

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

ACT NO. 44 OF 1957

[7th 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requirement as to residence therein prior to such employment or appointment shall cease to have effect and is hereby repealed.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

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. Clause (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).

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 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.

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