

PrepAlpine

The Next-Generation UPSC Institution

Where Research Meets Mentorship & Precision



Preparation Meets Precision

A Next-Generation Learning Institution

Copyright © 2025 PrepAlpine

All Rights Reserved

No part of this publication may be reproduced, distributed, or transmitted in any form or by any means—whether photocopying, recording, or other electronic or mechanical methods—without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain non-commercial uses permitted by copyright law.

For permission requests, please write to:

PrepAlpine

Email: info@PrepAlpine.com

Website: PrepAlpine.com

Disclaimer

The information contained in this book has been prepared solely for educational purposes. While every effort has been made to ensure accuracy, PrepAlpine makes no representations or warranties of any kind and accepts no liability for any errors or omissions. The use of any content is solely at the reader's discretion and risk.

First Edition: January 2026

Printed and published by PrepAlpine

DAILY CURRENT AFFAIRS DATED 22.01.2026

GS Paper II: Current Affairs

1. Disturbed Areas Laws and Regulation of Property Transfers

a. Conceptual Overview

The regulation of property transfers in *disturbed areas* represents a complex intersection of public order, individual liberty, and constitutional governance. In recent years, certain Indian States have enacted or proposed laws empowering the executive to declare specific localities as disturbed and to regulate—sometimes prohibit—the transfer of immovable property within such areas.

Immovable property in this context includes land, residential houses, and buildings. Once an area is notified, private transactions such as sale, purchase, gift, or lease are subjected to prior State approval.

The stated rationale is rooted in experiences of communal violence, prolonged unrest, and forced migration, where residents may be compelled to sell property under fear, coercion, or economic distress. However, when the State enters the domain of private property transactions, serious constitutional, legal, and ethical questions arise.



b. Understanding the Concept of a “Disturbed Area”

A *disturbed area* refers to a locality that the State government considers sensitive or volatile due to a sustained breakdown of public order. Such disturbances may arise from communal riots, recurring mob violence, prolonged social unrest, or sudden population movements generating social tension.

Crucially, the term “disturbed area” has no mention or definition in the Constitution of India. There is also no uniform national framework governing its declaration. Its meaning, scope, and consequences depend entirely on the language of individual State laws and the discretion exercised by the executive.

This absence of constitutional or statutory uniformity lies at the heart of most legal and judicial challenges to such legislation.

c. Core Architecture of Disturbed Areas Property Laws

The defining feature of these laws is mandatory prior State permission for the transfer of immovable property located within a notified disturbed area.

Key operational features typically include:

Prior Approval Requirement

- Any sale, purchase, gift, exchange, or long-term lease requires written approval from a designated authority.
- Transactions undertaken without permission are declared legally invalid.

Penal and Regulatory Consequences

- Registration of such transfers may be cancelled.
- Parties may face fines or other statutory penalties.

Through this mechanism, a traditionally private civil transaction is transformed into a matter of public regulatory control, justified on grounds of public order.

d. Objectives Claimed by the State

The State advances multiple justifications to defend such regulatory intervention.

Prevention of Distress Sale

During periods of violence or fear, property owners—often minorities—may be compelled to sell assets at prices far below market value. Regulatory oversight is projected as a protective mechanism against such exploitation.

Protection of Tenants from Forced Eviction

Communal unrest frequently creates conditions where tenants are unlawfully evicted without due process. State supervision of transfers is argued to safeguard tenancy rights.

Maintenance of Public Order

The State contends that sudden or unregulated demographic changes in sensitive localities may intensify social tensions and trigger further violence. Controlled property transfers are thus framed as *preventive* rather than punitive measures.

e. Constitutional and Legal Framework

The Constitution provides both enabling authority and limiting safeguards for such laws.

Legislative Competence

- Under the Seventh Schedule, *public order* and *land* fall within the State List, granting States legislative competence.
- The right to property under Article 300A is no longer a fundamental right, allowing regulation through law.

Constitutional Constraints

- **Article 14** mandates equality before law and prohibits arbitrary State action.
- **Article 19(1)(e)** guarantees the right to reside and settle in any part of India.
- **Article 300A** requires that any deprivation or restriction of property must follow due process of law.

Thus, while regulation of property is constitutionally permissible, it must be reasonable, proportionate, non-discriminatory, and procedurally fair.

f. Major Constitutional Concerns

Despite legislative competence, several constitutional vulnerabilities persist.

Vagueness and Indeterminacy

Terms such as *demographic imbalance*, *improper clustering*, or *social disturbance* lack precise legal definition. Laws based on such vague standards are susceptible to challenge under Article 14 for arbitrariness.

Excessive Executive Discretion

The executive often retains unilateral authority to:

- Declare an area as disturbed,
- Determine the duration of notification, and
- Approve or reject individual property transactions.

