

**THE EMPLOYMENT EXCHANGES
(COMPULSORY NOTIFICATION OF VACANCIES) ACT, 1959**

[No. 31 of 1955 (2nd September 1955)]

An Act to provide for the compulsory notification of vacancies to employment exchanges.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:-

Short title, extent
& commencement

1.(1) This Act may be called the Employment Exchange (compulsory Notification of Vacancies) Act, 1959.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different State or for different areas of a State.

Definition

2. In this Act, unless the context otherwise requires-

(a) "Appropriate Government" means-

(1) in relation to-

(a) any establishment of any railway major port, mine or oil field, or

(b) any establishment owned, control or managed by-

(i) the Central Government or any department of the Central Government,

(ii) a company in which not less than fifty-one per cent of the share capital is held by the Central Government or partly by the Central Government and partly by one or more State Governments.

(iii) a corporation (including a cooperative society) established by or under a Central Act which is owned controlled or managed by the Central Government.

---the Central Government ;

(2) in relation to any other establishment, the Government of the State in which that other establishment is situate—

(b) "employee" means any person who employed in an establishment to do any work for remuneration ;

(c) "employer" means any person who employees one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment.

(d) "employment exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by the keeping of registers or otherwise respecting--

(i) persons who seek to engage employees,

(ii) persons who seek employment; and

(iii) vacancies to which persons seeking employment may be appointed.

(e) "establishment" means—

(a) any office, or

(b) any place where any industry, trade, business or occupation is carried on ;

(f) "establishment in public Sector" means an establishment owned, controlled or managed by-

(1) the Government or a department of the Government;

(2) a Government company as defined in section 617 of the Companies of the Companies Act, 1956.

Act not to apply in
relation to certain
vacancies.

- (3) a corporation (including a co-operative society) established by or under a Central Provincial or State Act, which is owned, controlled or managed by the Government;
- (4) a local authority;

(g) “establishment in private sector” means an establishment which is not an establishment in public sector and where ordinarily twenty-five or more persons are employed to work for remuneration;

(h) “prescribed” means prescribed by rules made under this act ;

(i) “unskilled office work” means work done in an establishment by any of the following categories of employees, namely:-

- (1) Daftri
- (2) Jamadar, orderly and peon;
- (3) Dusting man or farash;
- (4) Bundle or Record Lifter;
- (5) Process-server;
- (6) Watchman;
- (7) Sweeper,
- (8) Any other employee doing any routine or unskilled work which the Central Government may, by notification in the official Gazette, declare to be unskilled office work.

Act not to apply in relation to certain vacancies.

3.(1) This Act shall not apply in relation to vacancies-

- (a) any employment in agriculture (including horticulture in any establishment in private sector other than employment as agricultural or farm machinery operatives;
- (b) in any employment in domestic service;
- (c) in any employment the total duration of which is less than three months.
- (d) in any employment to do unskilled office work;
- (e) in any employment connected with the staff of parliament;

(2) Unless the Central Government otherwise directs by notification in the official Gazettee in this behalf, this Act shall not also apply in relation to ---

- (a) Vacancies which are proposed to be filled through promotion or by absorption of surplus staff of any branch or department of the same establishment or on the result of any examination conducted or interview held by, or on the recommendation of, any independent agency, such as the Union or a State Public Service Commission and the like;
- (b) Vacancies in an employment which carries a remuneration of less than sixty rupees in a month.

Notification of vacancies to Employment Exchange

4.(1) After the commencement of this Act in any State or area thereof , the employer in every establishment in *public sector* in that State or area shall before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed.

(2) The appropriate Government may, by notification in the official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in *private sector* or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment notify that vacancy to such employment exchange as may be prescribed, and the employer shall thereupon comply with such requisition.

(3) The manner in which the vacancies referred to in sub-section (1) or sub-section (2) shall be notified to the employment exchanges and the particulars of employments in which such vacancies have occurred or are about to occur shall be such as may be prescribed.

(4) Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the employment exchange to fill any vacancy merely because that vacancy has been notified under any of those sub-sections.

Employers to furnish information & returns in prescribed form

5.(1) After the commencement of this Act in any State or area thereof, the employer in every establishment in *public sector* in that State or area shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment, to such employment exchanges as may be prescribed.

(2) The appropriate Government may, by notification in the official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in *private sector* shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment to such employment exchanges, as may be prescribed, and the employer shall thereupon comply with such requisition.

(3) The form in which, and the intervals or time at which, such information or return shall be furnished and the particulars which they shall contain shall be such as may be prescribed.

