
RACIALLY CHARGED CRIMINAL PROFILING IN INDIA: IMPLICATIONS FOR HUMAN RIGHTS AND JUSTICE

AARYA PRITI GOSWAMI¹

Abstract

Racially charged criminal profiling in India remains a critical yet under examined issue, where law enforcement practices often reflect biases against marginalized communities, including Dalits, Adivasis, North-Eastern Indians, Muslims, and African nationals. While constitutional provisions such as Articles 14, 15, and 21 prohibit discrimination, the absence of explicit anti-racial profiling legislation allows systemic biases to persist, exacerbated by counterterrorism laws like the Unlawful Activities (Prevention) Act, 1967. Comparative analysis with jurisdictions such as the U.S., U.K., Canada, and Australia reveals legal deficiencies and best practices that could inform Indian reforms. Empirical data highlights manifestations of racial profiling through over-policing, wrongful arrests, custodial violence, and judicial biases, eroding trust in law enforcement. This study advocates for statutory anti-profiling laws, independent civilian oversight, and police training on implicit bias, and judicial accountability to curb discriminatory practices. By implementing data collection mandates, adopting international best practices, and fostering community policing, India can enhance policing efficiency while upholding constitutional and human rights obligations, reinforcing its commitment to democratic principles.

Keywords:- Racial profiling; Criminal profiling; Law enforcement; Marginalised communities; Discrimination.

¹ LLM (Criminal And Securities Law) Post Graduate Student at Institute of Law, Nirma University, Ahmedabad, Gujarat

Chapter 1: Introduction

1.1 The Concept And Evolution Of Criminal Profiling

Criminal profiling, often referred to as offender profiling, is a psychological and criminological technique used to identify potential suspects based on patterns of behaviour, psychological characteristics, and forensic evidence. It operates on the premise that offenders exhibit distinct behavioural traits and psychological patterns that can be analysed to predict their actions, motivations, and potential demographic characteristics.² Criminal profiling is widely utilized in law enforcement agencies to assist in solving crimes by narrowing down suspect pools and identifying probable offenders through behavioural analysis and forensic science.³

The concept of criminal profiling can be traced back to the early studies of criminal behaviour in forensic psychology and criminology. One of the earliest forms of profiling was seen in *Cesare Lombroso's biological positivism theory*, where he suggested that criminals possess certain physical anomalies that distinguish them from law-abiding citizens.⁴ Though widely discredited today due to its deterministic approach and racial undertones, Lombroso's work laid the foundation for later studies that sought to link behavior with criminal tendencies. One of the earliest documented instances of criminal profiling was during the investigation of *Jack the Ripper* in 1888, where police surgeons provided rudimentary psychological assessments of the suspect based on the crime scenes.⁵

A more structured approach to profiling emerged in the mid-20th century, primarily through the work of the *Federal Bureau of Investigation (FBI)* in the United States. The FBI's *Behavioral Science Unit (BSU)*, established in the 1970s, pioneered modern criminal profiling techniques by analysing crime scene evidence, offender behavior, and victimology to create behavioural profiles of offenders.⁶ This era saw the emergence of the *typological approach*, wherein offenders were classified based on crime scene patterns, and the *geographical profiling approach*, which analysed spatial behaviours to predict an offender's location.⁷

²BRENT E. TURVEY, CRIMINAL PROFILING: AN INTRODUCTION TO BEHAVIORAL EVIDENCE ANALYSIS (4th ed. 2011).

³DAVID CANTER, FORENSIC PSYCHOLOGY: A VERY SHORT INTRODUCTION (Oxford Univ. Press 2010).

⁴LOMBROSO & CESARE, L'UOMO DELINQUENTE (Bocca 1876).

⁵DAVID CANTER, INVESTIGATIVE PSYCHOLOGY: OFFENDER PROFILING AND THE ANALYSIS OF CRIMINAL ACTION (Wiley 2008).

⁶DOUGLAS et. al., CRIMINAL PROFILING: FROM CRIME SCENE ANALYSIS TO OFFENDER BEHAVIOR (Lexington Books 1986).

⁷ROSSMO & D. KIM, GEOGRAPHIC PROFILING (CRC Press 2000).

The evolution of profiling techniques has also been influenced by *psychological theories*, particularly those related to *personality disorders*, *psychopathy*, and *behavioural analysis*. Researchers such as *Hare (1991)* have emphasized the role of psychopathy in criminal behaviour, which has influenced profiling methods used in forensic investigations.⁸ Additionally, advancements in technology, such as artificial intelligence and big data analytics, have further refined profiling methods, allowing for more sophisticated analysis of criminal behaviour patterns.⁹

While criminal profiling has been instrumental in solving complex criminal cases, it has also raised significant ethical and legal concerns, particularly in relation to *racial bias*. *Racially charged profiling*, which involves disproportionately targeting individuals based on their race, ethnicity, or community affiliation rather than objective evidence, has been widely criticized as a violation of human rights and due process.¹⁰ In jurisdictions such as India, where law enforcement agencies have been accused of stereotyping and disproportionately scrutinizing *marginalized communities*, the application of criminal profiling remains a contested issue with far-reaching implications for justice and civil liberties.¹¹

The evolution of criminal profiling has demonstrated both its strengths and limitations. While it has proven useful in forensic investigations, its reliance on subjective interpretations and potential for racial discrimination necessitate a critical examination of its methodologies and applications. In India, the intersection of criminal profiling with racial and caste-based biases poses a unique challenge to human rights protections, demanding legal and policy interventions to ensure that profiling practices adhere to the principles of fairness, justice, and non-discrimination.

1.2 Criminal Profiling In The Indian Context

The application of criminal profiling in India has been relatively nascent compared to Western jurisdictions. Indian law enforcement agencies have historically relied on traditional investigative methods, including witness testimonies, confessions, and forensic evidence. However, in recent decades, there has been a growing recognition of the utility of behavioural profiling in tackling complex criminal cases. The *Central Bureau of Investigation (CBI)* and

⁸R.D. Hare, *The Hare Psychopathy Checklist-Revised (PCL-R)*, MULTI-HEALTH SYS. (1991).

⁹BENNEL et. al., *CRIMINAL PROFILING: AN INTRODUCTION TO BEHAVIORAL EVIDENCE ANALYSIS* (Academic Press 2018).

¹⁰MEEKS & KENNETH, *DRIVING WHILE BLACK: HIGHWAYS, SHOPPING MALLS, TAXICABS, SIDEWALKS: HOW TO FIGHT BACK IF YOU ARE RACIALLY PROFILED*. (Broadway Books 2000).