The absence of objective criteria and procedural safeguards creates scope for selective or biased application.

Indirect Restriction on Freedom of Settlement

Although Article 19(1)(e) is not explicitly restricted, denial of property purchase effectively prevents

individuals from settling in particular localities, producing a *substantive* rather than *formal* restriction.

Due Process under Article 300A

Blanket, indefinite, or poorly reasoned controls often fail the constitutional test of proportionality and procedural fairness required for lawful property regulation.

g. Social and Economic Implications

Beyond constitutional legality, such laws have significant societal consequences.

Economic Effects

- Property values in notified areas decline due to regulatory uncertainty.
- Investor confidence weakens, discouraging development and slowing urban growth.

Social Consequences

- These laws risk institutionalising residential segregation.
- When property transactions become identity-sensitive or administratively filtered, governance appears partial rather than neutral.

Over time, this fosters a trust deficit between citizens and the State, undermining the very social harmony the laws claim to protect.

h. Comparative and Judicial Perspective

The Gujarat Disturbed Areas Act is the oldest and most litigated example of such legislation.

Judicial Approach

Courts have consistently held that:

- Public order is a legitimate State objective, but
- Restrictions must be reasonable, proportionate, and based on objective criteria.

Comparative Global Practice

Globally, democratic states rarely regulate demographic patterns through property controls. Public order is generally addressed through policing, criminal law, rehabilitation, and reconciliation rather than restrictions on private property transactions.

i. Way Forward: Towards Constitutional Balance

A constitutionally sustainable approach requires restraint, precision, and accountability.

Legal Clarity

- Core terms must be clearly defined to eliminate ambiguity.

Procedural Safeguards

- Notifications should be time-bound and subject to periodic review.
- Executive discretion must be guided by objective criteria.

Institutional Remedies

- Independent appellate mechanisms should be provided against arbitrary denial of permission.

Governance-First Strategy

- Rather than demographic control, the State should prioritise effective policing, victim compensation, rehabilitation, and community reconciliation.

Conclusion

While the State may regulate property transfers to protect public order in disturbed areas, such powers must remain narrowly tailored, transparent, and time-bound. Without clear definitions, procedural safeguards, and accountability, these laws risk arbitrariness and social fragmentation. Ultimately, durable public order is better secured through effective governance, policing, and reconciliation rather than prolonged control over private property transactions.

GS Paper IV: Ethics, Integrity and Aptitude

2. Prior Sanction in Corruption Cases: Concept, Law, and Constitutional Debate

a. Introduction

India's anti-corruption framework is built around a fundamental constitutional dilemma: how to protect honest public servants without shielding corruption. The central question is whether government permission should be required *only before prosecution*, or even *before investigation itself* begins.

Traditionally, the law required prior sanction only at the stage of prosecution. However, recent legal changes have introduced an additional layer of protection at the investigation stage, fundamentally altering the balance between administrative protection and criminal accountability.

Understanding this distinction is essential to evaluate governance, equality before law, and the rule of law under the Constitution.

b. Prevention of Corruption Act, 1988: Statutory Framework

The Prevention of Corruption Act, 1988 (PC Act) is the principal law governing corruption offences in India.

Scope and Coverage

- Applies to government servants, officials of local authorities, judges, and persons performing public duties.
- Covers bribery, undue advantage, abuse of official position, and criminal misconduct.

Underlying Objective

The Act seeks to ensure probity in public life, deter misuse of power, and uphold accountability of public officials entrusted with public authority.

c. Meaning and Rationale of Prior Sanction

Prior sanction refers to formal approval by a competent authority before certain legal steps can be taken against a public servant.

Administrative Justification

- Protection of honest officers from frivolous or motivated complaints.
- Prevention of harassment through vexatious litigation.
- Ensuring that decision-making is not paralysed by fear of criminal prosecution for bona fide actions.

Constitutional Limitation

Such protection is constitutionally acceptable only if it does not obstruct investigation or dilute accountability. The stage at which sanction is required becomes crucial.

d. Sanction for Prosecution under Section 19: The Settled Position

Section 19 of the PC Act provides that no court shall take cognisance of offences under the Act without prior sanction from the competent authority.

Stage of Operation

- Investigation is completed.
- Evidence is collected and evaluated.
- Sanction is required only before trial begins.

Judicial Acceptance

Courts have consistently upheld Section 19 because:

- It does not interfere with investigation.
- It acts as a post-investigation filter against weak or malicious cases.
- It balances protection of honest officers with accountability.

As a result, prior sanction at the prosecution stage is a constitutionally settled and accepted safeguard.

e. Section 17A: Introduction of Sanction at the Investigation Stage

A major shift occurred with the 2018 amendment, which inserted Section 17A into the PC Act.

