

# Fabulous India

Governance in the biggest democracy of the world

## Prologue

Incredible India. A land of several unifications in history is in our times the biggest democracy of the world. The Indian state first formed around 322 under Chandragupta Maurya. Maurya Empire is therefore the name commonly used for the empire, which at its peak under the reign of Ashoka the Great encompassed nearly all of the Indian region.

The Emblem of the State of India is derived from the well known Lion Capital of Ashoka with the addition of the Devangari script "Satyameva jayate" (meaning "Truth alone Triumphs").

Quickly after the death of Ashoka the Great the empire fell apart and northern India was invaded by Demetrius, a Greco-Bactrian king. Until the Delhi Sultanate established its reign over the Indian subcontinent in the 13th century AD two other smaller empires formed and perished. As the name Sultanate already suggests it was a Muslim kingdom with a dynasty of Turkic origin. The Mughals, another Turkic dynasty, directly succeeded the Delhi Sultanate and took over the geographical region of India once more. They introduced new administrative practices and diverse and inclusive ruling elites which enabled them to have systematic, centralized and uniform rule over the land. The end of the Mughals in 1857 led directly to the unification into the Indian Empire ruled directly by Queen Victoria of England. The East India Company was responsible for laying the groundwork for that. It transformed itself from an association of traders into a political force, having rights for collecting taxes from the land, enabling significant political control.

After World War II India became independent on 15 August 1947. Pakistan was separated from the territory and India as we now know it was put into existence.

## Governance

Governance is a term which describes all processes of governing, whether undertaken by a government, market or network, whether over family, tribe, formal or informal organization or territory and whether through laws, norms, power or language. In that way it also describes the change from a formalized hierarchical government system to an informal, not institutionalized governance system, which is fundamentally based on networking, negotiating and cooperating.

## Situation

This newly formed country naturally adopted many of the British laws and regulation previously used by the Indian Empire into its own regulatory apparatus. But as the British Empire was a country of administrators, the new India was not. However there were several influential people, who brought the country forward, like Jawaharlal Nehru and Mahatma Gandhi. But after the initial burst of enthusiasm the institutional forces were consumed by bureaucracy and corruption.

After achieving independence the state focused very heavily on socialist policymaking and developing rural areas. Urban centers were neglected. This in conjunction with the economic opening in 1991 and starting urbanisation processes led to huge deficits in service delivery. This is pointed out in the High Powered Expert Committee (HPEC) Report on Indian Urban Infrastructure and Services from March 2011. Only 20% of the water produced is collected which is a huge loss of potential revenue. Furthermore 70% of produced water is unaccounted or attributed to losses. (HPEC S.47) Public Transport accounts for only 22% of urban transport (about 40% in Brazil). (HPEC S.57)

The report identifies several factors which contribute to the poor state of urban service delivery. Fiscal devolution from higher tiers of government towards the Local Bodies remains inadequate. This is mainly due to the strong focus on rural development rather than urban development in the years before the economic opening in 1991. Low spending on Operation & Maintenance (O&M) increased the lack of infrastructure even more.

As mentioned above costs from users were not paid as expected. This resulted in no notable revenue to finance the O&M. Overlapping jurisdictions and fragmented roles and responsibilities of a multiplicity of agencies on different tiers of government were also responsible for poor service delivery. Lack of competition due to the monopolistic nature of public service has impeded continuous improvement of services. Municipal administrations were also not prepared for rapid innovation and suffered from overstaffing of untrained, unskilled manpower. In addition there is a constant shortage of qualified technical staff and managerial supervisors. Capacity building is required. (HPEC S.61ff)

In the Urban Age India report "Integrated City Making" by the London School of Economics (LSE) from July 2008 the arguments made by the HPEC are confirmed. Multiplicity of Agencies is a main headline directly followed by conflicting interests, coordination gaps and lack of ownership. So it is often unclear who has ownership over a certain area and who is responsible for a certain field. This naturally leads to conflicts between agencies which both think they have responsibility. Corruption and vested interests compromise efficient governance and often symbolic projects get priority over long term infrastructural development (Commonwealth Games). All in order for politicians to stay in power. The aforementioned rural bias is also clearly identified by the LSE. One sixth of the per capita sum allocated to rural citizens is allocated to urban citizens. The Urban Age Report identifies several more factors but in total it does conform with the HPEC. (ICM S2-33ff).

