

# THE NOTARIES RULES, 1956

## [Notification No.S.R.O.324 Dated 14-2-1956]

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).

### 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) A person had been practicing at least for ten years, or

(aa) A person belonging to Scheduled Castes/Scheduled Tribes and other backward classes had been practicing at least for seven years, or

(ab) A woman who had been practicing 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

(b) 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 —**

(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.

(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.

(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 nationalized bank;
- (c) A merchant; and
- (d) Two prominent inhabitants of the local area within which the applicant intends to practice as a notary.

#### **6. Preliminary action on application —**

(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.

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

(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 —**

(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.

(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 practice as a notary;

(b) whether, having regard to the commercial importance of the area in which the applicant proposes to practice 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.

## **8. Appointment of a notary —**

(1) On receipt of the report of the competent authority, the appropriate Government shall consider the report 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 practice 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 three years from the date on which the certificate is issued to him.

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

### **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 three years specified in rule 8(4).

### **8-B. 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.

### **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. 25

If it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 50

If it exceeds rupees 25,000 but does not exceed rupees 50,000 —Rs. 75

If it exceeds rupees 50,000 —Rs. 100

(b) For protesting an instrument:

If the amount of the instrument does not exceed rupees 10,000 —Rs. 25

If it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 50

If it exceeds rupees 25,000 but does not exceed rupees 50,000 —Rs. 75

If it exceeds rupees 50,000 but does not exceed rupees 1, 00,000 —Rs. 75

If it exceeds rupees 1,00, 000 —Rs. 100

(c) For recording a declaration of payment for honour —Rs. 50

(d) Duplicate protests —half the charge of original

(e) For verifying, authenticating, certifying or attesting the execution of any instrument —Rs. 10

(f) For presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security —Rs. 25

(g) For administering oath to, or taking affidavit from any person —Rs. 10

(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. 100

(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. 100

(j) For translating and verifying the translation of any document from one language to another —Rs. 50

(k) For noting and drawing up ship's protest, protest or relating to demurrage and other commercial matters —Rs. 100

(l) For certifying copies of document as true per page copies of the original — Rs. 5

(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 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 honour a notary shall also register noting 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.

(9) Every notary shall grant a receipt for the fees and charge realized by him and maintains 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.

## **13. Inquiry into the allegations of professional or other misconduct of a notary —**

(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.

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

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(6) If on a perusal of 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, the complaint or charge shall be filed and the complainant and the notary concerned shall be informed accordingly.

(7) Every notice issued to a notary under this rule shall be sent to him by registered post. If any such notice is returned un-served with an endorsement indicating that the addressee has refused to accept the notice or the notice is not returned un-served 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.

#### **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.

#### **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 Qualifications Area in which he is authorized to practice	Remarks
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