



# The Khyber Pakhtunkhwa Establishment of Information Technology Board Act, 2011

Khyber Pakhtunkhwa Act No. XI of 2011)

Dated Peshawar, the 12/05/2011

No.PA/ Khyber Pakhtunkhwa/Bills/2011/. The Khyber Pakhtunkhwa Establishment of Information Technology Board Bill, 2011 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 2<sup>nd</sup> May, 2011 and assented to by the Governor of the Khyber Pakhtunkhwa on 10<sup>th</sup> May, 2011 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 12<sup>th</sup> May, 2011).

AN

ACT

*To provide for the establishment of the*

*Khyber Pakhtunkhwa Information Technology Board for private sector.*

**WHEREAS** it is expedient to provide for the establishment of the Khyber Pakhtunkhwa Information Technology Board for promotion of the information technology, Information Technology enabled services and Information Technology enabled education for private sector of the Province of the Khyber Pakhtunkhwa and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

## **1. Short title, extent and commencement.**---

- (1) This Act may be called the Khyber Pakhtunkhwa Establishment of Information Technology Board Act, 2011.
- (2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.
- (3) It shall come into force at once.

**2. Definitions.**---In this Act, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Board" means the Khyber Pakhtunkhwa Information Technology Board established under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Managing Director" means the Managing Director of the Board;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "member" means a member of the Board including the Chairman;
- (f) "prescribed" means prescribed by rules or regulations made under this Act;
- (g) "Province" means the Province of the Khyber Pakhtunkhwa;
- (h) "regulation" mean regulations made under this Act;
- (i) "rules" mean rules made under this Act; and
- (j) "section" means a section of this Act.

**3. Establishment of the Board.**

(1) As soon as may be after the commencement of this Act, Government shall establish, in accordance with the provisions of this Act, a Board to be called the Khyber Pakhtunkhwa Information Technology Board.

(2) Board shall be a body corporate, having a perpetual succession and a common seal, with powers, subject to the provision of this Act, to acquire, hold and dispose of property, both movable and immovable in its name, and shall by its name sue and be sued.

(3) The head office of the Board shall be at Peshawar.

(4) Board may establish its regional offices at such other places, as it may deem necessary.

**4. Composition of the Board.**---(1) The Board shall consist of,---

(a) the Chief Minister, Khyber Pakhtunkhwa;	Chairman
(b) Minister for Science and Technology and Information Technology, Khyber Pakhtunkhwa;	Member
(c) Chief Secretary to Government;	Member
(d) Additional Chief Secretary to Government Planning and Development Department;	Member
(e) Secretary to Government, Science and Technology and Information Technology Department;	Member
(f) Secretary to Government, Finance Department;	Member
(g) Managing Director; and	Member-cum-Secretary
(h) not more than eight persons having experience in information technology sector as the Government may, by notification in the official Gazette, nominate from private or public sector.	Members

(2) Save as hereinafter provided, the members mentioned at clause (h) of sub-section (1), shall hold office for a term of three years from the date of his nomination and may be eligible for re-nomination for such further period or periods not exceeding three years at anyone time as Government may deem fit.

(3) A member mentioned at clause (h) of sub-section (1), may at any time resign from his membership by writing under his hand addressed to Government, but shall continue to perform his function until his resignation has been accepted.

(4) A vacancy caused by resignation under sub-section (3) or any other reason shall be filled by the nomination of any another person qualified to fill such vacancy.

(5) Government may at any time terminate the appointment of the Managing Director or nomination of any member mentioned at clause (h) of sub-section (1), without assigning any cause.

(6) No act, proceeding, decision or order of the Board shall be invalid merely by reason of any vacancy or defect in the constitution of the Board.

(7) No remuneration shall be admissible to any member.

**5. Disqualification of the member of Board.**

(1) No member, other than ex-officio member, or Managing Director, shall be nominated or appointed or continue as a member, if he,---

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

(b) has been adjudicated an insolvent by a competent court; or

(c) is of unsound mind and has been so declared by a competent court; or

(d) is a minor; or

- (e) has been disqualified for employment in, or dismissed from service of, any Provincial or Federal Government, or any organization controlled by such government; or
- (f) has been dismissed from service of any organization in the private sector on account of fraud or theft; or
- (g) is held by Government, on a reference received from the Secretary of the Board, to be guilty of misconduct or abstaining from attending the meetings of the Board without leave.

## **6. Meetings of the Board.**

(1) The meetings of the Board shall be regulated in accordance with the procedure as may be prescribed by regulations.

(2) Meetings of the Board shall be called by its Chairman on such date and at such place as he may deem fit.

(3) Each meeting of the Board shall be presided-over by the Chairman or in his absence by Minister for Science and Technology and Information Technology, Khyber Pakhtunkhwa.

(4) Ten members shall constitute the quorum for a meeting of the Board.

