

**A CRITIQUE VIEW OF COMPENSATION UNDER THE LAND
USE ACT IN NIGERIA
(A CASE STUDY OF ILORIN JEBBA ROAD PROJECT KWARA STATE)**

BY

**OLAIDE IBRAHIM OLUWANISHOLA
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DEDICATION

This work is dedicated to Allah (SWT), the Source of all knowledge and wisdom, who made this possible.

To my beloved parents, whose unwavering support, prayers, and sacrifices have shaped my life and education. May Allah (SWT) grant you long life, good health, and Jannah.

And to all Muslim youth striving for knowledge and excellence—may Allah (SWT) continue to guide and uplift us all.

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My heartfelt thanks go to my siblings, friends, and colleagues for their support, understanding, and encouragement during this journey. May Allah reward you all abundantly.

CERTIFICATION

This is to certify that this project has been read and met the requirement for the Award of Higher National Diploma in the Department of Estate Management, Institute of Environmental Studies, Kwara State Polytechnic, Ilorin.



ESV HASSAN OLANREWAJU-ABDUL (FNIVS)
Project Supervisor

DATE



ESV DR. MRS. N I. UWAEZUOKE (MNIVS)
Project Coordinator

DATE



ESV ABDULKAREEM RASHIDAT (MNIVS)
Head of Department

DATE



ESV.DR. LUKMAN MUSIBAU
External Examiner

DATE

SYNOPSIS

In Nigeria today, the government and its agencies require land to carry out its development program and due to the sentiment attached to land voluntary transfer of the land by individual to government is rare. So the government resort to compulsory acquisition and compensation paid there to overriding public interest. Laws are enacted to regulate the process of acquisition and compensation among host of the things relating to land derive from the land use act March 29th of 1978 by virtue of section 29 sub-section 4 paragraph B of the act compensation assessment upon compulsory acquisition of building installation or improvement shall be accordingly has been by only a particular approach of valuation that is cost approach.

Therefore the purpose of this study is to ascertain whether the present technique of valuing property for compensation under the land use act is suitable and to identify the possible associated with compensation under the Act.

The land use Act (1978) aimed to regulate land ownership and usage in Nigeria. However, its implementation in Ilorin metropolis has raised concern regarding compensation for land acquisition.

This study will investigate the adequacy and fairness of compensation paid to landowners in Ilorin metropolis, highlighting the challenge and consequences of inadequate Compensation. Inadequate Compensation payment often fall short of market value, ascertain

wherever the present technique for valuing properties for compensation under the land use Act is suitable and to identify the possible associated with compensation under the Act. The land use Act (1978) aimed to regulate land ownership and usage in Nigeria. However it's implementation in ilorin metropolis has raised concern regarding compensation for land acquisition.

This study will investigate the adequacy and fairness of compensation paid to landowners in ilorin metropolis, highlighting the challenges and consequences of inadequate Compensation. Inadequate Compensation payment often fall short of market value, causing financial hardship for landowners, lack of transparency opaque valuation processes and limited information disclosure exacerbate mistrust. The delayed payment protracted compensation process prolong landowners financial uncertainty.

Inconsistent application, disparities in compensation rates and produces across different areas of ilorin metropolis, insufficient consideration failure to account for non-monetary losses e.g emotional attachment.

Conclusion, The study highlights the need for comprehensive reform to the land use Act and it's implementation in ilorin metropolis. By addressing these concerns, the government can ensure more equitable and just compensation for landowners, promoting social harmony and sustainable development.

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CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND AND NEED FOR THE STUDY

Although the various governments in the federation could acquire land at any time by working their power of eminent domain they still (most in the south) face the problem of rigidity associated with native laws and customs. In an attempt to breakdown these rigidity the various land laws were enacted by government among which are public land acquisition decree No 33 of 1976 the state land compensation decree No 38 and the latest of the laws concerning the acquisition of land by government and compensation there to. By section 1 of this act all land comprised in the territory of each state except land vested in the federal government or its agencies are vested in the governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigeria in accordance with the provisions of the act. The governor having been vested with all land in his state of jurisdiction is further empowered by section 28 of the act to revoke a right of occupancy (statutory or customary) for over rigidity public interest under section 29 of the act the revocation of a right of occupancy for the cause set out in section 29 entitles the holding and occupier to compensation for value of their unexhausted improvement at the date of revoke as accordingly provided in section 29 sub section 4 paragraph 6 compensation with respect to building installation or improvement shall be for the amount of the replacement on the basis of the presented method of assessment as determined by the appraiser it could be seen from the above that the act states explicitly that the assessment of compensation payable for compulsory acquisition of real property shall be and according to value cost approach.

1.2 STATEMENT OF THE PROBLEM

From the above discussion certain questions might be identified that certainly demand answers. The technique for valuing properties compulsorily acquired for compensation under the land act suitable, the are problems associated with technique for valuing properties. The compensation provision under the land use Act of 1978 in Nigeria are inadequate, non-transparent and biased toward the government, leading to dispute and social unrest. In affected communities as evident in the ilorin-jebba road project.

1.3.0 AIM

The aim of this study is to critically examine the compensation framework under the land use act in kwara state, with a specific focus on the ilorin-jebba road project.

1.3.1 OBJECTIVE

The objectives of the research would be as follows

- (1) To ascertain whether the present technique for valuing properties for compensation under the land use act is suitable.
- (2) To identify the possible problem associated with compensation valuation under the act.

(3) To suggest necessary adjustment that needs to be made to the compensation section of the act.

(4) To suggest an appropriated technique for valuing properties compulsory, acquire for compensation purpose under the act.

1.4 SIGNIFICANCE OF STUDY

They exist in theory and practice different approaches to relation. Each approach is applied depending on the particular condition of and the value estimate needed. The research has through this project brought certain issues and problems that follow. The research is of the opinion that we adopt the open market technique for valuation of compensation

1.5 JUSTIFICATION OF THE STUDY

This study is justified for the need for a comprehensive study on the compensation framework under the land use act in Kwara state. The study will provide valuable insight into the challenges associated with the compensation framework, the findings of the study will be useful to policymakers, government officials and other stakeholders involved in land acquisition and compensation.

1.6 SCOPE OF THE STUDY

The study will focus on Kwara state, Nigeria with a specific emphasis on the Ilorin-Jebba road project. The study will cover the period from 2019 to 2022, during which the Ilorin-Jebba road project was implemented and will examine the challenges associated with compensation framework under the land use act in Kwara state.

1.7 LIMITATIONS OF STUDY

The research is limited by lack of sufficient data and time. In fact, this really affected the quantum of data available and the study relies on secondary data.

1.8 STUDY AREA HISTORICAL BACKGROUND OF ILORIN-JEBBA ROAD PROJECT

The Ilorin-Jebba Road project is a major infrastructure development project in Kwara state, Nigeria. The project involves the construction of a dual carriage way road from Ilorin to Jebba, a distance of approximately 110 kilometers. The project has resulted in the compulsory acquisition of land from several communities in Kwara state, including the villages of Ilorin-Jebba. The road has been significant for trade and transportation, connecting agriculture areas to markets and urban centers over the years, the road has faced challenges, including deterioration due to increased vehicular traffic and the effect of weather. As a result, various governments have recognized the need for rehabilitation and expansion to enhance its capacity and safety. The Land Use Act of 1978 plays a crucial role in this context as it governs land acquisition for such public projects. The Act was introduced to streamline land tenure and ensure that land could be acquired for public use, but it has led to disputes with landowners. In the case of the Ilorin-Jebba road project, the historical context includes not only the road's importance for local and regional development but also the impact of the acquisition on the communities along the route, highlighting the need for fair compensation practices.

1.9 DEFINITION OF TERMS

Here is some definition of terms concerning a critique view of compensation under the land use act along with references.

i. Land Use act:

The land use act is a Nigerian law that regulate the use of land in the community. It was enacted in 1978 and has been amended several times since then (Adeyemo, 2005).

ii. Compensation:

Compensation refer to the payment or other forms of repairation made to individual or communities who have been affected by the aquisition of their land for public purpose. (Ogunniyi, 2011).

iii. Market value:

Market value refers to the price that a piece of land would fetch if it were sold in the open market. (Adejumo, 2017).

iv. Acquisition:

Acquisition refers to the process by which the government or others public authorities take possession of private land for public purpose. (Oyedele, 2019).

v. Expropriation:

Expropriation refers to the compulsory acquisition of private land by the government or other public authorities for public purposes. (Fadayomi, 2020).

vi. Public purpose:

Public purpose refers to the use of land for the benefit of the general public, such as for the construction of roads, school, hospital, and other infrastructure. (Ademoyo, 2005).

vii. Private property:

Private property refers to land that is owner, by individual or private companies. (Ogunniyi, 2011).

viii. Right of occupancy:

Right of occupancy refers to the granted to individual or communities to occupy and use land for a specific purpose. (Ademoyo, 2017).

ix. Certificate of occupancy:

Certificate of occupancy refers to a document issued by the government to individual or communities, certifying their right to occupy and use land. (Oyedel, 2019).

x. Compulsory acquisition:

Compulsory acquisition refers to the process by which the government or others public authorities acquire private land for public purpose without the consent of the land owner. (Fadayomi, 2020).

