

PRIVATE-PUBLIC PARTNERSHIP IN EDUCATION: POLICY GAPS AND OPPORTUNITIES IN NEPAL

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Abstract

Public Private Partnership (PPP) is a concept largely popularized by the multilateral banks and nowadays widely included by the governments of developing nations. PPP covers multiple sectors of infrastructure and services, including education. Also known as e-PPP, the PPP in education has been applied in many countries and is known to have mixed results. Although the e-PPP exists in various forms in Nepal, the Public Private Policy 2015 remotely mentions PPP in education. Although the discussion among the various stakeholders, reports, and reviews highly discusses the role and need of the policies for the management and monitoring of e-PPP in Nepal, there is no clear idea regarding what shall be included in the upcoming e-PPP policy. The authors have used a doctrinal method based on the desk review of the articles, books, policies, and news articles concerned with e-PPP. Furthermore, the authors have focused on the critical examination of e-PPP around the world since it can serve as a lesson for the upcoming e-PPP Policy in Nepal. The paper firstly reviews the various policies directly and indirectly concerned with e-PPP in Nepal, then mentions the current status of e-PPP in Nepal, then discusses the various challenges related to e-PPP in nexus with sustainable development goals and finally it suggests the way forward using the examples of various nations to select a modality that is in tandem with the concerns of all level of governance in Nepal.

Keywords: Public Private Partnership, Policy, e-PPP, SDG, Nepal.

Introduction

We learned about Public-Private Partnership (PPP) for the first time during a World Bank-sponsored Massive Open Online Course (MOOC) on the subject. Where we came to learn that PPP is a process involving the private sector in national development by tapping private resources through its active engagement. PPP is advocated when public resources are unable to meet public needs (Tilak, 2016). PPP is an investment strategy whereby the private sector finances public projects in exchange for a return on investment, all within a predetermined legal framework. (Asian Development Bank, 2017). From infrastructure development sectors i.e. airports, hydroelectricity, and roads nowadays it is extended to the human development sector i.e. health and education. (Tilak, 2016).

In public-private partnerships (PPPs), the private sector finances public projects in exchange for returns on investment that fall inside predetermined legal parameters. (Eurodad, 2018). Adopted at the Third International Conference on Financing for Development (Addis Ababa, Ethiopia, July 13–16, 2015) were Agenda Items 48 and 49 of the Addis Ababa Action Agenda (2015). Also, the UN views PPP backed by transparency and accountability as a tool to achieve the goals outlined in SDGs and shall be adopted by governments in their financial plans (Asian Development Bank, 2017). Parallel to this, the Nepalese Constitution of 2015 acknowledges the significance of involving the public and private sectors in cooperatives and guiding principles for state policies. Additionally, Nepal's Fifteenth Plan (2019/20–2023/24) emphasizes how PPP is inescapably necessary to mobilize investment to meet development objectives.

Although PPP is needed in several areas, including education, there hasn't been much of a choice in terms of modality or legislative action in Nepal that supports e-PPP. To gather information about the legislation and PPP modalities that need to be addressed in national legal instruments shortly, the paper critically examines the current national provisions that are either directly or indirectly related to PPP and thoroughly review examples of PPP in education around the world using doctrinal methods.

Problem Statement

Despite the recognized importance of Public-Private Partnerships (PPP) in national development, including education, Nepal lacks clear legislative frameworks and defined modalities for e-PPP. While the Nepalese Constitution and the Fifteenth Plan emphasize PPP's role, there is little legal guidance or structured approach to implementing e-PPP in the education sector. This gap hinders effective investment mobilization and policy execution. The absence of a well-defined policy framework creates uncertainty regarding accountability, resource allocation, and implementation strategies. Additionally, without proper legal backing, partnerships in the education sector risk being inconsistent, unsustainable, and ineffective in addressing educational disparities. A comprehensive policy and regulatory framework are essential to ensure that e-PPP contributes meaningfully to improving education quality and access in Nepal.

Objectives

- The article is focused in the given objectives:
- To analyze existing national policies and legal provisions related to PPP in education.
- To review global examples of e-PPP and their applicability in Nepal.
- To identify gaps in Nepal's legal framework regarding e-PPP.

Methodology

This paper uses a literature review and qualitative research to examine e-PPP in Nepal. It applies historical and analytical approaches to assess policies and programs, analyzing key legal frameworks like the Constitution, PPP Policy 2015, School Sector Development Plan (2016/2017-2022/2023), The Fifteenth Plan (Fiscal Year 2019/20 – 2023/24), Education Policy, 2019, Education (Eighth Amendment) Act, 2073.

