

[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II,
SECTION 3, SUB SECTION (i)]

Ministry of Corporate Affairs

NOTIFICATION

New Delhi the 26th March, 2011

G.S.R. (E). – In exercise of the powers conferred by clauses (a) and (b) of sub-section (1) of section 642 read with sections 266A, 266B and 266E of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following rules, further to amend the Companies (Director Identification Number) Rules, 2006, namely:-

1. (1) These rules may be called the Companies (Director Identification Number) Amendment Rules, 2011.

(2) They shall come into force with effect from 27th March, 2011.

2. In the Companies (Director Identification Number) Rules, 2006 (hereinafter referred to as the principal rules), in rule 3,-

(i) for sub-rule (3) the following sub-rule shall be substituted, namely:-

“(3) (a) The applicant shall download Form No. DIN-1 from the portal, fill-in the required particulars sought therein, scan and attach copies of the following documents, namely :-

(a) photograph;

(b) proof of identity;

(c) proof of residence; and

(d) verification by the applicant for applying for allotment of DIN in the format as specified in Annexure 1 enclosed to the rules.

(b) the form can be digitally signed by a Chartered Accountant or a Company Secretary or a Cost and Works Accountant holding a certificate of practice under the provisions of the Chartered Accountants Act, 1949, the Company Secretaries Act, 1980 and the Cost and Works Accountants Act, 1959 respectively;

(c) the form can also be digitally signed by a Company Secretary in full time employment of the company or by the Managing Director or Director of the company in which the applicant intends to be a director ;

(d) the e-form DIN-1 can also be digitally signed by the applicant by using his or her own Digital Signature Certificate” ;

(ii) for sub-rule (4), the following sub-rule shall be substituted, namely:-

“(4) (a) the applicant shall submit the Form No. DIN-1 on the portal and pay the requisite amount of fees as specified in rule 4 through online mode ;

(b) after successful payment of fee, in case DIN-1 is signed by practicing professional, the system after processing, shall automatically generate the approved DIN and in all other cases, the provisional DIN shall be generated by the system”;

(iii) sub-rule (5) shall be omitted ;

(iv) sub-rule (6) shall be re-numbered as sub-rule (5) and in the sub-rule(5) as so re-numbered, for the word, brackets and figure “sub-rule (5)”, the word, brackets and figure “sub-rule (4)” shall be substituted ;

(v) sub-rule (7) shall be renumbered as sub-rule (9) and before sub-rule(7) as so re-numbered, the following sub-rules shall be inserted, namely:-

“(6) In case, where provisional DIN is allotted, the Central Government, on examination, finds such application to be defective or incomplete in any respect, it shall give intimation of such defect or incompleteness noticed electronically, by placing it on the website and by email to the applicant or the person who has filed such application, directing him to rectify such defects or incompleteness by resubmitting the application with in a period of fifteen days.

(7) The Central Government shall give an opportunity to the applicant or the person who has filed such application, for rectification of the defects or incompleteness by resubmitting the application with in the aforesaid period.

(8) (a) In the event, such defect or incompleteness has not been rectified or has been rectified partially or has not been rectified to the satisfaction of the Central Government, despite opportunity provided under sub-rule (7), the Central Government shall either reject or treat and label such application as invalid in the electronic record and shall not take on record such invalid application and in such case, the provisional DIN shall be lapsed.

(b) the action taken under sub-rule (8) shall be informed to the applicant in such mode as specified in sub-rule (5).”.

3. In rule 4, for the words brackets and figures “sub-rule (6) of rule 3”, the words, brackets and figures sub-rule(5) of rule 3” shall be substituted.
4. In rule 5, for the words, bracket and figures “sub-rule (6) of rule (3), the words, bracket and figures “sub-rule (5) of rule 3 shall be substituted.

5. In rule(7), -

(i) for sub-rules (2) and (3), the following sub-rules shall be substituted, namely:-

(e) "(2) (a) the director shall download Form No. DIN-4 from the portal and fill-in the relevant changes, scan and attach copy of the proof of the changed particulars in the format as specified in Annexure 2 enclosed to the rules;

(b) the form needs to be digitally signed by a Chartered Accountant or a Company Secretary or a Cost and Works Accountant holding a certificate of Practice under the provisions of the Chartered Accountants Act, 1949, the Company Secretaries Act, 1980 and the Cost and Works Accountants Act, 1959 respectively.

(3) The Director shall submit the Form No. DIN-4 on the portal and there shall be no fee for intimating the changes in particulars in DIN-4.";

(ii) after sub-rule (3), the following sub-rule shall be inserted, namely:-

"(4) The Central Government, upon being satisfied, through verification of such changed particulars from the enclosed proofs, shall incorporate the said changes and inform the director by way of a letter issued electronically or in any other mode confirming the effect of such change in the electronic database maintained by the Ministry.

