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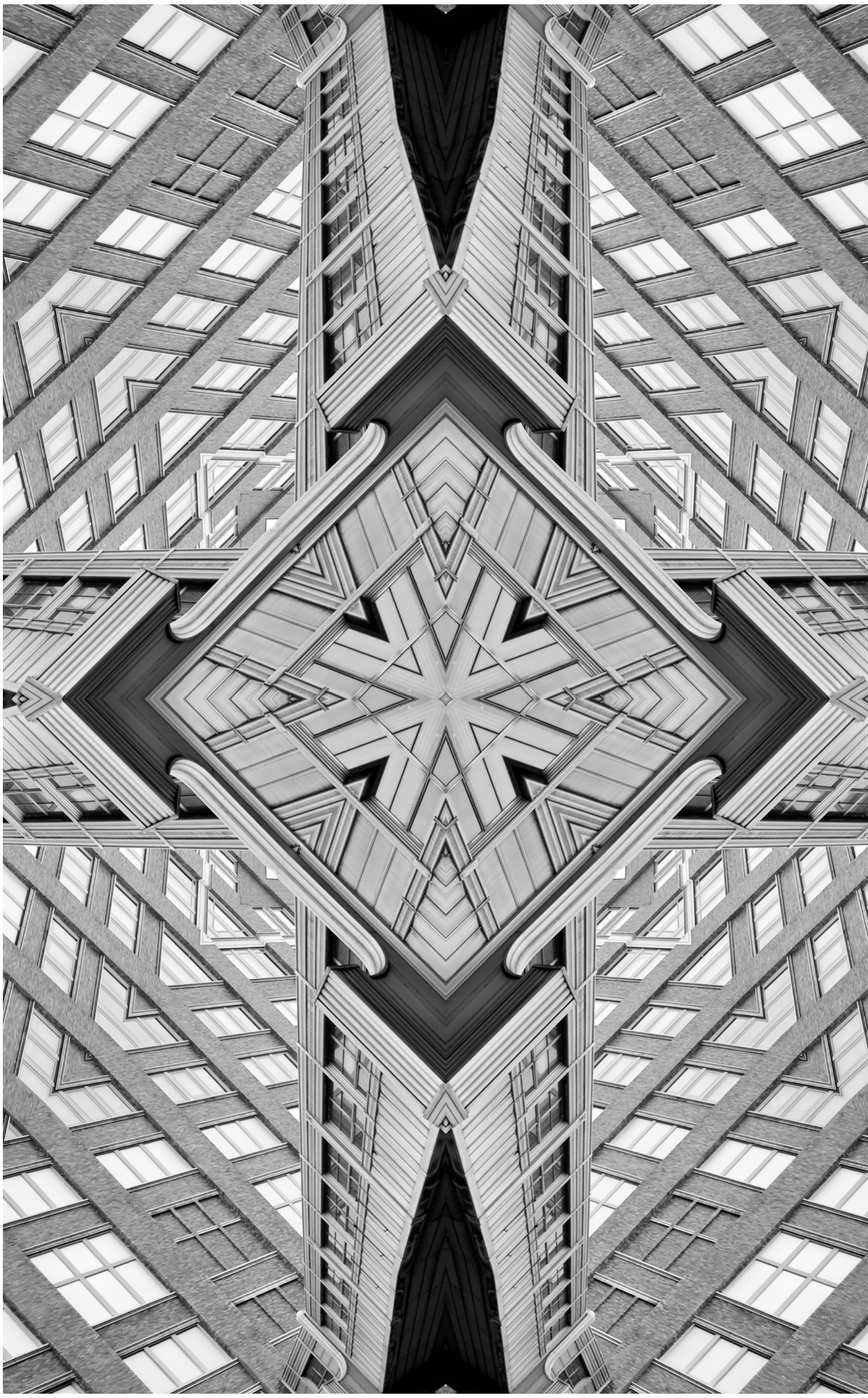

Improving PPP Strategies for Municipal Infrastructure and Service Delivery

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Abstract

Public-private partnerships (PPPs) have had a long history globally and in India. While the Indian government supports this partnership model, PPPs have experienced little success in delivering municipal infrastructure and services. This is despite the demands of a rapidly growing urban population for local services, which the municipal bodies are often unequipped to deliver. Indeed, in many cities across the world, there is an emerging push for 'remunicipalisation', or the return of vital services to local authorities. The experience of these cities could provide valuable lessons to India.

