

Disturbed Areas Act, 1986

Why in news?

Under the provisions of the Disturbed Areas Act, Surat property sealed over sale to Muslim woman recently.

- The Disturbed Areas Act was enacted in the year 1986 and replaced with a new Act in 1991.
- **Act's full name** - The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act.
- **Riot-prone areas** - It empowers the government to declare riot-prone areas as 'disturbed'.
- **Collectors Consent** - Property sale or transfer in areas where the Act has been imposed *requires additional permission from the collector's office* affirming free consent.
- **Distress sales** - The motive of the Act was to *prevent distress sales*. It was also to prevent house owners of one community from selling to another in case of social distress.
- **Areas are covered under the Act** - Several areas in the districts of Ahmedabad, Vadodara, Surat, Anand, Amreli, Bhavnagar, Panchmahals and others remain under the purview of the Act, with newer areas being added.
- The Gujarat government last month extended the application of the Act in existing areas of Anand district for another five years.
- **Amendments in 2020** - Gave more power to Collector, government.
- In 2020, the Gujarat government amended certain sections of the Act, giving the Collector more powers.
- Under the Disturbed Areas Act, the district Collector notifies a particular area of a city or town as 'disturbed'.
 - After this, the transfer of immovable property in those areas requires express permission of the Collector.
- The amendments raised the imprisonment for violation from six months to between three and five years.

1986 Disturbed Areas Act introduced as ordinance by Congress government to curb distress sales during communal conflicts in Ahmedabad.

1991 The ordinance is replaced by a permanent legislation under CM Chimanbhai Patel, eliminating the initially intended 1.5-year time limit and widening its ambit across Gujarat.

Post-2002 riots: Act is increasingly used to prevent Muslims from buying properties in 'Hindu' areas.

2019 Act amended with more stringent provisions. It mandates district collector's nod for any property transactions in disturbed areas. It says areas can be declared disturbed if "polarisation", "demographic equilibrium", or "improper clustering" is taking place. Amendments are challenged in Gujarat HC.

2021 Gujarat High Court stays the amendments, directing govt not to issue notifications under revised provisions.

October 2023 — present Gujarat government announces in high court that it is 'contemplating' revising the challenged amendments. BJP Vadodara president Vijay Shah hints new provisions may be even more stringent.

References

1. [Indian express - Disturbed Areas Act, 1986](#)

2. [The Print - Disturbed Areas Act, 1986](#)

