

**AN EVALUATION OF THE RIGHT TO SPEEDY JUSTICE IN DOMESTIC
VIOLENCE CASES AGAINST WOMEN: AN EMPIRICAL STUDY OF BHOPAL
DISTRICT COURT**

by

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ABSTRACT

Domestic violence against women continues to constitute a serious social and legal problem in India. Although the Protection of Women from Domestic Violence Act, 2005 (PWDVA) provides a comprehensive framework for protection orders, residence orders, monetary relief, custody orders and compensation, the effectiveness of these remedies depends substantially upon their timely implementation. The constitutional recognition of the right to speedy justice as an integral component of Article 21 assumes particular significance in domestic violence proceedings, where delay may expose women to continuing physical, emotional, psychological and economic hardship.

This research evaluates the practical implementation of speedy justice in domestic violence matters before the Bhopal District Court. The study adopts a socio-legal methodology combining doctrinal and empirical approaches. The doctrinal component examines constitutional provisions, the PWDVA, judicial decisions and relevant legal literature. The empirical component is based upon questionnaire responses collected from stakeholders associated with the Bhopal District Court. The empirical tables in the study contain 53 valid responses.

The findings reveal a substantial gap between the legal objective of speedy relief and its practical implementation. A majority of respondents considered speedy justice to be only partially implemented. The data further indicate that most domestic violence matters take between one and three years for disposal, while a significant proportion take more than three years. Heavy pendency, non-appearance of parties or witnesses, repeated adjournments, delay in service of notices, ineffective mediation, inadequate judicial infrastructure and delay attributable to advocates emerged as significant causes of delay. The consequences of such

delay include financial hardship, mental stress, social stigma, family pressure and loss of faith in the justice system.

The study argues that legal protection cannot become meaningful merely through statutory enactment. Effective enforcement requires institutional capacity, strict case management, adequate Protection Officers, accessible legal aid, gender-sensitive judicial administration and appropriate use of technology. The paper concludes with recommendations for strengthening speedy and victim-centred justice in domestic violence cases.

Keywords: Domestic Violence, Speedy Justice, Article 21, PWDVA, Bhopal District Court, Judicial Delay.

1. INTRODUCTION

Justice is meaningful only when it is capable of being obtained within a reasonable period. A legal remedy that arrives after the immediate harm has continued for years may satisfy a formal requirement of adjudication while failing to provide effective protection to the victim. This principle is particularly important in cases of domestic violence against women.

Domestic violence is not confined to physical assault. It may include physical, sexual, verbal, emotional and economic abuse occurring within a domestic relationship. The consequences of such violence may extend beyond the immediate incident and affect a woman's dignity, economic independence, residence, family relationships and psychological well-being.

The enactment of the Protection of Women from Domestic Violence Act, 2005 represented a significant development in Indian women's rights law.[1] The legislation recognizes domestic violence in a comprehensive manner and provides several forms of civil and protective relief. Its objective is not merely punitive. It seeks to protect the aggrieved woman and provide effective remedies against continuing domestic abuse.

However, the effectiveness of these remedies is closely connected with the speed with which courts and associated institutions respond. A protection order that is issued after prolonged proceedings may provide substantially less protection than one granted when the victim is facing an immediate threat. Similarly, delayed monetary relief may fail to address the financial vulnerability that frequently accompanies domestic violence.

The right to speedy justice has been judicially developed as part of the constitutional guarantee under Article 21 of the Constitution of India.[2] In *Hussainara Khatoon v. Home Secretary, State of Bihar*, the Supreme Court emphasized the constitutional importance of speedy trial.[3] The principle was subsequently elaborated in *A.R. Antulay v. R.S. Nayak*, where the Court considered unreasonable delay in criminal proceedings in the context of the fundamental right to life and personal liberty.[4]

The present research extends this constitutional concern to the specific context of domestic violence proceedings. It asks whether the formal availability of legal remedies translates into timely and effective justice at the district-court level. The Bhopal District Court provides a significant empirical setting for this inquiry. District courts constitute the primary institutional interface between ordinary litigants and the justice system. The experience of women at this level therefore provides important insight into the gap between statutory promises and practical implementation.

The present study identifies procedural delays, heavy pendency, repeated adjournments, inadequate infrastructure, shortage of judicial personnel, difficulties involving Protection Officers, social pressure and lack of legal awareness as important obstacles to speedy justice. The central concern of this paper is therefore not simply whether a legal right to speedy justice exists, but whether that right is effectively realized by women seeking protection from domestic violence.

