

MINUTES OF 162nd (EMERGENT) MEETING OF NATIONAL COUNCIL FOR HOMOEOPATHY HELD ON 05TH NOVEMBER, 2023 AT NCH OFFICE, RAWALPINDI.

The Following members attended the meeting:-

S/No	Name	Designation
1.	Homoeopathic Doctor Rao Ghulam Murtaza	President
2.	Homoeopathic Doctor M.B. Jawed Awan	Member
3.	Homoeopathic Doctor Naeem Hafeez	Member
4.	Homoeopathic Doctor Muhammad Irfan Wali	Member
5.	Homoeopathic Doctor Ilahi Bux	Member
6.	Homoeopathic Doctor Muhammad Aslam Khan	Member
7.	Homoeopathic Doctor Tabassum Hussain	Member
8.	Homoeopathic Doctor Waheed Ahmad	Member
9.	Homoeopathic Doctor Siddique Ali Ansari	Member
10.	Homoeopathic Doctor Raheel Muhammad	Member
11.	Homoeopathic Doctor Muhammad Asif Khan	Member
12.	Homoeopathic Doctor Tariq Khan	Member
13.	Homoeopathic Doctor Javed Akhter	Member
14.	Homoeopathic Doctor Aisha Nawaz	Member
15.	Dr. Shahzad Khurshid	D.S (Budget)/Member
	Mr. Aamir Nadeem Ramay	Secretary/Registrar

- Homoeopathic Doctor Saeed ur Rehman Khattak, Homoeopathic Doctor, Faisal Saleem, Homoeopathic Doctor Mahmood Ul Haq Abbasi and Homoeopathic Doctor Muhammad Idress Tareen (Members NCH) did not attend the meeting due to their personal engagements.
- Homoeopathic Doctor Muhammad Moin Khan and Homoeopathic Doctor Irum Naz Akhter did not attend the meeting due to sickness.

2. Meeting started at 11:30 a.m. Homoeopathic Doctor Waheed Ahmad recited verses from the "HOLY QURAN." Homoeopathic Doctor Siddique Ali Ansari offered Na'at Sharif. Meeting chaired by the President Homoeopathic Doctor Rao Ghulam Murtaza. He welcomed all the members for their participation in the meeting.

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OFFICE POINTS:-

Agenda Item No. 1: To discuss and decide the Notice bearing No. RDA/LU & BC-3221 dated 28-09-2023 received from Rawalpindi Development Authority regarding NCH Building, Fazal Town, Phase-1, Airport Link Road, Rawalpindi.

The Secretary put up the first agenda item before the House regarding RDA Notice dated 28-09-2023. He stated that in response to the notice that is under consideration by the Council, an emergent meeting of the Council has convened to discuss and obtain approval for financial matters. As regard the matter timing of this meeting, it is pertinent to mention here that meetings of the Examining Body, NCH and Syllabus Committee NCH were scheduled on 2nd, 3rd & 4th November, 2023 at NCH office and 10 Members of the Council were already scheduled to attend both of these meetings. Therefore, to minimize the financial expenditure, it was proposed that in conjunction with the aforementioned scheduled meetings an urgent meeting of the NCH bypassing the usual procedures, for issues of an urgent and exceptional nature be convened on 5th November, 2023, as per Regulation 4 (a) of NCH (Holding of Meetings) Regulations-1990, to deliberate upon the series of the events and matter relating to the attempts that have been over looked during acquisition of the Council office, which led to harassing action under taken by the Rawalpindi Development Authority on October 30, 2023.

1. The Secretary further briefed the house that Following the aforementioned RDA Notice, this office has already transmitted a letter dated 6th October, 2023 to the RDA, in which relief to extension in time duration for further proceedings was requested. Subsequently, this has applied the following documents from the Revenue Department, as initially required by the RDA:-

- i) Fard for Naqsha
- ii) Aks Shajra
- iii) Nazri Naqsha

2. Upon addressing the matter with the Revenue Department, the office made multiples visits to obtain the aforementioned documents. However, the Tehsil office remained closed due to the ongoing strike led by the patwari,s , causing significant challenges for the office. Consequently, the office subsequently submitted a formal request to the Tehsildar via a letter

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dated 19th October, 2023, yet as of the present date, no response has been received. As a result, the Rawalpindi Development Authority took the action of sealing the NCH office on 30th October, 2023, due to the failure to comply with the previously mentioned notice. In light of this situation, the under signed visited the office of Deputy Director, Land and Building Control today 31st October 2023 and requested that the office of NCH may please be de-sealed. He accepted the request of the undersigned and de-seal the office, further he (the Deputy Director) conveyed that if the NCH will not paid the required processing fee of the approximately for Rs. 4,131,500/- for the commercialization of NCH Building within 15 days, the RDA will proceed to seal the office of NCH again, in this regards he obtain an affidavit from the undersigned. The Council is authorized to approve the release of the specified amount to the RDA following Rule 11 (c) of NCH Administration, Financial and Management Rules, 2008.

