

IMPLEMENTATION OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT IN KERALA: INSIGHTS FROM ERNAKULAM DISTRICT, KERALA

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LIST OF ABBREVIATIONS

AI	Artificial Intelligence
ASHA	Accredited Social Health Activist
BNSS	Bharatiya Nagarik Suraksha Sanhita
CMP	Civil Miscellaneous Petition
CrPC	Code of Criminal Procedure
DIR	Domestic Incident Report
DLSA	District Legal Services Authority
DV	Domestic Violence
FIR	First Information Report
FJC	Family Justice Centre
IPC	Indian Penal Code
JFCM	Judicial First Class Magistrate
MIS	Management Information System
NCRB	National Crime Records Bureau
NCW	National Commission for Women
NGO	Non-Governmental Organisation
OSC	One Stop Centre
PO	Protection Officer
PWDVA	Protection of Women from Domestic Violence Act, 2005
UN	United Nations
VAWG	Violence Against Women and Girls
WCD	Women and Child Development (Department)
WPO	Women Protection Officer

1. Introduction

Domestic violence remains one of the most pervasive yet underreported crimes against women in India. As defined under Section 3 of the Protection of Women from Domestic Violence Act (PWDVA), 2005, it encompasses physical, sexual, psychological, emotional and economic abuse, including dowry-related harassment. While the legal framework for addressing domestic violence has evolved significantly over the past two decades, the implementation of these laws continues to face substantial challenges, particularly in terms of timely adjudication.

The PWDVA, 2005, represents a landmark legislative achievement that recognises domestic violence as a civil wrong and provides comprehensive relief mechanisms for survivors. A key feature of this legislation is the mandatory timeline specified under Section 12(5), which mandates that “the Magistrate shall endeavour to dispose of every application made under subsection (1) within a period of sixty days from the date of its hearing.” This ambitious time was established recognising the urgent nature of domestic violence cases, where every day of delay potentially exposes survivors to continued abuse, financial insecurity, and psychological trauma.

Within the private sphere, factors such as social stigma, financial dependence, limited family support, and poor awareness of redressal mechanisms often compel women to remain in abusive relationships (Jayadev 2023; Devika 2019). Although the Domestic Violence Act provides clear legal remedies and institutional support systems, many women either remain unaware of these provisions or lack confidence in their effectiveness. A key reason for this mistrust is the inordinate delay in the adjudication of domestic violence cases, which research identifies as one of the primary obstacles survivors face in seeking justice (Panchal et al. 2023; Ray 2006). These delays not only undermine the protective intent of the legislation but also impose severe costs on survivors – prolonged exposure to violence, financial strain from repeated court appearances, psychological trauma from reliving their experiences, and mounting pressure from families and communities to reconcile with abusers.

However, the ground reality presents a stark contrast to this legislative intent. According to the National Crime Records Bureau (NCRB) Report 2023, nearly 50 per cent of cases under the DV Act remain pending for more than two years, with an overall pendency rate of 91.8 per cent for crimes against women. The conviction rate stands at a mere 13.7 per cent, with over 99,366 cases awaiting trial, including domestic violence, dowry, and Section 498A cases. In Kerala, despite the state’s reputation for progressive social indicators and high

literacy rates, domestic violence cases face similar delays. NCRB data shows Kerala registered 16,025 cases of crimes against women in 2023, with 4,832 cases specifically related to cruelty by husband and his relatives, the primary category under which domestic violence is reported.

Existing literature on domestic violence in India has extensively documented the prevalence and forms of violence, the inadequacy of legal frameworks, and the barriers survivors face in accessing justice (Ghosh and Choudhuri 2011; Ray 2006; Abeyratne and Jain 2012). However, there remains a significant gap in empirical research that systematically analyses the specific procedural bottlenecks causing delays in domestic violence adjudication. Studies have identified issues such as poor coordination among institutions, lack of support to Protection Officers, and judicial attitudes, but few have examined actual case timelines and disposition patterns to quantify and locate delays within the judicial process (Das and Lakshmana 2023; Jayadev 2023; Asharani 2023).

This research seeks to address this gap by undertaking a detailed analysis of domestic violence cases in Kerala's courts, with particular focus on Ernakulam district. By examining case data, procedural stages, and stakeholder perspectives, this study aims to identify the specific points at which delays occur and understand the institutional, procedural and human factors contributing to these delays.

1.1. Research Questions

This study is guided by the following research questions:

1. What are the primary causes of delay in the disposal of domestic violence cases under the DV Act in Kerala's courts?
2. At which procedural stages do the most significant delays occur, and what institutional processes contribute to these delays?

1.2. Significance of the Study

This research is expected to contribute to both academic literature and policy discourse in several ways. First, by providing empirical evidence on the nature and extent of delays in domestic violence adjudication, it offers a data-driven foundation for understanding the gap between legislative intent and ground-level implementation. Second, by identifying specific procedural bottlenecks, the study can inform targeted institutional reforms. Third, by incorporating perspectives from multiple stakeholders, the research provides a holistic understanding of the systemic challenges facing Kerala's domestic violence adjudication

system. Finally, the study's findings and recommendations can serve as a model for examining similar issues in other Indian states, contributing to national efforts to strengthen the implementation of the PWDVA.

2. Literature Review

The existing literature on domestic violence and its adjudication in India can be organised into several thematic areas: the nature and prevalence of domestic violence, the evolution of legal frameworks, implementation challenges, and institutional barriers to justice delivery.

2.1 Legal Framework: Evolution, Innovations, and Limitations

The United Nations Declaration on the Elimination of Violence Against Women (1993) defines violence against women as “any act of gender-based violence that results in, or is likely to result in physical, sexual, or psychological harm or suffering to women” (Mathew and Antony 2022). This comprehensive definition recognises that violence transcends physical abuse to encompass psychological, emotional, and economic dimensions. This recognition informed the drafting of the Protection of Women from Domestic Violence Act.

The Protection of Women from Domestic Violence Act, 2005, marked a paradigmatic shift, moving from a purely criminal justice framework to a civil law model that provides immediate protective relief while maintaining criminal sanctions for non-compliance. Unlike previous provisions requiring proof beyond a reasonable doubt, the PWDVA provides both civil and criminal legal recourse, allowing women to seek injunctions and protective orders alongside criminal provisions (Abeyratne and Jain 2012).

The Act introduced several progressive features. First, it broadened protection beyond formal marital relationships to cover “domestic relationships,” thereby including unmarried women in live-in relationships (Abeyratne and Jain 2012). Second, it introduced the “right to residence” in a shared household, preventing women from being forced out. Third, it empowered magistrates to grant monetary relief under Section 20 (1), allowing courts to order maintenance, compensation for injuries, loss of earnings, and medical expenses (Abeyratne and Jain 2012). Importantly, the law recognises that the sole testimony of the aggrieved person may be sufficient for the court to reach a conclusion, reducing the evidentiary burden (Ghosh and Choudhuri 2011). Importantly, the Act established Protection Officers to assist victims in filing complaints, preparing Domestic Incident Reports, and navigating the legal system.

However, several limitations contribute to ineffective enforcement. The non-bailable and non-compoundable nature of Section 498A creates a significant procedural constraint: once filed (often concurrently with PWDVA claims), the case cannot be withdrawn even if both parties wish to reconcile, forcing matters through full trial and contributing to judicial backlog (Abeyratne and Jain 2012). Research across multiple Indian states has documented how this legal rigidity conflicts with survivors' actual preferences, with many seeking protection and behavioural change rather than criminal prosecution (Panchal et al. 2023). National-level studies further identify the provision for ex parte interim protection orders under Section 23 as a source of protracted contestation, with respondents challenging the order through multiple appeals, which significantly extend case timelines (NCW 2022). Kerala-specific research reveals additional implementation gaps, including poor coordination among institutional actors, inadequate support from the Protection Officer, and delays in evidence collection—factors that compound the structural limitations inherent in the Act's design (Asharani 2023; Das and Lakshmana 2023).

2.2 Domestic Violence: Prevalence and Social Context

In India, domestic violence remains widespread despite legal protections, reflecting deeply entrenched patriarchal structures. The idealisation of home as a safe space obscures the reality that, for many women, it becomes a site of systemic violence (Arathi and Athira 2017). This disconnect between social perception and lived reality has critical implications for justice delivery, as society views domestic violence as a private family matter rather than a public concern requiring urgent intervention. Institutional actors, including police and courts, may internalise these attitudes, contributing to the delays and dismissive treatment documented in this study.

Women remain trapped in abusive situations through intersecting constraints, economic dependence, social stigma, family pressure, and internalised gender norms. Smith's analysis of family idealisation reveals how violence becomes normalised as a legitimate male response to perceived female transgressions, with marriage itself legitimising violence as a mechanism of control (Arathi and Athira 2017). The cultural construction of Indian women as "towers of tolerance" expected to endure suffering silently (Mathew and Antony 2002) directly undermines the PWDVA's protective intent. When survivors are socialised to accept abuse rather than seek legal remedy, and when they do seek help, encounter institutional actors shaped by similar cultural frameworks, the result is the systematic delays and pressure toward reconciliation revealed in the Ernakulam case data.