## Jawaharlal Nehru National Urban Renewal Mission (JNNURM)

The Jawaharlal Nehru National Urban Renewal Mission maybe was the first serious step towards dealing with poor urban development and service delivery. The indtroduction of this programme was preceded by the 74th Constitutional Amendment from 1992.

In many States local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are not able to perform effectively as vibrant democratic units of self-government.

STATEMENT OF OBJECTS AND REASONS  
(//indiacode.nic.in/coiweb/amend/amend74.htm)

Its aim was to assign more functions to Local Bodies and help them deal with those functions from above. Those functions were laid out in the Twelfth schedule (Article 243W).

1. Urban planning including town planning
2. Regulation of land use and construction of buildings
3. Planning for economic and social development
4. Roads and bridges
5. Water supply for domestic, industrial, and commercial purposes
6. Public health, sanitation conservancy, and solid waste management
7. Fire services
8. Urban forestry, protection of the environment, and promotion of ecological aspects
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded
10. Slum improvement and upgradation
11. Urban poverty alleviation
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds
13. Promotion of cultural, educational, and aesthetic aspects
14. Burials and burial grounds; cremations, cremation grounds, and electric crematoriums
15. Cattle pounds, and prevention of cruelty to animals
16. Vital statistics including registration of births and deaths
17. Public amenities including street lighting, parking lots, bus stops, and public conveniences
18. Regulation of slaughter houses and tanneries

HPEC S.89

The creators of the JNNURM recognised the steps taken by the 74th Amendment and saw the need for further reforms to provide an "investor-friendly environment"(JNNURM S.3).

In their eyes investment should be directly-linked to reforms and a link between asset creation and management should be established to achieve sustainable infrastructure development. Furthermore they acknowledged the need for enhancing the efficiency of urban service delivery. The rationale for the JNNURM encompasses the National Common Minimum Programme(NCMP) of the Government of India, the commitment to the Millennium Development Goals and the need for Mission-led(JNNURM) Initiative. The NCMP should give highest priority to the development and expansion of physical infrastructure. A comprehensive programme for urban renewal and expansion of social housing in towns and cities should be created, "paying attention to the needs of slum dwellers"(JNNURM S.4).

For the cities to realise their full potential and become effective engines of growth, it is necessary that focused attention be given to the improvement of infrastructure.

JNNURM S.4

Mission Statement: The aim is to encourage reforms and fast track planned development of identified cities. Focus is to be on efficiency in urban infrastructure and service delivery mechanisms, community participation, and accountability of ULBs/ Parastatal agencies towards citizens.

JNNURM S.5

The Mission was divided into two sub-missions with the first being the Sub-Mission for Urban Infrastructure and Governance. Administered by the Ministry of Urban Development the main focus of this mission were infrastructure projects "relating to water supply and sanitation, sewerage, solid waste management, road network, urban transport and redevelopment of old city areas with a view to upgrading infrastructure therein, shifting industrial and commercial establishments to conforming areas, etc."(JNNURM S.5). The second sub-mission was the Sub-Mission for Basic Services to the Urban Poor with the aim of "providing shelter, basic services and other related civic amenities with a view to providing utilities to the urban poor"(JNNURM S.6).

The projects in the JNNURM followed a specific strategy which commenced by preparing City Development Plans(CDP) for every selected city. Projects were prepared according to these CDPs and after positive assessment funds would be brought through a State Level Nodal Agency(SLNA) towards the Urban Local Bodies(ULBs). Additional funds could be leveraged by the SLNA or the ULBs. Incorporating public sector efficiencies in the form of Public Private Partnerships(PPP) was also encouraged.

