

THE NOTARIES ACT, 1952

INTRODUCTION

By virtue of an ancient English Statute, the Master of Faculties in England used to appoint notaries public in India for performing all recognised notarial functions. After India attained independence, it became necessary to empower the Central and State Governments to appoint notaries. A Bill on the subject was introduced in the Parliament on 19th April, 1951 which was referred to Select Committee on 18th August, 1951. The report of the Select Committee was presented on 4th October, 1951 but the Bill could not be proceeded with in the last session of Parliament for want of time and, therefore, it lapsed. After making certain changes as suggested by the Select Committee the Notaries Bill was again introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

Under section 138 of the Negotiable Instruments Act, 1881, the Government of India have the power to appoint notaries public, but only for the limited purpose of performing functions under that Act. By virtue of an ancient English Statute, the Master of Faculties in England used to appoint notaries public in India for performing all recognised notarial functions, but it is not longer appropriate that persons in this country who wish to function as notaries should derive their authority from an institution in the United Kingdom.

The object of the present Bill is to empower the Central and State Governments to appoint notaries, not only for the limited purposes of the Negotiable Instruments Act, but generally for all recognised notarial purposes, and to regulate the profession of such notaries.

A Bill on the subject was accordingly introduced in the provisional Parliament on the 19th April, 1951 and referred to a Select Committee on the 18th August, 1951. The report of the Select Committee was presented on the 4th October, 1951, but the bill could not be proceeded with in the last Session of Parliament for want of time and, therefore, lapsed. Apart from one or two minor drafting changes, the present Bill follows closely the Notaries Bill, 1951, as amended by the Select Committee.

ACT 53 OF 1952

The Notaries Bill, having been passed by both the Houses of Parliament received the assent of the President on 11th August, 1952. It came on the Statute Book as THE NOTARIES ACT, 1952 (53 of 1952) (*Came into force on 14-2-1956*).

LIST OF ADAPTATION ORDER AND AMENDING ACTS

1. The Adaptation of Laws (No. 3) Order, 1956 (w.e.f. 1-11-1956).
2. The Repealing and Amending Act, 1957 (36 of 1957) (w.e.f. 17-9-1957).
3. The Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 of 1968) (w.e.f. 15-8-1968).
4. The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983) (w.e.f. 15-3-1984).
- *5. The Notaries (Amendment) Act, 1999 (36 of 1999) (w.e.f. 17-12-1999).

* This Act was repealed by the Repealing and Amending Act, 2015 (17 of 2015), sec. 2 and First Sch. (w.e.f. 13-5-2015). The Repeal of this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing.

THE NOTARIES ACT, 1952

(53 of 1952)¹

[9th August, 1952]

An Act to regulate the profession of notaries.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Notaries Act, 1952.

(2) It extends to the whole of India ²[***].

(3) It shall come into force on such date³ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

⁴[***]

(b) “instrument” includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

⁵[(c) “legal practitioner” means an advocate entered in any roll under the provisions of the Advocates Act, 1961 (25 of 1961);]

(d) “notary” means a person appointed as such under this Act:

Provided that for a period of two years from the commencement of this Act it shall include also a person who, before such commencement was appointed a notary public ⁶[under] the Negotiable Instruments Act, 1881 [XXVI of 1881], ⁷[***] and is, immediately before such commencement, in practice in ⁸[any part of India:

Provided further that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State];

(e) “prescribed” means prescribed by rules made under this Act;

1. The Act has been extended to Goa, Daman and Diu by Reg. 12 of 1962, sec. 3 and Sch., Dadra and Nagar Haveli to by Reg. 6 of 1963, sec. 2 and Sch I, and to Pondicherry by Act 26 of 1968, sec. 3 and Sch., and the State of Sikkim by S.O. 213(E), dated 16th May, 1975, published in the Gazette of India, Extra., 1975, Pt. II, Sec. 3(ii) (w.e.f 16-5-1975).
2. The words “except the State of Jammu and Kashmir” omitted by Act 25 of 1968, sec.2 and Sch. (w.e.f. 15-8-1968).
3. Came into force on 14-2-1956, vide S.R.O. 317, dated 10th February, 1956, published in the Gazette of India, Extra., Pt. II, Sec. 3, p.179.
4. Clause (a) omitted by Act 25 of 1968, sec. 2 and Sch. (w.e.f. 15-8-1968).
5. Subs. by Act 36 of 1999, sec. 2, for clause (c) (w.e.f. 17-12-1999).
6. Subs. by Act 25 of 1968 sec. 2 and Sch., for “either under” (w.e.f. 15-8-1968).
7. The words “or by the Master of Faculties in England,” omitted by Act 25 of 1968, sec. 2 and Sch. (w.e.f.15-8-1968).
8. Subs. by Act 25 of 1968, sec. 2 and Sch., for “any part of India” (w.e.f. 15-8-1968).

- (f) "Register" means a Register of Notaries maintained by the Government under section 4;
- ¹[(g) "State Government", in relation to a Union territory means the administrator thereof.]

3. Power to appoint notaries.—The Central Government, for the whole or any part of India, and any State Government, for the whole or any part of the State, may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

COMMENTS

A notary appointed by Government gets no salary, as the work does not keep him fully occupied; *Phugu Ram v. State of Punjab*, AIR 1965 P.W. 220.

4. Registers.—(1) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Act.

(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely:—

- (a) his full name, date of birth, residential and professional address;
- (b) the date on which his name is entered in the Register;
- (c) his qualifications; and
- (d) any other particulars which may be prescribed.

STATE AMENDMENT

Gujarat.—After section 4 insert the following new section, namely:—

"4A.—**Special provision regarding registered Notaries of Gujarat.**—(1) Notwithstanding anything contained in this Act, the State Government of Gujarat shall prepare in the form prescribed for a Register required to be maintained under section 4, a Register of Notaries for the State of Gujarat as hereinafter provided.

(2) The State Government of Gujarat shall, by an order published in the Official Gazette, enter in the Register the names of notaries and all particulars relating thereto appearing in the Register maintained immediately before the 1st May, 1960 by the State Government of Bombay (hereinafter referred to as 'the Bombay Register') after excluding from such names, the name of any notary whose professional address as recorded in the Bombay Register falls outside the State of Gujarat.

(3) Before making any Order under sub-section (2), the State government of Gujarat shall make such inquiry as it deems necessary, and give an opportunity to the person whose name is proposed to be excluded from the Register, to make his representation, if any.

(4) On preparation of the Register as aforesaid,—

- (a) the Register as so prepared shall, for all purposes of this Act, be deemed to be the Register maintained for the State of Gujarat;
- (b) all persons whose names have been entered in the Register shall, for the residue of the period for which they were appointed by the State Government of Bombay, be deemed to have been appointed by the State Government of Gujarat, and accordingly, the certificate of practice issued to them under section 5 shall be deemed to have been amended so as to restrict their area of practice to the State of Gujarat."

[*Vide* Notaries Act (Gujarat Adaptation) Order, 1961, published in the Gujarat Government Gazette, Pt. IVA, p. 3, dated 27th April, 1961.]

1. Subs. by the A.L. (No. 3) O. 1956, for clause (g) (w.e.f. 1-11-1956).

5. Entry of names in the Register and issue or renewal of certificates of practice.—(1) Every notary who intends to practise as such ¹[may], on payment to the Government appointing him of the prescribed fee, if any, be entitled—

- (a) to have his name entered in the Register maintained by that Government under section 4; and
- (b) to a certificate authorising him to practise for a period of ²[five years] from the date on which the certificate is issued to him.

³[(2) The Government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time.]

STATE AMENDMENT

Section 5A

Maharashtra.—After section 5, insert the following section, namely:—

“5A. Special provision regarding Register of Notaries for the State of Maharashtra.—(1) Notwithstanding anything contained in this Act, the State Government of Maharashtra may, by order published in the Official Gazette, amend the Register, maintained before the 1st day of May 1960 by the State Government of Bombay, by deleting therefrom the name of any notary whose professional address as recorded in the Register, falls outside the State of Maharashtra:

Provided that, before passing any order as aforesaid, the State Government of Maharashtra shall make such inquiry as it deems necessary, and give an opportunity to the person concerned to make his representation, if any.

(2) After the amendment of the Register as aforesaid,—

- (a) the Register as so amended shall, for all purposes of this Act, be deemed to be the Register for the State of Maharashtra; and
- (b) all persons whose names remain thereon shall (for the residue of the period for which they were appointed by the State Government of Bombay) be deemed to have been appointed by the State Government of Maharashtra and accordingly, the certificates of practice issued to them under section 5 shall be amended so as to restrict their area of practice to the State of Maharashtra.”

[Vide The Central Acts on State and Concurrent Subjects (Maharashtra Adaptation) Order, 1960 (w.r.e.f. 1-5-1960).]

