

The Employment Exchanges (Compulsory Notification Of Vacancies) Act, 1959

No.31 Of 1959

The Employment Exchanges (Compulsory Notification of Vacancies) Act was enacted in 1959 to provide for compulsory notification of vacancies to the Employment Exchanges and for the rendition of returns relating to Employment situation by the employers. This act came into force with effect from 1st May, 1960.

All Establishments in Public Sector and such establishments in private Sector excluding Agriculture, where ordinarily 25 or more persons are employed come within the purview of the Act. These establishments are required to notify all vacancies (other than those exempted) to the appropriate Employment Exchange as notified in the official Gazette by the State Government in the prescribed format. This Act will not apply to vacancies in any employment in agriculture (including horticulture), domestic service, unskilled office work, employment connected with the staff of parliament, and if the total duration of the vacancies are less than three months.

The establishments are also required to render quarterly Employment return in Form ERI for every quarter ending 31st, March, 30th June, 30th September and 31st December and biennial occupational return in Form ER-II once in two years viz., by Private Sector in odd years and by Public Sector in even years.

As per the provisions of this Act, persons authorized by the Government shall have access to any relevant records of the employer. They are also empowered to inspect or take copies of relevant records or document.

Penal provision of imposition of fine for any offence have been made for violation for various provisions of this act.

THE EMPLOYMENT EXCHANGES (COMPULSORY NOTIFICATION OF VACANCIES)* RULES 1960 (AS AMENDED UPTO DATE)**

In exercise of the powers conferred by section 10 of the Employment Exchanges (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:-

Rules

1. Short title and commencement-

1. (1) These rules may be called the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960.
2. (2) They shall come into force on the 1st day of May, 1960

2. Definitions:- In these rules, unless the context otherwise requires-

1. (1) "Act" means the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 (31 of 1959).
2. (2) "Central Employment Exchange" means any Employment Exchange established by the Government of India, Ministry of Labour and Employment.
3. (3) "Director" means the officer-in charge of the Directorate Administering Employment Exchanges in a State or a Union territory.
4. (4) "Form" means a form appended to these rules.
5. (5) "Local Employment Exchange" means-

(a) in the whole of India except the Union Territory of Chandigarh 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 having jurisdiction over the area in which the establishment concerned is situated or over specified classes or categories of establishments or vacancies; and

1. (b) in the Union territory of Chandigarh that Employment Exchange established either by the Union Territory Administration Chandigarh or by the State Govt. of Punjab or Haryana notified in that States respective official Gazette as having jurisdiction over specified classes or categories of establishments or vacancies provided that

the employment exchanges established by the State Government of Punjab or Haryana shall not have jurisdiction over

2. (i) The public sector offices/establishments other than those belonging to the respective States; and

(ii) Private sector establishments.

1. (6) "Section" means a section of the Act.

3. Employment Exchanges to which vacancies are to be notified-

1. (i) The following vacancies, namely:-

1. (a) vacancies in posts of a technical and scientific nature carrying a basic salary of Rs.1400/- or more per month occurring in establishments in respect of which the Central Govt. the appropriate Govt. under the Act, and
2. (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 such Central Employment Exchanges as may be specified by the Central Govt. by notification in the Official Gazette, in this behalf.

1. (ii) Vacancies other than those specified in sub-rule(1) shall be notified to the local Employment Exchange concerned.

4. Form and manner of notification of vacancies:-

(1) The vacancies shall be notified in writing to the appropriate Employment Exchange on the following format, furnishing as may details as practicable, separately in respect of each type of vacancy:-

Requisition form to be used when calling for applicants from Employment Exchanges. (Separate form to be used for each type of posts)

1

Name, address and Tel.No. (if any) of the employer.

:

2

Name designation & Tel.No. (if any) of the indenting officer.

:

3

Nature of vacancy:

(a) Designation of the Post(s) to be filled.

:

(b) Description of duties

:

(c) Qualifications required

For priority For others
Categories
(applicable for
Central Govt.
Posts only).

1. (i) Essential

(ii)

Desirable

:

(iii)

Age limits, if any

:

(iv)

Whether women are eligible?