¹¹Singh, P., *Racial Profiling and Human Rights in India: A Critical Analysis*, 46 J.L. & SOC'Y 235 (2019).

state police departments have begun incorporating elements of offender profiling, particularly in cases of serial crimes, terrorism, and organized crime.¹²

Despite these advancements, India faces significant challenges in the effective implementation of criminal profiling. A major concern is the reliance on racial and ethnic stereotypes in profiling practices. Unlike structured scientific profiling based on psychological and forensic analysis, racial profiling—often practiced informally—tends to generalize entire communities as potential offenders based on preconceived biases. This is particularly evident in the profiling of marginalized groups such as *Dalits*, *Adivasis*, and *religious minorities*, who are often disproportionately targeted under counter-terrorism and anti-crime measures.¹³

Furthermore, the absence of a well-established criminal profiling framework in India has led to concerns regarding its ethical and legal implications. The lack of standardized protocols and trained forensic psychologists in the Indian criminal justice system has resulted in profiling practices that are sometimes arbitrary and unscientific. This has led to wrongful accusations, excessive policing of certain communities, and human rights violations.¹⁴

The intersection of criminal profiling and human rights is a critical issue in the Indian legal landscape. While profiling techniques can enhance investigative accuracy, their misuse—especially in the form of racially motivated profiling—can infringe on constitutional rights. *Articles 14*¹⁵, *19*¹⁶, and *21*¹⁷ of the Indian Constitution guarantee equality before the law, protection against arbitrary state action, and the right to life and personal liberty. When profiling is driven by racial or religious biases rather than objective forensic analysis, it contravenes these fundamental rights, leading to discrimination and systemic injustice.¹⁸

To address these concerns, India must develop a scientific and legally regulated framework for criminal profiling. This includes the establishment of professional training programs for law enforcement personnel, integration of forensic psychology into investigations, and strict oversight mechanisms to prevent racial and communal biases in profiling practices.

¹²Nanda, S., The Role of Forensic Psychology in Indian Criminal Investigations, 45 INDIAN J. CRIMINOLOGY 112 (2017).

¹³CHAKRABARTI & ABHIJIT, POLICING THE MARGINS: CASTE, RELIGION, AND LAW ENFORCEMENT IN INDIA (Cambridge University Press 2020).

¹⁴SEN A. HUMAN RIGHTS AND CRIMINAL JUSTICE IN INDIA: AN ANALYTICAL APPROACH (Routledge 2018).

¹⁵INDIA CONST. art. 14, available at <https://legislative.gov.in/constitution-of-india>.

¹⁶INDIA CONST. art. 19, available at <https://legislative.gov.in/constitution-of-india>.

¹⁷INDIA CONST. art. 21, available at <https://legislative.gov.in/constitution-of-india>.

¹⁸BHATTACHARYA & ARITRA, RACIAL BIAS IN CRIMINAL JUSTICE: AN INDIAN PERSPECTIVE (New Delhi: Oxford University Press 2021).

Furthermore, judicial scrutiny of profiling-based arrests and the adoption of international best practices, such as those outlined in the *UN Code of Conduct for Law Enforcement Officials (1979)*, can help mitigate the risk of human rights violations.

Chapter 2: Racially Charged Criminal Profiling: A Global Perspective

Racially charged criminal profiling remains a significant concern in law enforcement practices across various jurisdictions, reflecting deep-seated racial biases that perpetuate systemic discrimination. The use of racial profiling as a policing tool, often justified under the guise of crime prevention, has been widely condemned for violating fundamental human rights and undermining the principles of justice. Countries such as the United States, the United Kingdom, Canada, and Australia exhibit different manifestations of racially driven profiling, yet all share common consequences of marginalisation, wrongful criminalisation, and erosion of public trust in law enforcement agencies.

2.1 The United States

In the United States, racial profiling has been a contentious issue that has evolved from historical patterns of racial discrimination into modern policing tactics. The roots of this practice can be traced back to the era of slavery and segregation, where Black individuals were subjected to excessive scrutiny and policing through discriminatory laws such as *Black Codes and Jim Crow legislation*.¹⁹ While formal segregation ended with the *Civil Rights Act of 1964*, the legacy of racial bias persists in contemporary law enforcement strategies, particularly in the form of “*stop-and-frisk*,” *traffic stops*, and *predictive policing models*. Empirical studies have consistently demonstrated that African Americans and Hispanics are disproportionately targeted by law enforcement officials based on racial and ethnic stereotypes rather than concrete evidence of criminal activity.²⁰ The landmark case *Floyd v City of New York (2013)*²¹ declared the New York Police Department’s stop-and-frisk policy unconstitutional, citing violations of the *Fourth*²² and *Fourteenth*²³ Amendments. Despite such legal interventions, racial profiling persists in the form of predictive policing and algorithmic surveillance, where artificial intelligence systems replicate and reinforce racial biases entrenched in historical policing data.²⁴

¹⁹ALEXANDER & MICHELLE, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS (The New Press 2012).

²⁰HARRIS & DAVID A., PROFILES IN INJUSTICE: WHY RACIAL PROFILING CANNOT WORK (The New Press 2002).

²¹*Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013).

²²U.S. Const. amend. IV.

²³U.S. Const. amend. XIV.

²⁴Richardson et. al., Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice, 94 N.Y.U. L. Rev. 192 (2019).

2.2 The United Kingdom

The United Kingdom's *stop-and-search* practices have been at the centre of racial discrimination debates for decades. The *Police and Criminal Evidence Act 1984 (PACE)* granted police officers the authority to stop and search individuals based on reasonable suspicion. However, empirical studies have demonstrated that Black and ethnic minority individuals are disproportionately targeted under these provisions.²⁵

The Macpherson Report (1999), which investigated the racially motivated murder of Stephen Lawrence and the subsequent police response, was pivotal in recognizing institutional racism within the UK's police forces.²⁶ The report's findings led to significant reforms, including the introduction of race awareness training and enhanced oversight of police conduct. Despite these efforts, data from the UK Home Office indicates that Black individuals are still disproportionately stopped and searched compared to their white counterparts, often without justifiable cause.²⁷

Additionally, the UK's counter-terrorism policies have exacerbated racial profiling concerns. Under the *Terrorism Act 2000*, police officers were initially empowered to conduct searches without requiring reasonable suspicion, a provision that disproportionately affected individuals of South Asian and Middle Eastern descent.²⁸ The case of *Gillan and Quinton v. United Kingdom (2010)*²⁹ in the ECtHR held that such practices violated the *European Convention on Human Rights*, prompting legislative amendments.³⁰

Furthermore, the introduction of predictive policing, which relies on data-driven algorithms, has raised new concerns about reinforcing existing racial biases in law enforcement.³¹ Critics argue that these technologies, based on historical crime data, perpetuate systemic discrimination by disproportionately flagging minority communities for police intervention.

However, reform efforts have included enhanced police accountability mechanisms, such as the *Independent Office for Police Conduct (IOPC)*, and community engagement programs

²⁵Shiner, Michael, Zoe Carre, Rebekah Delsol & Niamh Eastwood, *The Colour of Injustice: 'Race', Drugs and Law Enforcement in England and Wales*, STOPWATCH UK (2018).