COMMENTS

(i) Every notary has to pay the fee, if he wishes to practise. If he wants to get his certificate renewed, then also he will have to pay the fee; *Kashi Prasad v. State*, AIR 1967 All 173.

(ii) The licence of a notary can be renewed even if he has attained the age of 70, this renewal cannot be withheld; *Jagat Jiban Lahiri v. State of Bengal*, AIR 1985 Cal 140.

6. Annual publication of lists of notaries.—The Central Government and every State Government shall, during the month of January each year, publish in the Official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. Seal of notaries.—Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

1. Subs. by Act 36 of 1999, sec. 3, for “shall” (w.e.f. 17-12-1999).

2. Subs. by Act 36 of 1999, sec. 3, for “three years” (w.e.f. 17-12-1999).

3. Subs. by Act 36 of 1999, sec. 3, for sub-section (2) (w.e.f. 17-12-1999).

8. Functions of notaries.—(1) A notary may do all or any of the following acts by virtue of his office, namely:—

- (a) verify, authenticate, certify or attest the execution of any instrument;
- (b) present any promissory note, *hundi* or bill of exchange for acceptance or payment or demand better security;
- (c) note or protest the dishonour by non-acceptance or non-payment of any promissory note, *hundi* or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 (XXVI of 1881), or serve notice of such note or protest;
- (d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;
- (e) administer oath to, or take affidavit from, any person;
- (f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;
- (g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is entitled to operate;
- (h) translate, and verify the translation of, any document, from one language into another;
- ¹[(ha) act as a Commissioner to record evidence in any civil or criminal trial if so directed by any court or authority;]
- ¹[(hb) act as an arbitrator, mediator or conciliator, if so required;]
- (i) any other act which may be prescribed.

(2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

COMMENTS

(i) Attestation of affidavit by Notary without deponent being present before him amounts to misconduct; *State of Kerala v. G. Sreedharan*, AIR 2013 Ker 1.

(ii) The burden to prove that the duties of the notaries have not been performed properly, is on the plaintiff; *Pandurangan v. Sarangapani*, AIR 1982 Mad 372.

(iii) When a certified copy of a document (which is a true copy of the original) is executed, a notary has to make, its entry in the register and put his signatures and seal on the copy of the document. As far as the identity of the executant is concerned, a notary is bound to take care about it; *Prataprai Trumbaklal Mehta v. Jayant Nemchand Shah*, AIR 1992 Bom 149.

9. Bar of practice without certificate.—(1) Subject to the provisions of this section, no person shall practise as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5:

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, *hundi* or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

(2) Nothing contained in sub-section (1) shall, until the expiry of two years from the commencement of this Act, apply to any such person as is referred to in the proviso to clause (d) of section 2:

¹ Ins. by Act 36 of 1999, sec. 4 (w.e.f. 17-12-1999).

¹[Provided that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State.]

10. Removal of names from Register.—The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name of the notary if he—

- (a) makes a request to that effect; or
- (b) has not paid any prescribed fee required to be paid by him; or
- (c) is an undischarged insolvent; or
- (d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practise as a notary; ²[or]
- ²[(e) is convicted by any court for an offence involving moral turpitude; or]
- ²[(f) does not get his certificate of practice renewed.]

COMMENTS

Where the certificate of a notary is cancelled, the Government if satisfied can re-issue the certificate and allow him to practise as a notary; *Kashi Prasad v. Government of Uttar Pradesh*, AIR 1969 All 195.

11. Construction of references to notaries public in other laws.—Any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practise under this Act.

12. Penalty for falsely representing to be a notary, etc.—Any person who—

- (a) falsely represents that he is a notary without being appointed as such, or
- (b) practises as a notary or does any notarial act in contravention of section 9,

shall be punishable with imprisonment for a term which may extend to ³[one year], or with fine, or with both.

13. Cognizance of offence.—(1) No court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Act save upon complaint in writing made by an officer authorised by the Central Government or a State Government by general or special order in this behalf.

(2) No magistrate other than a presidency magistrate or a magistrate of the first class shall try an offence punishable under this Act.

14. Reciprocal arrangements for recognition of notarial acts done by foreign notaries.—If the Central Government is satisfied that by the law or practice of any country or place outside India, the notarial acts done by notaries within India are recognized for all or any limited purposes in that country or place, the Central Government may, by notification in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised within India for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

COMMENTS

(i) Foreign litigants can seek justice in India only if the Notaries Act of our country is recognized in that foreign country and Notaries Act of such country is recognised in our country; *In re : K.K. Ray Pvt. Ltd.*, AIR 1967 Cal 636.

1. Ins. by Act 25 of 1968, sec. 2 and Sch. (w.e.f.15-8-1968).

2. Ins. by Act 36 of 1999, sec. 5 (w.e.f 17-12-1999).

3. Subs. by Act 36 of 1999, sec. 6, for "three months" (w.e.f. 17-12-1999).

(ii) A notary public of U.S.A. is also recognised in India. There is no need for the Central Government to issue notice under section 14 before such acts are legally recognized by the courts; *Rajesh Wadhwa v. Dr. (Mrs.) Sushma Govil*, 37 (1989) DLT 88.

(iii) Section 85 of the Evidence Act is applicable to both the Notaries Act, as well as, notaries functioning in other countries; *Abdul Jabbar v. 2nd Additional District Judge Orai*, AIR 1980 All 369.

15. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry 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 qualifications of a notary, the form and manner in which applications for appointment as a notary may be made and the disposal of such applications;
- (b) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;
- ¹[(c) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, area of practice or enlargement of area of practice and exemption whether wholly or in part, from such fees in specified classes of cases;]
- (d) the fees payable to a notary for doing any notarial act;
- (e) the form of Registers and the particulars to be entered therein;
- (f) the form and design of the seal of a notary;
- (g) the manner in which inquiries into allegations of professional or other misconduct of notaries may be made;
- (h) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions;
- (i) any other matter which has to be, or may be, prescribed.

²[(3) Every rule made by the Central Government 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, 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.]

16. Amendment of Act XXVI of 1881.—[Rep. by the Repealing and Amending Act, 1957 (36 of 1957), sec. 2 and Sch. I (w.e.f. 17-9-1957).]

1. Subs. by Act 36 of 1999, sec. 7, for clause (c) (w.e.f. 17-12-1999).

2. Ins. by Act 20 of 1983, sec. 3 and Sch. (w.e.f. 15-3-1984).

THE NOTARIES RULES, 1956¹

In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952), the Central Government hereby makes the following rules, namely:—

1. Short title.—These rules may be called the Notaries Rules, 1956.

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

(a) “appropriate Government” means, in relation to a notary appointed by the Central Government, the Central Government and in relation to a notary appointed by the State Government, the State Government;

(b) “Form” means a Form appended to these Rules;

(c) “the Act” means the Notaries Act, 1952 (53 of 1952);

²[(d) “Schedule” means the Schedule appended to these rules.]

³[3. Qualifications for appointment as a notary.—No person shall be eligible for appointment as a notary unless on the date of the application for such appointment—

⁴[(a) a person had been practising at least for ten years, or]

⁴[(aa) a person belonging to Scheduled Castes/Scheduled Tribes and other backward classes had been practising at least for seven years, or

(ab) a woman who had been practising at least for seven years, as a legal practitioner, or]

(b) he had been a member of the Indian Legal Service under the Central Government, or

(c) he had been at least for ten years,—

(i) a member of Judicial Service; or

(ii) held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an advocate; or

(iii) held an office in the department of Judge Advocate General or in the legal department of the armed forces.]

4. Application for appointment as a notary.—⁵[(1) A person may make an application for appointment as a notary (hereinafter called “the applicant”),

1. Vide S.R.O. 324, dated 14th February, 1956, published in the Gazette of India, Extra., Pt. II, Sec. 3, p. 191, dated 15th February, 1956.

2. Ins. by G.S.R. 330(E), dated 9th May, 2001 (w.e.f. 10-5-2001).

3. Subs. by G.S.R. 370(E), dated 8th July, 1997 (w.e.f. 8-7-1997).

4. Subs. by G.S.R. 17(E), dated 5th January, 2000 (w.e.f. 5-1-2000).

5. Subs. by G.S.R. 114(E), dated 24th February, 2009, for sub-rule (1) (w.e.f. 1-3-2009). Sub-rule (1), before substitution, stood as under:

“(1) A person may make an application for appointment as a notary (hereinafter called “the applicant”) in the Form of memorial addressed to such officer or authority (hereinafter referred to as the “competent authority”) of the appropriate Government as that Government may, by notification in the Official Gazette, designate in this behalf.”

through the concerned District Judge or the Presiding Officer of the Court or Tribunal where he practices as an Advocate, in the Form of memorial addressed to such officer or authority (hereinafter referred to as the "competent authority") of the appropriate Government as that Government may, by notification in the Official Gazette, designate in this behalf.]

