

Green Apparel: Intersection of Environmental Law and Fashion Industry

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ABSTRACT

The world is witnessing remarkable economic growth, but it carries significant social and environmental repercussions. This study explores the environmental impacts of the fashion industry—a key sector tied to the basic human necessities of clothing, food, and shelter.

With the environment's decline since the Industrial Revolution, this study outlines the efforts to mitigate and improve this situation. It presents a historical roadmap, starting with influential figures like Richard Carlsen and their works, highlighting the importance of the Rio Summit. The study connects this historical context with current trends, focusing on the fashion industry. Its goal is to provide an understanding of the measures being taken to prevent further environmental damage within the fashion sector.

Fast fashion is a double-edged sword, offering both advantages and disadvantages. On one hand, it makes clothing—a fundamental human need—more accessible and affordable to a wide range of people. On the other hand, this affordability comes at a steep cost, with significant social and environmental repercussions. This study focuses on the environmental consequences of fast fashion, investigating the extent to which it has further degraded an already vulnerable environment.

To address these challenges, the study suggests alternatives to fast fashion that are in line with the principles of sustainable development, as outlined in the World Commission on Environment and Development's report, "Our Common Future." It provides a comprehensive overview of green fashion, highlighting its advantages and potential for reducing environmental harm. Additionally, the study examines India's environmental protection efforts, particularly through the lens of the Environmental Protection Act of 1986 and guiding principles such as the precautionary principle, to evaluate how these measures can support a more sustainable approach to fashion.

Corporate social responsibility (CSR) under the Companies Act, 2013, plays a crucial role in making companies socially accountable. This study explores the balance between CSR and the economic health of companies, with a particular focus on India's fashion industry.

In conclusion, the study illustrates the interconnectedness of the fashion industry with environmental economics and environmental law.

KEYWORDS: Fast fashion, green fashion, corporate social responsibility, sustainable development.

INTRODUCTION

“There is no beauty in the finest cloth if it makes hunger and unhappiness.” - Mahatma Gandhi

The words of the father of the nation serve as a poignant reminder of the true cost behind the fashion industry. They emphasize that genuine beauty isn't defined by the brand label, but by clothing that is made ethically, without causing harm to either people or the planet.

When we discuss fashion, it's important to understand that it's not a static concept. Fashion is in a constant state of flux, adapting to trends and helping us present ourselves in the best possible light. It represents the relentless pursuit of what's new and fresh. Take, for instance, the trend of skinny jeans—once the height of fashion, they were eventually overtaken by more comfortable or baggy jeans. This shift in trends is often cyclical, reflecting the nature of fashion itself.

However, the changes in fashion aren't limited to trends and aesthetics alone. They also encompass shifts in consumer behavior and industry practices. For example, the methods by which clothes are produced may evolve, especially as awareness around ethical production grows. Similarly, as consumers become more informed, they may start making more conscious and deliberate choices about the clothes they buy, considering factors like sustainability and ethical production.

The fashion industry has long been criticized for its detrimental impact on the environment. This situation highlights the urgent need for consumers to become more conscious and informed, which can be achieved through awareness campaigns and educational initiatives. Additionally, it is essential for brands to prioritize sustainability at every stage of the clothing production process. In other words, a shift in both consumer choices and industry practices is now imperative to protect the livelihoods of people and prevent further harm to our planet. Adopting more responsible behaviors and sustainable practices within the fashion industry is no longer just an option—it's a necessity for ensuring a healthier future for both humanity and the environment.

There are two value systems in our approach to sustainability. The first focuses on continuing with our current practices but doing so more efficiently, making incremental improvements within existing institutions. The second approach views sustainability as requiring something fundamentally different, calling for profound changes at the personal, social, and institutional levels. A balanced approach would blend both strategies, combining incremental improvements with innovative and pragmatic techniques that lead to meaningful change. It is true that finding a diverse range of materials is challenging—cotton and polyester make up 80 percent of the global textile market. However, sustainability doesn't mean eliminating the production of these two materials entirely.¹ There are some codes and laws to regulate the environment and the wastes of the fashion industry such as the Environment (Protection) Act of 1986, the Indian Hazardous Wastes (Management and Handling) Rules of 1989, and the Ozone Depletion Substances (Regulation and Control) Rules of 2000. They ensure that industry-specific standards are to be followed by the fashion industry.