## **7. Powers and functions of the Board.**

(1) Subject to the provisions of this Act and any rules made there under, the Board shall exercise such powers, as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going sub- section, the Board shall,---

- (a) prepare and implement plans and schemes for the promotion of Information Technology, Call Centers and Information Technology enabled services and education in private sector;
- (b) undertake research and study on the state of the Information Technology sector and propose strategies for fast track and sustainable development of the Khyber Pakhtunkhwa Information Technology Industry including software and services, Information Technology enabled services, and hardware in both export and domestic markets;
- (c) act as a one-stop shop to cater to all the needs of an Information Technology company for setting up or facilitating its Information Technology business ventures in Province. To act as a bridge between the private Information Technology companies and the various bodies in Government sector;
- (d) work with telecom regulators and operators to reduce broadband bandwidth tariffs and rates and improve quality in order to maintain international competitiveness;
- (e) plan, develop and establish "Software Technology Parks" and Information Technology Parks in the Province;
- (f) determine human capital requirements of the Information Technology Industry and work to address these needs in collaboration with other entities;
- (g) develop and execute a marketing plan to help local software companies to reach potential clients abroad, attract and facilitate foreign software firms to establish their software development facilities in Province;
- (h) arrange the participation of Provincial Information Technology Industry in domestic and international Information Technology events;
- (i) provide match-making facilities for foreign delegates and investors;
- (j) establish a web portal for customers, investors and companies and prepare and disseminate marketing collateral;
- (k) develop capability of private sector by assisting them in acquiring quality, security and other certifications;
- (l) take initiatives for the development of hardware and software industry including knowledge based enterprise; and
- (m) sanction individual schemes, including revision of sanctioned schemes, in terms of scope.

**8. Managing Director of the Board.**

(1) The Managing Director shall be appointed by Government on such salary and terms and conditions as may be prescribed.

(2) The Managing Director shall be the Chief Executive Officer of the Board.

(3) The Managing Director shall exercise such powers and perform such functions, as may be assigned to him by the Board.

(4) The Managing Director shall be a person of eminence in the field of Information Technology with at least 20 years relevant experience.

(5) The Managing Director shall hold office for a term of five years and shall be eligible for re-appointment for such further period or periods, not exceeding five years at any one time, of another term, as the Government may deem fit.

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

(7) If the Managing Director is removed from his office, resigns or dies before the completion of his tenure, the Chairman may appoint any Director or member of the Board to perform, temporarily, the functions of the Managing Director, until such time another person is appointed as the Managing Director.

**9. Appointment of Officers and staff of the Board.**

(1) To assist the Managing Director in the performance of his functions, the Board shall appoint not more than five Directors on such terms and conditions as may be determined by the Board.

(2) Each Director shall be the head of respective functional organ of the Board, who shall report and responsible to the Managing Director.

(3) The Board may appoint such other Officers, servants, experts and consultants, as it may deem necessary, for the efficient performance of its functions on such terms and conditions as it deem fit.

(4) In case of urgency, the Managing Director may appoint such officers, servants, experts or consultants, as he may deem fit, and shall report every such appointment made, to the notice of Board without unreasonable delay and the decision of the Board in respect of any or all such appointments shall be final.

**10. Delegation of powers.**

The Board may, by general or special order, delegate to the Managing Director, Directors or any Officer of the Board any of its powers or functions under this Act subject to such conditions as it may deem fit.

**11. Fund.**

(1) There shall be established a Fund to be vested in the Board, which shall be utilized by the Board to meet all such costs and charges incurred in connection with its functions and affairs.

(2) Government shall initially allocate two hundred million rupees for the establishment of the Fund.

(3) The Fund shall consist of,---

(a) grants made by Government or Federal Government from time to time;

(b) financial assistance extended to the Board by any local or foreign Government or Agency through Government;

(c) revenue and other receivables of the Board from any source and of any kind; and

(d) donations and endowments.

**12. Budget.**

The Managing Director shall, in respect of each financial year, submit for approval of the Board, by such date and in such manner as may be prescribed, a statement showing the estimated receipts, the current and development expenditures and the sums required as grant-in-aid from Government.

**13. Maintenance of Accounts and Audit.**

(1) The Managing Director shall maintain complete and accurate books of accounts and prepare periodical financial statements in such form as may be prescribed by regulations.

(2) Financial statements prepared by the Managing Director shall include an Annual Receipts and Expenditure Account and a Balance Sheet which shall be caused to the Board and to be audited by a reputable firm of Chartered Accountants.

**14. Submission of Annual Report.**

(1) The Managing Director shall prepare and submit to Board, as soon as possible after the end of every financial year, but not later than three months after the 30<sup>th</sup> of June of that year, a report on the conduct of Board affairs, relating to proceeding year.

(2) The Board shall, if so required by Government, furnish any document under its control to Government.

**15. Employees of the Board deemed to be public servants.**

Subject to the provisions of this Act, Managing Director and all other Officers and employees appointed for carrying out the purposes of this Act, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

**16. Indemnity.**

No suit, prosecution or other legal proceedings shall lie against the Board, its Chairman, members, Managing Director, Directors, Officers, experts or consultants or any other employee of the Board in respect of any thing in good faith done or intended to be done under this Act.

**17. Power to make rules.**

Subject to the provisions of this Act Government may make rules for carrying out the purposes of this Act.

**18. Power to make regulations.**

Subject to the provision of this Act and the rules made there under, the Board may make regulations, as may be necessary, for carrying out the purposes of this Act.

**19. Removal of difficulties.**---If any difficulty arises in giving effect to any provision of this Act, the Government may, in consultation with the Board, issue orders, not inconsistent with the Act or the rules made there under, for the removal of the difficulty.