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## PROTECTION OF SENIOR CITIZEN IN INDIA: A SOCIO-LEGAL STUDY

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Malay Kumar Roy, Research Scholar, Shri Venkateshwara University, Gajraula, Amroha, Uttar Pradesh

Dr. Rajvardhan, Assistant Professor, School of Law & Jurisprudence, Shri Venkateshwara University, Gajraula, Amroha, Uttar Pradesh

### ABSTRACT

India is witnessing a demographic shift towards an ageing population, bringing the issues of senior citizen welfare and protection to the forefront. While traditional family structures have historically provided a safety net, rapid urbanization, migration, and changing socio-economic values have rendered this system fragile. This paper presents a socio-legal study examining the efficacy of India's legal framework in protecting its elderly, with a specific focus on the metropolitan city of Kolkata, West Bengal. It analyzes key legislations like the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and their implementation mechanisms. Through a review of secondary data, scholarly articles, and news reports, the study investigates the socio-cultural challenges faced by Kolkata's elderly, including isolation, economic dependency, and property-related disputes. The findings indicate a significant gap between legislative intent and ground-level reality, characterized by inadequate infrastructure, procedural delays in tribunals, and low social awareness. The paper concludes with recommendations for a multi-stakeholder approach involving robust implementation, community-based support systems, and sensitization programs to ensure the dignity and rights of senior citizens in Kolkata and across India.

**Keywords:** Senior Citizens, Socio-Legal, Elder Abuse, Kolkata, Tribunals, Social Welfare.

## 1. Introduction

The protection and welfare of senior citizens (individuals aged 60 years and above) is widely recognized as a critical benchmark for a society's humanity, developmental progress, and the robustness of its social security infrastructure (United Nations, 2002). As nations evolve, their capacity to care for their ageing populations reflects the strength of their intergenerational contracts. India, home to one of the world's largest and fastest-growing elderly populations, stands at a crucial demographic juncture. According to the National Statistical Office (NSO), the population of senior citizens was 138 million in 2021 and is projected to reach 194 million by 2031, constituting over 13% of the total population (National Commission on Population, 2019). This rapid demographic shift, characterized by a declining fertility rate and increased life expectancy, presents profound social, economic, and legal challenges.

Historically, the care for the elderly in India was embedded within the traditional joint family system, guided by the ancient Vedic ethos of "*Matru Devo Bhava, Pitru Devo Bhava*" (Revere your mother and father as God). This cultural norm positioned the family as the primary unit of social security. However, in the contemporary era, this traditional safety net is rapidly fraying. The forces of globalization, urbanization, and the rise of a nuclear-family-oriented society have fundamentally altered family structures and intergenerational dynamics (Alam, 2006). This has led to a growing dissonance between cherished cultural ideals and the lived realities of a significant portion of the elderly population, many of whom face abandonment, neglect, and a loss of socio-economic security.

Kolkata, the capital of West Bengal and a major metropolitan hub in Eastern India, serves as a poignant microcosm of this national dilemma. The city is renowned for its deep-rooted Bengali cultural traditions and historically close-knit family bonds. Yet, it is simultaneously characterized by its post-industrial economic stagnation and high rates of out-migration of the youth for education and employment opportunities to other Indian states and abroad (Chakrabarti & Chatterjee, 2018). This phenomenon has resulted in a rapidly growing population of "empty nesters"—ageing parents left behind in the family home, often residing alone or with a spouse. This scenario creates a complex socio-legal landscape where the elderly, while possessing certain legal rights on paper, often grapple with intense psychosocial issues like loneliness and depression, financial insecurity due to inflation and inadequate pensions, and, in severe cases, overt abuse, exploitation, and neglect (HelpAge India, 2022).

Within this context, the Indian state has responded by enacting specific legislation, most notably The Maintenance and Welfare of Parents and Senior Citizens Act, 2007. This Act represents a significant step towards legally mandating care and establishing mechanisms for redressal. However, the mere existence of a law does not guarantee its efficacy. The gap between *de jure* provisions and *de facto* implementation is often wide, influenced by factors such as bureaucratic inertia, lack of awareness, and deep-seated social stigmas (Sood, 2019).

Therefore, this research article aims to critically analyze the intersection of law and society in the context of elder protection in India, with a concentrated lens on the city of Kolkata. It seeks to move beyond a mere doctrinal analysis of the law to investigate its real-world impact and the social forces that shape its application. The study is guided by the following research questions:

1. How effective is the existing legal framework, particularly the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in safeguarding the rights and welfare of senior citizens in India?
2. What are the unique socio-cultural and economic challenges faced by the elderly in Kolkata, and how do they mediate access to legal protection?
3. What is the nature and extent of the gap between legal provisions and their implementation on the ground, specifically in the context of Kolkata's administrative and judicial machinery?