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Introduction

The World Bank defines public-private partnerships (PPP) as a "mechanism for government to procure and implement public infrastructure and/or services using resources and expertise of the private sector."[1] The PPP model rests on the acknowledgement of the specific strengths of the two parties—the public and the private sectors—and recognises that the two must share the risks and responsibilities in implementing and providing the intended infrastructure or service.[2] These risks and responsibilities are typically clearly established in a PPP agreement and are backed by a legal and institutional framework and robust governance and monitoring mechanisms.[3] Attracting private investment and involvement in such projects, however, is not an easy task. For the Indian government, the key prerequisite "is to lay down a policy framework that assures a fair return for investors provided they attain reasonable levels of efficiency, and protects the interests of users, especially the poor."[4]

For decades now, PPPs have been a recommended model for providing public infrastructure and services in many countries, including India.[5] This is primarily because the PPP model has introduced innovation, greater investment and efficiency, and lower costs. Examples are PPPs for the water sector in Chengdu, Chonqing, and Yunnan in China,[6] for municipal solid waste management in Sunyani, Ghana,[7] and for road development in India's northeast.[8] In recent years, certain negative aspects of the model have surfaced in many countries, particularly in municipal services. These include cost and time overruns, deficits in service delivery, and tariff hikes.[9]

This brief assesses the evolution and advantages of the PPP model globally and in India, as well as the current criticisms and consequent calls for 'remunicipalisation'. This concept is also known as 'in-sourcing' or 'de-privatisation', and is understood as the return of vital municipal services to the municipality and the provision of such services by the local governance body rather than the private sector.

The Emergence of PPPs

The origins of PPPs, or similar partnerships between public and private entities, can be traced back several centuries. About 400 years ago, for instance, Britain sought the services of a private company to help manage the waterways used for transport.[10] In the United States (US), private entities were involved in the construction of highways and bridges as early as the late 1700s.[a,11] In the 1970s, China partnered with a private firm to feed zoo animals amid a nationwide meat shortage.[12] The PPP model would grow in prominence across China in the subsequent years, and in 2014, the country introduced key documents encouraging PPPs,[13] with the finance ministry greenlighting 1,043 such projects.[14]

Similarly, PPPs in the US became more relevant beginning in the early twenty-first century.[15] By January 2013, 33 states had enacted laws authorising PPPs in highway and bridge projects. In the United Kingdom (UK) in the 1980s, public industries and utilities experienced poor return on capital, low productivity, high costs, strained labour relations and unsatisfactory customer service and were completely divested of their functions. These services[b] were transferred to private ownership and operation to encourage greater efficiency, more labour productivity, and better regulation; by 1990, over 40 public sector businesses and 600,000 workers had been privatised.[16,17]

Globally, the privatisation of water was actively promoted since the 1990s and it was easier to get multilateral debt if the urban local bodies (ULBs) took the PPP path. In India, however, despite governmental support and wide success in non-ULB infrastructure at the national level, PPPs have struggled to find space in municipal infrastructure.[c] This is perplexing, since the PPP format was introduced in the country more than a quarter century ago, when the first two projects—the Rau-Pithampur Road in Madhya Pradesh and the Noida toll bridge—were undertaken using this format.[18]

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a For instance, in the eighteenth century, the Charles River Bridge Company was allowed to construct a bridge over the Charles River between Boston and Charlestown in Massachusetts, collect tolls for 40 years, and hand the bridge back to the state at the end of this period.

b Including industries such as steel, railways, airways, airports, and aerospace, and utilities such as gas, electricity, telecom, and water.

c Some of the most crucial are water, sewerage, solid waste management, traffic administration, and transportation.

