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## About the Author

Name: **Mehak Sachdeva**

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Name of the Institution: **GD Goenka University, Gurgaon**



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## DEMONS OUTBREAK OUR CLOSETS

The world's second largest Pollution Industry "The Fashion Industry". The 21<sup>st</sup> century where all the buzz is about the next Channel Bag to the next Met Gala Dress somewhere in the middle, we are losing the only planet where life exists. We do not have to compromise on our looks or fashion but rather find ways to align our exigencies with eco-friendly choices and modes of manufacturing apparel. How many times have you run a background check before engaging with a brand? We are all guilty, aren't we?

### Research Methodology

The researcher has used the right blend of data available on the internet as well as secondary data comprising of books, articles, research by eminent person along with personal analysis and opinions.

### Motive behind the Research

The author aims at creating conscious behaviour among the brands and the customers subject to the fusion of environment and fashion towards a sustainable and eco-friendly environment in the light of legal aspects.

### BRANDS: Trends and Triggers

The brands in the fashion industry are majorly inclined towards fast fashion despite the requisite to enhance and shift towards sustainable fashion, trading the environment for the world of capitalism is the trend and trigger for the dominant parts of the fashion industry. Capitalism and Environment have moved hand in hand in the prior centuries but today

Capitalism has rented the environment till there is nothing left but repentance. The 'Era of Technology' is more advanced today than it has ever been before yet we are struggling to dispose of the wastes and manufacture apparel in an eco-friendly manner, indicating our priorities. In 2017, as a matter of record, H&M burnt 12 tonnes of Unsold Fabric, well letting brands get away by the medium of penalties will not fix the deterrence of our lungs, irrespective, H&M is walking freely into expansion in the fast fashion industry. Apparel production is the third largest manufacturing industry in the world according to House of Common Environment Audit Committee (2019) which makes it significantly clear why it is the second largest pollution industry in the world, most of brands in fashion industry are pervaded in the fast fashion apparel in 21<sup>st</sup> century.

The fast fashion brands are dumping poor-quality clothing on the consumers by reducing the cost of production, producing faster with a market price that is desirably moderate for a common man on the other hand the production of sustainable goods will take considerably more time, with a slightly higher cost of production but the market price will not confront a massive spike for the marginal brands.

The lungs of the children in Delhi are equivalent to that of chain-smokers as showcased in a report by 'India Today' in 2014, the spike in child labour or modern-day slavery, the low wages or no wages paid to the labours along with enormous environmental and human cost, therefore, the fast fashion brands are exploiting the environment and the society, in that case, it becomes imperative to ask ourselves, Is the fast fashion clothing really cheap? The brands often tend to indulge in a 'Trend Setting Strategy' which changes at a rapid pace to psychological fool-play the consumer into shopping more, in the world of social media where everyone wants to have their feet tapping at the latest trends available, enticing customers towards fast fashion and so-called low-price tags.

H&M has set a deadline to go fully eco-friendly by 2030 whereas Zara has set its deadline for the year 2025, there are considerable changes being made in the world of fashion due to the consumer's demand in the light of climate change but the change shall be amplified to a greater extent to fulfil all the set deadlines by the brands or else it remains a mere reflection of digits.

Patagonia, a leading brand producing apparel with plastic waste backing sustainable fashion through their production process and advertisements which discourage consumers from shopping more but rather to shop less and shop good, All birds is another brand that

manufactures footwear in an eco-friendly manner by using sugarcane and plastic waste to make footwear, LVMH has committed themselves to reducing their waste and carbon footprint along with their contribution to renewable energy, FabIndia is another foremost brand in India that promotes and stands by sustainable fashion and the list goes on but it is negligible, therefore, cannot be put on the same footing considering the number of fast fashion brands existing and upcoming in the world.

India is bombarded with fast fashion apparel while negating its rich sources such as bamboo, silk, linen, hemp, organic cotton, waste plastics etc. salivating sustainable choices, job creation for the rural sector along with new opportunities in the export sector. A paradigm of successful sustainable brands shall be made accessible to the world of fashion which will enable reconceptualizing of the fashion industry inking towards sustainable fashion, gracing the world with guilty-free desirable fashion choices.

### **CUSTOMER: The Ultimate King**

The customer is the ultimate king in the world of business, we make a brand or break a brand. The brands produce for the customer in accordance to the demands of the customer; therefore, the brands cater to the demands raised by us, the customer. Customer being the end consumer is at a position to reduce the consumption of fast fashion apparel by clinging onto sustainable fashion, which will pressurize the fast fashion brands to evolve into sustainable fashion brands, to survive in a business environment of conscience consumers.