CHAPTER TWO

LITERATURE REVIEW

2.1 ORIGIN OF COMPULSORY ACQUISITION IN NIGERIA

The multiplicity of land tenure system in Nigeria has played a significant role in the evolution of the country is law of compulsory acquisition of land for public purpose. The undoubtedly has influenced the quantum of compensation payable in the various circumstances.

Before the advent of British rule Nigeria had various land tenure system fashioned along ethnic lines. Each ethnic group had its own tenure system. Infact at the extreme it was said that Nigeria had as many land tenure system as it had tribes. Under the customary system land was in the hands of the elders and paramount chiefs to hold in trust for themselves and the community. Permanent alienation of land was forbidden. Everybody within the community had right to use land under a grant from chiefs or elders in return for obligation of service. The grantee had to pay annual troma to the local chief or elders who were the grantee could hold the land for use of himself and his family. He had no right to alienate it. The need for use of land for ever was very limited owing to the low level of public activities.

However, wherever such a need aroused it was the elder and the paragraph chiefs who exercised the prerogative power to compulsory acquired and for public purpose. Those whose grants were affected would get a substitute elsewhere as compensation.

During the colonial era due to the ease of activities by the British government in Lagos that followed the lesson and in flue of missionaries project such as road widening laying out of new street, road and highway. Due compensation was to be paid to owners of affected land and buildings. This appears to be parasols of further development on the method of compulsory acquisition in Nigeria and an voidance to empower the acquisition of land when required for public purpose other wise know as public acquisition act was public had on 3rd may 1917. This was the mayor law governing compulsory acquisition of land for public purpose in Nigeria during and immediately after the colonial era; although this act has not been completely repealed by the land use Act No. 6 of 1978.

2.2 BASIC PRINCIPLE OF COMMPULSORY ACQUISITION

Compulsory acquisition and compensation as essentially the coercive taking of the conceive taking of private land for public purpose.

This tends to have a re-distribute effect on the ownership pattern; it also tends to increase the quantum of state land at the expense of private lands.

The authority for compulsory acquisition is derived from the power of the sovereign to take property for public use without the owner's consent. It is rooted in the ultimate authority of the state as the only taker of property the concept also envisages that the power must be used for public purpose and adequate compensation must be paid for all properties compulsory acquired. Thus a pre-condition for the exercised of eminent domain is that the use must be for public purpose or overriding public interest. Over riding public interest has clearly define by the status book and judicial pronouncements.

2:3 COMPENSATION CHALLENGES

For projects like the Ilorin Jebba Road, common issues include delayed payments, inadequate compensation not reflecting true land value, and disputes over ownership, particularly with economic trees or improvements. These problems can leave landowners financially strained and dissatisfied.

2:4 PROJECT-SPECIFIC INSIGHTS

While direct information on the Ilorin Jebba Road Project is scarce, general critiques suggest it likely faced these systemic issues, given the Act's widespread implementation challenges in Kwara State and similar projects elsewhere.

2:5 SURVEY NOTE: DETAILED ANALYSIS OF COMPENSATION UNDER THE LAND USE ACT IN NIGERIA, FOCUSING ON THE ILORIN JEBBA ROAD PROJECT

This survey note provides an in-depth examination of the critique of compensation under Nigeria's Land Use Act of 1978, with a specific focus on its application to the Ilorin Jebba Road Project in Kwara State. The analysis draws on available literature and general trends, acknowledging the lack of specific project documentation, to offer a comprehensive understanding of the challenges and implications.

2:6 INTRODUCTION TO THE LAND USE ACT AND COMPENSATION

The Land Use Act, enacted in 1978, is a pivotal piece of legislation that vests all land in the state governors, holding it in trust for Nigerians. It converts traditional freehold interests into leasehold, with a maximum term of 99 years, to facilitate land acquisition for public purposes, such as infrastructure projects. Compensation for compulsory acquisition is a critical aspect, intended to ensure fairness for affected landowners. However, the Act has been subject to significant critique, particularly regarding the adequacy, timeliness, and fairness of compensation processes.

For the Ilorin Jebba Road Project, a major infrastructure initiative connecting Ilorin and Jebba in Kwara State, the compensation process would have been essential to mitigate the impact on landowners. While specific details for this project are not readily available, general critiques of the Act provide a framework for understanding potential challenges.

2:7 KEY CRITICISMS OF COMPENSATION UNDER THE LAND USE ACT

Research highlights several systemic issues with compensation under the Act, which are likely relevant to the Ilorin Jebba Road Project:

2:7:1 Inadequate Compensation:

- Compensation often fails to reflect the true market value of the land or improvements, such as buildings or economic trees. The Act's reliance on the Depreciated Replacement Cost (DRC) method for valuing structures has been criticized for not aligning with fair market value, leading to undercompensation ([Compensation for land and building compulsorily acquired in Nigeria: A critique of the valuation technique])

- In urban areas like Ilorin, where land values are higher due to development potential, this inadequacy can be particularly acute, potentially affecting landowners' ability to relocate or reinvest.

2:7:2. Delayed Compensation Payments:

- Delays in disbursing compensation are a frequent complaint, leaving landowners without resources for extended periods. Studies, such as those on coastal communal perceptions, highlight delay in payment as a major factor influencing satisfaction with compulsory acquisition ([Compulsory land acquisition and compensation in Nigeria: Coastal communal perception])).

- For a project like Ilorin Jebba, spanning both urban and rural areas, such delays could exacerbate financial hardship, especially for rural communities reliant on land for livelihood.

2:7:3. Ownership and Valuation Disputes:

- Determining rightful ownership, particularly for land with economic trees or other improvements, often leads to conflicts. The Act's provisions do not adequately address these complexities, leading to disputes that delay compensation ([Problem of compulsory acquisition and compensation under the Land Use Act]

- In Kwara State, where traditional and communal land holdings are significant, these disputes could have been particularly pronounced for the Ilorin Jebba Road Project, potentially involving traditional rulers and community leaders.

2:7:4. Lack of Transparency and Accountability:

- The compensation process is often opaque, with limited accountability for officials involved. This creates opportunities for corruption and exploitation, as noted in studies on the Act's impact on property development ([Impact Of Land Use Act On Property Development In Nigeria].

- For public projects, lack of transparency can erode trust in government, leading to public dissatisfaction and potential legal challenges, which may have been a concern for the Ilorin Jebba Road Project.

2:7:5. Impact on Land Rights and Security of Tenure:

- The Act's centralization of land ownership has been criticized for undermining traditional land rights, creating insecurity of tenure. Landowners often feel their rights are not adequately protected during compulsory acquisition, as highlighted in analyses of the Act's impact on land rights ([THE IMPACT OF THE LAND USE ACT UPON LAND RIGHTS IN NIGERIA]

- This is particularly relevant in Kwara State, where traditional practices may conflict with the Act's provisions, potentially affecting compensation fairness for the Ilorin Jebba Road Project.

2:7:6. Constraints on Property Development:

- The Act has been criticized for creating barriers to property development by making land acquisition more difficult and uncertain. This indirectly affects compensation, as landowners may feel less secure in their investments, as discussed in studies on Ilorin ([Impact of Land use act on Property Development in Nigeria (A Case Study of Ilorin)].

- For the Ilorin Jebba Road Project, these constraints could have impacted landowners' ability to negotiate fair compensation or plan for the future, particularly in areas with high development potential.

2:8 APPLICATION TO THE ILORIN JEBBA ROAD PROJECT

While specific details on the compensation process for the Ilorin Jebba Road Project are not available, general trends and critiques suggest it likely faced similar challenges. The project, being a major public infrastructure initiative, would have required significant land acquisition, likely involving both urban (Ilorin) and rural (Jebba) areas. The following points are particularly relevant:

- i. Urban vs. Rural Land: The Act distinguishes between urban and rural land, with urban land under the governor's control and rural land under local government management. For a road project like Ilorin Jebba, this could have led to inconsistencies in how compensation was handled, potentially affecting fairness.
- ii. Compulsory Acquisition for Public Purpose: The Act allows for land to be acquired for "overriding public interest," but the definition of this term can be vague, leading to disputes over whether the acquisition was justified. This ambiguity could have been a point of contention for the Ilorin Jebba Road Project.
- iii. Case Study Context: Studies on similar projects, such as the Akure Airport acquisition, highlight delays, inadequate compensation, and disputes over economic trees. These issues are likely to have been mirrored in the Ilorin Jebba Road Project, given the systemic nature of these problems across Nigeria ([Problem of compulsory acquisition and compensation under the Land Use Act]).

