

1. 'Waqf by use' should be allowed or not?**Why now?**

Among the issues that the Supreme Court recently flagged with the amended Waqf Act, was the abolition of the concept of "Waqf by use" (referred to in the Act as "Waqf by user").

Legal Framework for Waqf Properties in India

Waqf Act of 1954

Purpose: Established State Waqf Boards to manage and oversee waqf properties for charitable use.



Waqf Act of 1995

Stricter Regulations: Strengthened waqf property management and protection.

1. **State & Central Waqf Boards:** Responsible for overseeing waqf assets.
2. **Surveys:** Regular state-led surveys to prevent misuse.
3. **Registration:** Mandatory registration of waqf properties.
4. **Mutawalli Role:** Defined trustee responsibilities and removal process for mismanagement.
5. **Property Protection:** Prohibits illegal sale or transfer of waqf assets.



2013 Waqf Amendment Act

Enhanced Powers: Strengthened the authority of Waqf Boards to prevent illegal encroachments.

- **Waqf Tribunals:** Established to handle waqf disputes quickly.
- **Transparency:** Required public notifications before changes to waqf property records.
- **Stricter Penalties:** Imposed harsher punishments for violations related to waqf properties.



What is the concept of 'Waqf by use'?

"Waqf by use" simply means that a property can be deemed to be a Waqf through use as a Waqf, even if the original declaration is suspect or non-existent. For example, even in the absence of a Waqfnama, a deed or a document through which a Muslim expresses intention to donate a property or land for charitable purposes or Waqf, a mosque can be deemed to be Waqf property if it is continuously used as such.

What are some key characteristics of a property being 'Waqf by use'?

LONG-TERM USAGE: The defining factor here is the sustained use of a property for religious or charitable purposes over an extended period. While the length of this use is not officially defined, Indian jurisprudence and legal statutes — including the Waqf Acts of 1954 and 1995 — have upheld the concept.

IMPLIED DEDICATION: A property's dedication to Waqf status can be inferred from its usage and the owner's conduct. This is the second key feature here. A property that is being used by a mosque, or one that is being used as a graveyard can, by the virtue of this usage, be considered 'Waqf by use' even in the absence of a formal Waqfnama.

Why is the abolition of this concept such a contentious issue?

In Islamic law, the dedication of a property as Waqf was largely done verbally until documentation became the standard norm. The amended Act, by omitting the provisions relating to the "Waqf by use," makes a Waqf property suspect in the absence of a valid Waqfnama — and open to interference by the government, or raising of land disputes by private entities.

As Senior Advocate Kapil Sibal, representing the petitioners challenging the amended Waqf Act in the SC, told the court: "Many of these Waqfs were created 100 years ago. Where do you find the records? They will now ask for a Waqf deed for a 300-year-old property... that's the problem".

Chief Justice of India Sanjiv Khanna seemed to echo these concerns. He said: "Before the Britishers came, we did not have a land registration law or Transfer of Property Act. Many of the masjids were created in the 14th or 15th centuries. To require them to produce a registered deed is impossible. Most of the cases, say Jama Masjid Delhi, the waqf will be waqf by user".

