GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT,
2ND FLOOR, A-BLOCK, ABDUL WALI KHAN MULTIPLEX,
CIVIL SECRETARIAT, PESHAWAR.
PHONE NO. 091-9211535 FAX NO. 091-9223622.

Dated Peshawar the 02.08.2021

NOTIFICATION

No. SOG/PWD/3-17/VOL-II/2020-21:- In exercise of the powers conferred by section 17 of the Khyber Pakhtunkhwa Reproductive Healthcare Rights Act, 2020 (Khyber Pakhtunkhwa Act No. XXVIII of 2020) read with sub-section (1) of section 11 thereof, the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA REPRODUCTIVE HEALTH CARE RIGHTS RULES, 2020

1. Short title and commencement, (1) these rules may be called the Khyber Pakhtunkhwa Reproductive Healthcare Rights Rules, 2020.

(2) These shall come into force at once.

2. **Definitions.** In these rules, unless there is anything repugnant in the subject or context, the following expressions shall meaning hereby assigned to it, that is to say.

(a) **"Act"** means the Khyber Pakhtunkhwa Reproductive Healthcare Rights Act, 2020 (Khyber Pakhtunkhwa Act No. XXVIII of 2020);

(b) **"application"** means an application made by the Organization or Institution under sub-rules (2) of rule 4;

(c) **"Director General"** means the Director General, Population Welfare, Khyber Pakhtunkhwa;

(d) **"Forms"** means Form appended to these rules;

(e) **"material"** means the educational and informational material related to the reproductive health;

(f) **"organization or institution"** means any organization or institution in private sector which provides services in the field of reproductive healthcare; and

(g) **"Secretary"** means Secretary to Government, Population Welfare Department.

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3. **Procedure for grant of No Objection Certificate,** (1) An organization or institution, shall obtain No Objection Certificate from the Department before its registration with the relevant forum.

(2) An Organization or institution, shall be required to make an application for No Objection Certificate to the Director General, accompanied by the following documents, namely:

(a) Application fee of rupees one thousand (1000) deposit challan;

(b) Memorandum of Association of the organization or institution;

(c) List of the office trustees or office bearers alongwith their profiles;

(d) Photographs and copies of CNICs of the trustees or office bearers;

(e) Last three years audited report from recognized forum, in case of the existing organization or institution;

(f) Last year's performance or progress report, if required, and

(g) Any other document as may be required by the Director General.

(3) The Director General, shall forward the application to the Secretary with his comments.

(4) On receipt of the application, the Secretary shall constitute a committee consisting of Director Technical, Pharmacist and a representative of the Department for the scrutiny of the application. On receipt of the report of the committee so constituted, the Secretary shall either approve the application or reject it after recording reasons in writing for such decision.

(5) After approval of the application under sub-rule (4) the Department shall issue NOC with standard terms and conditions stated therein.

(6) A register, containing particulars relating to NOC, alongwith proper record shall be maintained in the office of the Deputy Secretary of the Department with information to the Director General.

(7) If the application for NOC is rejected by the Department, the organization or institution shall have the right to appeal within thirty days to the Additional Chief Secretary to Government, Planning and Development Department, and his decision shall be final and binding.

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(d) By affixing it at same conspicuous place in or near the last known place of business of residence of such person; and

(e) By publication in a newspaper or proclamation by beat of drum or other customary method in the locality.

7. **Adjournment,** The Court may, on sufficient cause shown by either of the parties, adjourn the hearing of Appeal.

8. **Power to suspend orders.** The court may, for reasons to be recorded in writing, suspend the operation of an order or proceedings pending before the Magistrate or the Court of Session, as the case may be, whose order is impugned before him in an Appeal or make such order as he may deem fit in the circumstances of the case.

9. **Obtaining of certified copies.** Any party to an Appeal may, during the pendency of Appeal or on final decision of the Appeal and with prior approval of the Court, obtain certified copies of orders and other documents.

10. **Clerical mistake.** Clerical or arithmetical mistakes in any order made by the Court in pursuance of the provisions of the Act and the errors therein arising from any accidental slip or omission may, at any time, be corrected by the Court making the order or his successor-in-office as soon as any such error has come to or is brought to his notice.

SECRETARY
POPULATION WELFARE DEPTT

Endst No. SOG/PWD/3-17/Vol-II/2020-21/3075-90 Dated the 02.08.2021

Copy forwarded for information to the:-

1. Additional Chief Secretary, Planning and Development Department Government of Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa.
3. All Administrative Secretaries to the Government Khyber Pakhtunkhwa.
4. Director General, Population Welfare, Khyber Pakhtunkhwa.
5. PSO to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Principal Secretary to Governor, Khyber Pakhtunkhwa.
7. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
8. Section Officers, (Establishment/Budget), Population Welfare Department, Khyber Pakhtunkhwa
9. Principals Regional Training Institutes (RTI), Peshawar, Malakand and Abbottabad, Population Welfare Department.
10. PS to Secretary, Population Welfare Department, Khyber Pakhtunkhwa.
11. PS to Secretary, Law Department w/r to Letter No. ALD-IV/Legis: 3(40)2020/11919-33/: dated 25-11-2020.
12. PA to Additional Secretary, Population Welfare Department.
13. PA to Deputy Secretary, Population Welfare Department.
14. Manager, Printing and Stationery Department with the request for publication in the official gazette.
15. Official Record.

Section Officer (General)

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