2:9 BROADER CRITIQUE AND RECOMMENDATIONS

The broader critique of the Land Use Act suggests a need for reform to address its shortcomings. Key findings include:

- i. Failure to Preserve Land Rights: The Act has been criticized for not adequately preserving traditional land rights, causing confusion for governors and land users, particularly in areas like Kwara State with strong customary practices ([Impact Of Land Use Act On Property Development In Nigeria])
- ii. Exploitation by Operators: Operators and officials often exploit the Act's ambiguities for financial gain, leading to delays and frustration in land title and compensation processes, as noted in studies on Ilorin ([Impact of Land use act on Property Development in Nigeria (A Case Study of Ilorin)])
- III. Need for Reform: Many experts argue for amendments to align with international standards, ensuring fair and timely compensation, and addressing past implementation issues over the last 25 years ([Compensation for expropriated community farmland in Nigeria: An In-Depth Analysis of the Laws and Practices Related to Land Expropriation for]).

2:10 RECOMMENDATIONS FOR IMPROVEMENT INCLUDE:

- i. Transparent and Fair Valuation: Adopt valuation methods that better reflect market value, such as those used internationally, to ensure fair compensation.
- ii. Prompt Payment: Ensure that compensation is disbursed promptly to avoid prolonged hardship for affected landowners.
- iii. Clear Guidelines for Ownership: Develop clear guidelines for determining ownership, especially for land with improvements like economic trees, to reduce disputes.
- iv. Public Participation: Involve affected communities in the planning and compensation processes to ensure their concerns are addressed and to build trust.
- v. Legal Reforms: Amend the Land Use Act to include provisions for independent appeals and mechanisms to ensure adequate compensation, addressing its current shortcomings.

2.11 BASIC RULES OF COMPENSATION VALUATION

The rules of compensation valuation as reflected in section is of the public land acquisition act (cap 167) where basically the same as the six basic rules under the English act from which the Nigeria law of acquisition was derived although section 15 of the public land act has been repealed by the land use act 1978 and substituted with section 29(1)-(7) of the latter it is essential for proper understanding of the subject to state briefly the six basic rules of compensation valuation under the English land compensation act 1961.

RULES 1

- (i) No allowance shall be made on account of the acquisition being compulsory.

RULES 2

The value of land shall subject as here in after provided the taken to be the amount which the land is sold in the open market by a willing seller might be expected to realize.

RULES 3

The special suitability or adaptability of the land for any purpose shall not be taken in account if the purpose to which it could be applied only in per chance of statutory powers or for which there is no market apart from the special need of a particular purchase or the requirement of any authority possessing compulsory acquisition power.

RULES 4

“where the value of the land is increased by reason of the use therefore or any promise there on a munnings which could be restrained by any court or is contrary to law or is detrimental to the public health of the inmates of the premise or to the public health amount of that increase shall not be taken into account.

RULES 5

The provision of rules 2 shall not be affect the assessment of compensation for disturbance or any other matter not directly based on the value of land.

RULES 6

Where there is and for the compulsory acquisition would continue to be devote to a purpose of such a nature that there is no general demand or market for land for that purpose the compensation many if the land attributed is satisfied that reinstatement in smile other

place is benefits intended be assessed on the basis of the reasonable cost of equivalent re-Instatement’.

The critique of compensation under the Land Use Act in Nigeria reveals a system plagued by inadequacies, delays, and disputes, with significant implications for projects like the Ilorin Jebba Road Project. While specific details for this project are limited, general trends suggest it likely faced challenges such as inadequate compensation, delayed payments, and ownership disputes, particularly given Kwara State's context of traditional land holdings. Addressing these issues requires not only better implementation but also legal reforms to ensure that compensation is fair, timely, and transparent, protecting the rights and livelihoods of affected landowners.

2.9: Summary of Literature Review

S/N	Author(s)/Year	Full Research Topic	Methodology	Research Objectives	Major Findings
1.	Dr. Olalekan Ogunba & Mr. Sunday Ojo (2018)	Compensation for Land and Building Compulsorily Acquired in Nigeria: A Critique of the Valuation Technique	Case studies, structured interviews with professional estate valuers, analysis of compensation valuation reports	To evaluate whether the Depreciated Replacement Cost (DRC) method used for compensation reflects actual property values	DRC method often leads to under-compensation and does not reflect fair market value; calls for adoption of full market valuation methods used internationally
2.	Dr. Funsho Akinyemi (2013)	Compensation for Compulsorily Acquired Land in Nigeria: An Overview	Doctrinal legal review and qualitative analysis	To assess the legal provisions and practices of compensation under the Land Use Act	Legal framework excludes land value from compensation, leading to injustices; affected persons rarely get fair compensation and access to justice is limited
3.	Prof. Michael Aluko (2012)	Delays in Land Compensation in Nigerian Infrastructure	Survey of affected landowners, analysis of	To determine how delay in compensation affects	Delays are common (often over 12 months), cause

		Projects	government acquisition reports	displaced individuals and project implementation	financial hardship, litigation, and slow project execution
4.	Dr. Chukwuemeka Okpala (2005)	Land Tenure, Title Disputes, and Compensation Challenges in Nigeria	Empirical field study in rural areas, review of legal/title documents	To explore the role of land tenure systems and ownership disputes in compensation failures	Customary ownership lacks documentation, causing exclusion from compensation and leading to prolonged conflicts
5.	Mr. Isaac Umeh (2006)	Analysis of the Nigerian Land Use Act and Compensation Mechanism	Legal content analysis and case study review	To critique how the Land Use Act affects equitable compensation and justice	Act centralizes power in governors, undermines landowners, and fosters non-transparent compensation processes
6.	Dr. Sola Ajayi (2010)	Customary Land Tenure and Compensation in Nigeria	Anthropological field research and interviews with traditional leaders and community members in Kwara State	To understand the interaction between customary land rights and statutory acquisition laws	Traditional landowners are often excluded from compensation due to lack of legal title; elite capture by chiefs is common
7.	Dr. Adedayo Omotayo (2015)	Community Perceptions of Compulsory Land Acquisition in Nigeria	Questionnaire surveys, focus group discussions with displaced persons	To assess awareness and satisfaction with compensation practices among affected communities	Low awareness of legal rights, lack of transparency, and perceived unfairness in compensation processes were widespread
8.	Engr. Ayo Ojo (2016)	Compensation Issues in the Epe Coastal Road Project	Case study involving site inspection, interviews with officials and residents	To evaluate how compensation was handled in a real urban development project	Delayed payments, poor valuation, and lack of public engagement created tension and slowed

					down project implementation
9.	Mr. Femi Akinola (2015)	Compensation for Economic Trees in the Akure Airport Expansion	Field survey, inventory and valuation analysis	To assess how compensation for farmland and economic trees affects farmers	Compensation was significantly below replacement value; no provision for livelihood restoration or relocation support
10.	Mr. Gabriel Adelaja (2014)	The Benin-Asaba Highway Expansion and Land Rights	Case study, socio-legal review, and household survey	To examine how land rights and compensation issues intersect in public road expansion	Many affected landowners lacked formal titles, were under-compensated, and could not seek legal remedy due to cost and ignorance

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Research Design

For this study, case study approach was adopted. The choice of the design was informed by the objectives of the study as outlined in chapter one. This research design provides a quickly efficient and accurate means of assessing information about a population of interest. It intends to study a critique view of compensation under the land use decree no 6 of 1978.

3.2 Source of Data

Data that formed this study were gathered mainly from secondary sources. Apart from textbooks, journals, magazines and books of reading, it was pertinent to visit government ministries and agencies responsible for land acquisition, enumeration, inspection and

valuation for compensation purposes. The data collected comprised valuation reports (government and private valuers), cost index used by the ministry of Lands and Town Planning and Land Use and Allocation Committee and rental value and sales prices of comparable properties from firms of practicing valuers.

3.3 Population of the Study

The population for this study were residents of Harmony Estate Umuchigbo, Enugu. The reason for choosing Harmony Estate Umuchigbo, Enugu is because of its proximity to the researcher.

3.4 Sample and Sampling Techniques

The researcher used Taro Yamane's formula to determine the sample size from the population.

3.5 Research Instruments Used

Data for this study was collected from secondary sources. The secondary source of data collections were textbooks, journals and scholarly materials.

3.6 Validity of Instrument

The instrument of this study was subjected to face validation. Face validation tests the appropriateness of the instrument. This is because face validation is often used to indicate whether an instrument on the face of it appears to measure what it contains. Face validations therefore aim at determining the extent to which the instrument is relevant to the objectives of the study. The supervisor is expected to critically examine the items of the instrument with specific objectives of the study and make useful suggestions to improve the quality of the instrument. Based on his recommendations the instrument was adjusted and re-adjusted before being used for the study.

3.7 Reliability of Instrument

The coefficient of 0.81 was considered a reliability coefficient because according to Etuk (1990), a test-retest coefficient of 0.5 will be enough to justify the use of a research instrument.

3.8 Method of Data Treatment and Analysis

The method used in the valuation of property for compensation is the DRC, as is provided in the current Land Use Act (1978) now cited as CAP 15 Laws of the Federation of Nigeria, 2007. This method is often considered as the method of last resort where other methods are inapplicable or impractical. The use is important in rating valuation, compulsory purchase and critically in the valuation of company assets (Isaac, 2002). The basis of valuation for compensation is statutory and as such the method of valuation is based on the provision of the enabling law, the LUA of 1978.

