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ENVIRONMENTAL INJUSTICE AND FAST FASHION:

A Great Challenge for Mindful Consumption and Sustainability

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[Abstract: Fashion is the way of styling oneself in the most popular fashion trends. An opportunity to try out something new and trendy has resulted in fast fashion. It provides a fashionable, progressive and modern lifestyle at affordable prices. It is called fast fashion because at present, fashion changes frequently resulting in the fast production of trendy clothes which are made of cheap quality fabrics at low costs in order to meet the increased demand of people. However, the fashion industry today is vast, inherently unstable and seasonal whose credibility is validated by social media to express inspiration through a dress that connects clothing and body ideals to a contemporary culture. While contextualising this issue for a fast-developing economy like India, where the industrial sector puts a considerable good amount of its share in setting up and operating a manufacturing unit has given a boost to the issues of environmental pollution and hyperconsumerism. The apparel and textile sector in India contributes to widespread pollution that needs to be addressed along with international competitiveness. There are no specific environmental laws for the apparel industry though there are industry-specific standards for setting and operating an industrial unit. The environmental protection laws in India, along with its international promises for sustainable consumption need to be reconsidered to curtail the environmental pollution caused by the textile industry. Moreover, the excessive mindless buying by consumers to stay up to date is destroying our planet and therefore, green consumerism becomes a necessity to reduce unsustainable consumption which is another cause of the environmental injustice conundrum. The present research endeavour is hence, an attempt to analyse the environmental consequences of fast fashion in India and how international law can be used as a beacon light for the Indian environmental legal system.]

Keywords: *Environmental Injustice, Environmental Pollution, Fast Fashion, Mindful Consumption, Sustainable Development.*

I

Introduction

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Fashion has always represented a significant part of an individual's identity, and sense of well-being, but the pace, scale and cost of fast fashion, have transformed the value of clothes. This phenomenon is particularly salient amongst young female consumers, who have little awareness of the social impact of their fashion consumption, but exhibit the highest levels of demand for new fashion items.[1] It is a means of self-expression that allows people to try on many roles in life, whether you prefer expensive fashion brands or low-cost fashion brands, it accommodates the chameleon in all or can be viewed as a way of celebrating the diversity and variety of the world in which people live. The fast fashion industry has a long and complex supply chain, starting from agriculture and petrochemical production (for fiber production) to manufacturing, logistics and retail.[2] While talking about the fashion and textile industry, it is important to note that though, the terms fashion and textile are used synonymously, there is a difference between the these two terms. A textile design is concerned with creation of woven, knitted, printed patterns for clothing, fabrics, fibres, dyes as well as different textures and thicknesses of a garment whereas fashion is more concerned with the generation of ideas, setting or following a trend and includes a design related to textiles and apparel.

In contrast to the 21st century, fashion was slow before the Industrial Revolution and people used to make their clothes at home using a sewing machine. Eventually, during the 1960s, young people started demanding styles in vogue at affordable prices and fashion brands had to find a way to keep up with increasing demand which led to the massive opening of textile mills across the USA and Europe. The concept of fast fashion was first introduced in the late 1980s and early 1990s by fashion brands Zara and Benetton. Until the mid-1980s, consumers preferred to wear basic apparel, and due to design restrictions by factories, the fashion industry was majorly based on mass production of low-cost standardised designs. Then, in the late 1990s, Inditex- Zara became the biggest retailer of selling fast fashion clothes through rapid response to consumer demands at affordable prices.[3] In order to speed the production cycle up, Inditex coined the vertical integration model, where they produce a large percentage of their products in their own factories and moved from a conventional brand of seasonal lines and couture

[1] Noelle Hatley, *The Impact of fast fashion, Consumer Behaviour and Fast Brand Communication on Sustainability*, Manchester Fashion Institute, January 2021.

[2] Shalini Rukhaya *et. al., Sustainable Approach to Counter the Environmental impact of Fast Fashion,* 10 P.I.J. 517 (2021).

