Civil society-mediated governance: Making social security programs work through public hearings in India

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Civil society in India plays the role of an intermediary that encourages citizens to participate in governance processes, facilitates their access to basic entitlements, and helps them connect with local government to address grievances. One of the mechanisms used is public hearings (PHs). PHs connects citizens directly with the government by shortening long and complex administrative processes. PHs also compensate for weakening distributional capacities and grievance redressal mechanisms of public systems. This article attempts to understand the efficacy of civil society-organized PHs in helping citizens access social security benefits. The article concludes that PHs help in educating citizens about the governance processes and provide relevant information. PHs also reduce the gap between citizens and the government by facilitating a public space that citizens use in communicating their grievances.

1 INTRODUCTION

The primary objective of this article is to analyze the effectiveness of public hearing (PH; translated as Jan Sunwai in Hindi) in ensuring public service delivery. The role of PH has been recognized globally for promoting citizens' participation and building consensus in multiple areas, such as lawmaking (Mikuli & Kuca, 2016), environmental assessments and disputes (Almer & Koontz, 2004), judicial activism (Lamrewal, 2018), and social accountability (Islam, Nasrullah, & Haq, 2018). Though state and national governments also organized PHs, we focus our analysis on civil society-organized PH to address citizens' issues related to the delivery of social security pensions in Madhya Pradesh (MP) state in India.

PH is a participatory and publically accessible platform where all the concerned stakeholders (government officials, civil society organizations, citizens, political leaders) and local people engage in a public debate, discuss the current problems and try to find appropriate solutions (Jenkins, 2007). PHs provide a platform to citizens for "public communication" to express matters related to "public interests" (Thomas, 2014). PHs, in general, are of two types: the ones which are mandated and organized by the governments, and the ones that are organized by civil society organizations (CSOs). CSOs include nongovernment organizations, community groups and collectives, and academic groups. The Government of India made conducting PHs mandatory for development projects that may have adverse impact on environment, community resources and people. This was done through various environmental impact assessment (EIA) legislations and notifications brought in 1994, 1997, 2004, and 2006 (Poddar, 2017). The second type of PHs are organized by the CSOs as part of their civic and public engagement agenda. In CSOs-organized PH, citizens get the opportunity to connect with local government officials as well as elected representatives without going through complex administrative processes and barriers. CSOs are nonprofit, voluntary, and citizen-based organizations that work for the welfare of citizens and communities (Duarte, Dibo, Siqueira-Gay, & Sanchej, 2017).

Citizens' dissatisfaction with the quality and coverage of public service governance in India has been documented extensively (Paul, 2002; Ravindra, 2004; World Bank, 2006). This discontent is attributed to multiple factors, including red-tapism (Gupta, 2012), endemic corruption (Bussell, 2012; Davis, 2003; Jeffrey, 2002), sluggish mechanisms of grievance redressal (Ranganathan, 2008), and restricted accountability of the local administration (Blair, 2000). The decentralized governance system has done too little, barring a few states, to improve this situation (Robinson, 2007). In this context, CSOs are poised to play a defining role in facilitating the delivery of public services, which would bridge the gap between citizens and local administration (Blair, 2018).
Though the PHs have been successful "to mobilize, radicalize, and give voice to marginalized people" in India (Thomas, 2017, p. 8), their success is mainly context-driven, issue-focused, and dependent mostly on their ability to influence local government. While some scholars have raised questions on the conceptual underpinnings of the PH method itself (Checkoway, 1981), some have doubted the intentions of the government to fulfill the expectations of citizens expressed through such PHs (Ghose, 2008). In this context, the article tries to examine the effectiveness of CSO-organized PHs in accessing social security benefits. The article also tries to investigate whether CSOs-organized PHs facilitate the inclusion of citizens in the complex process of governance or not. The article delves into the experiences of nine PHs organized by a CSO in MP to provide access to social security pensions to citizens and to resolve delivery related issues.

2 | PUBLIC HEARINGS IN INDIA: A REVIEW

There are two types of PHs. CSOs conduct PHs to communicate people's issues, problems, and demands with the government. Another type of PHs is quasi-judicial and are held by government institutions to get environmental clearances to implement development projects (Chaturvedi, 2004). Both types of PHs deal with the citizens and the government; however, both have different mechanisms and objectives. A review of the experiences of both types of PHs has been conducted for the purposes of this study.

