

# ARCHI MUMBAI



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**Chairman Address**

**Centre's Events & Five point Agenda**

I am pleased to inform all Brihan Mumbai Centre members that our news letter was launched on 27th June, 2016 at the office of our Vice President, IIA - Ar. Vilas Avachat.

Brihan Mumbai Centre successfully organized two panel discussions during month of May & July 2016 as follows:

i) Reviewing the 'Role of Architects and Opportunities Within The Changing Global Scenario' on 27th May, 2016 at Sir J. J. College of Architecture.

ii) Land Acquisition Act - Provisions and Implementation Policies as per present scenario on 14th of July 2016 at Rachana Sansad Academy of Architecture. Our centre is one of the important centres of IIA and the intent is to revive activities of the Brihan Mumbai centre in the interest of the Architectural fraternity. Our aim is to involve more number of members in centre's activities this being the Centenary year . I request your contribution by way of active participation, intellectual inputs on various issues, as highlighted in May & June news letter.

Our five points agenda is

1. Increasing membership
2. 101 – hundred & one active members
3. Assist Architectural colleges for Students Professional Training (internships)
4. Create employment & job opportunities for fresh graduates
5. To carve out a niche for IIA at policy making level departments of Urban Development, Human Resource development.

I am sure we together can bring about a change & program further plan in making our Agenda successful.

**Ar. Milind Sambhare.**  
Chairman

**BULLETIN**

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**IIA Brihan Mumbai Centre event of Interactive Seminar on the 'Land Acquisition Act' Provisions and Implementation Policies as per present scenario; held on 14th July 2016 at Rachana Sansad Auditorium.**



*Shri Sameer Kurtkoti feliciated by Ar. Neelam Parelkar*



*Audience*



*Shri Mahendra Mulay feliciated by Ar. Milind Sambhare*



*Presentation by Shri Sameer Kurtkoti*

The event had pre-registered members and had good response. Almost 82 Architects & Valuers pre-registered.

Ar. Vilas Avachat, Vice President, IIA welcomed the participants and guided the centre and the audience on the Institute's initiatives and programmes on the occasion of the Centenary year of the IIA.

Ar. Milind Sambhare, Chairman, IIA-Brihan Mumbai Centre, opened the discussions with introduction and his views on the subject and conceptualisation of this event. The new provisions in the act are with a view to have more transparency in the acquisition process and to give fair compensation to the land owners, occupants along with resettlement & rehabilitation components and intends to explore several participatory processes.

#### **Session I**

The first session was by Mr. Sameer Kurtkoti, Additional Collector MMRDA. Worked as land acquisition officer for Reliance SEZ project in Raigad, participating in framing rules for Govt. of Maharashtra under the LARR Act., worked as Legal Consultant for Land Acquisition for Navi Mumbai International Airport etc.

The key points of the presentation are as follows:

a) It covered various sections of the 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013.

- b) The difference between the old Act and the new act was explained.
- c) The new Act's title itself indicates that the Act intends to be fair and just toward compensation and asserts on rehabilitation and resettlement, entitlement to the affected in a very transparent process.
- d) The Act specifies the various public purposes for which land may be acquired & sections regarding conditions for initiating process.
- e) Land is required, an effort is to be made to minimise displacement of people, such that post acquisition life is better than pre-acquisition. Only in case of need, land acquisition is initiated.
- f) The process of land acquisition was also discussed in detail :
  - i) The owners & tenants on such land are informed by notification regarding land details of area & for what public purpose etc. is to be acquired.
  - ii) A period of one year is given for suggestion /objection. The notification is published by Government. Though acquisition is compulsory, the compensation for such acquisition can vary and needs to be given hearing case by case.
  - iii) New Provision - The study of Environment Impact Assessment and Social Impact Assessment is made compulsory.



