

CHAPTER J12

JIGAWA STATE FARMERS AND HERDSMEN BOARD LAW

ARRANGEMENT OF SECTIONS

PART I

Preliminary

SECTION

1. Citation.
2. Interpretation.

PART II

Establishment and Constitution of the Board

3. Establishment of the Board.
4. Composition of the Board.
5. Co-option of members.
6. Tenure of office.
7. Remuneration of members.
8. Vacation of office/dissolution.
9. Validity of proceedings.

PART III

Functions and Powers

10. Functions.
11. Powers.
12. Governor's directives.

PART IV

Management Control and Regulations

13. Appointment of Reserve Management Officers.
14. Powers of Reserve Management Officers.
15. Order constituting the reserve.
16. Restrictions to the reserves.
17. Power to de-reserve.
18. Regulations.

PART V

Local Government Committees

19. Establishment of Local Government Committees.
20. Composition.
21. Functions.

"reserve property" means any stock, stores or materials owned by the Government and used or intended to be used in any reserve operations and includes boundary marks and pillars, boundary or survey beacons or signs, name plates, machinery, scientific instruments, implements, tools, buildings, tents, fences, vehicles, roads and bridges and cattle;

"State" means the Jigawa State of Nigeria;

"watering point" means any water body or source in whatever description constituted as watering point under this Law.

PART II

Establishment and Constitution of the Board

Establishment of the Board

(1) There is hereby established a Board to be known as the Jigawa State Farmers and Herdsmen Board.

(2) The Board shall be a body corporate with perpetual succession and common seal, and power to sue or be sued in its corporate name and to acquire, hold and dispose of movable or immovable property.

Composition of the Board

The Board shall consist of the following members—

- (1) A Chairman, who shall be a person of impeccable character to be appointed by the Governor.
- (2) A representative each of the following—
 - (a) Ministry of Agriculture;
 - (b) Ministry of Land;
 - (c) Ministry of Environment;
 - (d) Ministry of Justice;
 - (e) Ministry for Local Governments;
 - (f) Office of the Secretary to the State Government;
 - (g) Director State Security Service;
 - (h) The Commissioner of Police;
 - (i) Commandant Nigeria Civil Defense Corps;
 - (j) State commandant of vigilante group;
 - (k) State Comptroller of Immigration Service;
 - (l) The Emirate Councils;
 - (m) Chairman Farmers Associations in the State;
 - (n) Chairman Miyetti-Allah Association in the State;
 - (o) Three persons of proven integrity to be appointed by the Governor, one from each of the Senatorial District of the state.

(3) The Secretary to the Board shall be appointed by the Governor.

5. Co-option of members

(1) The Board shall have power to co-opt any person to attend its meetings but such person shall have no power to vote and shall not count towards a quorum.

(2) *Appointment of other staff.*—The Board may appoint and exercise disciplinary control over such officers and servants as it may think necessary for the discharge of its functions under this Law.

(3) Notwithstanding the provisions of subsection (2) above, the Board may accept an officer or servant by way of transfer or secondment from any of the public service in the Federation.

(4) The terms and conditions of service of the Board shall be as obtained in the State Civil Service.

6. Tenure of office

The Chairman and members not being *ex officio* of the Board shall hold office for a period of four (4) years from the date of appointment and may be eligible for re-appointment for a further period of four (4) years.

7. Remuneration of members

A member of the Board shall be paid such remuneration and allowances as the Governor may determine from time to time.

8. Vacation of office/dissolution

(1) The office of a member other than *ex officio* shall become vacant where—

- (a) he resigns by writing under his hand;
- (b) he has without notice to the Board absented himself from three consecutive meetings of the Board;
- (c) he is adjudged bankrupt;
- (d) he is found insane;
- (e) the Governor revokes his appointment.

(2) Notwithstanding the provisions of subsection (1), the Governor may at any time dissolve the Board as he deems fit.

9. Validity of proceedings

The validity of any proceeding of the Board shall not be affected by any vacancy in the membership of the Board, or any defect in the appointment of a member or by reason that a person not entitled to do so has taken part in such proceedings.

PART III*Functions and Powers***10. Functions**

The functions of the Board shall be—

- (a) to advise the Government on the creation of reserves as well as designating water courses for grazing animals in various parts of the State;

- (b) to survey, ic watering poi
- (c) to retrieve al prejudice to encroached l
- (d) to protect co by herdsmen
- (e) to monitor tl migrant herd.
- (f) to assess con animals;
- (g) to enlighten 1 within reason flict preventic
- (h) to encourage herdsmen and co-existence;
- (i) to liaise with security risk tl ers and herdsn
- (j) to perform suc functions unde

11. Powers

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(b) to survey, identify, demarcate, develop, maintain and preserve reserves and watering points in the State;

(c) to retrieve all illegally encroached reserves and watering points and without prejudice to the provisions of Forestry Law, Laws of Jigawa State, retrieve encroached Forest Reserves;

[Cap. F3.]

