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Role of Police in the Implementation of the Protection of Women from Domestic Violence Act, 2005

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Abstract

This article explores the critical role of police in enforcing the Protection of Women from Domestic Violence Act (PWDVA) of 2005 and delivering justice to victims of domestic violence. Utilizing a qualitative approach that integrates both empirical and doctrinal methods, the study identifies the specific responsibilities of law enforcement under the PWDVA. It assesses both the legal obligations of police and their practical execution while addressing obstacles such as societal stigma, lack of resources, and insufficient training that impede effective enforcement. The article advocates for necessary systemic improvements and highlights initiatives aimed at enhancing police responsiveness through collaboration with key stakeholders, including protection officers, NGOs, and the judiciary. The PWDVA recognizes various forms of abuse-physical, emotional, sexual, verbal, and economic-and promotes an integrated approach of civil and criminal measures for women's protection. It outlines the pivotal duties of police in complaint registration, Domestic Incident Reports (DIRs) preparation, and enforcement of protective court orders. Emphasizing gender-sensitive policing, improved training, increased female representation, and community policing initiatives, the article ultimately seeks to foster meaningful change in the lives of domestic violence survivors.

Keywords: Protection of Women from Domestic Violence Act, PWDVA, Police Responsibilities, Domestic Incident Reports (DIRs), First Responders, Challenges in Implementation, Stakeholder Coordination, Gender Sensitivity Training, Community Policing, Women Representation in Police, Domestic Violence Support Systems.





1. Introduction:

The Protection of Women from Domestic Violence Act (PWDVA) of 2005 establishes an extensive legal structure aimed at safeguarding women against the widespread problem of domestic violence in India. This legislation empowers women to seek protection from abusive relationships and provides various legal remedies to ensure their safety and well-being. A crucial aspect of the Act is the role of the police, who are responsible for implementing its provisions effectively.

They must respond promptly to complaints, enforce protection orders, and facilitate the legal processes necessary for a fair resolution. By ensuring that victims receive adequate support and justice, the police play an integral role in upholding the rights of women and fostering a safer environment free from violence and intimidation.

2. Literature Review: Police Responsibilities Under the PWDVA:

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) assigns substantial responsibilities to the police, urging them to serve as protectors and enforcers of justice for women encountering domestic violence. This literature review explores current research, legal analyses, and critical evaluations of police duties as defined by the Act, emphasizing their essential role in combatting domestic violence while also addressing the obstacles that hinder effective implementation.

Chakraborty (2016) highlights the proactive role of police in filing Domestic Incident Reports (DIRs) and enforcing court orders in liaison with protection officers. Menon (2012) notes a deficit of gender-sensitive training of police officers which is apparent in their handling of domestic violence cases. Kumar, et al. (2018) pay particular attention to the fact that police response is quite often late as such institution and individual cases falling under the PWDVA are not given due consideration.

Bhatnagar (2021) recommends mandatory gender sensitization training and workshops with regular periodicity, specifically for police officers. Gupta and Roy (2022) provide recommendations for using technology such as e-DIR submissions and coordination platforms to connect these processes. Singh (2020) discusses court observations regarding the responsibility of police in upholding Protection Orders that are issued under the Act.

Sharma et al. (2015) discovered that urban police stations had superior equipment and training for managing domestic violence cases, whereas rural regions faced challenges due to limited awareness and resources. Desai (2019) points out that urban police are more inclined to work alongside NGOs and protection officers, which improves the effectiveness of the Act's provisions.

The PWDVA delineates specific duties for police officers in Sections 5 and 9, which include registering complaints, preparing Domestic Incident Reports (DIRs), and aiding victims in accessing protection officers, medical facilities, and shelters. According to Singh (2018), the Act redefines the police's role from simply enforcing the law to actively facilitating protection and justice, necessitating a change in how they approach domestic violence situations.

Research highlights the pivotal position of police as the first contact for victims of domestic violence. An analysis by Sharma and Gupta (2020) underscores the significance of prompt police intervention, indicating that officers often influence victims' feelings of support or alienation. Their findings suggest that the initial response by police can substantially impact a victim's willingness to seek legal recourse and utilize support services.