The production by the brands is a direct reflection of the consumer's behaviour in the market, therefore, the customer is the ultimate king. Zara often claims "its articles to be the ultimate choice of the customer, we are listening", this is most recent culpability of customers like you and me in the world of fashion and environment.

Foremost, the customer often stumbles, eyeing the price tags on sustainable fashion products in comparison to the fast fashion products, the price tags on fast fashion products are the mere worth of the articles while neglecting the adversaries caused to the environment in the due process, unfortunately, we live in the same environment that is being harmed, therefore, we are being harmed.

In addition to that, the customer is swiftly inclining towards thrift shopping considering it to be an eco-friendly option which is commendable but we often overlooked the stance, whether

the thrifted clothing was an outcome of fast fashion or sustainable fashion since thrifting fast fashion clothing continues to indicate its demand in the market, therefore, it is a temporary fix in an environment continuously screaming for a permanent fix. Every brand has its brand value in the market created by us, the customers, the accountability lies on the consumers for calling out the brands for spilling over the environment by their abrupt business paradigms. Our voice is our sovereignty to create and choose a sustainable world of fashion for us and the generations to follow.

## **ENVIRONMENT: One Planet, Several Destructions**

### **PLASTIC AND MICRO-FIBRES:**

Micro-fibres, the synthetic yarns released on washing of clothes, drifting into the sewages or water bodies, synthetic garments in particular releases a minute amount of plastic, affecting the marine life along with the human food chain, when released in the water bodies and the treated water from the sewage treatment plants is not adequately free from plastic particles. Synthetic materials (polyester, nylon and so on) are used in 72% of the apparel today which are major contributors of micro-fibres.

In Rural India, certain sections of the society continue to depend on lakes and rivers for their day-to-day activities while the water after washing clothes is discharged into water bodies along with the dumping of old apparel, causing numerous health setbacks to the people consuming water from infected water bodies. Research shows that 93% of 11 popular bottle brands contains microplastic even after the process of filtration is completed, the water is not 100% free from the plastic particles which is hazardous in nature. The degraded fabrics, we wear at the expense of our health and environment, is it worth the risk?

### **WASTE MANAGEMENT:**

India relies heavily on landfills as its primary source and other secondary sources such as dumping, incineration, recycling, composting and drainage for waste management. The landfills are engineered in a manner to prevent the contact of the waste with the air and the soil ensuring a covering of the earth, subjected to the disposal of bio-degradable waste, being the only reliable source for the aforesaid purpose in India. The second heavily burdened source is dumping and incineration of non-biodegradable wastes, gracing the earth with air pollution, ground water pollution, bad odour, waste being dumped or carried away by rain into the water

bodies, diseases etc.

Recycling is an eco-friendly waste disposal system put to minimal use in India due to lack of segregation of waste, recycling is highly beneficial specifically for the fashion industry. Composting is beneficial for agricultural waste enriching the soil with organic manure but with the existence of heavy reliance on chemicals the traditional methods are put onto the backfoot. The system of segregating of waste is still alien to many parts of India since the Indian society lacks behavioural changes and awareness, in rural and urban areas, regardless, due to lack of initiatives encouraged. The dumps/bins enjoy spreading bad odour and enriching the nearby surroundings with waste in whole of India including metropolitan cities, the rural area is crawling in the race with regards to waste management.

The Modi Government initiated “Swachh Bharat Abhiyan”, in India, highly successful in spreading awareness in the country with a downfall subject to the tools for implementation, one out of a thousand days witnessed the PM with the broom on the roads, the remaining 999 days demand a permanent solution for the clearance of the roads, the empty plots constantly being dumped with waste, the leaking toilets set under the initiative, the uncovered overflowing landfills, the waste falling off the carriers used for carrying the waste for management, with India reaching the moon we sure as hell can afford technology to keep our country clean and manage waste.

The industrial wastewater effluents are the by-product of the unconscious production methods carried out in the name of GDP and growth. The wastewater is dumped into the sewages further by the process of Sewage-Water Treatment, the water is qualified for usage, apart from sewage water treatment, Zero Liquid Discharge policy, a commendable approach, barely put to use in India where the water is discharged towards the system containing effluents is filtered and supplied back to the very industry that supplied the dirty discharged water for filtration while in the alternate world of Industries in India the wastewater is released in the water bodies or on soil, deteriorating the natural resources.

