

REGISTERED No. M - 302  
L.-7646

**The Gazette**  **of Pakistan**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

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**ISLAMABAD, WEDNESDAY, OCTOBER 21, 2020**

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PART III

**Other Notifications, Orders, etc.**

**NATIONAL ASSEMBLY SECRETARIAT**

*Islamabad, the 16th October, 2020*

**No. F. 22(31)/2019-Legis.**—The following Bill / Report have been introduced / presented in the National Assembly on 16th October, 2020.

N.A. BILL NO. 87 OF 2020

A

BILL

*Further to amend the Elections Act, 2017*

WHEREAS, it is expedient further to amend the Elections Act, 2017 (XXXIII of 2017) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1527 (1—39)

*Price: Rs. 60.00*

[6242(2020)/Ex. Gaz.]

1. **Short title and commencement.**—(1) This Act shall be called the Elections (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendments in section 2, Act XXXIII of 2017.**—In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the said Act, in section 2,—

(a) **after clause (i), the following new clause (ia) shall be inserted namely:-**

“(ia) **accredited, means authorized by the Commission**”;

(b) in clause (v), after the word “property” the words “including accounts receivable” shall be inserted;

(c) in clause (xvi), in sub-clause (b),—

(i) in paragraph I, after semicolon, the word “and” shall be added; and

(ii) in paragraph II, for the semicolon, a full stop shall be substituted and thereafter paragraph III along with proviso shall be omitted.

3. **Amendment in section 8, Act XXXIII of 2017.**—In the said Act, in section 8, in clause (b), after the word “paper”, the words “before consolidation of results” shall be inserted.

4. **Amendment in section 9, Act XXXIII of 2017.**—In the said Act, in section 9, in sub-section (3), for the word “sixty”, the word “thirty” shall be substituted.

5. **Amendment in section 11, Act XXXIII of 2017.**—In the said Act, in section 11, in sub-section (2), for the words “applicable laws and”, the word “the” shall be substituted;

6. **Amendment in section 12, Act XXXIII of 2017.**—In the said Act, in section 12, in clause (c), after the words “women”, the expression, “non-Muslims, disabled persons and transgender” shall be inserted;

7. **Amendments in section 13, Act XXXIII of 2017.**—In the said Act, in section 13,—

- (a) in sub-section (4), in clause (a), before the word “scanned”, the expression “without loss of any time,” shall be added;
- (b) in sub-section (5), after the word “Commission”, occurring for the first time, the expression “, within twenty-four hours after the consolidation proceedings,” shall be inserted; and
- (c) in sub-section (6), after the word “shall”, the expression “, within the time specified in sub-section (10) of section 95,” shall be inserted.

8. **Amendment in section 14, Act XXXIII of 2017.**—In the said Act, in section 14, in sub-section (1), for the word “prepare”, the word “finalize” shall be substituted.

9. **Amendment in section 15, Act XXXIII of 2017.**—In the said Act, in section 15, in sub-section (1), after the word “action”, occurring for the third time, the words “but before the day of the poll” shall be inserted.

10. **Amendment in section 17, Act XXXIII of 2017.**—In the said Act, in section 17, in sub-section (2), for the full stop at the end a colon shall be substituted and thereafter the following provisos shall be added, namely:—

“Provided that the delimitation shall be on the basis of equal number of enrolled voters in every constituency of respective Provinces:

“Provided further that the delimitation exercise shall be finalized at least four months prior to the notification of election programme.”.

11. **Amendments in section 20, Act XXXIII of 2017.**—In the said Act, in section 20,—

- (a) for sub-section (3), the following shall be substituted, namely:-

“(3) As far as possible, variation in number of enrolled voters of constituencies of an Assembly or a local government shall not exceed five percent in any case.”, and

- (b) in sub-section (4), for the word “ten”, the word “five” shall be Substituted.

12. **Amendment in section 21, Act XXXIII of 2017.**—In the said Act, in section 21, after sub-section (4), the following new sub-section shall be added, namely;—

“(5) Any person aggrieved by the decision of the Commission under this section may, within thirty days of the decision, prefer an appeal to the Supreme Court of Pakistan.”