RESEARCH PROBLEM

Globally, there has been an ongoing discussion about sustainability, and it is clear that the environment is suffering due to various factors, particularly since the industrial revolution. Following this period, factories began releasing smog and soot into the atmosphere while discharging pollutants and chemicals directly into rivers and streams, which exacerbated air and water pollution. This also led to an increase in production waste. Consequently, the fashion industry became part of this competitive environment dominated by automated machinery. As large factories emerged, the demand for fabrics and garments skyrocketed. However, the mass production and relentless pursuit of novelty in modern times have significantly increased waste and pollution, leading to environmental degradation.

In light of this situation, the main research problem addressed in this study is twofold:

¹ Fletcher, Kate. *Sustainable Fashion and textiles* 10 (2008).

1. To assess the historical context of environmental degradation, particularly within the fashion industry, while explaining the concept of 'fast' fashion and exploring alternatives to protect and preserve the environment.
2. To achieve a balance between corporate social responsibility and the economic aspects of the industry. Furthermore, we will examine various court decisions and principles concerning the environment and environmental regulations. This research aims to provide a comprehensive understanding of the opportunities and challenges associated with 'green' fashion by analyzing these issues from a legal perspective, referencing legal precedents, academic literature, and conducting comparative analysis..

RESEARCH QUESTIONS

- How much does the fashion industry contribute to the degradation of the environment?
- Does the current legal system and principles provide us with a remedy?
- Is 'Green' fashion possible without hampering the economic status of the industry?

HYPOTHESIS

The fashion industry's current production methods are unsustainable, contributing significantly to environmental degradation. With fashion production accounting for 10% of global carbon emissions—more than all international flights and maritime shipping combined—it is clear that a shift towards sustainable practices is imperative. Therefore, it is proposed that robust legal frameworks are essential to support sustainability initiatives within the industry and encourage environmentally responsible production methods. Thus, it is conjectured that:

1. Fast fashion enables mainstream consumers to acquire trendy looks at affordable prices, largely due to lower production costs and quicker manufacturing processes. While the industrial revolution opened up new opportunities and choices, fast fashion has taken this concept further. Unfortunately, this model has led to increased carbon emissions and production waste as the relentless pursuit of new, inexpensive products takes precedence.
2. To address these deficiencies, 'green' fashion has emerged as an alternative to current trends, aiming to reduce both environmental and social costs. This approach encourages a balance between corporate social responsibility and market demands, promoting sustainable development within the fashion industry.

To evaluate these theories and provide insights into the advantages and disadvantages of fast fashion and green fashion, the research study conducts a comprehensive examination of various regulations, codes, court rulings, and academic perspectives.

HISTORICAL BACKGROUND: SUSTAINABLE DEVELOPMENT

When discussing sustainable development, it is essential to define the term itself. After years of industrial revolution, human activities have led to severe negative impacts on the planet, indicating that current patterns of growth and development are unsustainable if left unchecked. We now face a pivotal moment where two paths diverge. Unlike the roads in Robert Frost's well-known poem, these paths are not equally appealing. The one we have been following is deceptively easy, a smooth superhighway that allows us to progress rapidly, but ultimately leads to disaster. The alternative path—the one less traveled—represents our last, and perhaps only, opportunity to reach a destination that ensures the preservation of the Earth. It

would be a profound irony to have invested so much in reshaping nature to our liking, only to fail in our endeavor. Yet, this appears to be our current predicament.²

This concept gained significant international recognition in 1972 during the UN Conference on the Human Environment in Stockholm. Although the term itself was not explicitly mentioned, the international community accepted the idea. Fifteen years later, the term was popularized in the report "Our Common Future" by the World Commission on Environment and Development, which presented the foundational definition of sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." It wasn't until the Rio Summit in 1992 that world leaders acknowledged sustainable development as a critical challenge that persists today. The Rio Summit represented the first international effort to create action plans and strategies for sustainable development.³

As a result, the Sustainable Development Goals (SDGs) have evolved over the years. Goal 12 focuses on sustainable consumption and production patterns, particularly relevant to the fashion industry. Unsustainable practices in consumption and production contribute to the ongoing triple planetary crises of climate change. While the fast fashion industry offers benefits, such as providing affordable clothing for low-income individuals, it also has significant drawbacks, including exploitative labor practices and environmental degradation. These issues need to be addressed with viable alternatives.

The alternative is green fashion, which calls for the application of the precautionary principle. This principle originated in the 1970s within German law and has since been recognized by the international community in several environmental treaties, as well as by the EU in the *Maastricht Treaty*.⁴ It has also been utilized in various cases in India, including *MC. Mehta v. Union of India*.⁵ By applying this principle in the fashion industry, we can take steps toward ensuring sustainability.

