

Notaries Act, 1952

Section 166 - An Act to regulate the profession of notaries. Be it enacted by Parliament as follows

1951. The report of the Select Committee was presented on the 4th October, 1951, but the bill could not be proceeded with in the last session of Parliament for want of time and, therefore, lapsed. Apart from one or two minor drafting changes, the present Bill follows closely the Notaries Bill, 1951, as amended by the Select Committee."-Gaz., of Ind., 1952, Pt. II, section 2, page The Act has now been extended to Jammu and Kashmir State by Act 25 of 1968 and to the Union territory of Pondicherry by Act 26 of 1968. It is also extended to the Union territories of (i) Goa, Daman and Diu by Regulation 12 of 1962 and (ii) Dadra and Nagar Haveli by Regn. 6 of

SECTION 01: SHORT TITLE, EXTENT AND COMMENCEMENT(1) This Act may be called The Notaries Act, (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. SECTION 02: DEFINITIONS- In this Act, unless the context otherwise requires.- (a) [* * *] (b) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;"In order to make the definition of 'instrument' more comprehensive, the Committee think that it will be better to insert the words 'modified' and 'suspended' and have amended clause (2) (b) accordingly."-S.C.R.10(c) "legal practitioner" means an advocate entered in any roll under the provisions of the Advocates Act, 1961 (25 of 1961)."In the definition of legal practitioner' in clause 2(c), the Committee think that agents of the Supreme Court should be specifically included and have also slightly redrafted the clause to make the intention clear."-S.C.R.(d) "notary" means a person appointed as such under this Act :Provided that for a period of two years from the commencement of this Act it shall include also a person who, before such commencement, was appointed a notary public [under] the Negotiable Instruments Act, 1881, [* * *] and is, immediately before such commencement, in practice in [any part of India] : Provided further that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the [date on which this Act comes into force in that State.](e) "prescribed" means prescribed by rules made under this Act;(f) "Register" means a Register of Notaries maintained by the Government under section 4-(g) ["State Government", in relation to a Union Territory, means the administrator thereof.] SECTION 03: POWER TO APPOINT NOTARIES The Central Government, for the whole or any part of India, and any State Government, for the whole or any part of the State, may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed. "The Committee are of opinion that it is not desirable to discriminate among notaries and to appoint some notaries to perform only a limited class of functions mentioned in Cl. 8 [now section 8-]. The words on such conditions, if any, as it thinks fit' [which occurred in the Bill after the word 'may'] have been omitted accordingly."-S.C.R. SECTION 04: REGISTERS(1) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Act.(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely :-(a) his full name, date of birth, residential and professional address; (b) the date on which his name is entered in the Register; (c) his qualifications; and (d) any other particulars which may be prescribed. State Amendments SECTION 04A: SPECIAL PROVISION REGARDING REGISTERED NOTARIES OF GUJARAT(1) Notwithstanding anything contained in this Act, the State Government of Gujarat shall prepare in the form prescribed for a Register required to be maintained under section 4-, a Register of Notaries for the State of Gujarat as hereinafter provided.(2) The State Government of Gujarat shall, by an order published in the Official Gazette, enter in the Register the names of notaries and all particulars relating thereto appearing in the Register maintained immediately before the 1st May, 1960 by the State Government of Bombay (hereinafter referred to as 'the Bombay Register') after excluding from such names, the name of any notary whose professional address as recorded in the Bombay Register falls outside the State of Gujarat.(3) Before making any Order under sub-section (2), the State Government of Gujarat shall make such inquiry as it deems necessary, and

give an opportunity to the person whose name is proposed to be excluded from the Register, to make his representation, if any.(4) On preparation of the Register as aforesaid,-(a) the Register as so prepared shall, for all purposes of this Act, be deemed to be the Register maintained for the State of Gujarat;(b) all persons whose names have been entered in the Register shall, for the residue of the period for which they were appointed by the State Government of Bombay, be deemed to have been appointed by the State Government of Gujarat, and accordingly, the certificate of practice issued to them under section 5 shall be deemed to have been amended so as to restrict their area of practice to the State of Gujarat."-Notaries Act (Gujarat Adaptation) Order, 1961, published in Guj. Govt. Gaz., 27-4-1961, Pt. IV-A, p.

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