Despite the responsibilities outlined in the PWDVA, studies reveal numerous challenges police face in fulfilling their roles. Rao (2017) notes a prevalent lack of awareness and training among officers about the



Act's provisions, which can lead to slow responses and poor case handling. Additionally, Desai (2019) addresses societal biases and systemic problems that prevent police from addressing domestic violence with the necessary sensitivity and urgency.

The PWDVA promotes a collaborative approach involving protection officers, NGOs, and the judicial system. Singh and Kaur (2021) stress that the police must effectively coordinate with these groups to ensure victims receive comprehensive support. However, Basu (2020) highlights that communication gaps and unclear role definitions often create challenges.

It is vital to train police personnel in gender sensitivity and the PWDVA's provisions. A report by the National Crime Records Bureau (2021) illustrates that specialized training programs can significantly enhance police responses to domestic violence cases. Nevertheless, studies indicate inconsistency in the implementation of such programs, leading to varying levels of enforcement of the Act.

Several effective practices have been identified to improve police responsiveness under the PWDVA. For example, Joshi (2019) discusses community policing approaches that have proven successful in building trust and encouraging victims to seek help. Moreover, increasing the representation of women in police forces is recognized as a promising strategy for addressing gender-specific challenges in domestic violence cases (Saxena, 2022).

3. Objective of the PWDVA:

The PWDVA marks a crucial step forward in Indian legislation, addressing the pervasive problem of domestic violence. This law was established to provide prompt and efficient support for women facing abuse, recognizing multiple types of violence such as physical, emotional, sexual, verbal, and economic mistreatment. Unlike previous laws that primarily classified domestic violence as a criminal offence, the PWDVA adopts a more comprehensive approach by integrating both civil remedies and criminal provisions.

It empowers affected women to pursue protection orders, residence orders, financial relief, child custody, and compensation. The Act stresses the importance of swift actions and collaborative efforts between diverse entities, such as police, protection officers, service providers, and the judiciary, thus establishing a thorough framework for protecting women's rights in domestic settings.

4. Definition of Domestic Violence under Section 3 of the PWDVA:

Section 3 of the PWDVA provides a comprehensive definition of domestic violence, describing it as any action, neglect, or behaviour that endangers a woman's safety, well-being, or dignity. This definition includes not only physical harm but also emotional, verbal, sexual, and economic abuse, recognizing the multifaceted nature of women's suffering in domestic environments. Importantly, the Act encompasses threats and coercive behaviour that undermine a woman's autonomy. By recognizing both overt and subtle forms of abuse, the Act broadens its approach from purely punitive measures to a commitment to protecting women's rights and dignity.

5. Types of Violence: Physical, Emotional, Sexual, Verbal, and Economic:

The PWDVA identifies various categories of domestic violence to highlight the different ways in which women may be harmed. Physical violence entails actions that cause bodily harm, such as hitting, beating, or assault, which are typically the most apparent forms of abuse. Emotional and verbal abuse, while less visible, are equally detrimental and include behaviours such as habitual criticism, insults, humiliation, and



social isolation, all intended to undermine a woman's self-worth. Sexual abuse encompasses coerced sexual activities, humiliating treatment, or withholding reproductive rights, illustrating how intimacy can be exploited as a means of control.

Economic abuse, an often-overlooked form of violence, involves restricting access to financial resources, denying property or employment opportunities, and exerting control over financial decisions, ultimately trapping women in economic dependency and vulnerability. By classifying these different types of violence, the Act emphasizes the necessity for a comprehensive approach to addressing domestic violence, ensuring that victims have access to appropriate legal remedies and support tailored to their unique experiences of abuse.

6. Responsibilities of Police Under the PWDVA:

The police play a critical role in the effective implementation of the PWDVA, serving as the primary point of contact for many domestic violence victims. Their responsibilities extend beyond simply recording complaints; they assist victims in navigating legal and support services outlined in the Act, including filing Domestic Incident Reports, obtaining medical care, and connecting with protection officers or shelters. Quick and compassionate responses help link victims to the judicial process.

