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**SCHOOL OF
PUBLIC POLICY**

Issue

Brief

Series



“Public Procurement Policies in India and Brazil”

Issue Brief: IB-2026-54

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Cite this report as: Walkikar, S. (2026) “Public Procurement Policies in India and Brazil.” [online]. Available at: <https://www.kspp.edu.in/issue-brief/public-procurement-policies-in-india-and-brazil>

Public Procurement Policies in India and Brazil

Abstract

The Indian public sector is failing to provide young children aged 0-6, with adequate nutrition due to structural issues in the procurement system of supplementary nutrition schemes. To understand how these structural issues can be addressed, the following paper compares policies related to supplementary nutrition in India and Brazil using Snider and Rendon's framework for studying public procurement policies. The analysis revealed that the policies in Brazil are more comprehensive and integrated. They also have legislative backing and establish local oversight bodies that drive the quality of goods procured. Adopting these measures could help India resolve some of the above issues.

Keywords: Supplementary nutrition, Public procurement, School Feeding Program Brazil, ICDS, Samgra Shiksha, Take Home Ration.

Introduction and Literature Review

Efficient public procurement is important for a multitude of reasons. First is that it fuels the supply-side of many policies. For example, free and universal education in India (Right to Education) can only be free if children get textbooks, benches and other learning material. The second reason is that a substantial chunk of public expenditure goes into goods and services that have to be procured by the government. Meaning that a significant amount of tax payer's money is spent through public procurement channels. For India, this chunk accounts for roughly 20-22% of the GDP (Press Information Bureau, 2023). Lastly, public procurement is a large system. Anything that government entities purchase in order to fulfil their objectives, falls under this system. This makes the system prone to structural problems like corruption. Hence, it is very important to create public procurement systems that are free of such structural issues (Krause & Tutunji, 2024). Hence, effective public procurement systems not just facilitate the efficient functioning of a government, but are also a result of it. It affects how efficiently public goods and services are delivered.

According to OECD and the UN, public procurement is the top corruption risk for any country (Organisation for Economic Co-operation and Development, n.d.). Large and complex systems like the Indian government carry significant risk of corruption and other inefficiencies. The corruption can not just be contained to contracting. It spreads to monitoring mechanisms, where the quality of goods or services procured is inflated. Bribery and bureaucratic incompetence contribute further to systemic incompetencies in public procurement (Dastidar & Jain, 2023).

The Indian public procurement system is rigged with a multitude of supply-side problems. Cartel formation among bidders is one of them. This is a problem because competition ensures that the public procurement system is fulfilling its purpose of optimizing. Bid-rigging among suppliers as well as collusion with government entities leads to poor public goods delivery in India (Collusions in Public Procurement, n.d.)

Multiple international organizations stress the importance of investing in Early Childhood Care and Education (ECCE). Investing in the early development of children (Ages 0-8), develops healthy children that can realize their mental and physical potential. This is the age where 90% of a child's brain development occurs. It builds soft skills and enables the individual to contribute meaningfully to society. Hence, a strong foundation of education and nutrition not only benefits the child, but also society as a whole (*Investing in Early Childhood Care and Education Yields Lifelong Benefits*, 2024).

Of this, nutrition is of fundamental importance. Inadequate nutrition can lead to severe deficiencies that can weaken their immunity and make them prone to diseases. This gravely affects their ability to live a healthy and fulfilling life (*Early Childhood Nutrition*, n.d.).

However, nutrition outcomes in India have been poor. 77% of Indian children lack World Health Organization (WHO) recommended nutrition. Uttar Pradesh, Rajasthan, Gujarat, Maharashtra and Madhya Pradesh have some of the highest reported numbers (Pti, 2024). Moreover, the government is failing to create systems that can deliver this kind of nutrition. There have been multiple reported cases of irregularities in supply and poor quality of supply (Press Information Bureau, 2013). India still ranks 101 among 116 countries in the World Hunger Index. Reports have found that bad quality ration creates a big barrier in women availing these schemes (Mohan et al., 2023).