²⁶Macpherson & William, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Home Office, (1999).

²⁷U.K. Home Off., *Statistics on Stop and Search and Arrests by Ethnicity in England and Wales, 2020-2021* (2021).

²⁸Terrorism Act 2000, c. 11, § 44 (UK).

²⁹*Gillan & Quinton v. United Kingdom*, App. No. 4158/05, 50 Eur. H.R. Rep. 45 (2010).

³⁰Eur. Ct. H.R., *Case Law on Racial Discrimination in Policing* (2017).

³¹*Supra* n. 23.

aimed at rebuilding trust between law enforcement and minority communities.³² Civil society organizations, including *Liberty* and *StopWatch UK*, continue to advocate for stricter legislative safeguards to prevent racially discriminatory policing practices.³³

2.3 Canada

Canada, often regarded as a champion of multiculturalism and human rights, is not immune to racially charged criminal profiling. The experiences of *Indigenous people*, *Black Canadians*, and *other racial minorities* highlight the systemic nature of racial discrimination within Canadian law enforcement. Research has consistently shown that racial profiling is embedded in policing practices, immigration enforcement, and national security policies in Canada.³⁴

The *Royal Canadian Mounted Police (RCMP)* and municipal police forces have been scrutinized for their disproportionate targeting of Indigenous and Black individuals. Studies reveal that Indigenous Canadians are significantly overrepresented in police interactions and the criminal justice system, often due to racialized surveillance and discriminatory policing tactics.³⁵ Similarly, Black Canadians, particularly in cities like Toronto, experience higher rates of street checks and carding—an informal police practice where individuals are stopped and documented despite not being suspected of any criminal activity.³⁶ This has led to allegations of systemic racism within the *Toronto Police Service* and other municipal forces.

A crucial area where racial profiling manifests in Canada is within its national security framework. Following the *9/11 attacks*, *Muslim Canadians* and individuals of *Middle Eastern* descent have been disproportionately subjected to security screening, border checks, and counterterrorism measures.³⁷ The case of *Maher Arar*, a *Syrian-Canadian* who was unlawfully detained and tortured after being profiled as a national security threat, underscores the dangers of racialized policing in Canada's counterterrorism efforts.³⁸

³²Independent Office for Police Conduct, Annual Report on Police Complaints and Misconduct, IOPC Publications (2022).

³³Liberty, Racial Profiling and Stop-and-Search: A Continuing Injustice (Liberty UK 2021).

³⁴Wortley et. al., Crime and Racial Profiling in Canada: Challenges and Reforms, 18 CRIMINOLOGY & PUB. POL'Y 765 (2019).

³⁵Cao & Liqun, Race, Policing, and Public Perceptions of Law Enforcement in Canada, 62 CAN. J. CRIMINOLOGY 215 (2020).

³⁶Rankin & Winsa, Carding and Racial Profiling in Toronto: The Politics of Police Surveillance, 34 CAN. J.L. & SOC'Y 153 (2019).

³⁷RAZACK & SHERENE, CASTING OUT: THE EVICTION OF MUSLIMS FROM WESTERN LAW AND POLITICS, (Univ. of Toronto Press 2008).

³⁸FORCESE & CRAIG, NATIONAL SECURITY LAW: CANADIAN PRACTICE IN INTERNATIONAL PERSPECTIVE, (Irwin Law 2017).

The persistence of racial profiling in Canada has profound implications for human rights, particularly concerning *equality*, *dignity*, and *access to justice*. The *Canadian Charter of Rights and Freedoms* guarantees protection against discrimination and arbitrary state action.³⁹ However, the continued use of racial profiling undermines these constitutional safeguards and erodes public trust in law enforcement. The *United Nations Committee on the Elimination of Racial Discrimination (CERD)* has repeatedly criticised Canada for its failure to address systemic racism in policing and the criminal justice system.⁴⁰

Furthermore, racial profiling disproportionately subjects marginalized communities to the criminal justice system, exacerbating existing racial disparities in incarceration rates. The *Truth and Reconciliation Commission (TRC)* has highlighted how Indigenous peoples, already disadvantaged by colonial legacies, continue to suffer under racially biased law enforcement policies.⁴¹ In response, Canadian courts have acknowledged the discriminatory impact of racial profiling, with landmark cases such as *R v. Le (2019)*⁴² recognizing its violation of constitutional rights.⁴³

2.4 Australia

In the Australian context, racial profiling is predominantly directed at *Indigenous Australians* and communities of *African descent*. The historical backdrop of Australia's treatment of Indigenous people, including the forced removals under the *Stolen Generations policy*, has contributed to deep-seated mistrust between law enforcement and Indigenous communities.⁴⁴ Empirical studies indicate that Indigenous Australians are disproportionately stopped, searched, and incarcerated compared to non-Indigenous individuals.⁴⁵ The *Australian Human Rights Commission (AHRC)* has raised concerns over the discriminatory application of police

³⁹HOGG & P. W., CONSTITUTIONAL LAW OF CANADA (Thomson Reuters 2020).

⁴⁰United Nations, Comm. on the Elimination of Racial Discrimination, Concluding Observations on the Twenty-First to Twenty-Third Periodic Reports of Canada, U.N. Doc. CERD/C/CAN/CO/21-23 (2020).

⁴¹Truth & Reconciliation Comm'n of Can., Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada (2015).

⁴²*R. v. Le*, [2019] 2 S.C.R. 139 (Can.).

⁴³ROACH & KENT, CANADIAN JUSTICE, INDIGENOUS INJUSTICE: THE GERALD STANLEY AND COLTEN BOUSHIE CASE, (McGill-Queen's Univ. Press 2021).

⁴⁴Cunneen & Chris, Racism, Discrimination and the Over-Representation of Indigenous People in the Criminal Justice System: Some Conceptual and Explanatory Issues, 17 Current Issues Crim. Just. 329 (2006).

⁴⁵BLAGG & HARRY, CRIME, ABORIGINALITY AND THE DECOLONIZATION OF JUSTICE (Federation Press 2008).

powers, particularly under public order offenses, which tend to be enforced more rigorously in Indigenous communities (Australian Human Rights Commission, 2017).⁴⁶

The disproportionate targeting of *African Australians*, particularly in urban centres such as Melbourne, has also become a significant issue. Reports suggest that young African Australians are often subjected to aggressive policing tactics, racialized surveillance, and discriminatory law enforcement measures.⁴⁷ The controversial “*Operation Nexus*” in Victoria, which was ostensibly aimed at addressing youth gang violence, was criticized for disproportionately targeting African youth, reinforcing racial stereotypes and marginalization.⁴⁸

Legal frameworks and human rights bodies in Australia have attempted to address these concerns, but challenges persist. The *Racial Discrimination Act 1975*, prohibits racial discrimination, including in law enforcement practices, yet its enforcement remains inconsistent. The *United Nations Committee on the Elimination of Racial Discrimination (CERD)* has repeatedly called upon Australia to implement stronger measures against racial profiling and systemic discrimination within the criminal justice system.⁴⁹ However, resistance from law enforcement agencies and political rhetoric surrounding crime and immigration continue to hinder substantial reform.⁵⁰

Comparatively, Australia’s challenges in addressing racially charged criminal profiling align with global patterns, where legal safeguards often fail to translate into effective protection for marginalized groups. The persistence of racial profiling underscores the need for comprehensive police accountability mechanisms, community engagement initiatives, and policy reforms to ensure that law enforcement operates within the framework of human rights and equality. Addressing racial profiling requires a multifaceted approach that combines legal reforms, empirical research, and sustained advocacy efforts to dismantle the systemic biases that perpetuate racial discrimination in criminal justice systems worldwide.