[3] Neha Aggarwal & Chinmay More, *Fast Fashion: A Testimony on Violation of Environment and Human Rights* 1 I.J.P.S.L 1277, 1287 (2020).

designs to vertically integrating just in-time production, distribution and sales.[4] Thus, in the late 1990's and early 2000's, the concept of fashion developed to a market based model called as fast fashion from a product oriented concept. Further, with Zara's quick response expedition to produce and sell a garment within the period of 15 days, Zara brand became a synonym with fast fashion as people identified it as a fashion trendsetter brand. The quick response business model proved to be profitable but in turn caused collateral damage to the environment as the mass production filled the markets with cheap and disposable clothing and at present these fast fashion brands are looking for solutions to adopt sustainable production practices, incentivise production and designs and promote sustainable fashion to reduce global attention on environmental injustice.

Textile industry is the major contributor to generating employment opportunities, exports and industrial production mostly in developing nations and Indian textile industry is no exception to this. Over 45 million people in India are directly employed by the textile industry and the business model for the textile industry is primarily export-oriented as India is the second-largest textile manufacturer and exporter in the world.[5] The country is also among the world's top producers of yarn and fabrics and second second-highest producer of cotton after China, contributing about 21.5% of the world's total production.[6] The emergence of fast fashion in India came when the Make in India initiative was introduced in 2014 which encouraged companies to develop, manufacture, and assemble products made in India through incentivised investments for manufacturing the products and building the best possible manufacturing infrastructure. Although, the initiatives resulted in rapid economic growth and helped India to overcome major issues like poverty, and unemployment, develop global partnerships, etc but without social and environmental sustainability advancements and as a consequence of environmental injustice, the environment in India is suffering at an alarming rate.

Sustainable Development was also a goal under this campaign to create sustainable market opportunities but the scale of pollution by industries is leading towards intensifying pressure on India's natural environment. India's rank on Sustainable Development Index, 2021 is 120th at

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[4] *Id*.

[5]Ministry of Textiles, ANNUAL REPORT (2017–2018), *available at* - http://www.texmin.nic.in/sites/default/files/AnnualReport2017-1 8%28English%29.pdf. (last visited May 22, 2023).

[6] *Id*.

per latest rankings with a score of 60.07 out of 100.[7] We have many legislations such as The Environment (Protection) Act, 1986, The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution Act), 1981, and so on but these are poorly enforced. All the provisions contained in these acts are stringent and good enough for Indian conditions but they are generic and do not focus on textile pollution.

II

Environmental Concerns and Challenges

Fast Fashion industry is the third largest polluting industry, after food and construction emitting 10% of global greenhouse gas emissions, releasing 1.2 billion tonnes of carbon dioxide per year, more than the shipping and the aviation industry combined.[8] The United States Environmental Protection Agency defined Environmental Justice as the fair treatment and meaningful involvement of all people regardless of race, colour, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies.[9] The concept originated in United States in the late 1980's as a movement where people were cautioned about the dangerous effects of environmental pollution on human health and environment which eventually expanded its horizon towards developing nations to reduce environmental injustice around the world. All the components of fast fashion, i.e., overproduction using low quality fabrics, use of chemical dyes, competitive pricing , hyper consumerism have a detrimental effect on the environment creating water , air and land pollution.

Fast Fashion uses an open loop production cycle that actively pollutes water, air and land where the water used during the production process is not treated/ cleaned or reused but is simply discarded as dirty water in the rivers outside the factories or in local water systems. Each stage of garment manufacturing leaves a devastating environmental footprint throughout the stages of its operations and all these activities release a cocktail of toxic chemicals, metals,

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[7] J. Sachs, *et al.*, *Sustainable Development Report 2021*, *available at*: https://unstats.un.org/sdgs/report/2021/The-Sustainable-Development-Goals-Report-2021.pdf (last visited Oct. 11, 2022).

[8] EARTH.ORG, *Fast Fashion Pollution and Climate Change* (Feb. 21, 2022) *available at* - https://earth.org/fast-fashion-pollution-and-climate-change/ (last visited May 22, 2023).

[9] UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *Environmental Justice* (Aug. 13, 2018) *available at* - https://www.epa.gov/environmentaljustice (last visited May 23, 2023).

micro plastics which are disposed back into the ecosystem resulting in the problem of ***water pollution.*** To start with, the first requirement in manufacturing of a cloth is fibre which can be natural or man-made. For the cultivation of natural fibres like cotton, it requires gallons of water, insecticides and pesticides than any other crop. Also, manufacturing of synthetic fibres likes polyester, nylon, viscose, rayon etc. is reliant on the extraction of fossil fuels, such as crude oil, natural gas and mostly coal. These fibres are made from heavily processed petrochemicals for example, Nylon and polyester yarns are most commonly produced by melting polymer chips or granules and then extruding them to produce very long, fine filaments that are wound together to form the yarn.