By addressing these questions, this study seeks to contribute to a more nuanced understanding of the challenges in elder care in urban India and to inform policy recommendations aimed at bridging the existing socio-legal gap.

## **2. The Legal Framework for Senior Citizen Protection in India**

The Indian legal system's approach to protecting senior citizens has evolved from a reliance on moral and religious precepts within the family to a more formalized, rights-based regime. This framework is a composite structure built on constitutional principles, general statutes, and a dedicated central legislation, further elaborated upon by judicial interpretations.

### **2.1 Constitutional and General Legal Provisions**

The foundation of elder rights in India is laid in the Constitution of India. While not directly enforceable in a court of law, the Directive Principles of State Policy (DPSP) serve as fundamental governance imperatives. Article 41 specifically directs the state to “make effective provision for securing the right to public assistance in cases of old age,” thereby imposing a duty on the state to create social security schemes (Basu, 2019). This has been the constitutional basis for pension schemes and other welfare measures.

More potent, however, has been the judicial interpretation of enforceable fundamental rights. The Supreme Court of India has consistently expanded the scope of Article 21, which guarantees the “Right to Life and Personal Liberty,” to encompass the “right to live with dignity.” In the landmark case of *Vikram v. State of Maharashtra*, the Court explicitly held that the right to life for a senior citizen includes the “right to live with dignity, right to shelter, and right to health” (Vikram v. State of Maharashtra, 2017). This interpretation transforms the state’s obligation from a passive directive to an active, enforceable duty to protect the elderly from destitution and indignity.

Prior to the enactment of specific elder law, the primary legal remedy for abandoned parents was Section 125 of the Code of Criminal Procedure, 1973 (CrPC). This provision, designed to prevent vagrancy, allows a Magistrate to order children (including adopted children) possessing sufficient means to provide a monthly maintenance allowance to parents who are unable to maintain themselves (Chandrachud, 2021). While a crucial tool, Section 125 had several limitations:

- It was embedded within a criminal code, giving the proceedings an adversarial and stigmatizing character.
- The definition of “parent” was narrow and did not explicitly cover childless senior citizens or grandparents.
- The process could be time-consuming, subject to the delays inherent in the overburdened criminal court system.

These limitations highlighted the need for a specialized, speedier, and more comprehensive legal mechanism.

## 2.2 The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Recognizing the gaps in existing laws and the escalating social crisis of elder abandonment, the Indian Parliament enacted The Maintenance and Welfare of Parents and Senior Citizens Act in 2007, which serves as the cornerstone of India's formal elder care policy and represents a significant shift towards a dedicated rights-based approach, with its key features designed to provide a holistic protection framework, including a speedy and inexpensive remedy through Maintenance Tribunals at the Sub-Divisional level that are mandated to dispose of cases within 90 days from the date of the application's service and where the process is designed to be less formal and legal representation is not mandatory; a broad and inclusive definition of "senior citizen" as any person above 60 years and "parent" to include biological, adoptive, and step-parents while also extending protection to childless senior citizens so they can claim maintenance from any relative who possesses or would inherit their property; a comprehensive scope of maintenance that moves beyond mere monetary support to legally obligate children or relatives to provide for food, clothing, residence, and medical attendance and treatment; the protection of life and property, notably through Section 23, which empowers the Tribunal to declare any transfer of property by a senior citizen void if obtained through fraud, coercion, or undue influence; and the establishment of welfare infrastructure that obligates state governments to maintain at least one Old Age Home in every district for indigent senior citizens and mandates the provision of medical care and protection for life and property by the concerned police station.

Despite its comprehensive nature, the Act's implementation has been inconsistent and lacklustre across states, including West Bengal. Studies and reports indicate that many states were slow in notifying the rules and constituting the Tribunals (HelpAge India, 2021). The Tribunals often lack dedicated infrastructure and personnel, leading to procedural delays that defeat the purpose of a "speedy remedy." The establishment of Old Age Homes has been particularly slow, with many states failing to meet the target of one per district, and the existing facilities often suffering from poor infrastructure and inadequate services (Datta, 2022). This gap between the law's ambitious vision and its on-ground execution forms the core of the implementation challenge, which will be explored in the context of Kolkata in subsequent sections.

