

**GOVERNMENT OF ASSAM
JUDICIAL DEPARTMENT::JUDICIAL BRANCH
DISPUR::GUWAHATI**

NOTIFICATION

Dated Dispur, the 1st June, 2023

No. ECF.190254/2022/37: The Governor of Assam is pleased to issue these Standard Operating Procedures (SOPs) on renewal of Certificates of Practice of Notary Public and also maintenance of Notarial Registers to be followed by all concerned.

A. Standard Operating Procedure (SOP) on renewal of Certificate of Practice of Notary Public in Assam-

The below mentioned procedures shall strictly be followed for renewal of Certificate of Practice of Notary Public in Assam-

1. Application for renewal shall be submitted before 6 (six) months from the date of expiry of period of validity of the existing Certificate of practice, as prescribed in Rule - 8 - B of the Notaries Rules.
2. In any case, if application for renewal is not received during validity of the existing Certificate of Practice, no renewal will be allowed and no correspondence will be made from the Government and Notary Public shall stand precluded/debarred from functioning as Notary Public by virtue of section 9 of the Notaries Act, 1952 and his/ her name shall be removed from the Govt. Register, after 1 month.
3. If anyone is found to have been performing any notarial function without having a valid certificate of practice, he / she shall be liable to be prosecuted for which penalty i.e. **punishment with imprisonment or with fine or with both**, as prescribed under section 12 of the Notaries Act, 1952 will be attracted.
4. In case of delay in submission of application as specified in clause - 1 above, the Notary concerned shall have to make an application stating the reasons thereof along with an affidavit declaring the reasons for delay. If the grounds shown are found convincing and acceptable, the Government may consider to condone the delay or relax the condition of submission of application, by invoking the Proviso to Rule - 8 B of the Notaries Rules, with a reasoned order. However, in no case any application for renewal received after 1 month of expiry of validity of Certificate of Practice will be entertained.
5. Every application for renewal shall be accompanied with the following documents -
 - (a) an affidavit declaration to the effect that the applicant is not an undischarged insolvent or not guilty of any professional or other misconduct or is convicted by any court for an offence involving moral turpitude, as contemplated under Section - 10 of the Notaries Act, 1952.
 - (b) a self - attested photocopy of certificate of practice, and
 - (c) in case of second renewal, self-attested photocopy of the first renewal notification,
 - (d) annual returns for the last 3 (three) years,

- (e) a self-declaration that no **complaint or allegation** of any professional or other misconduct is pending against him,
 - (f) Xerox copies (attested) of the last 3 months entries of Notarial Registers maintained by the Notary concerned.
6. Prescribed fee by way of Demand Draft of Rs. 1000/- in favour of Secretary to the Government of Assam, Judicial Department to be submitted before 2 (two) months of expiry of validity of the existing certificate of practice/tenure or at such time, as the department may require him/her to submit the Demand Draft.
 7. While considering the application for renewal, the Government must take into account, the Inspection Reports available with it. However, if the Government deems fit, it may call for and obtain up-to-date Inspection Report from the competent authority, for considering the application for renewal.
 8. In case any complaint or allegation or Inquiry is pending, mere submission of application for renewal does not entitle the Notary concerned to claim renewal as a matter of right, unless he/she is absolved from the charges or allegations.
 9. For consideration of renewal applied for, the Department shall consider the followings:-
 - (a) Satisfactory performance report and
 - (b) Satisfactory report on maintenance of Notarial Registers from the concerned District Judge, as visualized under Rule - 11 (5) of the Notaries Rules.
 - (c) If any complaint or allegation is pending other than formal enquiry, the nature of allegation involved and the stands taken in the W.S., and the probable findings on such complaint may also be taken into consideration and decide appropriately either to allow renewal or await for closure of complaint.
 - (d) If any Inquiry at the level of competent authority, in terms of Rule 13 of the Notaries Rules is pending, renewal proposal must be kept pending till conclusion of such Inquiry and final decision taken thereon. Pending such decisions/Inquiry, if the validity of the Certificate of Practice expires, the Notary concerned shall be debarred from functioning w.e.f. such expiry till taking of final decision.

B. Standard Operating Procedure (SOP) on Maintenance of Notarial Register-

Notary Public in Assam shall invariably follow the following instructions :-

1. Every Notary Public shall maintain Notarial Registers in the Prescribed format strictly in accordance with Notary Act and Rules including Rule - 11 of Notary Rules. Every Notary concerned should clearly mention the name of Notarial Act, in the Notarial Register to be maintained by them.
2. With effect from the date of issue of this SOP, every notary public shall open new Registers in the Prescribed format, by adding a new Column 'Remarks' at the extreme right side.

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3. The title page of the Registers should contain a Certificate duly signed and dated, specifying the number of pages it contains as required under Rule – 11 (4) of the Notaries Rules, 1956 as amended.
4. Each page of the Registers to be divided into proportionate boxes as per requirement, preferably in a printed form and each of the entry to be put inside the box as per column and row.
5. The entries in the Registers should start from 01 year wise from 1st January and ending on 31st December. The serial number should be in continuity even if next Register is required to be used for that year.
6. Same Register be used for all types of Deeds/affidavit, etc.
7. There must not be any number suffixing A, B or (i), (ii) etc. after the Serial Numerical Number. The entries should be in chronological order maintaining the serial number irrespective of the nature of Instruments notarized.
8. There must be no blank space left in the Registers in between two entries and each of the entry must be in seriatim and in the sequence of dates.
9. There must be no repetition of serial number. Every Notary shall be diligent and cautious while putting the serial number to avoid repetition of numbers or missing of serial numbers between two entries.
10. Any deviation from above will be viewed seriously and will put impact on the renewal of Certificate of Practice and could be the ground for non-renewal.

Signed by Binod Kumar

Chetri

Date: 01-06-2023 15:14:53

(Binod Kumar Chetri),

L.R.-cum-Commissioner & Secretary to the Govt. of Assam,
Judicial Department

Memo No. ECF.190254/2022/37-A

Dated Dispur, the 1st June, 2023

Copy forwarded for kind information and necessary action to:

- 1) The Advocate General, Assam.
- 2) The Registrar General, Gauhati High Court, Guwahati-1.
- 3) The Principal Secretary to the Hon'ble Chief Minister, Assam, Dispur, Guwahati-6.
- 4) The District & Sessions Judge, all districts.
- 5) The Chief Judicial Magistrate, all districts.
- 6) The S.O. to the Chief Secretary, Assam, Dispur, Guwahati-6.
- 7) P.S. to the Hon'ble Law Minister, Assam, Dispur, Guwahati-6.
- 8) The Director, Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication of the above Notification in the Assam Gazette and to send copies of the same to this Department.
- 9) The President /Secretary, District Bar Association, all districts.

By order etc.,

Signed by M.r. Barbhuiya

Date: 01-06-2023 15:30:29

Secretary to the Government of Assam,
Judicial Department.