

Civic Awareness – Key for Engaging in the Public Procurement Processes *Some Evidences from Rajasthan*

Legal awareness is the process by which people make sense of their experiences by relying on legal categories and concepts. Legal awareness is considered to be the empowerment of individuals regarding issues involving the law and precondition of its usage. In present times, passage of Laws has become a minute’s affair without having any/much debate either in the parliaments or on public platforms, therefore, legal awareness remains to be a key concern. There are numerous obstacles in the way of promoting legal awareness. On one hand, it is observed that laws are usually published in the official gazette, which has limited access. On the other hand, lack of access to quality education, reduced access to information, limited political voice and social capital illiteracy, poverty, language barriers and social taboos are resulting into lack of legal awareness.

So in the above backdrop, an effort has been made to analyse the scenario of public procurement framework in Rajasthan and to check the awareness-level of the common consumers about the Rajasthan Transparency in Public Procurement Act or RTPPP Act, 2012; RTPPP Rules, 2013 and its institutional mechanism of implementation. Please refer to the findings of the same given as below. This exercise was done under a project entitled ‘Setting up a Public Procurement Observatory in Rajasthan’ supported by the World Bank, New Delhi.

Introduction

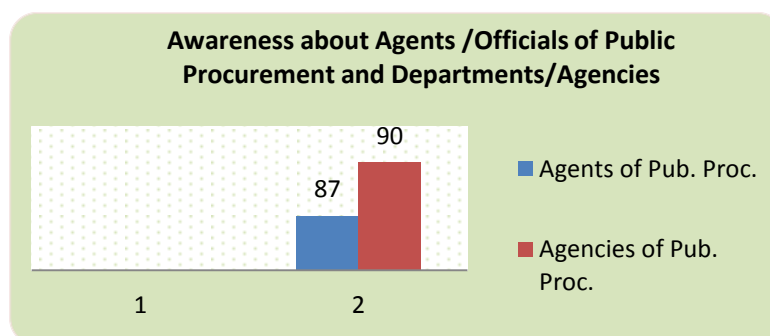
The legal framework of Rajasthan regarding public procurement is very strong. Rajasthan has ‘RTPPP Act, 2012; ‘RTPPP Rules, 2013; Public Private Partnership (PPP) Guidelines, 2008 and has recently introduced the Swish Challenge System. To know about the general awareness level of the common consumers regarding the public procurement framework in Rajasthan, an intensive survey was conducted by the ‘Rajasthan Public Procurement Observatory’ set up at CUTS International, Jaipur in association with the World Bank, New Delhi.

Methodology

Around 160 respondents were interviewed across 15 districts of Rajasthan. About 60 percent respondents were in the age group of 45 years and the remaining respondents were above this age group. Male members of the survey were 71 percent and 80 percent of the respondents were graduates, post graduates or more qualified. Majority of the respondents i. e. around 48 percent, were working in the private sector while the businessmen and self-employed respondents were around 36 percent. Further, there were some government servants as well, which were found to be around 6 percent of the total respondents. The survey was conducted from August 03-August 26, 2015 by using structured questionnaires through personal and telephonic interviews.

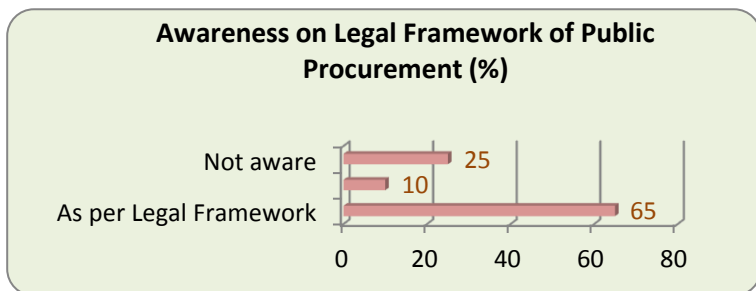
General Findings

A majority of the respondents i.e. around 87 percent rightly stated that public procurement is conducted by the concerned government officials and



authorised elected representatives but around 13 people were not aware of this aspect. Further to this, 10 percent consumers were not able to understand that public procurement is conducted by the government departments, authorities, boards, corporations and other government, semi-government and public agencies.