### **3. The Socio-Cultural Context of Kolkata's Elderly**

Kolkata, a city synonymous with Bengali culture, intellectualism, and a deep sense of family,

presents a unique and often paradoxical environment for its ageing population. The very cultural strengths that once ensured a secure old age are now being strained by powerful urban and socio-economic forces, creating a distinct set of vulnerabilities for its senior citizens.

### **3.1 The Erosion of the Joint Family and “Empty Nest” Syndrome**

The Bengali middle class has historically placed an immense value on higher education and professional achievement. This cultural driver, while laudable, has led to a significant “brain drain,” with generations of young, educated Bengalis migrating to other Indian metropolises like Bengaluru, Hyderabad, and Delhi, or abroad, for better career opportunities (Chakrabarti & Chatterjee, 2018). This exodus has accelerated the dissolution of the traditional multi-generational joint family, which was the primary social security system for the elderly.

The result is a rapidly growing population of “empty nesters.” Older adults, often retired, are left residing alone in the city’s characteristic large, sometimes dilapidated, ancestral homes in North Kolkata or in apartments in the southern suburbs. This phenomenon leads to more than just physical solitude; it creates a state of profound psycho-social isolation. A study focusing on Kolkata’s elderly found that a significant majority reported feelings of loneliness, worthlessness, and depression, linked directly to the absence of their children and grandchildren (Ghosh & Datta, 2020). The lack of daily interaction and emotional support structures erodes their mental well-being, making them more susceptible to cognitive decline and other health issues. The once-vibrant family homes become shells, echoing with a silence that is starkly at odds with the city’s famed bustling social life.

### **3.2 Economic Vulnerability**

Kolkata’s economic history has a direct bearing on the financial security of its current elderly population. A large segment comprises retirees from state government offices, public sector units (many of which have declined), and teaching professions, who are dependent on fixed pensions. These pensions, often not indexed adequately to inflation, lose purchasing power over time, pushing many into a state of economic precarity (Bose & Roy, 2019).

Furthermore, the city has a significant population of elderly who were part of the unorganized sector—as small shopkeepers, artisans, or daily-wage labourers—who have no access to formal pensions or provident funds. For them, old age can mean a direct slide into destitution once

they are unable to work. Compounding this is the healthcare crisis. A vast majority of Kolkata's elderly lack comprehensive health insurance, facing the double burden of rising medical costs and age-related ailments. A single major health episode can lead to "medical impoverishment," depleting lifelong savings and pushing entire families into debt (Dutta et al., 2021).

### **3.3 Property Disputes and Elder Abuse**

The high value of real estate in Kolkata, particularly the ancestral properties in central and north Kolkata, often transforms senior citizens from caregivers into targets. With children living away or in anticipation of inheritance, property becomes a focal point of family conflict. A common form of exploitation is "asset-seeking" behaviour, where children or relatives coerce, manipulate, or intimidate elders into signing over property through gifts or sales (Kumar & Singh, 2020).

This is often accompanied by other forms of abuse. Verbal abuse (incessant criticism, yelling), emotional abuse (threats of abandonment, isolation), and physical neglect (withholding food, medicine, or care) are distressingly common (HelpAge India, 2022). However, these cases are vastly underreported. The pervasive social stigma associated with admitting family problems, a deep-seated sense of familial honour, and an emotional dependency on the abusers prevent most victims from seeking help. Many elders endure the abuse in silence, believing that "airing dirty laundry" would bring shame to the very family name they seek to protect.

### **3.4 Infrastructure and Accessibility**

As one of India's oldest metropolises, Kolkata's urban infrastructure presents formidable challenges to the mobility and independence of its elderly residents, with the city's layout and public amenities being largely age-unfriendly (Datta, 2022), where public transport, specifically buses as the lifeline of the city, often have high steps and are overcrowded, making boarding and alighting a hazardous ordeal, and while the Metro system is relatively more accessible, reaching the stations often involves navigating crowded, uneven streets, and the pavements and walkability across the city are notoriously poorly maintained, obstructed by parked vehicles, hawkers, and open potholes, as they are often uneven, lack tactile paving for the visually impaired, and are missing ramps at crossings, which turns a simple walk into a fall risk, discouraging seniors from venturing out, while a critical shortage of public amenities

like public seating, clean toilets, and shaded rest areas in parks and markets further curtails their mobility, as the fear of not finding a place to rest or use a toilet can be a significant deterrent to leaving home, leading to social isolation and a diminished quality of life, and this combination of socio-cultural erosion, economic pressure, and physical barriers creates an environment where the legal rights of Kolkata's elderly are often rendered theoretical, overshadowed by the pressing daily realities of their lives.