PPPs and Municipal Infrastructure

There has long been an acknowledgement of the need for PPPs in providing municipal infrastructure, especially in developing countries like India.[19] Municipal governing entities worldwide have several similar functions, such as the provision of water and sewerage, sanitation and solid waste management, city roads, streetlighting and maintenance of gardens and open spaces. India's ULBs are typically responsible for many of these functions but are often not adequately funded and face capacity deficiencies. Given these issues, municipal bodies must consider partnering with external organisations and individuals with the ability to overcome their shortfalls, even if this results in diluting their monopoly over the provision of services.[20]

Through the PPP model, such a partner could ease the workload of the local governance body by undertaking certain municipal functions—for instance, the private organisation could be responsible for highly complicated and technical jobs for which the municipal body may not have the required expertise. Many Indian ULBs have sought the private sector's assistance in handling complicated infrastructure and architectural designing work, conducting transportation and environmental studies,[d] preparing major road/viaduct plans, restoring and maintaining iconic buildings, and in other areas where they may not have the internal proficiency.[21] Furthermore, non-routine municipal functions that are periodic requirements (such as drawing up city master plans) can also be undertaken in partnership with a private entity. Low-priority or unexpected municipal tasks without budgetary support could also qualify for the PPP structure.[22]

d Examples of such work are the Comprehensive Mobility Plan Mumbai, Hyderabad, Chennai, and Indore, MTHL and Bandra-Worli bridge designs, environment impact assessment and management plan for Kandla Port.

The Push for Remunicipalisation

A number of countries that blazed the trail for PPPs are rethinking this approach, pursuing remunicipalisation by disengaging with the private sector and reclaiming public infrastructure and service delivery.[23] This is partly due to the substantive cost escalation caused by semi-privatisation and the gaps between the private sector's assurances (in terms of service delivery, timelines and cost) and the reality. At the same time, there are ongoing efforts to overcome the weaknesses in the public sector that gave rise to the need for private-sector involvement, to begin with. One such area is capacity, particularly in the management of services, and several municipalities (e.g., Ontario, Cardiff, and Guben) are opting for corporatisation[e] to overcome this deficit.[24]

Since the year 2000, 835 cases of remunicipalisation of public services were documented across over 1,600 cities in 45 countries.[25, 26] These include several European countries, Indonesia, Malaysia, the Philippines, Germany, Norway, the US, Chile, and Canada.[27] These reversals were mainly in sectors such as water, transportation, waste management, housing, and electricity, and there were also cases in the education, healthcare, and management sectors.

For example, in 2010, Paris annulled the privatisation of water services following citizens' demands to revert to public ownership so water could be available at cheaper rates.[28] In Berlin and Hamburg, after 2011, there were campaigns against the privatisation of energy supply, and a proposed third price hike eventually led to service returning to the public sector in 2014.[29] Spain has also witnessed similar remunicipalisation efforts, especially in the water sector.[30] Notably, in many of these instances, the remunicipalisation led to the formation of public corporations that were made responsible for managing public services.[31]

Several healthcare systems, such as those in the US, Germany, Croatia, South Korea, and Sweden, have been privatised over the last 40 years,[32] purportedly to impart quality in the delivery of healthcare services through greater market competition and to draw strength from the flexibilities and patient-centric approach of the private sector. Outsourcing health services to the private sector

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e Corporatisation is a method by which a public service can be delivered by a public organisationby creating a publicly owned entity that functions with operational independence and at arm's length from its parent public organisation.

The Push for Remunicipalisation

was expected to ensure patients' well-being, promote innovation in healthcare delivery, and eliminate unnecessary bureaucracy.[33] Such privatisation, however, was found to have increased the costs borne by patients as well as the private entity's profits. Privatised healthcare facilities indulged in a selective intake of patients by preferring profitable patients, over-prescribing services, discharging patients prematurely, and reducing the number of staff.[34] At the same time, the health outcomes for patients declined. Given these developments, several cities have sought to reclaim their health services.

