



Notary Public or Notary

According to the Indian Law, a Notary Public or Notary is a person who is authorized to carry out certain legal formalities/activities. This would include drawing up and/or validating contracts, deeds, and other such legal documents.



How does a notary work in India?

Mostly, documents required in banking transactions or court documents are mandatory to be notarized. In India, a **notary is done by a notary public who acts as an impartial witness in discharging fraud deterrent activities related to legal documents.** Notaries Act, 1952 governs the duties of a notary public.

What is the requirement for notary in India?

(a) A member of the Indian Legal Service under the Central Government, or (b) He had been at least for 10 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.

What are the powers of a notary public in India?

Notary is bound to make entry of the notarial act of certifying the copy of the document as a true copy of its original. 'Attest' means to affirm to be correct, true or genuine. 2. To administer oath to or take an affidavit from any person.

What is the difference between notary and lawyer in India?

The primary difference between a notary and a lawyer is that a **lawyer can represent their client in court while a notary cannot.** Other differences between a notary and a lawyer are mostly found in the areas in which each profession focuses.

Is notary legal in India?

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.

Why and How to Do the Notarization of Documents in India

Notarization of Documents in India determines the verification of the document for its purpose and identifying validity. It not



Editorial...

Dear Readers,

We are happy to put forth this issue of Anulom Newsletter, addressing to an important topic of Notary. We hope this will be informative and useful to you in your daily and business life.

We request you to kindly give us feedback on the Newsletters. You are also invited to contribute with an Article for this Newsletter, on the topic of your interest.

Regards.

– Editor

only protects the signer but also maintains the purpose of the document. However, all the documents do not need notarization, and for some like financial institutions, banks, the court system, it is mandatory to notarize documents for legitimacy. Here, you will get to know what kinds of documents need notarization and what are its benefits.

Here is a detailed list of legal documents that require notarization in India:

Affidavit: Affidavit is the most common legal document that needs notarization. In India, you can get an affidavit notarized by a public notary at legal firms, banks, or other logistic provider

locations. They will analyse the document adequately and verify what the document says to find its purpose. Once the process completes, the signer will sign the document and offer identification to the notary public.

Business Document: Several businesses have different types of documents that need notarization. Some of the documents include business registration documents, registering the owners, and more. Notarizing legal documents matters not only for well-established businesses but also for entrepreneurs. For the beginners, it establishes their business under a major category plus records the information about the company.

Power of Attorney: It permits authority allocation from the principal to the agent that is restricted in duration as well as scope. Generally, such a type of document focuses on hiring someone to act on your behalf. As it delegates authority to someone, so this document also serves as one of the vital documents to get notarized.

Medical Authorization: There are certain times when hospitals need notarized medical authorization from parents of minors. This type of document generally determines that the guardian or parents permit the medical facility to treat their children. As this document protects the patient from receiving treatments that the guardian or parents did not agree, the notarization is crucial.

What is a notary seal?

It is mandatory for notary to use his official seal. The Notaries Rules 1956, has prescribed the form and design of the seal to be used. It shall be plain circular seal of 5cms diameter. It shall contain the name of notary, the jurisdictional area where he has been appointed to exercise his functions, the registration number, and circumscription "notary" and the name of the government which appointed him. The notary shall use his office seal on every document. The Evidence Act also provides that the courts should take judicial notice of seal of the notary. In the absence of the seal of the notary, the document has no evidentiary value.

Advantages of Notarization of a Document in India

- One of the major purposes of notarizing a document in India is to prevent any kind of theft or document fraud by avoiding someone from presenting a fake document.
- A notarized document certified by a notary public helps in protecting the rights of the citizens who might otherwise be oppressed.
- In some cases, it's not essential to notarize a legal document, but in some cases notarization of documents is compulsory. If not, the legitimacy of some documents may be uncertain that may lead to their refusal in the court.
- According to Notary Rules 12, 1956, a notary seal should be of 5 cm. The seal authenticates the fact and identities of people signing the documents are true.
- The presence of a notary seal in any legal document approves that the signatures are true and from a genuine person.

