

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:1769
ANSWERED ON:01.08.2003
APPOINTMENT OF NOTARY PUBLIC
CHARAN DAS MAHANT

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the criteria adopted for appointment as Notary Public by the Government;
- (b) the State-wise number of applications received by the Government for appointment as Notary Public since November 1, 2002;
- (c) the number of persons appointed as Notary Public out of these applications;
- (d) whether Notary Public are appointed on the basis of first-cum-first serve; and
- (e) if not, the reasons therefor?

Answer

MINISTER OF STATE FOR LAW AND JUSTICE (SHRI P.C. THOMAS)

(a) The criteria for appointing a Notary Public are laid down under the Notaries Act, 1952 and the Notaries Rules, 1956. Under Section 3 of the said Act, the Central Government as well as the State Governments are empowered to appoint Notaries. The Central Government has power to appoint Notaries for the whole or any part of India, whereas a State Government is empowered to appoint Notaries for the whole or any part of the State concerned. Under Rule 3 of the Notaries Rules, a person from amongst legal practitioners may apply for appointment as a notary, if he has been practising as such for 10 years. In case the applicant for notaryship is a person belonging either to the Scheduled Castes, Scheduled Tribes and Other Backward Classes or a woman, then the condition for eligibility for appointment as a notary is 7 years of legal practice. A person is also eligible for appointment as a notary if he has been a member of Indian Legal Service under the Central Government or if he has been for ten years, a member of Judicial Service, or held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an Advocate or held an office in the Department of Judge Advocate General or in the legal department of the Armed Forces. The eligible persons may apply for appointment as notary on a prescribed form i.e. Memorial, which has to be countersigned by a Magistrate, a Bank Manager, a Merchant and two prominent local residents. The Competent Authority appointed by the Central Government thereafter examines the Memorial and calls for comments/objections from the State Bar Council where the memorialist is enrolled as an advocate. The applicant is also requested to submit an affidavit deposing that he is neither a notary already appointed by any State Government nor his application for appointment as Notary is pending with the concerned State Government and also state the number of courts and the number of notaries in the desired area of practice. After considering the objections and the various facts mentioned in Rule 7 of Notaries Rules, a decision to recommend for appointment or otherwise of the applicant is taken by the Competent Authority. On receipt of the report of the Competent Authority, the Central Government after considering the same takes an appropriate decision.

(b) & (c) The State-wise number of applications received by the Government for appointment as Notary Public since November 1, 2002 and the number of persons appointed as Notary Public out of these applications are as per the Statement annexed.

(d) & (e) Each memorial is considered on its own merits.

Annexure

Statement as mentioned in reply to parts (b) & (c) of the Lok Sabha Unstarred Question No. 1769 for answer on 1.8.2003.

Sl.No. Name of the State Applications Received Notaries appointed

| | | |
|----|----------------|-------|
| 1 | Andhra Pradesh | 09 |
| 2 | Assam | |
| 3 | Bihar | 18 |
| 4 | Gujarat | 24 03 |
| 5 | Kerala | 35 01 |
| 6 | Madhya Pradesh | 16 01 |
| 7 | Tamil Nadu | 13 |
| 8 | Maharashtra | 94 21 |
| 9 | Karnataka | 55 04 |
| 10 | Orissa | 01 |
| 11 | Punjab | 80 08 |

12 Rajasthan 46 10
13 Uttar Pradesh 127 24
14 West Bengal 20 04
15 J & K
16 Nagaland
17 Haryana 83 12
18 Himachal Pradesh
19 Manipur
20 Tripura 01
21 Meghalaya
22 Sikkim
23 Mizoram
24 Arunachal Pradesh
25 Goa
26 Uttarakhand 03
27 Chhattisgarh 02
28 Jharkhand
29 Delhi 35 04
30 A & Nicobar
31 Lakshadweep
32 D & N Haveli
33 Daman & Diu
34 Pondicherry
35 Chandigarh 02