

PUBLIC-PRIVATE PARTNERSHIPS AS A LEGAL AND FINANCIAL TOOL FOR SUSTAINABLE DEVELOPMENT AND SOCIAL EQUITY

By Anam Mishra*, Shaily Jain** & Nainika Gupta***

ABSTRACT

Public-Private Partnership has played a vital role to achieve sustainable development goals. In the context of law, Public-Private Partnership enables organized cooperation that confirms to legal frameworks, guaranteeing openness, responsibility and fair resource distribution. Public Private Partnership is important for attracting private funding to expand and improve infrastructure services that prioritize people and the environment which is necessary to achieve sustainable development. Public-Private Partnership can be a central medium through which most of the infrastructure and services involved in sustainable development are provided, managed including specific urban safety, adaptability and sustainability projects. The role of public sector is to provide financial resources and enhance the quality of infrastructure assets and services. Attaining sustainable development requires attracting private financing to expand infrastructure and improve access to infrastructure services that prioritize people and the planet. Social justice and human rights played a vital role under sustainable development. When social justice and human rights are upheld, sustainable development is made possible. In order to support sustainable development initiatives, this paper investigates how Public-Private Partnership models are governed by legal provisions, policies and regulatory mechanisms.

Keywords: Public-Private Partnership, Sustainable Development, Social Equity, Infrastructure, Environment, Adaptability.

* 4th Year Student, B.A. LL.B. (Hons.), Department of Law, Prestige Institute of Management & Research, Indore. Email: mishraanam95@gmail.com.

** 4th Year Student, B.A. LL.B. (Hons.), Department of Law, Prestige Institute of Management & Research, Indore. Email: shailyj05@gmail.com.

*** 3rd year student of B.A.LL.B (Hons.), Lakshmi Narain College of Technology University, Bhopal. Email: guptanainika89625@gmail.com.

I. Introduction

Public-Private Partnerships (PPPs) have become a key device in the development strategy of India, which allows the government to access the capital, experience, and effectiveness of the private in creating infrastructure and providing the population with necessary services. PPPs have been considered important in filling the gap in infrastructure in India, which is widely short of infrastructure, particularly through highways and airports in addition to healthcare, education and urban development. Nevertheless, the legal and regulatory framework of PPPs is still in disintegration and creates an important number of loopholes and structural issues that tend to hinder the delivery of the long-term sustainability and fair social outcomes. Currently, India lacks a detailed PPP law. The system is instead based on a patchwork of guidelines, model concession agreements (MCAs)¹, and sector-specific policies based on the directions of the Ministry of Finance Department of Economic Affairs (DEA), NITI Aayog, and line ministries. Lack of a cohesive legal system leads to imbalance in the structuring of projects, risk sharing, dispute resolution and accountability. Most PPP contracts are based on MCAs, and they are most of the time inflexible to reflect sectoral differences, environmental interests, and changing socio economic values.

The problem of asymmetric risk allocation is among the core legal issues. The PPP contracts often impose a great part of financial and operational risks on the government, particularly when the demand forecast is unrealistic, or in case of a situation of the force majeure. These imbalances cause stalling of projects, renegotiations and high fiscal burdens. Additionally, transparency in the bidding, awarding, and renegotiation procedures is not legally required which leaves room to corruption, conflict of interests and subjectivity. The legal provision that requires concession agreements to be publicly disclosed is also poor and therefore, the stakeholders find it difficult to evaluate the impacts of projects.

The other issue of concern is that there is poor incorporation of sustainability and social equity into the PPP legal system. The environmental impact assessments (EIAs) are not taken seriously tools but formalities.² The possible problems of PPP projects include land acquisition controversy, the relocation of local communities, environmental destruction, and unfair allocation of key services. The current legislative measures such as the Land Acquisition Act, 2013, and environmental laws occasionally conflict with obligations that have been contractually established with the private partners which creates legal confusion and additional

¹ Asian development Bank, Public-Private Partnership Operational Framework (2018).