2. LEGAL FRAMEWORK OF SPEEDY JUSTICE AND DOMESTIC VIOLENCE

2.1 Constitutional Foundation

Article 21 of the Constitution provides that no person shall be deprived of life or personal liberty except according to procedure established by law.[5] Through constitutional interpretation, the Supreme Court has expanded Article 21 beyond mere physical existence to encompass dignity, fairness and procedural reasonableness. The right to speedy trial has consequently emerged as an important component of Article 21.[6] The constitutional requirement is particularly significant where delay affects vulnerable persons or causes continuing harm. Articles 14 and 15 further strengthen the constitutional framework.[7] Article 14 guarantees equality before law and equal protection of laws, while Article 15(3) permits the State to make special provisions for women and children.[8] Together, these provisions support a substantive approach to gender justice.

2.2 Protection of Women from Domestic Violence Act, 2005

The PWDVA was enacted to provide more comprehensive protection to women facing violence within domestic relationships. It recognizes forms of abuse beyond conventional physical violence and provides several remedies.[9] The statutory framework includes protection orders, residence orders, monetary relief, custody orders, compensation orders, and interim and ex parte relief.[10] The legislation also provides an institutional framework involving Protection Officers and service providers.[11] The significance of the Act for speedy justice lies in the urgent nature of many of the remedies sought. A woman may approach the court not merely for eventual adjudication of a legal dispute but because she requires immediate protection, accommodation, financial support or protection from further violence. Consequently, procedural delay can substantially undermine the legislative purpose.

2.3 The Problem of the Legal-Practical Gap

The study identifies a recurring gap between the existence of legal safeguards and their implementation.[12] Although statutory mechanisms exist, actual proceedings may become prolonged because of multiple hearings, non-appearance, delay in service, adjournments, institutional shortages and overlapping proceedings. This distinction between legal entitlement and effective access to that entitlement is central to the present research.

3. JUDICIAL DEVELOPMENT OF THE RIGHT TO SPEEDY JUSTICE

3.1 Hussainara Khatoon and the Constitutional Right

In *Hussainara Khatoon v. Home Secretary, State of Bihar*, the Supreme Court recognized speedy trial as an essential component of Article 21.[13] The case arose against the background of prolonged detention of undertrial prisoners and demonstrated the constitutional consequences of excessive delay. The principle established in the case is particularly relevant to the broader administration of justice: institutional deficiencies cannot automatically justify prolonged deprivation of legal rights. Although the case primarily concerned criminal proceedings and undertrial prisoners, its constitutional reasoning provides an important foundation for examining delay affecting vulnerable litigants.

3.2 A.R. Antulay v. R.S. Nayak

In *A.R. Antulay v. R.S. Nayak*, the Supreme Court examined the question of unreasonable delay and emphasized that the determination of whether delay violates constitutional rights depends

upon the circumstances of the particular case.[14] The decision is important because it avoids reducing speedy justice to a rigid numerical formula. Factors such as the length of delay, reasons for delay, conduct of the parties and prejudice caused by delay may all be relevant. This approach is useful in domestic violence litigation because not every case can realistically be disposed of within an identical period. Nevertheless, where repeated and avoidable delays cause continuing prejudice to the victim, the constitutional concern becomes particularly serious.

3.3 Judicial Interpretation of Domestic Violence Remedies

Judicial decisions concerning domestic violence have also influenced the practical accessibility of remedies. In *Satish Chander Ahuja v. Sneha Ahuja*, the Supreme Court adopted a broader understanding of the concept of shared household under the PWDVA.[15] Such interpretations are significant because restrictive interpretations may create additional litigation and procedural barriers for women seeking residence protection. Similarly, *Rajnesh v. Neha* introduced a structured approach concerning financial disclosure in maintenance proceedings through affidavits of assets and liabilities.[16] Such procedural standardization can reduce disputes over financial information and contribute to more efficient adjudication. The broader judicial objective should therefore be to interpret the PWDVA in a manner that preserves both substantive protection and procedural accessibility.

