

## **EFFECTS OF QUACKERY IN THE PRACTICE OF CADASTRAL SURVEY IN NIGERIA AND POSSIBLE REMEDIES**

<sup>1</sup>F. A. Azubuike. , \*<sup>1</sup>M. A. Emakoji, <sup>2</sup>M. S. Lugga & <sup>1</sup>K.N. Ota

<sup>1</sup>Department of Surveying and Geoinformatics, Akanu Ibiam Federal Polytechnic Unwana, Ebonyi State.

<sup>2</sup> Department of Civil Engineering Tech., Federal Polytechnic Kaura-namoda, Zamfara State.

**\*Corresponding Author:***emakojimoses@yahoo.com*

### **Abstract**

Cadastral survey is any survey exercise or activity executed in connection with any land prepared under the law for any registrable instrument or judgment or order of court and any other survey as may be defined from time to time by SURCON (Surveyors Council of Nigeria). The high demand for cadastral survey, limited resources for cadastral controls, ill practices of nonsurvey personnel, and unethical activities of our registered surveyors have given rise to the activities of quacks in the surveying profession. Although, there are laws and regulations guiding the practices of surveying profession a view to strengthen the practices of cadastral surveying, the activities of quacks have caused so many harms such as boundary dispute, unreliability of survey control points, inability to reestablish lost boundary pillars and poor public perception of land surveying to the society. The cadastral surveying practice in Nigeria will soon be watered down by quackery if no urgent measure is taken to stop the menace. This paper highlights the activities of quacks and their effect on cadastral survey and has proffer the following solutions to help improve cadastral survey practice; Creation of computer assisted cadastral system, Committee should be inaugurated to monitor who are quacks and their activities, Strict enforcement of survey laws, Educating members of the public on the identities of registered surveyors, Graduate should be encouraged by government and relevant stakeholders to enroll for registration, finally, SURCON should organize seminar and media programs that will educate the public on the dangers quackery. The reduction of the activities of quacks in cadastral survey practice therefore, will no doubt guarantee the security of life and property which will in turn lead to a peaceful society.

**Keywords:** Nigeria, Quack, Quackery, Cadastral, Survey

### **Introduction**

According to Surveyors Board Queensland July 2009, section 75 of the surveyors Act 2003, a cadastral survey is any activity that uses or generates cadastral evidence to produce an outcome whose primary purpose is boundary determination. The products of a boundary determination can be plans, certificates or digital data. In Nigeria, cadastral survey can also be defined as a survey relating to land boundaries and subdivision made to create or define the limitations of a title and to determine a unit suitable for transfer including survey involving retracements for the identification and resurveys for the restoration of property lines.

The basic building block of any successful land reform is the cadastral survey dataset. The problem of cadastral survey in Nigeria can be traced to the operation, funding and public perception of the need or its desirability. Funding has a great role to play since it has a direct impact on the mode of operation. There are lacks of dynamic cadastral plan, cadastral maps as well as scarcity of up-to-date accurate and proper densification ground control system in the country.

The survey laws and regulation in Nigeria were made to ensure uniform and standard survey practice and to control the surveying professional practices. Before the advent of the Land Use Act of 1978, there were different methods of land registration recognized in the country which

include statutory right of occupancy, customary right of occupancy and title registration. However, the implementation of the act has increased the need for survey. This increase in survey and title registration has given rise to more demand for surveyors. However, the activities of quacks have brought doubt into survey operation, which if measure is not taken, the principles and prestigious rule put in place by SURCON(Surveyors Council of Nigeria) may be in shambles.

### **Quacks and Their Activities**

Quack is a fraudulent or ignorant pretender to medical skill or a person who pretends professionally or publicly, to skill, knowledge, or qualifications he or she does not possess, a charlatan. A quack surveyor therefore is that person who does not possess the qualification by law to practice surveying or any surveyor who is duly certified by law of Federal Republic of Nigeria to practice, but because of greed and criminal tendencies he overlooks the ethics of the profession and involves his or her self in ill practices just to enrich himself or herself is tantamount to quack. Therefore, quackery is the activities of non-professional or registered surveyors who involve themselves in unethical practices. These persons should be made to face the punishment accrued to their offences. One of the major problems to day in our National survey frame work is how to identify quack and unregistered surveyors. However, by their fruits we shall know them, for this reason, this paper will be looking at so many activities of quack surveyors are:

