



Gujarat's Disturbed Areas Act

 drishtiias.com/printpdf/gujarat-s-disturbed-areas-act

Why in News

The **President has given his assent to a Bill passed by the Gujarat Assembly** in 2019, which made **some amendments** to the 'Gujarat Prohibition of Transfer of Immovable Property and Provisions of Tenants from Eviction from Premises in Disturbed Areas **Act, 1991**' - popularly known as the '**Disturbed Areas (DA) Act**'.

Key Points

- **About the Act:**

- The Act was **first introduced in Ahmedabad** in 1986.
 - At that time, due to large scale and continuous riots in Ahmedabad city, a number of areas started witnessing distress sale of properties mainly by people of a particular community.
 - To check that, the then Gujarat government had brought in an ordinance. Later, it was converted into the DA Act in 1991.
- Under the DA Act, a **District Collector can notify a particular area** of a city or town as a “**disturbed area**”. This notification is generally done **based on the history of communal riots in the area**.
- Following this notification, the **transfer of immovable property** in the disturbed area **can take place only after the Collector expressly signs off on an application** made by the buyer and the seller of the property.
 - In the application, the seller has to attach an **affidavit** stating that she/he has sold the property of her/his free volition, and that she/he has got a fair market price.
- **Violation of the Act’s provisions**, that is, if property in a notified disturbed area is transferred without the Collector’s permission, **invites imprisonment and a fine**.
- The state government claims it is **aiming to check communal polarisation of various parts** of the state through the Act.
- The DA Act is **applicable in** Ahmedabad, Vadodara, Surat, Himmatnagar, Godhra, Kapadvanj and Bharuch.

- **Reasons for Amendment:**

- There were reports of **anti-social elements selling and buying properties** after either threatening people or luring them with higher prices, in areas marked as “disturbed”.
- It was reported that at times, anti-social elements had **got transfers done even without the Collector’s prior permission** by getting the transfer deed registered under the provisions of the Registration Act, in which the Collector’s prior sanction under the DA Act was not required.
 - This had resulted in clustering or polarisation of localities.
- To plug such loopholes, and **to increase the punishment for the violation of the Act as deterrence**, the amendment Bill was presented and passed in the Gujarat Assembly in July 2019.

- **Amendments:**

- **More Powers to the Collector:** To ascertain if there is a likelihood of “polarisation” or “improper clustering” of persons belonging to a particular community, thus disturbing the demographic equilibrium in the area.
For probing these aspects, the **formation of a Special Investigation Team (SIT)** has also been envisaged.
- **Review Power to the State:** The state government is authorised to review a decision taken by the Collector.
- **Advisory Committee:** Enables the state government to form an advisory committee that will advise it on various aspects of the DA Act, including adding new areas to the ‘disturbed areas’ list.
- **Disturbed Area:** The government **can notify any area as a ‘disturbed area’ where it sees the possibility of a communal riot**, or where it sees the possibility of a particular community’s polarisation.
- **Strict Provisions:**
 - To check the registration of transfer of properties in disturbed areas without the Collector’s prior approval, the amended Act has a provision to **enlarge the scope of the term ‘transfer’**, and include transfer of right, title or interest in or over such property in disturbed areas by way of sale, gift, exchange, and lease.
 - The Act has **amended the Registration Act** under which no property in disturbed areas can be registered without prior sanction of the Collector.
 - **Redevelopment of the Property** is allowed only if it is for the owner’s purpose. But if the owner is planning to bring new people on the redeveloped property, she/he has to take the permission of the Collector.
- **Non-Applicability:** The provisions of the Act will not be applicable to the **government’s rehabilitation schemes** in a disturbed area, where it resettles displaced people.
- **Penal Provisions:** The amendment has **increased the punishment to imprisonment between three and five years**. The **fine** has also been **increased to Rs. 1 lakh, or 10% of the jantri rate** (ready reckoner of property prices in different parts of the state) of the property, **whichever is higher**.
The punishment for the violation of the Act was earlier imprisonment for six months and fine up to Rs.10,000.

Source: IE