¹[(2) The memorial shall be drawn by a person referred to in clause (a) of rule 3 in accordance with Form I and by a person referred to in clauses (b) and (c) of the said rule in accordance with Form II.

²[(2A) A person applying in Form II for appointment as a notary may submit the memorial direct to the Competent Authority of the Appropriate Government.]

(3) The memorial of a person referred to in clause (a) of rule 3 shall be signed by the applicant and shall be countersigned by the following persons:—

- (a) a Magistrate;
- (b) a Manager of a nationalised bank;
- (c) a merchant; and
- (d) two prominent inhabitants of the local area within which the applicant intends to practise as a notary.]

³[***]

⁴[6. Preliminary action on application.—⁵[(1) The competent authority shall examine every application received by him and if he is satisfied that the application is not complete in all respects or the applicant does not possess the qualifications specified in rule 3, or that any previous application of the applicant for appointment as a notary was rejected within six months before the date of the application, shall reject it summarily and inform the applicant accordingly.]

(2) If the competent authority does not reject the application under sub-rule (1),—

⁶[***]

(b) he may, if he thinks fit, ascertain from any Bar Council, Bar Association, Incorporated Law Society or other authority in the area where the applicant proposes to practise, the objections, if any, to the appointment of the applicant as notary, to be submitted within the time fixed for the purpose.]

7. Recommendation of the competent authority.—⁷[(1) The competent authority shall, after holding such inquiry as he thinks fit and after giving the

1. Subs. by G.S.R. 370 (E), dated 8th July, 1997 (w.e.f. 8-7-1997).

2. Ins. by G.S.R. 700(E), dated 24th September, 2009 (w.e.f. 24-9-2009).

3. Rule 5 omitted by G.S.R. 151, dated 14th March, 1958.

4. Subs. by G.S.R. 151, dated 14th March, 1958.

5. Subs. by G.S.R. 114(E), dated 24th February, 2009, for sub-rule (1) (w.e.f. 1-3-2009). Sub-rule (1), before substitution, stood as under:

"(1) The competent authority shall examine every application received by him and, if he is satisfied that the applicant does not possess the qualifications specified in rule 3, or that any previous application of the applicant for appointment as a notary was rejected within six months before the date of the application, shall reject it and inform the applicant accordingly."

6. Clause (a) omitted by G.S.R. 370 (E), dated 8th July, 1997 (w.e.f. 8-7-1997).

7. Subs. by G.S.R. 114(E), dated 24th February, 2009, for sub-rule (1) (w.e.f. 1-3-2009). Sub-rule (1), before substitution, stood as under:

"(1) The competent authority shall, after holding such inquiry as he thinks fit and after giving the applicant an opportunity of making his representations against the objections, if any, received within the time fixed under sub-rule (2) of rule 6, make a report to the appropriate Government recommending either that the application may be allowed for the whole or any part of the area to which the application relates or that it may be rejected."

applicant an opportunity of making his representations against the objections, if any, received within the time fixed under sub-rule (2) of rule 6, make a report to the appropriate Government recommending that the applicant may be allowed to appear before the Interview Board.]

(2) The competent authority shall also make his recommendation in the report under sub-rule (1) regarding the persons by whom the whole or any part of the costs of the application including the cost of hearing, if any, shall be borne.

(3) In making his recommendation under sub-rule (1), the competent authority shall have due regard to the following matters, namely:—

- (a) whether the applicant ordinarily resides in the area in which he proposes to practise as a notary;
- (b) whether, having regard to the commercial importance of the area in which the applicant proposes to practise and the number of existing notaries practising in the area, it is necessary to appoint any additional notaries for the area;
- (c) whether, having regard to his knowledge and experience of commercial law and the nature of the objections, if any, raised in respect of his appointment as a notary, and in the case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a notary;
- (d) where the applicant belongs to a firm of legal practitioners, whether, having regard to the number of existing notaries in that firm, it is proper and necessary to appoint any additional notary from that firm; and
- (e) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants:

¹[Provided that in respect of categories (b) and (c), if the memorial in Form II is found to be in order, the competent authority may issue certificate of practice as Notary directly by exempting appearance before the Interview Board.]

²**7A. Constitution of the Interview Board.**—(1) If the appropriate Government allows that the applicant may be asked to appear before the Interview Board, the competent authority shall inform the applicant to appear before the Interview Board, on the date, time and place fixed, to judge the competency of the applicant for being appointed as a Notary. The Interview Board shall submit its recommendations to the appropriate Government.

³[(2) For the said purpose, one or more Interview Boards shall be constituted by the appropriate Government from amongst its officers dealing with legal

1. Ins. by G.S.R. 429(E), dated 18th April, 2016 (w.e.f. 19-4-2016).

2. Ins. by G.S.R. 114(E), dated 24th February, 2009 (w.e.f. 1-3-2009).

3. Subs. by G.S.R. 700(E), dated 24th September, 2009, for sub-rule (2) (w.e.f. 24-9-2009). Sub-rule (2), before substitution, stood as under:

“(2) For the said purpose, a three members Interview Board shall be constituted by the appropriate Government from amongst its officers dealing with legal matters. The Chairperson of the Interview Board shall not be an officer below the rank of Joint Secretary of that Government.”

matters and the Chairperson of every Interview Board shall be an officer not below the rank of Joint Secretary or Law Officer of that Government:]]

¹[Provided that the appropriate Government may dispense with the condition of holding of interviews for which reasons are to be recorded in writing.]

²**7B. Transitional provision.**—(1) All the memorials received by the Competent Authority till 28th February, 2009 and which are pending shall be processed/examined in accordance with the provisions of the rules as amended by the Notaries (Amendment) Rules, 2009.

(2) The fresh memorials shall only be submitted on or after 1st July, 2009.]

8. Appointment of a notary.—³[(1) ⁴[On receipt of the recommendations of the interview board, the appropriate Government shall consider the recommendation and shall—]

(a) allow the application in respect of the whole of the area to which it relates; or

(b) allow the application in respect of any part of the area to which it relates; or

(c) reject the application,

and shall also make such orders as the Government thinks fit regarding the persons by whom the whole or any part of the cost of the application including the cost of hearing, if any, shall be borne.]

⁵[(2) An applicant shall be informed of every order passed by the appropriate Government under sub-rule (1).

(3) Any applicant whose application has been rejected ⁶[or allowed in respect of only a part of the area to which it relates] or against whom an order as to cost has been made under sub-rule (1) may, within sixty days of the date of the order apply to the appropriate Government for reviewing the order and that Government may, after making such further inquiry as it thinks fit pass such order as it considers necessary.]

⁷[(4)] Where the application is allowed, the appropriate Government shall appoint the applicant as a notary and direct his name to be entered in the Register of Notaries maintained by that Government under section 4 of the Act and issue to him a certificate on payment of prescribed fees authorizing him to practise in the area to which the application relates or in such part thereof as the appropriate Government may specify in the certificate, as a notary for a period of ⁸[five years] from the date on which the certificate is issued to him.

⁷[(4A) The appropriate Government may on and after the ninth day of May, 2001, appoint notaries in a State or Union territory, as the case may be, not exceeding the number of notaries specified in the Schedule:

1. Ins. by G.S.R. 429(E), dated 18th April, 2016 (w.e.f. 19-4-2016).
2. Ins. by G.S.R. 114(E), dated 24th February, 2009 (w.e.f. 1-3-2009).
3. Subs. by G.S.R. 151, dated 14th March, 1958.
4. Subs. by G.S.R. 114(E), dated 24th February, 2009, for "On receipt of the report of the competent authority, the appropriate Government shall consider the report and shall—" (w.e.f. 1-3-2009).
5. Ins. by G.S.R. 151, dated 14th March, 1958.
6. Ins. by G.S.R. 1056, dated 30th October, 1958.
7. Re-numbered by G.S.R. 151, dated 14th March, 1958.
8. Subs. by G.S.R. 262 (E), dated 28th March, 2000 (w.e.f. 28-3-2000).
7. Ins. by G.S.R. 330 (E), dated 9th May, 2001 (w.e.f. 10-5-2001).

Provided that the number of notaries whose certificate of practice has been renewed under sub-section (2) of section 5 of the Act shall be included in the total number of notaries appointed for the purpose of counting the total number of notaries specified in the Schedule:

Provided further that if in a State or Union territory the number of notaries appointed before the ninth day of May, 2001, exceeds the number of notaries specified in the Schedule, such notaries shall continue to be so appointed in that State or Union territory, as the case may be:]

¹[Provided also that in case, request for enhancement of quota is received from Union Territory or the State concerned, the same shall be considered as per the following criteria:—

- (a) if there is an increase in the population of the concerned State or the Union Territory;
- (b) if there is increase in the number of districts or tehsil or taluka of the concerned State or Union Territory.]