Awareness on Legal Framework of Public Procurement

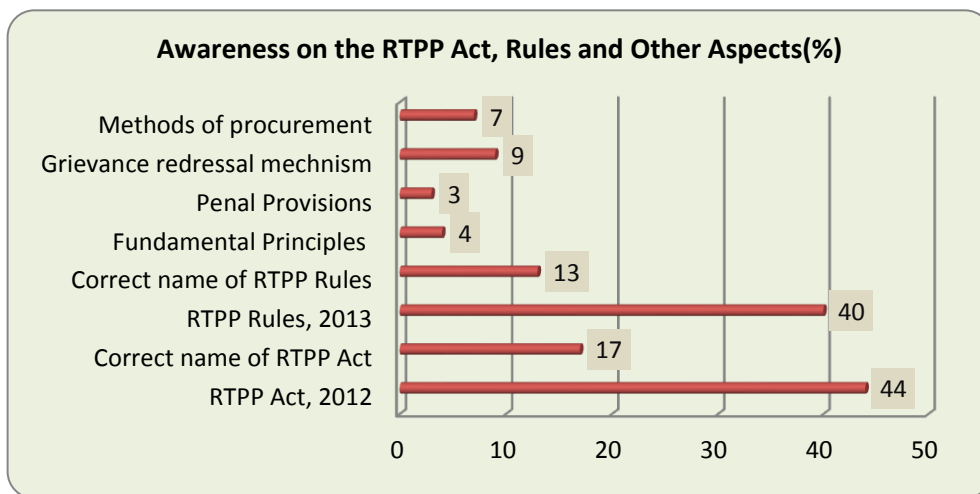


Only 65 percent people indicated that public procurement in Rajasthan is guided by and is performed under some Act and Rules or by certain departmental guidelines. But 10 percent respondents mentioned that it is not guided by any legal mechanism and is carried out

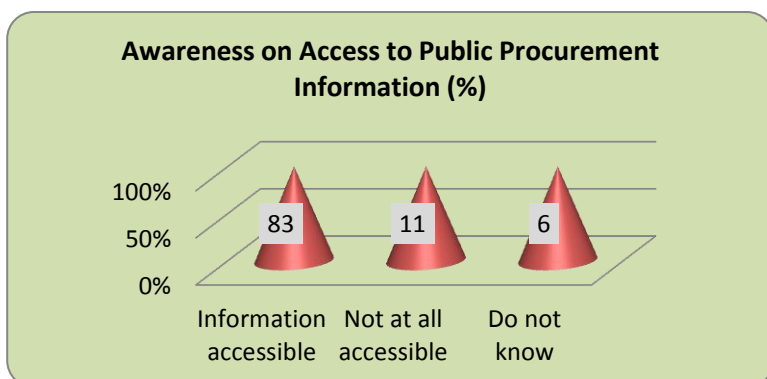
according to the will of the concerned government officials and public representatives. Around 25 percent respondents were not aware of any guiding mechanism based on which the whole exercise of public procurement is executed by the various public procuring entities.

Awareness on RTPP Act, 2012 and RTPP Rules, and Other Aspects

It was observed that around 44 percent of the respondents were aware about the RTPP Act but only 17 percent of them were able to specify the correct name of the RTPP Act, 2012. Further, around 40 percent people were aware of the RTPP Rules, 2013 but only 14 percent knew the correct name of the RTPP Rules, 2013. Moreover,



less than 5 percent people were aware of the fundamental principles of the RTPP Act 2012 and about the penal provisions under the Act. It was also found that 7 percent respondents were well informed about the methods of procurement and only 9 percent people were aware of the Grievance Redressal System under the Act.



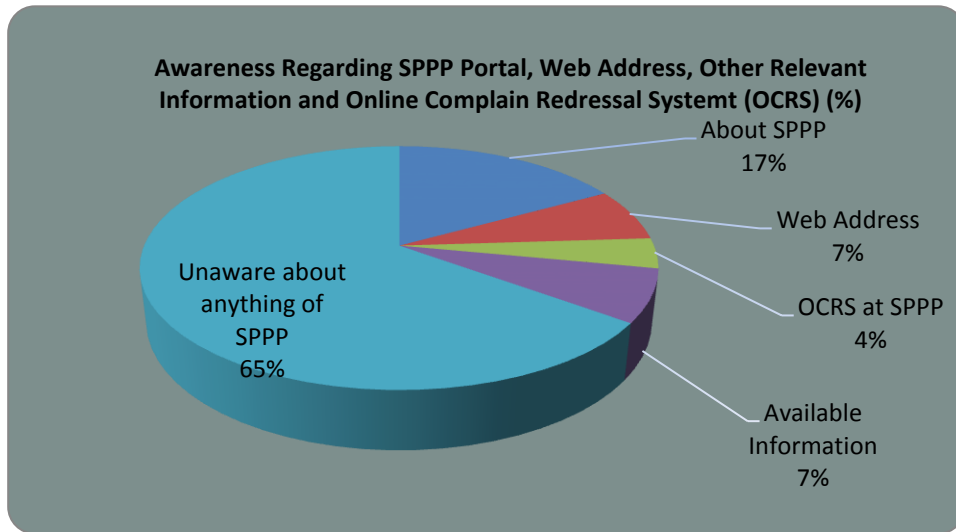
Awareness on Access to Public Procurement Information

