

IndiaCode

The Public Employment (Requirement as To Residence) Act, 1957

(ACT NO. 44 OF 1957)

[*As on the* 1*st June,* 2026]

LIST OF AMENDING ACTS

1. The Public Employment (Requirement as to Residence) Amendment Act, 1964 (10 of 1964).
2. The Public Employment (Requirement as to Residence) Amendment Act, 1969 (1 of 1969).

LIST OF ABBREVIATIONS USED

Cl., cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) ACT, 1957

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Repeal of existing laws prescribing requirements as to residence.
3. Power to make rules in respect of certain classes of public employment in certain areas.
4. Parliamentary scrutiny of rules.
5. Duration of section 3 and rules.

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THE PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) ACT, 1957

ACT NO. 44 OF 1957

[7*th December,* 1957.]

An Act to make in pursuance of clause (3) of article 16 of the Constitution special provisions for requirement as to residence in regard to certain classes of public employment in certain areas and to repeal existing laws prescribing any such requirement.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Public Employment (Requirement as to Residence) Act, 1957.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Repeal of existing laws prescribing requirements as to residence.—Upon the commencement of this Act, any law then in force in any State or Union territory by virtue of clause (b) of article 35 of the Constitution prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, that State or Union territory, any requirement as to residence therein prior to such employment or appointment shall cease to have effect and is hereby repealed.

3. Power to make rules in respect of certain classes of public employment in certain areas.—(*1*) The Central Government may, by notification in the Official Gazette, make rules prescribing, in regard to appointments to—

(*a*) any subordinate service or post under the State Government of Andhra Pradesh, or

(*b*) any subordinate service or post under the control of the Administrator of Himachal Pradesh, Manipur or Tripura, or

(*c*) any service or post under a [1][local or other authority] (other than a cantonment board) within the Telangana area of Andhra Pradesh or within the Union territory of Himachal Pradesh, Manipur or Tripura,

any requirement as to residence within the Telangana area or the said Union territory, as the case may be, prior to such appointment.

(*2*) In this section,—

[2][(*a*) "Himachal Pradesh" includes the territories specified in sub-section (*1*) of section 5 of the Punjab Reorganisation Act, 1966 (11 of 1966);]

[3][(*aa*)] "subordinate service or post" means any service or post appointments to which are not notified in the Official Gazette but includes any service of tehsildars;

(*b*) "Telangana area" comprises all the territories specified in sub-section (*1*) of section 3 of the States Reorganisation Act, 1956 (37 of 1956).

[4][**4. Parliamentary scrutiny of rules.**—Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter

1. Subs. by Act 1 of 1969, s. 2, for "local authority" (w.e.f. 19-3-1969).
2. Ins. by s. 2, *ibid.* (w.e.f. 19-3-1969).
3. Cl. (*a*) renumbered as clause (*aa*) of that section by s. 2, *ibid.* (w.e.f. 19-3-1969).
4. Subs. by Act 10 of 1964, s. 2, for section 4 (w.e.f. 9-5-1964).

have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

5. Duration of section 3 and rules.—Section 3 and all rules made thereunder shall cease to have effect on the expiration of [1][fifteen years] from the commencement of this Act, but such cesser shall not affect the validity of any appointment previously made in pursuance of the said rules.

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1. Subs. by Act 1 of 1969, s. 3, for "ten years" (w.e.f. 19-3-1969).

STATEMENT OF OBJECTS AND REASON

Clause (2) of article 16 of the Constitution provides, inter alia, that no citizen shall, on grounds only of residence be ineligible for, or discriminated against in respect of, any employment or office under the State. Parliament is, however, competent under clause (3) of the said article to regulate the extent to which it would be permissible for a State to depart from the above principle. In considering this aspect of the question, the States Reorganisation Commission recommended that if any departure from the principle of non-discrimination on the ground of residence is to be authorised at all, it should be such as to cause minimum hardship and that necessary legislation in this regard should be undertaken.

2. On the basis of these recommendations, provision was made in this behalf in paragraphs 14, 15 and 16 of the memorandum on safeguards for linguistic minorities which was laid before Parliament in September, 1956. It was stated in the memorandum that the Government of India did not consider it necessary or desirable to impose any restrictions for any public employment and that it was proposed to repeal all the laws in force prescribing any requirement as to residence for any public employment. It was, further, stated in the memorandum that certain exceptions might have to be made for a transitional period to the general rule of non-discrimination in the Telengana area of the former Hyderabad State and in certain backward areas. In pursuance of this decision, it is now proposed to repeal all the laws in force prescribing any requirement as to residence within a State or Union territory for any public employment in that State or Union territory. Exception, however, is being made in the case of Himachal Pradesh, Manipur and Tripura and the area transferred from the State of Hyderabad to Andhra Pradesh. In respect of these areas, it is proposed to prescribe residential qualifications for a limited period not exceeding five years in regard to non-gazetted services including the service of tehsildars. It is proposed to empower the Central Government to make rules for the purpose.

3. The Bill seeks to achieve these objectives.

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NEW DELHI;
The 3*rd September,* 1957.

GOVIND BALLABH PANT.