² M. S. Sahoo, Public-Private Partnerships in India: Lessons from Experiences (Oxford Univ. Press 2017).

legal disputes. The absence of enforceable legal requirements of the corporate bodies to achieve the sustainability goals or affordability further increases the social inequities.

To sum it up, although PPPs have an incredible potential of boosting the infrastructure development of India, the existing legal framework needs significant changes to seal the loopholes, enhance accountability, and focus the design and implementation of the projects on sustainability and social equity.³

II. Identification of Statement of the Research Problem

The academic literature on Public–Private Partnerships (PPPs) in India highlights both their transformative potential and the persistent legal and structural deficiencies that hinder sustainable and equitable outcomes. According to early research conducted by the World Bank and Asian Development Bank, they support the use of PPPs as the key solutions in bridging gaps in infrastructures in developing economies. According to Indian scholars like M. S. Sahoo and Vinod Gupta, PPPs served to make highways, energy and urban sectors grow faster but also point to the disjointed regulatory framework of such collaborations. According to research by the NITI Aayog and the Kelkar Committee, lack of a unified PPP legislation is one of the main reasons to lack efficiency and point to contractual rigidity, lack of effective risk allocation, and insufficient dispute-resolution instruments. According to the arguments presented by scholars such as S. L. Rao and A. Ghosh, the PPP contracts give more attention to financial viability as opposed to environmental and social factors and lead to negative consequences of marginalized communities, in particular, the new projects requiring substantial land area.

III. Research Methodology

The approach that is taken in the current study is that of doctrinal methodology i.e. the compilation of theoretical materials. The research work is mainly based on the secondary sources such as the provisions of the constitution, statutes, rules, model concession agreements (MCAs), government reports, recommendations of expert committees and judicial decisions. The main documents to be part of the legal analysis include the guidelines of the PPP by the Ministry of Finance, the sector frameworks by NITI Aayog and the Kelkar Committee Report. The interpretation and assessment of the existing legal provisions of the contract law, land

³ Asian Development Bank, *supra* note 1.

acquisition, environmental regulation and the accountability of the people is carried out in a doctrinal approach. The given approach will assist in detecting inconsistencies, gap, and ambiguity of the current regulatory framework. The study also employs a comparative approach, where the international PPP frameworks are analysed including the UK, Australia, and multilateral agencies to show the best practices around the globe as well as determine their applicability to India. The selected PPP projects in the roads, airports, and urban development, a case-study approach is used to investigate the practical challenges associated with the risk allocation, transparency, compliance with sustainability and community impact.

IV. Analysis & Findings

A. Conceptual and Theoretical Framework of PPPs

The idea behind the Public Private Partnerships is based on the principle of shared responsibility in which both the public sector and the private enterprises collaborate to offer infrastructure or make public services that neither of the two entities could have done effectively in the absence of the other. PPP intertwines the social welfare objectives of the government sector with the efficiency of the business sector hence a consortium is created through the long term contracts. The essence of this system is the realization that the government retains the ownership and regulatory authority and the private partner undertakes the design, construction, financing, operation or maintenance. The model is based on the concept of risk distribution, value-at-money, performance-based contracting, and long-run sustainability. PPPs are guided by the fact that risks are best allocated to the party that can best handle them and hence cost-effective and higher service provision. The implementation of the performance monitoring, accountability, and prioritization of the public interest are also conceptually found within the framework, but at the same time, the innovation offered by the private sector and the capital and managerial expertise are exploited.

PPPs are structured around a performance-based system, where payments or revenues are linked to the attainment of certain service standards, measurable outputs, and predetermined performance indicators. Such a scheme motivates the private partners to uphold the quality, eliminate the waste of resources, and implement the innovative practices. However, the public sector is very much needed for the contract supervision, performance checking, tariff regulation (where applicable) as well as ensuring the accountability of citizens. Transparency, competitive bidding, and strong institutional frameworks are some of the necessary conditions for the integrity of PPP processes to be maintained.