13. **Amendment in section 23, Act XXXIII of 2017.**—In the said Act, in section 23, after sub-section (2) the following new sub-section shall be added, namely:—

“(3) The Commission may appoint as many Registration Officer for discharge of functions under sub-section (1) and sections 25(3), 35, 37, 38 and 41.

14. **Omission of Sections 24, 26, 28 to 34, 36 and 44, Act XXXIII of 2017.**—In the said Act, sections 24, 26, 28 to 34, 36 and 44 shall be omitted.

15. **Amendments in section 25, Act XXXIII of 2017.**—In the said Act, section 25,—

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) In such manner as may be prescribed, the National Database and Registration Authority shall transmit relevant data of every fresh national identity card issued by it to the Commission for registration of card-holder as a voter in the electoral roll of the electoral area of permanent or temporary address, which is located within the jurisdiction of the office or center of the National Data Base and Registration Authority from where the person obtained his fresh National Identity Card (NIC) and subsequent change shall be subject to application by the NIC holder through biometric verification.”

(b) in sub-section (2), after the word “voters”, the comma and words “any change in the option indicated by a voter regarding place of his voting” shall be inserted.

16. **Substitution of section 35, Act XXXIII of 2017.**—In the said Act, for section 35, the following shall be substituted, namely:—

“35. **Final publication.**—After every revision under section 23, the Registration Officer shall publish in the prescribed manner and form, the electoral roll for each electoral area after ensuring that all eligible citizens of eighteen years and above to whom have been issued NIC till date have been entered in the electoral roll of that area.”

17. **Amendment in section 43, Act XXXIII of 2017.**—In the said Act, in section 43, for the words “to the Registration Officer concerned,” the expression “National Database and Registration Authority (NADRA) shall be substituted”.

18. **Amendments in section 53, Act XXXIII of 2017.**—In the said Act, in section 53,—

- (a) in sub-section (3), for the full stop at the end a colon shall be substituted and thereafter the following provisos shall be added, namely:—

“Provided that a candidate may challenge before the Commission under section 15 the appointment of the officers, polling scheme or polling staff:

Provided further that the appointment orders of polling staff for election may immediately be uploaded on website of the Commission on the form as approved by the Commission.”; and

- (b) after sub-section (4), the following new sub-section (5), shall be added namely;

“(5) No official working within the jurisdiction of respective constituency or tehsil shall be appointed as polling staff for that constituency and tehsil.”.

19. **Amendments in section 59, Act XXXIII of 2017.**—In the said Act, in section 59,—

- (a) in sub-section (5), after the full stop, the expression “A candidate from the constituency may file an objection on a particular polling station in his constituency on reasonable ground.” shall be added;
- (b) in sub-section (8), after the word “candidates”, the words “not later than seventy two hours before polling and a copy of such change shall be transmitted to the candidates immediately without loss of any time” shall be inserted;
- (c) in sub-section (9), after the expression (6), the expression “read with sub-section (8)” shall be inserted;
- (d) in sub-section (11), after the word “candidate”, the expression “, a political party or its office bearers” shall be inserted; and

- (e) after sub-section (12), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that it shall be ensured that surveillance cameras so installed do not compromise the secrecy of voter while he is marking on the ballot paper.”.

20. **Amendments in section 61, Act XXXIII of 2017.**—In the said Act, in section 61, —

- (a) in sub-section (1),—
- (i) for the word “thirty” the word “fifty” shall be substituted; and
- (ii) for the word “twenty” the word “thirty” shall be substituted;
- (b) after sub-section (5), the following new sub-section shall be added, namely:-

“(6) The sum deposited by a candidate whose nomination papers are rejected or who withdraws or retires from election shall be refunded.”.

21. **Amendments in section 64, Act XXXIII of 2017.**—In the said Act, in section 64,—

- (a) in sub-section (1), after the word “candidates”, the words “including uploading the same on the Commission’s website as well” shall be inserted; and
- (b) in sub-section (3), after the word “candidates”, the words “including uploading the same on the Commission’s website as well” shall be inserted.

22. **Amendment in section 66, Act XXXIII of 2017.**—In the said Act, section 66, after the word “constituency”, the words “and such certificate shall be duly signed by a designated office bearer of the party who is, notified by the chairman of the party” shall be inserted.

