

THE NATIONAL INFORMATION TECHNOLOGY BOARD

ACT, 2022

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THE NATIONAL INFORMATION TECHNOLOGY BOARD ACT, 2022

ACT NO. XVII OF 2022

[13th August, 2022]

AN

ACT

to provide for establishment of National Information Technology Board

WHEREAS, it is expedient to provide for establishment of National Information Technology Board for e-governance across the country in line with the vision and policy of the Federal Government to serve the public in more effective and efficient manner through due advisories and consultancies and provision of e-governance software applications to Federal Ministries and Divisions including their attached departments, sub-ordinate offices and autonomous bodies so as to focus on cross-cutting e-governance applications and initiatives that can be replicated across multiple public organizations for better government to government and government to citizens services and communication, and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act shall be called the National Information Technology Board Act, 2022.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(a) “Board” or “NITB” means the National Information Technology Board constituted under section 3;

(b) “certification” means confirmation or approval of quality of software or application for the purposes of e-governance, in line with recommendations of lead

Cyber and Information Technology security setup, department or organization designated by Federal Government;

(c) “Chairman” means Chairman of the Board;

(d) “Chief Executive Officer” or “CEO” means the Chief Executive Officer of the Board appointed under this Act;

(e) “data” means information collected, collated, stored, hosted and used for the

purposes of e-governance, in line with any laws in force from time to time by the Federal Government;

(f) “division concerned” means the division to which business of this Act stands allocated;

(g) “erstwhile NITB” means the National Information Technology Board previously constituted vide Notification No. 6(13)/2004-Dev, dated the 11th August, 2014 which before commencement of this Act was an attached department of the Ministry of Information Technology and Telecommunication;

(h) “Fund” means the NITB Fund created under this Act;

(i) “IT” means information technology;

Gj) “member” means member of the Board and includes the Chairman;

(ik) “prescribed” means prescribed by rules or regulations made under this Act;

() “regulations” means the regulations made under this Act;

(m) “rules” means the rules made under this Act; and

(n) “standardization” means technical parameters conformed by the Board for the purposes of the e-governance to maximize compatibility, interoperability, quality and reusability in line with recommendations of lead cyber and IT security setup, department or organization designated by the Federal Government.

3. Establishment of the Board.— (1) As soon as may be but not later than thirty days of the commencement of this Act, the Federal Government shall, by notification in the official Gazette, establish a Board to be known as National Information Technology Board for carrying out the purposes of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with administrative and financial powers, subject to the provisions of this Act to enter into agreements and contracts, acquire, hold and dispose of property, both movable and immovable and to sue and to be sued.

(3) The headquarters of the Board shall be at Islamabad and it may set up offices at such place or places, with the prior approval of the Federal Government, as it may deem appropriate throughout Pakistan.

(4) The Board shall consist of the Chairman and Members.

4. Composition of the Board.— (1) The Board shall consist of—

- (a) Federal Minister of the division concerned. Chairman
- (b) Secretary of the division concerned. Member ex-officio
- (c) Secretary, Finance Division. Member ex-officio
- (d) Secretary of the division to which Business of Member ex-officio

science and technology stands allocated.

- (e) Chief Executive Officer of Board. Member ex-officio

- (f) Member IT of the division to which business of IT Member ex-officio stands allocated.

- (g) Director General (Technical), Inter-Services Member ex-officio Intelligence.

- (h) Secretary, National Telecommunication and Member ex-officio

Information Technology Security Board.

- (i) any expert from public or private sector as may be Co-opted members co-opted with approval of the Board.

- (2) The CEO shall be ex-officio secretary of the Board.

- (3) The business of the Board shall be conducted as may be prescribed by regulations.

- (4) In absence of the Chairman, a member designated by the Chairman shall preside over the Board's meetings.

5. Appointment of CEO— (1) The CEO shall be appointed by the Federal Government, on recommendation of the Board, for a term of three years extendable for a similar term or terms, in such manner and on such terms and conditions as may be prescribed by rules:

Provided that the CEO appointed prior to commencement of this Act shall be deemed to have been appointed under this Act.

- (2) The CEO shall be an eminent IT professional of known integrity, competence and expertise in handling IT development projects.

- (3) The CEO may resign from his office by giving one month notice in writing under his own hand, addressed to the Federal Government.

