

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

UNSTARRED QUESTION NO:2602
ANSWERED ON:07.03.2003
APPOINTMENT OF NOTARY PUBLIC
DUKHA BHAGAT;SHIVAJI MANE

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

- (a) whether inordinate delay is being caused in taking action on the applications for appointment of notary public as a result of which many applications are pending;
- (b) if so, the reasons therefor;
- (c) whether the Government are contemplating to set up a cell to expedite action on these applications;
- (d) if so, the details thereof; and
- (e) the criterion laid down for selection of Notary?

Answer

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY):

- (a) and (b) No inordinate delay is being caused in taking action on the applications for appointment of notary public. Appointment of a notary is a statutory appointment which is done under the Notaries Act and the Rules made thereunder, which prescribe detailed procedure to be followed for appointment of a notary.
- (c) and (d) A separate Notary Cell has already been set up to expeditiously process applications for appointment of notaries.
- (e) As regards criteria for appointing notaries by the Central Government, it is stated that under rule 3 of the Notaries Rules, 1956, a person is eligible for appointment as a notary if he has been practising as a legal practitioner for ten years. In case an applicant is a person belonging either to Scheduled Castes or Scheduled Tribes or Other Backward Classes or is a woman, then the condition for eligibility for appointment as a notary is seven years of legal practice. The Competent Authority examines applications received, holds enquiries and while making her recommendations keeps in view the matters prescribed in rule 7(3) of the Notaries Rules, which are as under:—
 - (i) whether the applicant ordinarily resides in the area in which he proposes to practise as a notary;
 - (ii) 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;
 - (iii) 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 case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a notary;
 - (iv) 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
 - (v) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants. On receipt of the report of the Competent Authority, the government after considering the same takes an appropriate decision.