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express

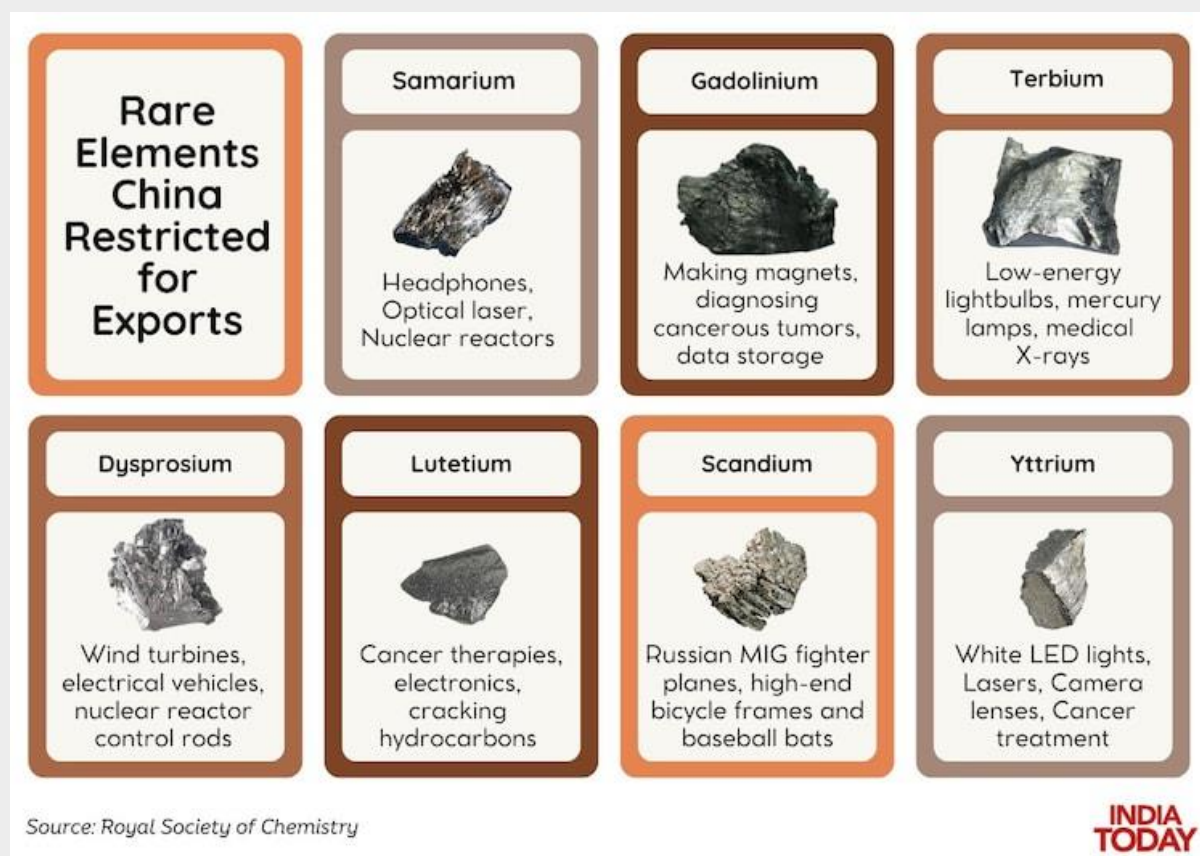
2. China restricts exports of rare earths: What will be the impact?

Why in News?

China announced restrictions on the export of seven "rare earths", soon after US President Donald Trump decided to impose tariffs on most of the country's trade partners earlier this month.

These elements are crucial for manufacturing high-value goods, including in the fields of defence and clean energy, as well as everyday items like smartphones and electronic displays.

Since the 1990s, China has held an unrivalled dominance over rare earths, supplying 85 to 95 per cent of the world's demand.



What are rare earths?

Rare Earth Elements or Rare Earth Metals are a set of 17 chemical elements in the periodic table — cerium (Ce), dysprosium (Dy), erbium (Er), europium (Eu), gadolinium (Gd), holmium (Ho), lanthanum (La), lutetium (Lu), neodymium (Nd), praseodymium (Pr), promethium (Pm), samarium (Sm), scandium (Sc), terbium (Tb), thulium (Tm), ytterbium (Yb), and yttrium (Y). All have similar chemical properties and appear silver-coloured.

According to the United States Geological Survey (USGS), most REEs are not as rare as their name suggests. While nearly all REEs are more abundant on average in the Earth's crust than silver, gold, or platinum, it is unusual to find concentrated and economically mineable deposits. China holds expertise in the refining of rare earths more than any other country.

Impact on Environment

Ironically, even as REEs are being used to build electric vehicles and wind turbines, all part of the push for "clean energy", their mining process results in significant environmental damage. For instance, rare earth ores contain arsenic and cadmium, which are allowed in the open air during the refining process. These elements can harm human health and contaminate water sources.

Uses

REEs' unique magnetic and optical properties lend them to a multiplicity of uses, including making phosphors, or substances that emit luminescence, for making digital displays and screens. Increasingly, REEs are being used to build powerful magnets, with uses in parts of automobile manufacturing — power steering, electric windows, power seats, and audio speakers.

Why has China restricted rare earth exports?

Ores of rare earth oxide are found in China, Russia, the United States, India, and Australia (in descending order), but China dwarfs others in production and refining.

In the 1990s, China's government declared rare earths to be a "protected and strategic mineral". Since then, it has periodically ordered restrictions on their extraction based on changing domestic and global demand, as well as during disputes with other countries. In 2010, following Japan's detention of a Chinese fishing trawler captain, rare earths exports were blocked for some time.