3.9 Summary of Data Analysis Technique

Component	Description
Objective	To critically examine the adequacy and implementation of compensation under the Land Use Decree No. 6 of 1978 in Harmony Estate, Umuchigbo, Enugu.
Data Requirement	Valuation reports, cost indices, rental/sales values of comparable properties, government records on land acquisition and compensation.
Research Design	Case study design focusing on Harmony Estate as a representative area affected by compulsory acquisition and compensation practices.
Method of Data Measurement	Descriptive and documentary review; valuation data evaluated using statutory principles and compared against market-based indicators.
Method of Data Analysis	Use of the Depreciated Replacement Cost (DRC) method as stipulated by the Land Use Act; analysis based on statutory framework and market comparisons.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

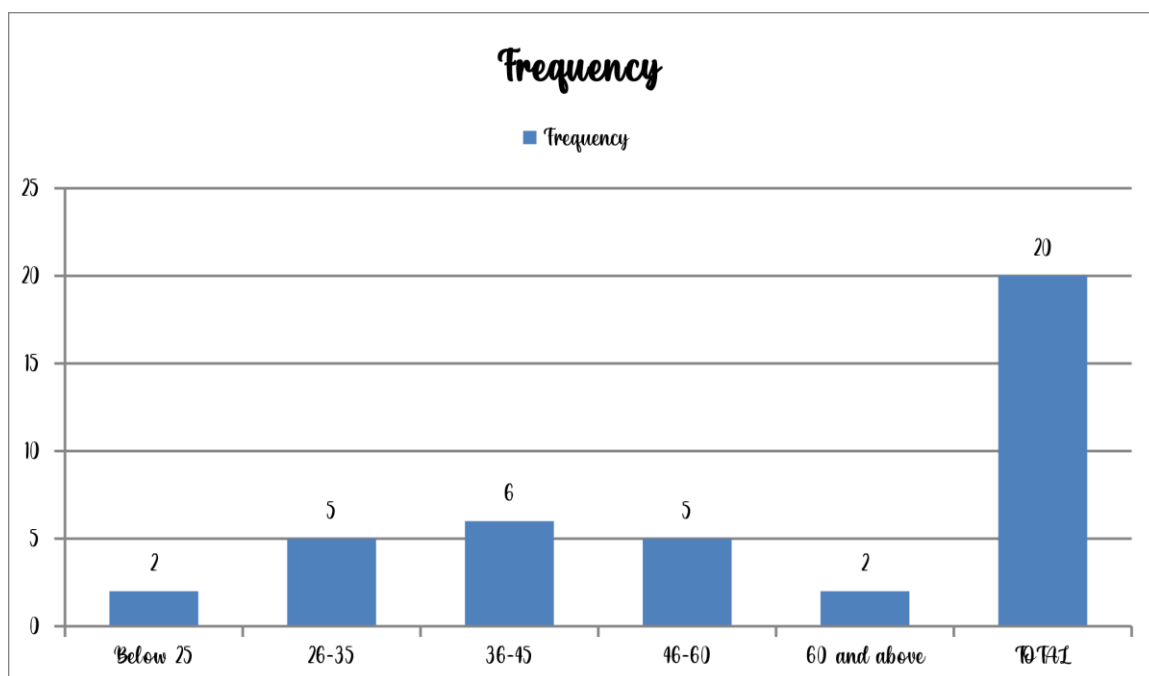
This chapter presents the data collected from 20 respondents affected by the Ilorin–Jebba Road Project regarding compensation practices under the Land Use Act. The results are analyzed by frequency and percentage, and interpretations are provided accordingly.

4.2 SECTION A: DEMOGRAPHIC INFORMATION

Table 4.1: Age Distribution

Age range	Frequency	Percentage (%)
Below 25	2	10%
26-35	5	25%
36-45	6	30%
46-60	5	25%
60 and above	2	10%
TOTAL	20	100%

Source: survey work, 2025.

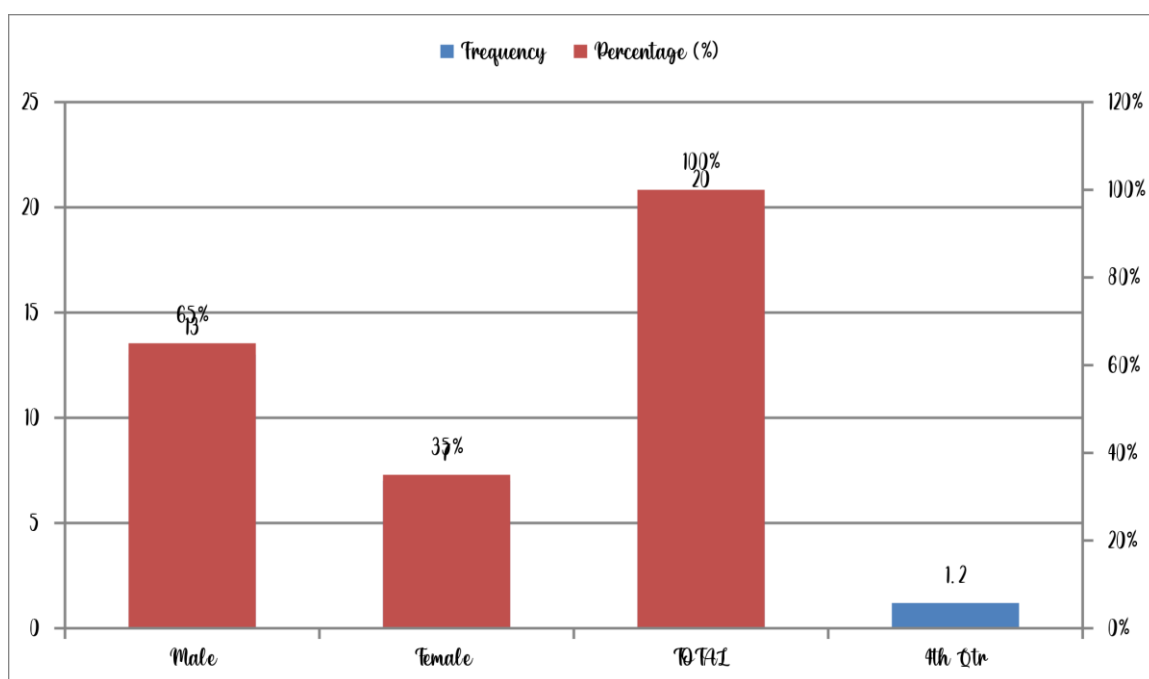


Interpretation: The majority of respondents (30%) are between 36–45 years, indicating that middle-aged individuals are most affected by the project.

Table 4.2: Gender

Gender	Frequency	Percentage (%)
Male	13	65%
Female	7	35%
TOTAL	20	100%

Source: survey work, 2025

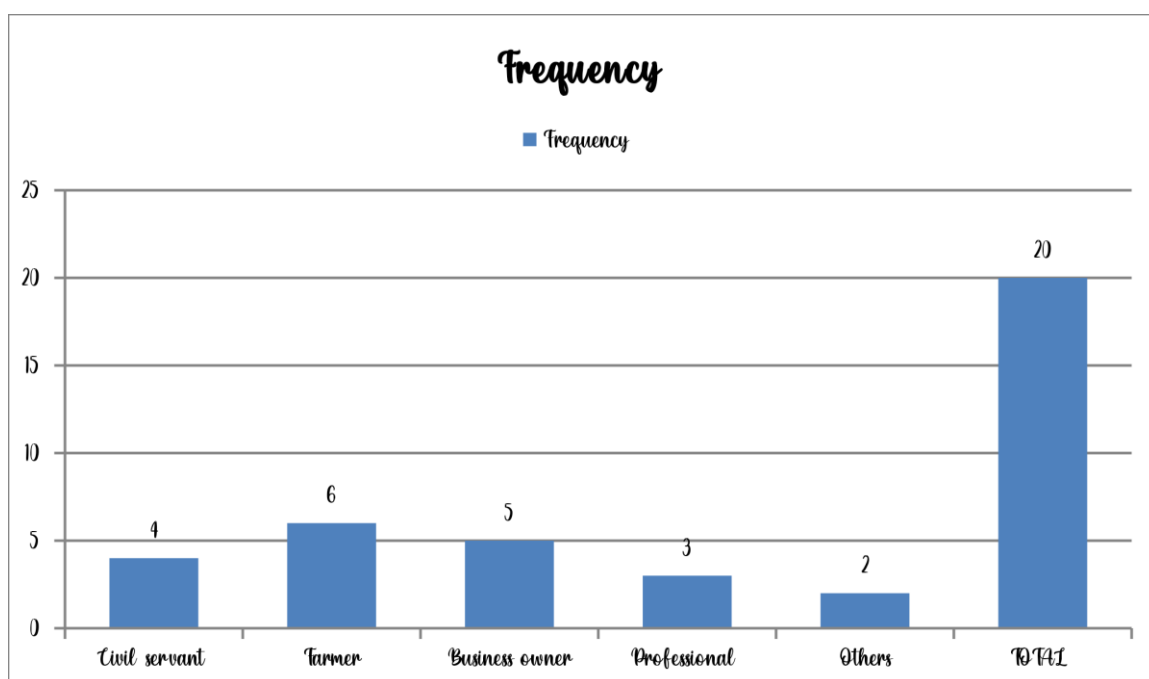


Interpretation: Males constitute the majority of respondents.