ECCE in India is the focus of multiple schemes and programs. The most important are National Education Policy (2020), Integrated Child Development Services (ICDS), Poshan Bhi Padhai Bhi (PBPB) as well as Samgra Shiksha Abhiyan (Rahaman et al., 2024). The primary beneficiaries of the supplementary nutrition under these schemes are children aged between 0-6 as well as pregnant and lactating mothers. These policies cover crucial aspects like nutrition, physical and mental development, school-readiness, etc. For these functions to be performed effectively, a large amount of goods and services are required. These might include ration or cooked meals. They are procured and delivered through private entities.

However, inefficiency in this system has been prevalent in India. The Poshan Tracker app given to Aanganwadi Workers (AWWs) and the phones that are used to operate it are extremely ineffective (Johari, 2021). Moreover, studies have proved that AWW service delivery outcomes heavily depend on infrastructure and facilities that are provided (Gopalakrishnan et al., 2025). Faulty public procurement in such sectors carries a high amount of risk. Two children in Odisha died after consuming Take Home Ration (THR) which are nutrition packets given to families that have children between the ages of 0-6 (Mohanty, 2025). This is evidence that ECCE in India needs to ensure that the resources that go into the system are utilized effectively.

In a country like India, where procurement accounts for a significant portion of the GDP, efficiency in the public procurement system is very crucial. Inefficiency will lead to detrimental effects that span across multiple sectors. More importantly, in a sector such as ECCE, which is the primary channel through which human capital is developed, sound public goods delivery is extremely important. This can only be achieved by public procurement systems that prevent structural issues like corruption and unethical market practices from affecting efficiency.

Despite its importance, public procurement in Indian child welfare has received less analytical attention. Without systems that optimise the resources that the government puts into schemes and policies, taxpayer money will continue to get drained through leakages. Currently, these inefficient systems are creating higher mitigation costs in terms of monitoring and evaluation systems. This is creating a public welfare system that is focusing more on treating its injuries than delivering quality education.

Analytical Framework and Methodology

The following analysis will compare Indian policies on public procurement in ECCE with those of Brazil. This is because Brazil has one of the most advanced ECCE landscapes in the world. Brazil's policies on ECCE and public procurement have distinctive characteristics that could prove useful in analyzing those in India. Further dimensions of comparison come from similarity in socio-political aspects. Brazil is a large country that has a State-Federal structure of governance. This will be helpful for drawing parallels between India and Brazil, giving us a valid conclusion and insights (Raikes et al., 2023).

To understand India's policies on public procurement in ECCE, following documents were used:-

- ICDS Manual for District-Level Functionaries
- Samagra Shiksha Manual on Financial Management and Procurement
- THR Good Practices
- Manual for Procurement of Goods, 2024
- Supplementary Nutrition (under the Integrated Child Development Services Scheme) Rules, 2017.

These documents give a comprehensive understanding of the policy as well as implementation frameworks that govern the public procurement process in India's ECCE sector.

For Brazil, the following documents were used.

- Federal Law No. 8.666/1993 (general procurement law).
- Law No. 11.947/2009
- Other documents, research papers and reports by international organizations

The public procurement practices for ECCE in Brazil are well documented and widely discussed. These discussions will be some of the sources for the following analysis.

To compare the two policies, a conceptual framework for analysing public procurement policies will be used. This framework was developed by Snider and Keith F. It distinguishes between structural policies and allocative policies. Meaning that it differentiates between wider policies and programs, looking at their outputs as well as outcomes. Further, it analyses the outcomes of the policy and the impact it creates on the implementation of the scheme or policy. Moreover, the framework takes into account the policy stages where these developments happen. This gives a comprehensive overview of the different aspects that govern the implementation of the procurement policy and how it affects ECCE outcomes (Snider & Rendon, 2008).

