

NOTE ON
COMPANIES
(DIRECTOR
IDENTIFICATION
NUMBER)
AMENDMENT
RULES, 2012

With regard to the Notification G.S.R(E) dated
28th May 2012

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♣ INTRODUCTION

The concept of Director Identification Number (DIN) was introduced with the insertion of Sections 266A to 266G of Companies (Amendment) Act, 2006 and it was governed by the Director Identification Number(DIN) Rules,2006. As such, all the existing and intending Directors have to obtain DIN within the prescribed time-frame as notified. There were a few amendments and notifications in relation to the

Director Identification Number(DIN), the last one being the notification dated 26th March 2011 providing the rules to amend the Director Identification Number(DIN) Rules,2006. MCA by its recent notification Ref. no. G.S.R.(E) dated 28th May,2012, has decided to further amend the Director Identification Number(DIN) Rules,2006 which would be known as Companies (Director Identification Number) Amendment Rules, 2012. Through this notification, minor tweaks have been made in the formats of the verification letters for Form No. DIN -1 and Form No. DIN -4 by including the provisions of Limited Liability Partnership(LLP) Act ,2008 in both the forms along with few other changes in Form DIN - 4.

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*** Proviso under Companies (Director Identification Number) Rules, 2012**

In the Companies (Director Identification Number) Rules, 2006,—

(a) after Form No. DIN 1, in Annexure 1, for item (i) and entries relating thereto, the ***following shall be substituted***, namely:—

"(i) The photograph and document attached to the Form DIN-1 belongs to me. I further confirm that all required documents have been duly attested by me or

duly attested by either Public Notary or a Gazetted Officer of a Government and are attached to the Form DIN-1 and"

(b) In Form No. DIN-4,—

(i) in ***serial number 2, after the box and words " Present Residential address"***, the following shall be inserted, namely:—

- Photograph of Director/designated Partner.
- Residential Status
- Verification as per Annexure-1 of DIN rules
- Verification as per Annexure- 2 of DIN rules

(ii) After ***serial number 6*** and entry relating thereto, the following shall be inserted, namely:—

"6A. Whether resident in India Yes No"

(iii) in Attachments, against serial number 1, in the entry, the ***asterisk mark '*' shall be omitted.***

(c) after Form No. DIN 4, in Annexure 2, —

(i) in item (i) after sub-item (I) and entry relating thereto, the following shall be inserted, namely:—

"(m) Photograph of Director/designated partner

(n) Residential Status

(o) Verification as per Annexure-1 of DIN rules

(p) Verification as per Annexure- 2 of DIN rules";

(ii) for item (ii) and entry relating thereto, the following shall be substituted, namely:—

"(ii) The photograph and document attached to the Form DIN-4 belongs to me. I further confirm that all required documents have been duly attested by me or duly attested by either Public Notary or a Gazetted Officer of a Government and are attached to the Form DIN-4 and".

♣ **What is Form DIN - 1?**

Form DIN - 1 is an application by a person for allotment of Director Identification Number(DIN), without which a person cannot be appointed as a director in any company as per Companies (Director Identification Number) Rules, 2006. In the case of Indian nationals applying for DIN, it is mandatory to furnish their PAN card details. Likewise, passport number is mandatory for all foreign nationals applying for DIN. The form so applied must be digitally signed by a Chartered Accountant/ Cost Accountant/Company Secretary in whole time practice/whole time employment. The details required to apply for a Form DIN-1 are:

- i. A copy of pan card self- attested/attested by a Notary Public/Gazetted Officer,
- ii. A copy of residence proof self- attested/attested by a Notary Public/Gazetted Officer,
- iii. A copy of verification letter duly signed by the applicant,
- iv. Mobile number of the applicant,
- v. E mail id of the applicant

♣ **What is Form DIN - 4 ?**

If there are any change(s) or updation of the details submitted in Form DIN-1, then the applicant has to submit Form DIN-4. The applicant can apply for any change in his name, address, nationality, PAN details, and a few other details as available in the verification letter format of Form DIN-4. The details required to apply for a Form DIN-4 are:

- i. A copy of ration card/passport/ PAN card/ driving license/ proof of change for which is updation is to be done.
- ii. A copy of verification letter duly signed by the applicant.

♣ **Comments on Recent Amendment:**

The most significant amendment in Forms DIN - 1 and DIN - 4, are the inclusion of the provisions of Limited Liability Partnership (LLP) Act, 2008 and the inclusion of the terms “Designated Partner” and “Designated Partner Identification Number (DPIN)”, which are related to LLP in the verification letters attached to the forms. However, in form DIN - 4, now an applicant can also apply for a change in his/her photograph and residential status, as per the recent amendment.

♣ **Conclusion:**

The inclusion of the provisions of LLP in the verification letters of Form DIN - 1 and Form DIN - 4 is a first step towards integrating LLP system in the MCA - 21 website from June 2012 as per the information available in the www.llp.gov.in. After the completion of this process, all LLPs forms will be filed in the MCA website. From this notification, it is clear that the MCA has initiated the integration and migration process of LLP with MCA21 website and hence the changes relating to LLP are incorporated in the DIN- 1 and DIN - 4 forms.