

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 097 JANUARY, 2023

NO.PAS/LEGIS-B-17/2022- The Sindh Digital Technology Board Bill, 2022 having been passed by the Provincial Assembly of Sindh on 19" December, 2022 and assented to by the Governor of Sindh on 30" December, 2022 is hereby published as an Act of the Legislature of Sindh.

THE SINDH DIGITAL TECHNOLOGY BOARD ACT, 2022

SINDH ACT NO.II OF 2023

AN

ACT

to provide for establishment of a Board to be known as the Sindh Digital Technology Board;

WHEREAS it is expedient to provide for establishment of a Board to be known as the Sindh Digital Technology Board, for promotion, planning, execution, supervision, evaluation and regulations of digital technologies to boost the digital economy by enabling e-government, promoting innovation, capacity building, supporting IT sector and collaborating with stakeholder at Province, Federal and International level; and to provide for matters ancillary thereto;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Digital Technology Board Act, 2022.

(2) It extends to the whole of Province of Sindh.

(3) It shall come into force at once.

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

(i) "Board" means the Sindh Digital Technology Board established under section 3;

(ii) "Chairperson" means the Chairperson of the Governing Body;

(iii) "Chief Minister" means the Chief Minister, Sindh;

(iv) "Department" means the Information, Science and Technology Department, Government of Sindh;

(v) "Fund" means the Fund established under this Act;

Preamble.

Short title,
extent and
commencement.

Definitions.

(vi) "Governing Body" means the Governing Body constituted under section 5;

(vii) "Government" means the Government of Sindh;

(viii) "Managing Director" means Managing Director of the Board appointed under section 9;

(ix) "Member" means a member of the Governing Body;

(x) "prescribed" means prescribed by rules or regulations made under this Act;

(xi) "Province" means the Province of Sindh; and

(xii) "rules and regulations" means the rules and regulations respectively made under this Act.

3. (1) As soon as after the commencement of this Act, Government shall, by notification, in the official Gazette, establish a Board known as the Sindh Digital 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 power subject to the provisions of this Act, to acquire and hold property, both movable and immovable and to enter into agreements and contracts, and shall by the said name sue and be sued.

(3) The headquarters of the Board shall be at Karachi and it may set-up its offices at such place or places in the Province as it may consider necessary.

4. (1) The general directions and administration of the Board and its affairs shall vest in the Governing Body, which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Board.

(2) The Board shall, in discharging its functions, act on sound principles shall be guided by such directions as Government may give, from time to time.

(3) If a question arises whether any matter is of policy or not, the decision of Government shall be final.

5. (1) The Governing Body shall consist of the following:-

(i) Minister or Advisor or Special Assistant Chairperson to Chief Minister, as the case may be, for Information Science & Technology Department, Sindh

Constitution of Board.

Management and administration of the Board.

Composition of
the Governing
Body.

(ii) Secretary, Information, Science and Vice-Technology, Government of Sindh Chairperson

(iii) Secretary to Government of Sindh, Member Finance Department

(iv) Secretary, Planning & Development Member Department

(v) Not more than four persons of known Members integrity and having rich experience in information technology sector, of whom one

shall be woman, to be nominated by Chief

Minister.

(vi) Managing Director Member

(2) The Managing Director shall also act as Secretary of the Governing Body.

(3) The Governing Body may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(4) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(5) A non-official member shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment for further one more term as Chief Minister may determine.

(6) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed from office by Chief Minister without assigning any reason.

(7) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of

such vacancy.

(8) No act or proceedings of the Board shall be invalid merely by reason of any vacancy or defect in the constitution of the Governing Body.

(9) The members shall be entitled to receive such amount of honoraria as may be determined by the Governing Body.

6. (1) No member, other than ex-officio member, shall be appointed or shall continue to be a member who —

(a) is not a citizen of Pakistan;

(b) is found a lunatic or becomes of un-sound mind;

Disqualification

of member.

(c) is or at any time has been convicted of an offence involving moral turpitude;

(d) is or has at any time been adjudicated insolvent by competent court;

(e) is or has at any time been disqualified for employment in or dismissed from Government or private service;

(f) is acting in contravention of the provisions of this Act;

(g) is found guilty of misconduct;

(h) has without permission of Government directly or indirectly any financial interest in any project or scheme or property of the Board.