(d) to protect communal potable water points in the State from encroachment by herdsmen for the purpose of watering their animals;

(e) to monitor the movement of herdsmen and control the entry and exit of migrant herdsmen and their animals in the State;

(f) to assess compensation in respect of loss or damages to farm produce or animals;

(g) to enlighten farmers on the need to evacuate farm produce from the farm within reasonable time after harvest and on such other techniques of conflict prevention;

(h) to encourage and facilitate the settlement of disputes between farmers and herdsmen and to enlighten them on the need for peaceful and mutual co-existence;

(i) to liaise with security agencies in the State for the purpose of averting any security risk that occur or is likely to occur in respect of activities of farmers and herdsmen in the State;

(j) to perform such other functions as are necessary for the due discharge of its functions under this Law or as may be assigned to it by the Governor.

Powers

In addition to the specific powers conferred on the Board under the subsequent provisions of this Law, the Board shall without prejudice to and subject to the supervisory powers of the Commissioner, have power to—

(a) enter into any contract necessary for purposes of its functions;

(b) upon terms and conditions approved by the board, engage and remunerate servants and agents to perform any of its functions;

(c) provide such allied or ancillary services as may be required to promote the performance of its functions under this Law;

(d) set up alternative dispute resolution mechanisms in the form of committees or other *ad hoc* bodies throughout the State;

(e) seek for court order to demolish or destroy any illegal structure or plant during the retrieval of encroached reserves or watering points;

(f) give clearance to the ministry in charge of lands prior to the issuance of a certificate of occupancy for farm lands or conversion of traditional titles to certificate of occupancy;

(g) seize unattended animals straying in farmlands and dispose them upon a court order and to use the proceeds in paying compensation for the damages caused and to defray the expenses of the exercise;

- (h) enter into any negotiation with any holder of either statutory or customary rights of occupancy for the purpose of assignment or alienation to the Board of the residue of the unexpired term granted to such person;
- (i) make rules, regulations and procedure in respect of its operations, or in order to regulate any of its proceedings or any of its committees.

12. Governor's directives

The Governor may give directives of a general or specific nature to the Board with regards to the carrying out of the functions of the Board and it shall be the duty of the Board to give effect to such directives.

PART IV

Management Control and Regulations

13. Appointment of Reserve Management Officers

The Board may if it deems fit, appoint from time to time persons to be known as Reserve Management Officers or such other names as may be designated by the Board for each reserve in the State.

14. Powers of Reserve Management Officers

(1) A Reserve Management Officer appointed under this Law shall, for the purpose of the execution of this Law, be answerable to the Board and shall have the power to—

- (a) inquire into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favor of any persons or communities or brought to the knowledge of the said officer affecting the lands or any other rights in or over such lands designated as reserves or watering points;
- (b) recommend to the Board, the desirability of constituting any land as reserve or watering point, specifying as nearly as possible the situation and limits of the land after due inquiry as provided in this section;
- (c) generally monitor and supervise all lands designated as reserve and watering points and may enlist the assistance of a police officer if he apprehends serious obstruction in the execution of his duties;
- (d) execute the policies of the Board and control the day to day activities in the reserves.

(2) The Board shall issue such procedures and regulations to be followed in making the inquiry in subsection (1) including the publication in the *Gazette* and ensure its strict compliance before making any recommendation to the Governor.

15. Order constituting the reserve

(1) The Governor may make an order constituting the lands in respect of which the Board has recommended as reserves or watering points upon the conclusion of the inquiry and other procedures as may have been laid under section 14:

Provided that no such order shall be made until the completion of any suit filed in a competent court challenging the Reserve Management Officer's or Board's recommendation or the expiration of time for appeal thereto.

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(2) No person shall alie ing point, by sale, mortgag howsoever.

(3) No improvements : without the approval of the

(4) No encroachment o by anybody whatsoever.

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17. Power to de-reserve

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(2) An order under this section shall set forth—

- (a) the limits of the lands which constitute the reserve;
- (b) all rights affecting the land as set forth in the Reserve Management Officer's report to the Board or established by the court; and
- (c) such additional rights as the Governor shall consider it just and equitable to allow notwithstanding that such rights have not been considered in the report of the Reserve Management Officer.