Core Provision

No inquiry or investigation shall be initiated against a public servant without prior government approval if the alleged offence relates to a decision taken or recommendation made in discharge of official duties.

Structural Departure

This provision introduces executive control at the very entry point of investigation, a departure from earlier legal practice where investigation was independent of executive permission.

f. Rationale Offered for Section 17A

The State justifies Section 17A on administrative and governance grounds.

Fear of Policy Paralysis

- Officers may face criminal action for bona fide policy decisions.
- Excessive caution and delay in decision-making may result.

Encouraging Decisive Governance

By requiring prior approval, the provision seeks to ensure that officers can act without constant fear of future investigation.



g. Constitutional Concerns with Section 17A

Despite its stated objectives, Section 17A raises serious constitutional issues.

Violation of Equality Before Law (Article 14)

- Ordinary citizens can be investigated without permission.
- Public servants receive special protection even before investigation.
- This differential treatment raises questions of reasonable classification.

Erosion of Rule of Law

- Investigation is the foundation of criminal justice.
- Delaying or preventing investigation risks loss of evidence.
- No office or authority should be placed beyond investigative scrutiny.

Excessive Insulation from Accountability

When Section 17A is combined with Section 19:

- One layer blocks investigation.
- Another layer controls prosecution.

The cumulative effect may approximate de facto immunity, particularly for high-level decision-makers.

h. Judicial Position Prior to Section 17A

Before the 2018 amendment, judicial thinking was consistent and clear.

Core Judicial Principle

Investigation must remain free from executive interference.

Key Reasoning

- Prior permission at the investigation stage undermines equality before law.
- It compromises independence of investigative agencies.
- Protection is acceptable only after facts are established.

The dominant judicial philosophy favoured accountability-first, protection-later.

i. Competing Perspectives in the Ongoing Debate

The controversy surrounding Section 17A reflects two competing governance philosophies.

Protection-Oriented Perspective

- Honest officers need shielding from harassment.
- Some preliminary screening is necessary to prevent misuse of criminal law.

Accountability-Oriented Perspective

- Investigation is fact-finding, not punishment.
- Protection should apply after evidence is gathered, not before.
- Shielding investigation risks normalising impunity.

This debate lies at the heart of constitutional governance.

j. Systemic Reforms for Effective Anti-Corruption Governance

A sustainable solution requires institutional reform rather than excessive legal insulation.

Speedy Investigation and Trial

Delay weakens deterrence and public confidence.

Independent Approval Mechanisms

- Sanction powers may be vested in autonomous bodies like Lokpal or Lokayuktas.
- This reduces conflicts of interest inherent in executive-controlled sanctions.

Safeguards Against Misuse

- Penalise false and malicious complaints.
- Maintain high professional standards of investigation.
- Clearly distinguish errors of judgment from corrupt intent.

k. Way Forward

The constitutional challenge is to balance administrative efficiency with accountability.

- Honest officers deserve protection.
- Investigation must remain independent and unhindered.
- Executive discretion should be narrow, transparent, and reviewable.

Ultimately, anti-corruption governance must reinforce equality before law, rule of law, and constitutional morality, rather than weaken them in the name of efficiency.

Conclusion

Prior sanction at the prosecution stage protects honest public servants, but extending it to the investigation stage risks weakening accountability and undermining the rule of law.

Reader's Note — About This Current Affairs Compilation

Dear Aspirant,

This document is part of the PrepAlpine Current Affairs Series — designed to bring clarity, structure, and precision to your daily UPSC learning.

While every effort has been made to balance depth with brevity, please keep the following in mind:

1. Orientation & Purpose

This compilation is curated primarily from the UPSC Mains perspective — with emphasis on conceptual clarity, analytical depth, and interlinkages across GS papers.

However, the PrepAlpine team is simultaneously developing a dedicated Prelims-focused Current Affairs Series, designed for:

- factual coverage
- data recall
- Prelims-style MCQs
- objective pattern analysis

This Prelims Edition will be released separately as a standalone publication.

2. Content Length

Some sections may feel shorter or longer depending on topic relevance and news density. To fit your personal preference, you may freely resize or summarize sections using any LLM tool (ChatGPT, Gemini, Claude, etc.) at your convenience.

3. Format Flexibility

The formatting combines:

- paragraphs
- lists
- tables
- visual cues

—all optimised for retention.

If you prefer a specific style (lists → paras, paras → tables, etc.), feel free to convert using any free LLM.

4. Monthly Current Affairs Release

The complete Monthly Current Affairs Module will be released soon, optimized to a compact 100–150 pages — comprehensive yet concise, exam-ready, and revision-efficient.

PrepAlpine