7. (1) The meetings of the Governing Body shall be regulated by regulations but until regulations are framed, the meetings shall be held as and when required by the Chairperson or in his absence Vice-Chairperson or, as the case may be; provided that the meeting shall be held once in a quarter.

(2) Half of the total membership of the Governing Body shall constitute a quorum for a meeting of the Board.

(3) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(4) The decision of the Governing Body shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(5) All orders, determination and decision of the Governing Body shall be taken in writing and shall be signed by the Secretary of the Governing Body.

8. (1) Subject to the provisions of this Act and rules, the Board shall exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, the Board shall exercise the powers and perform the functions as follows:-

General:

(i) to recommend Information, digital Technology policy guidelines to the Government;

(ii) to prepare for the approval of the Government, a comprehensive program for the Information, Digital Technology sector;

(iii) to plan, manage, implement and control the digital Technology sector program approved by the Government;

Meetings of the
Governing Body.

Powers and
Functions of the
Board.

(iv) to prepare and submit reports to Government on all aspects for growth and enrichment of the approved information and digital technology program;

(v) to prepare and implement plans and schemes for the promotion of digital technology sector, call and incubation centers, and information technology-oriented and enabled services in both public and private sectors;

(vi) to promote e-governance and a culture to adopt information, digital technology and its enabled services in public and private sectors;

E-Governance:

(vii) to provide technical guidance for embedding e-governance in the Sindh Provincial Ministries and Departments including their Attached Departments, Secretariat of the Provincial Assembly of Sindh, autonomous bodies, sub-ordinate offices and promoting efficient and transparent governance;

(viii) to facilitate efficient and cost-efficient implementation of e-governance programs in the Sindh Provincial Ministries and Departments;

(ix) to review the status of e-government readiness on a regular basis for the purposes to ensure sustainable, accelerated digitization and relevant human resource development in Sindh Provincial Ministries and Departments including their attached department, sub-ordinate offices and autonomous bodies;

(x) to facilitate efficient and cost-effective conception, procurement, implementation, operations and maintenance of all Sindh Provincial Government's Ministries, Departments and Organizations' e-government programs and projects and ensure their holistic alignment with national and provincial strategic action plans;

(xi) to be responsible for reviewing, acquiring and keeping up to-date information and communication technology _ service infrastructure to Government Departments to revamp e-governance and communication within Government;

(xii) to provide application and IT solutions standardization across Government Departments in information and communication technology for e-governance;

(xiii) to be responsible to build, rollout and maintain IT disaster plan for smooth functioning of e-governance in Sindh Provincial

Ministries and Departments including their Attached Departments and sub-ordinate offices and autonomous bodies;

(xiv) to be responsible to provide system analysis consulting services to the Sindh Provincial Government Departments for e-governance based on their needs;

(xv) to ensure security of e governance applications, IT solutions, data and system 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/Provincial Government;

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

Capacity Building:

(xvii) to determine human capital requirements for job enhancement of the information technology industry and to provide solutions in collaboration with public and private sector entities such as educational institutions, educational Boards, departments of federal and other provincial governments, research centers, think-tanks, incubation centers, professionals, and entities;

(xviii) to finance, promote, train and develop the human resource and entrepreneurs of the Province in the field of digital technology, within Pakistan as well as abroad;

(xix) to have capacity building by awarding scholarships, awards, certificates, holding of conferences, expos, seminars, workshops, in-service training and acquiring higher education;

(xx) to develop capability of private sector by assisting them in acquiring technical, managerial, soft skills and other certifications and ensure enabling environment for the business enhancement of the sector;

(xxi) to determine human capital requirements of the Technology Industry and to make the existing and future human capital at par with the global standards in collaboration with industry, academia, and relevant federal and provincial entities;

Industry Facilitation:

(xxii) to act as a one-stop shop to facilitate and provisioning of

enabling environment to address all issues faced by digital technology related professionals, firms or companies for setting up or smooth functioning of their business ventures in the Province and to act as a bridge between the public or private information technology entities and relevant industry;

(xiii) to take initiatives in collaboration with other stakeholders for the development and promotion of software and hardware industry including knowledge based enterprises to reach potential clients abroad, and to attract and facilitate foreign software firms to establish their software development facilities in the Province;