Originally scheduled to run for seven years the Mission is still operating today.

In the Indian Express Urban Development minister Venkaiah Naidu talks about its successor.

We will launch a new mission in place of JNNURM. The new mission will focus on modern concept(!) for cities based on GIS-based planning and will have solid and liquid waste management to develop clean cities. It will be named after a national icon and not after any current political leader.

//indianexpress.com/article/india/politics/jnnurm-will-be-renamed-relaunched/

## JNNURM criticism

Although aimed in the right direction, the JNNURM did not achieve its own goals. The programme received a lot of criticism and many have questioned, if a subsequent mission in a similar setup makes sense.

In an article by Kalyani Menon-Sen on the Blog Urban Watch India he mentions a citizen's review of the JNNURM.

A Citizens' Review of the JNNURM, undertaken in 16 cities by a coalition of community groups – grass root activists, workers' organisations, NGOs working in informal settlements – found yawning gaps between the issues prioritised in the City Development Plans and sanctioned projects, and between the sanctioned projects and the real situation on the ground. In the overwhelming majority of cities and locations, there was absolutely no physical evidence of any kind of developmental activity – not even a signboard to mark the fact that this was a JNNURM project site.  
[//urbanwatchindia.blogspot.co.at/2009/07/jnnurm-ii-failure-is-its-own-reward-for.html](http://urbanwatchindia.blogspot.co.at/2009/07/jnnurm-ii-failure-is-its-own-reward-for.html)

Menon-Sen mentions that on 3 June 2009 officials from the Ministry of Urban Development said in an interview with the Wall Street Journal that only 32 of 463 sanctioned projects had been completed three years after the launch of the programme. Furthermore the informant added that the reason for this slow progress was mainly a fault of the states being too slow in acquiring land and shifting existing structures and having not enough competence in handling big projects.

An article in the Hindustan Times from 14 January 2013 handles the displacement of 5000 residents of the Telibandha locality in Raipur. They were relocated to Boriakala, an area 16 km away from Raipur, with the promise of resettlement to newly built flats within a year. After eighteen months only 800 residents have been given temporary shelter in flats in Boriakala. Construction of the new houses in Telibandha has still not started. A comment on this article in the Terra Urban Blog ([//terraurban.wordpress.com](http://terraurban.wordpress.com)) emphasizes the situation of residents.

The situation for the 800 who were resettled is as traumatic as those who were left in lurch! RMC has stopped the services of buses, doctors, anganbadi school [in] this resettled area. Electricity is being charged for which the slum dwellers are unable to pay ... therefore that shall also be soon cut. The slum dwellers are complaining that they have found that their names have now been excluded from the voters list and were not even counted in [the] 2011 census.

For all this RMC quickly puts the blame on procedural issues of tenders and contractors! This is the plight of our poor under a pioneering centrally sponsored scheme of JNNURM!! What hope do we have now from the second phase of JNNURM or the complete slum eradication under Rajiv Awas Yojana.

[//terraurban.wordpress.com/2013/01/25/hoping-against-hope-bsupjnnurm-a-failed-promise/](http://terraurban.wordpress.com/2013/01/25/hoping-against-hope-bsupjnnurm-a-failed-promise/)

This glimpse into urban renewal in practice may not be representative, but often the states and ULBs just do not have the right capabilities yet to deal with those projects, as Kalyani Menon-Sen points out in his article. Therefore such inexperience lead to situations like the one in Raipur.

On the same blog Nidhi S. Batra wrote an article called "Ignorance is not bliss! –how JNNURM failed in Small and Medium Cities". As the name suggests it deals with the missions impact on development in small and medium cities. Batra sees that in those cities "a preventive addressal of urban poverty can be taken up rather than finding futile cures in the million plus cities". Batra points out that 75% of the assistance provided by JNNURM went to 65 selected mission cities and 25% were provided to 640 small and medium towns.