4. RESEARCH METHODOLOGY

4.1 Nature of Research

The research is analytical, descriptive and empirical in nature. It combines doctrinal legal research with field-based investigation. The doctrinal component examines constitutional provisions, the PWDVA, judicial decisions, legal literature, Law Commission materials, institutional reports and relevant secondary sources. The empirical component examines stakeholder perceptions concerning delays and the functioning of the justice delivery system in Bhopal District Court.

4.2 Area of Study

The geographical scope of the empirical research is Bhopal District, with specific emphasis on the Bhopal District Court.

4.3 Sampling and Respondents

The research involved stakeholders associated with domestic violence and court proceedings. The study records data from advocates and parties/litigants, with the empirical tables ultimately containing 53 valid responses. The data were collected through personal interaction as well as digital questionnaires using Google Forms. The researcher also visited the Bhopal District Court during May 2026 for field-based collection.[17]

4.4 Research Tool

A structured questionnaire was used to examine awareness of the PWDVA, awareness of speedy justice under Article 21, implementation of speedy justice, adherence to statutory timelines, average duration of proceedings, promptness of interim relief, effect of adjournments, effectiveness of legal aid, causes of delay and consequences of delay for women litigants.

4.5 Hypothesis

- **Null Hypothesis (\$H_0\$):** There is no significant relationship between procedural and institutional delays and the effective implementation of the right to speedy justice in domestic violence cases against women in the Bhopal District Court.
- **Alternative Hypothesis (\$H_1\$):** Procedural and institutional delays significantly affect the effective implementation of the right to speedy justice in domestic violence cases against women in the Bhopal District Court.

The empirical findings are assessed against these propositions.

5. EMPIRICAL FINDINGS FROM BHOPAL DISTRICT COURT

5.1 Awareness of the PWDVA

The empirical results indicate a very high level of awareness among respondents concerning the Protection of Women from Domestic Violence Act, 2005. Approximately 98.1% of respondents stated that they were familiar with the provisions of the Act, while only 1.9% responded negatively.[18] This finding suggests that lack of awareness among legal stakeholders is not the only explanation for delayed proceedings. Institutional and procedural factors appear to play a significant role.

5.2 Awareness of the Right to Speedy Justice

Approximately 90.6% of respondents were aware that speedy justice is recognized as a fundamental right under Article 21.[19] The combination of high legal awareness and perceived incomplete implementation is significant. It suggests that the central problem may lie less in knowledge of the law and more in the functioning of the institutional mechanisms responsible for implementing it.

5.3 Implementation of Speedy Justice

When respondents were asked whether the right to speedy justice was effectively implemented in domestic violence cases in the Bhopal District Court: 20.8% answered Yes; 18.9% answered No; and 60.4% answered Partially.[20] Thus, the largest group of respondents considered implementation to be only partial. This is perhaps the most significant finding of the empirical study. It indicates that the respondents do not perceive the system as a complete failure, but neither do they consider the constitutional and statutory promise of speedy justice to be fully realized.

5.4 Compliance with Statutory Timelines

Respondents were also asked whether statutory timelines under the domestic violence framework were generally followed. The responses were: Always – 11.3%; Often – 37.7%; Rarely – 35.8%; Never – 13.2%; No response – 1.9%. The data indicate that only a relatively small proportion perceived consistent adherence to statutory timelines. A substantial proportion reported that timelines were rarely or never followed.

5.5 Duration of Domestic Violence Proceedings

The findings concerning average disposal time are particularly important: Less than six months – 3.8%; Six months to one year – 17.0%; One to three years – 52.8%; More than three years – 26.4%. Therefore, according to the respondents, 79.2% of cases generally take more than one year, with more than one-quarter reportedly taking over three years. For domestic violence litigation, such periods are particularly concerning because the legal remedies frequently relate to continuing situations of violence, residence and financial vulnerability.

5.6 Promptness of Interim Relief

Regarding whether interim relief such as maintenance and protection orders was granted promptly: 37.7% answered Yes; 13.2% answered No; and 49.1% answered Sometimes. The

predominance of the “Sometimes” response indicates inconsistency in the practical delivery of urgent relief.

5.7 Major Causes of Delay

The respondents identified several causes of delay, as outlined below:

Cause	Responses	Percentage
Heavy pendency of cases	31	58.5%
Non-appearance of parties/witnesses	25	47.2%
Frequent adjournments	22	41.5%
Delay in service of notice/summons	17	32.1%
Ineffective mediation process	14	26.4%
Lack of judicial infrastructure/staff	13	24.5%
Delay by advocates	13	24.5%
Other reasons	3	5.7%

The findings demonstrate that delay is multidimensional. It cannot be attributed exclusively to judges, advocates, litigants or administrative authorities.