Studies specific to Kerala have identified patterns reflecting both national trends and local specificities. The Rajagiri College of Social Sciences (2005) found that Alappuzha and Malappuram districts recorded a higher number of cases related to dowry problems and documented the impact of alcoholism, with almost half of the victims citing their husbands' addictive nature as a major cause. The study's recommendations remain relevant: the introduction of mobile courts, expansion of the women's commission with enhanced penal powers, mandatory gender training for police officers, and recognition of domestic violence as a public issue. The continued relevance of these recommendations two decades later suggests persistent implementation challenges.

2.3 Implementation Challenges: Institutional and Procedural Barriers

2.3.1 Protection Officer Constraints and Functioning

The Protection Officer is envisioned as a critical link between survivors and the justice system, responsible for preparing the DIR. However, research on Kerala documented weak coordination among institutions and inconsistent functioning of the Protection Officer (Asharani 2023). A fundamental problem is the lack of sufficient POs. The social welfare board has established 72 Service Providing Centres in Kerala, but all are urban-based, making access for rural complainants virtually impossible (Arathi and Athira 2017). National studies found that lack of funding, delays in preparing DIRs and poor police coordination weaken PWDVA implementation (National Commission for Women 2022). In addition, poor training and evidence collection, combined with a lack of monitoring, cause significant delays (Das and Lakshmana 2023).

2.3.2 Dual Legal Battle and Procedural Complexity

One of the most significant burdens is the requirement to fight battles on multiple legal fronts simultaneously. Victims often must fight two separate cases: one in civil court for divorce, maintenance, and child custody, and another in criminal court for conviction under Section 498A (Ray 2006). Research analysing DV cases across Indian states found severe judicial delays as a primary challenge, documenting the long judicial process required to grant monetary relief, protection orders, and residence orders (Panchal et al. 2023). Witnesses are repeatedly called to police stations and courts and may feel threatened by the respondent's family. As a result, they may turn hostile during proceedings, further delaying cases and often leading to acquittals (Ray 2006).

2.4 Economic, Social, and Psychological Costs of Delays

The economic burden of prolonged litigation is substantial. Beyond the direct legal fees, survivors incur significant costs for travel and repeated court appearances, only to face adjournments. Lost wages, childcare expenses, and accommodation costs add to the burden. Recognising this severe financial strain, the Kerala Government established the Aswasanidhi corpus fund (₹300 Lakh), which provides relief for grievous physical or mental injury due to domestic violence and aims to ensure timely assistance, recommending disbursement within five days (120 hours).

As social stigma continues to act as a major barrier, survivors often face intense pressure from families, communities, and sometimes even court personnel to reconcile with abusers. This pressure increases exponentially when children are involved. The process that takes months to reach a conclusion, combined with familial pressure, can make returning to an abusive home seem like the only viable option. Research found that approximately 30 per cent of cases are withdrawn at the counselling stage instead of proceeding legally.

Survivors must relive their trauma repeatedly, telling their stories to police officers, Protection Officers, lawyers, counsellors, and magistrates, often multiple times. Insensitive questioning during proceedings can be deeply traumatising. When officials question women in ways that suggest disbelief or blame the survivor, such conduct constitutes institutional revictimisation.

2.5 Research Gap and the Study's Contribution

While there is substantial literature on domestic violence in India generally, a significant gap remains in empirical research that systematically analyses actual case timelines and procedural stages in Kerala's courts. Existing studies document delays and the role of various institutional actors in contributing to them. Still, they lack systemic empirical evidence on where in the process delays are most acute, how they vary across courts within the same district, and what specific interventions might be most effective. Most studies rely on qualitative assessments from stakeholders or aggregate statistics.

Furthermore, several studies document challenges in PO functioning, judicial attitudes, and police behaviour; however, there is limited research that integrates these different perspectives to provide a holistic picture of how these various factors interact to produce delays. Understanding these interactions is crucial for designing effective interventions, as addressing one bottleneck may simply shift delays to another point if systemic coordination is not improved. This research aims to fill these gaps by using numbers from real case data

from different courts in Ernakulam district and gathering opinions from various people involved to provide a comprehensive view of the delays in handling domestic violence cases in Kerala.

3. Methodology

This research employed a mixed-methods design, combining quantitative case analysis with qualitative court observations and semi-structured interviews to examine adjudication patterns, procedural dynamics, and systemic challenges in the processing of domestic violence cases across Kerala's judicial infrastructure.

The dual methodological approach emerged from preliminary observations revealing a significant disconnect between the procedural ideals enshrined in the Protection of Women from Domestic Violence Act, 2005, and the ground-level implementation realities confronting survivors. A crucial step was the decision to examine both disposed and pending cases to understand systemic bottlenecks that prevent timely resolution.

3.1 Research Setting

The research was conducted exclusively in the Ernakulam district. There are fourteen courts handling domestic violence matters: Kalamasserry, Kakkanad, Chottanikkara, Kolenchery, Muvattupuzha, Perumbavoor, Tripunithura, Njarakkal, Angamaly, Mattancherry, Piravom, Kothamangalam, Aluva, and North Paravoor. Additionally, a total of 10 people were interviewed for their input, including advocates, judicial officers, and Protection Officers.

3.2 Data Collection: Quantitative Case Analysis

The quantitative dataset comprised 528 disposed cases and 681 pending cases as of late 2025, encompassing a total of 1,209 cases filed across Ernakulam district courts between 2020 and 2025, capturing both pandemic-era and post-pandemic case-processing patterns.

Each case record was systematically coded for multiple temporal markers and categorical variables. Primary temporal variables included filing data, first-hearing date, and, for disposed cases, decision data and total processing duration.

For pending cases, the reason for the next hearing was coded into categories including "for evidence," "objection," "return of notice," "appearance of parties," "report on mediation,"

"issue notice," "referred to mediator," "await report," "no sitting notified," and "adjourned." For disposed cases, additional categorical variables included case outcome: disposed through standard judicial adjudication, withdrawn, settled through mediation, death of respondent, and petitioner's absence.

3.3 Data Collection: Qualitative Court Observation

Direct court observation provided essential contextual depth and lived understanding of how domestic violence cases are actually processed within courtroom settings. The court observation was conducted on January 31, 2026, at the Economic Offences Court, spanning the full court session, approximately six hours of continuous observation. The observation revealed that when domestic violence cases were called, every single scheduled case received an immediate adjournment without a substantive hearing, creating a pattern of wholesale adjournments that proved crucial for interpreting quantitative findings on processing delays.

3.4 Analytical Strategy

The quantitative analysis integrated descriptive statistics, calculating means, medians, and distributional characteristics for temporal variables across both disposed and pending cases. Comparative analysis examined differences between disposed and pending cases, jurisdictional variations across the fourteen courts, and temporal patterns over the six-year study period. The qualitative analysis of court observation data, along with stakeholder interactions, followed systematic thematic coding, identifying patterns in adjournment practices, case prioritisation, resource constraints, and institutional culture. Integration of quantitative and qualitative findings employed triangulation, with observational insights contextualising statistical patterns, while quantitative data provided systematic evidence supporting observational interpretations.

4. Findings and Discussion

4.1 Overview

This chapter presents findings from a comprehensive examination of the processing of domestic violence cases across 14 Judicial First Class Magistrate Courts in Ernakulam district, Kerala. The analysis encompasses 1,209 cases filed between 2020 and 2025, comprising 528 disposed cases and 681 pending cases. The data reveal a substantial gap between statutory mandates and actual implementation in domestic violence adjudication.

The findings are organised into three principal sections: quantitative analysis of case processing duration and statutory compliance rates, stakeholder perspectives on the causes and consequences of procedural delays, and systemic implementation challenges facing the Protection of Women from Domestic Violence Act.

4.2 Quantitative Analysis of Case Processing Timelines

4.2.1 Compliance with the Three-day First Hearing Mandate

Section 12(5) of the Protection of Women from Domestic Violence Act mandates that the first hearing be held within three days of petition filing. This timeline reflects legislative recognition that domestic violence cases require urgent judicial intervention due to the ongoing risk survivors face during the period following complaint registration. The empirical analysis reveals significant non-compliance with this statutory requirement across all examined courts. Among the 528 disposed cases analysed, only 109 cases (20.6%) received first hearings within the statutory three-day period. The mean time from filing to first hearing was 33.2 days, with a median of 19 days. This represents delays approximately 11 times longer than the statutory mandate for the average case.

The distribution of delays demonstrates considerable variation, ranging from same-day hearings to delays extending 366 days. The standard deviation of 39.8 days indicates substantial inconsistency in scheduling practices. This is a nearly twelve-fold variation between courts, with Tripunithura averaging 4.8 days and Kalamassery 56.7 days for first hearings. This suggests that delay patterns reflect institutional practices and resource allocation rather than case-specific factors requiring extended preparation, as all courts operate under identical statutory frameworks and handle similar case types. Analysis by court jurisdiction reveals significant inter-court variation in first hearing delays. Tripunithura JFCM Court demonstrated relatively superior compliance with a mean of 4.8 days, while Kalamassery JFCM Court exhibited a mean delay of 56.7 days.