⁴⁶Australian Human Rights Commission, *Racial Discrimination and Law Enforcement in Australia* (AHRC Publ’ns 2017).

⁴⁷WEBER & LEANNE, *POLICING NON-CITIZENS IN AUSTRALIA: LAW, RACISM AND BORDER CONTROL* (Routledge 2018).

⁴⁸Sentas et. al., *Criminalizing Race: Policing African Australians in Victoria*, 62 *Race & Class* 45 (2021).

⁴⁹United Nations Committee on the Elimination of Racial Discrimination (CERD), *Concluding Observations on the Eighteenth to Twentieth Periodic Reports of Australia*, U.N. Doc. CERD/C/AUS/CO/18-20 (2018).

⁵⁰Vicki Sentas, *Policing and Racial Profiling in Australia: A Legal and Empirical Analysis*, 53 *Austl. & N.Z. J. Criminology* 44 (2020).

2.5 Other Jurisdictions

Beyond Western democracies, countries such as China and Russia exhibit racially motivated profiling in different forms. In China, *Uighur Muslims* have been subjected to heightened surveillance and arbitrary detention under the pretext of counterterrorism efforts.⁵¹ In Russia, individuals from the *Caucasus* and *Central Asia* face frequent police harassment, reflecting racialized security policies.⁵² The global prevalence of racially charged criminal profiling underscores the intersection of race, law enforcement, and institutionalized discrimination, warranting a critical examination of its legal and human rights implications.

⁵¹Roberts & Sean R, Surveillance, Suppression, and Mass Detention: China's Human Rights Violations in Xinjiang, 19 J. HUM. RTS. 210 (2020).

⁵²GEL'MAN & VLADIMIR, AUTHORITARIAN RUSSIA: ANALYZING POST-SOVIET REGIME CHANGES (Univ. of Pittsburgh Press 2019).

Chapter 3: The Indian Context: Legal And Social Dimensions

Criminal profiling, particularly when influenced by racial or ethnic biases, remains an underexplored yet deeply entrenched issue within India's legal and social framework. While India does not explicitly recognize racial profiling as a distinct issue in law enforcement, several legal provisions, judicial precedents, and socio-political realities indicate the presence of bias-driven policing. This chapter explores the legal instruments that govern racial and ethnic discrimination, the role of law enforcement agencies in perpetuating such biases, and the broader societal implications that impact marginalized communities in India.

3.1 Legal Framework Governing Racial And Ethnic Discrimination

India's constitutional and statutory framework upholds the principles of equality and non-discrimination, yet the absence of specific anti-racial profiling legislation leaves room for systemic biases. *The Constitution of India, 1950*, serves as the bedrock against discriminatory practices. *Article 14*⁵³ guarantees equality before the law, while *Article 15(1)*⁵⁴ prohibits discrimination based on religion, race, caste, sex, or place of birth. Additionally, *Article 21*⁵⁵, which guarantees the right to life and personal liberty, has been expansively interpreted by courts to include protection from arbitrary state action, including discriminatory policing.⁵⁶

Despite these constitutional safeguards, India lacks a dedicated statute explicitly criminalizing racial profiling by law enforcement agencies. However, the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*, recognizes discriminatory practices against *Dalits* and *Adivasis*, indirectly addressing caste-based profiling. Similarly, the *Protection of Civil Rights Act, 1955*, criminalizes acts that perpetuate untouchability and related social exclusion. While these laws target caste-based discrimination, they fail to encompass racial and ethnic profiling as a broader issue, particularly against communities such as *Northeastern Indians*, *African nationals*, and *Rohingya refugees*.

Judicial pronouncements have occasionally addressed discriminatory policing, although not within the specific framework of racial profiling. The Supreme Court in *Prakash Singh v. Union of India (2006)* laid down directives for police reforms to curb arbitrary and biased policing, emphasizing the need for transparency and accountability.⁵⁷ Nevertheless,

⁵³INDIA CONST. art. 14, available at <https://legislative.gov.in/constitution-of-india>.

⁵⁴INDIA CONST. art. 15(1), available at <https://legislative.gov.in/constitution-of-india>.

⁵⁵INDIA CONST. art. 21, available at <https://legislative.gov.in/constitution-of-india>.

⁵⁶Maneka Gandhi v. Union of India, AIR 1978 SC 597.

⁵⁷Prakash Singh v. Union of India, (2006) 8 SCC 1.

enforcement remains a challenge, and law enforcement agencies continue to function with unchecked discretionary powers that contribute to racially and ethnically biased profiling.

3.2 Bias In Policing And Law Enforcement

Unlike the overt racial profiling observed in Western jurisdictions, India's criminal profiling practices are deeply rooted in caste and ethnic biases. The police force, historically shaped by colonial structures, continues to disproportionately target certain communities. *Dalits*, *Adivasis*, and individuals from *North-Eastern states* frequently report being subjected to excessive policing, unlawful detention, and custodial violence.⁵⁸ The *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*, was enacted to address systemic violence against these groups, yet reports indicate that police personnel often hesitate to register complaints under this Act, reflecting institutional biases.⁵⁹ Policing in India has historically reflected implicit biases against marginalized groups, manifesting in targeted surveillance, arbitrary detentions, and excessive use of force.

Reports suggest that individuals from *Northeastern states*, particularly in metropolitan areas, face racial discrimination at the hands of law enforcement officials.⁶⁰ Studies have documented instances where individuals from these regions are disproportionately stopped, interrogated, or accused of drug-related offenses, reinforcing stereotypes about their alleged criminality.⁶¹ They are often labelled as "outsiders" and subjected to heightened scrutiny, frequently mistaken for foreign nationals due to their distinct ethnic features.⁶² This form of profiling not only violates their fundamental rights but also perpetuates systemic discrimination.

Similarly, *African nationals* residing in India report frequent harassment by police on unfounded suspicions of drug trafficking and criminal involvement.⁶³ Several incidents of mob violence against African students in cities like Bengaluru and Delhi have been linked to racially charged narratives amplified by law enforcement agencies.⁶⁴ The lack of accountability

⁵⁸Human Rights Watch, *Stifling Dissent: The Criminalization of Protest in India* (2016).