23. **Amendment in section 68, Act XXXIII of 2017.**—In the said Act, section 68, in sub-section (2), after the words “on the day of poll” the words “and on the Commission’s website” shall be inserted.

24. **Amendment in section 71, Act XXXIII of 2017.**—In the said Act, in section 71, in sub-section (4), after the word “paper” the words “or paper with security features” shall be inserted.

25. **Amendment in section 72, Act XXXIII of 2017.**—In the Elections Act, 2017 (XXXIII of 2017), after section 72, the following section shall be inserted, namely:—

“72A. **Seat becoming vacant on not making oath within sixty days.**—the seat of a returned candidate shall become vacant, if he does not make an oath within sixty days from the date of the first sitting of the National Assembly, Senate or the Local government, as the case may be.”.

26. **Amendment of section 76, Act XXXIII of 2017.**—In the said Act, in section 76, for sub-section (1), the following shall be substituted, namely:—

“(1) A candidate may appoint five voters from the constituency as his election agents, for separate and designated polling stations in that constituency without any over lapping and shall send to the Returning Officer a notice in writing of the appointment containing the name, father’s name, voter number and address of the election agent within twenty-four hours before start of polling.”.

27. **Amendment in section 79, Act XXXIII of 2017.**—In the said Act, in section 79, for sub-section (1), the following shall be substituted, namely:—

“(1) The Commission shall thirty days before polling provide to the Returning Officer for each constituency printed copies of final electoral rolls duly attested and also saved in universal serial bus (USB) for all the electoral areas within that constituency”.

28. **Amendment in section 84, Act XXXIII of 2017.**—In the said Act, in section 84, after sub-section (9), the following new sub-section shall be added, namely:-

“(10) In case a voter is physically impaired and cannot use stairs to cast his vote in the designated polling booth, the Presiding Officer shall extend him appropriate facilitation and thereupon such voter may, with such facilitation, do anything which a voter is required or permitted to do under this Act.”.

29. **Amendment in section 86, Act XXXIII of 2017.**—In the said Act, in section 86, in sub-section (1), after the expression, “candidate”, the expression “election agent” shall be inserted.

30. **Amendments in section 90, Act XXXIII of 2017.**—In the said Act, in section 90,—

- (a) in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that presence of not more than one person, either a candidate or his agent, shall be allowed.”.

- (b) after sub-section (18), the following new sub-section shall be added, namely:—

“(19) A Presiding Officer who does not comply with the provisions of this Act and the rules made there under shall be liable to disciplinary proceedings under the relevant law applicable to him for imposition of penalty commensurate with his guilt by the concerned authority.”.

31. **Amendment in section 92, Act XXXIII of 2017.**—In the said Act, in section 92, after the word “Commission”, the words “which shall immediately upload the same on its website “shall be inserted.

32. **Amendment in section 94, Act XXXIII of 2017.**—In the said Act, in section 94, for sub-section (1), the following shall be substituted namely,—

- “(1) The Commission with technical assistance of NADRA shall have full mandate to facilitate or involve overseas Pakistanis for exercising their right of vote during elections in the country and such exercise shall be subject to technical efficacy, secrecy, security and financial feasibility.”.

33. **Amendments in section 95, Act XXXIII of 2017.**—In the said Act, in section 95,—

- (a) in sub-section (1), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that presence of not more than one agent of each candidate shall be allowed.”.

- (b) for sub-section (5), the following shall be substituted, namely:—



“(5) Before commencement of the consolidation proceedings, the Returning Officer shall recount the ballot papers of one or more polling stations if a request or challenge in writing is made by a contesting candidate or his election agent and the margin of victory between returned and runner, up candidates is less than five percent of the total votes polled in the constituency.”;

(c) in sub-section (6), after the word “proceedings” the words “and notifying the returned candidate,” shall be inserted; and

(d) in sub-section (9), after the word “agents” the words “and accredited observers” shall be inserted.

34. **Amendment in section 99, Act XXXIII of 2017.**—In the said Act, in section 99, in sub-section (1), for clause (f), the following shall be substituted, namely:—

“(f) result of the count (Form 45) and such other papers as the Commission may direct.”.