Additionally, law enforcement is essential in enforcing court orders related to protection and residence, ensuring the safety and well-being of those affected by domestic violence, as well as executing warrants against individuals who violate these orders. However, their effectiveness hinges on factors such as awareness of gender issues, comprehensive knowledge of the PWDVA, and access to adequate resources and training to address the unique challenges these cases present.

As outlined in Section 5 of the PWDVA, police officers, protection officers, service providers, or magistrates who receive a complaint about domestic violence or are present at the scene of such an incident must inform the affected individual of their rights. This includes the right to apply for various forms of relief, such as a protection order, monetary compensation, custody arrangements, or residence orders, as well as the option to seek multiple orders under the Act.

Moreover, these officials are required to notify the affected individual regarding the support services offered by both service providers and protection officers. They should also inform her about her eligibility for free legal assistance under the Legal Services Authorities Act of 1987, as well as her right to lodge a complaint according to Section 498-A of the Indian Penal Code, which is now referred to as Section 84 of the Bharatiya Nyaya Sanhita of 2023, if applicable. It is essential to emphasize that this Act does not relieve police officers from their duty to take legal action upon becoming aware of a cognizable offence.

Under Section 9 of the PWDVA, the officer-in-charge of a police station holds several key responsibilities. Firstly, they must ensure the timely receipt and action on the Domestic Incident Report prepared by the protection officer. Coordination with the protection officer and Magistrate is essential to implement appropriate legal and protective measures for the aggrieved individual.

Additionally, the officer is responsible for verifying the availability of a safe shelter for the victim and monitoring her safety. Immediate action is required to facilitate medical assistance for any injuries sustained by the aggrieved person, with a mandate to submit the medical report to the relevant Magistrate. The officer must also maintain detailed records of all case-related documents and ensure compliance with the Magistrate's orders while providing vital support and protection to prioritize the victim's safety and well-being throughout the process.

Section 19 of the PWDVA outlines critical duties for the officer-in-charge of a police station aimed at



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protecting aggrieved individuals. This includes ensuring the safety of the aggrieved person as directed by the Magistrate during the enforcement of residence orders, assisting with their implementation, and facilitating the respondent's compliance with any financial obligations. Additionally, the officer must maintain regular communication with the Magistrate regarding orders, address compliance issues, implement protection orders within their jurisdiction, and meticulously document all related actions.

These responsibilities underscore the vital role of police in effectively enforcing residence orders to safeguard victims of domestic violence. Sections 19(5) and 19(7) empower the Magistrate to direct any police officer to assist the court in executing the various orders issued for the benefit of the aggrieved woman, as well as to request police assistance whenever necessary.

In addition to these duties, the police are responsible for filing Domestic Incident Reports (DIRs) that document instances of domestic violence. This formal record is crucial for ensuring that the cases are taken seriously and tracked appropriately within the legal system. Moreover, if the aggrieved person requires medical assistance, it is the police's duty to help her obtain the necessary medical aid.

This comprehensive support system is designed not only to address the immediate needs of victims but also to foster a sense of safety and security as they navigate the aftermath of domestic violence. Through these measures, police officers play a pivotal role in upholding the provisions of the PWDVA and contributing to the protection and welfare of women facing such distressing circumstances.

7. Police as the First Responders:

As the primary responders to incidents of domestic violence, police play a crucial role in addressing complaints related to this sensitive issue. It is essential to provide comprehensive training and sensitization for police personnel to ensure they approach these cases with empathy and understanding. This involves equipping them with the skills necessary to navigate the emotional complexities surrounding domestic violence and to support victims effectively.

Furthermore, the police must prioritize the safety of the complainant by taking immediate and decisive action to protect them from further harm, thereby instilling confidence in the justice system and fostering a safer environment for those affected by such incidents.

According to the PWDVA, police officers are required to help victims of domestic violence by quickly addressing their complaints, helping them obtain protection orders, and collaborating with protection officers and the judiciary to safeguard the well-being of those affected. The proactive measures taken by police in these circumstances are crucial for the prompt and efficient implementation of the legal protections available to victims.