Public-Private Partnership in Education

According to Asia, Africa, and Latin America Finnigan (2018), PPP in the education sector is known as "e-PPPs". There are many examples of e-PPP in developing countries. According to UNICEF (2018), PPPs, or public-private partnerships, are long-term legal agreements that cover all or a portion of the infrastructure and service delivery of education between the government and a private provider. *"PPP is a framing structure through which both sectors complement the strengths of each other in the financing and provision of education services"* (Finnigan, 2018). E-PPPs can serve as an important tool to increase equity, improve the quality of the service, and effective service delivery, and expand the possibility of finances. (Patrinos et al., 2009).

In the UK and Europe, e-PPPs initially focused on building and maintaining school infrastructure. Over time, this approach expanded to include educational services like teaching and administration, promoting equity through school vouchers, and blending models to address both infrastructure and services.

In many developing nations, school enrollment remains low, especially among low-income families, indigenous people, and girls. Inequity, inefficiency, and low inclusivity are also major issues. In such cases, the government can finance and set policies, while private companies handle service delivery (Patrinos et al., 2009). PPPs are seen as a way to improve education quality, accessibility, and cost-effectiveness, but challenges like teamwork and accountability persist (Aslam et al., 2019).

As advocated by the Addis Ababa Action Agenda, PPPs can help achieve SDGs in developing nations like Nepal, enhancing education quality, accessibility, and cost-effectiveness. However, challenges such as teamwork and accountability remain. In this context, PPPs can help bridge gaps and support the achievement of various goals, including education (Srivastav & Shakya, 2012).

Currently, local governance is one of the major stakeholders in the context of education, it provides an opportunity to explore new ideas and approaches. Also, it can be an explorative and experimental journey in case works can serve as an asset if not a lesson.

Historical Evolution of PPP in Nepal

The Ninth Five-year Plan (1997–2002) was the first to significantly promote PPP in urban areas, adopting a Built, Own, and Transfer (BOT) policy. This led to various legislations and policies, including the Hydropower Policy, Foreign Investment & Technology Transfer Act (1992), and BOT Policy for the road sector (1999). Other key developments include the Public-Private Partnership Policy (2015), Foreign Investment and One-Window Policy (2015), and the Electricity Regulatory Commission Act (2017) (Bhatta, n.d). Here is the detailed timeline of the evolution of PPP in various legislations, policies, and programs of Nepal.

National Legislation on Private Partnership Policy in Nepal

A. Constitution of Nepal 2015

The constitution outlines its vision for finance and education through the Directive Principle and State Policies. Article 50(3) emphasizes sustainable economic development by mobilizing resources through public, private, and cooperative participation. Article 51(h) aims to

regulate private investment in education, enhance state investment, and gradually make higher education accessible and free.

Public-Private Policy Nepal 2015

Some of the main components of PPP are described in the PPP Policy 2015: (i) a contract between public and private entities; (ii) the provision of goods and services of public interest; (iii) the transfer of risk to a private party; (iv) best value to citizens; and (v) a regulatory framework.

The PPP policy aims to involve the private sector in developing key infrastructure, including roads, bridges, hydropower, and transmission lines (Himalayan Times, 2015). It also includes education services under Policy No. 11.3 (2)(e). The policy outlines that the government will select PPP projects, handle land acquisition, and serve as the foundation for all related laws and guidelines. It also covers unsolicited proposals, project preparation funds, and a viability gap fund. The PPP Centre and Steering Committee's roles are defined, and a Project Implementation Unit (PIU) must be established by each public entity (Bhatta, n.d.). The policy also mandates risk and benefit-sharing with private developers and offers tax relief for PPP projects.

Policy no 10.7 notices that the ability, productivity, and innovation accessible within the confidential area will be used under the PPP model at public and nearby levels. Additionally, the local level is empowered by Policy No. 11.3.3, which states that techno-economic and market feasibility will be the deciding factors in selecting PPP projects rather than a specific order of priority.

In July 2016, Nepal's government announced a PPP center to manage infrastructure and service investments. The PPP cell at the National Planning Commission (NPC) focuses on project facilitation, legal support, and capacity building (PPP Knowledge Lab, as cited by Pradhan 2017).

B. School Sector Development Plan (2016/2017-2022/2023)

School Sector Development Plan highlights partnerships with the private sector are essential to develop and sustain vocational education. Furthermore, the plan also highlights the importance of PPP in secondary-level education to increase access to the disadvantaged and excluded population.