Colour, is the first thing a consumer see while purchasing a fashion item which is considered as an attraction of any cloth and fast fashion clothes are usually made up colours which are trending in the market, generally made up of cheap quality dyes. ***Use of synthetic dyes*** containing harmful chemicals like sulphur, nitrates, acetic acid and heavy metals like copper, lead, mercury, nickel , cobalt and many more together make textile effluent very toxic, the consumption of which can cause serious health hazards and is also harmful for aquatic life . In 1997, Ministry of Environment and Forests banned the use of azo and benzidine based dyes in India.[10] According to the Indian import policy, import of textiles is only permitted if they do not contain any of the hazardous dyes (azo dyes) whose handling, production, carriage or use is prohibited in India.[11]

In the last two decades, the fast fashion business model is facing a number of challenges in terms of sustainability and social responsibility. It produces extensive ***air pollution*** at every stage of production which is the reason for increased carbon footprint in our environment and all the ***toxic gases emitted*** during the process are responsible for climate change which is likely to be severe if stringent actions are not taken to curb these emissions. It is mainly caused by usage of boilers, heat bags, and diesel generators which produce pollutants that are released into the air, namely Suspended Particles (SPM), Gaseous Sulphur Dioxide, Nitrogen Oxide, etc. Air pollution in the textile industry also exudes in the form of volatile organic compounds (VOCs) that are released into the atmosphere. These VOCs can be glycolic ether, detergent, combustion gases, reactive Component and volatile molecules, among many other dangerous

[10] The Environment (Protection) Act, 1986, S. 6(2)(d).
[11] Indian Import Policy, S. 10.

emissions. All the toxic gases not only result in environmental degradation but is also responsible for creating several ***health hazards*** for the people living close to these manufacturing units as they are adversely affected due to the exposure of toxic gases into the atmosphere.[12]

Globally, an estimated 92 million tonnes of textiles waste is created each year which is equivalent to one rubbish truck full of clothes ending up in landfill sites every second and by 2030,134 million tonnes of textile waste is expected to be discarded each year.[13] Overproduction in the fashion industry is a major source of needless waste and these companies deliberately produce more to create demand for their products in the market and therefore overproduction leads to mindless hyper consumerism and vice versa. However, the unsold stock or the discarded clothes after a few wears have to go somewhere. To maintain exclusivity of the brand, most high street fashion brands incinerate their unwanted stock which multiples the climate impact by generating greenhouses gases, releasing plastic microfibres into the atmosphere instead of selling unsold inventory at low prices or re-using and re cycling materials.[14] On a global level, about 75% of textile waste is dumped into landfills, 25% is reused or recycled, and less than 1% of all textile is recycled back into clothing.[15] Fast Fashion has created a vicious cycle of environmental injustice throughout each stage of its operations, from manufacturing these clothes and creating the issues of untreated wastewater, carbon emissions, greenhouse gases to post consumer textile waste disposal in landfills which leads to soil contamination, ***deforestation*** and ***microfibre pollution.*** When waste is deposited onto an area of land, the permeability of the soil formations below the waste can increase or reduce the risk of ***land pollution***. One of the major reasons of land pollution is ***landfilling***, which is a Municipal solid waste (MSW) disposal methods practiced worldwide. It is considered as most cost-effective means of waste disposal, but poor management practices especially in developing countries like

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[12] Forida P. *et al*, *A Study on the Solutions of Environment Pollutions and Worker's Health Problems Caused by Textile Manufacturing Operations*, 28 B.J.S.T.R. 21831 (2020).

[13] Kritti Bhalla, *Impulse buys, fast fashion end up in landfills and stay intact for 200 years* (Jun. 29, 2022, BUSINESS INSIDER) *available at* - https://www.businessinsider.in/retail/news/impulse-buys-fast-fashion-end-up-in-landfills-and-stay- intact-for-200-years/articleshow/92533424.cms (last visited May 24, 2023).