As far as the alertness on source and access to information regarding the ongoing procurements in various procuring entities is concerned, people came

to know this through various sources of information. Nearly 83 percent respondents stated that anyone could access information related to public procurement either through web sites of the departments or through official visits or via written requests. However, 11 percent respondents opined that any information related to the public procurement is always confidential and could not be accessed through any means. Around 6 percent of the respondents were not at all aware of any such information.

Awareness about SPPP, Online Complaint Redressal System (OCRS) and others

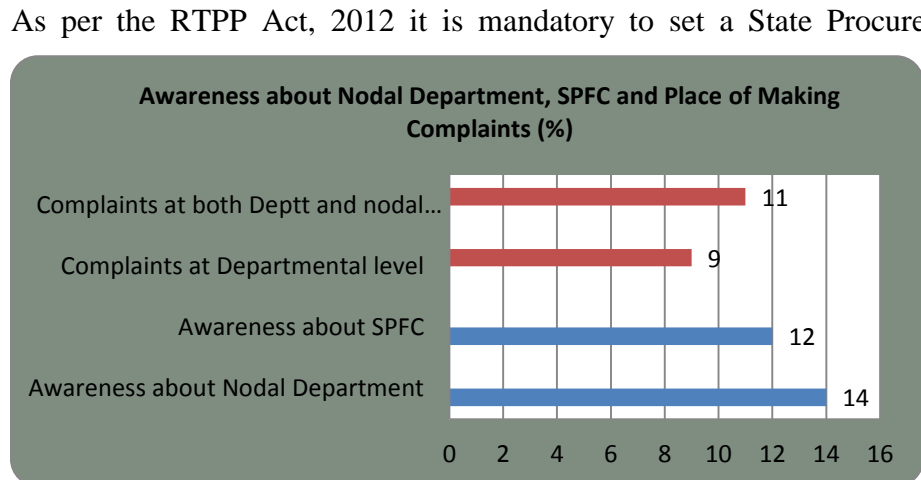
As per the RTTP Act, 2012 there should be one web portal to publicise the public procurement information for its wider dissemination and maintaining transparency and



accountability in the system. Following the respective provisions of the Act, the State Government has developed a centralised portal for this, which is well-defined in the Act. The portal is State Public Procurement Portal (SPPP) and can be accessed at: <http://sppp.rajasthan.gov.in/>. All information related to Notice Inviting Bids/Notice Inviting Tenders (NITs/NIBs) of the registered procuring entities along with other information like Acts, Rules, amendments etc. are published on the above mentioned portal.

However, on analysing the awareness among the respondents it was found to be quite low. Only 17 percent of the respondents were aware of the SPPP portal and only 4 to 7 percent people were cognizant of the web address of SPPP and the kind of information displayed on the same.

Awareness on Nodal Department, SPFC and Place of Registering Complaints



monitor the day-to-day implementation of the Act, capacity building of the procuring officials and procuring entities and make its implementation and execution smooth and effective in the State.

A SPFC is set up in the Finance Department, and Government of

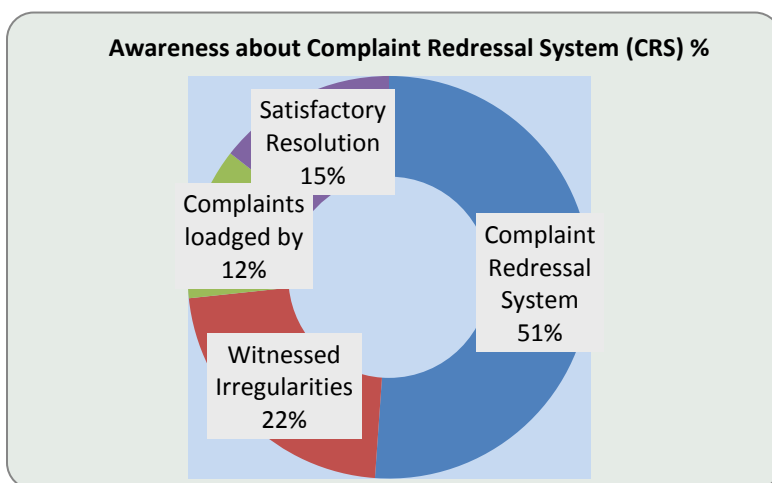
Rajasthan is the nodal department for the RTPP Act, 2012 and RTPP Rules, 2013.