There are various models of PPP depending on how the responsibilities are divided and the nature of the project. The major ones are Build–Operate–Transfer (BOT), Build Own Operate Transfer (BOOT), Design–Build–Finance–Operate–Transfer (DBFOT), and Operation & Maintenance (O&M) contracts. Each model differs in the degree of private sector involvement, the duration of the partnership, and the transfer obligations at the end of the concession period. The fundamental goal is the same, however, that is to employ private sector skills to provide public services at a lower cost and with better quality. With the help of PPPs, the public sector can overcome its limitations, and at the same time, innovation is encouraged, resource utilization becomes better, and quality infrastructure is delivered. If done properly, PPPs can not only fasten the pace of a country's development but also improve the quality-of-service delivery and enhance the country's economic competitiveness. On the other hand, the success of PPPs is hinged on the presence of sound legal frameworks, transparent procurement processes, efficient risk management, and uninterrupted regulatory oversight.

1. Build Operate Transfer (BOT): The government, by a single-handed decision, construction and operations are handed over to a private party for a fixed number of years (usually, several decades or more). The control is again handed over to the government after that period of time.
2. Build Operate Own (BOO): It is similar to a BOT, but the private company is not obliged to transfer the project to the government at any time. Design-Build (DB): A government agency signs a contract with a private party to design and build the project for a specified amount. The government remains owner and can choose to operate it by itself or hire a company for that purpose.
3. Buy Build Operate (BBO): The government sells off a project that has been completed and may have been operated by the government for some time to a private party who will take full charge. The private party might be required to invest in the restoration or the expansion of the project.

B. Constitutional and Legal Basis

The rules for Public–Private Partnerships (PPPs) in India are not defined by one single law. They are rather derived from a mix of constitutional provisions, legislative powers, regulatory statutes, government policies, and judicial interpretation. PPPs are carried out within this wide constitutional framework which allows the State to work with private entities for the creation of the infrastructure and the provision of the public services.

1. Constitutional Basis

The constitutional foundation of PPPs is mainly identifiable in the distribution of legislative powers in the Seventh Schedule. The Union List gives the Central Government the power to make laws in major infrastructure sectors like national highways, railways, ports, airports, and telecommunications. This, in turn, allows PPP interventions at the national level. On the other hand, the State List enables State Governments to take care of public health, local transport, water supply, land development, and rural infrastructure. As a result, PPPs can operate at the State and municipal levels. Besides that, the Concurrent List also allows the participation of both Union and States in areas such as electricity, forests, and economic planning. Therefore, it is possible to have collaborative PPP implementations across jurisdictions. Such allocation of powers essentially forms the basis of constitutionally permissible PPPs at three governance levels.

Besides legislative competence, the executive powers of the government are of great help to the PPP framework. According to Articles 73 and 162⁴, the executive is permitted to take action on a matter in which it has a legislative authority. Moreover, Article 298 distinctly attributes to the Union and States the power to carry trade, business, and enter into contracts, whereas Article 299 lays down the formalities for government contracts. These provisions constitute the constitutional support system for concession agreements, long-term service delivery contracts, and other PPP arrangements. If contractual procedures are in line with Article 299, PPP contracts are recognized as being valid and enforceable under constitutional law. The Directive Principles of State Policy (DPSPs) are also quite significant in this regard as they provide for socio-economic justice and the fair use of resources. Among others, Articles 38, 39(b), 41, and 47⁵ urge the State to promote public welfare, allocate community resources in a way that benefits everyone, and to improve public health. PPPs do not contradict the constitution as they attract private sector capital and working knowledge that in turn quicken the realization of infrastructure and services which are essential. Therefore, going for PPPs is in agreement with the wider constitutional framework of development which is welfare-oriented. The constitution, in fact, sets another condition for fundamental rights to be respected. Fairness and non-arbitrariness, as stipulated in Article 14, are two of the principles with which PPP projects should comply. This article calls for transparency both in the awarding of contracts and in

⁴ INDIA CONST. art. 73 and 162.