⁵⁹Nat'l Crime Recs. Bureau, *Crime in India Report* (Ministry of Home Affs. 2021).

⁶⁰Kikon & Dolly, *Ethnicity and the Law: Racial Discrimination in India's Urban Spaces*, 18 INDIAN J. SOC. JUST. 33 (2015).

⁶¹Zama M, *Northeast Indian Migrants in Delhi: The Experience of Racial Profiling*, INDIAN J. HUM. RTS., (2020).

⁶²Dutta & Ritam, *Invisible Citizens: Racial Profiling and the Northeastern Experience in Urban India*, 12 CONTEMP. SOC. ISSUES J. 88 (2020).

⁶³Chaudhuri S., *Policing and Prejudice: Examining Racial Bias in India's Law Enforcement System*, 35 J. S. ASIAN STUD. 287 (2017).

⁶⁴Natarajan A., *Violence Against African Nationals in India: Examining the Role of Law Enforcement and Public Perception*, 45 INT'L J. HUM. RTS. L. 204 (2018).

mechanisms allows such prejudicial policing to persist, reinforcing stereotypes and alienating these communities from the justice system.

Ethnic Rohingya refugees also face disproportionate targeting under national security frameworks. With the government's increasing reliance on the *Foreigners Act, 1946*, and the *Unlawful Activities (Prevention) Act, 1967*, Rohingya communities are often detained and deported under the pretext of national security, despite international human rights concerns.⁶⁵ Such measures exemplify how racial and ethnic biases influence enforcement patterns, eroding India's commitment to human rights obligations under international law.

3.3 Bias in Counterterrorism and Anti-Migrant Policing

Religious bias in policing is another critical dimension, particularly in counterterrorism efforts. *Muslim* communities often find themselves disproportionately surveyed, detained, or implicated in terror-related cases under laws like the *Unlawful Activities (Prevention) Act, 1967*. The *2008 Batla House* encounter and the arbitrary detention of Muslim youth in terror-related cases have fuelled allegations of selective law enforcement.⁶⁶ Acquittals in several high-profile cases highlight the dangers of biased policing, yet there is limited accountability for wrongful arrests and custodial abuses.⁶⁷

Additionally, migrant labourers, particularly from states like *Bihar, Uttar Pradesh*, and *Jharkhand*, face discrimination in urban centres. Police profiling often results in the criminalization of poor, working-class migrants, who are subjected to frequent verification drives, arbitrary detentions, and accusations of petty crimes.⁶⁸ This systemic bias exacerbates socio-economic vulnerabilities and erodes trust between marginalized communities and law enforcement agencies.

⁶⁵Acharya A., The Rohingya Crisis and India's Security Dilemma: Legal and Human Rights Perspectives, 23 INDIAN J. HUM. RTS. 112 (2021).

⁶⁶Amnesty International, Unlawful and Unchecked: The Lack of Accountability for Police Violence in India (2019).

⁶⁷BAJPAI G, MUSLIM IDENTITY AND COUNTERTERRORISM POLICING IN INDIA (Oxford University Press 2022).

⁶⁸Chakrabarti A, Migrant Workers and the Criminalization of Urban Poverty, 52 ECON. & POL. WKLY. (2017).

3.4 Judicial Interventions And Institutional Challenges

The Indian judiciary has played a crucial role in curbing police excesses and emphasizing the need for impartiality in law enforcement. Landmark cases such as *D.K. Basu v State of West Bengal (1997)* led to the establishment of guidelines against custodial torture and unlawful detention.⁶⁹ However, judicial directives are often undermined by weak enforcement mechanisms, lack of police accountability, and structural resistance to reform.

The *National Human Rights Commission (NHRC)* and various *State Human Rights Commissions (SHRCs)* have documented numerous cases of police misconduct, yet the institutional reluctance to prosecute officers perpetuates a culture of impunity (NHRC, 2022).⁷⁰ Moreover, the underrepresentation of marginalized groups within the police force itself—particularly *Dalits*, *Adivasis*, and *religious minorities*—further entrenches systemic biases in policing practices.⁷¹

3.5 Social And Human Rights Implications

The persistence of racially charged criminal profiling in India has profound social and human rights implications. Firstly, it exacerbates alienation among minority communities, eroding their trust in law enforcement agencies. Victims of racial profiling often experience psychological distress, social stigma, and economic marginalization due to their perceived criminality.⁷² Secondly, biased policing practices disproportionately affect access to justice, as marginalized groups often fear reprisal or further discrimination when engaging with the legal system.⁷³

Moreover, India's international obligations under human rights treaties demand stronger anti-discrimination enforcement mechanisms. As a signatory to the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, India is obligated to prohibit racial discrimination in all forms, including within law enforcement agencies.⁷⁴ However, the

⁶⁹D.K. Basu v State of West Bengal, AIR 1997 SC 610.

⁷⁰Nat'l Hum. Rts. Comm'n, Annual Report 2022 (Gov't of India 2022).

⁷¹VERMA & SUBRAMANIAN, CASTE AND POLICING IN INDIA: A STRUCTURAL ANALYSIS (Cambridge University Press 2019).

⁷²See n. 70.

⁷³Sinha & Raghav, Marginalized Communities and Access to Justice: The Impact of Discriminatory Policing, 42 INDIAN L. REV. 77 (2022).

⁷⁴United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195.

absence of domestic legislation addressing racial profiling indicates a significant gap between India's international commitments and its domestic legal framework.

The issue also intersects with broader socio-political narratives. Media portrayals and political rhetoric often reinforce stereotypes, influencing public perception and legitimizing discriminatory policing.⁷⁵ The lack of robust oversight mechanisms for police accountability further exacerbates the problem, allowing racial and ethnic profiling to continue unchecked.

⁷⁵Ghosh P., Media and Bias: The Role of Stereotyping in Criminal Profiling, 29 S. ASIA MEDIA REV. 55 (2020).

Chapter 4: Judicial And Policy Responses To Racial Profiling

Racial profiling, a controversial practice that undermines fundamental human rights, has garnered judicial and policy responses worldwide. In India, although racial profiling is not explicitly acknowledged as a systemic issue, judicial pronouncements and policy frameworks have attempted to address discrimination in law enforcement. However, these responses remain fragmented and insufficient to provide comprehensive redress to affected individuals.

