

REGISTERED No. M - 302
L.-7646



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, AUGUST 27, 2019

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

Islamabad, the 26th August, 2019

No. F. 2(1)/2019-Pub.—The following Ordinance promulgated on 24th August, 2019 by the President is hereby published for general information:—

ORDINANCE NO. X OF 2019

AN

ORDINANCE

*to provide for establishment of **National Information Technology Board (NITB)***

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

(397)

Price : Rs. 20.00

[1288(2019)/Ex. Gaz.]

provision of e-governance software applications to public vector organizations 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 (G2G) and government to citizens (G2C) services and communication, and for matters connected herewith and ancillary thereto;

AND WHEREAS the Senate and the National Assembly are not in session and the president is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE in exercise of powers conferred by clause (1) of Article 89 of the constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

PART-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Ordinance shall be called the **National Information Technology Board Ordinance, 2019.**

(2) It shall come in to force at once.

(3) It shall extend to whole of Pakistan.

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

(a) **“Board” or “NITB”** means the National Information Technology Board established under this Ordinance;

(b) **“Board of Governors”** means the Board of Governors constituted under section 4;

(c) **“Chairman”** means Chairman of the Board.

(d) **“Chief Executive Officer “or” CEO”** means the CEO of the Board appointed under section 5;

(e) **“Fund”** means the Board Fund as provided in section 13;

(f) **“member”** means member of the Board including the Chairman;

(g) **“prescribed”** means prescribed by rules or regulations made under this Ordinance;

- (h) **“President”** means President of the Islamic Republic of Pakistan;
- (i) **“rules”** means rules framed under this Ordinance; and
- (j) **“regulations”** means the regulations made under this Ordinance.

PART-II

Establishment of National Information Technology Board (NITB)

3. **Establishment of the Board.**—(1) As soon as may be but not later than thirty days of the commencement of this Ordinance, 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 Ordinance.

(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 Ordinance 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. **Board of Governors.**—(1) The general direction and administration of the affairs of the Board shall vest in the Board of Governors, consisting of the following members, namely:—

- | | |
|--|--------------------------------------|
| (a) the President of Pakistan | <i>Chairman</i> |
| (b) Federal Minister for the Division to which business of the Board stands allocated | <i>Vice-Chairman/
ex-Officio</i> |
| (c) Secretary of the Division to which business of the Board stands allocated | <i>Member ex-officio</i> |
| (d) Secretary, Finance Division | <i>Member ex-officio</i> |
| (e) Secretary, Establishment Division | <i>Member ex-officio</i> |
| (f) Secretary of the Division to which business of Science & Technology stands allocated | <i>Member ex-officio</i> |

- | | | |
|-----|---|--------------------------|
| (g) | five eminent stake-holders in information technology from private sector to be nominated by the Prime Minister in prescribed manner | <i>Members</i> |
| (h) | one distinguished woman academician to be nominated by the Prime Minister in prescribed manner | <i>Member</i> |
| (i) | Chairman National Telecommunication and Information Technology Security Board | <i>Member ex-officio</i> |
| | CEO of NITB | <i>Member ex-officio</i> |

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

(3) The members, other than the *ex-officio* members, shall hold office for a term of three years from the date of their appointment, extendable for another term subject to the maximum age-limit of sixty-five years and shall be appointed in the manner prescribed by regulations.

(4) A member, other than an *ex-officio* member, may resign from his office by writing under his hand addressed to the Prime Minister.

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

(6) In absence of the Chairman, a member designated by the Chairman shall preside over the Board meetings.

5. **Appointment of CEO.**—(1) The CEO shall be appointed by the Federal Government, on the recommendations of the Board, on such terms and conditions as may be determined by the Board:

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

(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.

(4) The members shall receive such fee and expenses for each meeting as may be prescribed by regulations.

PART-III

POWERS AND FUNCTIONS OF THE BOARD

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) prescribe regulations, including regulations for exercising its powers and performance of its functions.
- (b) enter into contracts, agreements and MOUs;
- (c) acquire, lease, encumber, dispose of, exchange, vest or otherwise deal with any moveable or immovable property or any interest therein;
- (d) prescribe regulations for appointment and removal of the Board Employees or/and related matters.

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

- (a) 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;
- (b) facilitate efficient and cost-effective implementation of e-governance programs in the Federal ministries and divisions;
 - (c) carry out training need assessments, including infrastructure as well as HR 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;
 - (d) review the status of e-government readiness on a regular basis to ensure sustainable, accelerated digitization and relevant human resource development;
 - (e) 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);
 - (f) provide standards, recommendations and compliance for software and infrastructure in the field of electronic governance;
 - (g) carry out coordination with the provinces and provide assistance and facilitation as and when required;
 - (h) facilitate efficient and cost-effective conception, procurement, implementation, operations and maintenance of all Federal Government's ministries, divisions, departments and organizations' e-government programs and projects and ensure their holistic alignment with the national strategic action plans;
 - (i) be the lead authority to ensure data security of any ministry, division or organization for good governance;
 - (j) provide data to all government departments as per their requirement ;
 - (k) be responsible to review and acquire information and communication technology service infrastructure to government departments to revamp e-governance and communication within the Government;