Majdoor Kisan Shakti Sangthan (MKSS), a prominent CSO in Rajasthan, had used PH extensively during the "right to information" movement demanding the disclosure of financial information related to rural employment scheme by the local governments (United Nations, 2008). The objective of this movement was to bring transparency and accountability to the local government system (Thomas, 2014). MKSS organized a series of PHs during 1994–1995, where about half of the attendees used to be women. As an outcome of this movement, the Government of Rajasthan enacted Rajasthan State Right to Information Act in 2000. A similar form of the PH, called "settlement camps" were organized during "Operation Barga," a land reform initiative, in West Bengal during the late 1970s. The Left Front Government in West Bengal organized settlements camps in the villages to register sharecroppers and provide the right to use the land permanently (Saha & Saha, 2001). PHs conducted by Public Health Movement (Jan Swasthya Abhiyan) have also proven as a useful tool for community monitoring and also for attracting policy attention toward its move ment "health for all" (Shukla & Sinha, 2004).

The PHs on environmental issues mandated by the Government of India and various state governments have given mixed results. A study of 100 PHs on environmental issues conducted in Gujarat finds that socio-economic issues of the citizens outweighed the environmental concerns (Sainath & Rajan, 2014). Another study carried out in Gujarat reveals that the attendance of citizens in the PHs organized by the government institutions is far less than expected: participation of the attendees is minimum; women are underrepresented; many citizens even questioned the relevance of such PH and consultations (Dilay, Diduck, & Patel, 2019). Another study carried out in the context of two hydro power projects in Uttrakhand echoes similar findings (Diduck, Sinclair, Pratap, & Hostetler, 2007). Various studies highlighted a lack of provisions and seriousness for promoting citizen participation. While acknowledging that PHs are the only way to involve citizens in the governance processes, studies have continuously raised questions on the intent of such hearing. Sinclair and Diduck (2000), based on their research of three hydro projects in Himachal Pradesh, call these PHs merely a consultation because no relief was provided to citizens on the spot, which is one of the basic objectives of PH. Many studies support these findings (Paliwal, 2006; Rajaram & Das, 2006). Low participation of citizens in the government-organized PHs is the result of low-level confidence among the citizens toward the ineffective governance system that represents a vertical form of accountability (Goetz & Jenkins, 2001).

The available literature draws a parallel between the PHs organized by CSOs as well as the government. While CSOs-organized PHs are known for launching successful people's movement, policy advocacy, and addressing citizens' concerns, the latter has been less successful in ensuring citizens' participation and addressing their concerns. However, we still do not find studies that recognize the long-term effects of CSO-organized PHs on the administrative culture and facilitate the inclusion of citizens in governance processes. We, in this article, try to investigate this dimension.

3 | CIVIL SOCIETY-MEDIATED GOVERNANCE AND PUBLIC HEARINGS: A FRAMEWORK

The origin of PH goes back to "pre-constitutional times" (Plager, 1968) and can be explained by two theoretical traditions: deliberative democracy and civil society. This should be read with caution as both theoretical dimensions have taken different shapes over time, though both are interconnected. More often, PHs organized by the government are a ritual or serves a mere fact-finding exercise (Plager, 1968); hence, these should not be confused with deliberative democracy. However, the characteristics and objectives of the present day CSO-organized PHs are different; they indeed emphasize the values of collaborative deliberation and engagement between citizens and the government. Habermas (1989) and Rawls (1958) present a fundamental framework of deliberative democracy. Rawls (1958) justifies the distribution of socio-economic goods through two fundamental principles of justice: (a) everyone has equal rights, and (b) social and economic inequities to be addressed to "everyones' advantage" and should be "attached to positions and offices open to all" (p. 165). However, achieving these principles needs people to come together and discuss "legitimate complaints" they might have against the institutions that facilitate distribution of public goods (p. 171). Habermas (1989) conceptualizes a public space where "private" people gather together and form a "public" space regulated to debate the "rules and governing relations" (p. 27).
Further work on deliberative democracy has developed two separate streams initiated by Rawls and Habermas. While one stream (Rawls') follows the quasi-judicial dimensions of deliberative democracy, the other stream focuses on democratic deliberations using public spaces. The former stream has been adopted by the state (government), which organizes consultations with the citizens to address their concerns regarding the environment, planning, and other issues that are related to public interests (Conrad, Cassar, & Christlies, 2011; Ogulnana, Yotsinsak, & Yisa, 2001). The latter stream is led by CSOs, where they assume the deliberative role to promote citizens' participation and to improve public life (Dodge, 2015; Ercan & Dryzek, 2015; Ryfe, 2002). Though both the streams use PH as a platform to achieve their goals, the former stream faces many problems, including procedural obstacles, legal disputes, and inadequate follow-up on post-hearing implementation (Ram Mohan & Pabreja, 2016). The latter still stands relevant.

