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ABSRACT

This paper is aimed at studying the customary land laws and tenurial practices of the my community. It shall explore the intricacies of the land tenure system as practiced in my locality which is the customary land tenure system of the Mada people of Akwanga local government found in Nasarawa State. The paper seeks to explain the history of the Mada people as well as the creation, the ownership, the management and the determination of family land according to Mada customs.

INTRODUCTION

Land is defined as a real property.

Customary land is land which is owned by indigenous communities and administered in accordance with their customs.

CUSTOMARY LAND TENURE - Tenure means landholding and customary land tenure refers to the systems that most rural African communities operate to express and order ownership, possession and access to regulate use and transfer.

Customary land tenure system refers to the system of landholding governed by the customary law.

HISTORY AND SOCIOLOGY OF THE MADAS

The Madas are a people commonly referred to as the people of the northern Nasarawa State or Madan Kasa. The origin of Mada people is not clear. But Elder Sabo Gigya [[1]](#footnote-1) at Andaha (near Akwanga), the headquarters of the Mada people stated that the Madas trace their origin to Numan in Adamawa State. He stated further that Akwanga was a trading center at that time. He also stated that they used to call Akwanga a “barracks” and that Akwanga meant ‘Welcome’. Ayih[[2]](#footnote-2) suggests that the Mada people might have originated from a village called Madawa near Gusau in Zamfara State. Dandaura and Ngharen [[3]](#footnote-3) state that Mada people have no generally accepted ‘legend or folklore tale of their ultimate origin’, and therefore agree with Isichie [[4]](#footnote-4) that the Madas are autochthonous, i.e. they originated where they are found. There is no ruling houses in Mada-land. The family (ker) was the social unit of reckon. A village in Madaland would be inhabited by many kers of the same kindred stock and that they had a communal approach to life.

Land in Madaland is not held on community basis, but rather on family basis. Loko [[5]](#footnote-5)agrees with this statement. However, the Madas claim that certain hills are communal.

CONCEPT OF OWNERSHIP

OWNERSHIP- it signifies the largest claim to land under customary law and is recognized as a concept of customary law.

Under Nigerian customary law, ownership may be held by: the community, the family and the individual.

 The Mada people of Nasarawa state practice Family Landholding. There has not been a community-wide cultural norms of land tenure in Madaland. This is obviously because there was no central government of any kind until recently when the Chum Mada stool was created. However, the Madas practise inheritance culture,The qualification is that males inherit from those older than themselves. Thus, male Madas inherit their fathers. One interesting aspect of Mada culture is that fathers cannot inherit their children’s property (even where the deceased children bought land) but that mothers, brothers and sisters of deceased persons can inherit them. As for females and under-age children, they do not inherit at all except where the deceased had a living father, i.e. where the deceased pre-deceased his father. In the present era where land can be sold, a female who buys land is treated as a male for the purpose of inheritance if she dies.

PURCHASE AMONG THE MADAS

According to Elder Gigya [[6]](#footnote-6)land in Madaland is not held on community basis, but rather on family basis, the family members did not sell their land to outsiders. Members obtain portions as of right. Sale of land is restricted to urban areas.

DETERMINATION OF CUSTOMARY TENANCIES

It may be determined by The Accomplishment Of Purpose; which is where customary tenancy is granted for a specific purpose or for a specific period of time, the accomplishment of the purpose or the exfluxion of the time terminates it.

 Furthermore regarding Tenancy Among the Madas; The Madas do not have a clear-cut public policy on customary tenancy. Families manage their lands without recourse to any generally accepted norms. However, majority of families grant tenancies on terms of payment of tributes, usually in the form of some farm produce. Issues of economic trees and permanent structures are also treated on family basis and not on community basis. No general pattern is discernable among the Madas.

THE ROLE OF THE FAMILY HEAD IN THE MADA COMMUNITY are Consultation, Consent, Allocation and Accountability.

 Partitioning is not a role of the family head in the Mada community.

MANAGEMENT OF FAMILY LAND

The family head personifies the family, The family head takes charge of the management and control of land and is sometimes referred to as the owner and trustee of the land.

ROLE OF FAMILY HEAD AMONG THE MADAS

The position of the family head in Madaland is a strong one concerning land transactions. The culture required that the family head must be a man. Dandaura and Ngharen [[7]](#footnote-7) state that originally land was held communally with the family head in a fiduciary capacity. However, the family head is still recognized as the “trustee”.

The family head is required to give consent before any alienation can be valid. He is also the rightful authority to allocate and apportion land to other members of the family. In the distant past, the Mada held land communally, but with increase in the population and inter-village feuds, land of a necessity became individually owned. However, the eldest male member of the family had a loose control over all family plots of land even though any member of the family could use it.

Customary tenancy is not a significant feature in Mada land tenure practices.

DETERMINATION OF FAMILY PROPERTY

 Allocation and Partition Among The Madas

Among the Madas, allocation is done by the family head to the male adults.The Madas hold land on kindred basis. Parcels of land are usually allocated to each kindred who in turn allocates to families, the families in turn allocate land to their members to farm on, and to build dwelling houses on. It is a right of all members of the family to be allocated a sufficient parcel of land. The family land was originally allocated from the kindred land. The family can deal with land allocated to it as it pleases, but partitioning among the family members is not one of the options open to it.

Alienation has therefore to be on family basis.

CONCLUSION

This paper has shown that the land tenure practices of the Mada people are in tune with African concepts of democracy and it is a system that has been practiced precisely and it is still being practiced.

1. Interview in Andaha and Akwanga. [↑](#footnote-ref-1)
2. 9Ayih, S. O. (Abaga Toni), Nasarwa State: Past and Present, Umbrella Books, Abuja, 2003. [↑](#footnote-ref-2)
3. Dandaura, E.S. and Ngharen, A.Z., Mada People and Culture, Victory Family Books Ltd., Abuja, Nigeria, 1977. p. 5-9. [↑](#footnote-ref-3)
4. Isichei, Elizabeth, Studies in the History of Plateau State Nigeria, MacMillian, London, 1982, p.7. [↑](#footnote-ref-4)
5. Loko, H., Mada Native Law and Custom, Ministry of Justice, Jos, 1992.p.43 [↑](#footnote-ref-5)
6. Elder Madaki Makama, Chief of Zango and former Madaki of Gitata, Kau GLA, Nasarawa State, Interview on 17th June 2009. [↑](#footnote-ref-6)
7. Dandaura E. S., and Ngharen, A. Z., Mada People and Culture, Victory Family Books Ltd., Abuja, 1997, Page 17 [↑](#footnote-ref-7)