6. After rule 7, the following rule shall be inserted, namely:-

"8. Penal action against the applicant in case of false information. –

The provisions of section 628 shall be applicable in respect of any false information furnished by any person in the DIN application or changes thereof.

7. For Forms DIN-1 and DIN-4 the following Forms shall be substituted, namely:-

AS

CC

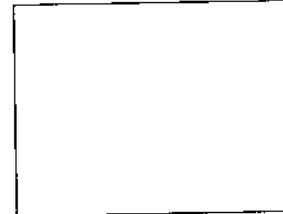
FORM NO. DIN-1

Application for allotment of Director Identification Number

[See Rule 3(1) of the Companies (Director Identification Number) Rules, 2006]

Note - All fields marked in * are to be mandatorily filled.

Photograph



(Attach a latest passport size photograph by clicking on above box)

Remove Photograph

1. Applicant's name (Enter full name and do not use abbreviations)

(a) *First name

(b) *Last name

(c) Middle name

2. Father's name (Even married women must give father's name)

(a) *First name

(b) *Last name

(c) Middle name

3. *Whether a citizen of India Yes No

4. Nationality 5. *Date of birth (DD/MM/YYYY)

6. *Gender Male Female 7. Place of birth

8. Income-tax permanent account number (Income-tax PAN)

(In case income-tax PAN is entered, applicant details should be as per Income-tax PAN) (refer instruction kit for details)

9. Voter's identity card number

10. Passport number

11. Driving license number

12. Permanent residential address

*Line I

Line II

*City

*State *Pin code

* ISO country code

Country

Phone *Mobile Fax

*e-mail ID

13. *Whether present residential address is same as permanent residential address Yes No

14. Present residential address

Line I

Line II

City

State Pin code

ISO country code

Country

Phone Fax

15. *Whether the application is being digitally signed by the applicant himself Yes No

Verification in case of signing by applicant

- I confirm that my above particulars are true and correct and also are in agreement with the attached documents. I further confirm that the attached photograph and attached documents belong to me. I further confirm that all required attachments have been duly certified by the competent authority and have been completely attached to this application.
- I also confirm that I am not restrained/ disqualified/ removed of, for being appointed as director of a company under the provisions of Companies Act including Sections 203, 274, 284 and 388(E) of the said Act.
- I further confirm that I have not been declared as proclaimed offender by any Economic Offence Court or Judicial Magistrate Court or High Court or any other Court.
- I further confirm that I have not been already allotted a Director Identification Number (DIN) under section 266B of the Companies Act.

Certification in case of signing by person other than applicant

- It is hereby certified that the attached photograph and attached documents are of the applicant. It is further certified that all required attachments and verification by the applicant have been completely attached to this application.
- It is further certified that I have verified the above particulars of the applicant from the original documents of the applicant and found them to be true and correct.

Attachments (Refer instruction kit for details)

- 1. * Proof of identity of applicant
- 2. * Proof of residence of applicant
- 3. Copy of verification by the applicant as per Annexure - 1
- 4. Optional attachment(s) - if any

Attach
Attach
Attach
Attach

List of attachments

Remove attachment

To be digitally signed by

*Category

In case of Chartered accountant or Company secretary or Cost accountant (In whole- time practice)

Membership number or certificate of practice number of Chartered accountant or Company secretary or Cost accountant (in whole- time practice)

Whether associate or fellow Associate Fellow

In case of director or Managing director or secretary in wholetime employment, of existing company in which the applicant is proposed to be a director

Director identification number of the director or Managing Director of existing company; or
Membership number, if applicable or income-tax PAN of the secretary in wholetime employment of existing company (secretary of a company who is not a member of ICSI, may quote his/ her income-tax PAN)

Corporate identity number (CIN) of company with which director or Managing Director or secretary is associated and in which applicant is proposed to be a director

Pre-fill

Name of company

Modify	Check Form	Prescrutiny	Submit
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This eForm has been taken on record by the Central Government through electronic mode and on the basis of statement of correctness given by the person filing the form

FORM NO. DIN-4

Intimation of change in particulars of Director to be given to the Central Government

[See Rule 7 of the Companies (Director Identification Number) Rules, 2006]

Note - All fields marked in * are to be mandatorily filled.

