

Rajasthan Disturbed Areas Act: Why Gujarat-Style Property Law Is Triggering Constitutional Debate

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Rajasthan Disturbed Areas Act Latest News

- Rajasthan is preparing to introduce a Bill to declare **certain localities** as “**disturbed areas**” to address what it describes as demographic imbalance and improper clustering.
- Though the draft is not public yet, it closely mirrors Gujarat’s 1991 Disturbed Areas Act.
- While the state government presents the move as necessary to **preserve communal harmony**, the Gujarat law it draws from has faced sustained criticism over constitutional concerns and repeated judicial curbs on executive overreach in private property transactions.

Gujarat Disturbed Areas Act: An Overview

- Enacted in 1991 after repeated communal riots, the **Gujarat Disturbed Areas Act** was designed to prevent “distress sales” of property during periods of violence or intimidation.

- Its stated aim was to protect vulnerable property owners from being forced to sell assets below market value due to fear or coercion.

How the Act Works

- Under the law, the state government can notify an area as a “disturbed area” based on a history of communal violence or mob unrest.
- Once notified, any transfer of immovable property — including houses, shops or land — requires prior approval from the district collector.
- Transactions carried out without this sanction are deemed void.

Role of the District Collector

- The collector is mandated to conduct a formal inquiry before granting approval, to ensure that the sale is voluntary and not the result of pressure, threat or inducement.
- This administrative scrutiny is central to the functioning of the Act.

Constitutional and Legal Concerns

- Critics argue that by regulating property transactions, the Act effectively enables the state to influence the demographic composition of neighbourhoods.
- This raises concerns under **Article 19(1)(e)**, which guarantees the right to reside and settle anywhere in India, and **Article 15**, which prohibits discrimination on grounds such as religion or caste.
- Legal scholars contend that the law risks curbing free movement and organic social integration under the guise of protection.

Legal Scrutiny of the Gujarat Disturbed Areas Act

- The constitutional validity of the Gujarat Disturbed Areas Act is currently being examined by the Gujarat High Court.
- Two key petitions, filed in January 2021 and August 2022, are pending before benches led by the Chief Justice.
- One petition filed by Jamiat Ulama-e-Hind Gujarat sought an interim stay in 2024, alleging misuse of the Act to harass citizens.
- The High Court refused interim relief. The Supreme Court also declined to intervene, directing an expedited hearing in the High Court instead.

Challenge to the 2020 Amendment

- Petitioners, however, succeeded in challenging the 2020 amendment that expanded the Act’s scope.
- The amendment introduced vague concepts such as “proper clustering” and “demographic equilibrium,” granting collectors wider discretionary powers.
- In January 2021, the Gujarat High Court stayed the operation of these expanded provisions, preventing the state from issuing notifications under the amended language. This interim stay remains in force.

Relevance to Rajasthan's Proposal

- The Rajasthan government's stated objective of preventing "improper clustering" closely mirrors the language of the stayed Gujarat amendment, raising fresh constitutional and legal concerns.

Free Consent and Fair Market Value: Limits on State Power

- **Collector's Authority Under Judicial Review** – Although the Disturbed Areas Act declares the collector's decision final, the Gujarat High Court has consistently exercised judicial review under **Article 226** to check administrative overreach and rights violations.
- **Narrow Scope of Collector's Inquiry** – Through multiple rulings, the High Court has clarified that a collector's role is strictly limited to verifying **two factors**: whether the sale reflects free consent and whether it is at fair market value. No other considerations are permitted.
- **Law and Order Grounds Rejected** – In a March 2020 case involving a Hindu seller and Muslim buyers in Vadodara, the High Court quashed a collector's refusal based on police reports citing law and order concerns. The court held such inquiries irrelevant to the Act's purpose.
- **No Role for Neighbours' Objections** – The court has repeatedly ruled that neighbours have no legal standing in private property transactions.
- **Police Reports as Extraneous Considerations** – In October 2023, the High Court set aside another collector's rejection that relied on police inputs. The court reiterated that relying on such extraneous grounds amounted to jurisdictional overreach.
- **Core Purpose of the Act Reaffirmed** – As recently as September 2025, the High Court emphasised that the Act's sole objective is to prevent distress sales caused by coercion or fear — not to manage law and order or regulate demographic patterns.

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