(3) An order under this section shall be published in the *State Gazette* and from the date of such publication, such land shall be a Government reserve.

(4) Any order made under this section may be revised or modified by the Governor.

(5) The Board shall pay the requisite compensation to the affected persons whose lands are acquired under this Law for the purpose of establishing reserves.

(6) The Board shall refer any dispute over claim for compensation on any land acquired by the Board pursuant to this Law, to the Land Use Allocation Committee of (L.U.A.C) of the State.

h. Restrictions to the reserves

(1) No person, other than a Government officer on duty, shall enter any reserve unless he is authorised to do so under this Law or regulations made hereunder.

(2) No person shall alienate any rights affecting land constituted as reserve or watering point, by sale, mortgage, assignment, lease, customary pledge, transfer, or otherwise whatsoever.

(3) No improvements shall be done by anybody in the reserves or watering points without the approval of the Board in writing.

(4) No encroachment of any kind shall be made into the reserves or watering points by anybody whatsoever.

(5) The burning of bush and hunting is hereby prohibited in any reserves or watering points in the State under this Law.

(6) The use of chemicals for fishing or whatever purpose, felling of trees, destruction of the ecosystem in whatever form howsoever done in the reserves or watering points in the State is hereby strictly prohibited under this Law.

i. Power to de-reserve

(1) The Governor may by order direct that from a date named therein any lands or any part thereof constituted as a reserve under this Law shall cease to be a reserve or part of such reserve and thereupon from such date such lands shall cease to be a reserve or part of such reserve, so however, that the rights, if any, which may have been extinguished therein shall not revive in consequence of such cessation.

(2) The Governor may by notice in the *Gazette* withdraw from the operation of all or any of the provisions of this Law any class of persons, tribe, district or any area specified therein, either for a specific period or indefinitely.

18. Regulations

The Board may make regulations for all or any of the following matters in respect of a reserve or watering point—

- (a) prescribing the person who may use the reserve or watering point and the number and type of stock which may be permitted therein;
- (b) prescribing the parts of the reserve or watering point which may be used and the times when they may be used;
- (c) providing for the issue of permits to persons using the reserve and prescribing the fees for such permits;
- (d) regulating the management generally of the reserves and watering points and prescribing the activities which may be carried on therein;
- (e) regulating the conditions of entry to the reserves or watering points;
- (f) imposing penalties for breach of any regulation made under this section; and
- (g) generally for the purposes of carrying out the provisions of this Law.

PART V*Local Government Committees***19. Establishment of Local Government Committees**

There is hereby established for the Board in every Local Government in the State a committee to be known as the Local Government Farmers and Herdsmen Committee, in this Law referred to as the Committee.

20. Composition

(1) The Committee shall comprise of the Supervisory Councilor in charge of Agriculture in the Local Government who shall serve as the Chairman and the representatives of each of the following—

- (a) State Security Service;
- (b) The Divisional Police Officer;
- (c) Nigeria Civil Defense Corps;
- (d) Vigilante Group;
- (e) All District Heads;
- (f) Local Government Hizbah Committee;
- (g) Farmers Association in the Local Government;
- (h) Miyetti-Allah Association in the Local Government.

(2) The Head of Department of Agriculture in the Local Government shall serve as the Secretary to the Committee.

21. Functions

In addition to any other functions—

- (a) monitoring the Government Land Use;
- (b) settling disputes between the local government and the private sector;
- (c) encourage and promote mutual co-operation between the local government and the private sector.

22. Funds

The funds and resources

- (a) such sums or moneys as may be provided for the Board by the State Government;
- (b) all sums accruing from the sale of land or other property owned by the Board;
- (c) all sums collected from the sale of land or other property under the Board's management;
- (d) all such sums as may be available to, or vested in, the Board.

23. Accounts

The Board shall keep proper accounts of its income and expenditure for each year and shall as soon as may be audited by the qualified auditor.

24. Offences

(1) Whoever—

- (a) encroaches on or occupies any land reserved for agriculture;
- (b) grazes cattle or other animals on any land reserved for agriculture;
- (c) destroys cattle or other animals on any land reserved for agriculture;
- (d) causes, participates in or abets any of the foregoing offences.

1. Functions

In addition to any other directive by the Board, the Committee shall have the following functions—

- (a) monitoring the implementation and enforcement of this Law at the Local Government level;
- (b) settling disputes arising out of conflicts between farmers and herdsmen in the local government through alternative dispute resolution methods as may be approved by the Board;
- (c) encourage and enlighten farmers and herdsmen on the need for peaceful and mutual co-existence.