²[³(5)] The Register of Notaries shall be in Form IIA and the certificate of practice shall be in Form IIB.]

⁴**[8A. Extension of area of practice.**—A notary public who is already in possession of a certificate of practice in respect of a particular area, may for sufficient reasons, apply for extension of his area of practice. If the original certificate of practice had been issued by a State Government and the new area of practice applied for lies within the territory of that State, the application for extension of the area of practice shall be made to that State Government. In all cases where the original certificate of practice had been issued by the Central Government, the application for extension of the area of practice shall be made to the Central Government. Applications for the extension of the area of practice where the new area lies either wholly outside the State or partly inside and partly outside the State which granted the original certificate shall be made to the Central Government for the issue of a fresh certificate. The State Government or the Central Government, as the case may be, shall, after considering the reasons stated in the application and other factors, pass such orders thereon as it may deem fit. Any extension of the area of practice shall not have the effect of extending the period of validity of the original certificate beyond the period of ⁵[five years] specified in rule 8(4)].

⁶**[8B. Renewal of Certificate of Practice.**—The certificate of practice issued under sub-rule (4) of rule 8 may be renewed for a further period of five years on payment of prescribed fee. An application for renewal of Certificate of Practice shall be submitted to the appropriate Government before ⁷[six months] from the date of expiry of its period of validity:

Provided that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the above specified period.]

1. Ins. by G.S.R. 429(E), dated 18th April, 2016 (w.e.f. 19-4-2016).

2. Ins. by S.R.O. 1353, dated 6th June, 1956.

3. Re-numbered by G.S.R. 1056, dated 30th October, 1958.

4. Ins. by G.S.R. 1056, dated 30th October, 1958.

5. Subs. by G.S.R. 262(E), dated 28th March, 2000 (w.e.f. 28-3-2000).

6. Ins. by G.S.R. 686(E), dated 31st October, 2007 (w.e.f. 31-10-2007).

7. Subs. by G.S.R. 150(E), dated 4th March, 2014, for "three months" (w.e.f. 4-3-2014).

¹[9. Fees for issue and renewal of certificate of practice and extension of area.—The fees for issue and renewal of certificate of practice and extension of area shall be as under,—

² (a) issue of certificate of practice	—	₹ 2000
(b) extension of area of practice	—	₹ 1500
(c) renewal of certificate of practice	—	₹ 1000
(d) issue of a duplicate certificate of practice	—	₹ 750]

³[10. Fees payable to a notary for doing any notarial act.—⁴[(1) Every notary may charge fees not exceeding the rates mentioned below, namely:—

1. Subs. by G.S.R. 370 (E), dated 8th July, 1997 (w.e.f. 8-7-1997).
2. Subs. by G.S.R. 150(E), dated 4th March, 2014, for clauses (a) to (d) (w.e.f. 4-3-2014).
Clauses (a) to (d), before substitution, stood as under:
“(a) issue of certificate of practice—Rs. 1,000;
(b) extension of area of practice—Rs. 750;
(c) renewal of certificate of practice—Rs. 500;
(d) issue of a duplicate certificate of practice—Rs. 300.”.
3. Subs. by G.S.R. 370(E), dated 8th July, 1997 (w.e.f. 8-7-1997).
4. Subs. by G.S.R. 150(E), dated 4th March, 2014, for sub-rule (1) (w.e.f. 4-3-2014). Earlier sub-rule (1) was substituted by G.S.R. 630(E), dated 21st July, 2000 (w.e.f. 21-7-2000). Sub-rule (1), before substitution by G.S.R. 150(E), dated 4th March, 2014, stood as under:
“(a) for noting an instrument
if the amount of the instrument does not exceed rupees 10,000 —Rs. 35
if it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 75
if it exceeds rupees 25,000 but does not exceed rupees 50,000 —Rs. 110
if it exceeds rupees 50,000 —Rs. 150
(b) for protesting an instrument—
if the amount of the instrument does not exceed rupees 10,000 —Rs. 35
if it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 75
if it exceeds rupees 25,000 but does not exceed rupees 1,00,000 —Rs. 110
if it exceeds rupees 1,00,000 —Rs. 150
(c) for recording a declaration of payment for honour —Rs. 75
(d) duplicate protests —half the charge of original
(e) for verifying, authenticating, certifying or Attesting the execution of any instrument —Rs. 15
(f) for presenting any promissory note, *hundi* or bill of exchange for acceptance or payment or demanding better security —Rs. 35
(g) for administering oath to, or taking affidavit from any person —Rs. 15
(h) for preparing any instrument intended to take effect in any country or place outside India in such form, and language as may conform to the law of the place where such deed is intended to operate —Rs. 150
(i) for attesting or authenticating any instrument to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate —Rs. 150
(j) for translating and verifying the translation of any document from one language to another —Rs. 75
(k) for noting and drawing up ship's protest, boat protest or protest relating to demurrage and other commercial matters —Rs. 150
(l) for certifying copies of documents as true copies of the original —Rs. 5 per page minimum Rs. 10
(m) for any other notarial act —such sum as the appropriate Government may fix from time to time.”.

(a) For noting an instrument		
If the amount of the instrument does not exceed rupees 10,000	—	₹ 50
If it exceeds rupees 10,000 but does not exceed rupees 25,000	—	₹ 100
If it exceeds rupees 25,000 but does not exceed rupees 50,000	—	₹ 150
If it exceeds rupees 50,000	—	₹ 200
(b) For protesting an instrument—		
If the amount of the instrument does not exceed rupees 10,000	—	₹ 50
If it exceeds rupees 10,000 but does not exceed rupees 25,000	—	₹ 100
If it exceeds rupees 25,000 but does not exceed rupees 1,00,000	—	₹ 150
If it exceeds rupees 1,00,000	—	₹ 200
(c) For recording a declaration of payment for honour	—	₹ 100
(d) Duplicate protests	—	half the charge of original
(e) For verifying, authenticating, certifying or Attesting the execution of any instrument	—	₹ 35
(f) For presenting any promissory note, <i>hundi</i> or bill of exchange for acceptance or payment or demanding better security	—	₹ 50
(g) For administering oath to, or taking Affidavit from any person	—	₹ 35
(h) For preparing any instrument intended to take effect in any country or place outside India in such form, and language as may conform to the law of the place where such deed is intended to operate	—	₹ 200
(i) For attesting or authenticating any instrument to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate	—	₹ 200
(j) For translating and verifying the translation of any document from one language to another	—	₹ 100
(k) For noting and drawing up ship's protest, boat protest or protest relating to demurrage and other commercial matters	—	₹ 200

- | | |
|---|--|
| (l) For certifying copies of documents as true copies of the original | — ₹ 10 per page
minimum ₹ 20 |
| (m) For any other notarial act | — such sum as
the appropriate
Government
may fix from
time to time.] |

(2) The rates of fees to be charged by a notary shall be displayed by him in conspicuous place inside as well as outside his chamber or office.

(3) In addition to the above fees, a notary may charge the travelling allowance by road or by rail at the rate of ¹[rupees twenty] per kilometre.]

11. Transaction of business by a notary.—(1) A notary in transacting the business under the Act shall use the Forms set forth in the Appendix to these rules.

²[(2) Besides recording declaration of payment for honour a notary shall also register notings and protests made. Every notary shall maintain a Notarial Register in the prescribed Form XV.]

(3) Where any demand of acceptance or payment or better security has been made by a clerk, a notary shall, after examination of the entry in the Register relating to such demand, affix his signature thereto, and cause the clerk to affix his signature also to the entry.

(4) Each notary shall, before bringing the Notarial Register into use, add a certificate on the title page specifying the number of pages it contains. Such certificate shall be signed and dated by the notary.

(5) Every notary shall permit the District Judge or such officer as the appropriate Government from time to time appoint in this behalf to inspect his register at such times, not often than twice a year, as the District Judge or officer may fix. District Judge or officer appointed by the State Government will have power to lodge a report to the appropriate Government for taking action against a notary.

(6) When the original instrument is in a language other than, English, any noting or protest or entry in his register which has to be made in respect of the instrument by a notary may be made either in that language or in English.

(7) In making presentment of bills or notes a notary shall observe the provisions of Chapter V of the Negotiable Instruments Act, 1881 (26 of 1881).

(8) The notary may—

- (1) draw, attest or certify documents under his official seal including conveyance of properties;
- (2) note and certify the general transactions relating to negotiable instruments;
- (3) prepare a Will or other testamentary documents; and
- (4) prepare and take affidavits for various purposes for his notarial acts.