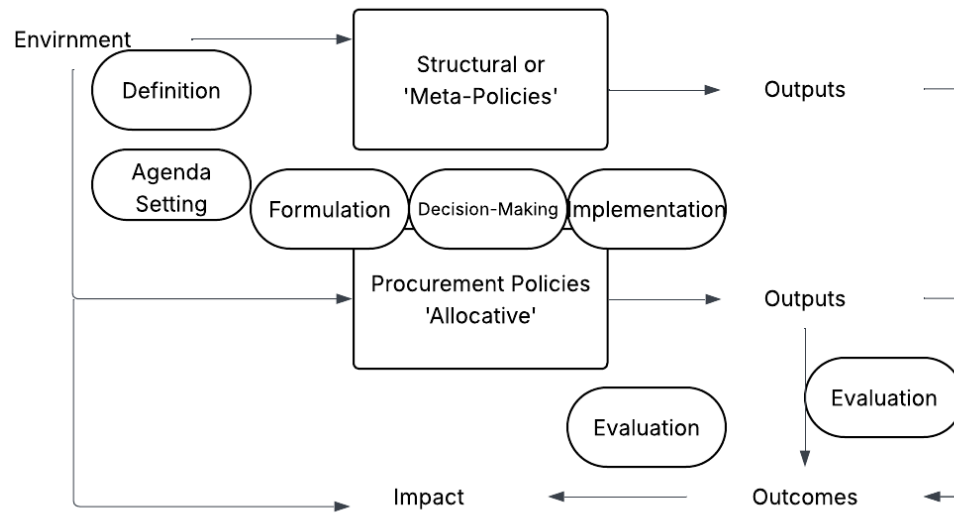


Figure 1: Framework of Analysis

The distinction between structural and allocative policies is of note. ‘Structural policies’ include the policy environment in which the procurement processes function. It includes wider legislation that directs implementing bodies on procurement. These policies feed into ‘Allocative policies’ which are specific authorities procuring specific goods or services. Together, these frameworks lead to outputs that lead to outcomes. This framework shows the complexity of procurement policies and how it is reflected in outcomes. ‘Environment’ refers to the context-specific factors that influence every stage of the policy.

This framework is useful in doing a comparative analysis of policy systems because of its scope which is both narrow and wide. This helps us identify and compare systemic models or systemic problems that can offer us some insights on possible solutions.

The framework was derived from multiple academic studies that have tried to develop frameworks specifically to analyse procurement policies. This has given us a framework that is comprehensive.

Public Procurement in India and Brazil: Analytical Framework

Public Procurement in supplementary nutrition schemes is governed by multiple policies. The widest and most comprehensive national document is the Manual for Procurement of Goods in 2024, by the Department of Expenditure and Ministry of Finance. It gives a general framework on the public procurement process in India. However, it does not give any specific instruction on supplementary nutrition (Government of India, 2024). However, specific policies like ICDS establish authorities that are responsible for procurement of supplementary nutrition. These include Child Development Project Officers (CDPOs) and District Project Officers (DPOs). ICDS also lays down guidelines for involving local Self-Help Groups (SHGs) (Government of India, 2017). The Supreme Court of India vide order dated 07.10.2004 directed that ICDS funds be used for village communities, SHGs, and *Mahila Mandals* for buying of grains and preparation of meals. Big players or industrialists are discouraged from engaging with the scheme. Lastly, the Samgra Shiksha programme gives more detailed instructions on Public Procurement in the Samagra Shiksha Manual on Financial Management and Procurement. It instructs authorities to use the Government E-Marketplace (GeM) platform for procurement as far as possible. It has some pointers on Conflict of Interest and corruption (Government of India, 2018). Supplementary Rules, 2017 are made under the National Food Security Act, 2013 directs the State Governments to carry out procurement procedures and gives some instructions on multi-level sample testing. It also gives a compensatory 'food security allowance'. However, implementation and enforcement is still up to the state governments (Ministry of Women and Child Development, 2017).