- (l) provide standardization across the government departments in information and communication technology data, services and infrastructure by granting approvals to any new information and communication technology related technology or projects in government departments;
- (m) be responsible to investigate IT security breaches across government departments;
- (n) be responsible to build, rollout and maintain national disaster IT and communications action plan;
- (o) be responsible to provide system analysis consulting service to government departments and build information and communication technology applications based on their needs;
- (p) build private sector information and communication technology industry and diversify the skillset of new generation;
- (q) establish centers of excellence to develop technologies in collaboration with other government departments and private sector;
- (r) be authorized to acquire citizens' data, partially or all, from the database of any government ministry, division, or organization with the permission of the concerned ministry, division, department, organization provided that -
 - (i) data shall remain the ownership of the concerned ministry, division, department or organization;
 - (ii) if the data is acquired by NITB, for the purpose of development of any governance application, the concerned ministry, division, department or organization shall be bound to share the data free of cost; and
 - (iii) if the data is acquired, by NITB, for the purpose of development of any commercial application, the data shall be shared on mutually agreeable terms between NITB and the concerned ministry, division, department or organization within seven days failing which the matter shall be referred to Federal Government for determination of terms and conditions for sharing of data;

- (s) enlist all private sector companies to collaborate and deliver services to any ministry, division or organization on information and communication technology related projects;
- (t) utilize all means to ensure security of data and systems of any ministry, division, or organization, in line with international standards;
- (u) recommend representation of any government department internationally in the context of information and communication technology industry;
- (v) recommend any matter pertaining to development, reform, improvement and sustainability of information and communication technology sector of Pakistan;
- (w) be responsible for recommending and defining standardized parameters in line with IT policy to be followed at all levels for IT projects;
- (x) recommend and execute development of national IT plans and policies in line with international best practices; and
- (y) collect information with respect to IT within and outside Pakistan and review the impact thereof.

9. **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.

10. **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 Ordinance.

(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.

11. **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.

12. **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 of Governors, through regulations, may delegate any of its powers relating to appointment of officers and other staff to the CEO or any other officer.

(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).

13. **Transfer of assets and liabilities of erstwhile NITB.**—(1) From the date of commencement of this Ordinance, 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.

(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 Ordinance.

(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 Ordinance 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 Ordinance.

(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 Ordinance 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 Ordinance and shall have effect accordingly.

PART-IV

FUNDS, BUDGET, ACCOUNTS AND AUDIT

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

(2) The fund shall consist of -

- (a) funds provided by the Federal Government for payment of salaries, establishing infrastructure and running the day to day business of the Board;
- (b) loans and grants by the Federal Government or any provincial Government or local authority;
- (c) other loans or funds obtained by the Board;

- (d) foreign aid, grants and loans negotiated and raised, or otherwise obtained by the Board, in consultation with Finance Division;
 - (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 by the Board as prescribed from time to time;
 - (g) income from the sale of movable or immovable property;
 - (h) funds from floating bonds, shares, debentures, commercial papers or any other securities issues by the board or through any other means;
 - (i) income from investments; and
 - (j) all other sums received or earned by the Board.
- (3) The Board 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.
- (4) The Federal Government may provide funds for administrative, operational and any other expenses.
- (5) Only those funds and grants by Federal Government or donor shall be credited to commercial bank account which are allowed by Finance Division explicitly.
- (6) Bank accounts of the Board shall be opened with the prior approval of the Board of Governors.
- (7) Investments shall be made in accordance with instructions and policy of the Finance Division including its O.M No. 4(1)/2002-BR-II dated 2-7-2003.

15. **Budget.**—The Board shall in respect of each financial year submit through relevant Division and Finance Division for the approval of 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.

16. **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.

17. **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.

PART-V

RULES AND REGULATIONS

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

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

(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 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, advisors 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 of Governors, other than *ex-officio* members; and
- (f) all or any of the matters which by this Ordinance are to be or may be prescribed by the regulations.

PART-VI

MISCELLANEOUS

20. **Removal of Difficulties.**—If any difficulty arises in giving effect to any provision of this Ordinance, rules and regulations, the President may make such order, not inconsistent with the provisions of this Ordinance, rules and regulations, as may appear to him to be necessary for the purpose of removing the difficulty.

21. **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 Ordinance.

22. **Delegation of powers.**—(1) The Board of Governors may delegate all or any of its powers and functions to the CEO subject to such conditions and limitations, as it may prescribe.

(2) The Board may delegate all or any of its powers and functions under this Ordinance to any member or officer of the Board, subject to such conditions and limitations, may be prescribed.

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

24. **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 Ordinance.

25. **Saving.**—Notwithstanding anything contained in this Ordinance, 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 Ordinance, rules and

regulations, be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Ordinance.

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

27. **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).

DR. ARIF ALVI,
President.

ARSHAD FAROOQ FAHEEM,
Secretary.