C. The Fifteenth Plan (Fiscal Year 2019/20 – 2023/24)

The Fifteenth Plan of Nepal insists on the national capital formed through the promotion of public-private partnerships and **public-private-cooperative** partnerships for any investment shortfall using a suitable modality.

The plan also acknowledges the division of resources among the three tiers of government and insists on collaboration in the prioritized physical structure i.e. energy, transportation, communication, and urban development. Additionally, the plan also insists on the achievement of sustainable development by arranging required incentives to enhance investment in various sectors i.e. agriculture, industry, and **service**.

The plan calls for a clear PPP policy framework to boost the domestic private sector, infrastructure, and capacity building, drawing from national and global success stories. It aims to

foster PPP coordination across government levels for project development and investment. Additionally, it proposes a National Project Bank to prioritize and manage project implementation.

D. Education Policy, 2019

Policy points out the necessity of having a strong education administration in all three levels of governance. Coordination between the public, commercial, and cooperative sectors is envisioned in the policy, particularly about secondary education.

Education (Eighth Amendment) Act, 2073

This Act has provisions for ‘community’ schools, ‘institutional’ schools, and education cooperatives. So, this act could be useful in the development and extension of partnerships between the municipality and the private sector in the field of education (Pradhan, 2017).

Apart from these the Budget of (2005-06) also welcomed PPP in social sectors like **school education** and public health. Significantly, the Budget (2008-09) accepted PPP as the basis of new national economic policy (Pradhan, 2017). Nepal's budget (2023-24) also mentions PPP and commits that PPP tools like the Hybrid Annuity Model and Viability Gap Funding shall be introduced (Upadhyaya & Co, 2023).

Current Status of e-PPP in Nepal

In 2011, Nepal's National Planning Commission introduced three PPP models. The revenue-based model relies on user charges, the availability-based model involves government payments, and the hybrid model combines both (Srivastava & Shakyas, 2012; ADB, 2017). These models apply across sectors like transportation, health, and education. As per the Asian Development Bank (2017), the government of Nepal was willing to apply these modalities in the **infrastructure sector** basic services such as health and education. A few examples e- PPP in Nepal are:

- a. **Service contracting:** The public sector has a contract with a private partner to provide a particular level of service. Those contracts were typically 1–3 years in duration. Under the Basic and Primary Education Program II, the GoN provided support to community-based early childhood development centers. The National Center for Educational Development outsourced the delivery of teacher training to non-state entities.
- b. **Management contracting.** A private partner operates public assets for a management fee, usually for 3–5 years. The Laboratory School in Kritipur, funded 60% by the government, was near closure. Little Angel School took over its management, increasing enrollment from 70 to 1,300, including 30 visually impaired children, within five years.
- c. **Demand-side financing.** The government pays private providers for public services based on specific outcomes. Manmohan Remembrance Polytechnic, established in 2005, operates under a tri-party agreement with Nepal, India, and CTEVT, receiving grants and support for infrastructure. Similarly, CTEVT collaborates with United Mission and Tansen Hospital for Tansen Nursing School. Other examples include Bharatpur School of Health and Madan Ashrit Memorial Technical School.

E-PPP also aims to promote transformative learning, such intention has been reflected in the education policy, SSDP, etc. There is little literature available that discusses the e-PPP modality and its prospects in Nepal. In the lack of monitoring and evaluation of these existing programs, and also reporting it is difficult to find out if these existing programs are concerned with various aspects of education including transformative learning.

Nepal's policies affirm PPPs but focus more on urban development than education. Education policies mention PPPs but lack guidance. NGO reports on existing models offer some direction for e-PPP's future.

Challenges in the implementation of e-PPP in Nepal

a. Lack of reality check.

PPP has become a fashionable slogan and a development jargon over the decades and is known to have mixed outcomes (Tilak, 2016). As per the Fifteenth Plan (FY 2019/20 – 2023/24) creating a favorable environment for mobilizing resources, labor, skills, technology, and professional capacity of the private sector and increasing capital investment under federalism and intergovernmental coordination is an immense challenge.

Various international research studies have other opinions on e-PPP. Studies in Pakistan and Uganda found evidence that education quality was poor in PPP schools due to a lack of investment and reliance on unqualified teachers, lack of adequate structures for oversight of schools or accountability to communities (OXFAM, 2019).