India has a capacity to treat 37% of its wastewater according to the report by Central Pollution Control Board (2015). The capacity of majority of Indian cities is below 50% in comparison to the wastewater produced by the industries, to top it all, India is a leading dumping ground for the waste from the developed countries.

## **CHEMICALS:**

Fashion Industry is responsible for producing 8% of carbon emission reported by UN Environment (2019), most of the fashion industry releases nitrogen oxide along with other major contributors hiking the emission index of greenhouse gases in the atmosphere. Certain synthetic fibres like polyester are made from fossil fuels leading to greater emission of harmful gases during production and uncivilised dumping. The release of chemicals such as dyes, the waste produced from tanning etc. into the rivers/lakes effects the marine animals further disrupting the human food cycle.

The landfills are full of apparel waste either the waste produced by the brands or disposed of by the consumers, apparel waste amounts to 5% of the total waste in the landfills. The apparel waste undergoes the process of decomposition emitting carbon dioxide, methane and other greenhouse gases, the non-biodegradable fabrics like polyester, remain in the environment for approximately 100 or more years due to which the emission is at all times soaring high. The excessive usage of chemicals in the processing of fabrics can have damaging health effects from allergies to cancer, as reported frequently.

Chemicals are used for cultivation of various crops such as cotton which has proven to cause allergies, cancer and miscarriages along with contamination of ground water. The cheap workforce in India attracts the foreign companies to set up the production units in India further contributing to the index of pollution, exploitation of labour class, bending of laws due to lack of check and balance mechanism in India along with other adversaries.

The cost of transporting fashion products in or out of the country contributes to the emission of hazardous gases, India does not make abundant use of eco-friendly fuels, as of today. The trend of overproduction and overconsumption amplifies the exigency for an eco-friendly waste disposal system and awareness in a society which struggles with green/blue bins classification. India is a developing country, that's what the blue prints say while littering our roads and dumping an empty plot near our houses, has become our routinely pleasures.

## **CLIMATE CHANGE: DOMINIO EFFECT**

Despite all the evidences, we are in denial of the real-world problem "The Climate Change", like the white toned, red haired man sitting in America. Amid several foreplays of the climate change from wildfires to SARS- COVID 19, the fast fashion brands and the customers are in a dilemma- Do we really have to cut down on our unethical retail callings? The trend today shows

that an average consumer buys 60% more apparels than 15 years ago reported by 'State of Fashion' (2019), we have become gluttons to satisfy our wants. Therefore, the emission of greenhouse gases and unethical disposal is shooting up deviating the climate from its natural course making it unpredictable resulting in numerous accidents and deaths.

The UN Climate Change in 2018 set a charter for fashion industry darting to achieve net-zero emission by 2050, to which India being a coherent stakeholder advocating a drive towards change, while new fast fashion brands continuously slide into the India Fashion Market.

The increasing uncertainties in India's climate in 2021, Delhi has experienced a very unpredictable climate pattern since August 2020, reported by IMD, the delayed monsoons, the forest fires, the unpredictable snow in the region of Jammu & Kashmir, the cloud bursts in Uttarakhand, the deadly cyclone alarms, the environment is reiterating sirens to fix our abrupt lifestyle. India alone hasn't confronted the deadly acts of nature but it is the wear-about of each the whole world. Hundreds of nations, Billions of people, yet one planet, implying co-dependence, the universal law prevents enrichment of one person/nation at the cost of the subsequent, one drowns, and we all drown.

### **LAWS: Bend or Flawed**

In India, the wave of litigation is stunted with respect to the fusion of fashion and environment, Are the laws bend or flawed? The environment is degrading with each passing second to which the fashion industry is a major stakeholder, despite, amplified cause of actions arising every second in the world of fashion and environment, the number of litigations initiated falls short or the delayed process has stunted the progress.

### **TRIBUNAL:**

National Green Tribunal (NGT) is a judicial ADR body dealing with environment litigations with an objective to dispose of the cases within 6 months, but the very objective is defeated due to the delays in the process. NGT has evolved the outlook towards environment, cases in the field of the fusion of environment and fashion are limited despite the efforts. In the case of **Almitra H. Patel vs UOI**<sup>1</sup>, the Hon'ble Supreme Court directed an adequate use of the areas designated for landfills to be exclusively used for the disposal of waste materials along with an action plan aiming at eco-friendly sorting, collection, transportation, disposal, reuse, and

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<sup>1</sup> Almitra H. Patel vs UOI (1998) 2 SCC 416

recycle to be implemented despite the judgement we witness inefficient ground level implementation and acts disrupting the environment in the society even today.