Brazil has Federal Law 8.66/1993 which is the overall law that establishes standards and gives measures for government tenders and contracts. It establishes general rules on government

contracts (Brazil, 1993). However, the policy that directly governs supplementary nutrition in Brazil is The Brazilian School Feeding Program (PNAE) written in Law No. 11.947/2009. It gives detailed instructions on how nutrition is to be delivered to children in Brazil. However, in terms of procurement, it gives two instructions

1. Implementing authorities to be Education Secretariates, Federal/District Municipalities and Federal Schools. Aside from this, School Meal Councils monitor and evaluate the quality of nutrition provided.
2. 30% of the fund received from the federation, to be used to procure supplies directly from family agriculture or rural household entrepreneurs or from their organizations, prioritizing land reform settlements, traditional indigenous communities and quilombola communities (Brazil, 2009).

The PNAE establishes local oversight bodies like School Meal Councils (SMCs) that monitor the quality of food. The Law allows for the creation and functioning of SMCs and establishes them as monitoring authorities. Moreover, the law also instructs procurement authorities to involve experts in the procurement process and allows for flexibility in local contexts. Hence, the Brazilian law establishes effective systems of decentralization and creates uniform channels of authority while still allowing for local flexibility (Falvo, 2024).

For India, the allocative component of policies is with the CDPOs and DPOs. They can decide, based on district and state norms. On the other hand, in Brazil, local bodies have to comply with the 30% earmarked fund. Moreover, Brazil establishes by law, the nature and quality of nutrition that is to be provided. This becomes part of the procurement process.

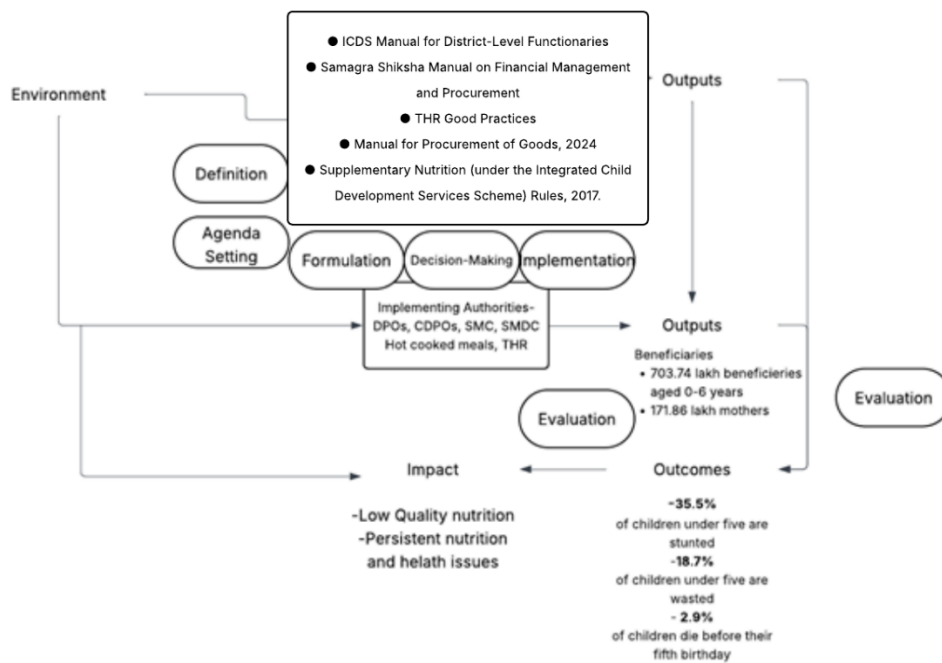


Figure 2: India

Sources: Outputs: (Supplementary Nutrition Programmes, n.d.)