Are the affidavits verified by notary admissible in courts?

The Section 139 of Code of Civil Procedure 1908 has an express provision, in this regard, where any affidavit verified by notary is admissible as evidence. Likewise, Section 297 of Code of Criminal Procedure provides for admission of affidavits verified by the notary.

Does notary public have to ensure that proper stamp duty is paid on instrument?

Before doing any act of notary, it is the duty of the notary to ensure that the proper stamp duty is paid, if not he may impound it under Section 33(1) of the Stamp Act. Apart from the regular stamp duty, the act of notary attracts additional stamp duty under Article 42 of Indian Stamp Act, 1899 and the relevant provisions of the State Act concerned.

वकिलांसाठीची आचारसंहिता परिपूर्ण नाही...

- अॅड. अविनाश चाफेकर

वकिली व्यवसायाचे नीतिशास्त्र म्हणजे काय, ते आपण पाहिले. बार कौन्सिल ऑफ इंडियाने या नीतिशास्त्राचे नियम बनवण्याचा प्रयत्न केला आहे; परंतु मार्गदर्शक वकिलांच्या व्यावसायिक वर्तनाचे नियम ठरवताना बार कौन्सिलला एका गोष्टीची पूर्ण जाणीव आहे की, ही नियमावली परिपूर्ण असणार नाही. अथांग पसरलेल्या भविष्यकाळात कोण वकील कसे वर्तन करील आणि ते योग्य आहे की नाही, हे तर्काने

आगाऊच ठरवणे अशक्य आहे. उदा. काही वर्षांपूर्वी उत्तरेकडील एका राज्यातील महिला वकिलाने एका मासिकासाठी कमीत-कमी कपड्यातील 'पोज' दिली होती. ती छापूनही आली. वकील झालेल्या महिलेला असे काही तरी करावे वाटेल, हे तुम्ही तर्काने कसे ठरवणार? आणि ते योग्य की अयोग्य हेसुद्धा त्या-त्या काळाच्या संदर्भात ठरणार आहे. म्हणून त्यासाठीचे नियम आपण आत्ताच कसे करणार!

अनेक कायदेतज्ञांनी हेच म्हटले आहे की, वकिलीच्या नीतिशास्त्राचे नियम परिपूर्ण असणार नाहीत. बार कौन्सिल ऑफ इंडियालाही हे मान्य आहे आणि म्हणूनच त्यांनी तयार केलेल्या नियमावलीच्या प्रस्तावनेत म्हटले आहे की, येथे केलेले नियम म्हणजे केवळ मार्गदर्शक आहेत. त्यांच्या आधारे विशिष्ट परिस्थितीतील, विशिष्ट वर्तनाच्या योग्यायोग्यतेचा निर्णय करावा. एखाद्या विशिष्ट बाबतीत नियम केलेला असेल, याचा अर्थ असा नाही की, त्याशिवाय अन्य बाबतीत कौन्सिलला काही म्हणावयाचे नाही.

वकील आणि न्यायाधीश हे न्यायाचे रक्षणकर्ते मानले जातात. त्यांच्यावर अशी महत्त्वाची जबाबदारी असल्यामुळे वकिलांनी लोकांचा वकिली व्यवसायावरील विश्वास उडेल, असे काहीही करता कामा नये.

इंग्लंडमध्ये लिखित आचारसंहितेला सुरुवातीस अनुकूलता नव्हती; परंतु नंतर जनरल कौन्सिल ऑफ बारने आचार संहितेचे पुस्तक प्रसिद्ध केले. भारतातही बार कौन्सिल ऑफ इंडियाने वकिलांसाठी सविस्तर आचारसंहिता तयार केली आहे.

न्यायाधीशाविरुद्ध तक्रार करता येते...

अॅडव्होकेट्स ऑक्टच्या कलम 49(1)(C) नुसार बार कौन्सिल ऑफ इंडियाला वकिलांच्या व्यावसायिक वर्तनाविषयी नियम करण्याचा अधिकार दिला आहे. हे नियम वकिलांनी पाळणे अपेक्षित आहे. मात्र असे नियम (सुरुवातीस केलेले आणि वेळोवेळी नव्याने केले जाणारे) भारताच्या सरन्यायाधीशांनी मंजूर केल्याशिवाय अमलात येणार नाहीत.