Implementing the Protection of Women from Domestic Violence Act, 2005 (PWDVA) poses significant challenges for police officers, primarily due to inadequate training and awareness of the law's provisions. Many officers are unfamiliar with their responsibilities, such as informing victims of their rights and assisting them in filing Domestic Incident Reports (DIRs) and protection orders. A 2019 report from the Centre for Women's Justice revealed that a lack of sensitivity results in law enforcement perceiving domestic violence as a private matter, which diminishes their intervention efforts and endangers victims. Furthermore, police departments often fail to adhere to established protocols by not collaborating with protection officers (POs) or providing essential services like shelter and legal support. A 2021 study by the National Commission for Women highlighted the insufficient resources at police stations to effectively address domestic violence cases.

Investigative shortcomings, including neglecting to collect evidence or interview witnesses, further



undermine the PWDVA's effectiveness; a 2020 analysis by the Human Rights Law Network pointed out that many cases lack thorough investigation due to biases and a failure to recognize the gravity of domestic violence. Additionally, the absence of a gender-sensitive approach within police forces may lead to victimblaming, which discourages women from seeking legal recourse.

8. Challenges Faced by Police:

The Protection of Women from Domestic Violence Act (PWDVA) of 2005 represented a significant step forward in promoting women's rights in India. Despite this progress, the successful enforcement of the legislation encounters numerous challenges that law enforcement agencies must address to ensure effective protection for victims.

One of the primary obstacles to implementing the PWDVA is the lack of adequate training for police officers dealing with domestic violence cases. Many officers are not sufficiently versed in the provisions of the law, which can result in a failure to recognize the complexity of emotional and psychological abuse in addition to physical violence. This issue is particularly pronounced in rural and marginalized communities, where understanding of these nuances is often limited.

Compounding this challenge are prevailing societal attitudes and gender biases that influence how police officers respond to domestic violence incidents. Officers may display scepticism towards women who report abuse, especially in scenarios involving family members. Such prejudices can contribute to underreporting of incidents and a lack of appropriate intervention, ultimately diminishing the urgency and effectiveness of police response.

Moreover, logistical constraints and resource shortages within police departments can hinder timely action. Many law enforcement agencies face personnel shortages, and inadequate facilities, leading to delays in processing Domestic Incident Reports and protection orders. This situation is especially problematic in rural areas, leaving victims vulnerable and exposed to further abuse.

Inconsistencies in the application of the PWDVA across various regions add another layer of complexity to the situation. Urban areas may boast better resources and more effective implementation, while rural regions often struggle with significant shortcomings. The lack of adequate follow-up and monitoring of cases further diminishes the effectiveness of the law and underscores the urgent need for comprehensive reforms.

To enhance the protective capabilities of the PWDVA, it is essential to invest in targeted police training and resource allocation. Increasing awareness of gender-sensitive policing approaches can enable police officers to handle domestic violence cases with the seriousness and urgency they demand.

The challenges faced by police extend beyond training deficiencies. Victims frequently hesitate to report incidents due to fears of societal stigma or retaliation from their abusers, which complicates law enforcement's ability to intervene effectively. This hesitation is exacerbated by inadequate resources, a limited number of officers, and insufficient transportation options for responding to emergencies.

Additionally, the dearth of secure and well-established shelter homes for victims creates further barriers. Poor coordination with protection officers and non-governmental organizations (NGOs) and ignorance about service providers complicates police efforts to provide vital support to those in need. Officers often find themselves torn between strict law enforcement and the desire to pursue reconciliation in domestic cases, complicating their decision-making process.

Ultimately, these interconnected issues create significant barriers to effective policing and justice for victims of domestic violence. To address these challenges comprehensively, a multi-faceted approach that



includes improved training, resource enhancement, and a commitment to gender-sensitive practices is essential. Only then can the PWDVA fulfil its promise of safeguarding women's rights and ensuring their protection from domestic violence.

9. Police Role in Enforcement of Court Orders:

The police play an essential role in enforcing court orders, which includes carrying out protection, residence, and custody mandates. They are also responsible for executing arrest warrants against those who have breached these legal directives. This function is crucial for upholding public safety and ensuring that violators encounter appropriate consequences for their actions.

Beyond implementing court orders, police collaborate closely with the judiciary and various stakeholders to strengthen legal compliance. This partnership improves their capacity to effectively manage maintenance and monetary relief orders, ensuring that individuals obligated by these requirements adhere to them. By working together, they enhance the enforcement process and promote accountability within the community.