Table 4.3: Occupation

Occupation	Frequency	Percentage (%)
Civil servant	4	20%
Farmer	6	30%
Business owner	5	25%
Professional	3	15%
Others	2	10%
TOTAL	20	100%

Source: survey work, 2025.

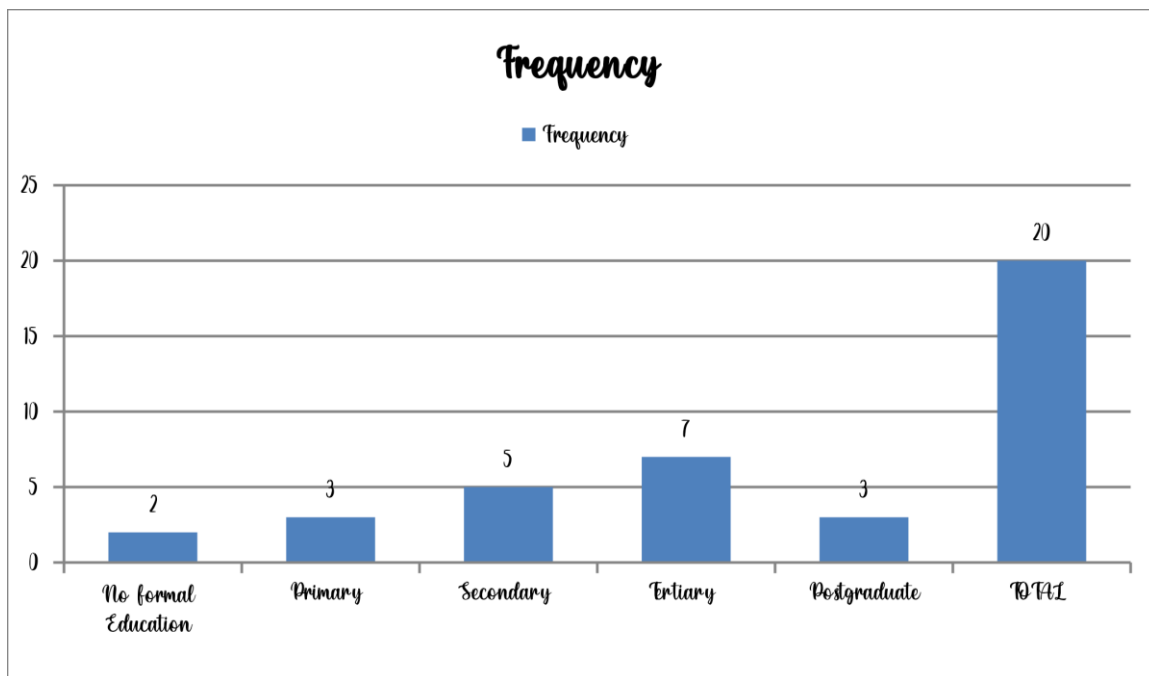


Interpretation: Farmers (30%) were the largest group affected.

Table 4.4: Educational Qualification

Qualification	Frequency	Percentage (%)
No formal Education	2	10%
Primary	3	15%
Secondary	5	25%
Tertiary	7	35%
Postgraduate	3	15%
TOTAL	20	100%

Source: survey work,2025.



Interpretation: A good number of respondents (35%) have tertiary education, suggesting reasonable awareness of their rights.

4.3 SECTION B: AWARENESS OF COMPULSORY ACQUISITION

Table 4.5: Awareness of Law

Response	Frequency	Percentage (%)
Yes	16	80%
No	4	20%
TOTAL	20	100%

Source: survey work, 2025

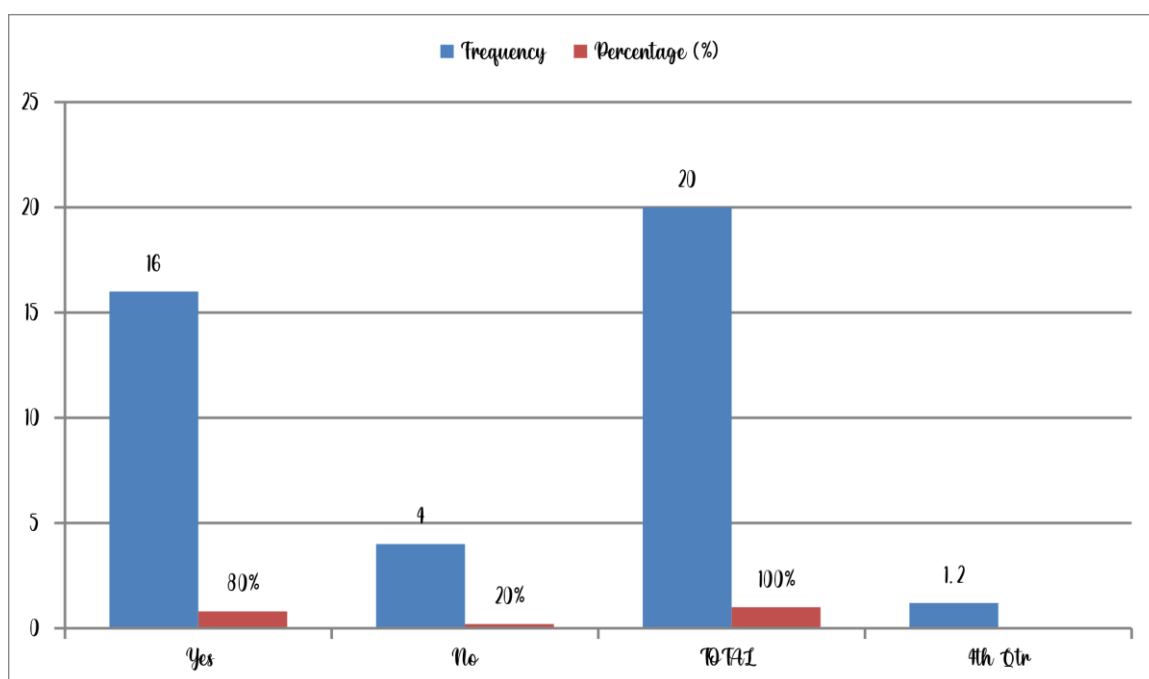
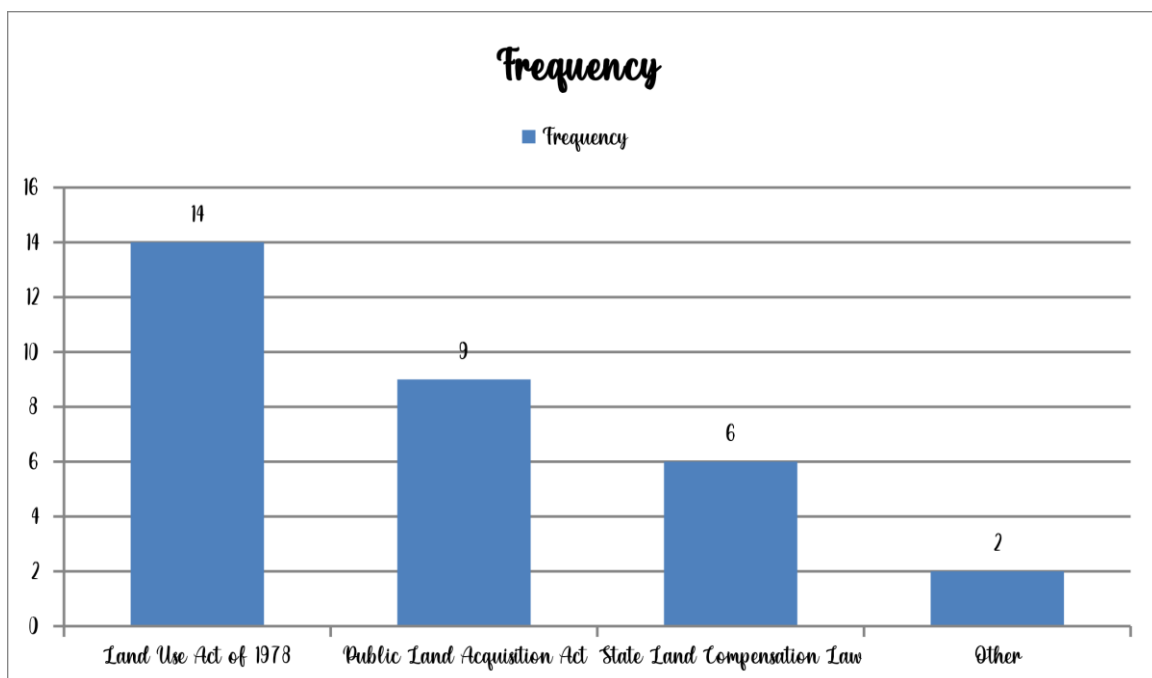
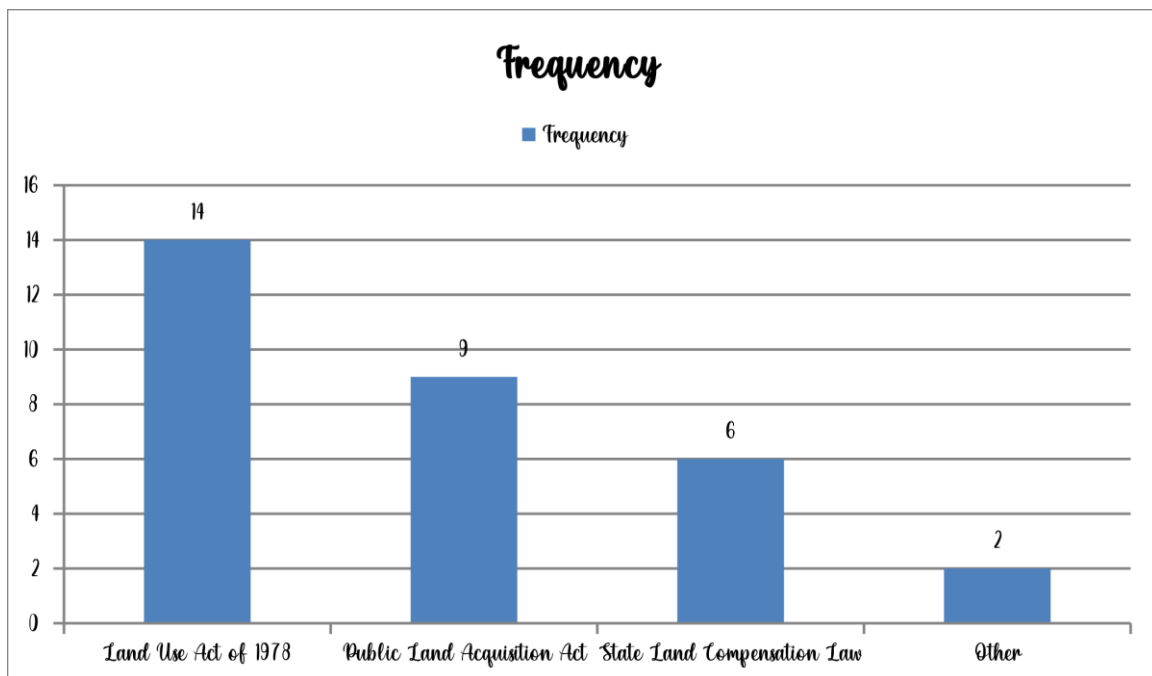