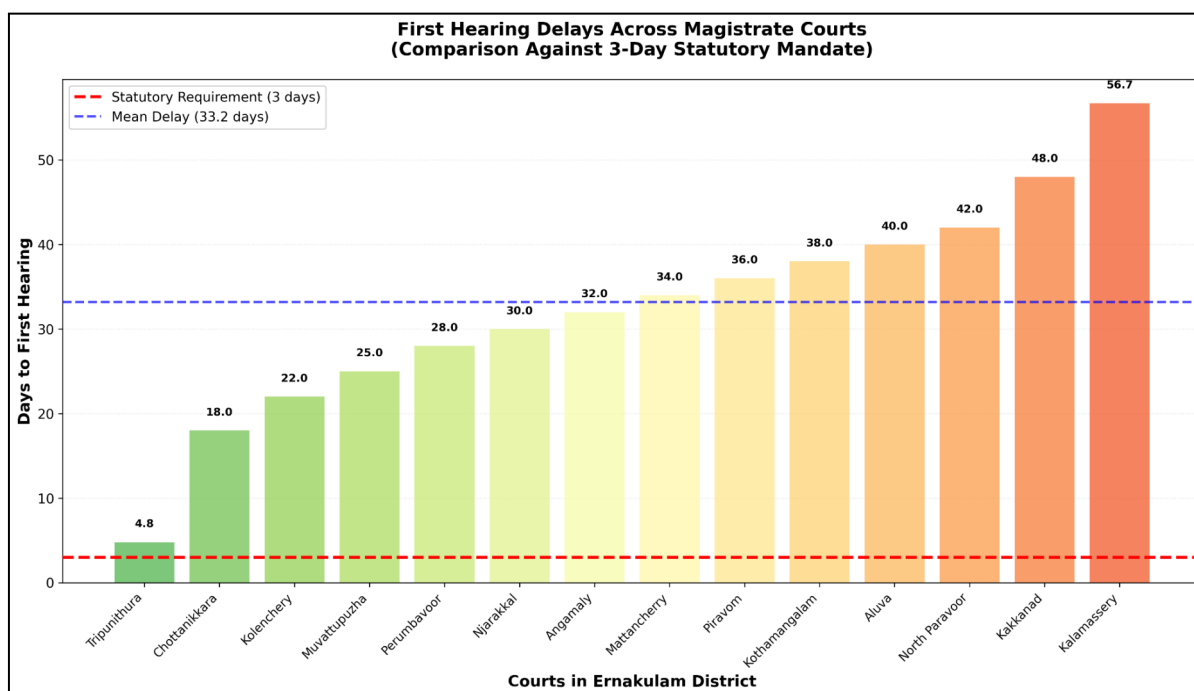


Figure 1: First Hearing Delays Across Magistrate Courts (Comparison Against 3-Day Statutory Mandate)

4.2.2 Total Case Processing Duration

The PWDVA mandates that magistrates shall endeavour to dispose of applications within 60 days of the first hearing. Combined with the three-day first-hearing requirement, the statutory framework envisions case resolutions within approximately 60 days from filing. The empirical data demonstrate substantial deviation from this legislative vision. Among disposed cases, the mean total processing duration from filing to final disposition was 338.6 days, with a median of 278 days. The average domestic violence case required over 11 months to resolve, representing more than a fivefold exceedance of statutory timelines. The distribution demonstrates considerable variation, with the shortest case resolved in two days and the longest requiring 1,622 days (over four years) for disposition.

Only 29 of 528 disposed cases (5.5%) achieved resolution within the statutory 60-day period from the first hearing. When considering the combined statutory timeframe from filing through disposition, only 15 cases (2.8%) achieved complete resolution within 60 days. These findings demonstrate that statutory timelines function as aspirational benchmarks rather than meaningful procedural standards guiding judicial practice.

4.2.3 Analysis of Pending Cases

Examination of 681 pending cases reveals the accumulated impact of processing delays. As of January 2026, pending cases had been in the system for a mean duration of 341.7 days, with a median of 295 days. These figures represent conservative minimum estimates, as all pending cases will require additional time before reaching resolution. The longest pending case had been awaiting resolution for 1,404 days. Forty-seven pending cases (6.9%) had exceeded 600 days without resolution, representing survivors who have navigated the legal system for over 18 months without definitive outcomes.

4.2.4 Procedural Stages and Systematic Bottlenecks

Analysis of pending cases reveals specific procedural stages where cases systematically stall. Evidence-related delays account for 182 cases (26.7%), reflecting the evidentiary challenges inherent in domestic violence cases where abuse occurs in private settings. Objection and counter-filing stages affect 156 cases (22.9%), indicating that respondent procedural tactics effectively extend case timelines. Notice service and return concerns 109 cases (16%), corroborating research suggesting that securing party attendance constitutes a core source of delay. Mediation and counselling involve 93 cases (13.7%). Administrative delays account for 115 cases (16.9%), attributable to court scheduling and judicial availability rather than substantive legal requirements. Miscellaneous categories account for 26 cases (3.8%).

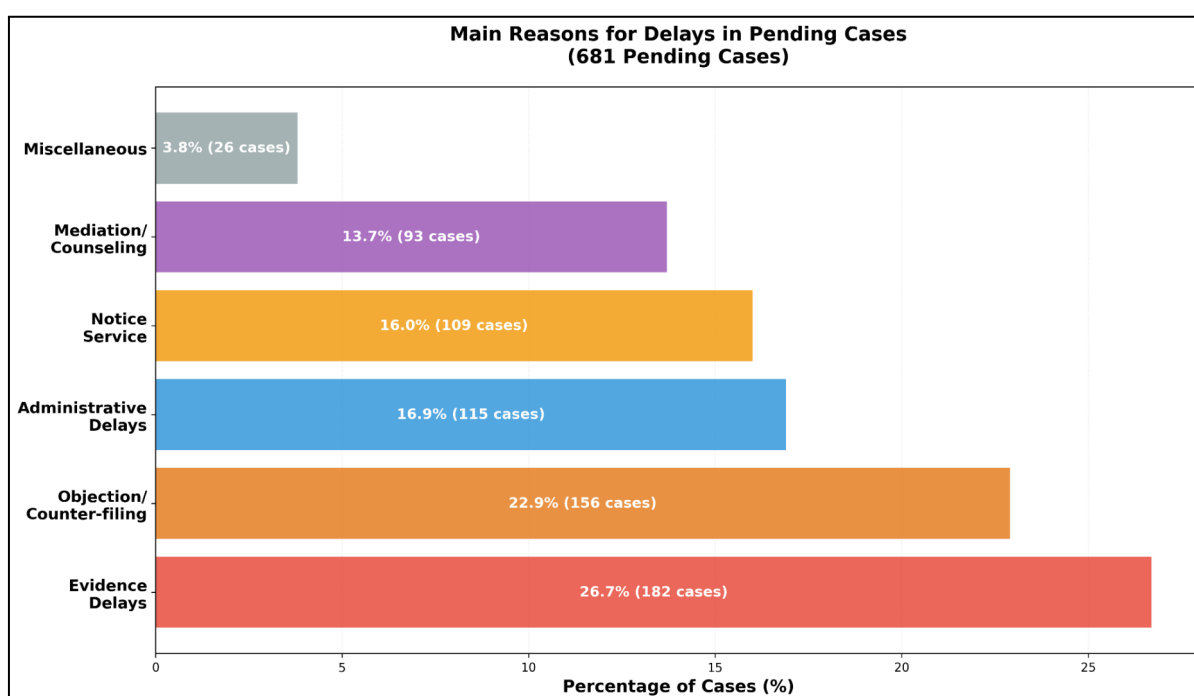


Figure 2: Main Reasons for Delays in Pending Cases

4.2.5 Case Outcomes and Resolution Pathways

Among the 528 disposed cases, standard judicial disposition accounts for 454 cases (86%), indicating that most petitioners pursue cases through to final adjudication. Withdrawn cases comprise 23 cases (4.4%), suggesting that most petitioners persist despite prolonged timelines and challenging narratives regarding frivolous complaints. Mediation settlements represent 40 cases (7.6%). The respondent's death affected five cases (0.9%), while the petitioner's absence resulted in the dismissal of three cases (0.6%). Other disposals account for three cases (0.6%).

