for five years or to a fine of five hundred thousand Naira or both.

#### ***Machinery for enforcement of the law***

Section 9 of the Law provides for the setting up of an enforcement committee by the Chairman of a local council or any person acting in that capacity to be ratified by the State House of Assembly. The Committee will be charged with the following functions:

- 1(a) Check the activities of persons who go about exploiting land developers and property owners.
- (b) Monitor lands and property in the Local Government Area and identify persons who are breaching the provisions of this law.

- (c) Report any person who violates the provision of the Law to the police.
2. The Committee shall comprise of the following persons:
  - (a) A chairman
  - (b) Six other members, two of whom shall be recommended by the Local Government Traditional Council; and
  - (c) A secretary, who shall be a senior civil servant not below Grade Level 12 in the Local Government.
3. A member of the Committee shall have power to arrest any person caught violating any of the provisions of this law and hand over such person to the police for prosecution.

Members of the Committee shall hold office for a term of two years renewable for another term of two years and no more as provided in Section 10.

Section 11 confers jurisdiction to try and punish offences under the Law on the magistrate court.

Section 12 of the Law which deals on compensation empowers the court to confiscate and sell the property or attach the monies in the bank account of any violator of this law, for the purpose of using the proceeds of such property or the monies in such bank accounts to compensate or restore the victim of such violation to his former position. Section 13 of the Law provides that any person who is found guilty of violating the provisions of this law more than once, shall not be given an option of fine, but shall be imprisoned in accordance with the provisions of Sections 3, 4, 5, 6, 7 and 8 of the Law.

### **General discussion of the law**

The foregoing is a brief summary of the provisions of Prohibition of Fraudulent Practices on Land and Property Law of Anambra State, 2012. It could be deduced on close examination that the law is quite encompassing as it virtually touches on all aspects of unwholesome acts of land grabbers who engage in the negative conduct of obstructing, disturbing, impeding and generally preventing the needed land development in the State in tune with acute shortage of housing accommodation. There is no doubt that the law represents a crucial and commendable step in the efforts to deter the increasing menace of land grabbers in Anambra State.

The Law though the first of its kind in Nigeria is largely a reframing of various extant statutes that outlaw willful obstruction of legitimate property and land transactions. The Criminal Law of Anambra State contains several provisions that prohibit attempts to dispossess people of their legitimate property or disrupt their lawful use of land. Whereas Criminal Procedure Laws or Criminal Code addresses the issue of land grabbing generally but the Prohibition of Fraudulent Practices on Land and Property Law of Anambra State, 2012 addresses it specifically. On paper, the Law is well accepted and lauded by the citizens that are aware of its enactment because it addresses the fundamental challenges that land and property investors/purchasers face in the State.

However, for the law to make the desired impact it must be courageously implemented. Unfortunately, findings from interviews and personal observations revealed that the law is yet to be implemented as no enforcement committee as provided in Section 9 has ever been set up in any Local Government Area. No such Committee has ever been presented to the State House of Assembly for ratification by any Local Council. The Law is only on paper; majority of the citizens are not even aware of the law, consequently it has so far no impact on fraudulent practices on land in the State.

This probably explains why Lagos State Properties Protection Law of 2016 which has been vigorously implemented has been hailed as a trail blazer whereas Prohibition of Fraudulent Practices on Land and Property Law of Anambra State enacted four years before it in 2012 has remained just in the books. Thus on the basis of level of enforcement; the Lagos State Law has made more impact than Anambra State Law.

The non-implementation of the Law has swollen the ranks of land grabbers in the State such that it has metamorphosed into cartels in the cities. The cartels now operate the acts as business and choice profession. Like herd behaviour they have imported, assimilated and integrated the unwholesome practices of land grabbers in the south west in their operations in their various jurisdictional areas or communities.