Outcomes: (Index, 2024b)

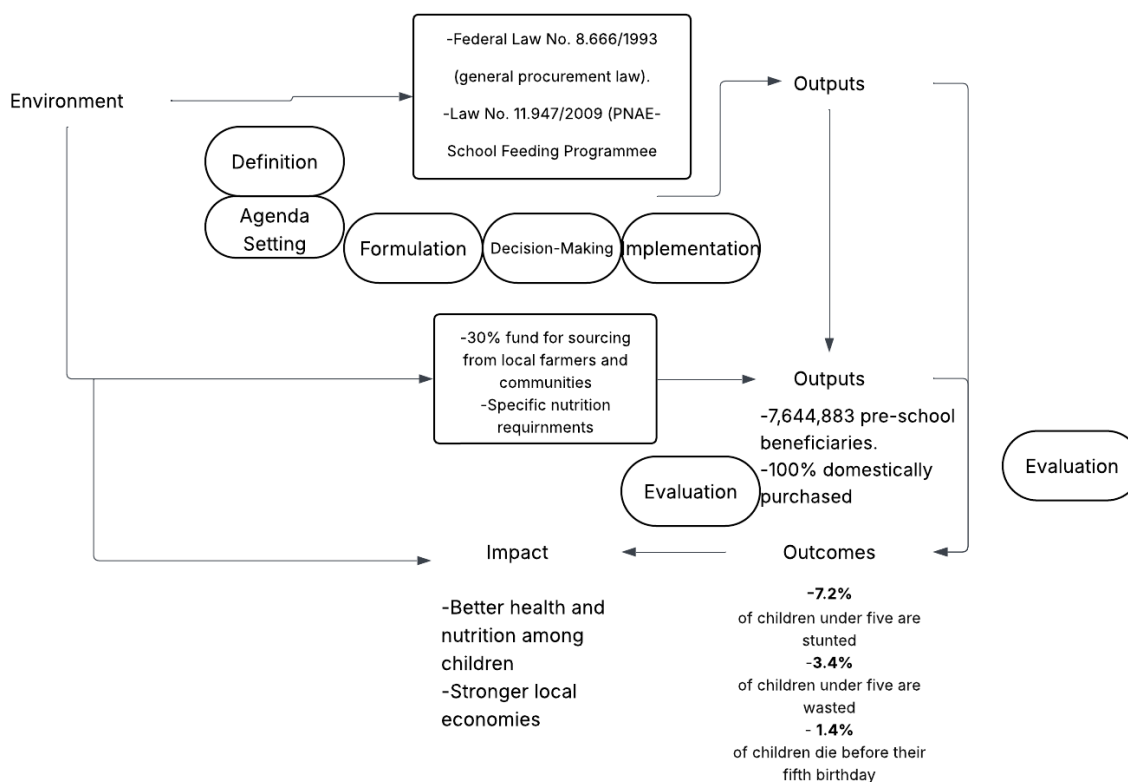


Figure 3: Brazil Framework

Outputs - (The Global Child Nutrition Foundation, 2019)

Outcomes: (Index, 2024)

For the sake of this analysis it will be important to distinguish between outputs and outcomes of a policy. Policy outputs represent the direct and relatively short term impacts of a policy. In this case, those would be the quantitative result of supplementary nutrition policies. Outcomes generally refer to the indirect and long term impact of a policy. They represent the change that the policy aims to bring about. In this case it would be health and nutrition indicators like malnutrition, stuntedness, etc.

Discussion

It is clear from the analysis that the supplementary nutrition system in Brazil is outperforming that in India. This can be attributed to the quality of nutrition provided through the system. Several studies have proved that the quality of nutrition provided through this system is good (Sidaner et al., 2012). It has also contributed to combating obesity among school students in Brazil (Obesity Action Scotland, n.d.). The procurement policy has also helped create local economies around agri-industries and family farming units (Da Silva et al., 2023).

The most prominent difference, revealed by the framework, is that the amount of ‘structural or meta-policies’ in India is far larger than that of Brazil. India has a set of manuals, guidelines, rules and instructions, spread over multiple documents made over multiple decades. The instructions both differ and overlap with each other in many ways. On the other hand, Brazil has two large policies that are given in Federal laws. One policy is procurement specific and the other is a program specific policy that gives specific instructions for procuring food material for the school feeding program.