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**IIA Brihan Mumbai Centre event of Interactive Seminar on the 'Land Acquisition Act' Provisions and Implementation Policies as per present scenario; held on 14th July 2016 at Rachana Sansad Auditorium.**



Opening Remarks by Ar. Vilas Avachat



Concluding remarks by Ar. Nilesh Dholakia



Shri Harshad Maniar felicitated by Ar. Milind Sambhare

- iv) The LARR act 2013 provides a formula based on which market value of the land is ascertained. This value is the base value and compensation will be minimum twice this value.
- v) However depending upon sensitivity of each case and purpose for which the land was being used, the compensation amount varies. Different Authorities have their own norms of acquiring land like MIDC MCGM etc. however the LARR act 2013 is the base value for compensations and value can be equal or more than specified under this Act.
- vi) The public hearings are for compensation related pleas for Project affected persons.
- vii) Most of the compensation is monetary however at times based on hearings it is decided whether it could be in the form of alternative land, premises etc.
- viii) Since the act was introduced in 2013, there are cases which were notified and hearing was on going, hence they have to be compensated with current Act. All such cases are hybrid cases. Till date only such hybrid cases have been heard.
- ix) Now further Land Acquisition is proposed for Mumbai Metro projects, Villages connecting Mumbai – Nagpur Expressway etc. These are new acquisitions.

Hence to sum up Land Acquisition Act, the Act has made it fairer for the affected parties and very few decisions are left to the Collector.

Various queries were asked by participants regarding specific cases.

Ar. Sambhare concluded by pointing out that, most of these provisions are not new and were implemented for World Bank aided projects. This is a pragmatic transparent process where all stake holders are required to be reasonable in the interest of community and projects for development and national growth.

Mr. Kurtkoti was then felicitated by Ar. Neelam Parelkar, Trustee IIA.

**Session II**

The next session was conducted by Shri Mahendra Mulay - Executive Engineer Development Plan department of the MCGM, looking after the Land Acquisition matters of the MCGM.

He explained MCGM's Land Acquisition process under the MRTTP act 1966 and the BMC Act 1888.

Though under the LARR Act 2013, MCGM has some additional provisions & generally provides compensation in the form of TDR certificates. These can then be used for development by the same developer at another location or can be purchased by another developer as per market rates.

Shri Mahendra Mulay was felicitated by Ar. Milind Sambhare.

**Session III**

This session was conducted by Shri Harshad Maniar – President, Institution of Valuers.

He is practicing as a Chartered Engineer, surveyor, and valuer. He has appeared in a number of cases particularly in Land Acquisition references as Expert witness in High Courts and other courts.

He mentioned that most of the points that he had to make were covered in the first session, Some additional points were given by Shri Maniar which made the presentation very interesting. He explained the various provisions under various sections. He explained various schedules & chain of processes under the act including the one for rehabilitation and resettlement. The concluding remarks were very impactful, which summarised the pros & cons of the act and seemingly a citizen friendly act.

Shri Harshad Maniar was felicitated by Ar. Milind Sambhare.

Ar. Nilesh Dholakia presented the vote of thanks to all for their inputs and participation for success of the event.

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**IIA Brihan Mumbai Centre Event of Panel Discussion on Reviewing the 'Role of Architects and Opportunities Within The Changing Global Scenario' held on 27th May 2016 at Sir J.J. College of Architecture.**

Panel discussions organised by IIA – Brihan Mumbai Centre in Association with Sir J.J. College of Architecture



Address by Mr. V. K. Pathak, Ex- Chief MMRDA



Opening Remarks were given by Ar. Milind Sambhare, Chairman, Brihan Mumbai Centre, IIA.



The first Panel discussion was moderated by Ar. Prof. Rajiv Mishra, Principal, Sir J. J. College of Architecture, including an array of panelists, who are Architects and working in Public & Private sector, who were as follows; Ar. S. Landge (UDD, GoM), Ar. S. Gavande (MHADA- A), Ar. Joshi (MHADA), Ar. S. Gokhale (ex-CIDCO), Ar. R. Kulkarni (HOK), Ar. A. Patel (DB Realty).



The Second Panel was moderated by Ar. U. Athvankar, (IIT-Mumbai) and the Panelists included, Ar. R. Dhar (CIDCO), Ar. A. Ghangurde (Ex-MMRDA), Ar. S. Sawant (Workspere Architects), Ar. A. Patankar (Siddhivinayak Constructions Pvt. Ltd).