1. Subs. by G.S.R. 150(E), dated 4th March, 2014, for "rupees five" (w.e.f. 4-3-2014).

2. Subs. by S.O. 83, dated 28th December, 1965.

(9) Every notary shall grant a receipt for the fees and charge realised by him and maintain a register showing all the fees and charges realised.

¹[12. Seal of notary.—Every notary shall use a plain circular seal of a diameter of 5 cm. as indicated by a drawing given below, bearing his name, the name of the area within which he has been appointed to exercise his functions, the registration number and the circumscription "NOTARY", and the name of the Government which appointed him.]



³[13. Inquiry into the allegations of professional or other misconduct of a notary.—⁴[(1) An inquiry into the misconduct of a notary may be initiated either *suo motu* by the appropriate Government or on a complaint received in Form XIII.]

(2) Every such complaint shall contain the following particulars, namely:—

- (a) the acts and omissions which, if proved, would render the person complained against unfit to be a notary;
- (b) the oral or documentary evidence relied upon in support of the allegations made in the complaint.

(3) The appropriate Government shall return a complaint which is not in the proper Form or which does not contain the aforesaid particulars to the complainant for representation after compliance with such objections and within such times as the appropriate Government may specify:

Provided that if the subject-matter in a complaint is, in the opinion of the said Government substantially the same as or covered by, any previous complaint and if there is no additional ground, the said Government shall file the said complaint without any further action and inform the complainant accordingly.

(4) Within sixty days ordinarily of the receipt of complaint, the appropriate Government shall send a copy thereof to the notary at his address as entered in the Register of Notaries.

⁵[(4A) Where an inquiry is initiated, *suo motu* by the appropriate Government, the appropriate Government shall send to the notary a statement

1. Subs. by G.S.R. 370 (E), dated 8th July, 1997 (w.e.f. 8-7-1997).

2. Subs. by G.S.R. 150(E), dated 4th March, 2014, for "Name..... Area..... Regd. No....." (w.e.f. 4-3-2014).

3. Subs. by S.O. 774, dated 9th March, 1957.

4. Subs. by G.S.R. 1056, dated 30th October, 1958.

5. Ins. by G.S.R. 1056, dated 30th October, 1958.

specifying the charge or charges against him, together with particulars of the oral or documentary evidence relied upon in support of such charge or charges.]

(5) ¹[A notary against whom an inquiry has been initiated may, within fourteen days of the service on him of a copy of the complaint under sub-rule (4) or of the statement of the charges under sub-rule (4A) as the case may be,] or within such time as may be extended by the appropriate Government, forward to that Government a written statement in his defence verified in the same manner as a pleading in a civil court.

(6) If on a persual of ²[the written statement,] if any, of the notary concerned and other relevant documents and papers, the appropriate Government consider that there is a *prima facie* case against such notary, the appropriate Government shall cause an inquiry to be made in the matter by the competent authority. If the appropriate Government is of the opinion that there is no *prima facie* case against the notary concerned, ²[the complaint or charge shall be filed] and the complainant and the notary concerned shall be informed accordingly.

³[(7) Every notice issued to a notary under this rule shall be sent to him by registered post. If any such notice is returned unserved with an endorsement indicating that the addressee has refused to accept the notice or the notice is not returned unserved within a period of thirty days from the date of its despatch, the notice shall be deemed to have been duly served upon the notary.]

(8) It shall be the duty of the appropriate Government to place before the competent authority all facts brought to its knowledge which are relevant for the purpose of an inquiry by the competent authority.

(9) A notary who is proceeded against shall have right to defend himself before the competent authority either in person or through a legal practitioner or any other notary.

(10) Except as otherwise provided in these rules, the competent authority shall have the power to regulate his procedure relating to the inquiry in such manner as he considers necessary and during the course of inquiry, may examine witnesses and receive any other oral or documentary evidence.

(11) The competent authority shall submit his report to the Government entrusting him with the inquiry.

(12) (a) The appropriate Government shall consider the report of the competent authority, and if in its opinion a further inquiry is necessary, may cause such further inquiry to be made and a further report submitted by the competent authority.

(b) If after considering the report of the competent authority, the appropriate Government is of the opinion that action should be taken against the notary the appropriate Government may make an order—

- (i) cancelling the certificate of practice and perpetually debarring the notary from practice; or
- (ii) suspending him from practice for a specified period; or

1. Subs. by G.S.R. 1056, dated 30th October, 1958.

2. Ins. by G.S.R. 1056, dated 30th October, 1958.

3. Subs. by G.S.R. 370(E), dated 8th July, 1997 (w.e.f. 8-7-1997).

- (iii) letting him off with a warning, according to the nature and gravity of the misconduct of the notary proved.

(13) Notification of removal—The removal of the name of any notary from the Register of Notaries from practice, as the case may be, shall be notified in Official Gazette and shall also be communicated in writing to the notary concerned.]

¹[14. **Submission of returns.**—Every notary shall, in the first week of January every year, submit to the appropriate Government, an annual return in Form XIV of the notarial acts done by him during the preceding year.]

15. Each notary shall have an office within the area mentioned in the certificate issued to him under rule 8 and he shall exhibit it in a conspicuous place thereat a board showing his name and his designation as a notary.

16. If a notary has to deal with a case which does not in terms attract any of the Forms prescribed, the notary should adopt the form nearest to his case with such modifications thereto as he thinks the exceptional peculiarities of the case to justify.

²[17. **Annual publication of the list of notaries.**—The list of notaries to be published by the Central Government and every State Government under section 6 of the Act, shall be in the following Form:—

Sl. No.	Name of notary	Residential and professional addresses	Qualifications	Area in which he is authorised to practise	Remarks

³[THE SCHEDULE
[See rule 8(4A)]]

Name of State/Union territory	Maximum number of notaries to be appointed by the Central Government	Maximum number of notaries to be appointed by State Government or Union Territory Administration
(1)	(2)	(3)
1. Andhra Pradesh	⁴ [865]	⁵ [1306]
2. Assam	575	575
3. Bihar	925	⁶ [1925]

1. Subs. by S.O. 1285, dated 20th April, 1957.

2. Ins. by S.O. 854, dated 11th March, 1957.

3. Ins. by G.S.R. 330(E), dated 9th May, 2001 (w.e.f. 10-5-2001).

4. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "575" (w.e.f. 19-4-2016).

5. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "863" (w.e.f. 19-4-2016). Earlier it was amended by G.S.R. 296(E), dated 19th May, 2006 (w.e.f. 19-5-2006).

6. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "925" (w.e.f. 19-4-2016).

(1)	(2)	(3)
4. Gujarat	¹ [1760]	² [1407]
5. Kerala	³ [1000]	⁴ [1000]
6. Madhya Pradesh	1125	⁵ [2500]
7. Tamil Nadu	⁶ [1360]	⁷ [2500]
8. Maharashtra	⁸ [3700]	⁹ [1313]
9. Karnataka	¹⁰ [1266]	¹¹ [1013]
10. Orissa	750	750
11. Punjab	¹² [1197]	425
12. Rajasthan	¹³ [1500]	¹⁴ [2000]
13. Uttar Pradesh	¹⁵ [2188]	¹⁶ [2625]

1. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "1173" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 662(E), dated 31st August, 2012, for "938" (w.e.f. 31-8-2012) and by G.S.R. 764(E), dated 3rd November, 2008 (w.e.f. 3-11-2008).
2. Subs. by G.S.R. 636(E), dated 3rd September, 2008 (w.e.f. 3-9-2008). Earlier it was substituted by G.S.R. 319(E), dated 1st May, 2007 (w.e.f. 1-5-2007) as corrected by Corrigendum G.S.R. 330(E), dated 8th May, 2007.
3. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "704" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 662(E), dated 31st August, 2012, for "563" (w.e.f. 31-8-2012) and by G.S.R. 636(E), dated 3rd September, 2008 (w.e.f. 3-9-2008).
4. Subs. by G.S.R. 662(E), dated 31st August, 2012, for "845" (w.e.f. 31-8-2012). Earlier it was substituted by G.S.R. 686(E), dated 31st October, 2007 (w.e.f. 31-10-2007) and G.S.R. 296(E), dated 19th May, 2006 (w.e.f. 19-5-2006).
5. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "1688" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 296(E), dated 19th May, 2006 (w.e.f. 19-5-2006).
6. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "907" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 662(E), dated 31st August, 2012, for "725" (w.e.f. 31-8-2012).
7. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "1088" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 296(E), dated 19th May, 2006 (w.e.f. 19-5-2006).
8. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "2463" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 662(E), dated 31st August, 2012, for "1970" (w.e.f. 31-8-2012) and by G.S.R. 764(E), dated 3rd November, 2008 (w.e.f. 3-11-2008) and by G.S.R. 51(E), dated 23rd January, 2008 (w.e.f. 23-1-2008).
9. Subs. by G.S.R. 296(E), dated 19th May, 2006 (w.e.f. 19-5-2006).
10. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "844" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 662(E), dated 31st August, 2012, for "675" (w.e.f. 31-8-2012).
11. Subs. by G.S.R. 686(E), dated 31st October, 2007 (w.e.f. 31-10-2007).
12. Subs. by G.S.R. 662(E), dated 31st August, 2012, for "957" (w.e.f. 31-8-2012). Earlier it was substituted by G.S.R. 51(E), dated 23rd January, 2008 (w.e.f. 23-1-2008) and G.S.R. 296(E), dated 19th May, 2006 (w.e.f. 19-5-2006).
13. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "1000" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 662(E), dated 31st August, 2012, for "800" (w.e.f. 31-8-2012).
14. Subs. by G.S.R. 429(E), dated 18th April, 2016, for "1200" (w.e.f. 19-4-2016). Earlier it was substituted by G.S.R. 319(E), dated 1st May, 2007 (w.e.f. 1-5-2007) as corrected by corrigendum G.S.R. 330(E), dated 8th May, 2007.
15. Subs. by G.S.R. 662(E), dated 31st August, 2012, for "1750" (w.e.f. 31-8-2012).
16. Subs. by G.S.R. 86(E), dated 8th February, 2007 (w.e.f. 8-2-2007).