अॅडव्होकेट्स ऑक्टमध्ये १९७३ साली दुरुस्ती करण्यात आली. या दुरुस्तीपूर्वी वकिलांच्या व्यावसायिक वर्तनासंबंधीचे जे मापदंड ठरविण्यात आले होते (नियम करण्यात आले होते), ते रद्द केले जाईपर्यंत किंवा त्यात बदल केला जाईपर्यंत आहेत, तसे अमलात राहतील.

बार कौन्सिल ऑफ इंडियाने वकिलांसाठी तयार केलेले व्यावसायिक वर्तनविषयक नियम हे चार घटकांशी संबंधित आहेत. न्यायालय, अशील, प्रतिपक्ष आणि सहकारी वकील. कौन्सिलच्या रूल्स बुकातील दुसऱ्या प्रकरणाच्या सहाव्या भागात नमूद केलेल्या नियमांची आपण सविस्तर चर्चा करू.

न्यायालयासंबंधीचे वकिलाचे वर्तन वा त्याचे कर्तव्ये एखादा वकील जेव्हा न्यायालयापुढे केस सादर करत असतो, युक्तीवाद करत असतो किंवा न्यायालयापुढील अन्य कोणत्याही प्रसंगी स्वाभिमान आणि प्रतिष्ठायुक्त वागले पाहिजे (स्वतःची डिग्नटी आणि सेल्फरिस्पेक्ट राखला पाहिजे), कारण वकिलाला प्रतिष्ठा असते. न्याय व्यवस्थेचा तो एक सन्मान्य घटक आहे. आपण न्यायालयाचे गुलाम नाही, ही गोष्ट वकिलाने लक्षात ठेवली पाहिजे.

न्यायालयीन अधिकाऱ्याविरुद्ध (न्यायाधीशाविरुद्ध) योग्य आणि गंभीर तक्रार असेल तर योग्य ठिकाणी (प्रॉपर अॅथॉरिटी) अशी तक्रार वकिलाने अवश्य करावी. वकिलाला या कायदानुसार तक्रार करण्याचा पूर्ण अधिकार आहे. कारण न्यायव्यवस्थेची प्रतिष्ठा राखणे वकिलाची जबाबदारीच आहे.

मोबाइल : ९८५०९३५९११

स्फुरणिका...

प्रतिसाद द्या, प्रतिक्रिया नको...

अशा तऱ्हेचा संदेश देणारा एक लेख माझ्या वाचनात आला. लेखकाचे म्हणणे असे होते - मन देते ती प्रतिक्रिया (Reaction) आणि बुद्धी देते तो प्रतिसाद (Response). खरे म्हणजे आपण कृती करतो तेव्हा मन आणि बुद्धी दोन्ही नेहमी काम करीत असतात किंवा दोघांनीही विचार करून कृती केली पाहिजे. मनाचे कायम रुदन चालू असते. बुद्धीला मुद्दाम काम करावे लागते. उदा. प्रतिक्रिया खूपदा लगेच व्यक्त होते, म्हणजे व्यक्त करता येते आणि प्रतिसाद बुद्धीला चालना देऊन, विचार करून, ठरवून दिली जाते. इथे अमूक करा आणि तमूक करू नका म्हणजे प्रतिसाद द्या आणि प्रतिक्रिया नको, हे मग पटत नाही. या दोन्ही गोष्टी घ्यायच्या की नाही यासाठी विवेकाचा, सारासार विचारसरणीचा भाग असतो.