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**IIA Brihan Mumbai Centre Event of Panel Discussion on Reviewing the 'Role of Architects and Opportunities Within The Changing Global Scenario' held on 27th May 2016 at Sir J.J. College of Architecture.**

The launching event of Centenary series of IIA was on May 27th, 2016 at Sir J.J. College of Architecture to deliberate on 'Role of Architects and Opportunities Within The Changing Global Scenario'.

The intent was to have a participatory panel discussion between Architects across varied sectors to share their experiences and prepare a framework/strategic plan to overcome challenges faced due to the current global scenario.

There were deliberations on what Architects can do to increase their ambit & role.

- Some panelists felt that Architects preferred being designers and did not engage in understanding of government policies. Some Architects who have become planners etc. feel that additional qualifications helps for more opportunities and broadens role.
- It was felt by one of the panelists that Architect should join public sector which will improve the quality of inputs in public sector and also raise the general standard of the Architectural fraternity within such organizations.
- Panelists also felt that Scrutiny of plans submitted by Architects can be done by Engineers, however other panelists felt that Architect scrutinizing such plans can have better understanding of such schemes.
- Architects must imbibe additional skills than traditionally attached to Architects like Management skills, Financial feasibility, Project Management Consultancy, Construction Management including Marketing of services.
- Architects can play active role in policy making with the understanding of Governance.
- Architects cannot suggest policies which suit only for profit making proposals as Government always devises policy based on equality for all.
- There are various other allied fields like Transportation planning, product designing, Research etc into which Architects can venture.
- For procurement of Architectural Services, though it is categorized as Consultancy or Services, normally the terms & conditions are like Contractors such as EMD, Performance Guarantee, Defects Liability Period etc.
- Most of the panelists felt that selection for Architect cannot be based on quoted fees.
- For appointment of Architects, Architectural Competition to be held and Council norms can be followed or COA need to devise norms as per updated requirements which will also include computation of fees for professional services. Request for Proposal on QCBS basis cannot be justified for Architectural services.
- Negotiation for professional fees cannot be encouraged.
- Architects need to adhere to professional ethics as this is also a major reason why certain stringent norms need to be imposed on the profession.
- Many panelist felt there is no dearth of jobs as long as population is growing & housing will always be required. Given the Government policy of housing for all there will be many opportunities.
- Architects should get themselves acquainted with newer software skills especially on design testing.
- Architects must engage themselves in pre & post occupancy testing.
- "Architect" word needs to be elevated to branding. Today common man may just not know this profession like they know Doctors & Lawyers.
- We need to work towards establishing the value we create through our work, in the minds of clients and public at large.
- As Architects we are groomed to design for human habitat. The need of the hour is to boost smart alliances and finding a way further.
- Traditionally Architect was leader of team but in today's day & time to accept leadership it is necessary to imbibe a lot more skills than in the past.
- We are required to experiment, test and improve our work. The difference between individual opinion & knowledge needs to be differentiated. Knowledge is usually tested & confirmed.
- There are various things which need to be included in the syllabus of Architects, however some panelists felt that introducing too many subjects at graduation level may deviate students from core subjects. Additional subjects need to be dealt for post graduation
- Students are not exposed to services & opportunities in Public Sector. Their role models are limited to design Architects only.

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## Random Thoughts on feasibility of various Schemes granting additional FSI under DCR 33/7, 33/9, 33/10 –Ar. Arun V. Joglekar

DCR 1991. Contained provisions for granting additional FSI for various redevelopment schemes such as cessed building in island city, slums and urban renewal schemes.

The EDDP 2034 published in 2015, report in chapter 17, page 338, under title F.S.I. : A tool for managing physical Development para 17.3.2 F.S.I. for achieving in exclusive growth states as under.

“Instead of relating land use zoning and F.S.I. constraints to moderate real estate prices, Government, decided to use the scarcity of development rights and resultant high prices to help the slum and chawl dwellers. This was favoured as it



*Old cessed building in Island city*



*Solitary Highrise building among large slum*

was seen as after budget measure by the state. But in fact it is a tax imposed on new home buyers as new construction was largely dependent on gaining development rights by rehabilitating slums or redeveloping cessed building, Such a tax has had a proportionate impact on the prices and affordability of new housing.”