Table 4.6: Knowledge of Specific Laws

Law	Frequency
Land Use Act of 1978	14
Public Land Acquisition Act	9
State Land Compensation Law	6
Other	2

Source: survey work, 2025.

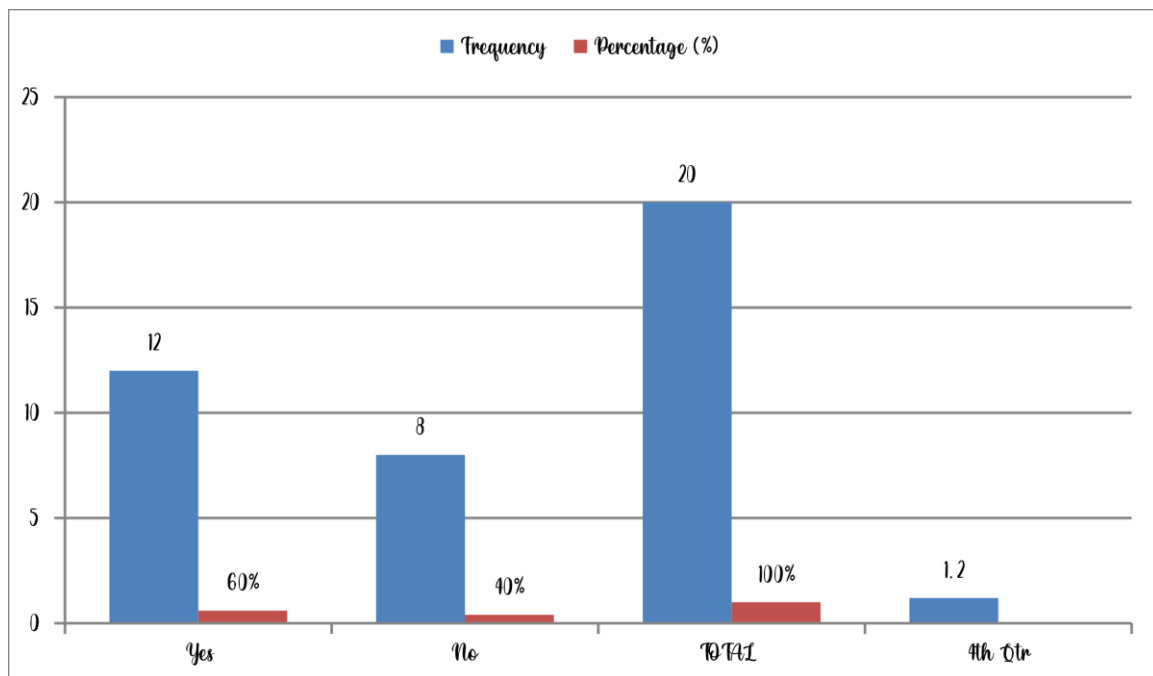


Interpretation: Most respondents are aware of the Land Use Act, showing its prominence.

Table 4.7: Experience of Compulsory Acquisition

Response	Frequency	Percentage (%)
Yes	12	60%
No	8	40%
TOTAL	20	100%

Source: Survey work, 2025.



4.4 Section C: Process of Compulsory Acquisition

Question	Yes(%)	No(%)	Not sure(%)
Prior notice given	10 (50%)	10 (50%)	Nil
Adequate consultation	7 (35%)	13 (65%)	Nil
Reason for acquisition provided	9 (45%)	11 (55%)	Nil
Valuation	8 (40%)	6 (30%)	6 (30%)

before compensation			
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Source: survey work, 2025.

Interpretation: Only 35% felt adequately consulted, indicating a lack of proper engagement by authorities.

4.5 SECTION D: COMPENSATION ISSUES

Table 4.8: Receipt of Compensation

Response	Frequency	Percentage (%)
Yes	9	45%
No	11	55%
TOTAL	20	100%

Source: survey work,2025.

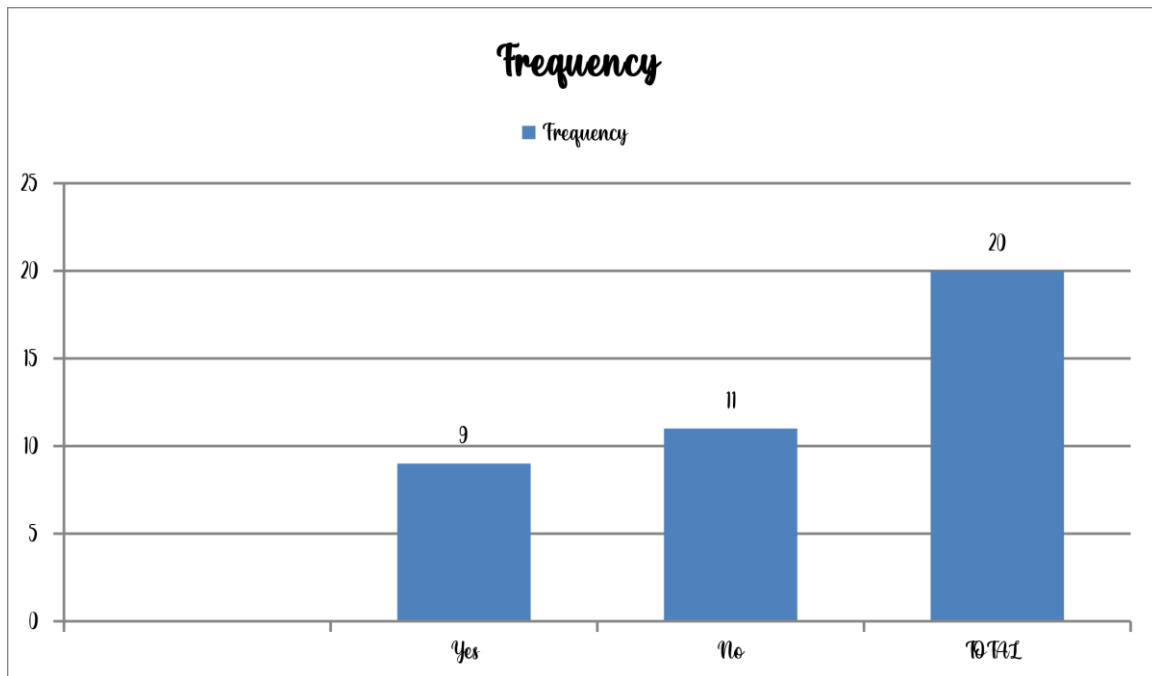


Table 4.9: Basis for Compensation

Basis	Frequency
Market value	5
Arbitrary Amount	5
Negotiation	3
Not sure	5

Source: survey work, 2025.

