

A Bill
further to amend the Khyber Pakhtunkhwa
Establishment of Information Technology Board Act, 2011

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Establishment of Information Technology Board Act, 2011 (Khyber Pakhtunkhwa Act No. XI of 2011), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.--(1) This Act may be called the Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Substitution of Preamble of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the Khyber Pakhtunkhwa Establishment of Information Technology Board Act, 2011 (Khyber Pakhtunkhwa Act No. XI of 2011), hereinafter referred to as the said Act, for the existing Preamble, the following shall be substituted, namely:

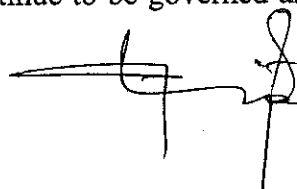
“Whereas it is expedient to provide for the establishment of the Khyber Pakhtunkhwa Information Technology Board for promotion, planning, execution, supervision, evaluation and regulation of the Information and Communication Technology, Information and Communication Technology enabled services and education for public and private sectors of the Province of the Khyber Pakhtunkhwa and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:”.

3. Insertion of new section in the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, after section 3, the following new section shall be added namely:

3A. Status of the Directorate of Information Technology and its employees.- On commencement of the Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2017,-

- (i) the Directorate of Information Technology, shall cease to be an Attached Department of Science & Technology and Information Technology Department of the Government, and shall be merged into Board and the Board shall, take over the functional, administrative, financial and regulatory control over all the activities, offices, projects, centers, etc. of the Directorate of Information Technology, for the disposal of its functions;
- (ii) all the movable and immovable assets and liabilities including furniture, fixture, equipment, vehicles, record, data etc. of the Directorate of Information Technology shall be transferred to the Board and ownership of such assets shall vest in the Board;
- (iii) all the civil servants serving in Directorate of Information Technology, shall be given an option, either to continue to serve as civil servant or may opt for the employment of the Board. The option shall be exercised within a period of thirty days after the commencement of the Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2017. Those employees, who do not opt for their absorption in the Board, shall be absorbed in the Directorate of Science and Technology where they can continue to be governed and regulated in



accordance with the Civil Servants Act, 1973 and the rules and regulations made thereunder; and

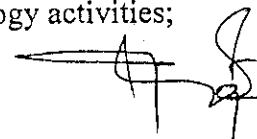
- (iv) Projects of the Directorate of Information Technology along with its employees shall be transferred to the Board for the completion of remaining activities of such Projects.”.

4. Amendment of section 4 of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, in section 4,-

- (i) for sub-section (5), the following shall be substituted, namely:
“(5) Government may at any time terminate the nomination of any member mentioned at clause (h) of sub-section (1), by assigning cogent reason.”; and
- (ii) for sub-section (7), the following shall be substituted, namely:
“(7) the members at clause (h) of sub-section (1), shall be entitled to an amount of Rupees twenty thousand as honoraria for attending a meeting of the Board.”.

5. Amendment in section 7 of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, in section 7, in sub-section (2),-

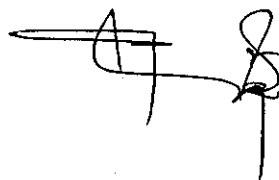
- (i) in clause (a), for the words “private sector”, the words “public and private sectors” shall be inserted;
- (ii) for clause (d), the following shall be substituted, namely:
“(d) supervise, evaluate and lead telecom regulators, operators and service providers for provision of wide range of high quality, efficient, cost effective, and competitive information and communication technology services throughout the Province, in order to reduce broadband bandwidth tariffs, improve access, protect consumer rights and interests and regulate arrangements with the service providers of sharing their revenue with the Board, derived from provision of services in the Province;
- (iii) in clause (e), after the words “Software Technology Parks”, the word “and” shall be substituted with a comma and after the words “Information Technology Parks” a comma and the words “and Technology Cities for Information and Communication Technology and Electronics manufacturing” shall be inserted;
- (iv) in clause (l), the word “and” appearing at the end shall be deleted;
- (v) in clause (m), the full stop appearing at the end shall be replaced by semicolon and thereafter the following new clauses shall be added, namely:
- “(n) finance, promote, train and develop the human resource and entrepreneurs of the Province in the field of information and communication technology, within Pakistan as well as abroad;
- (o) launch Research and Development Programs and up-gradation of its infrastructure;
- (p) monitor and evaluate the outcome and results of Information and Communication Technology Projects initiated by the Government in the province and provide policy guidelines to the Government departments, Government organizations, semi-autonomous and autonomous agencies under the administrative control of Government, Research and Development institutions for their restructuring and enhancement of Information and Communication Technology activities;