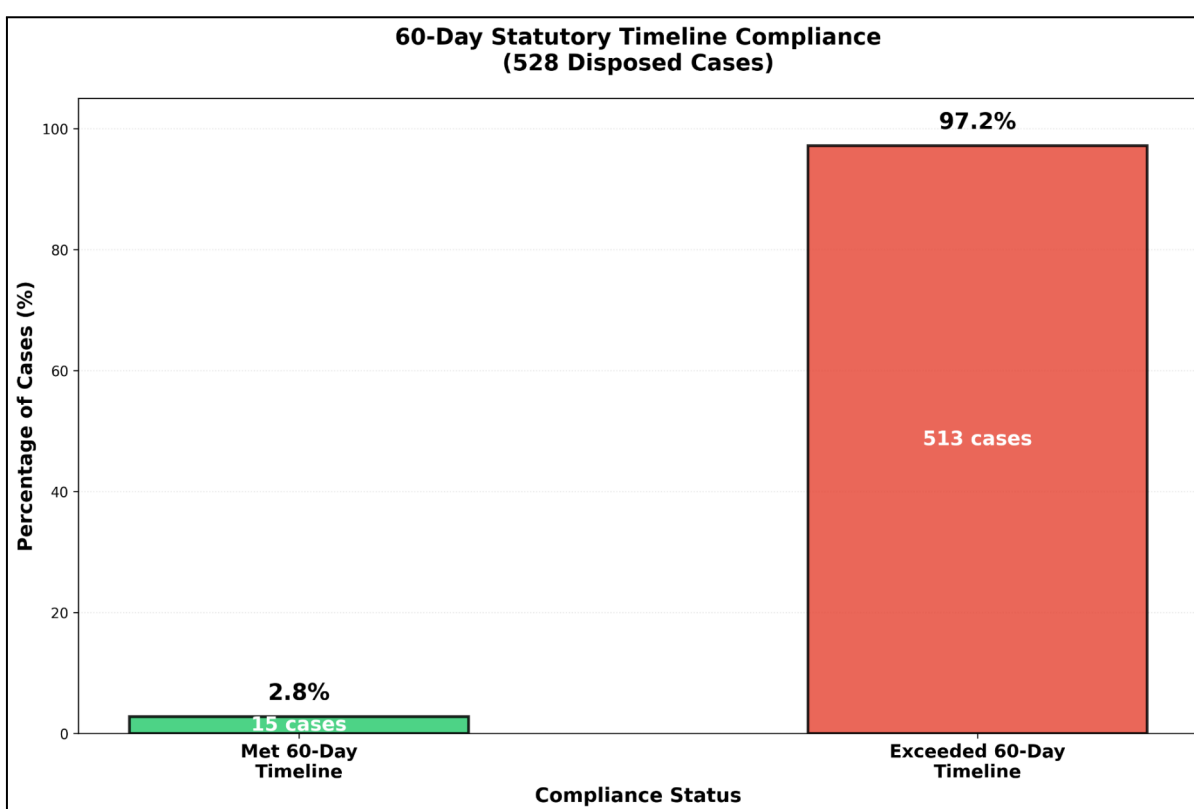


Figure 3: 60-Day Statutory Timeline Compliance

4.2.6 Temporal Trends

Cases filed during 2020-2021, corresponding to the COVID-19 pandemic period, demonstrated elevated processing durations, with mean disposal times exceeding 425 days. However, cases filed in 2022-2025 continued demonstrating a mean processing duration of 310-245 days, indicating that while pandemic disruptions temporarily exacerbated delays, the fundamental pattern reflects endemic structural challenges.

4.2.7 Urban-Rural Court Performance Disparities

Analysis of case processing timelines reveals unexpected and significant performance variations between urban and rural courts in Ernakulam district. Contrary to conventional assumptions that urban courts benefit from superior infrastructure, greater resources, and better administrative capacity, rural courts demonstrate substantially better performance across critical metrics. Rural courts schedule first hearings significantly faster than urban courts, averaging 17.9 days compared to 44.7 days in urban courts – a 2.5-fold difference representing a 26.8-day advantage. Similarly, total case processing duration shows rural courts disposing of cases more efficiently, averaging 252 days compared to 306.5 days in urban courts, representing a substantial 54-day (1.8 months) advantage for rural jurisdictions.

However, both court categories exhibit near-universal failure in meeting statutory compliance requirements, with only 2.3 per cent of urban cases and 3.2 per cent of rural cases receiving first hearings within the mandated three-day period. This minimal difference of 0.9 percentage indicates that systemic implementation failure transcends geographic location and infrastructure availability. The data suggest that administrative practices, scheduling protocols, and judicial engagement patterns influence case outcomes more significantly than physical infrastructure or urban location.

Urban courts demonstrate substantially greater scheduling inconsistency, with a standard deviation of 73 days compared to only 17.8 days in rural courts, suggesting inadequate standardisation of administrative procedures in urban jurisdictions. Notably, pending case durations show negligible urban-rural variation, indicating that while rural courts achieve faster initial hearings, both categories face similar post-hearing procedural bottlenecks – including evidence gathering, mediation delays, and adjournments – that ultimately affect case resolution timelines equally regardless of court location.

Urban vs Rural Courts Performance Comparison

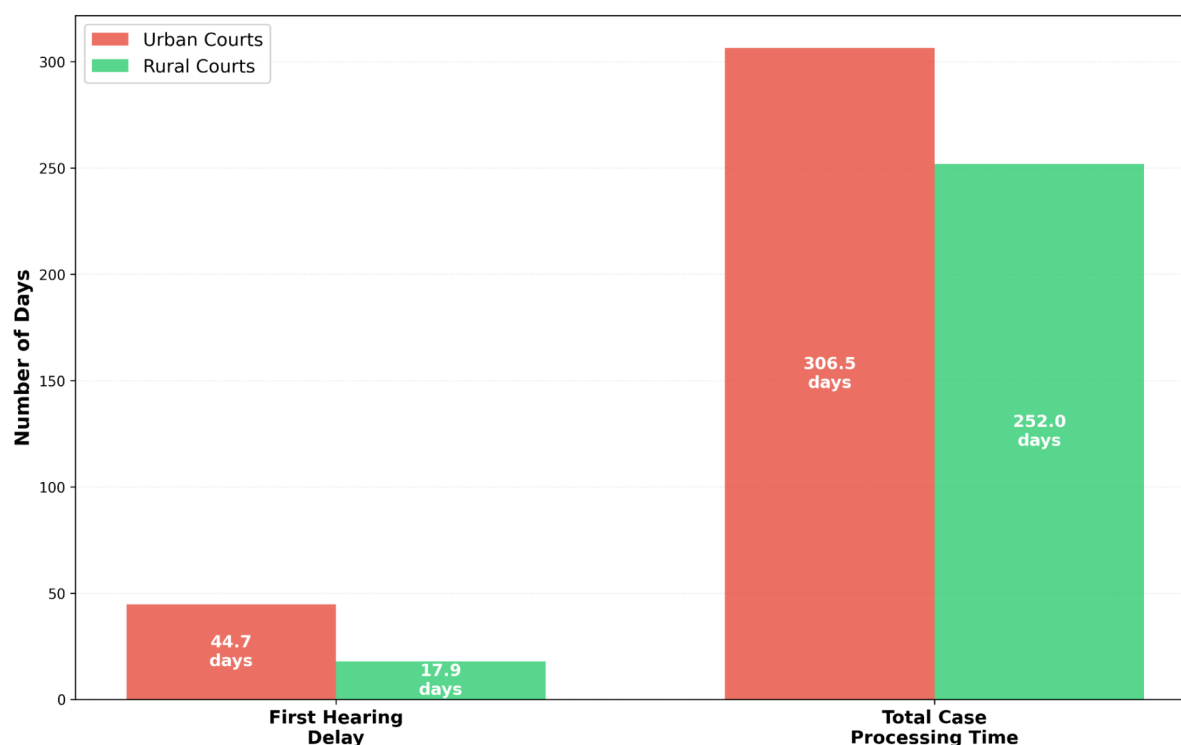


Figure 4: Urban vs Rural Courts Performance Comparison

4.3 Stakeholder Perspectives on Delay Mechanisms

4.3.1 Protection Officer Capacity and Institutional Constraints

The Protection Officer constitutes a central innovation of the PWDVA framework, serving as the designated first point of contact for survivors and responsible for preparing Domestic Incident Reports (DIR). However, stakeholder testimonies reveal substantial gaps between the intended role and actual capacity. A Protection Officer reported receiving 40 to 50 new cases monthly while simultaneously managing ongoing cases requiring court appearances, evidence coordination, counselling follow-up, and emergency response.

Protection Officers described working substantial overtime to meet court deadlines, responding to emergency calls during night hours, and coordinating with police to enforce protection orders outside regular office hours. With typically one Protection Officer designated per district, survivors in rural areas face significant difficulties accessing services concentrated in urban centres. Legal practitioners consistently identified extended waiting periods for DIR submission as significant timeline extenders, noting that the document is intended to expedite relief, but paradoxically becomes a source of delay.

4.3.2 Police Coordination Failures and Notice Service Challenges

Stakeholder interviews revealed police-related issues as persuasive contributors to delays. At the initial complaint stage, legal practitioners reported that domestic violence complaints frequently fail formal registration because police categorise them as private family matters requiring informal resolution. When cases proceed to court, notice service to the respondent emerges as a critical bottleneck, with pending case data confirming that 16 per cent of delayed cases specifically await notice-related actions. Stakeholders described non-appearance as a tactical delay mechanism, with some respondents' counsel explicitly advising that ignoring notices is an effective method to extend litigation timelines.

4.3.3 Judicial Attitudes, Counselling Emphasis, and Case Prioritisation

Stakeholder testimonies revealed concerning patterns in how courts prioritise, schedule, and handle domestic violence matters. Multiple stakeholders noted that after first notice issuances, courts generally push for counselling and mediation rather than proceeding directly to adjudication. Stakeholder accounts suggested that approximately 30 per cent of cases return from counselling stages without proceeding to legal resolution, indicating either successful reconciliation or survivor withdrawal under pressure.