The deliberative role of civil society bridges two institutions: citizens and the state. G.W.F. Hegel sees civil society as a mediator between "individual needs" (citizens' needs) and the "system of needs" (state's requirements) to protect "freedom" and "common interest" (Wood & Nisbed, 1991, p. 226). The bridging role of civil society provides a framework where civil society mediates relations between the state and citizens (see Figure 1). This framework has two ties mediated by the civil society, and these ties are citizens–civil society, and civil society–state/government. The citizens–civil society tie is formed using social capital (trust) that exists between citizens and civil society, where civil society assumes, Toquevillian argument outlines, a voluntary role to secure fundamental rights and freedom of the citizens (Brandsen, Trommel, & Verschuere, 2017, p. 677). This tie continues due to the ability of the civil society to articulate public problems and represent them at the regional, national, and international forums on behalf of citizens.

On the other side, civil society has a dual tie with the state: confrontational and collaborative. While confrontational civil society poses tough questions to the state regarding public accountability and its inefficiency in public governance, collaborative ties help the state deliver the benefits of social policies to the citizens (Lipsky, 1989; Salamon, 1995). The collaborative model of civil society has been working well in countries like India and has helped the government to implement social policies and programs (Singh & Kumar, 2014). This collaboration is a result of the state recognizing its limitations in service delivery as state agencies lack contextual knowledge and capacities to plan and utilize local resources as per the citizens' aspirations and needs. The civil society's collaborative engagement with state, some argue, is better than its confrontational role as it provides an opportunity for CSOs to "take part in internal processes of the governance" (Goetz & Jenkins, 2001), which makes CSOs more effective in their service delivery role.

4 | METHODOLOGY

This article presents an action research conducted in the state of MP, where a CSO-organized nine PHs in different towns and cities of the state during 3 years (2009–2012). The authors were involved in organizing PHs and preparing final reports for each event. Action research is a participatory research method that enables researchers to gain knowledge from the practice (Reason & Bradbury, 2008). Action research is considered a practical methodology that generates "scientific knowledge" while "solving the problems" (Collatto, Dresch, Lacerda, & Bentz, 2018). An action researcher plays the role of a researcher as well as a practitioner (Erro-Garces & Alfaro-Tanco, 2020). Action research provides the researcher an opportunity to carry out a critical analysis of the objects (or individuals) and their behavior, and at the same time, also provides an opportunity to self-reflect (Leitch & Day, 2000). Though debates about the inevitability of biases in action research are still going on (Mantzoukas, 2005), using the understanding of relationship between oneself and society; and then critically observing the contextual perspectives of the objects under study, enable the researcher to observe nuances that a simple and alienated data collection exercise may not capture.

At the time of PHs, real-time conversations among the stakeholders provided rich data. This conversation was not carried out on the pretext of data collection. Hence, the possibilities of courtesy
biases, as citizens were grateful for the organizers for organizing PHs, were minimal. Detailed descriptions of these PHs were prepared, which serve as a significant source of qualitative data for this article. These descriptions provide an extensive account of issues and problems raised by the citizens, discussions on the factors responsible for such issues and problems, quality of service delivery, responses by the local administration, effectiveness of grievance redressal mechanisms, and the solutions provided by the leaders and officials during the PH.