[14] Chris Baraniuk, *Will fashion firms stop burning clothes? available at* - https://www.bbcearth.com/news/will-fashion-firms-stop-burning-clothes (last visited May 25, 2023).

[15] Juanga-Labayen *et. al.*, *A Review on Textile Recycling Practices and Challenges*, 174- 188 (2022) *available at* - https://mdpi-res.com/d_attachment/textiles/textiles-02-00010/article_deploy/textiles-02-00010.pdf?version=1647398861 (last visited May 23, 2023).

India are the major causes of environmental pollution. There is a very common presumption that garments made from natural fibres like cotton, wool, silk are biodegradable but in reality it's not that simple. In spite of the fact that a garment is biodegradable, it's not necessary that it will be environment friendly as these fabrics go through harsh treatments during textile processing like dyeing and washing. Unfortunately, most of our fashion garments, even made from natural fibres are sewn with polyester thread and include other components like zippers, plastic buttons, synthetic labels which don't biodegrade. When a consumer throws away a garment in garbage, it takes 200 years for the materials to decompose into soil and during the decomposition process these textiles generate a large amount of greenhouse gases, contaminate groundwater and release toxic chemicals which result in ***soil degradation.*** The release of methane and other gases like carbon dioxide from landfill is also one of the major problems linked with it.

However, it is considered that re-cycling and re-using is the best way to combat overproduction of fast fashion clothes as they save lots of resources but in reality that's not what actually happens. The high income countries export used, discarded, torn, defective or ***second-hand clothing*** to many developing countries which in-fact are their textile dumping grounds to get rid of excessive stock. Chile's Atacama desert has been a hub of second- hand and unsold clothing exported mainly from USA, UK, Europe for the purpose of re-selling it around Latin America but at least 39,000 tons of exported clothing are dumped into the desert. In recent years, many times consumers due to the ongoing trend of promoting sustainability choose to donate their used/second-hand clothing to charities and thrift stores instead of disposing them in the traditional sense. However, in reality only a relatively small percentage of donated clothing is ever purchased in thrift stores in the donor's own country and the donated clothing to the needy ones are generally thrown away as they already have been worn out. The reason for this could be factors like clothes made of mixed materials which are essentially non-recyclable or some textile recycling programs that require a substantial human workforce to sort the clothes according to the material of the fabric and colour as a preliminary stage for recycling.

Therefore, the fast fashion model is responsible for considerable level of pollution not only during manufacturing process but throughout the life cycle of product even after being

disposed in form of post-consumer textile waste which disrupts the water, air and soil quality. When the technological factors combine with the absence of sufficient regulation prohibiting burning and burying clothes, most clothing manufacturers simply take the path of least resistance and choose not to recycle and hence, the clothes which are thrown becomes solid waste which clogs rivers, greenways, and parks.[16] Hence, it is now proved from the above discussion that fashion industry's consumption of enormous quantities of raw materials, production of garments releasing untreated wastewater into ecosystem, creates significant carbon footprint that generates alarming levels of waste that pose problems to environmental sustainability.

III

Legislative and Policy Initiatives Undertaken To Combat Fast Fashion: An International Perspective

As the significance of Sustainable Fashion increases, International laws of various developed nations and UN has shown quick efforts to reverse environmental degradations by evolving legislations on fast fashion. The United Nations General Assembly in 2015 set up 17 ***Sustainable Development Goals (SDG's)*** which are intended to be achieved by 2030 to promote sustainability and protect the planet. ***Sustainable Development Goal 12***[17]**,** i.e., responsible consumption and production, encourages more sustainable consumption and production patterns through various measures, including specific policies and international agreements on the management of materials that are toxic to the environment.[18] According to the United Nations Environment Programme (UNEP), Sustainable Consumption and Production (SCP) refers to the use of services and related products, which respond to basic needs and bring a better quality of life while minimising the use of natural resources and toxic materials as well as the emissions of waste and pollutants over the life cycle of the service or product so as not to

[16] Peleg Mizrachi M. & Tal, A, *Regulation for Promoting Sustainable, Fair and Circular Fashion.* Sustainability 502 (2022) *available at* - https://doi.org/10.3390/su14010502 (last visited May 27, 2023).
[17] Sustainable Development Goals (2015), Goal 16.
[18] United Nations Environment Programme, *Why Do Sustainable Development Goals Matter? available at* - https://www.unep.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals- matter/goal-12, (last visited May 26, 2023).