When physical harm becomes apparent, matters receive more immediate attention and expedited processing. This prioritisation pattern effectively creates a two-tier system wherein survivors experiencing primarily psychological, emotional, or economic abuse receive delayed attention and stronger pressure toward reconciliation, while those demonstrating physical harm access more expedited relief.

Multiple stakeholders documented that domestic violence matters receive classification as miscellaneous or maintenance cases, scheduled toward the end of daily proceedings, following even petty cases. Court observation confirmed this pattern, with scheduled cases receiving immediate adjournment without substantive hearing. Several practitioners noted that domestic violence cases frequently receive scheduling only on Saturdays, concentrating all matters on single days and inevitably creating capacity constraints.

4.3.4 Legal Representation, Adversarial Dynamics, and Relief Patterns

Stakeholder testimonies revealed that counsel also contributes to delays through various mechanisms. Respondent counsel reportedly advises clients that non-response to notices constitutes an effective mechanism for postponing proceedings. A particularly significant finding concerns the substantive focus of domestic violence litigation in practice. Legal

practitioners emphasised that most cases revolve around maintenance and residence rather than violence itself. These financial and property disputes substantially extend timelines as parties present competing evidence regarding incomes, expenses, and household economic circumstances.

4.3.5 Evidentiary Challenges and Procedural Fairness Concerns

Legal practitioners observed that courts require convincing evidence of violence, yet direct evidence is frequently unavailable, necessitating the establishment of circumstantial evidence. This challenge partially explains why more than one-quarter of pending cases await the presentation of evidence. The PWDVA attempted to address this by providing that the sole testimony of the aggrieved person may suffice for judicial conclusions. However, stakeholder testimony suggests that judicial practices continue demanding corroborating evidence beyond survivor testimony.

4.3.6 Inter-institutional Coordination and Survivor Burdens

A consistent theme across stakeholder interviews was inadequate coordination among institutions involved in domestic violence case processing. Legal practitioners state that coordination deficits exist among departments, requiring survivors to navigate multiple agencies, including police, Protection Officers, courts, counsellors, and medical services, operating largely independently without systemic information sharing.

While Kerala has established multiple support mechanisms, including SAKHI centres, Snehitha desks, Bhoomika Centres, Kudumbashree networks, and Protection Officers, these services operate without systemic integration.

Stakeholder interviews extensively documented the multidimensional costs that procedural delays impose on survivors. Economic costs accumulate through legal fees, travel requirements, and wage loss from repeated court appearances. Psychological trauma extends beyond original abuse as survivors must repeatedly recount experiences to multiple institutional actors, reliving trauma with each iteration.

The empirical findings reveal substantial divergence between the PWDVA's statutory timelines and ground-level implementation. With only 20.6 per cent of cases receiving first hearings within three days and 2.8 per cent achieving complete resolution within statutory timelines, these mandates function as aspirations rather than operational standards. The mean case duration of over 11 months represents more than fivefold exceedance of

statutory timelines. This constitutes not marginal non-compliance but wholesale systemic failure.

4.4. Administrative Systemic Implementation Failures and Policy Implications

4.4.1 The Gap Between Statutory Mandate and Implementation Infrastructure as Core Challenges

The substantial proportion of pending cases awaiting return of notice, appearance of parties, or related procedural steps demonstrates that the administrative function of formally notifying parties and securing their attendance creates major bottlenecks. Court observation provided a vivid illustration of how administrative scheduling practices create delays independent of substantive case requirements. All scheduled domestic violence cases received immediate adjournments without a substantive hearing, suggesting cases were calendared without a realistic assessment of available court time.

4.4.2 Empirical Evidence Regarding Misuse Claims

The low withdrawal rate of 4.4 per cent and the petitioner absence rate of 0.6 per cent provide empirical evidence that challenges concerns regarding frivolous or abandoned DV petitions. The overwhelming majority of petitions remain engaged throughout prolonged litigation despite the accumulated burdens, suggesting that genuine grievances motivate continued pursuit of legal remedy rather than strategic harassment.

4.4.3 Inter-institutional Coordination Deficits

Despite Kerala's establishment of multiple support mechanisms¹, these services operate without systemic integration. Survivors must independently coordinate among institutions without clear guidance. Each institutional handoff creates potential for delay, information loss, and coordination failure.

¹ Kerala has established several institutional mechanisms to support domestic violence survivors, including: (i) Protection Officers appointed under the PWDVA in each district to assist survivors in filing complaints and accessing relief; (ii) SAKHI One Stop Centres providing integrated support services including shelter, counseling, legal aid, and medical assistance; (iii) Snehitha Gender Help Desks operated by Kudumbashree (Kerala's women's empowerment program) offering frontline support and referrals at the grassroots level; (iv) Bhoomika Gender Resource Centres under the Department of Women and Child Development providing counseling and legal awareness; (v) Women and Child Desks in police stations; (vi) District Legal Services Authority (DLSA) providing free legal aid; and (vii) Ashwasanidhi Corpus Fund offering financial relief to victims of domestic violence. Despite this comprehensive institutional infrastructure, these mechanisms operate largely independently without coordinated case management or systemic information sharing.

4.4.4 Reform Implications

The findings indicate the need for fundamental systemic reforms addressing multiple institutional levels simultaneously. Effective reform requires coordinated interventions addressing institutional coordination, administrative capacity, judicial attitudes, legal culture, and support service integration concurrently. The overwhelming consensus among legal practitioners points toward establishing specialised courts dedicated to domestic violence matters. Risk assessment instruments that identify the highest danger cases for prioritisation offer potential mechanisms for triaging limited judicial capacity toward cases presenting the greatest urgency.

4.5 Kerala's Implementation Paradox

The occurrence of widespread implementation failures in Kerala carries particular significance. As India's most literate state with relatively progressive gender indicators, robust women's movements, and established support infrastructure, Kerala theoretically provides favourable conditions for effective implementation of the DV Act. The presence of significant delays, even in Kerala's most urbanised district, suggests that similar or more severe patterns likely characterise other Indian states with weaker institutional capacity.

This indicates that achieving effective DV Act implementation requires not merely administrative reforms and resource enhancements but also cultural transformation in institutional understanding of domestic violence, professional assessment of survivor credibility, and societal valuation of women's safety and autonomy. The findings thus support the conclusion that even legislative frameworks meeting international human rights standards may prove limited or counterproductive absent attention to powerful cultural and institutional barriers.

5. Policy Recommendations

The findings exposed a harsh reality that there is a massive gap between what the Protection of Women from Domestic Violence Act promises and the ground reality. Cases drag on for over 11 months when the law states 60 days. Only 2.8 per cent of the analysed cases met the timeline.

This chapter presents five interconnected policy recommendations designed to address the systemic challenges identified through quantitative case analysis and stakeholder testimonies. These recommendations reflect both the empirical evidence on where delays

occur and stakeholder insights on which institutional transformations would prove most effective. While acknowledging resource constraints as real limitations, these recommendations articulate an ambitious yet achievable reform agenda calibrated to Kerala's institutional capacity and political context.

5.1 Specialised Domestic Violence Courts

5.1.1 Problem

The judicial system faces structural inefficiencies due to the absence of case-specific specialisation. The current practice of treating domestic violence matters as miscellaneous cases scheduled toward the end of daily proceedings, often only on Saturdays, directly contradicts the Act's mandate for expedited relief. Court observation revealed that when domestic violence cases were called, every scheduled case received immediate adjournment without a substantive hearing, suggesting cases were calendared without a realistic assessment of available court time.

The nearly twelvefold variation in first-hearing delays across courts within Ernakulam district provides compelling evidence that delay patterns reflect court-specific administrative practices such as scheduling protocols, case prioritisation, notice processing efficiency, and judicial engagement levels, rather than external constraints. Tripunithura averaged 4.8 days, while Kalamassery averaged 56.7 days for first hearings. These courts operate under identical statutory frameworks within the same district 60-day timeline; courts routinely take over two years to settle disputes. The lengthy judicial process results in secondary traumatisation as survivors must repeatedly recount painful experiences in the presence of the accused and unfamiliar legal personnel.

Survivors frequently must pursue separate cases in civil court for divorce, maintenance, and child custody and another in criminal court for conviction under Section 498A. When domestic violence cases run parallel to divorce petitions or Section 498A prosecutions, complexity multiplies exponentially. This fragmentation, combined with associated financial strain, significantly exacerbates survivor hardship. Specialised domestic violence courts with consolidated jurisdiction can eliminate this fragmentation by adjudicating all related matters within unified proceedings. This includes PWDVA relief, divorce, maintenance custody, and Section 498A prosecutions, thereby reducing procedural duplication and the number of court appearances survivors must navigate.

5.1.2 Recommendation

Establish specialised domestic violence courts with exclusive jurisdiction over all domestic violence matters to eliminate current fragmentation. These courts should incorporate several essential design features. First, consolidate jurisdiction to enable integrated case management addressing divorce, maintenance, child custody, PWDVA relief, and Section 498A prosecutions within unified proceedings. Consolidated jurisdiction eliminates this fragmentation by bringing all related matters under one specialised court, reducing duplication, minimising procedural complexity, and decreasing the number of court appearances survivors must navigate.