⁵ INDIA CONST. art. 38, 39(b), 41, 47.

choosing private partners. Article 19(1)(g) is in favour of the private sector to take part by granting the right to undertake business activities, albeit with reasonable limitations. Article 21 requires the State to keep it that way as PPP-based service delivery, particularly in sectors like public health and the environment, does not violate the right to life and dignity⁶.

The enumerated rights together perform the function of constitutional checks, thus making sure that PPPs serve the public interest and follow the standards of democratic governance.

2. Statutory and Regulatory Basis

The legal basis for Public Private Partnership is spread out over several sector-specific laws that specifically allow for the participation of the private sector in infrastructure. “For example, the National Highways Act, 1956⁷ facilitates Public Private Partnership models in the areas of highway development, tolling, and maintenance. In the same vein, the Railways Act⁸, allows private sector involvement in the areas of station redevelopment, freight terminals, logistics, and passenger transport. In addition, the Electricity Act⁹, establishes a liberalized framework that opens the door for private participation in power generation, transmission, and distribution. Furthermore, the Metro Railways Acts of 2002 and 2009 enable cities to implement PPP-based metro projects, while the Special Economic Zones Act, 2005 invites private developers to participate in the construction of industrial infrastructure. Altogether, these laws signal that there is a firmly established legal framework that facilitates PPP interventions in the sectors listed. Land acquisition is a centrepiece in the majority of PPP projects, and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 lays down the legal mechanism for undertaking land acquisition for PPPs”. This Act is quite comprehensive as it requires social impact assessment, fair concern for compensation, consent stipulation for certain PPP categories and rehabilitation measures with the ultimate aim of providing legal and social legitimacy to land acquisition. Were it not for adherence to this law, the PPP projects would have difficulties in garnering public support and clearing the legal hurdles. Another factor that helps to solidify the legal framework of PPPs is the set of rules that govern government procurements. In particular, “the General Financial Rules (GFR) 2017, the Manual for the Procurement of Works, and the soon-to-be-enacted Public Procurement legislation have elements in common that they are designed to bring about fairness, competitive

⁶ Constitution of India, 1950.

⁷ National Highways Act, 1956.

⁸ Railways Act, No. 24 of 1989.

⁹ Electricity Act, No. 36 of 2003.

bidding, and efficient contract management through a uniform framework. Simultaneously, these regulations serve as a guarantee that the rightful bidders are provided with PPP arrangements in a transparent and accountable procedure, therefore, eliminating the threat of arbitrariness, and consequently, causing the improvement of public trust. Conversely, regulators are also critical towards ensuring the sustainability of PPP schemes. As an example, the agencies such as Public Private Partnership Appraisal Committee (PPPAC), NITI Aayog, and sector-specific regulatory authorities through offering oversight, creating standards, problem-solving and offering investors assurance that the rules will be adhered to, control PPPs. Moreover, they put their principles into practice, which leads to the stability of the PPP management and therefore, preconditions the private inflow of capital.

C. Loopholes & Legal Challenges in PPP Implementation

Public-Private Partnerships (PPPs) are widely considered as an effective mechanism for increasing infrastructure development in India. However, the success of PPPs depends heavily on a vigorous legal and administrative foundation. Apart from significant progress, Public Private Partnership framework of India continues to face various legal loopholes and structural crisis that hinder “sustainable development and social equity”.

One of the prior challenges is the absence of a comprehensive, uniform Public Private Partnership legislation. At present, India operates with scattered guidelines, sector-specific rules, and *Model Concession Agreements (MCAs)* that lack statutory authority. This framework creates inconsistencies in risk allocation, contract enforcement, and dispute resolution across sectors and states. In absence of a binding national Public Private Partnership law, accountability mechanisms remain weak, making Public Private Partnership projects vulnerable to arbitrary decision-making and corruption.