Right of accesses to records or documents

6. Such Officer of Government as may be prescribed in this behalf, or any person authorised by him in writing shall have access to any relevant record or document in the possession of any employers required to furnish any information or returns under section 5 and may enter at any reasonable time any premises where he believes such records or documents or ask any question necessary for obtaining any information required under that section.

Penalties

7. (1) If any employer fails to notify to the employment exchanges prescribed for the purpose any vacancy in contravention of sub-section (1) or sub-section (2) of section 4, he shall be punishable for the first offence with fine which may extend to five hundred rupees and for every subsequent offence with the which may extend to one thousand rupees.

(2) If any person-

(a) required to furnish any information or return-

- (i) refuse or neglects to furnish such information or returns, or
- (ii) furnishes or causes to be furnished any information or return which he knows to be false, or
- (iii) refuses to answer, or gives a false answer to any question necessary for obtaining any information required to be furnished under section; or

(b) Impedes the right of access to relevant records or documents or the right of entry conferred by section 6,

He shall be punishable for the first offence with fine which may extend to two hundred and fifty rupees and for every subsequent offence with fine which may extend to five hundred rupees.

Cognizance of offences

8. No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, such officer or Government as may be prescribed in this behalf or any person authorised by that officer in writing.

Protection of action taken in good faith

9. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to make rules

10.(1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the employment exchange or exchanges to which the form and manner in which, and the time within which, vacancies shall be notified, and the particulars of employments in which such vacancies have occurred or are about to occur;
- (b) the form and manner in which, and the intervals at which information and returns required under section 5 shall be furnished, and the particulars which they shall contain;

- (c) the officers by whom, and the manner in which the right of access to documents and the right of entry conferred by section 6 may be exercised;
- (d) any other matter which is to be, or may be, prescribed under this Act.

(3) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modification, as Parliament may make during the session in which they are so laid or the session immediately following.

GOVERNMENT OF ORISSA
LABOUR DEPARTMENT NOTIFICATION
The 23rd June 1960

No.6213-IIE-20/60-Lab.-The following notification issued by the Government of India, Ministry of Labour and Employment (Directorate-General of Resettlement and Employment), is hereby republished for general information.

By order of the Governor
K.C.RAY
Secretary to Government

New Delhi, 26th April 1960

G.S.R.-477-In exercise of the powers conferred by section 10 of the employment Exchange (Compulsory Notification of Vacancies) Act, 1959 (31 of 1959), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:-

R U L E S

1. Short title and commencement – (1) These rules may be called the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960.
 2. They shall come into force on the 1st day of May, 1960
2. Definitions- In these rules, unless the context otherwise requires.
- (1) “Act” means the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 (31 of 1959) ;
 - (2) “Central Employment Exchange” means the Employment Exchange established by the Government of India, Ministry of Labour and Employment;
 - (3) “Director” means the officer in charge of the Directorate administering Employment Exchanges in a State or a Union Territory;
 - (4) “Form” means a form appended to these rules;
 - (5) “Local Employment Exchange” means that Employment Exchange, other than the Central Employment Exchange notified in the Official Gazette by the State Government or the Administration of the Union Territory as having jurisdiction over the area in which the establishment concerned is situated or over specified classes or categories of establishments or vacancies;
 - (6) “Section” means a section of the Act.
3. Employment Exchanges to which vacancies are to be notified:- (1) The following Vacancies, namely:-
- “(a) Vacancies in posts of a technical and scientific nature carrying a basic pay of Rs.210 or more per month occurring in establishments in respect of which the Central Government is the appropriate Government under the Act, and
 - (b) Vacancies which an employer may desire to be circulated to the Employment Exchanges outside the State or Union Territory in which the establishment is situated, shall be notified to the Central Employment Exchange.

(2) Vacancies other than those specified in sub-rule (I) shall be notified to the local Employment Exchange concerned.

4. (1) *Form and manner of notification of vacancies-* The vacancies shall be notified in writing to the appropriate Employment Exchange and the following particulars shall be furnished, where practicable, in respect of each type of vacancy:-

- (1) Name and address of the employer ;
- (2) Telephone number of the employer, if any ;
- (3) Nature of vacancy :-
 - (a) Type of workers required (Designation) ;
 - (b) Description of duties ;
 - (c) Qualifications required-
 - (i) Essential, (ii) Desirable
 - (d) Age-limits if any ;
 - (e) Whether women are eligible ?
- (4) Number of vacancies-
 - (a) Regular, (b) Temporary
- (5) Pay and allowances
- (6) Place of work (name of town/village and district in which it is situated).
- (7) Probable date by which the vacancy will be filled
- (8) Particulars regarding interview/test of applicant-
 - (a) Date of interview/test
 - (b) Time of interview/test
 - (c) Place of interview/test
 - (d) Designation and address of the person to whom applicants should report.
- (9) Whether there is any obligation or arrangement for giving preference to any category of persons such as Scheduled Castes, Scheduled Tribes, ex-Servicemen and physically handicapped persons in filling up the vacancies, and if so, the number of vacancies to be filled by such categories of persons.
- (10) Any other relevant information.