Second, employ dedicated judicial officers receiving mandatory specialised training in domestic violence dynamics, trauma-informed adjudication, gender sensitivity, and evidence evaluation in cases involving private sphere abuse. Third, provide dedicated administrative support staff trained in domestic violence case management, including process servers specifically assigned to domestic violence service, case managers coordinating evidence collection and witness scheduling, and administrative personnel managing systemic case tracking.

Fourth, co-locate support services within or immediately adjacent to specialised courts. Integrate Protection Officers, legal aid services, counseling resources, and victim advocates within the court facility to enable coordinated service delivery. This reduces the locations survivors must visit, minimises narrative repetition across multiple institutional encounters, and facilitates real-time coordination among service providers.

Adopt remote testimonies via video conferencing to enable survivors to record statements, thereby reducing trauma and delays. Record survivor statements at the first point of contact to prevent re-traumatisation. Implement specialised courts through a phased rollout beginning with high-volume jurisdictions. Given its substantial caseload and urban infrastructure, Ernakulam district represents an ideal pilot location for systemic evaluation before statewide expansion.

The empirical findings demonstrate why specialised courts represent a necessary structural transformation rather than merely an enhancement to existing systems. The data patterns underscore the urgency of dedicated infrastructure for domestic violence adjudication.

The nearly twelvefold variation in first-hearing delays between courts is particularly telling. Tripunithura Court averages 4.8 days while Kalamassery Court averages 56.7 days for first hearings. This dramatic variation, combined with a standard deviation of 39.8 days, demonstrates that delay patterns reflect court-specific administrative practices and resource allocation rather than case-specific factors. All courts operate under identical statutory mandates and handle similar types of domestic violence cases, yet outcomes differ drastically based on institutional practices.

Most critically, even the best performing court fails to meet statutory requirements. Tripunithura, despite its superior performance, still exceeds the statutory three-day mandate. Across all examined courts, only 20.6 per cent of cases achieved first-hearing compliance within three days, and a mere 2.8 per cent achieved complete resolution within 60 days. The urban-rural comparison further illustrates these systemic failures: rural courts outperform urban courts substantially, averaging 17.9 days versus 44.7 days for first hearings despite presumably fewer resources. However, both urban and rural courts exhibit near-universal failure in statutory compliance. This pattern reveals that the problem transcends individual judicial capacity, localised resource constraints, or court characteristics—it reflects fundamental structural limitations.

The current institutional framework, where domestic violence matters compete as miscellaneous cases within general Magistrate Court dockets, fundamentally lacks the structural capacity to deliver expedited adjudication. Specialised courts address this structural deficit through the features outlined above: consolidated jurisdiction eliminates fragmentation, trained personnel understand the dynamics of domestic violence, dedicated administrative support manages case flow efficiently, and co-located services eliminate coordination failures. These features collectively create an institutional framework designed specifically for domestic violence adjudication rather than expecting general Magistrate Courts to accommodate specialised needs within already overburdened dockets.

5.1.3 Justification

The research documented how judicial attitudes substantially influence processing timelines and adjudication quality. Stakeholders described significant variations in judicial engagement when handling cases involving survivors from rural versus urban areas, as well as concerning patterns of insensitive questioning. Specialised training addresses these challenges systematically rather than relying on individual judicial officers' inclinations. The finding that 16 per cent of pending cases await notice-related actions demonstrates how

inadequacies in administrative infrastructure create substantial delays. Dedicated administrative capacity addresses these bottlenecks directly.

In-camera proceedings are mandated under Section 327 of the Criminal Procedure Code and reinforced by Supreme Court judgements like *State of Punjab vs Gurmit Singh*. However, stakeholder interviews reveal that survivors frequently experience secondary victimisation during testimony. Section 173 of Bharatiya Nagarik Suraksha Sanhita (BNSS) allows the victim to provide information through electronic communication, which shall be taken on record by the officer in charge once signed by the informant within three days of submission.

This design draws from the Family Justice Centre (FJC) model pioneered in the United States, which demonstrated effectiveness in reducing procedural fragmentation across multiple jurisdictions. The FJC approach co-locates public and private agencies in one space to reduce the number of places victims must visit and the number of times they must recount their experiences. Similarly, Australia's integrated Family Violence Multi-Agency Risk Assessment and Management framework has shown success in coordinating responses across justice, health, and social services. While these requirements represent significant investments, the current costs of prolonged litigation, both to survivors and to the judicial system managing accumulated backlogs, justify dedicated resource allocation.

5.2 Assistant Protection Officers and Institutional Capacity

5.2.1 Problem

As documented in Section 4.3.1, Protection Officers face substantial gaps between their intended roles and actual capacity. A Protection Officer serving a major district reported receiving 40 to 50 new cases monthly while simultaneously managing ongoing cases requiring court appearances, evidence coordination, counselling follow-up, and emergency response. This overwhelming caseload operating within severely constrained resource environments produces inevitable delays and quality variations.

Geographic distribution creates access barriers, with typically one Protection Officer per district forcing survivors in rural areas to travel substantial distances to urban administrative centres. The social welfare board has established 72 Service Provider Centres in Kerala, but

they are all based in urban areas, making access for rural complainants virtually impossible. The workload extends far beyond standard administrative hours, requiring Protection Officers to work substantial overtime and respond to emergencies outside regular office hours.

Legal practitioners consistently identified extended waiting periods for DIR submission as significant timeline extenders. The document intended to expedite relief paradoxically becomes a source of delay. When DIRs lack the necessary depth or fail to establish circumstantial evidence of abuse occurring in private settings, courts struggle to reach conclusions supporting protective relief.

Additionally, there exists a clear absence of institutionalised and sustained training on survivor-centric and trauma-informed approaches across institutions. Existing training provided by the Department of Women and Child Development is largely scheme-specific and irregular, with minimal focus on refresher sessions. Self-care of frontline workers is a critical issue that requires attention for effective and efficient service delivery. Understaffing in institutions increases workload, resulting in burnout that affects service quality.

5.2.2 Recommendation

Establish Assistant Protection Officers deployed across geographic subdivisions to ensure accessible services for rural populations. Each district should have one senior Protection Officer coordinating overall operations and training, supported by multiple Assistant Protection Officers handling initial survivor contact, DIR preparation, evidence collection, and routine court appearances for cases within their assigned geographic areas. The senior Protection Officer would maintain quality control through DIR review, provide mentoring and training, coordinate with courts and police at the district-level, and handle complex cases requiring senior expertise.

Recruit Assistant Protection Officers through competitive recruitment emphasising social work or legal backgrounds, gender sensitivity, and commitment to survivor centred service. Provide mandatory pre-service training covering domestic violence dynamics, trauma-informed interviewing, evidence collection and documentation, legal frameworks including PWDVA provisions, coordination protocols with courts and police, and counselling basics. Ensure regular in-service training for continuous skill development and standardisation across Protection Officers.

Provide each Protection Officer and Assistant Protection Officer with dedicated office space with private interview facilities to ensure confidentiality, computing equipment and internet connectivity for DIR preparation and case tracking, transportation resources for rural area access and court appearances, communication tools, including mobile phones for emergency contact, and administrative support for documentation and coordination.

Implement a policy framework mandating biannual training for Protection Officers, police officers, WCD functionaries, healthcare providers, and community-level stakeholders on survivor-centric and trauma-informed approaches. These trainings should be integrated into annual work plans and performance appraisals to ensure accountability.

Establish systematic performance monitoring to improve service quality. The State Women's Commission should maintain centralised database tracking Protection Officer caseloads, DIR completion timelines, court appearance records, and survivor feedback. Regular performance reviews would identify high-performing practices for replication and struggling areas requiring additional support or training. Survivor feedback mechanisms, including anonymous satisfaction surveys and complaint procedures, would provide accountability while identifying service gaps.

5.2.3 Justification

This recommendation proposes state-level implementation across Kerala, building upon the existing Protection Officer infrastructure. While Kerala has appointed one dedicated Protection Officer per district, a model that has demonstrated greater administrative efficiency than part-time appointments practiced in other states, the research findings reveal that a single officer per district cannot adequately serve the geographic expanse and caseload demands. The proposed Assistant Protection Officers would expand this capacity by deploying multiple officers across geographic subdivisions within each district.

The Supreme Court, in Writ Petition Civil No. 1156/2021, understood the urgent need for effective implementation of the Protection of Women from Domestic Violence Act, including the proper appointment and functioning of Protection Officers under Sections 4 to 11 of the Act. A key challenge identified has been the lack of dedicated and trained officers to coordinate services and ensure timely redressal.

Appointing dedicated, full-time Women Protection Officers in every district, as practised in Kerala, has demonstrated greater administrative efficiency and interdepartmental coordination. Kerala's standalone WPO model enables officers to function as district-level nodal points, ensuring better coordination between the Department of Women and Child Development, District Legal Services Authority, policy OSCs, and local self-governments. The distributed Assistant Protection Officer model addresses the current situation where single Protection Officers struggle to manage district-wide caseloads. This addresses geographic access barriers documented in the research where rural survivors face significant difficulties accessing services concentrated in urban administrative centres.