- (q) advise and regulate Government departments, Government organizations, semi-autonomous and autonomous agencies under the administrative control of Government on the introduction and usage of Information and Communication Technology;
- (r) promote usage of Information and Communication Technology by awarding scholarships, awards, certificates, holding of conferences, expos, seminars, workshops, in-service training and acquiring higher education;
- (s) plan, execute, monitor, evaluate and regulate computerization, automation and all Information and Communication Technology related initiatives, activities and projects in Government departments, Government organizations, semi-autonomous and autonomous agencies under the administrative control of Government;
- (t) plan, execute, monitor and regulate electronic governance and mobile governance of government departments;
- (u) promote, establish, monitor, evaluate and regulate electronic commerce, electronic payments, electronic payment gateways and electronic payment service providers in the Province;
- (v) establish venture capital fund, angel investment fund, crowd sourcing fund, private equity fund or any other variant of fund, for financing, investing and holding equity share in technology startup businesses;
- (w) enter into Concession Contract under the Khyber Pakhtunkhwa Public Private Partnerships Act, 2014, for promoting Public Private Partnership;
- (x) establish academia-industry linkages; and
- (y) Ensure that the shares of the Province in all Federal information and communication technology related services, including autonomous bodies and corporations established by, or under the control of, Federal Government, such as, Universal Service Fund, National Information and Communication Technology Research and Development Fund etc, shall be secured and collected by the Board and any omission in the allocation of the shares of the Province in the past shall be rectified and collected by the Board.”.

6. Amendment in section 8 of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, in section 8,-

- (i) for sub-section (1), the following shall be substituted, namely:
“(1) The Managing Director shall be appointed by the Board, on the recommendations of a Search and Scrutiny Committee, to be constituted by the Board, on such salary and terms and conditions as may be prescribed.”.
- (ii) for sub-section (5), the following shall be substituted, namely:
“(5) The Managing Director shall hold office for a term of five years and shall be eligible for re-appointment for such further term or terms, not exceeding five years at any one time, as the Board may deem fit.”.
- (iii) in sub-section (6), for the word “Government”, the word “Board” shall be substituted.



(iv) in sub-section (7), for the words “any Director or member”, the words “Senior Director” shall be substituted.

(v) after sub-section (7), the following new sub-section shall be inserted, namely:

“(8) The Search and Scrutiny Committee, under sub-section (1), shall comprise of five members, who shall be members of the Board, with majority of members nominated under clause (h) of sub-section (1) of section (4) of the Khyber Pakhtunkhwa Act No. XI of 2011, shall seek applications through public advertisement, and shall recommend to the Board, a candidate with the highest score on the merit list, for appointment as Managing Director.”.

7. Amendment in section 9 of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, in section 9, after sub-section (4), the following new sub-section shall be inserted, namely:

“(5) A person appointed by the Board, under sub-section (1) and (3) of section 9 of the Khyber Pakhtunkhwa Act No. XI of 2011, shall, on satisfactory completion of probation, be deemed confirmed in service with effect from initial appointment.”.

8. Amendment in section 11 of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, in section 11, in sub-section (3),-

(i) in clause (c), the word “and” appearing at the end shall be deleted;

(ii) in clause (d), the full stop appearing at the end shall be replaced by semicolon and thereafter the following new clauses shall be inserted, namely:

“(e) Shares of the Province in all Federal information and communication technology related services, including autonomous bodies and corporations established by, or under the control of, Federal Government; and

(f) One-line budget from the Government.”.

9. Amendment in section 12 of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, in section 12, the words “as grant-in-aid” shall be omitted.

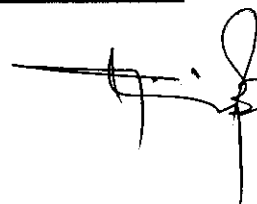
10. Amendment in section 13 of the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, in section 13, after sub-section (2), the following new sub-section shall be inserted, namely:

“(3) The Board may, in addition to the audit under sub-section (2), cause its accounts to be audited by any other external auditor.”

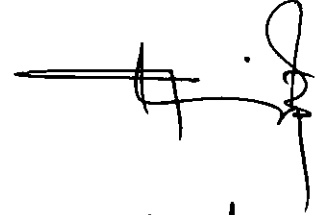
11. Insertion of new section in the Khyber Pakhtunkhwa Act No. XI of 2011.-- In the said Act, after section 19, the following new section shall be added namely:

"20. Overriding effect.- Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.”.

STATEMENT OF OBJECT AND REASONS



It is desirable to amend the Khyber Pakhtunkhwa Establishment of Information Technology Board Act, 2011 (Khyber Pakhtunkhwa Act No. XI of 2011). Hence, this Bill.



Muhammad Arif

MPA Pk 22

Charsadda.