Studies criticize e-PPP for worsening discrimination. While Nepal recognizes e-PPP in policies, no studies address its implementation challenges or solutions.

b. Choosing the right modality

Nations vary in e-PPP approaches, from rejection to fully private education. Some contract school management, others purchase services like teacher training, while vouchers remain debated (Patrinos et al., 2009). Mentioning controversy, the e-PPP model in the eleventh plan of India proposed no government control over education and was highly criticized. Despite the intention to set up schools in backward/remote areas with no good school facilities and quality of education, a massive transfer of resources to private schools made education appear more like a commercial service than the public (Tilak, 2016). Hence, it is very important to choose the right model of e-PPP in upcoming policies.

PPPs in education are often misused without clear terms for risk-sharing and learning. Private-sector partnerships should support, not replace, public school improvement (Verger & Moschetti, 2017).

History, political circumstances, and socio-economic structures are some of the key factors to be considered while choosing the appropriate modality. Which when ignored and based on copy-paste can lead to more chaos in education rather than solving the existing challenges.

c. Lack of clear policy and regulatory function

Policy changes and regulatory frameworks have a role to play in enabling private schools to thrive in developing countries (Patrinos et al., 2009). A clear separation of policy and regulatory functions and an institutional framework fostering independent and effective regulatory oversight are critical. Furthermore, to enhance the effectiveness of regulatory institutions, their autonomy, accountability, and independence should be written into law (Asian Development Bank, 2017).

Since Nepal does not have a properly-recognized e-PPP modality, it is a big challenge to choose an appropriate modality and legislative framework.

d. Challenges in implementation

Despite well-designed PPPs, weak implementation exposes governments to risks (Patrinos et al., 2009). The Fifteenth Plan (2019/20–2023/24) identifies challenges in Nepal, including unstable policies, lack of a one-window system, procedural delays, poor coordination, and risks like foreign exchange and unfavorable investment climates. While e-PPP offers advantages, it also faces challenges. Therefore, assessing needs, defining the modality, and ensuring effective monitoring and evaluation are crucial for successful implementation.

The issues to be addressed in the e-PPP policy in Nepal

E-PPPs can aid in the wasteful use of public funds by giving the government the ability to retain strategic, financial, and regulatory control over public education. In certain circumstances, this allows the government to remove itself from the day-to-day management and delivery of the infrastructure and/or services. It is not easy to talk about the advantages and disadvantages of PPPs in the education sector. Policies that are not helpful and only stoke debates can result from policies that do not take into account context specificity and frequently make inaccurate generalizations about the past product. (Verger & Moschetti, 2017).

Hence is vital to address the aforementioned challenges regarding e-PPP through various measures:

1. Choosing the right modality

When selecting the e-PPP modality, it is crucial to choose one that aligns with the nation's financial conditions and circumstances. In Nepal, private schools should adhere to specific operational guidelines, performance metrics, and curriculum standards to qualify for public funding, ensuring government regulation and monitoring (Patrinos et al., 2009). Instead of using government subsidies for private sector business, the education system should promote philanthropy (Tilak, 2016).

In areas lacking government-provided formal or non-formal education, registered non-formal providers could be contracted to offer early childhood and primary education. The key points for framing the e-PPP modality are: (i) leveraging private sector expertise for service delivery, (ii) increasing cost-effectiveness while allowing education officials to focus on teaching, and (iii) ensuring that the quality of inputs can be monitored (Asian Development Bank, 2017).The

assessment of the needs and the available resources in both private and public institutions can serve as an asset in choosing the right modality.

2. Ensuring accountability and monitoring of education service providers

Agenda 48 of the Addis Ababa Action Agenda emphasizes PPPs for sustainable development, with shared risks and clear accountability. Accountability systems should include performance indicators and mechanisms for incentives or penalties (PPP Knowledge Lab, n.d). The government must ensure local stakeholders, such as parents and the community, can hold schools accountable (Aslam et al., 2019). Both quantitative measures (e.g., tests) and qualitative ones (e.g., surveys, inspections) should be considered (Patrinos et al., 2009). Education ministries should reward innovation and revoke subsidies when necessary (Patrinos et al., 2009).

Monitoring and evaluation are often looked down on procedures yet the most important steps in the implementation of policies.

3. Capacity Building and training

Addis Ababa Activity Plan demands limited building in regards to arranging, contract discussion, the executives, bookkeeping, and planning for contingent liabilities. It also promises to develop and implement PPP guidelines and documentation, to hold inclusive, transparent, and open discussions, and to create a knowledge base to disseminate lessons learned from regional and international forums.