The second component of the framework is allocative, or context-specific policies which are high in number for both countries. Brazil establishes implementation-level authorities, reserves 30% fund for local producers, gives specific information on maintenance of nutritional quality and creates legitimate local oversight bodies for monitoring. India establishes CDPOs and DPOs as implementing authorities in the ICDS manual. Quality regulation is given in Supplementary Nutrition Rules, 2017 which directs us to National Food Security Act for quality standards. Lastly, ICDS and Supreme Court orders instruct procuring authorities to utilize SHGs and other local bodies instead of industry players.

The Brazil policy focuses more on targeted sustainability mandates, governed by enforceable and federal laws compared to India, who issues guidelines and sets the theoretical context for sustainable practices. In Brazil, not just procurement is localized, procurement, funding and monitoring is also decentralized in the law. In India, sustainable practices are not defined or mandated by an authority. Instead, all decisions related to implementation are left to the states, and sustainable practices are mentioned in either policy documents, or by the Supreme Court.

Monitoring of the policy in Brazil is conducted through decentralized oversight bodies like the SMCs whereas in India, it is conducted by the Aanganwadi Workers through the Poshan Tracker App. In Brazil these local bodies are bestowed with the authority to monitor by law. This gives them the freedom to track qualitative metrics. In India, the Poshan app is used by the AWWs who also deliver the nutrition. As of now, the app only measures quantitative indicators.

Despite this, the PNAE has experienced some issues. Implementation issues like monitoring and evaluation as well as compliance (Kitaoka, 2018). Moreover, there have been reports of mismatch between institutional demands and local production abilities. This is directly linked with the policy on public procurement which mandates local purchasing of products. This has affected the availability of required products. More technical assistance in food production would help them resolve this problem (Tuliende et al., 2024).

These problems, while affecting the implementation of the policy, are not structural issues. Regardless of this, there have been multiple reports about the PNAE creating substantial impact on both nutrition for children as well as supporting local farming communities. This is because the structure of the policy is clear and effective.

Recommendations

India could benefit from developing a comprehensive procurement code for welfare schemes. This could incorporate relevant parts of the national manual and give specific instructions related to public procurement for welfare. This could include specific platforms for procurement, conflict of interest between entities and procuring authorities. Since welfare schemes can be categorized comprehensively (for example, healthcare, nutrition, education, etc.), specific quality standards can also be part of this code. A code for welfare schemes will create a framework for accountability that is not so wide that it fails to hold authorities accountable, and one that is not so narrow that it leaves authorities out of its fold.

India can establish local oversight bodies comprising of parents, administration other stakeholders, for monitoring the qualitative aspects of the policy implementation. These bodies should be recognized by a legitimate legal document or entity, that can hold implementers accountable. They should also be given access to all information related to the procurement process. If these reforms produce results, India can think about a clause to support local production by clearly defining the parameters in the code.

The most important part of reform would be to ensure that instructions given in the code are only to the extent that is required and competition is ensured in the contracting process. The Brazil policy creates localized markets where prospective suppliers compete to provide the best services for the government scheme. The Indian code must ensure that such a market is created by defining the level at which both buyers and sellers of the public goods can function. This will create local, thriving markets that will create better results for the SNP and also help the local economy.

Conclusion

The Indian policy on public procurement is a chaotic patchwork of schemes, programs, guidelines and manuals. They have been made in silos, without any one being able to effectively regulate the public procurement system. The Indian policy is large and confusing. It lacks clarity and does not give specific instructions where they are needed.

On the other hand, the Brazilian policy regulates only what needs to be regulated for effectiveness. It is de-cluttered and gives specific quality related instructions that can be incorporated into the procurement process. Moreover, it leaves room for context specific details like local cultures and food preferences.

India can mitigate these problems by having a unified code that regulates the important aspects of public procurement, creates local markets that are also competitive, and establishes local bodies for oversight and qualitative monitoring. It is also crucial that this code be backed by legitimate authority and be enforceable. If policies regulate only what needs to be regulated, and establish sound frameworks and mechanisms for monitoring and evaluation, they are more likely to achieve their goals. Moreover, higher compliance can be achieved by making public procurement policies that have some kind of legal backing. Guidelines and manuals that can't be enforced through a single channel will lead to a higher amount of informality and leakages.

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