However, the overall awareness level of the masses about the nodal department and the SPFC was found to be considerably low. Only 14 percent respondents knew about the nodal department for public procurement and 12 percent people knew about the existence of SPFC formed under the Act of Finance Department, Government of Rajasthan. Furthermore, 9 percent respondents said that in case anyone was having any grievance related to procurement than they could lodge the complaint at the concerned department whereas only 3 percent people opined that complaints could be lodged at the nodal departmental also. Moreover, 11 percent respondents said that any grievance related to any sort of procurement occurring could be lodged at the concerned departmental as well at the nodal departmental, which is the Finance Department.

Awareness on Complaint Redressal System

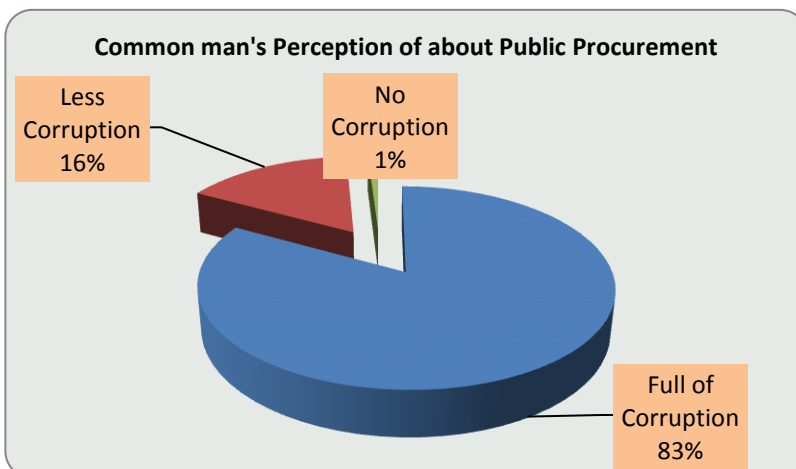
Chapter 3 of the RTPP Act, 2012 provides an elaborate picture of the Complaint Redressal System (CRS) in and also encompasses the provision of making appeal in Section 40 in case anyone was dissatisfied from the decision taken at level one.

The overall awareness level of the common man regarding the CRS was found to be much higher comprising about 46 percent and as mentioned above that the overall awareness level of the common man on the online complaint redressal system was only 4 percent Further, only 20 percent respondents indicated that they have witnessed some kind of irregularities in the public procurement and 11 percent of them had registered complaints at the concerned department but only 13 percent of the respondents registering complaints at the concerned departmental level were reported to be satisfied with the solution provided to their complaints.



Common Man's Perception about Public Procurement

Public perception is a socio-psychic phenomenon, which can be seen as the difference between an absolute truth based on facts and a virtual truth shaped by popular opinion, media coverage and/or through reputation. As far as perception of the common men regarding corruption in public procurement in Rajasthan is concerned, nearly 83 percent respondents reported that this sector, as a whole, is having a high rate of corruption. Further, 16 percent respondents considered that despite corruption being monitored by



the government and certain rules and regulations were also there so the degree of corruption in public procurement was not high. Nevertheless, only 1 percent of the respondent viewed that there was no corruption at all in the domain of public procurement after the enactment of the RTPP Act, 2012 and RTPP Rules, 2013.

Advocacy Issues

- Mass awareness generation programmes should be introduced for RTPP Act, 2012 and RTPP Rules, 2013 by the State Procurement Facilitation Cell (SPFC) and nodal department, so that more and more people could be made aware about the same and could actively participate in the procurement processes and thereby enhancing civic watch.
- Online complaint registration process on the SPPP portal should be initiated, so that the people witnessing any irregularities in the procurement process, at any stage and existing anywhere in the State could bring the same into the mainstream and seek satisfactory remedy for the same.
- Engagement of civil societies and common consumers has to be ensured in the public procurement processes for promoting the civic watch of the same.