The environmental laws in India are pervaded all over which hampers the implementation process, as suggested by the ministry of environment, the laws shall be complied under one act to ensure effective outcomes. In India, laws and regulatory bodies shall tighten their grip around the necks off the flouters through the process of law. Recently, questioned an Instagram brand: Is your brand eco- friendly? Do you have to adhere to an environment regulatory body to be verified to operate? “I’m clueless about the permission requirements” was the reply, Laws cannot be confined to bare acts, supervision is what makes a law efficient and effective, therefore, the laws shall be feasible in nature to ensure the abidance of the laws, often the society is burdened with laws without spreading awareness on the subject and the implementation process, leaving the users handicapped, minimising the formalities and technicalities, will make the apprehension and implementation process a ground reality, since industrialist often ramble about the aforesaid concerns.

#### **DOMESTIC LAWS:**

➤ **Fundamental Rights and Directive Principles of State Policy:**

Under **Article 21** of the Indian Constitution- every person has the right to clean and safe environment, this article led to the formation of **National Green Tribunal (NGT)**.

➤ **Article 48 A** of the Indian Constitution- Protection and improvement of environment and safeguarding of forests and wild life.

➤ **Article 51** of the Indian Constitution under sub-clause-(c) foster respect for international law and treaty obligations in the dealings of organised people with one another.

#### **Standardisation:**

The Bureau of Indian Standards (BIS) is a statutory body in India functioning under the Ministry of Consumer Affairs, Food and Public Distribution which regulates and sets up standards for manufacturers/brands. The process of standardisation and certification has been set in the light of the product conformity with the set standards by Bureau of Indian Standards (BIS) ensures the capability, the infrastructure and the quality before granting the licence to the manufactures both Indian/International players, certification is not a mandatory policy of



the Bureau of Indian Standards (BIS) but the growing trend is in favour of certification.

In the year 2021, the organisation has taken an active step in easing the process of certification which was a common grievance among the manufacturers/brands, in addition to which Bureau of Indian Standards (BIS) is also a member of the International Organisation for Standardization (ISO). The implementation and regulation process has several hurdles, for instance, the brands selling products on Instagram are barely regulated, the power of self-assessment in the area of conformity assessment indicating the abidance to the Standards of Bureau of Indian Standards (BIS) has been conferred on the brands themselves which can be quite problematic affecting the transparency and ground level adherence of the set standards. Bureau of Indian Standards (BIS) is an active player but the ground reality requires adequate inspection and heavy penalties to ensure the brands are complying with the standards which have been an area of struggle.

The Standards set by Bureau of Indian Standards (BIS) shall be aligned with eco-friendly environment to direct the fusion of Environment and Apparel on an equal footing. In India, there exists approximately 35 bodies formulating regulatory standards at niche level for the brands/manufactures, which have adopted certain international standards and certain standards set by Bureau of Indian Standards (BIS) due to which often overlapping of standards takes place, which is a matter of deep concern for Bureau of Indian Standards (BIS), therefore, a uniform body and system is highly recommended to ensure efficient standardisation and effective upgradation of standards from time to time with the changing environment keeping the economy and the fusion of Environment and Apparel, on an equal platform.

### **Waste Management:**

The Ministry of Environment, Forest and Climate change conjunct with the Central Pollution Control Board at central level and State Pollution Control Board at the state level in accordance to the **Environment Protection Act, 1986**. The generic punishment under the aforesaid Act imposes a fine up to ₹ 1,00,000/- or an imprisonment of 5 years or both.

The **Plastic Waste Rules, 2011** castles a foundation for the usage, manufacturing and recycling of plastic waste applying to retailers, manufacturers, distributors, stockist and the users of plastic, mandating them to register with the State Pollution Control Board specified in the Rule 9. The usage of plastic bags is chargeable further the rules specify the thickness, colour, classification of plastic and the responsibility of the Municipal Corporation, the Municipal

cooperation in the local towns and cities ensure the waste management for the household waste (consumers) and the waste on the roads. There is no specific penalty under the Rules for non-compliance placing the reliance on the Environment Protection Act, 1986.

The **Hazardous Waste Rule, 2008** lay down the framework to import, storage, treatment, recycling, generation of hazardous waste, and terms hazardous wastes. The rules mandate the occupier to maintain a record of all the hazardous waste generated, sell it to a registered recycler, transport waste in a manner prescribed aligned with prevention of accidents. The central governments prior permission is required before importing the hazardous waste.