jeopardise the needs of future generations.[19] Further, the ***United Nations Alliance for Sustainable Fashion*** is an initiative launched by UN Environment Assembly to address the issue of environmental damage caused by fast fashion and commits to change the approach towards fashion by reducing the harmful environmental and social impact by promoting Sustainable Fashion. Also, UN Framework Convention on Climate Change has created ***Fashion Industry Charter for Climate Action*** which is focused on climate change along with addressing UN Sustainable Development goals. SDG 7[20] the Agenda 2030 aims to ensure affordable, reliable and modern energy services universally along with switching to renewable power sources within textile and garment production is estimated to have a substantial impact on lowering the overall emissions associated with the industry. Further SDG 13[21]provides to drive the industry towards decarbonisation pathway by using methodologies from the Science-Based Targets initiative.

In order to preserve the diverse forms of life on land and ensure benefits of land based ecosystems, achievement of SDG 15[22] becomes very important as landfills lead to improper land use, soil degradation and biodiversity loss and therefore, urgent actions on proper waste management is need of the hour. One of the targets under SDG 15 is to end deforestation and degraded forests, an initiative, i.e., Forests for Fashion was launched in 2014 to create awareness about environmental impacts associated with textile fibre production. It aims to highlight the role of forest products from sustainably managed forests in contributing towards a sustainable fashion sector through awareness- raising campaigns, exhibitions, and designer partnerships.[23]

Despite various efforts taken by different UN institutions, a comprehensive approach to address all aspects and concerns of fast fashion industry is missing. There is no mention about how fast fashion products are being dumped into landfills and regulations dealing with reducing textile

[19] United Nations Environment Programme, *Sustainable Consumption and Production Policies available at* - https://www.unep.org/explore-topics/resource-efficiency/what-we-do/sustainable-consumption-and-production-policies (last visited May 27, 2023).

[20] Sustainable Development Goals (2015), Goal 7. *available at*: https://sdgs.un.org/goals (last visited Feb.15, 2022).

[21] Sustainable Development Goals (2015), Goal 13, *available at:* https://sdgs.un.org/goals (last visited Jan.15,2022).

[22] Sustainable Development Goals (2015), Goal 15, *available at:* https://sdgs.un.org/goals (last visited Feb. 22, 2022).

[23] UN Alliance for Sustainable Fashion, SYNTHESIS REPORT ON UNITED NATIONS SYSTEM-WIDE INITIATIVES RELATED TO FASHION (2021) *available at* - https://unfashionalliance.org/wp-content/uploads/2021/10/UN-Fashion-Alliance-Mapping-Report_Final.pdf (last visited Mar.20, 2022).

waste that creates devastating environmental impact on the earth's surface which includes soil contamination, deforestation and improper urban planning as land is being used as a dumping yard.

In **UK**, Department for Environment, Food and Rural Affairs (DEFRA) has recommended the UK government a ***Sustainable Action Clothing Plan*** which is based on the co-ordinated action of improving clothing supply chain and working with fashion stakeholders as these stakeholders can affect the improvement through their operations.[24] It says the Government should consider an ***Extended Producer Responsibility*** (EPR)[25] scheme for clothing in the published Resources and Waste Strategy. All these initiatives will make a progress towards circular economy and thus achieving the target of Textiles 2030.

China has been one of the most preferable destinations for producing cheap fast fashion clothes. In 2018, China introduced a new ***Environmental Protection Tax*** that repealed the earlier Pollutant Discharging Fee system. The violators are monitored by China's tax bureau rather than its environment bureau and it provides more avenues of achieving tax penalty reductions when performing actions that minimise pollutant levels. Polluters pay different tax rates contingent upon their level of polluting activity so that heavy polluters face greater financial consequences.[26]

Europe is the most productive region in the world contributing towards research in the area of fast fashion and textile pollution and seems to have the most programs in place to mitigate the harmful effects of the fast fashion industry. European nations seem to focus more on the recycling of textile waste and research mainly focuses on fast fashion and consequences of environmental degradation. In Denmark, half of disposed textiles are collected for reuse and in

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[24] Environmental Audit Committee, REPORT: FIXING FASHION: CLOTHING, CONSUMPTION AND SUSTAINABILITY, (Feb. 19, 2019) *available at*: https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/1952/report-summary.html (last visited Feb.6, 2022).