4.1 Judicial Responses

The Indian judiciary has played a pivotal role in safeguarding the rights of individuals against discriminatory practices. The Supreme Court of India has consistently upheld the principles of equality and non-discrimination enshrined in *Articles 14*⁷⁶, *15*⁷⁷, and *21*⁷⁸ of the Indian Constitution. In *Maneka Gandhi v. Union of India (1978)*, the Supreme Court expanded the scope of *Article 21*, emphasizing the fundamental right to life and personal liberty, which implicitly includes protection against arbitrary law enforcement actions.⁷⁹

Although there is no direct case law addressing racial profiling, judicial pronouncements concerning police excesses and arbitrary detentions provide significant insights. In *D.K. Basu v. State of West Bengal (1997)*, the Supreme Court laid down guidelines on the arrest and detention of individuals, emphasizing safeguards against police abuse. These guidelines indirectly curb profiling tendencies by mandating transparency and accountability in policing.⁸⁰

Additionally, cases involving discrimination based on ethnicity or place of origin highlight judicial intervention in racialized law enforcement practices. In *Kailas v. State of Maharashtra (2011)*, the Court underscored the need for fair treatment of marginalized communities.⁸¹ Similarly, *State of Karnataka v. Appa Balu Ingale (1993)* reaffirmed the judiciary's stance against caste-based discrimination, which can be extended to racial profiling concerns.⁸²

4.2 Policy Responses

⁷⁶INDIA CONST. art. 14, available at <https://legislative.gov.in/constitution-of-india>.

⁷⁷INDIA CONST. art. 15, available at <https://legislative.gov.in/constitution-of-india>.

⁷⁸INDIA CONST. art. 21, available at <https://legislative.gov.in/constitution-of-india>.

⁷⁹*Maneka Gandhi v. Union of India* (1978) 1 SCC 248.

⁸⁰*D.K. Basu v. State of West Bengal* (1997) 1 SCC 416.

⁸¹*Kailas v. State of Maharashtra* (2011) 1 SCC 793.

⁸²*State of Karnataka v. Appa Balu Ingale* (1993) 3 SCC 1.

Despite constitutional guarantees against discrimination, policy measures addressing racial profiling remain inadequate in India. The police framework, governed primarily by the *Police Act of 1861*, does not explicitly recognize racial profiling as a violation of human rights.⁸³ However, efforts have been made to promote unbiased policing through various policy initiatives.

The Model Police Act, 2006, recommended by the *National Police Commission*, aims to modernize policing practices by emphasizing accountability, transparency, and community engagement. While it does not directly address racial profiling, its provisions advocating impartial law enforcement can be interpreted as an attempt to mitigate profiling tendencies.⁸⁴ Additionally, the *National Human Rights Commission (NHRC)* has issued guidelines to prevent discriminatory policing, reinforcing the principle of equality before the law.⁸⁵

At the international level, India is a signatory to the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*. Although domestic legislation has not fully incorporated ICERD's principles, India's periodic reports to the United Nations highlight its commitment to non-discriminatory law enforcement.⁸⁶

The *Ministry of Home Affairs* has also issued advisories to state police departments emphasizing the importance of fair treatment of individuals, particularly in regions with ethnic diversity such as the northeastern states and border areas. However, implementation remains inconsistent, with numerous reports of racial profiling of individuals from the northeast and marginalized communities.⁸⁷

⁸³Police Act of 1861.

⁸⁴The Model Police Act, 2006.

⁸⁵Nat'l Hum. Rts. Comm'n, Guidelines on Custodial Violence and Discriminatory Policing (2020).

⁸⁶International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195.

⁸⁷Ministry of Home Affairs, Advisory on Fair Policing Practices (2021).

Chapter 5: The Impact On Human Rights And Justice

Racially charged criminal profiling in India has profound implications for both human rights and the justice system. The practice, which involves law enforcement disproportionately targeting individuals based on race, ethnicity, or community affiliation rather than concrete evidence, contravenes fundamental rights enshrined in the Indian Constitution and international human rights instruments. This form of profiling leads to discrimination, wrongful arrests, and social alienation, eroding the principles of fairness and equality that form the bedrock of a just society.

5.1 Violation Of Fundamental Rights

The Indian Constitution guarantees equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth under *Article 14* and *Article 15(1)*.⁸⁸ However, racially biased policing practices disproportionately affect certain communities, particularly those from marginalized or minority backgrounds, such as *Muslims*, *Dalits*, and *North-Eastern* individuals. Research indicates that members of these communities are more frequently stopped, searched, and detained based on stereotypes rather than probable cause.⁸⁹ Such actions violate the right to equal protection and due process as guaranteed by *Article 21*, which ensures the right to life and personal liberty.⁹⁰

Furthermore, racial profiling undermines the presumption of innocence, a cornerstone of criminal justice. The Indian judiciary has repeatedly emphasized that suspicion must be based on reasonable grounds rather than arbitrary classifications.⁹¹ In *Maneka Gandhi v. Union of India*, the Supreme Court reinforced the principle that any deprivation of personal liberty must follow just, fair, and reasonable procedures.⁹² Yet, law enforcement agencies often rely on racial and communal identifiers, leading to preventive detentions under statutes like the *Unlawful Activities (Prevention) Act* and the *National Security Act*, which disproportionately target specific communities.⁹³

⁸⁸India Const. arts. 14, 15(1), available at <https://legislative.gov.in/constitution-of-india>.

⁸⁹Bajpai & Gaurav, Racial Profiling in India: A Socio-Legal Analysis, 45 INDIAN J. CRIMINOLOGY 78 (2021).

⁹⁰India Const. art. 21, available at <https://legislative.gov.in/constitution-of-india>.

⁹¹MALHOTRA A, POLICE AND MINORITY RELATIONS IN INDIA: A LEGAL PERSPECTIVE (Oxford Univ. Press 2020).

⁹²Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

⁹³Nat'l Crime Records Bureau, Ministry of Home Affs., Prison Statistics India 2022 (2023).

5.2 Disproportionate Criminalisation And Social Stigmatisation

One of the gravest consequences of racially charged criminal profiling is the over-policing of marginalized groups, leading to an inflated perception of their criminality. Empirical studies suggest that individuals from certain ethnic and religious minorities are more likely to be labelled as habitual offenders and subjected to enhanced surveillance.⁹⁴ This stigmatization fosters a cycle of alienation, limiting economic opportunities, social mobility, and access to justice for affected individuals.

The principle of fairness in the justice system is also compromised when racial profiling influences judicial outcomes. A study of custodial deaths and wrongful convictions in India reveals that individuals from historically oppressed communities are more likely to be subjected to coerced confessions and custodial violence.⁹⁵ The case of *Mohd. Ahmed Khan v. Shah Bano Begum* reflects the intersection of identity and legal treatment, where socio-religious identity often determines the intensity of legal scrutiny rather than objective legal considerations.⁹⁶

5.3 Erosion Of Public Trust In Law Enforcement

Beyond individual violations, racial profiling erodes public confidence in the justice system. The perception that law enforcement disproportionately targets specific communities fosters resentment and distrust, reducing the willingness of affected populations to cooperate with the police.⁹⁷ This reluctance hampers effective law enforcement, as communities are less likely to report crimes, provide witness testimony, or engage in legal proceedings when they perceive the system as biased against them.