35. **Amendments in section 104, Act XXXIII of 2017.**—In the said Act, in section 104,—

(a) in sub-section (1), for the existing proviso, the following shall be substituted, namely:—

“Provided that the parties shall submit final priority list of candidates within three days after declaration of general elections results.”.

(b) for sub-sections (4), (5) and (6), the following shall be substituted, namely:-

“(4) If, at any time a vacancy is created, the political party may submit a fresh list and the provisions of sub-sections (1), (2) and (3) shall, as nearly as possible, apply to fill such vacancy.

(5) Where a seat reserved for women or non-Muslims in an Assembly falls vacant as a result of death, resignation or disqualification of a Member, it shall be filled in accordance with a fresh list as submitted to the Commission by the party.

(6) Before notifying the name of the person in order of priority from the party list as submitted under sub-section (4) or (5), such person shall submit a declaration on oath that since the filing of his nomination papers, he has not become subject to

any disqualification contained in Article 63 of the Constitution.”.

36. **Amendment in section 122, Act XXXIII of 2017.**—In the said Act, in section 122, in sub-section (6), for the word “secret” the word “open” shall be substituted.

37. **Amendment in section 137, Act XXXIII of 2017.**—In the said Act, in section 137, in sub-section (1), after the word “his”, occurring for the second time, the word “dependent” shall be inserted.

38. **Amendment in section 138, Act XXXIII of 2017.**—In the said Act, in section 138, after the word “Gazette” the words “and upload on its website” shall be inserted.

39. **Amendment in section 140, Act XXXIII of 2017.**—In the said Act, in section 140, in sub-section (2), in clause (a), the words “or has been” shall be omitted.

40. **Amendment in section 144, Act XXXIII of 2017.**—In the said Act, in section 144, in sub-section (2), in clause (b), for the expression “para (b)” the expression “clause (b) of sub-section (1)” shall be substituted.

41. **Amendment in section 158, Act XXXIII of 2017.**—In the said Act, in section 158, in clause (a), after the word “candidate”, the words “or any person on behalf of the returned candidate” shall be inserted.

42. **Amendment in section 167, Act XXXIII of 2017.**—In the said Act, in section 167, in clause (b), after the word “sect”, the expression, “gender” shall be inserted.

43. **Amendment in section 172, Act XXXIII of 2017.**—In the said Act, in section 172, in sub-section (2), for the words “six months” the words “three years” shall be substituted.

44. **Amendment in section 195, Act XXXIII of 2017.**—In the said Act, in section 195, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the Commission shall publish its meeting decisions and details of voting where the Commission decides the matter through majority.”.

45. **Amendment in section 202, Act XXXIII of 2017.**—In the said Act, in section 202, in sub-section (2), for the words “two thousand members” the expression “ten thousand members, including at least twenty percent women” shall be substituted.

46. **Amendment in section 203, Act XXXIII of 2017.**—In the said Act, in section 203, in sub-section (4), after the words “women,” the expression “, persons with disabilities and transgender persons” shall be inserted.

47. **Insertion of new section 213A, Act XXXIII of 2017.**—In the said Act, after section 213, the following new section shall be inserted, namely:—

“213A. **Political parties to hold annual conventions.**—Political parties may be bound to hold regular annual conventions and submit its report to the Commission mentioning therein at least top ten problems of the country, reasons and solutions thereof, in view of the majority members of the party.”.

48. **Amendments in section 221, Act XXXIII of 2017.**—In the said Act, in section 221:-

- (a) in sub-section (2), in clause (c), for the word “population”, the word “voters” shall be substituted;
- (b) in sub-section (4), in clause (c), for the word “population”, the word “voters” shall be substituted;
- (c) in sub-section (6), in clause (c), for the word “population”, the word “voters” shall be substituted; and
- (d) in sub-section (8), in clause (c), for the word “population”, the word “voters” shall be substituted.

49. **Amendment in section 231, Act XXXIII of 2017.**—In the said Act in section 231, after the full stop at the end, the following explanation shall be added, namely:—

“*Explanation.*—It is clarified that the critical or cut-off date for the purposes of assessing the qualifications or disqualifications under this section shall be the date of scrutiny. However, this provision shall take effect from the 2nd October, 2017, when the Election Act, 2017 (XXXIII of 2017), was notified.”.