Don't Sweat the Small Stuff and It's All Small Stuff' या नावाचे पुस्तक माझ्या वाचनात आले. कितीही महत्त्वाची गोष्ट, घटना, प्रसंग, कृती असली तरी काही काळाने त्याचे महत्त्व इतके कमी होत जाते की त्यावेळी आपण का एवढा वेळ त्याच्यासाठी घालवला असे वाटू लागले. काळ हे औषध आहे म्हणताना आनंद व दुःख किती काळ टिकते हे प्रत्येकजण अनुभवत असतो. आवडत्या व्यक्तीचा मृत्यू ही घटना घडल्या-घडल्या आपण थोडीसुद्धा सहन करताना खूप अवघड जाते. पण हळूहळू ती विसरून जाते. माझे पोस्टाचे तिकिट निघाले आणि माझा आनंद गगनात मावेना. पण तो किती वेळ? नंतर ही घटना लोकांना सांगण्यासाठी आठवावी लागते. या सर्वांचा मतितार्थ असा की प्रतिसाद असो किंवा प्रतिक्रिया, दहा आकडे मोजल्याशिवाय ते घेण्यात शहाणपणा ठरत नाही.

खूप वेळा मनातली प्रतिक्रिया आणि तोंडाने सांगितलेली प्रतिक्रिया खूप वेगळ्या असतात. उदा. जेवण्यातला पदार्थ - तोंडाने म्हणतो 'खूप छान झाला आहे'. पण मनात म्हणतो 'ठीक आहे' किंवा 'यापेक्षा चांगला व्हायला हवा होता'. प्रतिक्रिया असो किंवा प्रतिसाद, आपल्यापेक्षा दुसऱ्यावर त्याचा परिणाम काय होणार याचा विचार आधी करावा लागतो. बऱ्याच वेळा amazing अशी सकारात्मक प्रतिक्रिया खरं म्हणजे formality असते. पण दुसऱ्याला आवडेल म्हणून ती दिली जाते. शेवटी common sense वापरायला पाहिजे, हेच उत्तर सुचते..

- डॉ. अरविंद नवरे

डायरेक्टर, अनुलोम टेक्नोलॉजीज प्रा. लि.

मोबाइल : ९५५२३८४९३१



FEEDBACK FROM OUR SATISFIED CUSTOMERS...

Took some support from Keerthana Rajendran for an issue with the agreement. She was very helpful and was able to resolve the issue.

— NITESH RATNAPARKHE

Fantastic service from Anulom. Have been using their services from last 2 years and it has been amazing always. This time I used their distant registration process and Keerthana Rajendran was fantastic in helping me with the registration process.

— RACHIT GARG

To Anulom team, specially Suchita Raul mam guided us and resolve all our queries. The process with Anulom is quite smooth and hassle-free. Sitting at home, I have completed the NOI registration Process. Best regards.

— BARKHA ROY

I have availed their services for MOD payment and registration of NOI. Very professional and prompt service. Miss Suchita Raul is amazing and ensures top notch overall customer experience. Very much satisfied with the quality of service.

— ASHISH KOTA

Dealing with Anulom team is such a breeze. The entire team is very responsive and always willing to help and support. Just to name a few team members who were great interacting and work with are Ms.Aprosa, Ms Tejasvi and Ms Pratibha. I wish them all the very best and will surely recommend them to family and friends.

— MANISH THAKUR

Important Days & Dates in May 2023

Date	Events
1st May	International Labour Day
1st May	Gujarat Day
1st May	Maharashtra Day
2nd May	World Laughter Day
2nd May	World Asthma Day (First Tuesday of May)
2nd May	World Tuna Day
3rd May	Press Freedom Day
4th May	Coal Miner's Day
5th May	Buddha Purnima
7th May	Rabindranath Tagore Jayanti
7th May	World Athletics Day
8th May	World Red Cross Day
8th May	World Thalassaemia Day
11th May	National Technology Day
12th May	International Nurses Day
14th May	Mother's Day
15th May	International Day of Families
17th May	World Hypertension Day
17th May	World Telecommunication Day
18th May	International Museum Day
18th May	World AIDS Vaccine Day
19th May	National Endangered Species Day (Third Friday in May)
21st May	National Anti-Terrorism Day
22nd May	International Day for Biological Diversity
31st May	World No-Tobacco Day

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yashodhan.jatar@anulom.com



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