

ABSTRACT

Land is very central for human survival and development. In fact, it is so elemental to human survival that it can be said that it is where life begins and it is where life ends. Land is the source of livelihood and to many a Kenyan it is the source of food, shelter, clothing and even medicine. Consequently the procedure of acquisition of rights or interest over the same cannot be any less significant. In that regard the Constitution of Kenya 2010 does recognize such right and provides for the same under Article 40. This is the right to own property as a fundamental human right under the Bill of Rights. More-so, chapter 5 of the supreme law is dedicated to land and environment. We shall have a greater in-depth of this at a later stage of this paper. Historically, the colonization of African countries by imperialists discouraged the communal life of African communities. More particularly, the colonialists sought to eliminate the idea of communal land ownership by introducing individual land ownership'. They argued that communal land ownership was primitive and unproductive, throughout the period of colonization the ways, behaviors and laws of the Briton were instilled in us. We have perfected the same over the years and concerning land registration, we wholesomely adopted their laws and practice with just some minor amendments.