### **Recycling Allotted Pillar Numbers**

The quacks in most states engage themselves in pillar recycling, this is to avoid payment of mandatory deposited. According to Bassey Erete 2017, during his swearing in, Cross River state wanted quacks in the profession to stop recycling survey pillars on survey plots in the state. He said that it had become common knowledge to see quack surveyors recycling pillars and attaching their own prefix in order to evade payment of mandatory deposit. Example in Cross River state Nigeria, to survey a plot of land is one hundred and twenty thousand naira (₦ 120,000). Some of these quack surveyors go to already existing pillars and copy the number and attach their prefix, by so doing they will not pay the mandatory deposit. The effect of this is that such survey is fake in its totality and cannot be regarded as a legal document. This kind of survey cannot be connected to survey Network of any particular state.

### **Use of Low Precision Instrument**

Most quacks find the use of instrument of low precision so fast and cheaper method for data acquisition. Examples of such instruments are hand held- Global Positioning System known as G.P.S, compass and tape. It is crystal clear today that the direct use of hand-held G.P.S receiver to acquire data in cadastral survey cannot guarantee accurate positioning. The negative effect of this is that the survey cannot be chart in a National or state frame work because of the errors that are associated with hand-held GPS. In most state today, quacks use this instruments to carry out cadastral survey their by sabotaging the legal procedure of cadastral survey. This practice can lead to dispute survey, which could be as a result of boundary overlap, fake boundary pillars and lack of authentic controls for other new surveys to be connected to the frame work.

### **Ignorant and Deliberate negate of survey Rules and Regulation of (CAP 194) of law of Federal Republic of Nigeria.**

These regulations had clearly stated numerous methods and procedure on how all kinds of survey should be carried out or executed in Nigeria. Example how to record field data in survey field book, computation sheet, and production of cadastral plans. The Act also explained in detail the conditions guiding the emplacement of Beacons on specific boundaries such as:

- When a river or a stream is considered the boundary, the Rule states that property beacon should be placed at the point between which such a river or stream is the boundary. It should be placed on the bank of the river above flood level.
- When the plot adjoins a major road to which the building line regulations apply then the frontage of the plot should be made to coincide with this building line which should be parallel to the road. The distance of the building line from the center line of the road would normally be given according to the type of the road and the building line regulation in force in the locality. On the other hand, if the road forms the boundary then the beacons should be placed at all turning points of the road and the chords joining these beacons will constitute the boundary.
- When the boundary side of a plot to be surveyed coincides with a longest side of a previously surveyed plot, the boundary beacons of the new survey must be placed exactly on line between the boundary beacons of the old survey so that the area of the older property is not affected by the new survey. Among other regulations stipulated by the act these are very crucial for this reason I choose them for illustrations. The quacks today in our society out of ignorant or lack of basic knowledge or skill have become an Actor of many crisis in the profession due to negligence of these rules or ignorant even though they say ignorant to the law is not an excuse. It is obvious that quack surveyors are just after their pocket without putting into consideration what happens to their clients or the National integrity after the survey job has been executed by them.

**Other products of quack may include the following:-**

- A survey plan with a registration seal of the surveyor: Every licensed surveyor has a seal which must be attached to every survey plan prepared by him or her. The seal is in a round shape and contains the acronym “SURCON” then inside of it is contained the registration number, usually written as REG No. 222
- A survey plan with inaccurate distance, bearing and coordinate observation or measurement: Quacks are too swift they would not use the right instrument and equipment this will make them not to get the right distance and square meters of the land, leading to the land being shot or more than the real dimension. This kind of aberrant practice always results to dispute their by causing loss of life and properties.
- Survey plan with incorrect plan Number or No plan Number: Every plan produced by a registered surveyor must have accurate plan Number, with this plan Number the survey will be lodged in the office of surveyor general of the state the number is always written at the left hand side of the plan. The implication of this wrong practice is that such plan cannot and will never be used for any legal tender it is considered as sketch. iv. Production of plans with back-dated date: any survey plan produced should show that date which it is produced if it is produced today 17/06/2020 it should be written as such anything than this is fake and fraud. The effect of this Back date is that it will be difficult or you may not even be able to process your title documents.