Training and gender sensitivity emerged as critical determinants of DIR quality. Multiple stakeholders emphasised that Protection Officers require continuous capacity building to effectively recognise and document the complex dynamics of domestic violence. The Ministry of Home Affairs Advisory No. 15011/126/2020-SC/ST-W, dated 29/07/2020, mandates that the Bureau of Police Research and Development and Central Detective Training Institute make nominations for training and sensitisation of police personnel. However, institutionalised training efforts remain weakly enforced. Systematic training addresses attitudinal barriers where patriarchal norms critically affect staff approaches toward survivors.

Repeated and prolonged exposure to violence and human distress takes a toll on frontline workers. Under-resourced systems cause severe mental trauma and burnout to first-line responders. In Australia, the Emergency Services Foundation launched four-day residential wellness retreats for emergency workers and their loved ones. These models merit consideration for improving service delivery quality.

5.3 Victim-centric Legal Awareness and Process Navigation

5.3.1 Problem

A fundamental challenge affecting case outcomes and timelines is survivors' awareness of legal processes and available remedies. Legal practitioners emphasised that victims are often not fully aware of the legal process, creating substantial obstacles to effective case navigation. Stakeholders noted that the PWDVA mechanism is meant for protection but is frequently misunderstood or misused. When parties lack understanding of legal procedures, evidentiary requirements, and their respective rights, case processing encounters delays from procedural errors and inadequate representation

These structural barriers, previously identified in the introduction, prevent many women from accessing available legal remedies. Although the DV Act provides clear legal remedies and institutional support systems, many women either remain unaware of these provisions or lack confidence in their effectiveness.

Institutional actors themselves often lack adequate training and awareness. In the health department, there is limited awareness among doctors and health professionals regarding their roles and responsibilities under the PWDVA. Many are unaware that they can assist in filing Domestic Incident Reports and that hospitals can function as service providers under the Act. Similar gaps exist in the police force. Despite being among the first responders, there is a persistent lack of sensitivity and training, often leading to delays in filing FIRs and inadequate evidence collection.

5.3.2 Recommendation

Implement a multi-tiered legal awareness strategy that reaches women before crisis situations emerge while providing detailed guidance once survivors engage with legal processes. Community-level awareness programmes should target women's groups, self-help organisations, residential associations, and religious congregations. These programs should cover basic information about what constitutes domestic violence under the law, available legal remedies and relief options, how to access Protection Officers and file complaints, emergency resources and helpline numbers, and survivor rights throughout the legal process.

Leverage the Kudumbashree network, with its extensive grassroots presence across Kerala, as infrastructure for community-level awareness. Kudumbashree already operates decentralised Snehitha centres that provide gender help desk services across the state. These existing efforts should be systematically strengthened through enhanced training for Kudumbashree volunteers and Snehitha centre staff on domestic violence awareness, legal rights, available remedies, and effective referral pathways. Similarly, ASHA workers and anganwadi staff, who interact regularly with women in communities, could provide frontline awareness and referrals, building on existing community health infrastructure.

Develop standardised information packets in Malayalam explaining step-by-step legal procedures from complaint filing through final disposition, realistic timelines and what causes delays, required documentation and evidence, available interim relief options, enforcement

mechanisms for protection orders, and support services including legal aid and counselling. Develop video resources that show court procedures and explain legal terminology in accessible language to demystify formal processes. Screen these in Protection Officer offices, legal aid clinics, and SAKHI centres.

Strengthen legal aid services through the One Stop Centre Scheme (OSCs) and the District Legal Services Authority by establishing legal aid clinics co-located with Protection Officer services that provide free preliminary consultations to survivors. These help survivors understand their options, assess case strength, and make informed decisions about proceeding. These consultations should emphasise survivor autonomy in decision-making rather than prescribing courses of action. Ensure better coordination between Protection Officers, OSC legal counsellors, and DLSA panel lawyers so that survivors receive consistent information and seamless legal support from first contact through case resolution.

Extend legal awareness programmes beyond survivors to include institutional actors as well. Police personnel require training on PWDVA provisions, mandatory complaint registration, survivor-sensitive interviewing, coordination with Protection Officers, and enforcement of protection order. Judicial officers need regular training on domestic violence dynamics, trauma-informed questioning, evidentiary standards appropriate for private sphere violence, and statutory timeline compliance. Legal practitioners representing both petitioners and respondents need accessible practice guides explaining PWDVA procedures, evidence requirements, and strategic considerations.

Partner with recognised NGOs and civil society organisations to develop curricula for schools and colleges covering human rights, gender equality, and basic legal literacy. The government must adopt a collaborative approach towards NGOs and academic institutions specialised in women's issues. Recognised academic institutions should formulate training modules on various forms of Violence Against Women and Girls (VAWG) for government and frontline staff, including modules on gender sensitivity, survivor handling, and confidentiality.

5.3.3 Justification

The research documented that when parties lack an understanding of legal procedures, case processing encounters delays from procedural errors and inadequate presentation. This preventive approach addresses the cultural socialisation treating domestic violence as a

private family matter requiring silent endurance. Rights education must empower survivors to make choices aligned with their own assessment of safety and well-being.

The tendency for police to dismiss domestic violence complaints as private family matters requiring informal resolution fundamentally undermines access to justice. The research documented concerning patterns of insensitive questioning and judicial biases that treats domestic violence as matrimonial friction rather than a rights violation. Mandatory annual training for all judicial officers handling domestic violence matters would address these attitudinal barriers. The finding that some lawyers demonstrate inadequate preparation or lack familiarity with case status indicates gaps in professional capacity that require systematic attention.

Academic and civil society institutions possess the research expertise, pedagogical capacity, and community linkages necessary to bridge implementation gaps. However, their potential remains underutilised as they operate in isolation from government departments. Engaging recognised universities, law schools, and NGOs in developing and delivering standardised training modules can significantly enhance institutional responsiveness. Embedding human rights, gender equality, and legal literacy in school and college curricula can foster long-term attitudinal change.

Research on the role of NGOs in combating VAWG highlights the importance of community outreach programs. The implementation of the law alone cannot solve the problem of violence against women due to deeply entrenched patriarchal attitudes and imbalanced gender power relations. NGOs, being in direct contact with survivors, can gain trust and better reach communities and families to provide support.

5.4 Streamlining Adjudication Practices and Judicial Case Flow Management

5.4.1 Problem

Court observation revealed that all scheduled domestic violence cases received immediate adjournments without substantive hearings, suggesting that cases were calendared without a realistic assessment of available court time. This creates a system wherein scheduling and rescheduling become primary activities, displacing substantive adjudication. Magistrate interviews revealed that lawyers frequently seek adjournments, with estimates suggesting

approximately 50 per cent request delays for various reasons. Some lawyers demonstrate inadequate preparation or lack familiarity with case status.

The administrative delays category explains 115 cases (16.9% of pending matters). These cases are marked as adjourned, with no sitting notified, or noted as call on without specific scheduled action. This category represents delays attributable to court scheduling, judicial availability, and administrative capacity constraints rather than substantive legal requirements. The scheduling and sequencing of domestic violence cases signals institutional prioritisation levels. Multiple stakeholders documented that domestic violence matters receive classification as miscellaneous or maintenance cases, scheduled towards the end of daily proceedings, even after petty cases.

Additionally, objection and counter-filing stages affect 156 cases (22.9%). These matters await respondent objections, counter-statements, or hearings on preliminary matters. This category reflects the adversarial nature of domestic violence litigation, where procedural rights to file objections and counter statements are legitimately exercised but cumulatively extend case timelines. Civil Miscellaneous Petitions (CMPs) emerged as common contributors to delays, with advocates noting that clearing all CMPs before proceeding to trial substantially extends timelines.

5.4.2 Recommendation

Implement strict adjournment control measures limiting the number and grounds for adjournments in domestic violence cases. Courts should maintain adjournment registers that specifically track domestic violence case adjournments, recording reasons, the requesting party, and the judicial officers granting adjournment. Establish maximum adjournment limits, permitting no more than three adjournments per case except in exceptional circumstances requiring written justification. Impose costs on parties seeking frivolous or repeated adjournments to discourage dilatory tactics.

Prioritise domestic violence cases in daily cause lists by scheduling them at the beginning rather than the end of court proceedings. Allocate dedicated time slots, ensuring these cases receive substantive hearings rather than routine adjournment. Designate specific days for domestic violence matters rather than clubbing them with miscellaneous cases on Saturdays, thereby distributing the caseload across the week to prevent capacity constraints.

Establish case management conferences within 15 days of filing where magistrates meet with both parties and their counsel to identify issues, set timelines for evidence submission, limit preliminary objections, and create binding case schedules. This front-loading of case management reduces subsequent procedural wrangling. Require parties to file all preliminary objections and Civil Miscellaneous Petitions within 30 days of the first hearing, with strict timelines for disposal of such applications before proceeding to trial.