¹[FORM I MEMORIAL

(See rule 4(2))

1. Name of the applicant
2. Father's/Husband's name
3. Date of Birth
4. Whether SC/ST/OBC/General
5. Address (residence)
Pin
- Telephone Fax E-Mail.....
Address (Office)
Pin.....
Telephone Fax E-Mail.....
6. Educational Qualifications (Please attach attested photocopies)
7. Enrolment number & date (Please attach attested photocopies)
8. Practising in.....
Civil side.....
Criminal side.....
Taxation.....
Revenue Courts.....
9. Whether Income-tax assessee.....
10. The memorial of (name of the applicant in block letters) sheweth.....
1. that the memorialist is a person eligible for appointment as a notary under the Notaries Act, 1952, and clause (a) of rule 3 of the Notaries Rules, 1956;
2. that the memorialist resides in.....
(here state the name of the local area or name of court where he intends to practise) and will reside for upwards of.....(state how long);
3. that the number of notaries practising in the local area is insufficient for the requirements thereof (the grounds of the statement should be added);
4. that no previous application of the memorialist has been rejected or withdrawn by him, within the preceding six months;

The memorialist, therefore, prays that the Government be pleased to appoint and admit him as a notary under and by virtue of the Notaries Act, 1952 (53 of 1952), and clause (a) of rule 3 of the Notaries Rules, 1956, to practise in.....
(here state the name of the local area).

Dated.....day of.....20....

Signature of the applicant

Name and address of signatories	Profession	Name and address of the firm/organisation	Signature with seal
1.			
2.			
3.			
4.			
5.			

Note.—Under rule 4(3) the memorial should be countersigned by a Magistrate, a manager of a Nationalised Bank, a merchant and two prominent inhabitants of the area where he intends to practise as a notary.]

¹[FORM II (See rule 4(2))

1. Name of the applicant
2. Father's/Husband's name
3. Date of Birth
4. Whether SC/ST/OBC/General.....
5. Address (residence)
.....

PHOTOGRAPH

1. Subs. by G.S.R. 172(E), dated 12th March, 2001 (w.e.f. 12-3-2001).

I'm
 Telephone Fax E-Mail.....
 Address (office)
 Pin.....
 Telephone.....Fax.....E-Mail.....
 6. Educational Qualifications
 7. Date of joining government service
 8. Date of retirement
 9. Post held at the time of retirement
 10. Area, whether the memorialist intends to practise as Notary.....
 Dated.....day of.....20.....

Signature of applicant

Note.—Necessary proof about eligibility under rule 3(b) and (c) of the Notaries Rules, 1956, is to be attached. Rule 3(b) and (c) are as follows:—

"3. *Qualifications for appointment as a notary.*—No person shall be eligible for appointment as a notary unless on the date of the application for such appointment,—

- (a)
- (b) he had been a member of the Indian Legal Service under the Central Government, or
- (c) he had been at least for ten years,—
 - (i) a member of Judicial Service; or
 - (ii) held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an advocate; or
 - (iii) held an office in the department of Judge Advocate General or in the legal department of the armed forces.]

¹[FORM IIA
 REGISTER OF NOTARIES
 [See rule 8(5)]

Sl. No.	Full name and date of birth of notary	Residential and professional addresses of notary	Date on which the name of notary is entered in the Register	Qualifications of notary	Area in which notary may practise	Remarks
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²[FORM IIB
 [See rule 8(5)]

Government of.....
 (Emblem)

CERTIFICATE OF PRACTICE

Certified that son/daughter/wife of resident of has been appointed as a notary under the Notaries Act, 1952 (53 of 1952) and is authorised to practise as such in and throughout for a period of ³[three years] Given under my hand and seal of the Government of this.....day of

⁴[Joint Secretary to the Government of India/
 Secretary to the Government of

(Name of the State)]

1. Ins. by S.O. 1353, dated 6th June, 1956.
2. Subs. by G.S.R. 370(E), dated 8th July, 1997 (w.e.f. 8-7-1997).
3. Subs. by G.S.R. 547(E), dated 31st August, 1998, for "five years" (w.r.e.f. 8-7-1997).
4. Subs. by G.S.R. 632(E), dated 14th August, 2012 (w.e.f. 14-8-2012). Earlier these words were substituted by G.S.R. 49(E), dated 25th January, 2012 (w.e.f. 25-1-2012), G.S.R. 808(E), dated 14th November, 2011 (w.e.f. 14-11-2011), G.S.R. 843(E), dated 25th November, 2009 (w.e.f. 25-11-2009), G.S.R. 700(E), dated 24th September, 2009 (w.e.f. 24-9-2009) and G.S.R. 73(E), dated 9th February, 2007 (w.e.f. 9-2-2007).

FORM III
FORM OF NOTING FOR DISHONOUR

(See section 8)

(To be made upon the instrument or upon a paper attached thereto,
or partly upon each.)

Reference to page in Notarial Register.....

Date of presentment and dishonour by non-acceptance/ non-payment.....

Reason, if any, assigned for dishonour (or, if the instrument has not been expressly dishonoured, reason why holder treats it as dishonoured.)

Date of note.....

.....
Signature of notary

Notary's charges.

FORM IIIA
FORM OF NOTING FOR DISHONOUR

(See section 8)

(To be entered in the Notarial Register)

(Copy of the bill and endorsements)

On the day of..... 20..... the above bill was, at the request of.....(here give the name), presented by me for acceptance to.....(here give the name), the drawee personally (at his residence or usual place of business) in.....(town or village) and, I received, the following answer:—

.....
(The said bill is, therefore, noted for non-acceptance.)

Place and date.....

.....
Signature of notary

(This note is to be signed in the margin by the notary's clerk also if he presented the bill.)

FORM IV
FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE

(See section 8)

On theday of.....20..... I.....(here give the name), notary appointed under the Notary Act, 1952, of..... in.....(here state the local area for which the notary has been appointed) in..... at the request of.....(here give the name) of.....did, at.....in person, and having failed to do so, then by registered letter cause due and customary presentment to be made to, and did demand acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") from.....(here give the name), the person upon whom the said bill is drawn, to which demand he made answer (state terms of answer, if any) (or "to which demand he gave no answer") wherefore, I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name), witnesses, protest the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange,

re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

FORM IVA

FORM OF ACTS OF HONOUR

(a) Act of honour on acceptance. (To be written at the foot of the protest).

Afterwards appeared before me, the said notary, on the..... day of 20.....,(here give the name), and declared that he would accept the bill of exchange before protested under protest for the honour and upon the account of.....(here give the name), the second endorser on the said bill.

Holding the second endorser and all others concerned always bound and obliged to indemnify him, the said appearer, for his said acceptance and in case of payment of by him, for his re-imbusement in due form of law and according to custom.

Which I attest

.....

Signature of notary

Place and date

(b) Act of honour on payment. (To be written at the foot of the protest).

Afterwards appeared before me, the said notary, on the.....day of.....20....., (here give the name), and declared that he would pay the bill of exchange before protested under protest for the honour and upon the account of.....(here give the name), the endorser on the said bill.

Holding the said endorser and all others concerned always bound and obliged for reimbursement in due form of law and according to custom.

Amount Rs.....

Notarial charges Rs.....

Which I attest

.....

Signature of notary

Place and date

Received this.....day of.....20....., from(here give the name), the sum of Rs....., the amount of the said bill and notarial charges thereon.