In 2022, China threatened to stop exporting rare earth materials to the US amid the trade war between the countries during the first Trump administration.

This time, China's Ministry of Commerce (MOFCOM) and the General Administration of Customs (GAC) announced export controls on seven rare earths — samarium, gadolinium, terbium, dysprosium, lutetium, scandium, and yttrium.

Relevance: GS Prelims & Mains Paper II; International Relations

Source: Indian Express

3. ED summons Robert Vadra: All about the DLF land deal case in which he will be questioned

Haryana Land Deal Case



Robert Vadra, businessman and husband of Congress MP Priyanka Vadra, appeared before the Enforcement Directorate (ED) recently over alleged irregularities in a land deal his company made in 2007-08.

Vadra claimed the move was part of a "political vendetta" aimed at silencing him and his brother-in-law, Congress leader and Leader of Opposition Rahul

Gandhi. He added that he would answer questions as part of the investigation. This was the second summons issued to him by the ED this month.

The BJP has levelled allegations of corruption and misuse of political power against Vadra since the Congress-led UPA government was at the Centre. What is the case, and how have subsequent governments acted on it?

What is the case in which the ED summoned Vadra?

It pertains to a land deal between Vadra's Skylight Hospitality and real estate giant DLF Universal Ltd. It came to light after Haryana cadre IAS officer Ashok Khemka cancelled its mutation, a process reflecting the transfer of property, in October 2012.

The BJP raked up the issue in the run-up to the 2014 Legislative Assembly elections, which it went on to win. It released a six-page booklet titled "Damad Shree" and referred to Vadra's other allegedly unscrupulous deals in Rajasthan and Haryana. The party also claimed that the Gandhi family helped Vadra secure the deals when the Congress was in power in the state and the Centre.

What happened under this deal?

Vadra launched Skylight Hospitality in 2007 with a capital of Rs 1 lakh. The next year, the company bought about 3.5 acres of land in Manesar-Shikohpur in Gurgaon from Onkareshwar Properties for Rs 7.5 crore. The plot was mutated in favour of Skylight the next day, and the land title was transferred to Vadra within 24 hours of the purchase. This process usually takes at least three months.

A month later, the Congress-led Haryana government permitted Skylight Hospitality to develop a housing project on most of the land, leading to an immediate increase in the land's value.

In June 2008, DLF agreed to buy the plot for Rs 58 crore, meaning that in just a few months, the value of Vadra's property had increased by around 700%. The payment was made to Vadra in instalments, and it was only in 2012 that the mutation transferring the colony license on the land was transferred to DLF.

What was Khemka's role?

Khemka, then Director General of Consolidation of Land Holdings and Land Records-cum-Inspector General of Registration, cancelled the mutation of the 3.531-acre plot in 2012. He was transferred on Haryana Chief Minister Bhupinder Singh Hooda's orders hours later, on October 11, 2012.

However, Khemka completed the probe and set aside the mutation on October 15, 2012, before relinquishing the charge. His order said the assistant consolidation officer who sanctioned the mutation was not empowered to do so. It noted, "the village of Shikohpur was notified under 14(1) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, on August 5, 2011, and transfer of property during the pendency of consolidation proceedings without the sanction of the consolidation officer was prohibited".

What did the Haryana government do?

After Khemka's order sparked a controversy, the Haryana government formed a panel of three senior IAS officers — Krishna Mohan, Rajan Gupta, and K K Jalan — to examine the issue. In April 2013, the government gave a clean chit to both Vadra and DLF and instead accused Khemka of "acting beyond the authority vested in him".

After coming to power in 2014, the BJP-led government under Manohar Lal Khattar set up the one-man Justice Dhingra Commission of Inquiry. It submitted an 182-page report to the state government on August 31, 2016, but it was never made public.

In 2016, Hooda moved the Punjab and Haryana High Court, challenging the decision to set up the Dhingra Commission. On the first day of the hearing on November 23, 2016, the government gave an undertaking that the report "shall not be published". However, sources said that the Dhingra report had recommended an investigation against Hooda, concluding that "his conduct allegedly comes under the purview of the Prevention of Corruption Act for giving pecuniary advantage to close associates".

In 2018, an FIR was registered against Hooda, Vadra, and DLF and Onkareshwar Properties for alleged criminal conspiracy, cheating, fraud, and forgery, and under provisions of the Prevention of Corruption Act. Hooda, Vadra, and the Congress party have always denied any wrongdoing.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express

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