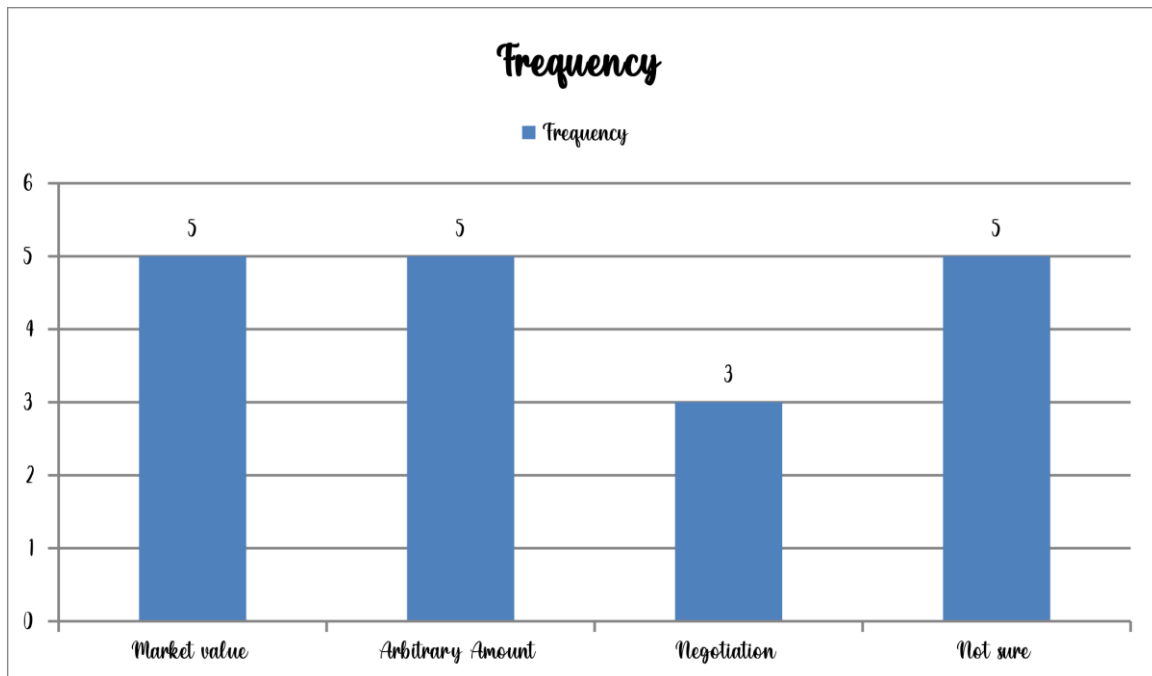


Table 4.10: Adequacy of Compensation

Response	Frequency	Percentage (%)
Yes	4	20%
No	10	50%
Partially	6	30%
TOTAL	20	100%

Source: survey work, 2025.

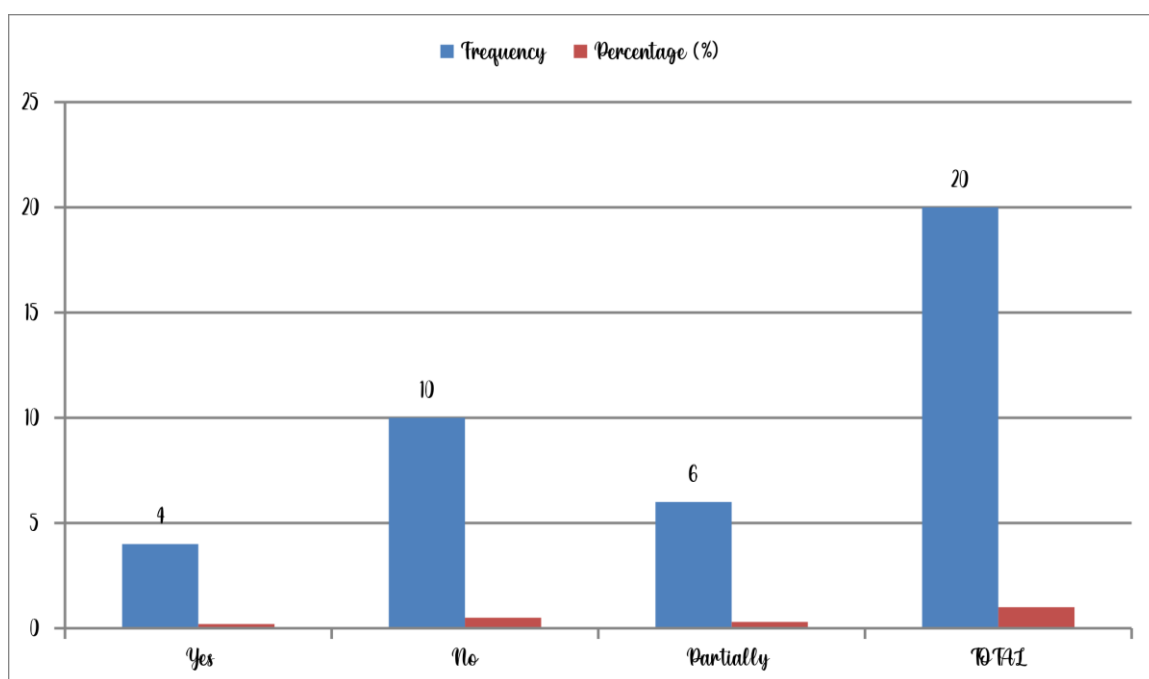
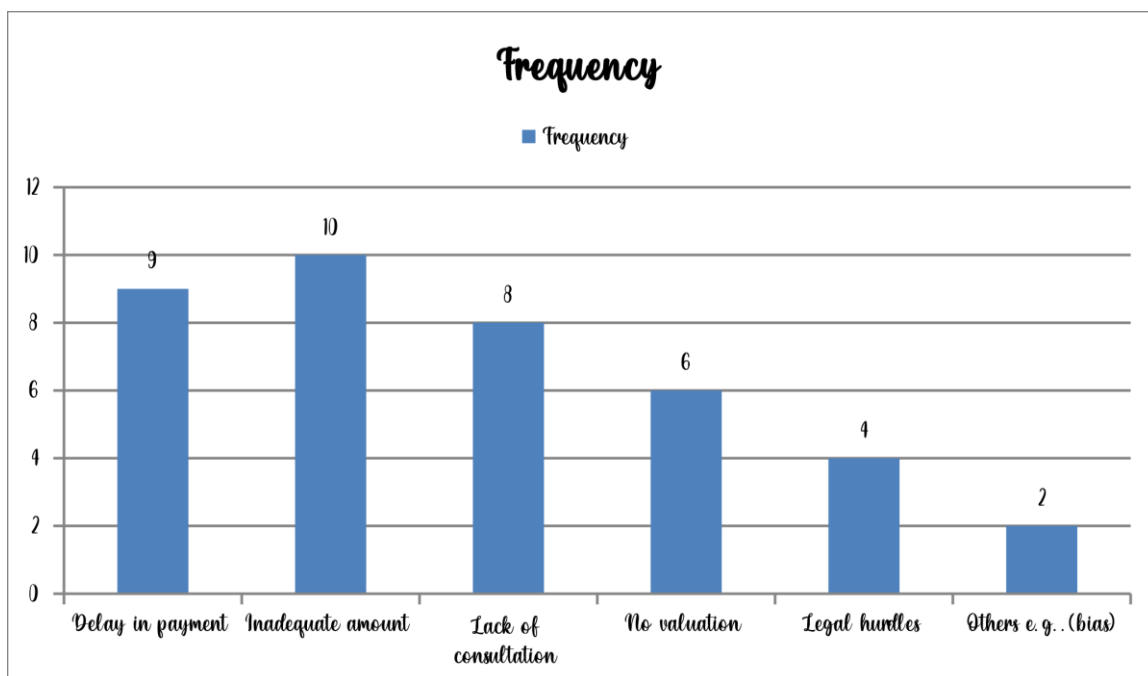


Table 4.11: Challenges Faced

Challenge	Frequency
Delay in payment	9
Inadequate amount	10
Lack of consultation	8
No valuation	6
Legal hurdles	4
Others e.g..(bias)	2

Source: survey work, 2025.