.....
Signature of notary

FORM V

**FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE
WHEN THE DRAWEE CANNOT BE FOUND**

(See section 8)

(a) Where search was made by notary in person.

On the.....day of.....20....., I..... (here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in..... at the request of.....(here give the name), of....., did in person make due search at.....for.....(here give the name), in order to present to and demand from him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") which is drawn upon the said.....(here give the name), but was unable to find him; wherefore I, the said notary, at the request aforesaid, by this writing, do in the presence of.....(here give the name), and.....(here give the name), witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange and all costs, damages and interest present and to come for want of acceptance of the said bill.

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

(b) Where registered letter was sent to the drawee.

On the.....day of.....20....., I..... (here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of....., did send by post a registered letter addressed to.....(here give the name) at.....wherein I enclosed and demanded from him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") which is drawn upon the said..... (here give the name) but the letter was returned undelivered because the said.....(here give the name) could not be found; wherefore I, the said notary at the request aforesaid, by this writing, do in the presence of.....(here give the name) and.....(here give the name), witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of acceptance of the said bill.

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

FORM VI
FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF
EXCHANGE FOR NON-PAYMENT

(See section 8)

On the.....day of.....20..... I,(here give the name),
a notary appointed under the Notaries Act, 1952, of.....
in.....(here state the local area for which the notary has been appointed)
in.....at the request of(here give the name), of.....did
at.....in person and having failed to do so, then by registered letter, cause due
and customary presentment to be made to and did demand payment of the promissory
note (or bill of exchange, as the case may be) hereto annexed (or "a literal transcript
whereof, and of everything written or printed) thereon is hereto annexed")
from.....(here give the name) the maker of the said promissory note (or
drawee, acceptor, of the said bill of exchange, as the case may be), to which demand he
made answer (state the terms of his answer, if any) or "to which demand he gave
answer"); wherefore I, the said notary, at the request aforesaid by this writing, do in the
presence of(here give the name),
and.....(here give the name), witnesses protest against the maker of the
said promissory note (or the drawer of the said bill of exchange, as the case may be) and
all other parties thereto and all others concerned for all exchange, re-exchange, and all
costs, damages and interest present and to come for want of payment of the said
promissory note (or bill of exchange, as the case may be).

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

FORM VII
FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE
FOR NON-PAYMENT WHEN THE MAKER, DRAWEE, OR ACCEPTOR
(AS THE CASE MAY BE) CANNOT BE FOUND

(See section 8)

(a) Where search was made by notary in person.

On the.....day of....., 20.....
I,.....(here give the name), a notary appointed under the
Notaries Act, 1952, ofin(here state the local
area for which the notary has been appointed) in.....at the request
of.....(here give the name) of.....did in person make due
search atfor.....(here give the name), the maker (or
drawee, or acceptor, as the case may be) in order to present to and demand from him
payment of the promissory note (or bill of exchange, as the case may be) hereto annexed
(or "a literal transcript whereof and of everything written or printed thereon is hereto
annexed") but was unable to find him; wherefore, I, the said notary, at the request
aforesaid, by this writing, do, in the presence of.....(here give
the name) and.....(here give the name), witnesses, protest against the

maker of the said promissory note (or drawer of said bill of exchange as the case may be) and all other parties thereto and all others, concerned for all exchange, re-exchange, and all costs, damages, the interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

(b) Where registered letter was sent to the maker, drawee or acceptor.

On.....day of.....20..... I, (here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of.....did sent by post a registered letter addressed to.....(here give the name) at.....the maker (or drawee, acceptor, as the case may be), wherein I enclosed and demanded from him payment of the promissory note (or bill of exchange as the case may be), hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed"), but the letter was returned undelivered because the said.....(here give the name), could not be found; wherefore; I, the said notary, at the request aforesaid, by this writing, do, in the presence of(here give the name) and(here give the name) witnesses, protest against the maker of the said promissory note (or the drawer of the said bill of exchange, as the case may be) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

FORM VIII

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY

(See section 8)

On the.....day of.....20.....I, (here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of(here give the name), did exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed therein is hereto annexed") to (here give the name), the person on

whom the said bill is drawn, and whose acceptance appears thereon, and did demand better security for the payment thereof when the same should become payable in consequence of the said(here give the name), having become insolvent (or "his credit having been publicly impeached", as the case may be), to which demand he made answer, (state the terms of the answer if any) or ("to which demand he gave no answer"); wherefore; I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name), witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto, and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

FORM IX

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY WHEN THE ACCEPTOR CANNOT BE FOUND

(See section 8)

(a) Where such protest was made by notary in person.

On theday of..... 20.....I.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of.....did not in person make due search at.....for.....(here give the name), in order to exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") to the said (here give the name) the person on whom the said bill is drawn, and whose acceptance appears thereon, and demand better security for the payment thereof, when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached", as the case may be), but was unable to find him; wherefore; I, the said notary, at the request aforesaid, by this writing do, in the presence of.....(here give the name) and.....(here give the name) witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest

.....

Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

(b) Where registered letter was sent to the acceptor.

On theday of20.... I,.....(here give the name), a notary appointed under the Notaries Act, 1952, of in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of.....did send by post a registered letter addressed to.....(here give the name), at.....wherein I enclosed the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed"), and did by such letter demand from the said.....(here give the name), the person on whom the said bill is drawn and whose acceptance appears thereon, better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached", as the case may be), but the said letter was returned undelivered because the said.....(here give the name) could not be found; wherefore; I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name), witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest

.....
Signature of notary

Place and date

Signatures of witnesses

(should be of the locality)

1.

2.

FORM X

FORM OF NOTICE OF PROTEST TO DRAWER TO BE GIVEN BY A NOTARY

(See section 8)

Take notice that a bill of exchange for.....(here state the amount) drawn by you under date the.....on.....and payable at..... has been dishonoured by non-acceptance (or non-payment, as the case may be) and protested, and that you will be held liable thereon.

.....
Signature of notary

Place and date

FORM XI

FORM OF NOTICE OF PROTEST TO ENDORSER TO BE GIVEN BY A NOTARY

(See section 8)

Take notice that a bill of exchange for.....(here state the amount) drawn by..... under date theon and payable at.....and bearing your endorsement has been dishonoured by

non-acceptance (or non-payment, as the case may be) and protested, and that you will be held liable thereon.

.....
Signature of notary

Place and date

FORM XII

FORM OF NOTARIAL ACT OF DECLARATION HAVING BEEN MADE BY A PAYER FOR HONOUR

(See section 8)

On the.....day of..... 20..... I, (here give the name), a notary appointed under the Notaries Act, 1952, of in (here state the local area for which the notary has been appointed) in..... do hereby certify that the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") (now protested for non-payment) was this day exhibited to.....(here give the name), ofin the State of..... (or to..... (here give the name), his agent in this behalf, as the case may be), who declared before me that he, the said.....(here give the name), would pay the amount of the said bill under protest for the honour of(here insert the name of the party for whose honour the payment is to be made), holding the said.....(here insert the name of the party for whose honour the payment is to be made) and the drawer and all other proper persons responsible to him, the said..... (here give the name), for the amount of the said bill and for all proper costs, interest, damages, and expenses; I have, therefore, in the presence of..... (here give the name) and..... (here give the name), witnesses, granted this notarial act of honour accordingly.

Which I attest

.....
Signature of notary

Place and date

Signatures of witnesses
(should be of the locality)

1.
2.

¹[FORM XIII

FORM OF COMPLAINT

Before the appropriate Government under the Notaries Act, 1952
Between.....Petitioner
and.....Respondent
Petitioner's address
Respondent's address
Particulars of complaint in
Paragraphs consecutively numbered
Particulars of evidence oral and
Documentary, if any, to substantiate the complaint

1. Ins. by S.O. 774, dated 8th March, 1957.

Verification

I,, the petitioner to hereby declare that what is stated above is true to the best of my information and belief.

Verified today the day of 20..... at.....

.....
Signature.]

[FORM XIV

FORM OF RETURN TO BE SUBMITTED BY A NOTARY

(See rule 14)

1. Name and address of notary
2. Registration number
3. Particulars of notarial acts done during the year

Type of work	Name of cases	Fee charged
1. Noting an instrument		
2. Protesting an instrument		
3. Recording a declaration of payment for honour		
4. Duplicate protests		
5. Verifying, authenticating, certifying or attesting the execution of any instrument		
6. Presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security		
7. Administering oath to, or taking affidavit from any person		
8. Preparing any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate		
9. Attesting or authenticating any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate		

10. Translating and verifying the translation of, any document from one language into another
11. Other notarial acts.

Signature of Notary

Date and Place.....]

