

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

UNSTARRED QUESTION NO:4558  
ANSWERED ON:17.12.2009  
SELECTION OF CENTRAL NOTARY  
Rathwa Shri Ramsinhbhai Patalbhai

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

- (a) the tenure of the Central Notary, Vadodara (Gujarat) and the power delegated to it under Notary Act;
- (b) the criteria adopted for selection of Central Notary for the State Government of Gujarat with actual sanctioned numbers in each calendar year;
- (c) the number of sanctioned quota of Central Notary for Vadodara; and
- (d) the details of powers delegated to the Central Notary and tenure of the services fixed as per the Notary Act?

**Answer**

MINISTER OF LAW AND JUSTICE ( DR. M. VEERAPPA MOILY )

(a) & (d) As per Section 5(1) (b) of the Notaries Act, 1952, the tenure of the Notary appointed by Central Government is for a period of five years from the date on which the certificate of practice is issued to him. Section 8 of the Notaries Act, 1952 provides functions of a Notary which reads as under—verify, authenticate, certify or attest the execution of any instrument.

(b) present any promissory note, hundi or bill of exchange for acceptance or payment or demand better security;

(c) note or protest the dishonour by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 (XXVI of 1881) or serve notice of such note or protest.

(d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;

(e) administer oath to, or take affidavit from, any person;

(f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;

(g) prepare, attest or authenticate 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 entitled to operate,

(h) translate, and verify the translation of, any document, from one language into another;

(ha) act as a Commissioner to record evidence in any civil or criminal trial if so directed by any court or authority;

(hb) act as an arbitrator, mediator or conciliator, if so required;

(i) any other act which may be prescribed.

(2) No act specified in such-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

(b) The Notaries are appointed strictly in accordance with the provisions of the Notaries Act, 1952 and the Notaries Rules, 1956. No other specific criteria has been adopted for selection of Central Notaries for the State Government of Gujarat. Notaries are appointed by Central Government on the basis of State-wise quota of Notaries fixed.

(c) The maximum number of notaries to be appointed by the Central Government in the State Government of Gujarat, including Vadodara, is 938.