3. The chair said that in the year 2010 when this building was being purchased the then Purchase Committee did not bother to verify that whether the map of this building is approved and status of this is declared commercial by the Rawalpindi Development Authority or otherwise. He stated that this building was purchased in hurry without fulfilling the codel formalities which is evident from the audit objection raised by the auditors of Directorate General Audit, Islamabad during the audit of NCH for FY 2013-14. At present the matter regarding purchase of existing building is under inquiry by the F.I.A. which is still pending/undecided, at that time 10 Members of the then Council were objected and submitted written observation on purchase of NCH Office building at Rawalpindi. During this meeting, the Council decided to request the RDA for the customary relief available to Government Officers and to seek special consideration for the strong actions taken by the RDA

Decision:

- i) The house extends its approval for managing granting and release of the funds inconnection with dues of RDA and allied expenses
- ii) A reference may be made to the Secretary M/O, National Health Services, Regulations & Coordination, Islamabad for appropriate relief from the RDA. The Ministry may also be reminded to ask about the ongoing case pending with F.I.A.

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- iii) The RDA may also be asked for special relief, and if it is not possible, then maximum discount with waiver off all types of plenty and surcharges.
- iv) A legal consultation may be made with a suitable professional.
- v) A rebuttal may be issued to clarify the state of affairs is uploaded on the website of NCH

Agenda Item No. 2: To discuss the matter regarding NCH building situated at Plot No. B-1, Street No.02, Block-7, Gulshan-e-Iqbal, Near Faran Club, Karachi.

The Sectary Put up the next agenda item before the house for discussion. The Secretary informed that based on the DAC's recommendation, the issue concerning the interim tenancy of the building was transferred to a Ministry-level Inquiry Committee for a fresh evaluation when it was identified during the audit. This committee, among its various directives, proposed that the matter should be resolved by extending the tenancy agreement for a specific duration while revising the terms, particularly by determining the building's rent in accordance with the policy set forth by the Ministry of Housing and Works, as per Office Memorandum No. F. 12(65)/2011-Policy dated March 2, 2017.

2. The matter of the said building was then taken up once again in the 157th meeting of the Council and the meeting was held with the five members of the Council belonging to Sindh, with Mr. M. Younis Billoo of SMS and his team. The primary purpose of the meeting is to discuss negotiations following the dismissal of Rent Appeal No. 109/2020 by the Court of District Judge Karachi East and the direction set by the DAC connecting Inquiry Committee. The key points discussed during the meeting are as follows:

- (a) Although acknowledging the expiration of the lease agreement on May 29, 2015, the tenant (SMS) maintains that the court order implies the necessity of mutual agreement for vacating the premises, causing them to refrain from leaving the property.
- (b) The council representative inquired whether the tenant believed the landlord's aspirations were merely a fantasy, emphasizing the importance of taking practical action.
- (c) The tenant clarifies their acknowledgment of the landlord's ownership of the building and their intention to remain long-term tenants. They, emphasized that the court's

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decision considered the building's current use, and eviction could only occur with mutual consent.