Governments can support private schools by providing capacity-building interventions before starting voucher programs (Patrinos et al., 2009). Exchange programs, training, and workshops across sectors like law, finance, and engineering are crucial for maintaining standards (Bhatta, n.d; Patrinos et al., 2009). Additionally, governments must have the ability to run transparent, competitive bidding processes and create a supportive educational environment for PPPs (Aslam et al., 2019). In Nepal, the NPC has organized local workshops on PPPs for stakeholders and experts, which should be expanded and continued (National Planning Commission, n.d.).

With the complex education system involving multiple stakeholders, it is vital to update and upgrade the system.

4. Remove overlapping and duplication.

While PPPs are seen as innovative, many education PPP policies replicate traditional privatization approaches (Verger & Moschetti, 2017). E-PPP should be integrated at provincial and local levels with involvement from all stakeholders to avoid duplication (Bhatta, n.d.). Overlapping and duplication are major hurdles, so it's crucial to monitor and eliminate them in e-PPP systems.

5. Legal and regulatory framework

A few essential components of a PPP are required by international practice: a clear and quantifiable contract period; ownership of the assets; a division of responsibilities; sharing of risk; and, in the case of government funding, performance-based payment. PPPs can provide a temporary fix even though establishing regulations takes a long time because they incorporate regulatory provisions into long-term contracts along with sufficient institutional capacity and legal provisions. (Asian Development Bank, 2017).

By imposing stringent requirements for schools to join a PPP, governments have the potential to impede the growth of the private sector. Additionally, democratic and administrative accountability concerns will be raised by MPs. State regulation and monitoring of private providers has proven to be incredibly time- and resource-intensive, necessitating strong state management capabilities to reverse undesirable externalities like equity and quality. (Verger & Moschetti, 2017).

The National Planning Commission of Nepal (2017) highlighted that, despite an open-door policy and laws encouraging PPPs, significant progress in the infrastructure sector has been limited. Key speakers emphasized that PPPs aim for sustainable development of public services and infrastructure, ensuring public access. They also stressed the importance of Pro-Public and Smart PPPs in future policies. NPC is working on amending the 2015 PPP policy and advocating for related laws (National Planning Commission, n.d.).

Hence the comprehensive legislation on PPP with the proper procedure has become the need of the hour, especially in education as there is very little guidance for the implementation of e-PPP.

6. Good practices

Evaluations of PPPs share lessons that can be applied to the creation and implementation of e-PPP policies in Nepal (Aslam et al., 2019), in addition to adding to the body of evidence regarding how PPPs affect access, equity, and learning outcomes.

7. Pandemic and SDG

Before COVID-19, the world was already off track on SDG targets, and the pandemic worsened progress, making goals like equitable access and quality learning more challenging. In recent years, PPPs have been used to improve access and enhance education through demand-side financing, boosting efficiency and infrastructure (Chakravorty, 2022). The pandemic served as a reality check, emphasizing the need for e-PPP to achieve SDG education goals, particularly in countries like ours.

Discussion

The e-PPP is crucial for achieving education goals, yet countries like Nepal are often excluded from the debate, limiting public participation. This exclusion hinders progress toward SDGs and EFA targets, highlighting the need for greater public involvement in shaping inclusive and effective education policies.

The NPC has made efforts to promote inclusive PPPs, but progress is limited, especially at the local level where schools fall under local jurisdiction. Increased collaboration across all governance levels is essential for ensuring e-PPP policies meet local needs. Globally, e-PPPs have faced both successes and criticisms, particularly regarding equity and discrimination. In Nepal, the absence of clear standards worsens these issues. To address this, the government should study global models with expert guidance and involve education experts in consultations to ensure policies are effective and promote transformative learning.

Studies have consistently pointed to the importance of clearly defining the implementation, accountability, resource distribution, capacity building, and monitoring in e-PPP policies. Without addressing these critical factors, the effectiveness of such policies may remain limited, hindering progress in the education sector.

Although the government supports e-PPP, current policies lack clear guidelines. The NPC should collaborate with key ministries to draft a comprehensive PPP Act, providing a clear framework for modality, accountability, and implementation. Strong legislation is needed to regulate e-PPP, ensuring sustainable funding, improved learning quality, and long-term success.

Conclusion

Despite its importance, countries, including Nepal, are often excluded from the e-PPP debate, hindering progress toward SDG and EFA targets. Public participation is vital in policy development, and while the NPC has made some efforts, more collaboration across all governance levels, especially locally, is needed. E-PPPs globally show both successes and criticisms, particularly around discrimination. Nepal lacks clear standards, so global models should be studied under expert guidance. Policies must address key challenges like implementation, accountability, resource distribution, and monitoring. The government supports e-PPP, but clearer guidelines and strong legislation are needed to ensure funding sustainability and improved learning quality.

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