These cooperative efforts help preserve the rule of law by ensuring that judicial decisions are respected and implemented within the community. Such collaboration is vital for fostering a legal environment that reinforces the authority of the courts.

Through their support and protection, as dictated by judicial rulings, the police contribute to a community where individuals feel secure and empowered by the legal safeguards provided by the court system.

10. Court Judgments:

Thurman v. City of Torrington (1985) is a pivotal case in the U.S. that highlighted issues of domestic violence and police accountability. Tracy Thurman filed a lawsuit against the City of Torrington, Connecticut, after its police department failed to protect her from ongoing abuse by her estranged husband, Charles Thurman, despite her multiple reports and restraining orders. After suffering serious injuries in an attack, Tracy's case brought attention to the police's neglect in enforcing protective measures.

The court concluded that the police had violated Tracy's equal protection rights under the 14th Amendment by not acting on the restraining orders. This ruling affirmed that law enforcement has a constitutional responsibility to safeguard individuals from private violence, particularly when aware of the threat. As a result, the case prompted major reforms in domestic violence legislation across the U.S., including mandatory arrest policies, enhanced police training, and improved response protocols, fundamentally changing how law enforcement addresses domestic abuse and underscoring the necessity of police accountability.

An Indian ruling that deals with police accountability in the context of domestic violence cases, similar to the U.S. case of Thurman v. City of Torrington (1985), is the Shambhu Prasad Singh vs. Manjari case, which was decided by the Delhi High Court on May 17, 2012. In its decision, the court highlighted the essential need for timely police intervention and effective coordination with protection officers, as required by the Protection of Women from Domestic Violence Act (PWDVA), 2005.

The judgment underscored the necessity for prompt police action to safeguard victims and ensure their well-being, emphasizing the responsibility of law enforcement to uphold the law's provisions. This case holds considerable significance in India as it aligns with Thurman's focus on police accountability and the importance of proactive measures in tackling domestic violence.

In the case of R v. R.D. (2018), the Ontario Court of Appeal examined mandatory charging policies in



domestic violence incidents, focusing on the police's obligation to lay charges even when the victim is hesitant to cooperate. The court underscored the significance of these policies in holding domestic violence perpetrators accountable, emphasizing that the interests of public safety and the prosecution of such offenses can take precedence over a victim's preferences.

This ruling reaffirms the critical role of law enforcement in addressing domestic violence, prioritizing victim protection within the legal framework. It also contributes to the broader discourse on the enforcement of domestic violence laws in Canada, highlighting the delicate balance between respecting victim autonomy and ensuring public safety, as well as the ongoing discussions regarding the effectiveness and consequences of mandatory charging policies in tackling intimate partner violence.

The United Kingdom court ruling in the case of R (on the application of DSD and another) v. Commissioner of Police of the Metropolis (2018) underscores the essential responsibility of police in safeguarding domestic violence victims. The ruling highlighted the need for law enforcement to respond promptly to reports of domestic violence, conduct thorough and unbiased investigations, take necessary measures to shield victims from further harm, and collaborate with other agencies like social services and victim support organizations to provide holistic support.

This landmark case reinforces the critical role of effective policing in not only preventing domestic violence but also ensuring the safety and well-being of those affected, reminding officers of their duty to act with diligence and compassion towards vulnerable individuals.

11. Recommendation:

Police officers frequently commit significant errors when addressing cases under the PWDVA 2005 due to inadequate training, insufficient personnel and resources, a shortage of female officers, deep-rooted social biases, and flaws in procedures. They often minimize domestic violence reports, dismissing them as simple "family matters," which erodes victims' trust and deters them from seeking help. Furthermore, the absence of gender-sensitization training can result in insensitive questioning that may exacerbate the victim's trauma.

Typical mistakes include unempathetic and disrespectful responses, a lack of knowledge regarding their duties, insufficient compassion, poor handling of Domestic Incident Reports (DIRs), and delays in connecting victims with protection officers or shelters, as there is a greater emphasis on criminal complaints rather than civil remedies. These procedural deficiencies collectively reduce the effectiveness of the law in aiding victims to flee abusive circumstances.