A close examination of Lagos State Properties Protection Law of 2016 reveals that it has more pronounced and effective in-built implementation mechanism than the Anambra State Law, namely:

- (i) It sets up a high profile Special Task Force on land grabbing with the Attorney General as Chairman and Permanent Secretary, Bureau of Lands as Vice Chairman for vigorous implementation.
- (ii) It provides for proper coordination of all agencies of the state government enforcing private and state rights over land in the state.
- (iii) It Creation of Special Offences Court to fast track trials of land grabbers.
- (iv) Petition to be accompanied by sworn affidavit by the petitioner to avoid frivolous petitions, among others.

Indeed there are many potent and functional clauses in the Lagos Law addressing the menace of land grabbing. This is probably because the evil of land grabbing started and was rooted in Lagos and the drafters of the Law were very much informed. The Lagos State Law should be adopted by other states of the federation as a model law *mutatis mutandis* to deal with ugly monster of land grabbing.

However, there is a worrisome provision in the Lagos State Law. The provision of Section 11 of Lagos State Protection of Properties Law permitting the collection of foundation levy by original land owning family after proscribing other fees is worrisome. By yielding to pressures and recognizing payment of foundation fee/levy it admits through the back door what it ejected earlier through the front door. The miscreants may claim on behalf of the original land owning family just lump all the fees/levies payable as foundation levy and extract same from developers.

The foundation levy here may be likened to *igbu ewu ana* (killing of goat for the land purchase) ceremony performed in purchase of land in the traditional communities in Igbo land of the South East Nigeria. Such ceremony marks irredeemable parting with the land by the original owner. It is usually done on the piece of land in the presence of some members of the community and relations of the land purchaser who partake in ceremony as witnesses. It is more or less a feast marking transfer of the piece of land in perpetuity to the purchaser. In the recent time many of the original land owners would require the land purchaser to pay money in satisfaction of bringing goat and other items for the ceremony. The money charged for the ceremony is usually less than ₦50,000 per plot of land. Many land purchasers do not mind this ceremony.

The most ideal thing that should be recognized in the statute in this modern time when the land purchaser could have different believe and creed should be that *once an owner sells his land he ceases to have any further interest in the land and should not be allowed to charge any other fee; be it customary fee for possession or ratification fee*. It is therefore our opinion that unless and until this worrisome provision is amended or expunged, the aim of the law in curbing the menace of land grabbers may be far from being realized.

### **III. Recommendations**

Considering the fact that Prohibition of Fraudulent Practices on Land and Property Law of Anambra State 2012 is yet to be implemented, it is apposite to recommend that the law be reviewed adopting Protection of Properties Law of Lagos State as a model *mutatis mutandis*. This recommendation is borne out of the fact that the Lagos State Law has been implemented with reasonable success and has been able to resolve 250 cases out of 1200 land grabbing cases recorded within 9 months of enactment and enforcement of the law. (Ugbodaga, 2017)

Government should create enabling environment for communication/meeting to create public awareness, enlightenment and advocacy where required on the provisions and significance of the Law. It is only when citizens are aware that there is a law specifically protecting their right against land grabbers that they can evoke the provisions to protect themselves.

It has been observed by other scholars that high costs of land registration, titling and documentation coupled with high rates of income tax charged in the State frustrate perfection of property title and predispose property owners to the activities of land grabbers, it is necessary that the State Government reviews downwards the current fees, land charges and income tax rates payable in the State to facilitate ease of property title perfection in the State.

There is need for enactment of family representatives land registration law as obtains in Lagos State where all authorized family land representatives are registered. Thus land owning families will be required to register their authorized representatives with the land Registry making it possible for prospective buyers to verify the relevant family representatives authorized to execute the relevant deed before concluding any land purchase deal.

There may be need for government to make a policy (like in Lagos State) strongly prohibiting all local chiefs and traditional rulers in the state from partaking in land grabbing and other associated activities or risk dethronement. Likewise, professionals aiding and abetting land grabbers would face the risk of being deregistered by their professional bodies.

The Anambra State Government should create special offences courts to handle land grabbing cases to fast track dispensation of justice.