1.(a) *Director Identification Number (DIN)

(b) Name

2. * Type of change:

- | | | |
|-------------------------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Director Name | <input type="checkbox"/> Nationality | <input type="checkbox"/> Date of birth |
| <input type="checkbox"/> Income-tax permanent account number (Income-tax PAN) | <input type="checkbox"/> Voters Identity card number | <input type="checkbox"/> Passport number |
| <input type="checkbox"/> Driving license number | <input type="checkbox"/> Permanent residential address | <input type="checkbox"/> Present residential address |

Enter information that needs to be corrected. Enter only the relevant field(s)

3. Director's name (Enter full name and do not use abbreviations)

(a) First name

(b) Last name

(c) Middle name

4. Whether a citizen of India Yes No

5. Nationality

6. Date of birth

(DD/MM/YYYY)

7. Income-tax permanent account number (Income-tax PAN)

(In case income-tax PAN is entered, director details should be as per Income-tax PAN) (refer instruction kit for details)

Photograph

(Attach a latest passport size photograph by clicking on above box)

8. Voter's identity card number

9. Passport number

10. Driving license number

11. Permanent residential address

Line I

Line II

City

State

Pin code

ISO country code

Country

Phone

*Mobile

Fax

*e-mail ID

12. Whether present residential address is same as permanent residential address

Yes No

13. Present residential address

Line I
Line II
City
State Pin code
ISO country code
Country
Phone Fax

Certification

- It is hereby certified that the attached photograph and attached documents are of the applicant. It is further certified that all required attachments and verification by the applicant have been completely attached to this application.
- It is further certified that I have verified the above particulars of the applicant from the original documents of the applicant and found them to be true and correct.

Attachments

1. *Proof of change in particulars
2. *Copy of verification by the director as per Annexure - 2
3. Optional attachment(s) - if any

List of attachments

To be digitally signed by

Chartered accountant or Company secretary or Cost accountant (in whole-time practice)

- Chartered accountant (in whole-time practice) or Cost accountant (in whole-time practice) or
 Company secretary (in whole-time practice)

*Whether associate or fellow Associate Fellow

*Membership number or certificate of practice number

This eForm has been taken on record by the Central Government through electronic mode and on the basis of statement of correctness given by the person filing the form. " " . *As*

Annexure -1

Verification of applicant in case of Form DIN-1

I, (name of the applicant), Son/Daughter* of (applicant's father's name), born on (date of birth), resident of (present residential address of the applicant) hereby confirm and verify that the particulars given in the Form DIN-1 are true and correct and also are in agreement with the documents being attached to the Form DIN-1.

I further confirm that

(i) The photograph and documents being attached to the Form DIN-1 belong to me. I further confirm that all required documents have been duly certified by the respective government authority and are being attached to the Form DIN-1 and

(ii) I am not restrained/ disqualified/ removed of, for being appointed as director of a company under the provisions of Companies Act including Sections 203, 274, 284 and 388(E) of the said Act and

(iii) I have not been declared as proclaimed offender by any Economic Offence Court or Judicial Magistrate Court or High Court or any other Court and

(iv) I have not been already allotted a Director Identification Number (DIN) under section 266B of the Companies Act.

* Note : strike out whichever is not applicable.

Signature:
(Name)

Annexure -2

Verification of applicant in case of Form DIN-4

I, (name of the applicant), Son/Daughter* of (applicant's father's name), born on (date of birth), resident of (present residential address of the applicant) hereby confirm and verify that the particulars given in the Form DIN-4 are true and correct and also are in agreement with the documents being attached to the Form DIN-4.

(i) I have applied for change* of:-

- (a) Applicant Name (along with proof and in case of change of name a copy of Notification published in the Gazette)
- (b) Nationality (along with proof)
- (c) Date of Birth (along with proof and in case of change in the date of birth, copy of Notification published in the Gazette)
- (d) Income –Tax Permanent Account Number (along with proof)
- (e) Voters Identity Card Number (along with proof)
- (f) Passport Number (along with proof)
- (g) Driving license number (along with proof)
- (h) Permanent residential address (along with proof)
- (i) present residential address (along with proof)

I further confirm that:-

(iii) The photograph and documents being attached to the Form DIN-4 belong to me. I further confirm that all required documents have been duly issued by the respective government authority and are being attached to the Form DIN-4 and

(ii) I am not restrained/ disqualified/ removed of, for being appointed as director of a company under the provisions of Companies Act including Sections 203, 274, 284 and 388(E) of the said Act and

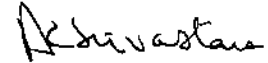
(iii) I have not been declared as proclaimed offender by any Economic Offence Court or Judicial Magistrate Court or High Court or any other Court and

(iv) I have no any other allotted Director Identification Number (DIN) other than DIN in which changes are intimated under section 266B of the Companies Act.

* Note : strike out whichever is not applicable.

Signature:
(Name)

[F. No. 02/01/2011-CL.V]



Avinash K Srivastava,
Joint Secretary to the Government of India

Note: The principal rules were published in the Gazette of India Part II, Section 3(i) vide G.S.R. 649(E) dated the 19th October, 2006 and last amended by vide G.S.R. 849 dated the. 15th October, 2010.