ADVANTAGES AND DISADVANTAGES OF FAST FASHION

In the past, shopping for clothing was an event for which consumers would save over time to periodically buy new clothes. They would reuse garments until new collections arrived in stores. However, with the industrial revolution and the rise of consumerism, shopping evolved into a form of entertainment, leading to an exponential demand for "new" items. This shift resulted in mass production of clothing at lower prices, allowing consumers to wear what they saw on runways or in local markets. Additionally, this trend increased labor earnings. The situation was further enhanced by innovations in supply chain management among fashion retailers, which assumed that consumers desired fashionable products at low costs. As a result, fast fashion became profitable for manufacturers and retailers, who could offer abundant stock at low prices, attracting consumers. This also allowed consumers to access clothing when they wanted it. Another significant factor is that clothes produced under these conditions are affordable, making it easier for individuals to keep up with current economic trends. This accessibility is crucial for low-income individuals, as affordable clothing is an essential aspect of maintaining a basic quality of life.

Every aspect has its negative side. While fast fashion contributes to achieving the first Sustainable Development Goal (SDG), it undermines the other goals. In fact, it is argued that fast fashion is inherently unsustainable. Fashion production accounts for 10% of global carbon emissions, surpassing the emissions

² Carlsen, Richard. *Silent Spring* (1970).

³ www.sd-commission.org.uk

⁴ www.europarl.europa.eu

⁵ (1997) 2 SCC 353

from all international flights and maritime shipping combined.⁶ Furthermore, 85% of all textiles end up in landfills each year, and washing certain types of clothing releases significant amounts of microplastics into the ocean. Additionally, the manufacturing of polyester relies on petrochemicals.⁷

The primary chemicals used in polyester production include terephthalic acid and ethylene glycol. When discharged untreated, they can release heavy metals such as cobalt, sodium bromide, antimony oxide, and titanium dioxide into the environment. Furthermore, natural products like cotton also pose sustainability challenges; for instance, cultivating 1 kg of cotton requires approximately 8,000 liters of water on average across global crops. Although producing 1 kg of polyester does not require water, it consumes twice the energy. The sustainability challenges differ significantly: cotton farming, which relies on fertilizers and pesticides, can lead to reduced soil fertility, loss of biodiversity, water pollution, and pesticide-related health issues. Commonly used pesticides like pyrethroids and organophosphates are considered moderately hazardous, but some can be highly toxic due to their nerve-damaging properties and potential to contaminate groundwater. Water usage for cotton cultivation varies by geographical location, with estimates of 29,000 liters per kg in Sudan and 7,000 liters per kg in Israel. Additionally, 50% of cotton farming is rain-fed rather than irrigated. In Central Asia, poor infrastructure and inefficient irrigation techniques result in significant water waste.⁸

This illustrates how hazardous fast fashion has become for the environment in the post-industrial era, highlighting the urgent need for alternative solutions.

MOVIE REVIEW: THE TRUE COST | MODERN SLAVERY | DOCUMENTARY

"The True Cost" documentary offers a compelling sociological analysis of the global fashion industry, shedding light on the complex dynamics of power, exploitation, and inequality that underpin its operations. Through a sociological lens, the film examines how economic globalization has led to the outsourcing of garment production to developing countries, where labor is cheap and regulations are often inadequate. This outsourcing has created a system of global capitalism that relies on the exploitation of vulnerable workers, particularly women, who endure long hours, low wages, and unsafe working conditions in order to meet the demands of Western consumers.

From a sociological perspective, "The True Cost" also explores the role of consumer culture in perpetuating the cycle of exploitation within the fashion industry. The film highlights how advertising, celebrity endorsements, and social media contribute to the fetishization of fashion and the relentless pursuit of trends, creating a culture of overconsumption and disposability. This consumer culture not only fuels demand for cheap and fast fashion but also perpetuates harmful social norms and values, such as status-seeking and individualism, that prioritize material wealth over human well-being.

Moreover, "The True Cost" provides valuable insights into the legal dimensions of labor rights and environmental protection within the fashion industry. The film documents the lack of enforcement of labor laws and safety regulations in many garment-producing countries, as well as the failure of multinational corporations to take responsibility for the conditions in their supply chains. This legal impunity allows fashion companies to prioritize profit margins over ethical considerations, resulting in widespread human rights abuses and environmental degradation.

⁶ [UNEP, 2018](#) <accessed on 13th of August, 2024>

⁷ [UNECE, 2018](#) <accessed on 13th of August, 2024>

⁸ Fletcher, Kate. *Sustainable Fashion and textiles* (2008).