Some of the facts & salient features in relation to Mumbai population are as follows.

- Population of Mumbai is 125 lakhs.
- 55% live in slums. They are to be given free houses in redevelopment.
- Assume 25% middle income group live in either cessed structures in city, or society buildings in suburbs or MHADA colonies who are also to be given new tenement free in redevelopment scheme with additional area corpus & also rent during construction period for transit accommodation.
- Government, MCGM, Staff quarters are also to be given to staff on rent, so no contribution for capital investment such population assume 5%.
- So 85 % of total population expects free houses in one of the redevelopment scheme.
- Question is whether remaining 15% can take this burden of 85% by cross subsidizing.
- In my opinion this is not going to work.
- Out of 15% - say 8% is already having space.
- Balance 7% need of houses due to natural growth or migration, will have to buy the space at much higher rates.
- MHADA lotteries are indicative of needs of houses in affordable segment. The builder or developer will not build for this as they have to cross subsidise, as there is no vacant lands in Mumbai, where they can build such affordable houses.
- In my opinion government intervention is necessary by launching a large scale Housing & urban renewal programme with either government funds or through loans granted by banks to the citizens who intend to buy affordable Houses.



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## New DCR for Joint Development – Ar. Anil Darshetkar

### Introduction

It is necessary to trace the history of Cluster Development and its induction in DCR of Mumbai. The clause No. 33 (9), in the beginning was framed for the schemes to be implemented by the MCGM & MHADA as public authorities. The schemes were taken up with least motivation to achieve Urban Renewal and the pilot project was implemented in Umarchhadi under PMGP primarily to use funds under the said programme and where reconstruction under DCR 33 (8) was not possible for the MHADA due to small dimensions & area of the individual plots and political wishful thinking to rehouse the tenants within same electoral constituency than for any other technical reasons and the entire plots were acquired and were under one ownership.

The second project prepared for Kamathipura as another pilot project for seeking world bank funding remained on paper as the WB thought it is not replicable considering the contents of the project and the location, occupants, etc. There are numerous small plots under individual ownership and even after acquisition large areas under roads may have to be converted in to developable areas. The acquisition of such plots in large number would have also required large time period for initiating the project.

Paucity of lands in Mumbai, rates received for NTC lands due to DCR 58 and the vision for redevelopment of BIT & BDD chawls brought out the scale of projects where only large developers could be involved and managed rather than dealing with large number of tiny developers so as to achieve the 'scale' for incentives through policy modifications. Accordingly, in the year 2009 the 'cluster redevelopment' approach was created with 'construction' in mind than 'people' residing there.

Volume of construction and funds involved and 'height' of buildings found to be most attractive and hence the DCR contained a High Power Committee under chairmanship of Chief Secretary of the state to approve the building proposal as the executive engineer is a too small fry for project of such magnitude and the power to even permit government lands and acquire lands of unwilling plot owners by enhancing the cluster area in such a way that condition of willingness of 70% could easily help to deal resistance of 30% plot owners and have a cluster of scale suitable for large scale developer. This DCR was necessary as the clause 3K of MSA Act 1971 could not considered for application other than SRD scheme.

The Draft DCR 33 (9) had many other issues and sanctioned version continued the same as there was no difference in draft & sanctioned. The same philosophy continues in DCR 33 (9) 2034. It would be appropriate to analyse the same:

First aspect is Conditions of Rehabilitation: It can be seen that the limits are completely unrealistic. Refer Table A. the same is reproduced below:

Area of the Urban Renewal Cluster	Additional Area (over & above basic area)
Above 1 ha up to 2 ha	15%
Above 2 ha up to 5 ha	20%
Above 5 ha up to 10 ha	25%
Above 10 ha	30%