PART VI

Funds and Accounts

1. Funds

The funds and resources of the Board shall consist of—

- (a) such sums or other property whatsoever as may be advanced or granted to the Board by the State Government;
- (b) all sums accruing to the Board by way of endowment, grant or gift by local or international donors;
- (c) all sums collected or received by the Board in the performance of its functions under this Law; and
- (d) all such sums or property as may in any manner whatsoever become payable to, or vested in the Board.

2. Accounts

The Board shall keep proper accounts of its expenditure in respect of each financial year and shall as soon as may be after the end of that year cause the accounts thereof to be audited by the qualified auditors recommended by the Auditor-General.

PART VII

Miscellaneous

1. Offences

(i) Whoever—

- (a) encroaches or trespasses on any part of a watering point or reserve;
- (b) grazes cattle on a farmland where the produce have not been removed;
- (c) destroys cattle or farm produce; or
- (d) causes, participates, abets or incites clashes between farmers and herdsmen;

- (e) pastures cattle or permits cattle to trespass into a reserve or watering point without authorisation;
- (f) digs, cuts, turns or cultivates the soil in a reserve or makes farm or plantation without authorisation;
- (g) constructs any dam or wire across any river or stream or otherwise obstructs the channel of any river or stream in a reserve;
- (h) resides or erects any building in a reserve without authorisation;
- (i) hunts or fishes in a reserve or watering point without authorisation;
- (j) damages in any way or destroys any reserve property;
- (k) grazes cattle in the night; shall be guilty of an offence.

(2) Any related offence not provided for under this Law shall be tried under the Penal Code.

(3) Nothing in this section shall prohibit the exercise by any person or community of any of any right in a reserve or watering point constituted under this Law if such right has been recognised in the order constituting such reserve or watering point.

25. Punishment

(1) Whoever contravenes the provisions of this Law shall on conviction be liable to—

- (a) a term of imprisonment not exceeding five years or a fine not exceeding one hundred thousand naira or both in the case of a first offender;
- (b) a term of both imprisonment not exceeding ten years and a fine not exceeding two hundred thousand in the case of subsequent offence;
- (c) deposition or dismissal in the case of a traditional title holder or civil servant in addition to paragraph (a) or (b) above.

(2) In addition to any penalty imposed for an offence against the provisions of this Law or any regulations made hereunder, the court may order—

- (a) any reserve produce in respect of which the offence was committed or any instrument, animal or thing with which the offence was committed to be forfeited and disposed of as the court may direct;
- (b) any farm or plantation made in a reserve in contravention of this Law to be destroyed or on the application of the Board that such farm be confiscated and thereafter disposed of in the discretion of the Board;
- (c) any license or permit held under the law be cancelled; and
- (d) that where no license or permit has been taken out and the offender should have taken out a license or permit, a sum equal to the amount of the fees and royalties that should have been paid in respect of such permit and license be paid to the Board.

26. Arrest of suspects

(1) It shall be lawful warrant any person who under this Law, if such which is believed to be

(2) Any person so : Station without unneces

27. Legal proceedings

(1) No suit shall be thirty days after written upon the Board by the ir

(2) The notice refer claim, the name of the ir

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28. Savings and repea

(1) The Farmers and and the Grazing Reserv amendments thereto are

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Arrest of suspected person

(1) It shall be lawful for any reserve officer appointed by the Board to arrest without warrant any person who may be reasonably suspected of having committed any offence under this Law, if such person refuses to give his name and address or gives information which is believed to be false or if there is reason to believe that he will abscond.

(2) Any person so arrested shall be taken before a Magistrate or the nearest Police Station without unnecessary delay.

Legal proceedings

(1) No suit shall be commenced against the Board before the expiration of a period of thirty days after written notice of intention to commence the suit shall have been served on the Board by the intending claimant.

(2) The notice referred to in this section shall state the cause of action, particulars of claim, the name of the intending claimant and the relief claimed.

(3) Without prejudice to the right of the Board to engage any legal practitioner in Nigeria, the office of the State Attorney-General shall represent the Board in any legal proceedings of the Board before any court of law.

Savings and repeals

(1) The Farmers and Herdsmen (Prevention and Settlement of Disputes), Law Cap. 53, of the Grazing Reserves Law, Cap. 60, Laws of Jigawa State, 1998 and the subsequent amendments thereto are hereby repealed.

(2) Any action done in pursuance to the repealed laws in this section including regulations, the designation of reserves, appointments of officers and other ancillary matters shall be deemed to have been done under this Law, and all rights created there from shall be enforceable hereunder as if created herein.