(xiv) to arrange the participation of Provincial Information Technology Industry in domestic and international technology events; and to facilitate between foreign delegates, investors and local enterprises and startups;

(xxv) to develop and execute marketing plans in collaboration with other provincial and federal entities to help local software companies to reach potential clients abroad, attract and facilitate foreign software firms to establish their software development facilities in the Province;

(xxvi) to propose individual schemes for achieving the objectives of this Act, including revision of approved schemes, in terms of scope, viability and sustainability;

Innovation:

(xxvii) to be responsible for research and development programs and recommend up-gradation, development of existing and new infrastructure;

(xxviii) to monitor and evaluate the outcomes and results of information and digital technology projects initiated by Government in the Province and propose further progressive policy guidelines to Government departments, Government organizations, semi-autonomous and autonomous agencies under the administrative control of Government and research & development institutions for their re-structuring and enhancement of information technology activities and also advise them thereon;

(xxix) to collaborate with similar federal and other provincial and related entities for a better Technology echo system;

(xxx) to enter into public-private partnership by entering into public-private partnership agreements under the Sindh Public Private Partnership Act 2010, for promoting public private partnership;

(xxxi) to establish linkages with academia-industry and domestic and global research and innovation centers;

(xxxii) to establish a repository of relevant experts, potential customers, investors and companies provisioning therein all the required pieces of information for future recourse for the growth of the Information Technology sector and startups;

(xxxiii) to create an enabling environment for the promotion of information and communications technology centric innovation and entrepreneurship;

(xxxiv) to facilitate policy level and regulatory interventions to promote startups, encourage Venture Capital Funds to invest in startups, and advise pertinent measures on ease of doing business;

(xxxv) to encourage and promote efficient, sustainable and effective ICT initiatives to support the transformation into a knowledge economy;

Infrastructure Development:

(xxxvi) to encourage and promote the adoption of fourth industrial

revolution (4IR) technologies, setup IT parks, Special Technology Zones (STZ), smart cities, and encourage adoption of 4IR in manufacturing; and

(xxxvii) to do all such things as may be necessary for carrying out the purposes of this Act.

9. (1) The Managing Director of the Board shall be a full-time officer of the Board to be appointed by Chief Minister on the recommendations of the Governing Body, on such terms and conditions as the Governing Body may determine.

(2) The Managing Director shall preferably be from the private sector having eminence in the field of information and digital technology having Master's Degree in IT related field and possess professional working experience of at least ten years' in IT projects, and atleast five years' experience in human resource management, financial management and implementation of projects in IT related sector.

(3) The maximum age for the post of Managing Director shall be fifty years.

(4) The Managing Director shall be paid such salary and allowances as may be determined by Chief Minister but his salary and allowances shall not be varied to his disadvantage during the term of his office.

(5) The Managing Director shall hold office for a period five years which may be extended by the Chief Minister for further one more term after evaluating his performance by the Governing Body, on such terms and conditions as the Governing Body may determine.

(6) The Managing Director may resign his office by writing under his hand addressed to the Governing Body but the resignation shall take effect on its acceptance by Chief Minister.

Appointment of
the Managing
Director.

(7) If the office of the Managing Director falls vacant due to his removal, resignation or any other cause, the Honorable Chief Minister make such arrangement for the performance of duties of the Managing Director as a stop-gap arrangement, until such time the post of Managing Director is filled-in.

(8) For the purpose of filling the post from market-based, the Board shall seek applications through public advertisement.

(9) The provisions of disqualification of a member under section 6 shall mutatis mutandis apply to the Managing Director.

10. The Managing Director shall have the powers to — Powers of Managing

(a) be the Chief Executive Officer and Principal Accounting Officer of Director. the Board;

(b) exercise administrative control over the day to day functioning of the Board including management, financial management, human resource management and management of information and digital technology affairs;

(c) conduct the official correspondence of the Board for implementation of all the decisions and other business of the Governing Body;

(d) run the affairs of the Board for attaining its objectives through the executive tier;

(e) perform such functions and exercise such power as the Board may delegate to him;

(f) ensure that all grants are to be deposited in the Fund in efficient manner;

(g) act on behalf of the Board in any emergency, subject to the obligation to report such action to the Board at its next meeting; and

(h) exercise such other power and perform such other function as may be assigned to him by the Governing Body or Government.