5. *Time-limit for the notification of vacancies-*

(1) Vacancies, required to be notified to the local Employment Exchange, shall be notified at least fifteen days before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(2) Vacancies, required to be notified to the Central Employment Exchange, shall be notified at least four weeks before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(3) An employer shall furnish to the concerned Employment Exchange the results of selection within fifteen days from the date of selection.

6. *Submission of returns-* An employer shall furnish to the Local Employment Exchange quarterly returns in Form ER-I and biennial returns in Form ER-II. Quarterly returns shall be furnished within thirty days of the due dates, namely, 31st March, 30th June, 30th September and 31st December. Biennial returns shall be furnished within thirty days of the due date as notified in the Official Gazette.

7. *Officer for purpose of Section 6-* The Director is hereby prescribed as the Officer who shall exercise the rights referred to in section 6, or authorise any person in writing to exercise those rights.

8. *Prosecution under the Act-* "The Director of Employment of the State in which the Establishment is located is hereby prescribed as the Officer who may institute or sanction the institution of prosecution for

an offence under the Act, or authorise any person in writing to institute of sanction the institution of such prosecution.

E. R.- 1
(See rule 6)

Quarterly return to be submitted to the local Employment Exchange for the quarter ended.....

The following information is required under the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960 to assist in evaluating trends in employment and for action to correct imbalances between labour supply and demand.

Name and address of the employer
Whether Head Office/Branch Office
Nature of business/Principal activity

1. (a) Employment

Total number of persons including working proprietors/ partners/ commission agents/contingent paid and contractual workers on the pay rolls of the establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the establishment.

	On the last working Day of the previous quarter	On the last working day of the quarter under report
Men		
Women		
Total		

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5 per cent during the quarter.....

Note: Establishments are reminded of their obligation under the Employment Exchanges (Compulsory Notification of Vacancies) Act for notifying to Employment Exchanges details of vacancies specified under the Act ,before they are filled.

2. Vacancies- Vacancies carrying total emoluments of Rs. 60 or over per month and of over 3 months duration

2 (a) Number of vacancies occurred and notified during the quarter and the quarter and the number filled during the quarter.

Number of vacancies which come within the purview of the Act

Occurred	Notified		Filled	Source (Describe the source from which filled).
	Local Employment Exchange	Central Employment Exchange		
(1)	(2)	(3)	(4)	(5)

2.(b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2(a) above.

3. Manpower Shortages.

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation Or designation of the Post	Number of unfilled vacancies/posts		
	Essential qualifica- tions prescribed.	Essential experience	Experience not necessary
(1)	(2)	(3)	(4)

Please list any other occupation for which this establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

To

The Employment Exchanges
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NOTE- This return shall relate to quarters ending 31st March/30th June/30th September and 31st December and shall be rendered to the local Employment Exchange within 30 days after the end of the quarter concerned.

S. GURAPPA
Under-Secretary to Government of India.

E. R.-II
(See rule 6)

Occupational return to be submitted to the Local Employment Exchange once in two years (on a date to be specified by notification and Official Gazette).

Name and address of the employer
Nature of business

(Please describe what the establishment makes or does as its principal activity).

- Total number of persons employed by the establishment on due date as notified in the official Gazette.
- Classification of employees by occupations
(Please give below the number of employee in each occupation separately).

Occupation	Number of employees			If possible state how many vacancies you may have to fill during the next 12 months due to retirements expansion or re-organisation.	
	(1)	(2)	(3)		(4)
Use exact terms such as engineer (mechanical) teacher (domestic science); Officer on special duty (actuary) assistant Director (metallurgist); scientific assistant (chemist); research officer (economist); instructor(carpen-ter); supervisor (tailor); fitter (internal combustion engine); inspector (sanitary); superintendent (office); apprentice (electrician).		Men	Women	Total	
Total					

To

The Employment Exchange
(Please fill in here the address of your local Employment Exchange).

Note- Total of item 2 under column (4) should correspond to the figure given against item 1.

(No. EP0116(10/60)

S. ABDUL QUDIR
Joint Secretary to the Government of India.