:

1. 3. Number of posts to be filled duration-wise:

Duration No. of posts

(a)

Permanent

:

(b)

Temporary

:

i)

Less than 3 months

:

ii)

Between 3 months & one year

:

iii)

Likely to be continued beyond one year

:

5. Whether there is any obligation or arrangement for giving preference to any category of persons such as Scheduled Caste, Scheduled Tribe, Ex-Servicemen and Physically Handicapped persons in filling up the vacancies and, if so, the number of vacancies to be filled by such category of persons:-

Categories

Number of vacancies to be filled

Total

*By priority candidates (applicable for Central Govt. posts only).

a)Scheduled Caste

b)Scheduled Tribe

c)Ex-Servicemen

d)Physically Handicapped

e)Others

6)Pay and Allowance

7) Place of work
(Name of the town/
village and
district in which
it is situated). _____

8) Probable date by which
the vacancy will be filled _____

9) Particulars regarding interview/
test of applicants: _____

1. 1. (a) Date of Interview/test _____
(b) Time of interview/test _____
(c) Place of interview/test _____
(d) Name, designation, address
And Tel.No., (if any) of the

Officer to whom applicants

should report : _____

10) Any other relevant information : _____

*Certified that while placing this demand, the instructions connected with the orders on communal representation in the services have been strictly followed with due regard to the roster maintained in accordance with these orders (to be given only by all the Central Govt. Offices/establishments/undertakings, etc. on whom reservation orders are applicable).

Signature of the
Head of Office.

Date:

*Delete if not applicable.

(2) The vacancies shall be re-notified in writing to the appropriate Employment Exchange if there is any change in the particulars already furnished to the Employment Exchange under sub-rule (1).

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

(1) Vacancies required to be notified to the local Employment Exchange, shall be notified at least 15 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, giving at least 60 days time to the Central Employment Exchange from the date of receipt of the notification to the date of despatch of particulars or applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies notified.

(3) An employer shall furnish to the concerned Employment Exchange, the results of selection with 15 days from the date of selection.

6) Submission of returns--An employer shall furnish to the local Employment Exchange quarterly returns in from 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 Sept. and 31st December. Biennial returns shall be furnished within thirty days of the due date as notified in the official Gazette.

7)Officer for purposes of section 6-The Director is hereby prescribed as the Officer who shall exercise the rights referred to in section 6, or authorize 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 authorize any person in writing to institute or sanction the institution of such prosecution.

(Vide GSR 236 1982)

FORM ER-I

Quarterly return to be submitted to the local Employment Exchanges for 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 and action to correct imbalances between labour supply and demand.

Name & 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 figure 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% 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 three months duration.

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

Number of vacancies which come within the purview of the Act

Occurred

Notified

Local Emp. C.E.E

Exchange.

Filled

Source (Describe the source from which filled)

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 qualifications
prescribed.

Essential
experience

Experience not
necessary

1

2

3

4

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

SIGNATURE OF EMPLOYER.

To

The Employment Exchange,
.....
.....

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 quarter concerned.

FORM ER-II

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

(Vide the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960.

Name and address of the employer.

Nature of business

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

1) Total number of persons on the pay rolls of the establishment on (specified date)
(This figure should include every person whose wage or salary is paid by the
Establishment)

2) Occupational classification of all employees as given in Item-1 above.

(Please give below the number of employees in each occupation separately).

Occupation

Number of Employees

Men

Women

Total

1

2

3

4

Use exact terms such as
Engineer (Mechanical),
Teacher (domestic science),
Officer on special duty (Actuary)
Asst. Director (Metallurgist),
Scientific asst. (Chemist), Research Officer (Economist), Instructor (Carpenter), Supervisor (Tailor), Fitter (internal combustion engine) Inspector (sanitary),
Superintendent (office);
Apprentice (Electrician).

Please give as far as possible approximate

No. of vacancies in each occupation you are likely to fill during the next calendar year due to retirement, expansion or reorganization

Total:

Dated:

Signature of the Employer

To

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

Note: Total of Col.4 under item 2 should correspond to the figure given against item-1.

*As published in the Gazette of India, Extra Ordinary pt.II Section 3 Sub-section (i) dated 26.4.1960.

**As Published in the Gazette of India, Part-II, Section sub-section (i) dated 6.3.63, 23.3.68, 4.12.76, 6.3.82, 2.2.85 and 27.7.87 under GSR-450, GSR-548, GSR-1718, GSR-133, GSR-236 and GSR-634 respectively.