A tenant in a chawl is promised 15% extra area above 27.88 Sq.m. if the cluster is above 1 Ha. This 15% works out to 4.18 Sq.m. So for this 4.18 Sq.m. he must spend additional time period for formalities, stay additional three years in transit accommodation and bear extra cost of management & maintenance for redeveloped tenement whether he has any means or not. Thus a carrot is shown to him not for his benefit but actually to generate more revenue for GOM, MCGM, Developer and other policy makers. The other slabs are increasing the other stakes than for him as even if the cluster becomes over 10 Ha, a virtual impossibility, he stands to gain only another 4.18 Sq.m. while the increase in area is 3,60,000 Sq.m. due FSI 4.00. Can this be considered as incentive to tenant? The increase in maintenance cost for 27.88 Sq.m. tenement in MHADA reconstructed building and 32.06 Sq.m. in a cluster redevelopment could be definitely more and thus can this model be considered as suitable for him.

First formulate a policy and create a statutory fund for implementing the said policy at cost of all tax payers and then do not take actions to implement the said policy and create a new policy with such carrots, expresses completely confusing attitude and misguides the vulnerable population who do not have chance to study the technical proposals and take objections within prescribed time limits.



## New DCR for Joint Development – Ar. Anil Darshetkar

Now consider the incentives proposed for developers under the said DCR proposal. Refer to following table:

Basic Ratio (LR/RC)*	Incentive ( As % of Admissible Rehabilitation Area)			
	For 0.4ha up to 1 ha	More than 1 ha up to 5 ha	More than 5 ha up to 10 ha.	For more than 10 ha
Above 6.00	55%	60%	65%	70%
Above 4.00 & upto 6.00	65%	70%	75%	80%
Above 2.00 & upto 4.00	75%	80%	85%	90%
Upto 2.00	85%	90%	95%	100%

The incentive FSI for 27.88 Sq.m. at minimum size of cluster is 15.33 Sq.m. for developer, it goes up for 1 ha at 16.73 Sq.m. to 23.70 Sq.m. and for above 10 Ha is goes from 19.52 to 27.88 Sq.m. Thus the incentive FSI appears to be disproportionate benefit to tenants as well as tax payers who have been instrumental in rehabilitation of tenants under DCR 33 (8) and not receiving any incentive even after the policy is changed.

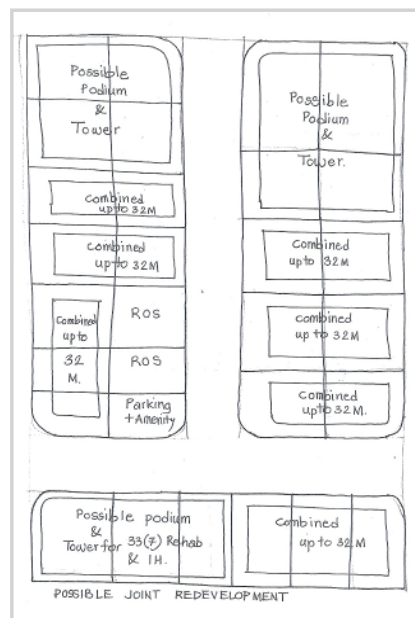
The DCR also creates share for MHADA, but in absence of any statutory listing of tenants of cessed buildings, non-creation of records of tenancies, no annual returns, practice of losing & misplacing files, and not 100% tenants opting for transit tenements and practice of part sale of such tenements and no transparency in master list, etc. has affected use of this share for tenants whose buildings are not reconstructed for variety of reasons and some more equals securing such tenements will continue to rule.

Basic Ratio (LR/RC)*	Sharing of Balance FSI	
	Promoter/ Developer Share	MHADA Share
Above 6.00	30%	70%
Above 4.00 & upto 6.00	35%	65%
Above 2.00 & upto 4.00	40%	60%
Upto 2.00	45%	55%

There is no mention how the MHADA share should be utilised in the DCR. Thus no statutory provision is available.

Considering all such evils it is suggested that let there be another DCR for genuine and non-developer stake holders to undertake redevelopment with basic incentives permissible under DCR 33 (7) and retain their rights to the extent possible and still achieve some comfortable option for redevelopment. There need not be restriction of any minimum or maximum area and there is no need for additional incentive and let the FSI remain 3 or Rehab plus 50% incentive in city & 2.7 all-

inclusive in Suburb but with some concessions in provision of joint services & facilities.



