

SALIENT FEATURES OF THE EMPLOYMENT EXCHANGES (CNV) ACT, 1959

4. NOTIFICATION OF VACANCIES TO EMPLOYMENT EXCHANGES

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 exchanges 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-section (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 these sub-sections.

5. EMPLOYERS TO FURNISH INFORMATION AND RETURNS IN PRESCRIBED FORM

1. After the commencement of this act in any State or area thereof, the employer in every establishment in public sector in the State or area shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about 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 of time at which, such information or return shall be furnished and the particulars which they shall contain shall be such as may be prescribed.

6. RIGHT OF ACCESS TO RECORDS OR DOCUMENTS.

The Employment Officer or any person authorized by him/her in writing, shall have access to any relevant record or document in the possession of any employer required to furnish any information or returns under section 5 and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required under this section.

7. PENALTIES

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 rupee and for every subsequent offence with fine which may extend to one thousand rupees.
2. If any person -
 1. required to furnish any information or return -
 2. refuses or neglects to furnish such information or return, or
 3. furnishes or causes to be furnished any information or return which he knows to be false, or
 4. refuses to answer, or gives a false answer to, any question necessary for obtaining any information required to be furnished under Section 5; or
3. 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.