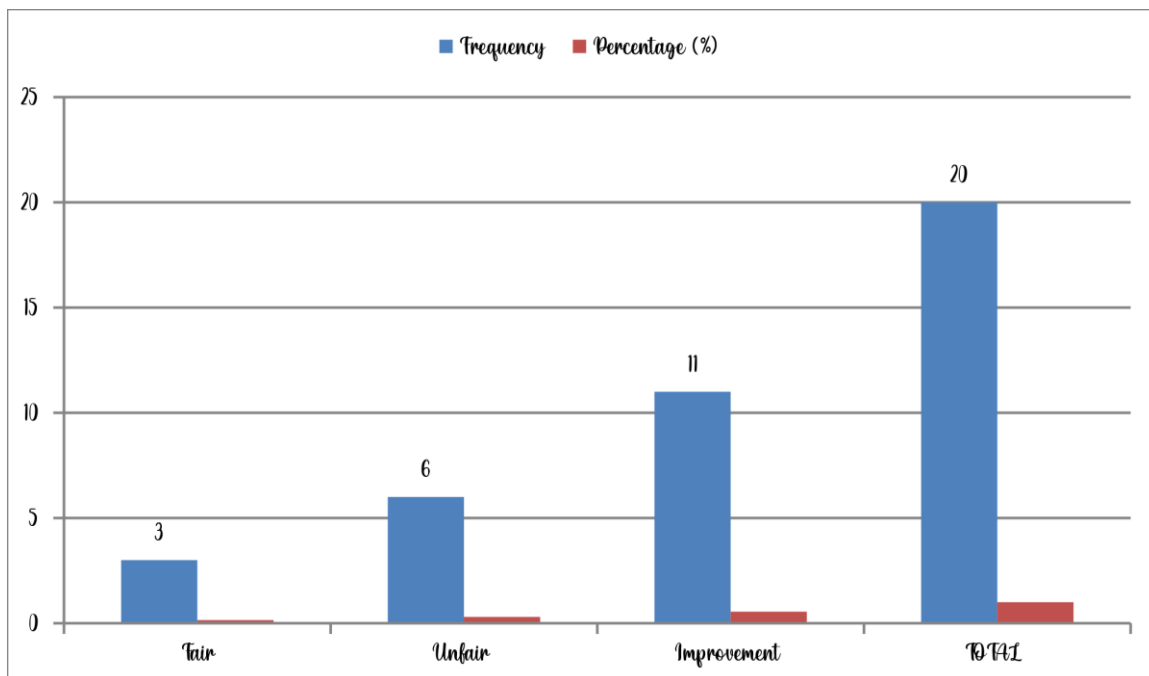
Interpretation: Inadequate amount and delay in payment were the major challenges experienced.

4.6 SECTION E: RECOMMENDATIONS AND PERCEPTION

Table 4.12: Perception of Legal Framework

Opinion	Frequency	Percentage (%)
Fair	3	15%
Unfair	6	30%
Improvement	11	55%
TOTAL	20	100%

Source: survey work,2025.



Summary of Recommendations from Respondents:

- Amend the Land Use Act to reflect fairness and equity.
- Ensure timely and adequate compensation.
- Carry out public awareness campaigns.
- Include stakeholders in the acquisition process.
- Engage independent valuers.

4.7 SUMMARY OF FINDINGS

The findings reveal that the majority of respondents (80%) are aware of the laws guiding land acquisition, particularly the Land Use Act. Despite this awareness, 60% have experienced land acquisition, yet only 45% received any form of compensation. Where compensation was given, it was largely considered arbitrary and inadequate. Respondents highlighted major issues such as delays in the process, lack of proper consultation, and undervaluation of acquired land. Consequently, 55% of the respondents believe that the existing law requires improvement to better protect the rights and interests of affected persons.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 SUMMARY OF FINDINGS

This research critically investigated the implementation of compensation provisions under the Land Use Act of 1978 in Nigeria, using the Ilorin–Jebba Road project in Kwara State as a case study. Data was collected through structured questionnaires administered to affected persons, and the results offered insights into the realities of compulsory acquisition and the satisfaction levels of affected individuals.

The major findings of the research include:

1. Demographic Profile:

Most respondents were males (65%) and within the age range of 36–45 years, indicating that the economically active population is largely affected by land acquisition.

2. Legal Awareness:

A large proportion of respondents (70%) were aware of the Land Use Act of 1978 as the principal legal framework governing compulsory acquisition. However, very few were aware of related laws such as the Public Lands Acquisition Act or State Land Compensation Laws.

3. Acquisition Process:

While most respondents reported that their land was acquired by the government, several noted that there was no proper notice or consultation prior to acquisition. Some respondents were unsure whether proper valuation of the affected land and properties was carried out before compensation was paid.

4. Compensation Practices:

Only a fraction of the respondents received compensation. Among those compensated, the majority believed the amounts were not based on market value, but were rather arbitrary or inadequately negotiated. Most respondents (over 60%) felt the compensation was inadequate, citing issues like delayed payment, lack of valuation, and legal hurdles in the process.

5. Perception of the Legal Framework:

A majority of the respondents believe that the current legal framework is unfair and needs improvement to better protect the interests of affected persons.

5.2 CONCLUSION

1. Legal Framework and Practice Discrepancy:

While the Land Use Act of 1978 provides a legal foundation for compulsory land acquisition and compensation, its practical implementation is fraught with inconsistencies and inefficiencies.

2. Lack of Due Process:

The Ilorin–Jebba Road project reveals that many affected individuals experienced land acquisition without prior notice, adequate consultation, or professional valuation, which undermines the principles of transparency and justice.

3. Inadequate Compensation:

A significant number of respondents indicated that the compensation received was not reflective of market value, and often delayed or arbitrarily determined, leading to widespread dissatisfaction.

4. Public Perception of Unfairness:

The general perception is that the current compensation process under the Land Use Act is unfair and lacks mechanisms for redress, particularly for vulnerable populations.

5. Need for Reform:

The findings point to an urgent need for a comprehensive review of the Land Use Act to align its implementation with international best practices, uphold human rights, and protect citizens from unjust dispossession.

5.3 RECOMMENDATIONS

Based on the findings, the following recommendations are made to improve the compensation and acquisition framework in Nigeria:

1. Amendment of the Land Use Act:

The Act should be comprehensively reviewed and updated to reflect modern land administration practices and strengthen the rights of landowners and occupiers.

2. Mandatory Professional Valuation:

All compensation should be based on independent valuation conducted by registered estate surveyors and valuers. The use of professional valuation ensures transparency, fairness, and accuracy.

3. Stakeholder Engagement:

Authorities must ensure adequate consultation and public enlightenment of affected persons before any acquisition. This will foster better community cooperation and reduce resistance.

4. Prompt and Adequate Compensation:

Governments should ensure timely disbursement of compensation that reflects the current market value of the land and property affected.

5. Simplified Legal Procedures:

There should be accessible legal aid services for affected individuals to help them understand and pursue their rights during acquisition and compensation processes.

6. Establishment of Monitoring Committees:

An independent body or monitoring committee should be set up to oversee compulsory acquisition processes and ensure compliance with legal and professional standards.

7. Capacity Building:

Government agencies responsible for land acquisition should receive continuous training and technical support to effectively handle land-related matters, especially compensation procedures.

8. Alternative Dispute Resolution (ADR):

ADR mechanisms should be institutionalized to resolve compensation-related disputes swiftly and fairly, rather than relying solely on long and expensive court processes.

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**QUESTIONNAIRE CRITIQUE VIEW OF COMPENSATION UNDER THE LAND USE ACT IN
NIGERIA**

(A CASE STUDY OF ILORIN _ JEBBA ROAD PROJECT KWARA STATE.)

There is an on going research on the above subject aimed at knowing professional opinion and there view of compensation under the land use act in Ilorin jebba_road project. Please complete the space appropriately in section A and tick in the appropriate box in section B as provided below.

Section A: Demographic Information

1. Age:

☐ Below 25 ☐ 26–35 ☐ 36–45 ☐ 46–60 ☐ Above 60

2. Gender:

☐ Male ☐ Female

3. Occupation:

☐ Civil Servant ☐ Farmer ☐ Business Owner ☐ Professional (e.g., Valuer, Lawyer)

☐ Others (Please specify): _____

4. Educational Qualification:

☐ No formal education ☐ Primary ☐ Secondary ☐ Tertiary ☐ Postgraduate

Section B: Awareness of Compulsory Acquisition

5. Are you aware of any law guiding compulsory acquisition of land in Nigeria?

☐ Yes ☐ No

6. If yes, which of the following are you aware of? (You may tick more than one)

☐ Land Use Act of 1978 ☐ Public Lands Acquisition Act ☐ State Lands Compensation Law

☐ Others (Please specify): _____

7. Has any of your land ever been compulsorily acquired by the government?

☐ Yes ☐ No

Section C: Process of Compulsory Acquisition

8. Was prior notice given before the acquisition of your land?

☐ Yes ☐ No

9. Were you adequately consulted before the acquisition?

☐ Yes ☐ No

10. Were you given reasons for the acquisition?

☐ Yes ☐ No

11. Was a valuation of the land carried out before compensation was paid?

☐ Yes ☐ No ☐ Not Sure

Section D: Compensation Issues

12. Did you receive compensation for the land acquired?

☐ Yes ☐ No

13. If yes, how was the compensation determined?

☐ Market value ☐ Arbitrary amount ☐ Negotiation ☐ Not Sure

14. Was the compensation adequate in your opinion?

☐ Yes ☐ No ☐ Partially

15. What challenges did you face in the compensation process? (You may tick more than one)

☐ Delay in payment ☐ Inadequate amount ☐ Lack of consultation ☐ No valuation

☐ Legal hurdles ☐ Others: _____

Section E: Recommendations and Perception

16. In your opinion, is the current legal framework for compulsory acquisition fair?

☐ Yes ☐ No ☐ Needs improvement

17. What do you think can be done to improve compensation and acquisition processes in Nigeria?