**Water Pollution Act, 1974** lays down under section 25 and 26 deals with provisions subject to restrictions on discharge, the act lays down provisions to approach the NGT in case of lack of abidance of the provisions along with the power to give directions for prohibition, closure, stoppage and so on. The act lays down standards for discharging of the waste fluids along with the cess collection on the water consumed by the persons for industrial activities, Water Cess Act, 1977.

**Air Pollution Act, 1981**, a person shall be penalized for producing excess emissions in the air deviating from the set standards. The court can be approached to restrict the emissions, in cases where flouting of the provisions of the Act, are observed. The learned Judge P.N Bhagwati in the **Union Carbide Corporations vs. Union of India**<sup>2</sup> (commonly known as the Bhopal Gas Tragedy) laid down the **Principle of Absolute Liability** to increase the scrutiny over the industries holding hazardous substances to be penalized with exemplary compensation.

#### **INTERNATIONAL CONVENTIONS/COVENANTS:**

**Basel Convention, 1992** is a treaty established by United Nation Environmental Programme responsible for regulating the trans-border waste movement. India hammered its stance on the Basel Ban Amendment aimed at imposing a ban on OECD (Organisation of Economic Cooperation and Development) with regards to dumping the non-OECD countries with their hazardous waste, by turning its back on the Ban despite India sinking in the dumps of the developed countries. The pandemic in 2020-21, evidently proves that climate change and the environment play recognize no boundaries, yet countries continue to dump waste on one another assuming their country is levitating.

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<sup>2</sup> Union Carbide Corporation vs UOI

China, prior to commencing a ban on import of plastic waste in January, 2018 was the world's largest importer of plastic waste. India and other South-Asian countries have replaced it, becoming the new dumping grounds for the world's developed countries. The Greenpeace Report data reflected a hike in the plastic waste imported to India (12,000 in 2016 to 35,000 in 2018) the waste recycling capacity of India has miserably failed to recycle its own waste while dumping itself with the waste of the world's developed countries.

The criticism towards the adversary caused by India towards itself pressurised the government into banning the import of plastic waste leaving a loophole by indicating the Special Economic Zones to be excluded from the said provision. According to the Central Pollution Control Board of India, 40% of the plastic waste remains uncollected, therefore, unrecycled, the question here arises is, why do we have to sink in the waste of developed countries while we are already sinking and stinking in our own waste? "DOWN TO EARTH" in 2019 accentuated an incident indicating the USA carrier with their so-called paper waste which actually contained several plastic items, which as per the policy of Indonesia were refuted from entering its country, therefore, the waste was diverted to India, keeping in mind India did declare a ban on import of plastic waste, despite which USA was left off the hook.

### **Fashion Industry Charter on Climate Change**

The United Nation Framework Convention on Climate Change (UNFCCC) aiming at achieving its target of net-zero Green House Gases Emission by 2050 and aligning the standards of Fashion Industry with the Paris Agreement (an initiative under UNFCCC) on Climate Change initiated the 'Fashion Industry Charter for Climate Action'. The Signatories under the United Nation Framework Convention on Climate Change, India being a signatory, shall work in collaboration to achieve the target along with the working groups set up under the Convention. The 'Fashion Industry Charter for Climate Action' focuses on every level of functioning in the fashion industry till the product is offered to the consumer along with ground level issues faced by the fashion industry leading to Green House Gases Emission bring about a rational change in Fashion Industry.

### **CONCLUSION**

Callous or Conscience, callous being the dictator while conscience being the democracy, make your vote count. The distinction between Real growth and ostensible growth is extremely thin, every nation today is caught up in a rat race with no specific destination without analysing the

very distinction between Real growth and ostensible growth, a back step is always better than a wrong step.

Recently, my awakening on the subject matter was hit by a post on social media eyeing the apparel waste dumps, my choices were as abrupt as yours, and dumping my cart and Wish list frequently being a fashion enthusiast and craving lower price tags with the minimal budget. I will continue to indulge in my guilty pleasure “Retail Therapy” by taking a conscience outlook subject to my choices while doodling my fingers to add products into my cart.

I urge everyone reading this to question your choices, I frequently catch my self-asking “Is this choice leading me to securing the future or deteriorating the future” making me instantly guilty gradually resulting in conscience choices. Exigency today or extinction tomorrow, one leads to a million, fusion of fashion and environment can align with the implementation of right laws and the right accountability.