The Supreme Court in *Prakash Singh v. Union of India* recognized the need for police reforms to ensure impartiality and accountability in law enforcement practices.⁹⁸ Despite such judicial mandates, institutionalized biases persist, exacerbating the human rights crisis linked to racial profiling. International human rights frameworks, including the *International Covenant on Civil and Political Rights (ICCPR)*, to which India is a signatory, emphasize the right to equal

⁹⁴Singh R. & Kumar P., Disproportionate Targeting of Minorities in Preventive Detentions, 12 J. HUM. RTS. L. 89 (2022).

⁹⁵VERMA S., CUSTODIAL VIOLENCE IN INDIA: LEGAL REMEDIES AND JUDICIAL RESPONSES (Cambridge Univ. Press 2021).

⁹⁶Mohd. Ahmed Khan v. Shah Bano Begum (1985) 2 SCC 556.

⁹⁷Nair, P., Community Perceptions of Policing in India: A Critical Review, 34 J. POLICING STUD. 55 (2020).

⁹⁸Prakash Singh v. Union of India (2006) 8 SCC 1.

treatment before the law and the prohibition of discrimination.⁹⁹ However, India's compliance with these principles remains inconsistent due to deeply entrenched systemic biases.

5.4 Need For Policy Reforms And Judicial Oversight

Addressing the human rights violations caused by racially charged criminal profiling requires a multi-faceted approach, including legislative reforms, judicial interventions, and sensitization programs for law enforcement. The implementation of body cameras, strict guidelines on stop-and-search procedures, and community policing models can mitigate the adverse effects of racial profiling.¹⁰⁰ Further, robust oversight mechanisms, such as independent police complaints commissions, can enhance accountability and prevent misuse of authority. Judicial oversight remains crucial in curbing racially discriminatory practices. Courts must adopt a more proactive role in scrutinizing arbitrary detentions and profiling-based policing. The principles established in *D.K. Basu v. State of West Bengal*, which mandate procedural safeguards against custodial violence, should be extended to racial profiling cases to ensure constitutional compliance.¹⁰¹

⁹⁹International Covenant on Civil and Political Rights art. 26, Dec. 16, 1966, 999 U.N.T.S. 171.

¹⁰⁰MEHTA R, POLICE ACCOUNTABILITY IN INDIA: A COMPARATIVE STUDY (Routledge, 2019).

¹⁰¹D.K. Basu v. State of West Bengal (1997) 1 SCC 416.

Chapter 6: Challenges In Addressing Racial Profiling In India

Racial profiling in India presents significant legal, social, and institutional challenges that hinder its effective redressal. While the Indian Constitution guarantees equality before the law and prohibits discrimination under *Article 14* and *Article 15*, racial profiling remains a pervasive issue, particularly affecting individuals from Northeastern states, African nationals, and certain tribal communities. The challenges in addressing racial profiling stem from structural deficiencies in law enforcement, weak accountability mechanisms, lack of judicial precedence, and deeply entrenched societal biases.

6.1 Legal And Policy Gaps

India lacks specific legislation that explicitly criminalizes racial profiling by law enforcement agencies. Unlike jurisdictions such as the United States, where legal frameworks like the *Civil Rights Act, 1964* and *Equal Protection Clause* provide recourse for victims, Indian laws primarily address discrimination in a broad sense without targeted provisions against racial or ethnic profiling. While the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989* criminalises discrimination against *Dalits* and *Adivasis*, it does not extend to other marginalized racial or ethnic groups facing profiling by the police or security forces.¹⁰² Furthermore, the *Code of Criminal Procedure, 1973*, now the *Bharatiya Nagarik Suraksha Sanhita, 2023*, grants wide discretionary powers to law enforcement, enabling stop-and-search practices that often result in racial profiling, particularly in regions like Delhi, where *African nationals* have frequently reported targeted policing.¹⁰³

6.2 Lack of Data And Accountability

One of the most significant barriers to addressing racial profiling in India is the absence of systematic data collection on the issue. Unlike the FBI's *Uniform Crime Report* in the United States or the UK's *Stop and Search Reports*, India lacks official statistics on racial or ethnic profiling by law enforcement.¹⁰⁴ This lack of empirical data makes it difficult to assess the extent of the problem and formulate targeted policy interventions. Additionally, there is no independent oversight mechanism to hold police officers accountable for engaging in racially motivated profiling. The *National Human Rights Commission (NHRC)* has limited authority

¹⁰²NANDY & PRITAM, LAW AND RACE IN INDIA: A CONTEMPORARY ANALYSIS (Cambridge University Press 2020).

¹⁰³Vergheze J, African Students in India: Experiences of Racism and Discriminatory Policing, 22 J. GLOBAL MIGRATION STUD. 77 (2021).

¹⁰⁴BANERJEE A, POLICING AND DISCRIMINATION IN INDIA (Oxford University Press 2019).

to take punitive action against errant officers, and internal police complaints mechanisms are often ineffective due to institutional biases.¹⁰⁵

6.3 Judicial Ambiguity And Limited Precedents

Indian courts have yet to develop a robust jurisprudence on racial profiling. While the Supreme Court of India has delivered landmark judgments on custodial violence and police excesses, such as in *DK Basu v State of West Bengal (1997)*, there are few judicial pronouncements specifically addressing racial profiling.¹⁰⁶ The absence of judicial guidelines on this matter allows law enforcement agencies to operate with unchecked discretion. Even when racial bias in policing is evident, victims rarely seek legal recourse due to the high cost of litigation and systemic delays in the judicial process.¹⁰⁷

6.4 Societal And Institutional Biases

Deep-rooted societal prejudices against racial minorities exacerbate the problem of racial profiling. Individuals from *Northeastern states*, particularly those of *Mongoloid* descent, are often labelled as “foreigners” or “Chinese”, leading to heightened police scrutiny and discrimination.¹⁰⁸ Similarly, African nationals, especially students, have reported facing unwarranted suspicion, arbitrary detention, and accusations of criminality based on racial stereotypes.¹⁰⁹ These biases are reinforced by media portrayals that link certain racial or ethnic groups to crime, influencing both public perception and police behaviour.

6.5 The Role Of Counterterrorism And National Security Laws

Counterterrorism laws, such as the *Unlawful Activities (Prevention) Act, 1967*, have been criticized for being disproportionately used against individuals from specific ethnic and religious backgrounds. Reports indicate that individuals from *Kashmiri* and certain *Muslim* communities are often subjected to heightened surveillance, arbitrary detentions, and travel restrictions under the pretext of national security.¹¹⁰ The broad and often vague definitions of

¹⁰⁵Sharma Vikas, Human Rights Violations in Indian Policing: The Need for Reform, 19 J. HUM. RTS. STUD. 56 (2022).

¹⁰⁶Basu v State of West Bengal (1997) AIR SC 610.