5.8 Impact of Delay on Women Litigants

Respondents identified the following consequences of delay:

Consequence	Responses	Percentage
Financial hardships	37	69.8%
Mental stress	34	64.2%

Social stigma	27	50.9%
Family pressure	23	43.4%
Loss of faith in justice system	24	45.3%

Financial hardship was the most frequently reported consequence, followed by mental stress. These findings are particularly important because they demonstrate that delay is not merely an administrative problem; it has tangible social and economic consequences for women.[21]

5.9 Legal Aid and Institutional Support

The empirical results also indicate limitations concerning legal aid. When respondents were asked whether legal aid services effectively support women victims: 41.5% answered Yes; 13.2% answered No; and 45.3% answered Partially.[22] This again indicates partial rather than complete institutional effectiveness.

5.10 Overall Perception of Speedy Disposal

Respondents were asked whether courts ensure speedy disposal of domestic violence cases: 49% answered Yes; 17.6% answered No; and 33.4% were Not Sure. Although almost half responded positively, the combined proportion of negative and uncertain responses demonstrates that confidence in speedy disposal is not uniform.

6. CAUSES AND CONSEQUENCES OF JUDICIAL DELAY

6.1 Institutional Pendency

Heavy pendency emerged as the most frequently identified cause of delay. Overloaded dockets reduce the amount of judicial time available for individual matters and increase the likelihood of adjournments.[23] Domestic violence cases may consequently compete for judicial attention with other civil and criminal matters.

6.2 Adjournment Culture

Repeated adjournments emerged as another major cause. Adjournments may sometimes be unavoidable, but unnecessary or excessive adjournments can defeat the objective of speedy justice. The problem is particularly serious when the victim requires immediate financial or protective relief.

6.3 Service of Notices

Delay in serving summons and notices may prevent substantive proceedings from commencing. Where respondents avoid service, several hearings may occur without meaningful progress. Digital notice mechanisms and improved tracking could potentially reduce this source of delay.

6.4 Institutional Shortages

The study identifies inadequate judicial infrastructure, shortage of staff and difficulties faced by Protection Officers as institutional barriers. The PWDVA depends upon coordination among courts, Protection Officers, police authorities, service providers and legal aid institutions. Weakness at any point in this institutional chain can contribute to delay.

6.5 Social and Economic Vulnerability

Women may face financial dependency, family pressure and social stigma while pursuing domestic violence proceedings. Prolonged litigation may therefore impose a disproportionately high burden upon the victim.[24] The empirical findings concerning financial hardship and mental stress confirm that delay has consequences extending beyond the courtroom.

7. EVALUATION OF THE EXISTING JUSTICE DELIVERY MECHANISM

The empirical findings suggest that the justice delivery mechanism in Bhopal District Court cannot be characterized as wholly ineffective. Courts continue to provide legal remedies and a significant proportion of respondents believe that speedy disposal is possible. Nevertheless, the evidence demonstrates a clear implementation deficit.

The most important distinction is between the existence of legal remedies and the effectiveness of those remedies. The PWDVA provides multiple forms of relief, but the value of these remedies is diminished where proceedings remain pending for years. The empirical finding that 60.4% of respondents regard speedy justice as only partially implemented is especially significant. The study therefore supports the proposition that judicial efficiency is a necessary component of substantive women's rights.[25]

The role of judges is also important. Judicial sensitivity can reduce secondary victimization and ensure that procedural requirements do not become unnecessary barriers. At the same time, judicial discretion must operate within the framework of fairness to all parties. The study also identifies the potential role of e-Courts, digital case management and electronic service of

notices in reducing procedural delay. Technology, however, should be viewed as an institutional aid rather than a substitute for judicial and administrative capacity.