India and Municipal PPPs

India has seen the adoption of many PPP projects in roads and transportation,[35] airports and aviation, ports, and railways, but has seen limited success at the local level.[36] Municipal PPPs gathered significance only in the last decades of the twentieth century. Municipal infrastructure in India was typically viewed as a public monopoly.[37] Moreover, since most municipal services were considered public services, the concept of cost recovery was rendered irrelevant and, as such, not suitable for a commercial venture.[38] There were also persistent misgivings about the private sector's tendency to seek undue profit. For instance, protests often erupt against the exploitation of passengers by undisciplined private bus operators across the country.[39]

At the same time, the private sector also appeared hesitant to partner with municipal bodies. Urban infrastructure typically required large investments that could only be recovered over a relatively long period.[40] Additionally, India's tiered governance structure meant many decisions needed multiple clearances locally and at the state level. Given their inexperience in working with ULBs and the political and governance climate in these entities, the private sector appeared to fear the emergence of many unmanageable uncertainties.

Despite these anxieties, certain factors encourage the adoption of the PPP model in the provision of municipal infrastructure and services. Indian cities are expanding rapidly, both geographically and demographically. Even more significant is the increase in the number of metropolitan cities (those with populations exceeding one million), to 65 in 2024.[41] The metropolitan cities are home to a substantial percentage of India's total urban population (42.31 percent as per the 2011 Census.)[42]

Amid such urban expansion, large cities struggle to keep pace with the ever-expanding demand for municipal infrastructure. ULBs cannot meet the infrastructure demand due to the rising volume and tight timeframes, nor can they secure and access resources for the needed infrastructure. Larger cities may also require infrastructures of a higher quality that may be beyond the technical capabilities of the ULBs. Maintaining, upgrading, and replacing outdated infrastructure is also necessary. This is the ideal situation for the emergence of PPPs in ULBs.

However, there is much to be done to encourage private sector participation in developing and providing core municipal infrastructure. Most PPP projects in India are at the central and state levels,[43] while ULB-level PPPs are small and largely outside the core municipal services. According to the India Infrastructure Report 2023, only 10 percent of all PPP projects in the country were in urban areas, primarily in the states of Gujarat, Uttar Pradesh, and Maharashtra, and the low uptake of PPP projects in ULBs was mainly due to the lack of institutional capacity.[44] Of the limited number of urban PPPs, most are in the sectors of transport (38 percent), solid waste management (37 percent), and water supply and sewerage (25 percent).[45]

Given the limited success of PPPs in cities, such entities have had little role in improving municipal finances. This is primarily because higher degrees of private participation typically require a lengthy contract period, larger private investments, and greater private responsibility and accountability. At the same time, such PPPs necessitate a transfer of greater authority from the public to the private entity, alongside robust revenue streams and tariffs to enable the private operator to recover their investments and earn profits. However, the municipal authorities are often uncomfortable ceding power and control over key infrastructure and services.[46] They are also wary of the political public backlash that higher tariffs may provoke. Private participation through PPPs can have other consequences, such as costly litigation, on account of non-performance of contractual obligations by either party, time and cost overruns, and failure to deliver efficiency and assured quality.

A fundamental criticism of PPPs is their inability to deal with issues related to poverty. For instance, the water supply privatisation effort in Nagpur, Maharashtra, not only failed to achieve the predetermined quality parameters but resulted in hefty hikes in water tariffs.[47] The municipal union of Nagpur, civil society groups, and organisations from across India protested against the failure of Nagpur's PPP.[48] Similarly, other cities where water services have been privatised—such as Durg in Chhattisgarh, Khandwa in Madhya Pradesh, Latur in Maharashtra, and Hubli-Dharwad in Karnataka—have also experienced citizen-led campaigns primarily against steep tariff hikes.[49]

Despite these setbacks, the Indian government and states view PPPs favourably, given the municipalities' weak municipal capacity and severe resource crunch. The limited capacity of ULBs (particularly those in small- and medium-sized towns) in handling the complexities of PPPs has impeded the uptake of this model for infrastructure provision in cities.[50] As such, the proper implementation of PPP projects requires an institutional structure that enables constant learning and a specialised entity to ensure the efficient execution of such initiatives. For instance, they can assist ULBs in the legal and contractual aspects of PPPs so that they can engage with the private sector.

