

## **Appointment of a notary.**

[\(1\)](#) [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.]

[\(2\)](#) 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 [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.]

[\(4\)](#) ] 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 [five years] from the date on which the certificate is issued to him.

[\(4A\)](#) 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: 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.] [ [\(5\)](#)] The Register of Notaries shall be in Form IIA and the certificate of practice shall be in Form IIB.] \_\_\_\_\_

[\(1\)](#) 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 and subsequently amended in the recent past by—

[\(1\)](#) G.S.R. 296(E), dated 19th May, 2006.

[\(2\)](#) G.S.R. 501(E), dated 24th August, 2006.

[\(3\)](#) G.S.R. 73(E), dated 9th February, 2007.

[\(4\)](#) G.S.R. 86(E), dated 14th February, 2007.

[\(5\)](#) G.S.R. 319(E), dated 1st May, 2007.

[\(6\)](#) G.S.R. 330(E), dated 8th May, 2007.

[\(7\)](#) G.S.R. 686(E), dated 31st October, 2007.

[8.](#) G.S.R. 51(E), dated 23rd February, 2008.

[9.](#) G.S.R. 636(E), dated 3rd September, 2008.

[10.](#) G.S.R. 764(E), dated 3rd November, 2008.

[11.](#) G.S.R. 114(E), dated 24th February, 2009.

[\(2\)](#) Subs. by G.S.R. 151, dated 14th March, 1958.

[\(3\)](#) 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 ).

[\(4\)](#) Ins. by G.S.R. 151, dated 14th March, 1958.

[\(5\)](#) Ins. by G.S.R. 1056, dated 30th October, 1958.

[\(6\)](#) Re-numbered by G.S.R. 151, dated 14th March, 1958.

[\(7\)](#) Subs. by G.S.R. 262 (E), dated 28th March, 2000 (w.e.f. 28-3-2000 ).

[\(8\)](#) Ins. by G.S.R. 330 (E), dated 9th May, 2001 (w.e.f. 10-5-2001 ).

[\(9\)](#) Ins. by S.R.O. 1353, dated 6th June, 1956.

[\(10\)](#) Re-numbered by G.S.R. 1056, dated 30th October, 1958.

#### THE NOTARIES RULES, 1956

1[[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 2[five years] specified in rule 8(4)].

11 [ 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 three 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.]

THE NOTARIES RULES, 1956

**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:-

(a)	Issue of certificate of practice	Rs. 1000
(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

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

(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 50,000	
(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 for original
(e)	For verifying, authenticating, certifying or attesting the execution of any instrument	Rs. 15
(f)	For presenting any promissory note, <i>hundi</i> 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 Indian 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	Rs. 75

	document from one language to another	
(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 per page 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.]

[(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 traveling allowance by road or by rail at the rate of rupees five per kilometer.]

**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) Besides recording declaration of payment for honor a notary shall also register nothings 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 officers 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.

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

**[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 areas 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.]