[25] Organisation For Economic Co-operation and Development, EXTENDED PRODUCER RESPONSIBILITY: UPDATED GUIDANCE FOR EFFICIENT WASTE MANAGEMENT, OECD PUBLISHING (2016). (***EPR*** is a policy tool that extends the producer's financial and/or operational responsibility for a product to include the management of the post-consumer stage, in order to help meet national or EU recycling and recovery targets. EPR policies thus generally shift the waste management cost or physical collection partially or fully from local governments to producers.)

[26] Ana Cicenia, *Chinas Environmental Protection tax*, Chinabriefing (Jan. 18, 2018) *available at* - https://www.china- briefing.com/news/china-environmental-protection-tax (last visited May 20, 2023).

Germany, the number reaches upto 70%.[27] EU became the first region in the world to recognise the link between fast fashion and environmental injustice and has announced ambitious legislation to make sustainable fashion a norm and hence make fashion circular. The proposal for a regulation on eco-design for sustainable products extends the existing ***eco- design*** framework and includes the broadest possible range of products, including textiles which means that the materials that make textile products are more durable, easier to reuse, repair and recycle which would be mandatory for all products placed on the EU market, including exports. As a part of a broader policy mix, green taxation initiatives at both EU and Member State level is proposed to achieve environmental policy goals by encouraging a switch to cleaner energy, more sustainable industry and greener habits. Further, in Denmark, the parliament has recently approved a new "***corporate carbon tax***"[28] which is highest in Europe and will be effective from 2025. The Danish government says it will target companies both in and outside the EU's carbon quota system.[29] While this incentivises circular production and design in textile producing countries, significant skills and investments would be needed to comply with the new requirements.

It can be thus, be concluded that UN and various developed countries across the globe are not only working towards introducing cleaner manufacturing practices and effective waste disposal measures but also making the consumers aware and conscious about the detrimental affects of fast fashion as they are also a part of this issue and these policies won't have any effect if consumers are not aware about what they consuming. Many of these operations proved to be effective like in UK concept of using eco-friendly materials, product reusing and eco-marketing was promoted through Sustainable Action Clothing Plan but many of the recommendations proposed by EAC have been rejected by the UK Government. Similarly, in EU to reduce water pollution, initiatives like eco- labelling and eco-design have been effective to promote circular economy along with UN SDGs. In China, the government has taken a serious action against the violators by imposing environmental tax on them which has proved be an effective method to

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[27] Gustav Sandin & Greg M. Peters, *Environmental Impact of Textile Reuse and Recycling—A Review*, 184 J.C.P. 353 (2018).

[28] Under a carbon tax, the government sets a price that emitters must pay for greenhouse gas emissions they emit and companies, consumers will take steps, such as switching fuels or adopting new technologies, to reduce their emissions to avoid paying the tax.

[29] Olivia Lai, *Denmark proposes carbon tax for heavy industries and energy sectors*, (2022) *available at* - https://earth.org/denmark-carbon-tax/ (last visited May 25, 2023).

reduce the water pollution. As fast fashion has become a serious threat to environment in low income countries, some of the above mentioned regulations can be adopted to reduce the global attention on environmental injustice.

IV

Analysing the Need of an Environmental Legislation for Fashion Industry in India: A Push towards Sustainability

India is the first country which has given a Constitutional status to the environmental protection. Although, the Constitution of India originally did not contain any provisions for environmental protection but the slogan of Environmental Justice came up with the Constitution (Forty- Second Amendment) Act, 1976 which incorporated a provision dealing with protection of environment under Part IV in form of Article 48- A.[30] The amendment also inserted Part VI-A in the Constitution enumerating Fundamental Duties of the citizens and Article 51-A (g)[31] dealing with respect to the environment. According to Section 2(a) of The Environment (Protection) Act, 1986, environment includes water, air and land which has an interconnection among them and also with human beings and other creatures like animals, plants and property.