Asymmetric and poorly structured risk allocation is another loophole. In many Indian “PPP projects, demand risks, land acquisition risks, and cost-escalation risks” are disproportionately shifted onto the public sector. When revenues fall short or delays occur, the government often ends up compensating private concessionaires through renegotiations, viability gap funding, or contract extensions. These improper clauses contradict the utmost Public Private Partnership principle of efficient risk-sharing and lead to significant fiscal burdens, stalled projects, and public discontent.

Currently, transparency and accountability to the populace are other grave issues. Bid evaluation, restructuring and amendments in contract are usually done without much public attention. The law does not consist of any mandatory disclosure standards, independent control institutions, or a community consultation statute. Such transparency weakens the trust, opens questions of favouritism and equitable access to the benefits of the project.

A major area of concern relates to land acquisition and displacement, especially in infrastructure sectors such as highways, mining, and urban development. “Although the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 provides safeguards, PPPs often bypass rigorous social impact assessments or reduce rehabilitation obligations¹⁰. This brings about contractual schedule conflicts with statutory protection, which results in litigations, protests, and human rights abuse- especially to the vulnerable groups.

Environmental compliance is another weak link. PPP projects occasionally regard Environmental Impact Assessments (EIAs) as a procedural and not a substantive obligation. The current regulatory system does not have robust enforcement policies that would force the private partners to incorporate climate-resilient, low-carbon or ecologically sustainable practices. As a result, environmental degradation and resource depletion become unintended consequences of infrastructure expansion.¹¹

In addition, conflict management systems are ineffective. PPP disputes are normally characterized by some complicated financial, contractual as well as regulatory issues, but India has no specific tribunal to deal with infrastructure disputes. The process of arbitration is often time lengthy and costly and this puts away investors and postpones the delivery of the project. Lack of a quick, expert-driven resolution system contributes to uncertainty as well as loss of faith in the private sector. The second problem is low institutional capacity, particularly in state and local levels. Most government officials are not experienced to negotiate complicated PPP contracts and assess financial feasibility and monitor adherence. This puts an imbalance in the bargaining power between the advanced activities of private players and ill prepared public agencies.

Public- Private Partnership (PPP) projects can be severely hindered by the citizenry because it directly affects the community, land, environment, and government services. This opposition

¹⁰ Tata Motors Ltd. v. State of West Bengal, (2017) 13 SCC 305.

¹¹ Centre for Public Interest Litigation v. Union of India, (2012) 3 SCC 1.

often manifests itself in Public Interest Litigation (PILs), which may postpone or put on hold projects, increase expenses and bring uncertainty to the law.

- Absence of a comprehensive, uniform PPP legislation.
- Asymmetric and poorly structured risk allocation
- Transparency and public accountability
- Land acquisition and displacement
- Environmental compliance
- Dispute resolution mechanisms

So, these were some legal challenges or loopholes faced by the PPPs in achieving sustainable development or social equity.

D. *PPPs & Social Equity*

PPP is now a critical process through which infrastructure and government services are provided in India. Although the PPPs introduce efficiency, innovation and capital investment, their interaction with social equity which refers to fair and just allocation of opportunities, benefits and burdens to all the sections of the society is a highly disputed issue. Social equity requires that development projects should foster inclusiveness, affordability as well as justice. Nevertheless, the PPPs in India have a reputation of giving mixed results because of the structural, legal, and governance related problems. “Access and affordability is one of the key issues. When the private players engage in the delivery of services to the general population, in the areas of transport, health, learning, or urban development the ultimate goal the players have is the financial sustainability. In the absence of powerful legal protection, this may cause user fees that cost-sharpen economically disadvantaged populations more than others.