STATEMENT OF OBJECT AND REASONS

Transparent Senate elections without manipulations that have happened in the past and grant of voting rights to the Overseas Pakistanis are the long outstanding demands of almost all the political parties including PTI. Federal Cabinet, in its meeting held on 28th January, 2020 constituted Cabinet Committee to formulate recommendations regarding electoral reforms in order to ensure transparent, free and fair elections in the country. Based on the recommendations of the Committee, the Cabinet approved electoral reforms package consisting of the Constitution (twenty-sixth Amendment) Bill, 2020 and the Elections (Amendment) Bill, 2020. These bills broadly cover the Senate elections, women and Minorities reserved seats, delimitation of constituencies on the basis of enrolled voters instead of population, voting rights to overseas Pakistanis and conditional participation of dual nationals in elections.

2 Accordingly, this bill is aimed to achieve the aforesaid objective.

ZAHEER-UD-DIN-BABAR AWAN,  
*Advisor to the Prime Minister,  
on Parliamentary Affairs.*

Islamabad, the 16th October, 2020

Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following report of the Standing Committee, presented to the National Assembly on 16th October, 2020 is published for information:

**REPORT OF THE STANDING COMMITTEE ON INFORMATION  
TECHNOLOGY AND TELECOMMUNICATION ON THE NATIONAL  
INFORMATION TECHNOLOGY BOARD ORDINANCE, 2019  
(ORDINANCE NO. X OF 2019)**

I, the Chairman of Standing Committee on Information Technology and Telecommunication have the honor to present this report on the Bill to provide for establishment of National Information Technology Board (NITB) [The National Information Technology Board Ordinance, 2019 (Ordinance No. X of 2019)] (Government Bill) referred to the Committee on 13th September, 2019.

2. The Committee comprises the following:—

- |                               |                 |
|-------------------------------|-----------------|
| 1. <b>Mr. Ali Khan Jadoon</b> | <b>Chairman</b> |
| 2. Sahibzada Sibgatullah      | <i>Member</i>   |

3.	Mr. Sher Ali Arbab	<i>Member</i>
4.	Makhdoom Zain Hussain Qureshi	<i>Member</i>
5.	Mr. Muhammad Abdul Ghafar Wattoo	<i>Member</i>
6.	Sardar Muhammad Khan Leghari	<i>Member</i>
7.	Ms. Nusrat Wahid	<i>Member</i>
8.	Mr. Muhammad Aslam Khan	<i>Member</i>
9.	Ms. Javairia Zafar Aheer	<i>Member</i>
10.	Ms. Kanwal Shauzab	<i>Member</i>
11.	Mr. Muhammad Hashim	<i>Member</i>
12.	Malik Sohail Khan	<i>Member</i>
13.	Mr. Ali Gohar Khan	<i>Member</i>
14.	Ms. Aysha Rajab Ali	<i>Member</i>
15.	Ms. Romina Khursheed Alam	<i>Member</i>
16.	Ms. Maiza Hameed	<i>Member</i>
17.	Syed Ghulam Mustafa Shah	<i>Member</i>
18.	Mr. Mahesh Kumar Malani	<i>Member</i>
19.	Ms. Naz Baloch	<i>Member</i>
20.	Mr. Zahid Akram Durrani	<i>Member</i>
21.	Mr. Khalid Maqbool Siddiqui, Minister for Information Technology and Telecommunication	Ex-Officio <i>Member</i>

3. The Committee considered the Bill as introduced in the National Assembly placed at **Annexure-‘A’**, in its meeting held on 26th September, 2019 and recommends that the Bill placed at **Annexure-‘B’**, may be passed by the National Assembly.

Sd/-  
(TAHIR HUSSAIN)  
*Secretary.*

Sd/-  
(ALI KHAN JADOON)  
*Chairman,*  
*Standing Committee on Information*  
*Technology and Telecommunication.*

*Islamabad, the 8th January, 2020.*

**Annex-A**

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

*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 provision of e-governance software applications to public sector 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 *Chairman*
- (b) Federal Minister for the Division to which *Vice-Chairman/*

	business of the Board stands allocated	ex-Officio
(c)	Secretary of the Division to which business of the Board stands allocated	Member ex-officio
(d)	Secretary, Finance Division	Member ex-officio
(e)	Secretary, Establishment Division	Member ex-officio
(f)	Secretary of the Division to which business of Science & Technology stands allocated	Member ex-officio
(g)	five eminent stake-holders in information technology from private sector to be nominated by the Prime Minister in prescribed manner	Members
(h)	one distinguished woman academician to be nominated by the Prime Minister in prescribed manner	Member
(i)	Chairman National Telecommunication and Information Technology Security Board	Member ex-officio
	CEO of NITB	Member ex-officio

(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

#### MISCELLENEOUS

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).