### **IV. Conclusion**

From the foregoing discourse, it could be seen that this Law is a deserving solution to an aggravating socio-economic menace in Anambra State that has never been seen in any modern society of the world. It is an answer to one of the major challenges face by investors with land acquisition and development in the State. Since the law is yet to be implemented, it should be reviewed with a view to incorporating vigorous implementation mechanism as obtained in the Lagos State Law.

## References

- [1]. Adeshina, T, Opia- Enwemuche K & Ayoride, O. (2016, October). Lagos State properties protection law, 2016: An end to the land grabbers' menace? *Insight Real Estate*. Retrieved from: <http://www.jacksonettandedu.com>
- [2]. Anambra State Government (2012). *Prohibition of fraudulent practices on land and property law No 4* Awka, Nigeria; Government Press.
- [3]. Anambra State Ministry of Lands Survey and Town Planning (2010). *Land mass of Anambra State by local government areas*. Awka, Nigeria; Government Press.
- [4]. Aruya, T (2016, July 21). Lagos and the nuisance of land grabbers. *The Guardian Newspaper*.
- [5]. Banire, M. A. (2006). *Land management in Nigeria. Towards a new legal framework* Lagos: Ecowatch publications limited.
- [6]. Constitution of the Federal Republic of Nigeria (1999). Abuja, Nigeria; Government Printers
- [7]. Datong P. Z. (1991). The role of the state government in the implementation of the Land Use Act in the *Land Use Act administration and policy implication* (ed) by Olayide Adigun. Lagos, Nigeria; Unilag Press.
- [8]. Editorial of Tribune Newspaper (August 26, 2016). Ibadan, Nigeria.
- [9]. Federal Republic of Nigeria (1978). *The Land Use Decree No 6*. Lagos, Nigeria; Government Printers
- [10]. Lagos State Government (2016). *Property protection law*. Lagos, Nigeria.
- [11]. Law Pavilion (2016). *Lagos state property protection law*. Retrieved from [lawpavilion.com](http://lawpavilion.com) on 10/11/2018.
- [12]. National Population Commission (2010) Population density of Anambra State by local government area. *Statistical Year Book 2010* . Awka, Nigeria; Anambra State Ministry of Economic Planning and Budget.
- [13]. National Population Commission (2006). *Population census*. Abuja, Nigeria.
- [14]. Obia, V. (2016, September 6) Land grabbing prohibition law: All eyes on Lagos state government. Retrieved from [thisdaylive.com](http://thisdaylive.com) on 25/9/2018.
- [15]. Omotola, J. A. (1988). *Law and land right: Wither Nigeria*. University of Lagos Inaugural Lecture Series.
- [16]. Otubu, A. K. (2013). Deemed grantee and the future of Land Use Act, 1978. Retrieved from <http://ssrn.com/abstract1123948> on 20/11/2018.
- [17]. Ozigbo, I. W. J. (2012). *Alien property ownership in Nigeria and the Land Use Act of 1978: An exploratory analysis* (Doctoral Dissertation) University of Nigeria, Enugu, Nigeria.
- [18]. Ugbodaga K. (2017, June 19). Lagos records 1200 land grabbing cases in 9 months. Retrieved from [pmnewsnigeria.com](http://pmnewsnigeria.com) on 15/11/2018.
- [19]. Ugonabo, C. U. & Emoh, F. I. (2013). The major challenges to housing development and delivery in Anambra State of Nigeria. *Journal of Civil and Environmental Research* 3(4), +9. Retrieved from <http://www.iiste.org>
- [20]. United Nation Conference on Human Settlements(1996). *UN-Habitat 11*. Retrieved from [www.un.org/conference/habitat](http://www.un.org/conference/habitat) on 17/4/2006
- [21]. United Nations Human Settlement Programme (2012). Nigeria: Onitsha Urban Profile. *UN-Habitat*. Nairobi, Kenya: United Nations Human Settlement Programme.

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