As an illustration, the toll road systems or hospitals that are run privately tend to develop borders over the marginal members of the society. There is a lack of binding affordability clauses in the majority of concession agreements that undermines the power of the state to promote fair access. The second issue is land acquisition and displacement which is usually accompanied with large PPP projects. Although the law provides protections in accordance with the Act of Fair Compensation and Transparency in Land Acquisition, 2013, most of the communities, especially the tribal and rural people face loss of livelihood, fair compensation as well as social dislocation.

PPP arrangements seldom incorporate the aspect of long-term rehabilitation and leave the responsibility altogether on the government and disregard the social economic vulnerabilities of affected groups.” Social equity also demands significant involvement of the local communities in decision-making. Nevertheless, the PPP system in India is usually top-down oriented. Consultation with stakeholders is usually formal or procedural, particularly in engineering fields such as power, transport and urban regeneration. Environmental and social impact assessment (ESIAs) are often prepared without being done in a sincere manner or transparently thus weakening the confidence between the state and communities. Moreover, PPPs have the capability of strengthening regional disparities. The privatized investors will favour commercially viable geographical areas leaving behind the backward districts with less projects and poor infrastructure. This trend goes against the constitutional obligation of equal regional development. Investments in underdeveloped regions are usually not endowed with adequate government incentives because of the legal and financial risks that are felt by the private partners.

Responsibility and redressal of grievances is another aspect of social equity. With the PPPs, the state and the partners lose their sense of accountability in most projects. The citizens find it difficult to find out who caused the failure of the services, delays, or damage to the environment. The current legal systems lack sufficient measures to address grievances of the community and the private organizations are not obligated to the Constitution directly on the issues of Articles 14 and 21. This loophole brings up issues of transparency and accountability. Nevertheless, it is possible that PPPs can promote social equity in the case they are well-designed. Water supply, affordable housing, renewable energy, and urban services projects have demonstrated that PPPs can be applied to vulnerable populations via viability gap funding (VGF), outcome-based contracts, and through a mandatory service-level obligation. The introduction of protective strategies such as conflicting pricing, social responsibility tracking, involvement of the community and direct stipulations regarding equity can contribute a great deal to successful results.

To sum up, the relationship between PPPs and social equity in India is complicated. Even though the PPPs have significant potential of increasing inclusive development, it has to be made successful through effective legal structures, transparency, and working social protection. India can do nothing but ensure that development benefits are fulfilled by all groups in the

society all the more by imbibing the aspects of equity in the design, implementation and monitoring of PPPs.

E. Recommendations (Perspectives from Other Jurisdictions)

An overview of best global practices of PPP can provide significant insights into improving the PPP framework in India especially how to improve on legal certainty, transparency, sustainability and social equity. “Other jurisdictions- the United Kingdom, Australia, Chile, South Africa, and the European Union- have come up with sound legal frameworks that guarantee effective and fair provision of infrastructure services. It is based on these experiences that India will be able to take a more holistic and legally based approach to PPP governance. First of all, such countries as the UK and Australia have signed extensive PPP legislation that provides a clear definition of procurement processes, the role of stakeholders, and mechanisms to share risks, as well as to monitor standards”.

India, in its turn, is dependent on guidelines and model concession agreements that do not have any statutory support. A special PPP act would aid in streamlining bidding standards, renegotiations, disclosures and creation of compulsory performance audits. It is also necessary to enhance regulatory structure, as it is done in Chile, where there is an independent Concessions Superintendency, which guarantees compliance with contracts, protection of users, and quality control. A similar independent regulated body with the capability of quasi-judicial powers will have a huge positive impact on India by regulating pricing, service levels, and compliance with the standards of sustainability. The other urgent reform zone is associated with renegotiations of contracts. Some jurisdictions like Colombia and Portugal have written renegotiation rules intended to guard against arbitrary amendments to safeguard the public interest. India needs to embrace a transparent and rule-based renegotiation guidelines and compulsory disclosure of contractual modification and audit by a third-party expert body. In addition, the PPP system of South Africa provides an important perspective on how equity and inclusion can be incorporated in infrastructure projects. Its law system requires the community consultation, the creation of employment locally, and the socio-economic benefits to the disadvantaged groups. India might also incorporate equity-based conditions in PPP contracts such as differentiated pricing mechanisms, community benefit funds and legally enforceable rehabilitation and resettlement commitments.