- (d) The lessee upheld their stance regarding the new lease agreement but expressed willingness to ensure transparent and equitable terms for any extension to avoid disputes.
 - (e) It is suggested that the rent calculation should be based on the rates specified in the Ministry of Housing and Works OM dated March 17, 2017, subject to further approval by the Council. The tenant was requested to provide floor-specific usage areas for verification.
 - (f) Both the Landlord (NCH) and the Tenant (SMS) have agreed to calculate any outstanding rental payments based on the duration of the tenancy and settle the costs of any improvements following the tenancy agreement.
3. All ingredients of Report of the above mentioned committee were discussed in detail in the 158th Council Meeting the House constituted a new committee comprising of Chairman Finance Committee, Homoeopathic Doctor Ilahi Bux, and Registrar to draft of new rent agreement after negotiation with SMS with the help of Legal Advisor and submit before the Council for final approval.
 4. The newly draft was presented in the 159th NCH meeting and after an hot debate amongst members the House took the decisions being reproduced as follows:-
 - (a) Budget allocation on costs on a legal course of action was redeemed up to Rs. 1,500,000/- instead of 1,000,000/-
 - (b) A committee comprising the President, Homoeopathic Doctor M.B. Jawed Awan, Homoeopathic Doctor Ilahi Bux, Homoeopathic Doctor Muhammad Tariq Khan, and the Registrar. The Committee will authorize negotiating the new agreement with M/s SMS Karachi. In case of unacceptable variance on the new agreement by M/s SMS, Karachi, the Committee is also fully authorized/empowered in all angles for ejection, etc., through litigation using every admissible means. In litigation, the Registrar of the Council is empowered/permited to lodge a new case in the Court of Rent Controller Karachi or any other legal / official forum.
 - (c) The House allows the office to send the new draft Rent Agreement to M/s. SMS for the introspection with covering letter for connecting meeting with M/s. SMS at Karachi and make it convenient within seven to ten days after dispatching the draft

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5. The initial version of the Lease Agreement proposal was forwarded to the SMS for their feedback on dated 12th August, 2022. However, there was no response from the SMS.
6. Due to the Council's perception that its frequent meetings in Karachi were not ideal, M. Younis Billoo and his assisting persons were called to the Council's Rawalpindi office on September 28, 2022. Unfortunately, the Council members' time and efforts were seemingly wasted as they had to inform M. Younis Billoo of their preoccupation just a few hours before the scheduled meeting. Nonetheless, despite these suboptimal circumstances and the availability of legal alternatives, the Council decided to convene another meeting in Karachi at SMS on October 29, 2022, with the aim of peacefully resolving the issue.
7. The meeting held on October 29, 2022, the Council presented an OM issued by the M/o Housing & Works outlining a Rent Estimation Mechanism. However, the legal advisor representing M/s SMS expressed their disagreement with new draft of agreement and mechanism for assessing the rental value. The focal person for SMS emphasized that the property in Sindh should be governed by the Sindh Rent Law. A member of the Council also suggested that let us decide the rent in the new tenancy as per Section 8(a) of the Sindh Rented Premises Ordinance 1979, which transpires that the Controller will establish the fair rent for a property, considering factors such as the rent of similar properties in the same or neighboring area.
8. Upon smelling unfavorable, the focal person changed his point of view and re-insisted that there is no need of new assessment and a lump sum increase be accepted and the previous disputed Rent Lease may be carried on for indefinite period.
9. After numerous meetings and exchanges of Council representatives to SMS team have proven unproductive and it outlines unresolved issues or disputes related to a rental agreement or tenancy situation. Here's an explanation of each statement:
 - (a) Tennant found the Ministry of Housing Office Memorandum (OM) status of no utility and declined to acknowledge it as a Federal law.

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- (b) The tenant cannot avail the rent determination under Section 8(a) of the Sindh Rented Premises Ordinance, 1979 because the building is located in a high-priced area.
- (c) Even though a new lease agreement has been proposed following the expiration of the previous one, it also appeared to be unexpected due to reasons best known to them.
- (d) Unfortunately, SMS has shown no willingness to vacate the mentioned building and continues to employ various strategies and excuses.

10. After briefing and discussion the Council considered opinion that , the only remaining option is to pursue legal recourse through the court as a last resort to address these unresolved issues.

Decision:

- i) A case may be filed in the Court of Rent Controller, Karachi for ejection of NCH Karachi Building; and
- ii) The Council has reasserted the nomination, empowerment and authorization of Mr. Aamir Nadeem Ramay, Registrar, to commence and represent a case in the Court of Rent Controller, Karachi or any relevant legal or official forum. Homoeopathic Doctor Ilahi Bux, Chairman Examining Body, NCH will provide essential support throughout the proceedings, as necessary. The Council has sanctioned the allocation of funds for the legal case during its 159th meeting.

3. To confirm Minutes of 161st Regular Meeting of NCH held on 19th & 20th July, 2023 at Shelton Suits, Bhurban, Murree

With the permission of the house the Chair put up minutes of previous 161st Regular Meeting of NCH for confirmation. *"The house confirmed the minutes of 161st Regular Meeting of National Council for Homoeopathy held on 19th & 20th July, 2023"*.