Small and medium towns at present do not even have their books digitized and require far greater hand holding than larger cities.

Also, wrongly so, most ULBs believe that optional reforms are actually optional! Therefore optional reforms such as earmarking 25% of land in all new housing projects for Economically Weaker Sections and Low Income Groups do not see the light of the day.

[//terraurban.wordpress.com/2012/10/14/ignorance-is-not-bliss-for-small-and-medium-cities-towards-addressing-urban-poverty-through-jnnurm/](http://terraurban.wordpress.com/2012/10/14/ignorance-is-not-bliss-for-small-and-medium-cities-towards-addressing-urban-poverty-through-jnnurm/)

The same problem of the Multiplicity of agencies arises again in the JNNURM with issues including land, health, education and employment being handled in different ministries without proper coordination between them. Batra sees a complete failure of community participation efforts and mentions the relocation done in Raipur as an example how the residents were deceived by the Municipal Corporation. JNNURM just lacks proper policies and strategies for clear resettlement hand in hand with the current residents. Public Private Partnerships and micro credit financing for providing housing for the urban poor were also used not as often as intended.

JNNURM in its vision is essential, it has attempted to focus on issues that are crucial for Indian Cities, but it has failed in its approach. One size fits all solution does not work in a country like India wherein the level of urbanisation differs exponentially across the nation.

[//terraurban.wordpress.com/2012/10/14/ignorance-is-not-bliss-for-small-and-medium-cities-towards-addressing-urban-poverty-through-jnnurm/](http://terraurban.wordpress.com/2012/10/14/ignorance-is-not-bliss-for-small-and-medium-cities-towards-addressing-urban-poverty-through-jnnurm/)

## High Powered Expert Council (HPEC) Report

The High Powered Expert Committee declares some basic rules for local governance (HPEC S.88).

There should be functional autonomy, which means functions of local governance vis-a-vis state governments should be unambiguous.

They should have financial autonomy, which means they should have their own revenue and inter-governmental transfers according to local requirements. Furthermore they should have the autonomy to spend these resources locally.

Local Functionaries should be competent to adhere to their functions efficiently. Systems of capacity building should be included into the system.

A framework of transparency, accountability and community participation should oversee the financing of approved projects.

Social accountability has to be ensured.

The HPEC recommends mapping the activities from the 12th Schedule of the 74th Constitutional Amendment Act from 1992 to the different tiers of governance, with the goal of ensuring clear responsibilities. After this act some redistributive functions like safeguarding the interests of weaker sections, slum improvement and upgradation, and urban poverty alleviation have been assigned to ULBs, which do not have the facility to operate as needed. Financial devolution from higher tiers of government should finance the efficient discharge of allocated functions. An overall strengthening of finances for ULBs is in order.

### A new institutional Framework for Service Delivery

#### Government of India

Reform and Performance  
Management Cell

Ministry of Urban Affairs  
and Housing

#### State Government

Urban Utility  
Regulator

State Financial  
Intermediary

Property  
Tax Board

Department of Urban  
Affairs and Housing

Reform and Performance  
Management Cell

#### Urban Local Government

City Mayor

City Management

Service Delivery Agencies

One Ministry of Urban Affairs and Housing should be established to unite the Ministry of Housing and Urban Poverty Alleviation and the Ministry of Urban Development. It should focus "on building urban infrastructure for all and ensure[s] the delivery of urban services of the same standard, also for all, and plan[s] for affordable housing for the poor"(HPEC S.94). The HPEC suggests, that the two sub-missions of the JNNURM, like the Ministries, should be merged to one more effective mission. Separate focus on planning for the urban poor is a wrong strategy. Holistic Planning should be the new strategy.

City plans cannot be developed in isolation of the housing, transport, and livelihood needs of low income groups, and water demands cannot be planned without making provision for the urban poor. Systems of institutional governance, community participation, and unlocking land value for urban development require holistic planning involving all strata of society.