11. There shall be established a full-fledged organizational tier of the Organizational Board under the Managing Director in such manner and with such Tier. functions as may be prescribed.

12. The Board may set up such administrative, financial and technical committees for the efficient performance of its functions as may be necessary and entrust to the committees such functions as it may consider necessary.

13. (1) The Board may, for efficient performance of its functions, appoint such officers, advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience on such terms and conditions as may be prescribed or until prescribed as may be determined by the Board with the approval of Government.

(2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed or until prescribed, as may be determined by the Board.

(3) The Board shall in case of dire need and due to non-availability of required IT human resource from the open market, the services of IT related domain experts may be required from the Government Departments who possess expertise in the relevant field:

Provided that the salary and allowances of the persons so transferred from Government Departments to the Board shall not be disadvantageous to the salary and allowances they are drawing prior to their transfer to the Board.

14. (1) There shall be established a Fund to be known as the Sindh Digital Technology Board Fund which shall vest in the Board with powers to manage and operate it.

(2) All receipts of the Board from any source whatsoever including annual grants from Government, shall be credited to the Fund.

(3) Government shall provide annual grants to the Board for carrying out the purposes of this Act.

(4) The Board may receive grants from the Federal Government, local authority or any foreign Agency including private sector which shall be credited to the Fund.

(5) The Board may invest its funds in investment schemes including Government securities for raising funds with the approval of Government.

(6) The Fund shall be managed and operated in the manner as may be prescribed.

(7) With prejudice to the powers under sub-section (6), the Fund shall be expended for the purpose of -

Committees.

Appointment of officers and staff.

Fund.

(a) paying any expenditure lawfully incurred by the Board relating to remuneration of its members, employees, advisors, and consultants, and expenditure relating to provident fund contributes, superannuating allowances or gratuities, legal fees and costs as well as other fees and costs;

(b) paying any other expenses, costs or expenditure properly incurred or accepted by the Board in the performance of its functions or the exercise of its powers under the Act;

(c) purchasing or hiring equipment and any other work and undertakings in the performance of its functions or the exercise of its powers under Act;

(d) repaying any financial accommodation received; and

(e) generally paying any expenses for carrying into effect the provisions of the Act.

15. (1) The Board shall maintain accounts of receipts and expenditure in accordance with the rules.

(2) The Board shall maintain an internal Audit Division which shall regularly undertake institutional internal check and control.

(3) The accounts of the Board shall be annually audited through the Director General (Audit) Auditor General of Pakistan or a firm of external Chartered Accountants approved by the Governing Body and the report of the Chartered Accountant along with audited account shall be presented to Government.

16. The Board shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government, a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year.

17. The Board shall cause proper accounts to be kept and shall after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Board which shall include a balance sheet and an account of receipt and expenditure.

18. (1) The Board shall submit an annual report to Government in respect of any of its activities and furnish such information as and when required by Government.

(2) The Board shall post all relevant information in a user-friendly manner on its website.

Audit and
Accounts.

Budget and
Accounts.

Maintenance of
Accounts.

Submission of
Reports.

19. Government or the Governing Body may, by general or special order, delegate any of its powers, functions and duties, to the Chairperson, member of the Governing Body or any officer of the Board.

20. Every employee of the Board including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Panel Code, 1860.

21. No act done or proceedings taken or order passed under this Act shall be rendered invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Governing Body.

22. No suit, prosecution, or other legal proceedings shall lie against the Government, the Chairperson or any member of the Governing Body and any officer, servants, advisers or consultants of the Board in respect of anything in good faith done or intended to be done under this Act or the rules and regulations made thereunder.

23. (1) Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to generality of the foregoing powers, such Rules may provide for:-

(i) the constitution, powers and functions of Committees;

(ii) powers and duties of the officers, advisers, consultants and employees of the Board;

(iii) service matters including rules regulating disciplinary action, grant of leave and retirement of the employees of the Board;

(iv) such other matters as may appear to it necessary for giving effect to the provisions of this Act.

24. The Board may make regulations, not inconsistent with the provisions of this Act and the rules made there under, for carrying out the purposes of this Act.

25. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act for removing the difficulty.

BY ORDER OF MADAM ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

Delegation of
powers.

Public Servant.

Validity of

proceedings.

Indemnity.

Powers to make
rules.

Power to make
regulations.

Removal of
difficulty.