4. To confirm minutes of Finance Committee meeting held on 5th November, 2023.

The Chair invited to Dr. Shahzad Khurshid, Deputy Secretary (Budget)/Chairman of the Finance Committee, to present the minutes of the Finance Committee meeting. The Chairman Finance Committee read out the minutes, which the Finance Committee has approved against various procurements tendered by NCH through quotations and their payments to be released to the vendors in due course after completion of the job including the dues of the RDA

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for commercialization of existing building of NCH Office, Rawalpindi, and approval is mandatory in light of Rule 11 (c) of NCH Administration, Financial & Management Rules, 2008.

“ After discussion, the house confirmed the minutes of Finance Committee meeting held on 5th November, 2023.”

5. To discuss the letter 25th August, 2023 of Homoeopathic Doctor Mahmood ul Haq Abbasi, Member NCH regarding resignation from Membership.

With the Chair's permission, the Secretary apprised the House of Homoeopathic Doctor Mahmood ul Haq Abbasi's resignation. The Secretary further conveyed that Homoeopathic Doctor Mahmood ul Haq Abbasi had submitted a "reminder letter" on 25th August, 2023, seeking clarification regarding his previously tendered resignation during the 161st Council meeting. In response, the office vide letter dated 28th August, 2023 referred to the relevant legal provisions pertaining to resignations and clarified that Homoeopathic Doctor Mahmood ul Haq Abbasi's letter should be interpreted as a resignation, pending presentation at a Council meeting in accordance with the law. The Council possesses the authority to approve or reject such resignations.

2. During a discussion among Council members, the rationale behind Homoeopathic Doctor Mahmood ul Haq Abbasi's resignation was deliberated upon.

Decision: The Chair stated that his resignation would not be approved due to Homoeopathic Doctor Mahmood ul Haq Abbasi's failure to adhere to the prescribed and straightforward resignation process.

6. To discuss the matter regarding appointment of Car driver on daily wages employee at NCH Office.

The Secretary with the permission of the Chair put up the matter regarding appointment of Car driver at NCH Office, Rawalpindi on daily basis. He brief that the regular car driver of NCH Mr. Muhammad Abbas was post at Cabinet Division Islamabad on deputation basis and in his absence a one driver is necessary in order to maintain the NCH Vehicle Gu-644 Mr. Muhammad Riaz was appointed as daily wages for the period of 89 days on the expiry of the

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service period on 03rd October, 2023 he informed that he is not willing to continue with NCH due to his domestic problems, After that the Office Superintendent interviewed of three different persons for the appointment of new driver in NCH Office who have valid driving license, wherein Mr. Muhammad Abubakar S/O Muhammad Siddique holding CNIC No. 36601-5492687-3 found fit and recommended him for appointment as Driver on daily wages basis w.e.f. 12th October, 2023. After approval of the President, NCH appointment letter of Mr. Abubakar has been issued on 17th October, 2023. The Secretary requested the house that ex-post facto approval of the case may be granted under Regulation 5(3) of NCH Staff Service Reulations-1986. **The house granted approval in the instant case for the period of 89 days w.e.f. 12th October, 2023.**

7. **MOU BETWEEN NCH AND HEALTH SERVICES ACADEMY**

With the permission of the chair Homoeopathic Doctor M.B. Jawed Awan informed the house that the Council in its 161st Regular Meeting held on 19th & 20th July, 2023 constituted a committee regarding Memorandum of Understanding (MOU) between NCH and Health Services Academy to access the situation, if deemed necessary include comprehensive courses to enable DHMS Diploma holders and BHMS Degree holding practitioners to make valuable contribution in critical scopes like diagnoses thorough trendy noninvasive technique such as ultrasound and public health management . Further he read out the contents of proposed MOU. After discussion and deliberation the house approved the same and President NCH is authorized to sign it.

8. **GRANT OF AWARD**

The Council unanimously decided to grant award shields and certificate of appreciation to the Members and Registrar for their best performance during the tenure 2018-2023.

CONCLUSION:

At 5: 00 pm, the meeting ended with a vote of thanks by the Chair.

Aamir Nadeem Ramay
(Aamir Nadeem Ramay)
Registrar, NCH

Copy to:-

All concerned.