HPEC S.94

If the formation of one Ministry is not feasible, a Ministry of Urban Development - looking after urban planning, urban infrastructure, the JNNURM, land use, housing, and poverty alleviation - and a Ministry of Works and Estates should be created. Cooperation between the new Ministry and the Ministry for Rural Development is necessary.

Departments of Urban Affairs and Housing at the state level should be instituted. They should be made up by the currently multiple agencies managing urban affairs at this level. Empowering the ULBs is the main goal.

Urban Utility Regulators at the state level should ensure, that service standards are met. They also should act as advisors to the state government and ensure furthermore transparent costing and subsidy.

State Financial Intermediaries should act as guides for ULBs on Public Private Partnership initiatives. Sector specific model concession agreements should be drafted to aid further.

City Managements should get more autonomy. To achieve that goal, all possible functions should be devoluted to Local Bodies in conjunction with accountability for financial decisions through fiscal devolution. Capacity building should be a main priority for all City Managements. To overcome initial shortage of skilled employees and to strengthen the professionalism of the administration lateral hiring of professionals is advisable.

Empowered Mayors like Jawaharlal Nehru in his time as Mayor of Allahabad 1924-26 should invest their enthusiasm into bringing the cities forward. At present the role of Mayor is mostly representative with executive power laid in the hands of municipal commissioners, who are appointed by state governments. The HPEC recommends to unify command under one Mayor who gets directly elected by the citizens. This Mayor should have both executive and representative functions. If under any circumstances the one Mayor model is not feasible, power should be divided between a Mayor in Council and an Executive Mayor. It is important, that "elected representatives of the people are given the power and autonomy to run the city for not too short a period"(HPEC S.93). At the moment the elections occur every one or two years. In order for the administration to work more efficiently a five-year-term should be introduced.

Service Delivery should be made possible for ULBs by giving them responsibility and accountability. ULBs should be able to decide over their methods of service provision according to local specifics. Finances from locally raised revenues should cover the local expenditures. For capital expenditures grants and other financing mechanisms from higher tiers of government can be used. Three main delivery systems are discussed by the HPEC.

Corporatisation can lead to improving efficiency and protecting the delivery from populist demands. This can be done either in the public or the private domain according to local factors like potential for competition and available regulation authorities. The phnom Penh Water Supply Authority is a very good example for the potential of Corporatisation in urban service delivery. From 1993 to 2006 they managed to get water coverage from 25% up to 90% and metered coverage from 13% up to 100%(HPEC S.98). This was made possible by diverse loans and grants received by the Asian Development Bank (ADB), World Bank and the United Nations Development Programme (UNDP).

Several ULBs can also come together to deliver services for the urban population. These ULBs can create operational areas for their delivery entities. The entity then will be accountable to these ULBs for delivering according to service-level-agreements. Several functions of service delivery can be outsourced or kept in the administration of the ULBs.

For example, sourcing of water (production) for supply to the urban areas can be entrusted to such an entity and distribution of water within the cities can be the responsibility of ULBs.

HPEC S.100

State Government intermediaries can act as mediators in the negotiation process.

Public Private Partnerships(PPP) are another important system for service delivery according to the HPEC. A main advantage of PPP is that the risks get assigned to both parties. A distinction should be made between commercial and delivery partnerships. Delivery Partnership means that a private contractor will deliver the services largely depending on subsidies from the public realm. The service charges can be kept low. In a commercial partnership the contractor tries to create profit from providing services and does not rely on subsidies that much. Service charges can be subject to lots of change. In both models the efficient management of private sector firms can lead to significant performance and income boosts enhancing service delivery for all. The aforementioned State Financial Intermediaries should act as guides. Furthermore additional Acts for facilitating PPP should be established.