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#### STATEMENT OF OBJECTS AND REASONS

The Government of Pakistan gives high priority to the Information and Communication Technology (ICT) Sector as an enabler of socio-economic development. The core objective of establishment of National Information Technology Board in 2014, through the merger of Pakistan Computer Bureau (PCB) and Electronic Government Directorate, was to create an organization with technical capacity to promote and integrate ICT programs across the Federal Government. However its existing structure (as an attached department) hampers its ability to harness the latest technical expertise, skill sets and work experience required to deliver on its mandate. The mandate in itself has been long due for reconsideration as well, keeping in view the evolving nature of ICT technologies. Through this ordinance, the re-organization of the NITB (as an autonomous body) would not only enable harnessing the latest solutions ICTs have to offer, but would also induct and mainstream these technologies in the work processes of the Federal Government while promoting integration of digital technologies across the country.

DR. KHALID MAQBOOL SIDDIQUI,  
*Federal Minister for Information Technology  
& Telecommunication.*

**Annex-B**

[AS REPORTED BY STANDING COMMITTEE]

A

Bill

*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 public sector 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 therewith and ancillary thereto;

PART-I

**PRELIMINARY**

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

(2) It shall extend to whole of Pakistan.

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

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

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

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

## 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 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. **Board of Governor.**—(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/<br/>ex-officio</i> |
| (c) Secretary of the Division to which business of the Board stands allocated         | <i>Member<br/>ex-officio</i>         |
| (d) Secretary, Finance Division   | <i>Member<br/>ex-officio</i>         |
| (e) Secretary, Establishment Division   | <i>Member<br/>ex-officio</i>         |

- |   |                             |
|---|-----------------------------|
| (f) Secretary of the Division to which business of Science and Technology stands allocated  | <i>Member</i><br>ex-officio |
| (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 CEO of NITB   | <i>Member</i><br>ex-officio |

(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:

(1) 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.

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

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(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.

**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.

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(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).

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(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 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 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.

#### 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 Act, 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 other 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.

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(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 2nd July, 2003.

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Government, a statement showing the estimated receipts, 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 Act.

19. **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 alongwith 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, 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 of Governors, 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.

#### PART-VI

#### MISCELLENEOUS

20. **Removal of Difficulties.**—If any difficulty arises in giving effect to any provision of this Act, rules and regulations, the President may make such order, not inconsistent with the provisions of this Act, 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 Act.

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 Act to any member or officer of the Board, subject to such conditions and limitations, as may be prescribed.

23. **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.

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 Act.

25. **Saving.**—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.

26. **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.

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, 1860 (Act XLV of 1860).

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#### STATEMENT OF OBJECTS AND REASONS

The Government of Pakistan gives high priority to the information and Communication Technology (ICT) Sector as an enabler of socio-economic development. The core objective of establishment of National Information Technology Board in 2014, through the merger of Pakistan Computer Bureau (PCB) and Electronic Government Directorate, was to create and organization with technical capacity to promote and integrate ICT programs across the Federal Government. However its existing structure (as an attached department) hampers its ability to harness the latest technical expertise, skill sets and work experience required to deliver on its mandate. The mandate in itself has been long due for reconsideration as well, keeping in view the evolving nature of ICT technologies.

Through this Act, the re-organization of the NITB (as an autonomous body) would not only enable harnessing the latest solutions ICTs have to offer, but would also induct and mainstream these technologies in the work processes of the Federal Government while promoting integration of digital technologies across the country.

DR. KHALID MAQBOOL SIDDIQUI,  
*Federal Minister for Information  
Technology & Telecommunication.*

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TAHIR HUSSAIN  
*Secretary.*