#### **4. The Implementation Gap: A Kolkata Case Study**

The enactment of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was a legislative milestone. However, its translation from statute to tangible security for Kolkata's elderly has been fraught with challenges. A significant chasm exists between the law's intent and its operational reality, a gap driven by systemic inefficiencies, socio-cultural barriers, and infrastructural deficits.

##### **4.1 Functioning of Maintenance Tribunals: A Speedy Remedy Delayed**

While Maintenance Tribunals have been constituted at the Sub-Divisional level in West Bengal, they often function as an extension of the overburdened and slow-moving Indian judicial system rather than as the swift, specialized forums they were designed to be. The statutory mandate to dispose of cases within 90 days is frequently violated due to procedural delays, adjournments, and the competing administrative responsibilities of the presiding officers (Sood, 2019).

For the average senior citizen in Kolkata, navigating this system is a formidable task. The process of filing a petition, attending multiple hearings, and presenting evidence is physically and mentally exhausting for individuals who may be frail, have limited mobility, or suffer from age-related ailments. A critical gap is the lack of dedicated legal aid and hand-holding services. While the West Bengal State Legal Services Authority (WBSLSA) exists, there is no targeted, proactive outreach program to guide illiterate or technologically unsavvy elders through the process (Datta, 2022). This lack of support effectively denies many their right to access justice, as the legal system remains an intimidating and inaccessible labyrinth.

##### **4.2 Lack of Awareness and the Culture of Silence**

A robust law is powerless if its intended beneficiaries are unaware of its existence. Studies

indicate that a significant majority of senior citizens in Kolkata, particularly those from lower-income backgrounds and the unorganized sector, remain unaware of the Maintenance Act, 2007, and its provisions (HelpAge India, 2021). Public awareness campaigns by the state government have been sporadic and insufficient, failing to penetrate the diverse socio-economic layers of the city's elderly population.

Even among those who are aware, a powerful “culture of silence” prevents them from seeking legal recourse. The decision to file a case against one's own children is fraught with emotional conflict and social stigma. As observed by Ghosh & Datta (2020), elders in Kolkata often cite fear of social ostracization (what will society say?), retaliation from the very family they depend on, and a deep-seated emotional attachment that makes legal confrontation feel like a betrayal of parental duty. This reluctance transforms the law from a shield into a largely symbolic instrument, its power nullified by the very social bonds it seeks to regulate.

#### **4.3 Inadequate Welfare Infrastructure: The Promise Unfulfilled**

The Act's directive for states to establish and maintain Old Age Homes in every district has been implemented poorly in West Bengal. The number of state-run homes is grossly inadequate to meet the demand, and those that exist are often characterized by overcrowding, insufficient medical facilities, and a lack of recreational or mental health support (Bose & Roy, 2019). This forces indigent seniors into a choice between an abusive home and an inhospitable institution.

While non-governmental organizations (NGOs) have stepped in to run day-care centers and community support programs, their reach is limited and often concentrated in more affluent neighborhoods. The concept of an integrated community-based care system, which could provide services like home-based care, meal delivery, and social activities, remains in its nascent stages and is not yet a scalable, state-supported model in Kolkata (Datta, 2022). Helplines, though operational, suffer from a lack of integration with ground-level support services, often unable to provide immediate, tangible assistance beyond counselling.

#### **4.4 Police and Administrative Apathy: The “Family Matter” Paradigm**

Perhaps one of the most significant barriers to enforcement is the attitude of first responders: the police. Instances of elder abuse, particularly non-physical forms like verbal harassment, emotional torment, and financial exploitation, are frequently dismissed by local police as

private “family matters” not warranting formal legal intervention (Kumar & Singh, 2020).

Instead of registering a First Information Report (FIR) and invoking the strict provisions of the Act, police officers often resort to informal mediation. This approach, while sometimes well-intentioned, fails to recognize the power imbalance and the serious nature of the abuse. It trivializes the suffering of the elder and emboldens the perpetrators, as there are no legal consequences (HelpAge India, 2022). This highlights a critical need for mandatory sensitization programs for police personnel on the provisions of the Maintenance Act, 2007, and the vulnerabilities of the elderly. A similar lack of proactive initiative is often observed within the administrative machinery responsible for overseeing the Tribunals and welfare schemes, reflecting a systemic apathy that permeates the implementation chain.

Where its elders merely survive into one where they can truly thrive with dignity and security.