Reform and Performance Mangement Cells(RPMC) should provide assistance to state governments and ULBs. Their main tasks should be overseeing reform processes and collecting data to evaluate the performance of cities. Furthermore they should subsequently create a city ratings matrix for having easy comparable data on service delivery in cities. This matrix can help allocating funds to the respective cities as needed. Implementation would be done on state, regional and local level.

## Citizen Participation

Independent news reporting on cities and their challenges is important to create awareness for urban issues. With the introduction of regular consultative forums by politicians with the general, their citizens would be informed of the progress in their areas. With the heavy use of Information and Communication Technologies (ICT) every citizen can gain access to those discussions and post comments and questions. Similar approaches should be used in planning big projects or public projects. Those projects should be disclosed to the public for feedback, evaluation and review. When needed project discussions can be established. Mayors and Municipal Chairpersons should sit together with the Chief Minister of State in a Municipal Council to get a larger scope of operations and facilitate better cooperation and improve community participation.

## E-Governance

Improving IT literacy and infrastructure is a main cornerpoint for all strategies in e-governance. The HPEC suggests establishing Chief Information Officers at the local level to facilitate education and infrastructure creation. Furthermore State Data Centers and Area Networks should net the required coverage for an information society. The goal is to use GIS for land management, Sensor Data for water management, GPS for tracking public transport, GPRS for realtime solid waste management, street lighting and building and much more. Hyderabad shows the potential of ICT use in governance(HPEC S.106). This system is based on citizens and service providers sending photos of the infrastructure situation to a central server. This allows for easy citizen monitoring and quality control. Citizens can also raise issues via text messages directly to the authorities. When the situation is solved it gets immediately posted and the progress can be seen instantly. Through using this system they managed to increase solid waste collection rates and reduced the time for building permission to under four days.

## Capacity Building

To create a well educated workforce the HPEC see the need for much more funding. In order to educate managers capable of tackling urban challenges five Institutes for Urban Management need to be created and existing schools of urban planning should be revised. Furthermore existing personnel should be educated in new technologies and concepts of urban management and governance. Knowledge building through the creation of think tank initiatives and centres of innovation should be a second focus. This includes enhancing the capacities of private sector actors to deal with large scale urbanism. Municipal Information Units can act as knowledge distributing centres. All this should be directly evaluated by the Reform and Performance Management Cells on the different tiers of government.

## Urban Planning

Metropolitan and District Planning Committees (MPC/DPC) should be created to act as focal points of all regional planning. Those Committees should promote participatory planning processes and integrate transportation with land use planning. Furthermore all spatial planning should be integrated with environmental, cultural and socioeconomic planning.

In order to satisfy the need for more land to settle, regulations for easier conversion of agricultural to residential zones should be implemented. Clear guidelines and rules for treating the hinterland of towns and cities are needed to prevent creation of illegal settlements and informal suburbanisation. Legislation for the interaction between urban planners and ULBs will be of high priority.

Judicious use of FSI[Floor Space Index] in the creation of 'compact cities' is extremely important.  
HPEC S.116

Better incentives for private companies to create housing for the poor should be introduced. The HPEC suggests to use PPP in order to tackle the scale of the challenge. A Committee for Land Reforms should deal with issues of re-zoning, re-planning, re-newal and redevelopment of urban areas. Where considerable improvements can be made they should be done.

This will include schemes to redevelop slums. While the JNNURM provided for this, it has failed to implement the same.  
HPEC S.117

## Conclusio

The Challenges faced in Governance for India are apparent. But as of yet nobody has been able to implement the right strategies in order to cope with the numerous and diverse problems. The Jawaharlal Nehru National Urban Renewal Mission was the first initiative trying to address those large scale issues in an ever growing Indian country. The strategies were not sufficient because they remained well inside the established system. In order for utopia to work, the established system has to be changed radically or even destroyed. The ideas put forward by the HPEC already point into the right direction. Now the question is, if those steps can be taken today. India with its 1.3 billion people has so much potential for evolving through innovation. Already today small citizen driven innovations pop up.

India is ready for change.

Fabulous India.

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