In addition, "The True Cost" raises important questions about the effectiveness of existing legal frameworks and regulatory mechanisms in addressing the systemic issues within the fashion industry. It calls into question the efficacy of voluntary corporate social responsibility initiatives and highlights the need for stronger regulatory oversight and accountability measures to ensure that companies uphold basic labor standards and environmental protections.

Overall, "The True Cost" offers a nuanced sociological and legal analysis of the fashion industry, highlighting the structural inequalities and injustices that underlie its operations. By examining the interplay between economic, social, and legal forces, the film provides valuable insights into the complex dynamics of power and exploitation within global capitalism and underscores the urgent need for systemic change.

THE NEW ERA OF SUSTAINABLE FASHION

With growing environmental concerns raised by activists like Medha Patkar, who is associated with the Narmada Bachao Andolan in India, the contemporary era recognizes fast fashion as a significant environmental issue. The United Nations Alliance for Sustainable Fashion is an initiative by UN agencies aimed at promoting projects and policies that ensure the fashion value chain contributes to the achievement of the Sustainable Development Goals (SDGs). This encompasses clothing, leather, footwear, and textiles. Sustainability involves both social and environmental dimensions, necessitating improvements in working conditions and wages for workers, as well as a reduction in the industry's waste output. Currently, the textile industry contributes \$2.4 trillion to global manufacturing but is also responsible for an estimated 2-8% of the world's greenhouse gas emissions. Additionally, it consumes around 215 trillion liters of water annually and contributes approximately 9% of the annual microplastics entering the oceans.⁹

Currently, the textile market is dominated by a limited diversity of materials, with cotton and polyester accounting for 80% of global textiles. However, sustainability does not necessitate the complete elimination of these materials. Instead, we can replace conventional cotton with low-chemical cotton, flax, hemp, and lyocell, thereby reducing pesticide use and water consumption. Additionally, we can transition from polyester to biodegradable fibers made from corn starch, which would decrease our reliance on oil. Implementing these changes would foster locally sensitive agricultural practices, create more regional jobs, and contribute to a healthier environment. It is crucial to be mindful of the entire product life cycle, including cultivation, production, manufacturing, distribution, consumer laundering, reuse, and final disposal, to mitigate negative impacts. There is no single framework for sustainability. Polyester surpassed cotton in global fiber demand in 2005, but natural products still pose challenges. For instance, cultivating 1 kg of cotton requires an estimated 8,000 liters of water, while producing 1 kg of polyester uses no water but consumes twice the energy. These differing sustainability challenges highlight the complexity of the issue.¹⁰

The further extract is taken from *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212, at page 242 in India, to show India's position.

"Section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government (or its delegate, as the case may be) to "take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment...". Section 5 clothes the Central Government (or its delegate) with the power to issue directions for achieving the objects of the Act. Read with the wide

⁹ [UN Alliance for Sustainable Fashion](#) <accessed on 13th of August, 2024>

¹⁰ Fletcher, Kate. *Sustainable Fashion and textiles* (2008)

*definition of ‘environment’ in Section 2(a), Sections 3 and 5 clothe the Central Government with all such powers as are “necessary or expedient for the purpose of protecting and improving the quality of the environment”. The Central Government is empowered to take all measures and issue all such directions as are called for for the above purpose. This Court can certainly give directions to the Central Government/its delegate to take all such measures, if in a given case this Court finds that such directions are warranted.”*¹¹

These principles must be further applied to the fashion industry in India to promote sustainable fashion. The following are its five key elements:

1. **Preventive Action:** Taking action to prevent harm when there is scientific uncertainty.
2. **Exploration of Alternatives:** Considering alternatives, even if it means opting for "no action."
3. **Acknowledgment of Costs:** Recognizing the full costs of environmental and health impacts over time.
4. **Public Participation:** Enhancing public involvement in decision-making processes.
5. **Shifting Responsibility:** Shifting the burden of proof to the proponents of an activity to provide evidence of its safety and sustainability.¹²

The Fashion Design Council of India, also known as FDCI, is a non-profit organization to encourage fashion business in India to the “next level”. It promotes and encourages the members of the council to represent themselves at a global level. It currently consists of 400 members. Some of the eminent designers who are part of this council are Anamika Khanna, Raghavendra Rathore, Varuna Sardana, Gaurav Gupta, Hemant Sagar, Priyadarshini Rao, Malini Ramini, Rohit Bal, and Tarun Tahilini. The Council has collaborated with the Ministry of Textile, the Ministry of Commerce and Industry, and other countries and organizations.¹³

As sustainability in fashion continues, there is an ongoing need to uphold a level of corporate social responsibility (CSR) and to assess whether increasing this level is feasible.