However, the main problem is that there are no environmental laws which exclusively deals with the issues relating to fashion industry as the present environmental legislations only deal with industries generally. India, doesn't have specific legislation to control pollution by textile/fashion industry apart from Textiles Committee Act, 1963 which doesn't have any provisions to handle environmental pollution caused by this industry. The issue of land pollution has also been totally neglected as there is no particular legislation which deals with waste management and landfills. Besides, the current environmental laws have stringent and strong provisions to protect the environment from pollution but due to lack of enforcement, sensitivity, funding for infrastructure and laboratories, political will, public awareness and strong penalty measures the present framework of laws is failing to handle environmental pollution. For instance, the present Water Act, 1974 speaks about prevention and control of water pollution but not total prohibition of water pollution which is a major drawback causing

[30] The Constitution of India, 1950, article. 48A.
[31] The Constitution of India, 1950, article. 51A(g).

failure in implementation of the act. Similarly, under Air (Prevention and Control of Pollution) Act, 1981 the SPCB have been granted the power to provide various control and monitoring equipments to measure air quality but due to insufficiency of funds or lack of will by the Board, the respective regulations are not being followed which hampers the enforcement of laws. Also, there is no regulatory body for environmental governance and SPCB do not have any legal authority to take decisions as all decisions are taken by Central and respective State Governments. The current statutes on the issue of hazardous and solid wastes due to which it has become very difficult to prevent, control and find possible solutions to solve the issue of waste management and landfills. According to recent studies, up to 86% of the domestic post-consumer waste collected by municipal bodies can be reused or reconditioned if proper waste management policies and logistics are strengthened.[32]

While the executive and legislature has failed to promote the concept of environmental justice to the citizens of the country, the Indian Judiciary has played an effective role in putting a check on environmental issues caused by fast fashion. Indian Judiciary has recognised the principle of environmental justice in a number of cases and is constantly trying to correct the deficiencies of law with emergence of concepts like PIL and judicial activism. It has also played a vital role in giving directions from time to time to the administrative authorities to take necessary steps-for improving the environment as courts only have the power to review the process of decision making with the help of judicial review. The Judiciary has passed various landmark judgements like ***Ganga Pollution Case***[33] where a PIL was issued from the Supreme Court to restrain the tanneries near Kanpur city that were discharging trade effluents into the river Ganga until they set up effluent treatment plants. The petitioner drew the attention of the court to the Progress Report of Ganga Action Plan (July 1986- January 1987) and it revealed that pollution in Ganga river was at highest degree in Kanpur. The Court observed that the provisions of the Water Act, 1986 were comprehensive but the State Pollution Control Boards have not initiated necessary steps to prevent the discharge of effluents into the Ganga river. It also noted inadvertent action of the Central Government who failed to stop the grave public nuisance caused by the tanneries under the Environment act. The Court observed that the fact that their effluents are first

[32] Fashion For Good, *India's Potential to Bring Textile Waste back into the Supply Chain* (July 202) *available at* - https://reports.fashionforgood.com/wp- content/uploads/2022/07/Sorting-for-Circularity-Wealth-in-Waste.pdf (last visited May 28,2023).

[33] *M.C Mehta* v. *Union of India,* A.I.R. 1988 S.C. 1037 & *M.C Mehta* v. *Union of India*, A.I.R. 1988 S.C. 1115.

discharged into municipal sewers did not absolve the tanneries from being proceeded against under the provisions of the law in force as ultimately the effluents reach the river Ganga causing the problem of water pollution and the main question in dispute is failure on part of tanneries to adequately pre-treat the effluents before its discharge. Among other directions, the Court ordered stoppage of work in the tanneries, which were discharging effluents into the river and which did not set up primary treatment plants. Further, in ***Ratlam Municipality Case***[34]**,** where the rule of law was upheld by fixing liability on statutory authorities to deliver their legal obligations and make environment pollution free. In this case, the Supreme Court observed that because of the pollutants discharged by the industries, Public Nuisance is a challenge to social and environment justice and thus introduced the element of judicial activism to give effect to environmental statutes. Similarly, in ***Taj Trapezium Case***[35], the apex court applied the precautionary principle on the coal industries which caused air pollution leading damaging effect on Taj Mahal. In 1986, M.C. Mehta filed a petition in the Supreme Court regarding the deteriorating condition of the Taj Mahal, which is one of the Seven Wonders of the World. Due to the pollution caused by the nearby industries and factories due to residential fuel combustion, diesel trains and buses and backup generators, the gases emitted had harmful effects not only on the people living in residential areas around the structure but also on the monument. The petitioner has sought the help of the relevant authorities to take action against this degradation and take preventive steps in the future. The judgement stated that pollution caused by the emission of coal/coke industries is the major reason behind damaging effect on Taj Mahal and while applying the precautionary principle it said that the onus of proof is on the industry to prove that their operations are environmentally benign. While applying polluters pay principle in Indian Council for ***Enviro- Legal Action v. Union of India***[36]**,** the court directed the closure of industry which made the land around it contaminated and also directed to pay compensation for the damage caused based on polluter pays principle. Although, the rise of judiciary has been criticised by various individuals, the revolutionary judgments have led to the development of a mechanism of checks on environmental justice through judicial activism but the Judiciary has not yet passed any orders specifically on fast fashion.

