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400 Level

College of Law

Land Law Assignment

Customary Land Tenure System

ANSWERS

I am from Abia State, Isiukwuato local government and my village is called Acha Community. Under customary law in my locality, land is majorly owned by the family and except in some instances, land can be owned by individuals.

 A family is defined as a body of persons who live in one house or under one head, imcluding parents, children, servants etc. The first set of people to settle on the land were known as ‘Ndimbido-uwa' which translates to ‘Those who started the earth.’ They were a group of four people, and they decided to form a family together, and as a result they farmed the lands and owned the lands together as one. As time went on, they started to increase in number, but they made sure that everything they owned and achieved, they did so as a family. This was the root of the importance of a family in Acha. They were the ancestors, and they passed down the land from generation to generation.

Here, the mode of creation of land is by First settlement, as it is our ancestors who were the first to settle on the land, and then they passed it down from generation to generation.The family head, mostly the father, is vested the ownership of land on behalf of the entire family. He takes charge of the management and control of land. It is his responsibility to protect the land from any unlawful interference. He keeps the land in good state, and allocated portions to needing members. In brief terms, it is seen that the family head can sometimes be referred to as a trustee of the land while the other family members are seen as beneficiaries.

In *Akano v Ajuwon,* the Supreme Court referred to the family head as a manager. He can also be described on various occasions as representative, agent, caretaker, fiduciary and many more. As a manager, director, agent etc, the family head has the power or authority to direct the affairs of the family property. In any of these capacities, he stands in a fiduciary relationship with other family members as far as the family property is concerned.

A way in which family land can be terminated and it becomes land held by individuals, is by partition. Partition is the act of sharing of family property among members of the family. Partition is permanent. It’s the permanent division of land for purposes not of user only, but of ownership as well. In Acha, it is rare to see a family transfer its land absolutely to another person, unless they are in dire need of money or money’s worth. When land is partitioned, each family member takes his own share absolutely and then they become individual owners of land.

In summary, land is my village is held by each family, and that family got their land by inheritance. The land is managed by the family head, and the only way to terminate such ownership is by partition, rarely by absolute transfer. Once the land is partitioned, each family member takes absolutely.