CORPORATE SOCIAL RESPONSIBILITY AND SUSTAINABILITY

Corporate Social Responsibility (CSR) holds significant importance for society. It serves as a philanthropic initiative by companies, fostering a sense of responsibility toward societal welfare alongside their profit-making objectives. CSR aims to minimize the social and environmental impact of a business while also enhancing the company’s image and generating a positive public perception.¹⁴

However, there are also disadvantages to CSR. For instance, it can impose high costs on small businesses, potentially leading to financial losses. Additionally, some companies may use CSR as a marketing tactic without genuinely committing to social responsibility, which can ultimately harm society and the environment. A notable example is H&M, whose garments were produced in a factory that faced significant scrutiny, prompting calls for the brand to improve its practices. In 2013, H&M pledged to pay all 850,000 of its garment workers a living wage by 2018, a commitment they failed to meet. In recent years, however, they have made efforts to enhance their sustainability practices.¹⁵ Therefore, it is essential to find a balance between corporate social responsibility (CSR) and the overall market by evaluating the advantages against the disadvantages and ensuring that profit generation aligns with CSR principles. In

¹¹ (1996) 3 SCC 212, at page 242

¹² [Collaborative for health and environment](#) <accessed on 13th of August, 2024>

¹³ [Fashion Design Council of India](#) <accessed on 13th of August, 2024>

¹⁴ Eshti Kapoor, *A Review of Corporate Governance and Corporate Social Responsibility in Indian Corporate Sectors* (May 29, 2024).

¹⁵ [Fashion Revolution](#) <accessed on 13th of August, 2024>

India, this balance is addressed in the Companies Act, 2013, specifically under Section 135. This section applies to companies that meet certain criteria based on their performance in the preceding financial year;

- Net worth of more than Rs.500 crore
- Turnover of more than Rs.1000 crore
- Net profit of more than Rs.5 crore

Companies are required to spend at least 2% of their average net profits from the preceding three financial years on CSR initiatives. If a company has been in operation for less than three years, it must allocate 2% of its average net profits from the immediate preceding years. Given these requirements, the first step is to evaluate whether fashion industry companies in India meet these criteria. Large companies like H&M typically have their own CSR policies. The second step is to assess whether these policies are being effectively implemented. Despite these measures, the environmental degradation caused by fast fashion and large corporations remains significant. Therefore, it is crucial to monitor the implementation of CSR initiatives and consider increasing the minimum percentage of required spending. The outcomes of such actions can be varied and may either benefit or harm the fashion industry. However, one point is clear: effective implementation is essential to regulate and mitigate environmental degradation.¹⁶

CONCLUSION

In conclusion, the environment is deteriorating due to various factors, one of which is fast fashion and rampant consumerism. The negative impact of these practices has reached a level where immediate reversal is challenging. Industries contribute to air and noise pollution through greenhouse gas emissions and the disruptive sounds they produce. Additionally, waste is often improperly disposed of, contaminating both land and water sources. However, by taking incremental steps, we can mitigate future damage. The concept of sustainable development emerged from the Rio Summit, providing a framework to address the negative consequences of the industrial revolution. Historically, fashion was viewed as a means of survival, with clothing, food, and shelter being fundamental human necessities. Over time, fashion evolved into a form of entertainment, leading to an imbalance where consumption surpassed production. This shift fueled the rise of fast fashion companies, exacerbating environmental degradation worldwide. An alternative to this trend is green fashion, which prioritizes the use of eco-friendly materials. In India, legislation such as the Environment (Protection) Act of 1986, the Indian Hazardous Wastes (Management and Handling) Rules of 1989, and the Ozone Depletion Substances (Regulation and Control) Rules of 2000 aim to prevent further environmental harm from the fashion industry. The precautionary principle is applied to promote sustainable practices in this sector. Additionally, we can either increase the percentage of profits allocated to CSR or implement safeguards to ensure effective policy enforcement, both of which are crucial for maintaining a safe and clean environment. Sustainability is vital for our well-being and that of future generations. Given that nature sustains our lives, it is imperative that we take steps to care for it.

REFERENCES

1. SCC ONLINE
2. Environmental Protection Act, 1986

¹⁶Pathania, Ritika & Kumar, Sunil. *CSR Non-Compliance and Corporate Accountability in India: Examining Corporate Social Responsibility Violations*, 4 *Int'l J. Rsch. & Pub. Rev.* 11 (Nov. 2023).

3. Silent Spring by Richard Carlsen (1970)
4. Sustainable fashion and textiles by Kate Fletcher (2008)
5. UN Alliance for Sustainable Fashion