Implement mandatory digital case-tracking and monitoring systems utilising artificial intelligence to automatically flag cases exceeding statutory timelines for urgent judicial attention. AI-enabled systems can analyse case data in real time, predict potential delays based on historical patterns, and generate alerts when cases approach critical timeline thresholds. Generate automated monthly reports identifying cases with excessive adjournments or prolonged pendency for administrative review, with AI analytics providing insights into adjournment patterns, identifying systemic bottlenecks, and developing court-specific strategies for timeline compliance based on data-driven insights from AI monitoring systems.

Create accountability mechanisms that link judicial performance evaluation to domestic violence case-disposal rates and timeline compliance. Include adherence to statutory timeline as a key performance indicator in annual judicial assessments. Recognise and reward courts demonstrating superior timeline compliance while providing additional support and training to courts with persistent delays.

5.4.3 Justification

The stark contrast between statutory timelines and actual case durations demonstrates that procedural practices rather than substantive complexity drive delays. Adjournment control measures have proven effective in other jurisdictions for reducing case pendency. Research analysing DV cases across Indian states found that the adversarial nature of litigation enables respondents to employ dilatory tactics including frivolous preliminary objections and multiple Civil Miscellaneous Petitions. Strict procedural controls limit opportunities for such tactics while maintaining fair hearing rights.

Case management conferences, widely adopted in civil litigation reform initiatives, establish clear timelines and expectations at the outset. Front-loading procedural requirements prevents cases from drifting for months, awaiting basic procedural steps. The Delhi High

Court's case management system, for instance, has demonstrated success in reducing delays through early judicial intervention and strict timeline monitoring.

The nearly twelvefold variation in first-hearing delays between courts within Ernakulam district proves that institutional practices significantly affect outcomes. Courts demonstrating superior timeline compliance can serve as models for replication. Performance-based accountability creates incentives to prioritise statutory compliance while ensuring that courts facing systemic constraints receive necessary administrative support and training rather than punitive measures alone.

Ultimately, the Act's expedited timelines can only be realised when domestic violence matters receive dedicated institutional priority through reformed scheduling practices, strict adjournment controls, and systematic monitoring mechanisms that transform statutory mandates from aspirational benchmarks into operational standards.

5.5 Integrated Digital Case Management and Survivor Support System

5.5.1 Problem

The substantial proportion of pending cases awaiting the return of notice, the appearance of parties, or related procedural steps demonstrates that the administrative functions of formally notifying parties and securing their attendance create major bottlenecks. Notice service failures reflect deeper systemic weaknesses in court administrative capacity. Process servers may lack resources for repeated service attempts. Case file management may prove inadequate for tracking outstanding notices across extended periods.

The challenges extend beyond technical service difficulties to encompass deliberate respondent non-cooperation. Stakeholders described non-appearance as a tactical delay mechanism, with some respondent counsel explicitly advising that ignoring notices constitutes an effective method for extending litigation timelines. Additionally, coordination deficits exist among departments handling cases, requiring survivors to navigate multiple agencies, including police, Protection Officers, courts, counsellors, and medical services, which operate largely independently without systemic information sharing. When survivors must personally ensure that different institutional actors fulfil their respective roles, the burden of coordination falls on those least equipped to manage complex institutional navigation.

Data collection remains weak and fragmented, lacking critical socio-economic indicators. The absence of coordinated data sharing among departments prevents a holistic understanding of domestic violence and limits evidence-based policymaking. Existing monitoring mechanisms are department-specific and largely focus on numerical reporting rather than outcomes related to survivor recovery, justice delivery, or systemic performance.

5.5.2 Recommendation

Establish a comprehensive State-Level VAWG Dashboard integrating data from police, WCD, health, legal aid services, and courts, managed by WCD with district health and extension workers as district-level implementers. Generate a unique survivor ID for every reported case to prevent duplication of services and ensure continuity of care. This ID should link case history, service access, referrals, and follow-ups without compromising survivor confidentiality.

Enable district-level data validation by training district health and extension workers and Protection Officers to regularly update dashboards, with provisions for offline and mobile access in low-connectivity areas. Track key metrics including time from filing to first hearing, time to DIR completion, notice service attempts and outcomes, adjournment reasons and frequency, pending procedural actions, and total case duration.

Establish professional process service units within each court to improve notice delivery efficiency and accountability. These units should employ dedicated process servers with defined geographic assignments, systematic tracking systems that log all service attempts with dates and outcomes, protocols for escalating failed service attempts, coordination mechanisms with police for service assistance, and performance monitoring to ensure accountability.

Integrate technology substantially by implementing SMS and email notifications to supplement physical service and provide redundant contact methods. Use digital service confirmations with photographic documentation to reduce disputes regarding whether notice occurred. Create online case-tracking portals that allow parties to check hearing dates and case status to reduce appearance failures from lack of information. Implement digital summons as part of the Inter-operable Criminal Justice System.

5.5.3 Justification

Research demonstrates that securing party attendance in court constitutes a core source of delays and that strengthening administrative processes rather than solely expanding judicial capacity could accelerate justice delivery. The Ernakulam data provides strong empirical support for this analysis. These represent administrative rather than judicial functions, yet their inadequacy produces substantial delays that accumulate over the case processing timeline.

The nearly twelvefold variation in first-hearing delays between the Tripunithura and Kalamassery courts demonstrates that administrative practices substantially influence outcomes. One practitioner's observation that DV cases are treated as miscellaneous matters frequently scheduled mostly on Saturdays exemplifies how administrative practices signal institutional priorities. Concentrating DV cases on single days inevitably creates capacity constraints, leaving many scheduled cases unable to receive substantive attention.

Technology adoption and digitalisation remain essential to improving transparency and accountability. Digitalisation can help prevent re-traumatisation, reduce multiple documentation, avoid duplication of resources, and enable better assessment of both the quality and quantity of outputs and their impact. The Management Information System (MIS) dashboard developed and implemented by Bharosa Centres in Hyderabad integrates survivor feedback and each centre's performance. Poor staff feedback results in a warning at the initial stage and termination subsequently. This approach has improved the quality of services provided.

6. Conclusion

This research undertook a comprehensive examination of procedural delays in domestic violence cases within Kerala's magistrate courts, with particular focus on Ernakulam district. Through analysis of 1,209 cases and stakeholder interviews with legal practitioners, judicial officers, and Protection Officers, the study reveals a stark disconnect between the legislative intent of the Protection of Women from Domestic Violence Act, 2005, and its ground-level implementation. The findings demonstrate that procedural delays in domestic violence adjudication constitute not marginal implementation challenges but wholesale systemic failure requiring urgent reform intervention.

The research identified multiple interconnected factors contributing to these delays. Protection Officer capacity constraints emerged as a primary bottleneck, with individual

officers managing 40 to 50 new cases monthly while simultaneously handling ongoing cases, court appearances, evidence coordination, and emergency response. The geographic concentration of Protection Officers in urban centres creates substantial access barriers for rural survivors, who must travel considerable distances to receive services. Police coordination failures compound these challenges, with domestic violence complaints frequently dismissed as private family matters and notice service difficulties creating tactical delay opportunities that respondents systematically exploit. Judicial attitudes and case prioritisation patterns revealed concerning institutional perspectives. The practice of treating domestic violence matters as miscellaneous cases scheduled predominantly on Saturdays, combined with routine counseling referrals that delay adjudication, suggests that courts may not fully internalise the urgency these cases demand.

The occurrence of these implementation failures in Kerala carries particular significance for national policy discourse. Kerala, in theory, provides favourable conditions for effective PWDVA implementation. The presence of significant delays even in Kerala's most urbanised district suggests that similar or more severe patterns likely characterise other Indian states with weaker institutional capacity. This indicates that achieving effective implementation requires not merely administrative reforms and resource enhancements but fundamental cultural transformation in institutional understanding of domestic violence, professional assessment of survivor credibility, and societal valuation of women's safety and autonomy.

The policy recommendations emerging from this research emphasise systemic interventions that address multiple institutional levels simultaneously. The establishment of specialised domestic violence courts with consolidated jurisdiction, trained judicial officers, and co-located support services offers the potential to reduce procedural fragmentation while improving adjudication quality. Expanding Protection Officer capacity by deploying Assistant Protection Officers across geographic subdivisions addresses both workload constraints and rural access barriers. Strengthening legal awareness programs that target both survivors and institutional actors can reduce procedural errors while empowering informed decision-making. Panchayat-level domestic violence response teams leverage Kerala's robust local governance structures for early intervention and community-level support. Integrated digital case management systems promise to address notice service failures, improve coordination among departments, and enable evidence-based monitoring.

These recommendations collectively constitute an achievable reform agenda calibrated to Kerala's institutional capacity and political context. Implementation will require sustained political commitment, adequate resource allocation, inter-departmental coordination, and


continuous monitoring to ensure reforms translate into improved survivor outcomes. The findings demonstrate that legislative frameworks aligned with international human rights standards are limited in impact without attention to institutional culture, administrative capacity, and systemic integration. Addressing procedural delays requires recognising that justice delayed is not merely justice denied—it is continued violence sanctioned through institutional inaction. Only through comprehensive reform can Kerala's legal system fulfill its constitutional obligation to protect women from domestic violence and ensure their fundamental right to live with dignity and security.


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