The action research team also conducted semi-structured interviews with the citizens who were present during these PHs and had filed the complaints or applications. The interviews provided an opportunity for us to make evaluative assertions though the extensive account of what the respondents went through while approaching the local government for access to basic services. Different such accounts from different respondents helped us reconstruct the government–citizens interactions and triangulate the claims made by the citizens. The semi-structured interview protocol helped the respondents express themselves elaborately, which provided us with ample information to understand not only what happened, but also how government–citizens interaction took different shapes in different contexts. The number of interviews varies across the PHs; however, the team completed a total of 90 such interviews during all PHs. We included a fair mix of interviewees to ensure that sample group represents the various types of complaints such as late payment, delay in verification of the application, asking for additional documents, etc. Out of the cases which could not be resolved during the PHs, a total of 50 cases were followed up to know how the administration addressed the cases post-hearing. One-on-one conversations (unstructured interviews) with the applicants also provided relevant information, which helped us in triangulating and weeding out untrue information and biased perspectives of the interviewees.

## 5 | PROCESS OF ORGANIZING PHS

A CSO based out of Bhopal, the capital city of MP state with about two million populations, held a total of nine PHs organized in nine different small and medium towns. The CSO has been working in the state of MP for about 30 years in the areas of decentralization, public service delivery, local planning, human rights, and welfare. Though the CSO is headquartered in Bhopal, it mostly works in far-flung rural areas. The CSO covers about 16 major districts of MP. It has been working in these districts since its inception, hence has secured the citizens’ trust. The PHs aimed at addressing citizens’ grievances related to social security schemes and making citizens aware of the procedures to access the benefits of these schemes. This objective was intended to be achieved through facilitating dialogue among citizens, local elected political leaders, and local administration. It was expected that the leaders and the government officials would offer appropriate solutions for the problems raised by the citizens. The CSO focused its attention on three social security schemes (old-age pension, widow pension, and disability pension), which provide a monetary benefit to vulnerable sections of the population. Under the social pension schemes, beneficiaries are provided a low quantum financial assistance every month. Though the quantum of the assistance is very low, it does help low-income households in meeting their daily needs. The transfer of the money is delayed without beneficiaries knowing the reasons. Prospective beneficiaries face various problems in accessing these benefits as they have to deal with multiple layers of governance processes, lack of documents, and significant transaction costs in accessing these benefits (UNFPA, 2013).

The process of organizing PHs begins with interactions with local councilors discussing issues of social security in their jurisdictions. The action research team carried out a door-to-door survey among the residents of all nine towns to compile available cases. The survey helped in understanding the magnitude as well as the nature of grievances that citizens had concerning social security pensions. Based on the survey results, a report focusing on various issues involving the implementation of pension schemes was prepared. Three significant issues emerged out of this survey: (a) eligible citizens who were not getting pension benefits; (b) pending approval of pension applications; and (c) different documentation requirements set by the local administration of various towns to apply for the pensions. The survey report was presented before the responsible government officials. As a follow-up of this presentation, the concerned officials were requested to participate in a PH to address citizens’ concerns.

Persuading government officials for their presence at PHs was one of the most challenging tasks. The initial response from most of the lower-level officials was negative. The officials persisted in presenting such cases through formal processes, instead of hearing them in public places and offering solutions on the spot. It is important to note that lower-level officials were responsible for the delivery of social security pension benefits and for addressing the grievances. Dealing with the cases through PHs would indicate the failure of lower-level bureaucracy in discharging their duties and responsibilities. Responses from higher officials from the same department, however, were more positive and provided consent for their participation in PHs. Political leaders also showed a keen interest in participating in PHs as such a platform would present them an opportunity to connect with citizens and gain public trust.

Along with the officials and politicians, the organizers also invited prominent people from the communities to participate in the PH. A panel of judges, which included officials, elected political representatives, and eminent people from the towns was constituted for the purpose of hearing the complaints of the citizens and presenting appropriate solutions during the PH. The organizers mobilized citizens to come to PH and present their case in front of the judges. The organizing team was ready with all the necessary information and documents that could be consulted by the judges or applicants during PHs. The media was also invited to cover the proceeding of PHs in all nine towns. The presence of media was essential for fair and effective redressal of grievances. A total of 756 complaints were filed by the citizens during all nine PHs, out of which 492 complaints were resolved on the spot during the PHs (see Table 1). The pending cases that needed additional procedures to be completed were registered for further action.
The CSO took help from other local voluntary organizations in collecting relevant information, mobilizing citizens to participate in PHs, and arranging logistics of the PHs. CSO functionaries received the applications submitted by the citizens, sorted them out into different categories, and presented them to the panel. CSO functionaries also documented every decision taken by the officials to ensure that relevant records were maintained and could be used in the future. After the decision, functionaries again categorized the applications based on status: resolved and further action required. The complaints that required further action were transferred to the respective officials and citizens were advised to follow-up on the progress of their complaints.