## 5. Conclusion

The protection and welfare of senior citizens in India, with a specific focus on the metropolitan crucible of Kolkata, is a profoundly complex issue situated at the volatile intersection of law, society, and morality. This socio-legal study has demonstrated that while the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, represents a significant and necessary legislative intervention, its potential as a transformative tool for elder justice remains largely untapped. The Act provides a strong *de jure* foundation, articulating a clear state commitment to the rights of the elderly. However, on the ground in Kolkata, this commitment is systematically diluted by a triad of formidable challenges: deep-seated socio-cultural barriers, pervasive implementation deficits, and a critical lack of comprehensive awareness.

The analysis reveals that the law's efficacy is not merely a function of its clauses but is deeply mediated by the context in which it operates. In Kolkata, the erosion of the joint family due to out-migration has created a generation of “empty nesters” grappling with isolation, a problem that a maintenance order cannot fully address (Chakrabarti & Chatterjee, 2018). Economic vulnerability, exacerbated by inflationary pressures on fixed pensions and the lack of health insurance, creates a power dynamic where elders are forced into dependency, making them reluctant to legally challenge their abusers (Bose & Roy, 2019; Dutta et al., 2021). Furthermore, the urban infrastructure of this historic city, with its inaccessible transport and hazardous pavements, physically constrains their independence, rendering the legal “right to life with

dignity" a theoretical concept for many (Datta, 2022).

The implementation machinery, intended to be the bridge between law and justice, has instead become a site of the very delays and apathy it was designed to overcome. Maintenance Tribunals are bogged down by procedure, police treat abuse as a private family matter, and the promised welfare infrastructure, such as Old Age Homes, is grossly inadequate (Sood, 2019; Kumar & Singh, 2020; HelpAge India, 2021). This implementation gap is not just an administrative failure; it is a signal of a broader societal failure to prioritize the well-being of the aged.

Therefore, for Kolkata to honour its cultural legacy of "*Guru-Shishya parampara*" and "*Pitru-Matru seva*" (the tradition of revering teachers and serving parents), it must consciously and strategically move beyond mere legislative compliance. The findings of this study underscore that a purely legalistic approach is insufficient. What is required is a societal movement that re-frames elder care from a begrudging legal obligation into a collective moral and cultural imperative. This necessitates a paradigm shift in perspective—from viewing the elderly as a burden to recognizing them as repositories of wisdom and experience who are entitled to a life of dignity as a right, not a privilege.

The path forward, as outlined in the recommendations, demands a synergistic, multi-stakeholder approach. It requires the state government to demonstrate political will by strengthening legal machinery and social security nets. It requires the Kolkata Municipal Corporation to embed age-friendly principles into the very fabric of the city's urban planning. It requires the judiciary and police to be sensitized and proactive. Crucially, it requires civil society and communities to rebuild support systems from the ground up, fostering a culture of inclusion and respect.

By weaving together, the threads of robust law enforcement, compassionate community-based support, and an empowering urban environment, Kolkata can begin to close the troubling socio-legal gap. The goal is ambitious yet essential: to transform Kolkata from a city where its senior citizens are merely surviving their twilight years into a city where they can truly thrive, ageing with the dignity, security, and grace they so richly deserve. The treatment of its eldest generation is the ultimate measure of a city's soul, and for Kolkata, the time to reaffirm its humanity is now.

**6. Recommendations:**

To bridge the profound socio-legal gap in the protection of Kolkata's senior citizens, a concerted, multi-pronged strategy is required that moves beyond mere legislative intent to proactive, empathetic, and efficient governance, with immediate and medium-term recommendations including strengthening legal machinery by establishing dedicated Fast-Track Maintenance Tribunals in key urban zones to prioritize cases for seniors above 75 and those with critical medical conditions while adhering to a 90-day disposal mandate, and introducing Mobile Lok Adalats and user-friendly online portals with kiosks for filing maintenance petitions; enhancing awareness campaigns through targeted vernacular outreach in partnership with NGOs to demystify the legal process and community-level legal literacy workshops conducted by trained para-legal volunteers; promoting community-based support by integrating elder care into municipal services to establish ward-level day-care centres and strengthening helplines into a 24/7 Integrated Senior Citizen Support Cell; sensitizing stakeholders through mandatory police training modules on elder abuse laws and continuous judicial education; ensuring robust social security via pension reform and expansion to reflect the cost of living and promoting a tailored, subsidized health insurance scheme; and creating an age-friendly Kolkata by implementing universal design principles in infrastructure and mandating priority services in public and private facilities, so that through coordinated effort Kolkata can transform into a city where its elders thrive with dignity and security.

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