Community policing plays a vital role in addressing domestic violence as outlined in the Protection of Women from Domestic Violence Act (PWDVA), by emphasizing the importance of building trust between law enforcement and the community. When police actively engage with local residents, they can more effectively identify women and families at risk, raise awareness of available legal protections, and foster an environment where victims feel encouraged to report abuse without the fear of stigma or retaliation.

To bolster this effort, collaboration between police initiatives and non-governmental organizations (NGOs) can significantly enhance the support network available for victims. NGOs are typically wellequipped with the expertise and resources needed to provide counselling, legal assistance, shelter, and rehabilitation services, thereby complementing the actions of law enforcement. Establishing dedicated domestic violence response teams consisting of police officers and NGO representatives ensures a coordinated approach to managing complaints, assisting victims, and effectively implementing court orders.



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The success of the PWDVA depends largely on the police's ability to respond sensitively and efficiently to instances of domestic violence. Comprehensive training is essential for all police officers, covering the legal, psychological, and sociocultural aspects of domestic violence. This training program should incorporate role-play scenarios, survivor interactions, and expert insights to foster empathy and instil a victim-centred approach.

Ongoing refresher courses are equally crucial, as they keep officers updated on changes in legislation, key court rulings, and best practices. For example, specialized workshops focusing on economic or emotionalissues that are often misunderstood- can enhance police skills in these critical areas. Furthermore, training must emphasize the importance of prompt submission of Domestic Incident Reports (DIRs), collaboration with protection officers, and the efficient enforcement of protection orders.

Increasing the number of women officers in the police force can greatly improve responses to domestic violence incidents. Female victims frequently feel more comfortable sharing their experiences with female officers, especially in cases involving sexual or emotional abuse. By increasing the representation of women in the police-particularly in roles that directly tackle domestic violence-a more supportive and approachable environment can be cultivated for victims. Initiatives like creating women-only help desks in police stations and recruiting female officers for domestic violence units can help achieve this goal.

Moreover, including women officers in training and policy development concerning domestic violence can yield valuable insights that enhance law enforcement's effectiveness under the PWDVA. Empowering women within the police force not only promotes gender equity but also strategically addresses the unique challenges posed by domestic violence cases.

Standardized shelter homes that are equipped with adequate security measures are essential for victims of domestic violence, providing a safe haven where individuals can rebuild their lives without fear. These shelters serve as immediate sanctuaries, protecting victims from further harm while addressing their physical and emotional needs. Robust security protocols, including surveillance systems and trained staff, are critical in safeguarding these facilities and ensuring victims feel secure from their abusers.

Additionally, well-equipped shelters that offer vital amenities contribute to the dignity and stability of survivors. Providing access to counselling, legal support, and skill-development programs empowers individuals, supporting their transition towards independence. To maintain equitable standards of care and accessibility, it is important to address the resource disparities between urban and rural areas.

Conversely, shelters that are either insufficient or poorly maintained can hinder the recovery process for victims, making them more susceptible to repeated incidents of abuse. Consequently, it becomes essential to prioritize investments in safe and standardized shelter homes. This approach not only serves as a vital strategy for effectively tackling the issue of domestic violence but also significantly contributes to the long-term healing and well-being of survivors.

12. Conclusion:

The police are vital in upholding justice under the Protection of Women from Domestic Violence Act, 2005, serving as the primary responders and a key connection between victims and the legal system. Their capacity to respond to complaints with sensitivity, connect victims with protection officers, enforce judicial orders, and collaborate with organizations like NGOs greatly enhances the Act's effectiveness. Nonetheless, systemic reforms are needed to close existing gaps, which include improved training, better resource distribution, and enhanced collaboration with community stakeholders.

Strengthening the response framework through initiatives like community policing, gender sensitivity



training, and increasing the representation of women in law enforcement can foster a more inclusive and supportive environment for victims. Looking forward, the incorporation of technology, ongoing public awareness initiatives, and cooperative efforts amongst police, judiciary, and civil society are crucial to ensuring that the PWDVA delivers on its commitment to creating a safe and just environment for women.

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