- (4) The CEO shall be answerable to the Board for all administrative, financial and technical matters of the Board. The Board may delegate such administrative and financial powers to the CEO for carrying out day to day affairs of the Board as it deems necessary.

6. Meetings of the Board.— (1) The Chairman or, in his absence, the member designated by the Chairman for the purpose shall preside at a meeting of the Board.

(2)

One half of the total members shall constitute a quorum for meetings of the Board requiring a decision by the Board.

(3)

The decisions of the Board shall be taken by majority of its members present and in case of a tie, the member presiding a meeting shall have a casting vote.

7.

Powers of the Board.— The Board shall exercise all powers as shall enable it to effectively perform its functions specified in section 8. In particular and without prejudice to the generality of the foregoing power, the Board shall—

(a)

(b)

(c)

(d)

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prescribe regulations, including regulations for exercising its powers and performance of its functions;

enter into contracts, agreements and Memorandum of Understanding (MoUs);

acquire, lease, encumber, dispose of, exchange, vest or otherwise deal with any moveable or immovable property or any interest therein;

prescribe regulations for appointment and removal of the Board Employees and related matters.

Functions of the Board.— The Board shall exercise all powers as shall enable it

to effectively perform its functions under this Act for the provisions of this Act. In particular and without prejudice to the generality of the foregoing power, the Board shall—

(a)

(b)

(c)

(d)

(e)

provide technical guidance for embedding e-governance in the Federal Ministries

and Divisions including their attached departments, autonomous bodies, sub-ordinate offices and promoting efficient and transparent governance;

facilitate efficient and cost-effective implementation of e-governance programs in the Federal Ministries and Divisions;

carry out training need assessments, including infrastructure as well as Human Resources skillset and capacity, periodically in the Federal Government departments and to design and implement IT capacity building programs for employees of the Federal Ministries and Divisions including their attached departments, autonomous bodies, sub-ordinate offices;

review the status of e-government readiness on a regular basis to ensure sustainable, accelerated digitization and relevant human resource development in Federal Ministries and Divisions including their attached departments, sub-ordinate offices and autonomous bodies;

identify the areas where IT interventions can be helpful and to suggest measures for the automation of these areas through business process re-engineering (BPR) in the Federal Ministries and Divisions including their attached departments, sub-ordinate offices and autonomous bodies;

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provide standards, recommendations and compliance for software and infrastructure in the field of electronic governance in line with recommendations of lead Cyber and IT security setup, department or organization designated by Federal Government;

carry out coordination with the provinces and provide assistance and facilitation as and when required for the provisions of this Act;

facilitate efficient and cost-effective conception, procurement, implementation, operations and maintenance of all the Federal Government's Ministries, Divisions, departments and organizations' e-government programs and projects and ensure their holistic alignment with the national strategic action plans;

provide data to all government departments as per their requirement in accordance with the provisions of this Act;

be responsible to review and acquire information and communication technology service infrastructure to government departments to revamp e-governance and communication within the Government;

provide application and IT solution standardization across the government departments in information and communication technology for e-governance;

be responsible to build, rollout and maintain IT disaster plan for smooth functioning of e-governance in Federal Ministries and Divisions including their attached departments, sub-ordinate offices and autonomous bodies;

be responsible to provide system analysis consulting service to the Federal Government departments for e-governance based on their needs;

facilitate by outsourcing projects to build private sector information and

communication technology industry and diversify the skillset of new generation;

establish centers of excellence to develop technologies in collaboration with other government departments and private sector in accordance with the provisions of this Act;

maintain directory of all private sector companies to collaborate and deliver services to any Ministry, Division or organization on information and communication technology related projects in accordance with the provisions of this Act;

utilize all means to ensure security of e-governance applications, IT solutions, data and systems deployed for the provisions of this Act in line with recommendations

of lead Cyber and IT security setup, department or organization designated by the Federal Government;

recommend to ministry and division concerned any matter pertaining to

development, reform, improvement and sustainability of information and communication technology sector of Pakistan, for preparation of national IT policy;

(s) be responsible for recommending and defining standardized parameters in line with IT policy to be followed at all levels for e-governance;

(t) recommend proposals for development of national IT plans and policies to ministries and divisions concerned and execute in accordance with the provisions of this Act; and

(u) exempt the Federal Ministries and Divisions including their attached departments, sub-ordinate offices or autonomous bodies from establishment and deployment of e-governance, due to sensitive nature of data and tasks of aforesaid entities.