The Indian procurement can also be a good imitation of the European Union focus on green and sustainable procurement. Incorporation of climate risk analysis, environmental

performance measures and low-carbon technologies incentives can be used to align PPPs with the sustainable development objectives of India. Moreover, the problem of the high-level infrastructure dispute resolution mechanisms in Singapore indicates the necessity of the timely and effective processing of disputes. Having a special National Infrastructure Dispute Resolution Centre in India, where mediation and arbitration procedures are mixed, would make the process of litigation much faster and more encouraging to investors.

Lastly, the experience of Canada highlights the importance of capacity building, especially sub-national level. Infrastructure Ontario has designed its projects to enhance delivery and management of projects through investment in training and standard project templates. The same should be done in India whereby national and state level PPP training academies should be established to build institutional capacity. Combined, these foreign models can provide India with a template in which to develop a more transparent, fair, sustainable, and legally sound PPP ecosystem.

V. Conclusion

Public- Private Partnerships (PPP) have arisen as an important tool to the development of infrastructure and service delivery in India which allows the government to utilize the resources of the private sector in terms of capabilities and innovation, as well as funding. But, the analysis demonstrates that even though PPPs hold tremendous prospects to help nations fulfill their national development objectives, the current legal and institutional framework has its structural loopholes that compromise the need to be sustainable, accountable, and socially equitable.

The fragmented regulations, inconsistencies in the level of contracts, and inadequate transparency, as well as the system of enforcement of projects in sectors, are all hindering the performance of the PPP projects. These loopholes may be observed in an explicit acquisition of land, environmental conservation, money affordability, user and community participation which are critical in ensuring that development trickles down to all corners of the society. As practiced in other jurisdictions, an effective PPP ecosystem should have an effective statutory foundation, effective regulatory institutions, transparent renegotiation, and institutionalized means of interacting with the people. One way through which social equity and environmental PPP contracts have been integrated with their underlying design instead of being joined with sustainability. It is also emphasized by the international models as procedural additions. The PPP approach that in the future, India will be using, should have within it, the legally binding

standards of risks, allocations, consultation with the stakeholders, environmental regulations, and affordability to protect the interests of the people. Institutional is another key factor of a successful project planning capacity since it will assist in boosting the institutional capacity of the central, state and local level. Participation in a comprehensive legal, by importing the best practices of other countries (PPP) restructuring, India will be able to turn PPPs into the tools of inclusive growth and equitable growth not only will not the advancement be swift, but also widespread among the Indian people.



References

1. Asian Development Bank. (2018). Public–private partnership operational framework. Asian Development Bank.
2. Centre for Public Interest Litigation v. Union of India, 3 SCC 1 (2012).
3. Ghosh, A. (2017). Evaluating PPP frameworks in India: Issues and challenges. *Economic and Political Weekly*, 52(—), xx–xx.
4. Grimsey, D., & Lewis, M. K. (2004). Public private partnerships: The worldwide revolution in infrastructure provision and project finance. Edward Elgar Publishing.
5. Kelkar Committee. (2015). Report on reforming the PPP model in India. Ministry of Finance, Government of India.
6. Organisation for Economic Co-operation and Development. (2012). Principles for public governance of public–private partnerships. OECD Publishing.
7. Reliance Airport Developers v. Airports Authority of India, 10 SCC 1 (2006).
8. Sahoo, M. S. (2017). Public–private partnerships in India: Lessons from experiences. Oxford University Press.
9. Sahoo, M. S. (2017). Public–private partnerships in India: Lessons from experiences. Oxford University Press.
10. *Tata Motors Ltd. v. State of West Bengal*, 13 SCC 305 (2017).

Indian Journal of Law & Society