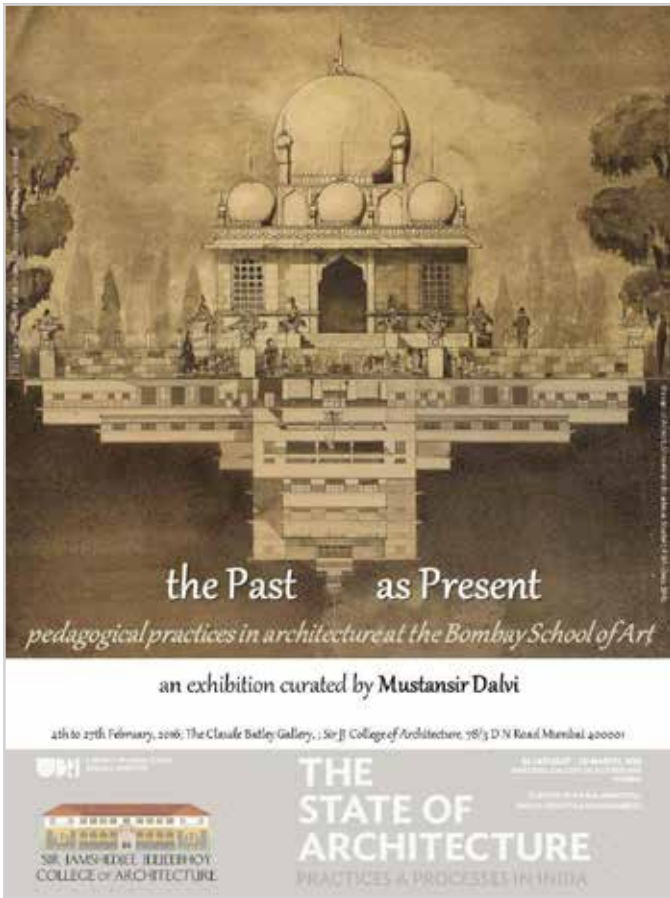
*Present situation odd plots, low-rise. Good solution considering FSI 1.00 to 1.50*



*Possible joint redevelopment*



**The Past as Present: Pedagogical Practices in Architecture at the Bombay School of Art**  
**an exhibition curated by Mustansir Dalvi held from 4th to 27th February, 2016,**  
**at Sir J.J. College of Architecture**



“The Past as Present: Pedagogical Practices in Architecture at the Bombay School of Art” is an exhibition curated by Prof. Mustansir Dalvi of Sir JJ College of Architecture. It is on display from 4th to 27th February, 2016, from 10am to 6pm at the Claude Batley Gallery, Sir JJ College of Architecture, 78/3 D N Road Mumbai 400001. The exhibition was formally inaugurated by architect Raj Rewal on the 4th of February. Prof. Dalvi gave a curatorial talk on the occasion.

**Introduction to the Exhibition**

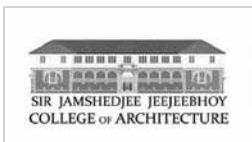
From the last decade of the nineteenth century to the mid-twentieth, architectural pedagogy in the School of Art, Bombay was dominated by documentation, decoration and design. Architects in the city in a single half century would move from Post-Renaissance Neo-Classicism, to the Neo-Gothic, to the Indo-Saracenic, to Edwardian Baroque Neo-Classicism once again, before settling on the Style Moderne. The preservation of the Indian craft tradition, which was one of the cornerstones for starting the School of Art would crisscross with issues of Style, leading to an eclectic learning.

The reliance on precedence, whether Indian or Western, generated the understanding of first principles- from whence these traditions of architecture emerged. This was accomplished was through observation, documentation through measurement and drawing of buildings on site.



Event attended by Ar. Raj Rewal , seen with by Ar. Mustansir Dalvi

The Claude Batley Gallery during the event



Look forward to our next issue  
 Report on upcoming events :

- ‘Online Approvals of Projects by Planning Authority.’
- ‘Women in Architecture .’
- ‘Fire safety Mission for safe living.’

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