**EXPERIENCES OF PHS IN MP**

PHs provide an opportunity for citizens to interact directly with elected leaders and officials who are difficult to access otherwise. The bureaucracy, in general, is reluctant for public scrutiny. The secrecy of administrative processes has become an “obsession” and “an end in itself” (Rourke, 1957, p. 540). PHs tend to violate this culture of secrecy and facilitate interaction between citizens and bureaucracy in an open space where bureaucracy does not remain in a position to exercise its rent-seeking behavior. An open space interaction with the citizens, counters secrecy and prohibits arbitrary use of power.

The panel of judges heard the cases presented by the citizens and necessary action was taken immediately. Except in Panna, Hatta, and Panagar, most of the cases in the remaining six towns were addressed. Therefore, the rate of redressal in these PHs remained quite high (overall rate: 65%). The concerned officials also assured follow-up of the cases that could not be addressed on the day of PH. The administrative processes that usually take months to complete on the same day.

We found that citizens usually got stuck with the compliances to access pension benefits. The responsible officials created hurdles and asked for bribes to provide clearance. These compliances included providing supporting documents, scrutiny of the documents, establishing eligibility of applicants, and verification of the residential status of the applicants. During PHs, these processes were completed during the day without applicants facing any hurdles. For example, before submitting an application for a social pension benefit, the applicant is required to get the signature of the local councilor on the application form. In usual times, accessing the councilor and getting his/her signature is extremely difficult. The councilors usually do not allot a dedicated time slot for public interaction. Therefore, it becomes very difficult for the residents to access their councilor due to his/her ad hoc schedule. Since the councilors were present during the PHs, people could collect their signatures on application forms immediately.

Table 2 presents a summary of the major issues that were raised by the citizens, possible factors/reasons, and the solutions offered during the PHs. It can be observed from the nature of cases which were presented at PHs, that most of them reflect the problems related to procedural complexities or lacunae at the level of respective service providers. Lack of coordination among the various government departments, including banks, except for the cases where further administrative procedures were involved, such as address verification, etc., a large number of cases (65%) were solved during the PHs. This indicates that these cases could have been resolved by the authorities with the same ease as happened during PHs.

It was also observed that the issues preventing citizens from taking pension benefits were of a routine nature and should have been resolved by lower-level officials from respective departments. Requests from the citizens to resolve these issues were turned down by the concern departments for various reasons, most of which were not specified under government rules. During interviews with citizens, it was also concluded that access to responsible officials was extremely difficult. Officials did not keep dedicated visiting hours for addressing the citizens’ problems, and those who had kept a dedicated time slot to meet citizens were more often not found in their offices during the visiting hours. Therefore, visiting the officials frequently for
the old aged and disabled people brought not only physical difficulties but also economic loss in the form of loss of employment for a day, or transportation cost. The citizens who came to PHs were very satisfied, and they were of the opinion that such platforms should be available regularly to address their complaints.

7 DISCUSSION AND CONCLUSION

The experiences of this action research indicate that civil society has been instrumental in facilitating immediate solution of the problems faced by the citizens. Organizing PHs requires community mobilizing skills and the ability to make local government officials respond to those mobilizations. Civil society organizations try to fill up the governance void by bringing state and citizens together. PHs are not instant incidents that provide a platform for citizens to express their anguish and concerns. These platforms present a channel of formal interaction between the state and citizens.

A major question that emerges is whether mechanisms like PH offer a change in the conservative behavior of the administration. The follow-up of the cases that could not be solved during PHs suggests that many of them were again caught up in the labyrinthine bureaucratic processes. A follow-up carried out after 2 months of the PH organized in Jabalpur city observed that coordination among various departments involved in delivering social pensions was still missing. Departments were passing responsibilities to each other. The most common response given by different government departments to the follow-up team was that “appropriate action is being taken,” however, it was not clear how long it would take to resolve the pending matters.

