



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 read with section 14 of the Khyber Pakhtunkhwa Reproductive Healthcare Rights Act, 2020 (Khyber Pakhtunkhwa Act No. XXVIII of 2020), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA REPRODUCTIVE HEALTH CARE RIGHTS (APPEAL) RULES, 2020

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

(2) These shall come into force at once.

2. **Definitions.** (1) In these rules, unless there is anything repugnant in the subject or context, the following expressions shall have the 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) "Appeal" means an appeal made under section 14 of the Act;

(c) "Appellant" means a person aggrieved from the order of the Court made under sub-section (3) of section 12 of the Act and who prefer an appeal under sub-section (1) of section 14 of the Act;

(d) "authorized representative" means a person or advocate duly authorized to represent the appellant or respondent before the Court;

(e) "Court" means the Court of Session and High Court, as the case may be, who exercises appellate jurisdiction under sub-section (1) of section 14 of the Act; and

(f) "Code" means the Code of Criminal Procedure, 1898 (Act No. V of 1898).

(2) Words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. **Form of Appeal,** (1) Every Appeal shall be in the form of a petition and signed by the appellant or his authorized representative, in accordance with the provisions of the Code.

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on file P13
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(2) The Appeal referred in sub-rule (1), shall be concisely and consecutively numbered and under distinct heads, the grounds of objections of the impugned order, shall be provided therein but shall not contain any argument or narrative.

(3) A request for an interim relief shall be made by separate application supported by an affidavit.

4. **Documents to be filed with Appeal,** (1) Every Appeal shall be accompanied by: -

- (a) A certified copy of the impugned order;
- (b) The document on which reliance has been made in the Appeal; and
- (c) Where an appellant is represented by an authorized representative, the written authorization in his favour duly signed by the appellant:

Provided that if for any reason the authorized representative appearing for the appellant could not file the authorization letter alongwith Appeal, he shall file the same at any time before the commencement of hearing.

(2) The appellant shall submit one extra copy of the Appeal in addition to the copies for each of the respondents and each copy of Appeal shall be certified by the appellant or his authorized representative to be in conformity with the original Appeal.

5. **Appearance of the parties on hearings,** (1) on the date, fixed for hearing of Appeal, the parties shall appear before the Court in person or through their authorized representative.

(2) The appearance of an authorized representative shall not excuse the personal attendance of a party in any proceeding in which personal appearance is required by an order of the Court.

(3) Where a party or parties fail to appear on the date fixed for hearing of the Appeal, the Court may proceed, as per provisions of the Code.

4. **Services of notices etc,** Services of any notice, summons or order issued or made under the Act shall be deemed to be complete if effected in any one of the following methods, namely:

- (a) By delivering or tendering the notice, summons or order to the person on whom it is intended to be served or his agent, if any;
- (b) By leaving it at the the last known place of business or residence of such person or delivering it to any adult male member of his family;
- (c) By transmitting it under registered post to such person at the last known place of his business or residence.


- (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/2020-21/3091-05 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)