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[34] *Municipal Council Ratlam* v. *Vardhichand,* A.I.R. 1980 S.C. 1633.
[35] *M.C Mehta* v. *Union of India* A.I.R 1997 S.C. 734.
[36] *Enviro- Legal Action* v. *Union of India*, A.I.R. 1996 S.C. 1446.

V

Conclusion and Suggestions

The present research endeavour has highlighted the concept of fast fashion in context with its impact on environment which creates the issue of environmental injustice in the society as fashion today is among the world's most polluting industries that requires enormous quantities of raw materials, creates considerable levels of pollution, leaves a significant carbon footprint, and generates alarming levels of waste. However, various policies, rules and regulations have been commenced by the UN and developed countries across the globe to promote sustainability in fashion and ensure that fashion value chain contributes to the achievement of SDGs. In India, present environmental laws governing water pollution, air pollution, waste management and environmental protection have constantly failed to protect and preserve the environment due to devastating effect of pollution caused by textile industry. The lack of will of the government organisations to work towards this issue and make it a priority so as to improve the present situation with not only is harmful to the environment but also creates serious health hazards. The Indian Judiciary has though played an effective role in interpreting and promoting the concept of environmental justice to its citizens while the legislature and executive failed to do the same. The Judiciary has passed many landmark judgements while upholding the principle of sustainable development through PIL and judicial activism under Article 32 and 226 of the Constitution of India and using them as a tool for environmental justice.

With an ever-growing planetary challenge, Sustainable Fashion seems the only way to combat Sustainability is not free from challenges. In order to promote mindful consumption and sustainability in fashion, the researcher would like to propose some suggestions for extending the environmental justice framework in India to eliminate fast fashion and introduce the concept of slow fashion in India. ***Firstly***, an idea of circular economy[37] should be adopted that can be a very important tool for influencing consumers to prefer sustainable fashion over fast fashion. The introduction of circular economy can be a game changer for Indian suppliers and manufacturers to convert fast fashion into slow fashion and follow the path of sustainable development. ***Secondly***, mindful sustainable consumption approach must be developed in consumers. A mindful customer is an individual who cares and respects himself, others, and the

[37] A circular economy production and consumption sharing, leasing, reusing, is a model of recycling, which involves repairing, refurbishing and existing materials and products as long as possible .

world in which he lives. ***Thirdly***, the policy makers can incentivise stakeholders involved in textile waste management practices by providing tax benefits and simultaneously discourage incineration practices. Policy makers can also create policies for producers to responsibly treat their textile waste such as extended producer responsibility in textiles, similar to plastics. If such a policy is implemented in India, it would lead to systematic collection of domestic post-consumer waste, prevent it from getting soiled through better segregation practices and increase the reusability and recyclability of the waste. ***Fourthly***, organic farming should be promoted as it naturally promotes sustainability through more ethical sourcing and production techniques and the products can be recycled and made of durable material. Organic agriculture contributes to mitigating the greenhouse effect global warming through its ability to absorb carbon in the soil. ***Fifthly***, corporate Social Responsibility of fashion industry must be increased to promote adoption of responsible business practices that include environmental sustainability, natural resource protection and water quality maintenance. For example: Patagonia, a sustainable fashion brand is known for its different programs like Worn Wear, where customers can trade in a clothing item and get credit for purchase of another item. The company also initiated a Waste Not Collection, in which they design certain products from leftover materials and the brand also gives 1% for every sale to preservation and restoration of natural environment.

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