8. FINDINGS AND DISCUSSION

The empirical study produces several important findings. First, there is a high level of awareness concerning the PWDVA and the constitutional right to speedy justice among respondents. Second, awareness does not automatically translate into effective implementation. Although 90.6% of respondents knew about the constitutional right, only 20.8% considered speedy justice fully implemented, while 60.4% considered it only partially implemented. Third, the reported duration of proceedings is significant. More than half of the respondents identified one to three years as the average duration, while 26.4% reported more than three years. Fourth, heavy pendency is the most frequently identified cause of delay. Fifth, procedural problems such as non-appearance, adjournments and delayed service contribute significantly to the problem. Sixth, the consequences of delay are substantial; financial hardship and mental stress were identified more frequently than other consequences. Seventh, legal aid and institutional support are perceived as only partially effective by a significant proportion of respondents. These findings collectively indicate that the problem of speedy justice is structural rather than merely procedural.

Hypothesis Discussion

The research hypothesis proposed that procedural and institutional delays significantly affect the effective implementation of speedy justice. The empirical findings are broadly consistent with the alternative hypothesis. The high proportion of respondents reporting partial implementation, prolonged disposal periods, frequent adjournments, heavy pendency and institutional deficiencies demonstrates a clear association between procedural/institutional obstacles and ineffective speedy justice.

However, the available study material does not provide a formal statistical test such as a chi-square value, correlation coefficient, regression coefficient or p-value. Accordingly, the empirical evidence should be described as supporting the alternative hypothesis, rather than claiming that statistical significance has been conclusively established. This distinction is important for maintaining methodological accuracy.

9. RECOMMENDATIONS

9.1 Dedicated Domestic Violence Benches

Courts should consider dedicated or specially assigned benches for domestic violence matters where workload and institutional circumstances permit. Specialization may improve consistency and case management.

9.2 Strict Case Management

Courts should adopt effective case-management practices and discourage unnecessary adjournments. Reasons for adjournment should be recorded and monitored.

9.3 Strengthening Protection Officers

Protection Officers require adequate staffing, training, technological support and administrative resources. Delays in preparation or transmission of Domestic Incident Reports can affect subsequent judicial proceedings.

9.4 Better Legal Aid

Legal aid should be accompanied by continuous assistance rather than merely representation at the filing stage. Women should receive information concerning protection orders, residence rights, monetary relief and enforcement mechanisms.[26]

9.5 Gender-Sensitive Judicial Training

Judicial officers, court staff, police officials and other stakeholders should receive periodic training concerning domestic violence, trauma, economic abuse and gender-sensitive adjudication.[27]

9.6 Digital Service and Case Tracking

Digital notices, SMS/e-mail alerts, electronic filing and online case-status monitoring should be expanded to reduce delays associated with service and administrative processing.

9.7 Prompt Interim Relief

Applications involving immediate protection, residence or financial assistance should receive priority because the purpose of interim relief is defeated if the victim must wait for years.

9.8 Monitoring of Pendency

The High Court should periodically monitor the pendency and age of domestic violence matters before subordinate courts. Cases pending beyond reasonable periods should be reviewed for administrative or procedural causes.

9.9 Integrated Institutional Coordination

Courts, police, Protection Officers, legal services authorities, counsellors and social welfare institutions should operate through coordinated procedures. Institutional fragmentation should not become the responsibility of the victim to resolve.

9.10 Legal Awareness

Legal awareness programmes should be strengthened through universities, legal services authorities, women's organizations and community institutions. Particular attention should be given to economically vulnerable women.[28]

10. CONCLUSION

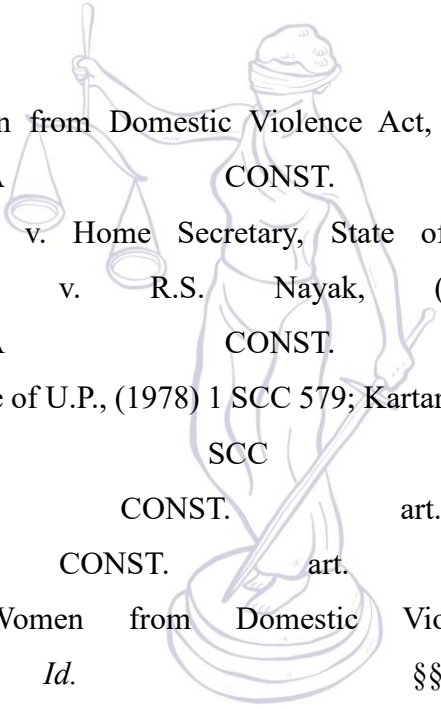
The right to speedy justice is not satisfied merely by the existence of a constitutional principle or statutory remedy. Its real value depends upon whether a person can obtain meaningful relief within a reasonable period. The present empirical study of the Bhopal District Court demonstrates a significant gap between the legal framework governing domestic violence and its practical implementation. The PWDVA provides a comprehensive range of remedies intended to protect women from domestic violence, but procedural and institutional difficulties may prevent these remedies from operating with the urgency contemplated by the legislation.