The disinterest of the bureaucracy toward improving delivery mechanism is the result of a lack of its societal vision and orientation. The increasing political importance of the bureaucracy made public administration an inseparable part of the polity where the dependency of political leadership on bureaucracy is indispensable. Loyalty toward politics helps bureaucracy in maximizing rent-seeking opportunities. That is why civil society-organized PHs are extremely dependent on the consent of government officials and elected representatives for attending PHs and showing their interest to solve the problems of people. Since civil society-organized PHs do not carry any legal recognition, local bureaucracy does not face any legal pressure to decide whether to be present at such events or not.

The experience and analysis of the nine PHs led to the conclusion that PHs in MP served three important purposes: (a) to educate people about the various governance procedures by providing relevant information; (b) to reduce the gap between citizens and bureaucracy; (c) to work as a potential system for grievance redressal. People more often hesitated to engage with administrative systems or government functionaries. On platforms such as PH, people present their concerns and issues without fear and hesitation.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Major issues emerged</th>
<th>Possible reasons</th>
<th>Solutions provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Long pending applications and no redressal by the authorities</td>
<td>1. Uncompleted documents 2. Verification by the government is pending 3. Applicants are asked for additional documents which are beyond what was prescribed as eligibility criteria to receive pensions</td>
<td>1. Approval against documents presented 2. On spot verification of documents</td>
</tr>
<tr>
<td>2</td>
<td>Less than prescribed pension amount is being provided</td>
<td>1. Amount was not revised for those who were getting the pensions</td>
<td>1. Officials ordered to revise the amount with immediate effect</td>
</tr>
<tr>
<td>3</td>
<td>Inordinacy delay in transferring the money to beneficiary’s bank account even after a rise in existing pension was sanctioned by the government</td>
<td>1. Banks were not communicated about the revisions 2. Complex and slow pace of disbursement processes</td>
<td>1. Orders were given to contact the banks about such cases 2. Concerned officials were instructed to inform the banks about any revisions in pension amount</td>
</tr>
<tr>
<td>4</td>
<td>Rejection of eligible applicants</td>
<td>1. Eligibility and address verification were done carried out wrongly 2. Uncompleted documents</td>
<td>1. Citizens were encouraged to apply again 2. Information on necessary documents was provided</td>
</tr>
<tr>
<td>5</td>
<td>No information of rejection of applications</td>
<td>1. Reasons for rejections were not communicated to the applicants</td>
<td>1. Officials were directed to provide such reasons to applicants so that they can address the deficiencies and apply again</td>
</tr>
<tr>
<td>6</td>
<td>Pensions were stopped</td>
<td>1. Pensions were stopped due to migration of the beneficiaries for a short period of time, change in residential address, not able to maintain bank accounts, not able to pass the verification carried out by the government frequently, etc.</td>
<td>1. The actions were initiated based on the nature of problem reported by the citizens</td>
</tr>
</tbody>
</table>

Abbreviation: PH, public hearing. *Source: Author’s analysis.*

**TABLE 2** Issues emerged during the PHs and solutions provided
While local bureaucracy hesitated in participating in PHs, top bureaucrats and elected leaders showed a greater tendency toward attending and promoting such events. Platforms like PHs carry huge political appeal and provide an opportunity to soothe the mood of the citizens by providing them a solution on the spot, which otherwise may go against the popular mandate of the political regime in power. Such discontents may, sometimes, take the shape of a social movement with the potential to destabilize the rent-seeking opportunities of the bureaucracy and the political leadership. The top-level bureaucrats do not mind bypassing the lower-level governance institutions and processes in order to satisfy the needs of the citizens through mechanisms like PHs, where "on-the-spot" solutions are provided to citizens.

In contrast to PHs mandated by law and organized by the government, civil society-organized PHs are a spontaneous effort that tries to influence the governance processes for the good of the citizens. This can also be a good tool to promote citizen-centric democracy. PHs should remain a people's innovation. Since it is not a formal system, there will be questions on its sustainability and its ability to bring long-term changes in the administrative culture. However, citizens' innovation, no matter ad hoc and spontaneous, do get the required attention from both citizens and the state, and hence work effectively to achieve their goal of citizens' wellbeing.

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ENDNOTE
1 The information about MKSS and its use of PH has been extracted from MKSS website: http://mkssindia.org/about/

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