**¹[FORM XV
NOTARIAL REGISTER**

[See rule 11(2)]

Sl. No.	Date	Name of notarial act	Name of executant or person concerned with full address	Contents of document	Notarial fee-stamp affixed	Prescribed fee	Fee charged	Sl. No. of Receipt Book	Signature of person concerned	Signature of notary
1	2	3	4	5	6	7	8	9	10	11

1. Ins. by S.O. 83, dated, 28th December, 1965.

GUIDE NOTE ON FUNCTIONS OF NOTARIES

Brief History of Notaries

- (1) In ancient times notaries recorded matters of judicial importance as well as important private transactions or events where an officially authenticated record or a document drawn up with professional skill or knowledge was necessary or advisable.
 - (2) In the period before Reformation - Religious movement of 16th century, in which a large section of the Church broke away from Rome - the appointment of notaries throughout Western Christendom lay with pope, who so far as regards the whole of England and Wales delegated his powers of appoint to his legate, the Archbishop of Canterbury. Accordingly, in England and Wales it was under a licence or faculty granted by the Archbishop of Canterbury in exercise of his legatine powers that a notary in this period received the right to practise. The Pope's right to exercise jurisdiction was formally ended and any person applying to the Court of Rome for a faculty became liable to the penalty. Since 1533 all faculties appointing notaries to practice in England have been issued by the Archbishop of Canterbury, through the Court of faculties, of which the Chief Officer is known as the Master of faculties. He is the same person as the Dean of Arches. The Master presides in the Court of faculties, and exercises jurisdiction over the appointment of notaries and their removal from the roll of notaries.
 - (3) In India, till the enactment of the Notaries Act, (Act LIII of 1952), 1952 & The Notaries Rules, 1956, which came into force on 15th February, 1956. Notaries were being appointed by The Master of Faculties in England. Rule 3(a) and Notaries Rule 4(3) made exception to such practicing Notaries to get their application for appointment as a Notary form counter signatures as provided in the said rules [Rule 4(3)]. It is worthwhile to note that prior to enactment of the Notaries Act, 1952, the provision for appointment was under The Negotiable Instruments Act, 1881 and by the Master of Faculties in England.
 - (4) A perusal of prescribed Form I "Memorial" for the appointment as a Notary is nothing but adoption of the 'memorial' appended to The Public Notaries Act, 1833 of England.
 - (5) Till amendment of Notaries Rules in 1997, "Memorial" was same, when the same has been completely changed to suit executive control over appointment of Notaries in India.
 - (6) This brief history of 'Notary' profession shows that English followed Roman Notariat & we followed English 'Notarial' provisions.
- ### Formalities of a Notarial Act
- (7) The Notaries Act, 1952 and the Notaries Rules, 1956 as amended by G.S.R. 870(E) dated 8th July, 1997 do not prescribed any formality or procedure for performing a Notarial function under the statute [i.e. section 8 of the said Act or the Rule 11(8) of the said Rules]. An attempt has been made to find out what formalities are required to be followed by an 'English Notary' - from "Brooke's Notary", 11th Edition 1992 with supplement 1994.
 - (8) The terminology used in our 'Act' suggests that the entire Act has been modelled or styled on English Law, The Public Notaries Act, 1801 & 1843.

(9) In the case of Notarial acts in private form e.g. notarial certificates appended to or placed on documents, it may be said that the essential requirement, in cases involving authentication by notarial certificate of due execution of a document are the following:

- (1) The name of the notary;
- (2) A statement that the notary is duly authorised to practise in the place of issue of the certificate;
- (3) The names of the signatories and the capacity in which they have executed the document, whether on their own behalf or in an official or representative capacity;
- (4) A statement authenticating the signature of the parties and, where appropriate, indicating that evidence has been produced to the notary proving the capacity in which they have executed the document;
- (5) The place and date of issue of the certificate;
- (6) The signature and seal of the notary.

(10) The date is necessary and should be written in full. Indication of the place where the certificate is issued is absolutely essential. It fixes the legality of the Notary's act, proving that he acted within the limits of his jurisdiction. There must be no doubt as to the identity of the parties or of the witnesses and for this reason adequate words of description should be added. In short every notarial act should narrate fully and accurately the whole procedure of which it is intended to preserve a record and afford proof.

(11) If the notarial act is written on several sheets of paper, the notary is not required to initial every sheet. (*Hamel v. Panet*, (1876) 2 App Cas 121: 46 LJPC 5). The English Notaries, however, generally adopt the correct practise of binding notarial acts and their attachments securely together with ribbon or tape, the notary's (paper) wafer seal being impressed over the ends of the ribbon or tape (or green thread used for binding).

(12) The need for the seal used by notaries, often in the form of a rubber stamp, even in countries in which sealing is not required, – has its origin in the probative force attributed to seals in the Roman and Mediaval period.

(13) These formalities have been mentioned by the editing author of 'Brooke's Notary' 11th Edition (1994) Page 58.

(14) Under the provisions of section 8(2) of the Notaries Act, 1952, it is necessary for each notarial act, enumerated in sub-section (1), be done by a notary under his signature and official seal under section 12 of the said Act. In India notarial certificate is given on the document/instrument, itself in the form of an endorsement and due form of which is suggested by the Hon'ble Supreme Court of India, in the matter of *Jugraj Singh v. Jaswant Singh*, AIR 1971 SC 761, it was observed that (second) Power of Attorney, however, does show that it was executed before a proper Notary public who complied with the laws of California and authenticated the document as required by that law. We are satisfied that power of attorney is also duly authenticated in accordance with our laws. The only complaint is that the Notary Public did not say in his endorsement that Mr. Chawla (Donor of P.O.A.) had been identified to his satisfaction. But that flows from the fact that he endorsed on the document that it had been subscribed & sworn before him (Notary). There is a presumption of regularity of official acts and we are satisfied that he must have satisfied himself in the discharge of his duties that the person who was executing it, was the proper person.

In the light of this provision – Professional Misconduct, as a notary is not possible, if any omission exist, the same may be as Advocate's misconduct.

(15) Thus it could be seen that while authenticating an instrument, it is desirable to pass an endorsement "The abovenamed Executant has been identified by Shri.....Advocate, Mumbai/known to me personally to my satisfaction at (Mumbai). Before me, signature 'ABC' Notary Regd. No..... Brihan Mumbai."

Notarial Register

Addenda to Para. 28 – Proforma XV & Heads of columns of Nty. Register, under Notarial Act, 1956.

Col. 1 – Serial number – To keep record of Notarial acts performed.

Col. 2 – Date – To refer to actual day of Noting or Protest

Col. 3 – Nature of notarial act—

Rule 11(2) Noting of Negotiable Instrument, Protest Certificate or Declaration for acceptance for honour.

Col. 4 – Name of Executant or person concerned with full address

Negotiable Instrument by endorsement may alter payee or holder with each act hence person demanding payment may vary.

Col. 5 – Contents of document

Which may vary with nature of Nego. Instruments, (Pronote or Bill)

Col. 6 – Notarial fee stamp affixed (Stamp duty)

The adhesive stamp of appropriate value may vary (Art. 42, 49 or 4) according to the nature of function.

Col. 7 – Prescribed fee (by a notary)

Rule 10(1)(a) or b or c, prescribe varying fees e.g. noting, protest or declaration of honour.

Col. 8 – Fees charged

Actual fee to be charged vary with the amount of Negotiable Instrument.

Col. 9 – Serial No. of Receipt Book

Notarial Charges are added to the recoverable amount of the Negotiable Instrument.

Col. 10 – Signature of person concerned

This has reference to contents of Col. 4 as in the event of payee or holder of the Negotiable Instrument being legal person, the person who makes a customary demand may be authorised by designation.

Col. 11 – Signature of Notary

This Col. is not mandatory in as much as Govt. Pub. does not show this column. It appears that since section 9 of the Notaries Act, 1952 allows Clerk of the notary to present the Negotiable Instrument to the acceptor, Notary himself may check verify correctness of details entered in the Regd.

Note.—

(1) Rule 11(2) of The Notaries Rules, 1956 made under section 15 of the Notaries Act, 1952 prescribes only *three* types of notarial functions to be noted or entered in the Notarial Register in Form XV to the Act.

(2) Rule 11(7) – In making presentment of bills or note, a notary shall observe the provisions of Chapter V of Negotiable Instruments Act, 1881.

(3) In *P. Mohandas v. State of Kerala*, AIR 2002 Ker 8 it is observed that any prescription not contemplated by Statutory rules may not have legal efficacy i.e. binding effect; i.e. Notarial functions under section 8 may not be entered in the Notarial Register.

Courtesy – Bombay Notaries Association C/o Bombay Advocates Association, Small Cause Courts Building, Lokmanya Tilak Marg, Mumbai – 400002.