The empirical findings are particularly revealing. While 98.1% of respondents were familiar with the PWDVA and 90.6% were aware of the constitutional right to speedy justice, only 20.8% believed that the right was effectively implemented, whereas 60.4% considered it only partially implemented. The reported duration of proceedings further demonstrates the problem: 52.8% of respondents identified one to three years as the average disposal period and another 26.4% identified more than three years. Heavy pendency, non-appearance of parties, frequent adjournments and delay in service of notices were identified as major causes. The consequences are equally serious, with financial hardship, mental stress, social stigma and loss of confidence in the justice system being repeatedly identified by respondents.

The research therefore supports the alternative hypothesis that procedural and institutional delays adversely affect the effective implementation of speedy justice in domestic violence matters. The evidence demonstrates that the problem cannot be resolved merely through additional legislation. It requires institutional strengthening, better judicial case management, adequate personnel, effective legal aid, improved Protection Officer mechanisms, technological intervention and continuous monitoring.

Ultimately, speedy justice in domestic violence cases should be understood as an element of substantive access to justice. For a woman seeking protection from continuing domestic violence, a legal remedy delayed for years may not constitute an effective remedy. The constitutional promise of dignity and personal liberty under Article 21 therefore requires not merely access to courts, but meaningful, timely and effective access to judicial protection. The Bhopal study demonstrates that strengthening the speed and sensitivity of the district-level justice system is essential if the objectives of the Protection of Women from Domestic Violence Act, 2005 are to be fully realized.

FOOTNOTES

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- [1] Protection of Women from Domestic Violence Act, No. 43 of 2005, India Code.
- [2] INDIA CONST. art. 21.
- [3] Hussainara Khatoon v. Home Secretary, State of Bihar, (1980) 1 SCC 81.
- [4] A.R. Antulay v. R.S. Nayak, (1992) 1 SCC 225.
- [5] INDIA CONST. art. 21.
- [6] *See* Babu Singh v. State of U.P., (1978) 1 SCC 579; Kartar Singh v. State of Punjab, (1994) 3 SCC 569.
- [7] INDIA CONST. art. 14, 15.
- [8] INDIA CONST. art. 15, cl. 3.
- [9] Protection of Women from Domestic Violence Act, 2005, § 3.
- [10] *Id.* §§ 18-23.
- [11] *Id.* §§ 8-10.
- [12] UPENDRA BAXI, WRITINGS ON COURTS, JUSTICE AND JUDICIAL DELAYS 45 (2000).
- [13] Hussainara Khatoon, (1980) 1 SCC 81.
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- [15] Satish Chander Ahuja v. Sneha Ahuja, (2021) 1 SCC 414.
- [16] Rajnesh v. Neha, (2021) 2 SCC 324.
- [17] Primary Empirical Source, *Questionnaire responses and field observations collected from stakeholders associated with the Bhopal District Court during the empirical study* (May 2026) [hereinafter *Bhopal Court Empirical Study*].
- [18] *Id.*

- [19] *Id.*
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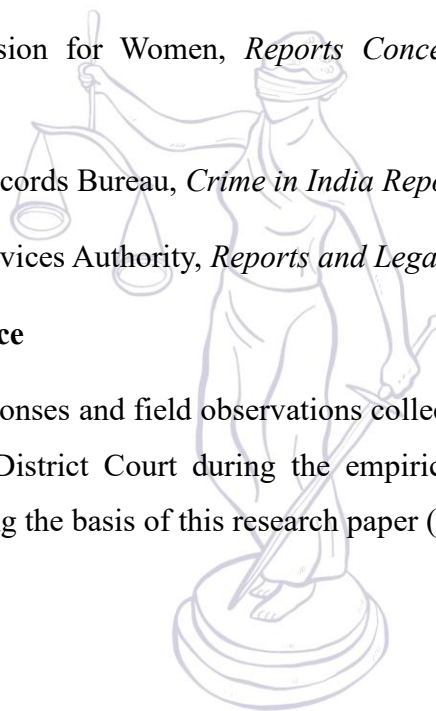
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