

Companies (Director Identification Number) Rules, 2006

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Companies (Director Identification Number) Rules, 2006

G.S.R. 649(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 namely-

1. Short title and commencement :-

(1) These rules may be called the Companies (Director Identification Number) Rules, 2006.

(2) The Central Government hereby appoints the 1st day of November, 2006 as the date on which the provisions of these rules shall come into force.

2. Definitions :-

In these rules, unless the context otherwise requires,

(i) "Act" means the Companies Act, 1956(1 of 1956):

(ii) "Director Identification Number" (DIN) means an identification number which the Central Government may allot to any individual, intending to be appointed as director or to any existing directors of a company, for the purpose of his identification as such;

(iii) "form" means the form annexed to these rules;

(iv) "Pre-fill" means and refers to the automated process of data input by the computer system out of the database maintained in electronic registry:

(v) "Provisional Director Identification Number" refers to the provisional identification number generated by the electronic system setup by the Ministry of Company Affairs for filing of documents, after the on-line application form is submitted through the portal on the website of the Ministry of Company Affairs (www.mca.gov.in):

(vi) "section" means the section of the Act;

3. Application and allotment of Director Identification Number :-

(1) Every individual, who is an existing director or intending to be appointed as director of a company shall make an application electronically to the Central Government for allotment of Director Identification Number in Form No DIN-1.

(2) The Central Government shall provide an electronic system to facilitate submission of application for (he allotment of Director Identification Number through a portal on the website of the Ministry.

(3) the applicant shall access the Form No. DIN-1 from the portal, fill-in the required particulars sought therein and use 'submit' function provided therein upon which the system will electronically generate and indicate in the space provided a Provisional Director Identification Number.

(4) A provisional Director Identification Number generated online under sub-rule (3) by the applicant intending to be a director will remain valid for a period of sixty days from the date on which it was generated.

(5)

(i) The applicant shall, after the allotment of provisional DIN, submit a formal application to the Central Government alongwith the fee as specified in rule 4 for the allotment of regular Director Identification Number within sixty days from the date on which provisional DIN was generated on-line, failing which the provisional DIN will lapse:

Provided that the individuals who have obtained provisional Director Identification Number (DIN) prior to the notification of these rules, shall be allowed a period of sixty days from the date of notification to make an application to the Central Government for

allotment of regular DIN, failing which their provisional DIN will lapse.

(ii) For making an application under sub-rule (i), the applicant shall take a printout of Form No. DIN-1. affix his photograph™ the space provided in that Form, enclose true copies of the proof of identity and proof of residence and physically sign the form at the place specified therein. The photograph and the proof of identity and residence shall be certified by any one of the following authorities:

(a) Gazetted Officer of the Central or State Government:

(b) Notary Public;

(c) Chartered Accountant, Company Secretary Cost and Works Accountant holding a certificate of Practice under the Chartered Accountants Act, 1949. Company Secretaries Act. 1980 and the Cost and Works Accountants Act. 1959.

(d) Company Secretary in full time employment of the company.

(6) The Central Government shall process the applications received for allotment of DIN under sub-rule (5) decide on the approval or rejection thereof and communicate the same alongwith the DIN allotted in the case of approval to the applicant by way of a letter by post or electronically or in any other mode, within a period of one month from the receipt of such application:

Provided that all Director Identification Numbers allotted to individual(s) by the Central Government before the commencement of these rules shall be deemed to have been allotted to them under these rules.

(7) The Director Identification Number so allotted is valid for the life-time of such applicant and shall not be allotted to any other person during his life-time.

4. Fee :-

Each application made under sub-rule (5) of rule 3 shall entail a payment of a fee of Rupees one hundred only:

Provided that applicants making such application before ¹² "30th June 2007" shall be exempted from payment of fee under this rule.

In the proviso to rule 4, for the figures, letters and words "31st March 2007", the figures, letters and words "30th June 2007" shall be substituted, by the Companies (Director Identification Number)

Amendment Rules, 2007, GSR 649(E), dt 19th October, 2006.

In the proviso to rule 4, for the figures, letters and words "31st December 2006", the figures, letters and words "31st March 2007" shall be substituted, by the Companies (Director Identification Number) Second Amendment Rules, 2007, GSR 649(E), dt.19th October, 2006.

5. Intimation of DIN to the Company :-

Every existing director shall, within one month of the receipt of the Director Identification Number from the Central Government under sub-rule (6) of rule 3, intimate his Director Identification Number to the company, or all companies wherein he is a director, in Form No. DIN-2.

6. intimation of DIN to the Registrar :-

Every company shall furnish the details of Director Identification Number within one week of the receipt of intimation from directors under rule 5, to the Registrar in Form No. DIN-3 in electronic form along with fee as prescribed under Schedule X of the Act and duly certified by a Company Secretary in full time employment of the concerned company as required under section 383A of the Companies Act, 1956 or by a Company Secretary in full time practice.

Provided that the companies furnishing details of DIN under this rule on or before ¹ "30th June 2007" shall be exempted from payment of fee.

In the proviso to rule 6, for the figures, letters and words "31st March 2007", the figures, letters and words "30th June 2007" shall be substituted, by the Companies (Director Identification Number) Second Amendment Rules, 2007., G.S.R.14(E) dated the 9th January, 2007.

7. Duty of director to intimate changes of particulars :-

(1) 11 Every director, in the event of any change in his particulars as stated in Form No. DIN-1, who has been allotted a Director Identification Number under these rules, shall intimate such change(s) to the Central Government within a period of 30 days of such change(s) in particulars by using Form No. DIN-4 made available by the Ministry on its website. The concerned director will also intimate such changes to the company or companies on which he is a director.

(2) The directors shall fill-in the relevant changes in prescribed Form DIN-4, enclose a copy of the proof of the changed particulars, affix

signature at the place specified, obtain certification of the evidence from any of the authorities specified in sub-rule (5) of rule 3 and file the same in physical form to the Central Government. There shall be no fee for intimating the changes in particulars in DIN-4 under sub-rule (1).

(3) 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 by post or electronically or in any other mode confirming the effect of such change in the electronic data-base maintained by the Ministry.