

1. Disturbed Areas Bill 2026–Polity

Rajasthan moves to adopt Gujarat's 'disturbed areas' Act– What is the controversial law? Rajasthan plans to introduce a 'Disturbed Areas' Bill modeled on Gujarat's law, mandating District Collector approval for property transfers in communally sensitive zones to prevent distress sales. However, the move is controversial for potentially violating fundamental rights (Articles 15 and 19) and enabling state-sanctioned demographic policing.

Disturbed Areas Act

Origin– Originally enacted in Gujarat (1991) as the *Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act*.

Core Purpose– To control communal polarization and maintain demographic stability in specific localities that have a history of or are vulnerable to communal riots.

Mechanism– It restricts the free transfer of immovable property in notified areas to prevent "distress sales" and segregation.

Provisions of the Proposed/Model Act

1. Designation of Areas– The District Collector has the authority to designate specific localities as 'disturbed areas'. This designation is typically based on a history of communal tensions or riots.

2. Restriction on Property Transfer–Mandatory Permission– Under Section 5 (a) and (b), any transfer of immovable property (sale, lease, gift) within these designated zones requires prior permission from the Collector.

3. Affidavit Requirement– The seller must submit a formal affidavit confirming that the sale is entirely voluntary. The transaction is happening at a fair market price.

4. The Collector's Inquiry– Before approving the sale, the Collector conducts a formal inquiry. The inquiry verifies if there is any coercion involved or if the sale is likely to disturb the demographic balance. Based on the findings, the Collector either approves or rejects the property transfer.

Amendments and Strengthened Powers (Based on Gujarat's 2020 Amendment)

Recent precedents in Gujarat, which Rajasthan may emulate, have significantly tightened the law–

Feature	Description
Enhanced Scrutiny	The Collector has broader powers to scrutinize transactions specifically to check for potential "communal clustering".
State Review	The State Government creates a supervisory mechanism where it can review the Collector's decisions <i>suo motu</i> (on its own), even if no appeal has been filed by the parties involved.
Stricter Penalties	Penalties for violating the Act were increased from a mere six months to imprisonment of three to five years.

Rationale– Need for the Law in Rajasthan

1. Distress Sale Prevention– The primary justification is to protect vulnerable property owners in sensitive areas. It aims to stop them from being forced into selling their properties at below-market rates due to fear, intimidation, or localized unrest.

2. Communal Stability– It serves as an administrative tool to prevent sudden, mass displacement of a community from a specific area. –The state argues this prevents the "ghettoization" that often triggers social friction in sensitive localities.

3. Orderly Urbanization– The State views rapid, unplanned property transfers in mixed neighborhoods as destabilizing to settlement patterns. –The law aims to regulate these transfers to maintain the existing character of neighborhoods.

Concerns & Criticisms

1. Demographic Policing Risk

Social Engineering– The Act allows the state to indirectly regulate *who* can buy property *where*.

Discretionary Power– Critics argue this leads to "demographic policing," enabling administrative officials to reshape neighborhood composition based on subjective criteria.

2. Fundamental Rights Conflict

Article 19(1)–The restrictions raise serious questions about the violation of the fundamental right to reside and settle freely in any part of the territory of India.

Article 15– By effectively checking the religion of buyers and sellers to prevent "clustering," the law potentially violates the prohibition of discrimination on religious grounds.

3. Legal and Practical Hurdles

Judicially Stayed Logic– Rajasthan's draft uses terms like "improper clustering," mirroring Gujarat's 2020 amendment. Notably, the operation of these specific amendments in Gujarat remains stayed by **the** High Court due to constitutional challenges.

Chilling Effect– Even genuine, voluntary inter-community property sales face massive hurdles. The process leads to delays, uncertainty, and harassment, effectively deterring legal transactions despite free consent and fair value.

Source– <https://indianexpress.com/article/explained/explained-law/rajasthan-gujarat-disturbed-areas-law-10490568/>