**Solution TO QUACKS**

The rate at which quacks are taking over the field of surveying has become an issue that needs a smart response. An Igbo proverb (in eastern region of Nigeria) says when a bird flies without perching, the hunter will learn how to shoot sporadically. If survey institutions like NIS and SURCON or other allied professional bodies ignore the existence and activities of quack in Nigeria, the survey profession will soon head to extinction. In line with these, below are some solutions to reduce the activities of quacks:

- Creation of Computer Assisted Cadastral System. This will be an ICT Data base that will contain the lodging of all cadastral plan produced digitally within every state of the federation, which the sole administrator will be the surveyor general of the state. This system should be able to control the cases of overlapping ownership of landed property, it will also check the activities fact land speculations within the state the example of this system are AGIS and CADGIS other states who are yet to exploit this system should endeavor to do so.
- A Committee should be constituted to monitor who are quacks and their activities. This Committee should also be involved in the supervision of all registered surveyors within the Nation. This Committee by their activities will fish out quacks and unethical surveyors. By so doing their activities will gradually go into extinction.
- SURCON should as matter of urgency enhance effective enforcement of survey laws and Act governing the practices of Cadastral surveyors within the Nigerian federation.
- Members of the public should be educated on who is a surveyor the identities and qualifies of certified or registered surveyor (legal surveyor), public awareness should also be on media regarding the consequences and punishment that are tantamount to any individual who processes fake survey plan and a result of engaging quack instead of legal surveyors.
- Graduate surveyors who are yet to enroll for registration should be encouraged and given maximum support by SURCON and their individual state NIS. There is no drought that the measure will contribute in gradual stemming of quackery.
- Federation Government through SURCON should organize seminar or media programmers that will educate unprofessional persons known as quacks on the danger and negative effect of quackery to National integrity and economy.
- These black sheep of the family should be made to know that it is only but one entrance to the house of surveyors which is the Council. According to Enabling Act CAPS. 18 law of the federation of Nigeria, 2004; section 4 sub-section a and b, “it states that the Council is hereby change with the general duty of
  - a. Determining who are surveyors for the purposes of this Act.
  - b. Determining what standards of knowledge and skill are to be attained by persons seeking to become registered as members of the profession of surveying (hereafter in this Act referred to as “the profession”) and reviewing those standards from time to time as circumstances may require”. This means that pretending to be professional in survey profession is a crime. So called quacks or unskilled professional should pass through federal government accredited university and polytechnic to obtain the their B.Sc., HND and ND certificate in any survey department of the above mentioned institutions accredited by NUC and NBTE respectively.
- For the quack, they should at least be encouraged to obtain at least ND (technician cadre) with the above mentioned certificates you can become a registered or legal surveyor after you must have passed your SURCON Examinations as enshrined in the Enabling Act, CAP. 518 of law of federation of Nigeria.
- Registered surveyors who still patronize quacks should check and scrutinize survey plan submitted to them before pending their signature. Ministry of land and survey should on their own endeavor to chart all cadastral plan submitted to them before lodging to ascertain authenticity and through positioning of the location and coordinate in the master plan especially in buildup areas.

- Standards and Ethics should all way be our major concern, effective policies and laws should be made to punish offenders and fake practitioners should be made to understand that ignorance of the law is not an excuse. SURCON should see Ethics as their top priority and as an integral part of their stewardship and service to the members of the profession. Finally, NIS and other survey organization with in different state of the federation should implement strong ethics programs and provide an avenue that will encourage strict adherence to the programs within their state.

#### **4.0 Conclusion**

Nigeria as a growing economy has witnessed so many upspring constructions and infrastructural development. Base on this rapid progression on infrastructural development, the activities of cadastral surveyors are not left behind for this reason, this paper has thoroughly investigated ill activities of quack surveyors in our society, their negative effects and solution to this problem. Government and all stakeholders such as SURCON, NIS and APPSN should propel forces together to end these sabotaging activities of quack surveyors for the benefit of Nigeria nation and her economic growth.

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