9. Executive Committee.— There shall be an executive committee of the Board which shall exercise such powers and perform such functions as may be prescribed by regulations.

10. Committees of the Board.— (1) The Board may, for carrying out its functions, constitute such committees, from time to time as may be considered appropriate.

(2) The committees constituted under sub-section (1) shall conduct their business in such manner as may be prescribed by regulations.

11. Organization of the Board— (1) The Board may, for carrying out its functions for promotion of IT projects, developments of IT projects, certification of IT and project management, may enter into contract and agreement on such terms and conditions as may be prescribed by the Board as it may consider necessary.

(2) The organization established or contracted with under sub-section (1) shall be subject to control and supervision of the Board and shall function within the framework of this Act.

(3) An organization established or contracted with under sub-section (1) shall perform such business as may be prescribed by the Board from time to time.

12. Management of the Board.—Subject to the powers delegated by the Board, the overall management of the Board shall vest in the authority of CEO including giving sanction, approval, initiation of disciplinary proceedings of persons in service of the Board, allocation of funds in different heads of accounts, maintenance of discipline, local or international cooperation with organizations providing services in the field of information technology and do any other act or take any action as it deems necessary for smooth functioning of the Board.

13. Appointment of officers and other staff of the Board— (1) Subject to regulations, the Board may appoint such officers, experts, advisers, consultants and members of staff as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

(2) The Board may, by notification in the official Gazette, delegate any of its powers

relating to appointment of officers and other staff to the Executive Committee or CEO.

(3) The officers, members of the staff, advisers, consultants, experts and other persons appointed by the Board shall not be civil servants within the meaning of the Civil Servants Act, 1973 (LXXI of 1973).

14. Transfer of assets and liabilities of erstwhile NITB.— (1) From the date of commencement of this Act, all the terms and conditions of service of regular and contract employees of erstwhile NITB shall remain as such on their transfer to the Board.

(2) Notwithstanding anything to the contrary contained in this section, any person in service of erstwhile NITB, within three months of the transfer, shall exercise an irrevocable option either to remain civil servant or become employees of the Board:

Provided that where any person does not exercise the option within the said period he shall be deemed to have opted to become employee of the Board:

Provided further that every other person, who is not a civil servant, shall stand transferred to the Board on his existing terms and conditions of service including the term of his appointment which he was enjoying immediately prior to the commencement of this Act.

(3) On transfer as aforesaid, terms and conditions of service of the person shall not be less favorable than those by which he was governed immediately before his transfer at the time of commencement of this Act.

(4) No person who stands transferred to the Board shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of such transfer.

(5) All assets and liabilities of the erstwhile NITB on commencement of this Act shall stand transferred to and vested in the Board.

(6) The Federal Government shall pay to the Board capitalized value of pension and gratuity in respect of employees transferred to the Board to which they have become entitled to or have been owned by them till the date of commencement of this Act.

(7) All suits and other legal proceedings instituted by or against the Federal Government in respect of the erstwhile NITB shall be deemed to be suits and legal proceedings against the Board from the date of commencement of this Act and shall be dealt with by the Board.

(8) All contracts, agreements, promises, negotiations and working arrangements made and understandings reached including bidding process initiated as a result of any request for proposal sought from prospective contractors and all liabilities incurred including any contingent or future liability on account of availing any service, etc. by the erstwhile NITB on behalf of the Federal Government in connection with, or for the purpose of, or in relation to the same objects, purposes, functions and powers as those of the Board, before the establishment of the Board shall be deemed to have been made, reached or incurred, as applicable, by the Board under this Act and shall have effect accordingly.

15. Funds.— (1) There shall be created a non-lapsable fund vesting in the Board to be known as the NITB Fund for the purpose of meeting expenses in connection with the functions and operations of the Board under this Act, including payment of salaries and other remunerations payable to the persons in service of the Board.

