

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

UNSTARRED QUESTION NO:3397
ANSWERED ON:15.12.2006
APPOINTMENT OF NOTARY PUBLIC
Jai Prakash Shri

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

- (a) the number of candidates applied and appointed Notary Public in various States during the last one year and the current financial year, state-wise
- (b) the number of applications lying pending, state-wise;
- (c) the reasons for pendency; and
- (d) the time by which the pending applications are likely to be cleared?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY)

(a)&(b) A State-wise statement showing the number of candidates applied and appointed Notary Public out of these applications and the no. of applications lying pending during the last one year and the current financial year by the Central Government, is enclosed at Annexure.

(c): In regard to point (c) it is stated as follows:-

(1) The procedure to be followed for appointing as Notary Public is 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 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 had been practicing at least 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.

(2) 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 Nationalized Bank Manager, a Merchant and two prominent local residents. The Competent Authority, designated 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 the Competent Authority submits a report to the Central Govt. under Rule 7. On receipt of the report of the Competent Authority, the Central Government after considering the same takes an appropriate decision.

(d) In regard to point (d) it is submitted that the procedure followed for appointment as Notary has already been mentioned above. No time limit has been prescribed for appointment of Notary in the Notaries Act 1952 and Notaries Rules 1956. Since, the above said formalities have to be completed before appointing Notary public, it may take time.