Additionally, given the widespread lack of capacity at the local level, it is vital for the centre and states to support the ULBs. With this in view, the Infrastructure Finance Secretariat (IFS) has prepared a Reference Guide[51] with the objective of assisting states to develop their own institutional architecture. The Guide provides a framework and guiding principles for setting up PPP units in states. It also offers built-in flexibilities so that states can set up PPP entities that are specifically suited to their context.

Notably, Indian government schemes also have a significant capacity-building component focused on PPPs. For instance, the Jawaharlal Nehru National Urban Renewal Mission envisaged that states and the ULBs could establish PPPs.[52] Similarly, the Swachh Bharat Mission provides for collaboration between the local government and the private sector to undertake projects promoting sanitation, cleanliness, and hygiene.[53] The Smart Cities Mission favoured PPPs for implementing smart city projects in ULBs and states.[54] Finally, the Atal Mission for Rejuvenation and Urban Transformation provides for institutional and individual capacity building through field visits, workshops, and seminars, and mandates the establishment of PPPs in cities with million-plus populations.[55]

The centre and states must also proactively observe and rectify ULB finances, as Indian ULBs are among the weakest worldwide in terms of the capacity to raise resources and financial autonomy.[56] An imperative is for central and state governments to strengthen local governments with their own sources of revenue, predictable formula-based transfers, and other transfers[f] to help the ULBs discharge their functions.[57] Compounding the ULB's dire financial situation is the goods and services tax, as most of the revenue handles have been subsumed by the tax.[58] The negative fallouts for ULBs on account of GST can be compensated by transferring a percentage of GST directly to the cities.

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f A predictable formula-based transfer refers to transfers to ULBs that are based on a basket of criteria that are uniformly used for ULBs without any arbitrary exercise of discretion. Other transfers, inter alia, refer to transfers recommended by Central Finance Commission and State Finance Commissions.

Conclusion

In India, in addition to the municipal decision-makers' desire to maintain control over local services, other perceived negatives associated with PPPs have discouraged their broad adoption. A crucial obstacle appears to be that while privatisation may bring in efficiency and quality, it is weak in handling the issue of equity. In many instances, the tariff charged is not commensurate with the quality of service. As public services are widely seen in terms of universality and affordability,[59] PPPs may not be ideal in contexts where the service is critical and must be made available to all citizens at affordable rates.

Specific strategies can be adopted to improve the prospects of unviable PPP projects. India, for instance, has revamped its viability gap funding scheme to provide higher financial support (up to 60 percent of the total project cost) for social sector projects such as water, wastewater, solid waste management, health, and education projects.[60,61]

There are many potential avenues for PPPs in municipal infrastructure and services. However, most ULBs lack capacity in the area of PPPs. As such, India can consider preparing standard contractual documents for specific municipal services and establish a state-level organisation to manage these aspects for smaller ULBs.

While cities worldwide have adopted a remunicipalisation approach, Indian cities cannot yet consider this option as their ULBs have weak in-house technical capacity and frail finances. Additionally, the ULBs are not equipped to tackle the pressures exerted by and meet the demands of the growing urban populations on and for local infrastructure and services. The situation is exacerbated by the large inflow of poor migrants from the rural regions, who provide vital services to the city's economy, but need basic municipal services at affordable rates to live a decent quality of life and continue contributing productively to the local economy. As such, the centre and states will need to consider how they can guide and encourage ULBs through the process of identifying avenues for, establishing, and successfully implementing PPPs. Without such support, PPPs in core municipal infrastructure appear unlikely to see success in India.

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