(2) The NITB Fund shall, subject to the provisions of the Public Finance Management Act, 2019 consist of—

(a) funds provided by the Federal Government for payment of salaries, establishing infrastructure, administrative, operational and any other expenses and running the day-to-day business of the Board;

(b) loans or funds to be obtained from the Federal Government or any Provincial Government or local authority or such other entity after approval from Board;

(c) grants by the Federal Government or any Provincial Government or local authority;

(d) foreign aid, grants and loans negotiated and raised, or otherwise obtained by the Board, in consultation with Finance Division and relevant ministries and divisions;

(e) charges for services or for the provision of any information or report automated or otherwise to any government entity;

(f) fees and commissions collected as prescribed from time to time by the Board;

(g) income from the sale of movable or immovable property;

(h) funds from floating bonds, shares, debentures, commercial papers or any other securities issued by the Board;

(i) income from investments;

Gj) all other sums received or earned by the Board; and

(ik) funds provided by the Federal Government for smooth, uninterrupted and sustainable operations through continuous up-gradation and maintenance of projects related to e-governance.

(3) The NITB Fund shall be kept in one or more accounts maintained by the Board in local and foreign currency in any scheduled bank in Pakistan and shall be operated in accordance with the prescribed regulations made by the Board.

(4) Only those funds and grants by the Federal Government or donor shall be credited to commercial bank account which is allowed by Finance Division explicitly.

(5) Bank accounts of the Board shall be opened with the prior approval of the Board.

(6) Investments shall be made in accordance with instructions and policy of the Finance Division from time to time.

16. Budget.— The Board shall in respect of each financial year submit through relevant Division and Finance Division for the approval of the Federal Government, by such date and in such form as may be specified by the Federal Government, a statement showing the estimated receipts and current and development expenditure and the sums which are likely to be required from the Federal Government during the next financial year.

17. Accounts.— The accounts of the Board shall be maintained in such form and in such manner as the Federal Government may determine in consultation with the Auditor General of Pakistan.

18. Audit.— (1) The accounts of the Board shall be audited at the close of each financial year by the Auditor General of Pakistan.

(2) The Board shall produce such accounts, books and documents as the Auditor General or any officer authorized by him in this behalf may require for the purpose of audit.

(3) Copies of the Auditor General's report on the accounts shall be provided to the Board and the Federal Government.

(4) The Board may, in addition to the audit under sub-section (1), cause its accounts to be audited by any other external auditors being chartered accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), on such remuneration as may be determined by the Board.

19. Power to make rules— The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

20. Powers to make regulations —(1) The Board may make regulations, not inconsistent with this Act and the rules, to carry out the purposes of this Act.

(2) Without prejudice to the generality of the forgoing provisions, the regulations may provide for —

(a) disciplinary proceedings and award of punishments;

(b) terms and conditions along with remunerations and privileges, appointment of CEO, officers, staff members, experts, advisers and consultants etc;

(c) prescription of different scales and grades etc. for the remuneration and privileges of officers, staff members, experts, advisers and consultants of the Board;

(d) procedure for appointment of members of different committees and laying down regulations for the conduct of their business;

(e) Procedure and terms and conditions for appointment of members of Board other than ex-officio members; and

(f) all or any of the matters which by this Act are to be or may be prescribed by the

regulations.

21. Removal of Difficulties.— If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purpose of removing the difficulty.

22. Authorities to aid the Board.— All executive authorities in the Federation and in the Provinces shall render such assistance to the Board as may be necessary for the execution of its programs and projects being carried out under this Act.

23. Delegation of powers.— The Board may, by notification in the official Gazette, delegate all or any of its powers and functions, except the power to make regulations, to any member, CEO or officer subject to such conditions and limitations as may be specified in the notification.

24. Act to over-ride other laws.— The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

25. Indemnity.— No suit or other legal proceedings shall lie against the officers and other staff of the Board in respect of anything which is done in good faith in performance of their official obligations under this Act.

26. Savings.— Notwithstanding anything contained in this Act, in respect of the erstwhile NITB any notification issued, appointment made, powers delegated, contracts entered into, proceedings commenced, rights and liabilities incurred, fee or charges levied, things done or actions taken, so far as they are not inconsistent with the provisions of this Act, rules and regulations, be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Act.

27. Act X of 2012 not to apply to the Board.— The Industrial Relations Act, 2012 (X of 2012) shall not apply to or in relation to the Board or any person in service of the Board.

28. Officers of the Board to be public servants.— The officers and members of the staff, advisers, consultants, experts of the Board shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

29. Repeal.— The Ministry of Information Technology and Telecommunication's

Notification No. 6(13)/2004-Dev, dated the 11th August, 2014 and the Cabinet Division's Office Memorandum No.4-1/2021-Min-I dated Islamabad, the 27th May, 2021, are hereby repealed.