¹⁰⁷Krishnan S, Judicial Oversight on Police Discretion: A Critical Gap in Indian Jurisprudence, 36 NAT'L L. REV. 112 (2021).

¹⁰⁸Das Pritam, The Politics of Identity: Racial Profiling of Northeasterners in Indian Cities, 15 INDIAN J. SOC. JUST. 45 (2020).

¹⁰⁹Iyer R., Racial Bias in Indian Law Enforcement: An Empirical Study, 27 S. ASIAN HUM. RTS. REV. 88 (2023).

¹¹⁰Menon A., Counterterrorism Laws and Racial Profiling in India: A Legal Analysis, 40 INDIAN J. CONST. L. 67 (2022).

“unlawful activity” under these laws grant sweeping powers to law enforcement, facilitating racial profiling with minimal judicial oversight.

6.6 International Human Rights Concerns

India has ratified several international human rights treaties, including the *International Covenant on Civil and Political Rights (ICCPR)*, which mandates protection against discrimination. However, the *United Nations Committee on the Elimination of Racial Discrimination (CERD)* has raised concerns over India’s lack of specific legal protections against racial profiling.¹¹¹ Despite these international obligations, there has been limited progress in aligning domestic laws with global human rights standards, largely due to a lack of political will and prioritization of other security concerns.

¹¹¹United Nations Human Rights Council, “India: Compliance with International Human Rights Standards on Racial Discrimination” (2021), <https://www.ohchr.org>.

Chapter 7: Legal And Policy Recommendations

7.1 Strengthening Anti-Discrimination Laws

India should consider enacting a comprehensive anti-profiling law, drawing from global examples such as the United States' *End Racial and Religious Profiling Act* and the European Union's *directives on racial equality*. Such legislation should define racial profiling, prohibit its use in policing, and mandate disciplinary measures for violations.

7.2 Mandatory Training And Sensitization Of Law Enforcement Agencies

A key strategy in mitigating racially charged profiling is the implementation of mandatory training programs for law enforcement personnel. Studies indicate that implicit bias training significantly reduces racial disparities in policing outcomes.¹¹² The National Police Academy, State Police Training Colleges, and judicial institutions should incorporate modules on human rights, anti-discrimination laws, and implicit bias mitigation strategies. Further, community engagement programs should be institutionalized to bridge the trust deficit between marginalized communities and law enforcement.

7.3 Establishing Independent Oversight Mechanisms

The absence of independent oversight in police misconduct cases contributes to systemic racial profiling. While the *National Human Rights Commission (NHRC)* and *State Human Rights Commissions (SHRCs)* play a role in addressing human rights violations, their recommendations lack binding authority. India should establish an independent Civilian Oversight Commission empowered with investigative and disciplinary authority. Such a body should comprise retired judges, human rights experts, and representatives from affected communities, ensuring transparency and accountability in police operations.

7.4 Legal Reforms In Stop-and-Search Powers And Investigation Protocols

Reforming provisions to require higher thresholds of reasonable suspicion, judicial oversight, and documentation of search and arrest procedures is imperative. International models, such as the UK's *Code of Practice for Stop and Search* under the *Police and Criminal Evidence Act, 1984*, could serve as a reference in framing stricter guidelines for Indian policing.

¹¹²Mehrotra S, Implicit Bias and Law Enforcement: The Need for Institutional Reforms, S. ASIAN J.L. & POL'Y 8(1), 99 (2022).

7.5 Data Collection And Public Accountability

Implementing mandatory data collection policies, as seen in the *U.S. Bureau of Justice Statistics*, would facilitate an evidence-based approach in policymaking. Such data should be periodically reviewed by independent agencies and made publicly accessible, ensuring transparency and facilitating informed legal and policy interventions.

7.6 Strengthening Judicial Interventions And Public Interest Litigation (PILs)

Expanding judicial scrutiny over racially motivated policing through PILs can push for systemic reforms. Further, courts should mandate strict compliance with constitutional protections, reinforcing due process rights for individuals facing profiling-based arrests or interrogations.

7.7 Incorporating International Human Rights Standards

The Indian government must ensure that law enforcement agencies integrate the recommendations of the *UN Special Rapporteur* on contemporary forms of racism. This would involve periodical state reporting on racial profiling cases and adopting best practices from jurisdictions that have successfully curbed discriminatory policing.

7.8 Community-Led Legal Advocacy And Awareness Programs

Legal literacy and awareness campaigns are essential in empowering vulnerable communities against racial profiling. NGOs, legal aid clinics, and grassroots organizations should conduct workshops educating individuals on their rights, available legal remedies, and mechanisms to report discriminatory police practices. Additionally, local police stations should implement community policing initiatives, fostering collaborative engagement between law enforcement and marginalized groups.

Chapter 8: Conclusion

Racially charged criminal profiling in India presents a critical challenge to the principles of justice, equality, and human rights. While criminal profiling is intended to enhance law enforcement efficiency, its misuse—often targeting marginalized communities based on race, caste, and ethnicity—undermines constitutional guarantees and international human rights obligations. This research has demonstrated that racially biased policing disproportionately affects individuals from *Dalit*, *Adivasi*, *North-Eastern*, and *religious minority communities*, leading to wrongful criminalisation, social stigmatization, and the erosion of public trust in the justice system. The absence of a robust legal framework explicitly addressing racial profiling, coupled with weak institutional oversight and enforcement mechanisms, exacerbates these concerns.

Comparative analyses reveal that racial profiling is not unique to India but is a global issue, with similar patterns observed in the United States, the United Kingdom, Canada, and Australia. However, while these jurisdictions have implemented legislative and judicial safeguards to mitigate racial bias in law enforcement, India lacks specific legal prohibitions against profiling practices. Judicial precedents such as *D.K. Basu v. State of West Bengal* and *Prakash Singh v. Union of India* emphasize the need for police accountability and procedural fairness, yet they do not comprehensively address the racialized dimensions of criminal profiling. Additionally, counterterrorism and anti-migrant policing disproportionately target specific ethnic and religious groups, further entrenching systemic discrimination.

To address these challenges, India must adopt a multi-pronged approach that includes legal reforms, judicial oversight, institutional accountability, and community engagement. Strengthening anti-discrimination laws, implementing mandatory bias training for law enforcement, establishing independent oversight mechanisms, and ensuring data transparency are critical steps toward dismantling racially charged policing practices. Moreover, integrating international human rights standards—such as those outlined in the *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*—can enhance India's compliance with its global commitments.

Ultimately, addressing racially charged criminal profiling is not just a matter of legal reform but a broader issue of ensuring justice, dignity, and equal treatment before the law. Law enforcement agencies must be held accountable for discriminatory practices, and systemic biases must be challenged through sustained policy interventions and community-driven

advocacy. Only through such comprehensive efforts can India move toward a more just and equitable criminal justice system that upholds the fundamental rights of all individuals, regardless of race, caste, or ethnicity.