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Fast Fashion and Environmental Justice: A Critical Study of Sustainable Development Goals

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Fast Fashion and Environmental Justice: A Critical Study of Sustainable Development Goals

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Abstract

The fast fashion revolution has brought about a paradigm shift in consumerism by focusing on cheap and trendy apparel, with artificially induced production and consumption cycles. Although the industry is an important contributor to economic growth and provides substantial employment worldwide, it has also become a major contributor to environmental degradation, exploitation of workers, and unsustainable consumption of resources. Increased production of synthetic textile waste, uncontrolled water consumption, increased carbon dioxide emissions, chemical contamination, and labor exploitation are some of the major issues that have led to existential questions on environmental justice and sustainable development. This paper critically analyzes the intricate relationship between fast fashion and environmental justice within the scope of the United Nations' Sustainable Development Goals (SDGs). The research will focus on the impact of the fast fashion industry on the attainment of specific SDGs, which include responsible consumption and production, climate change, access to water and sanitation, decent work, and sustainable communities. The topic will be expanded on by examining how adequate current laws on the environment, international environmental law, corporate liability systems, and sustainability regulations are in governing the effects of the fashion industry. The paper will also explore the contributions that sovereign states, multinational corporations, consumers, and international organizations make to promote ethical fashion and sustainability in the industry. By critically analyzing the legal framework for environmental governance and sustainability, the paper will demonstrate the daunting legislative issues when considering the export-oriented economic development, consistent consumerism, and absolute environmental protection requirements. It can be concluded that in order to realize true environmental justice in fast fashion, extraterritorial environmental regulation, complete transparency of supply chains, compulsory corporate social

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responsibility, sustainable consumption practices, and implementation of global sustainability commitments in accordance with SDGs become a necessity.

Keywords *Fast Fashion; Environmental Justice; Sustainable Development Goals; Climate Change; Environmental Governance.*

I. Introduction

Fashion is not merely an isolated aesthetic or economic phenomenon; it is, as the French historian Fernand Braudel astutely observed, the very orientation of civilisation itself.³ However, in its current incarnation, the accelerated fast fashion industry, the global clothing industry has become one of the most damaging and polluting industries in the modern-day global economy. Fast fashion is defined as the quick production process of cheap, trend-based clothing that mercilessly shrinks the production period from seasonally based periods to a near-constant supply of fresh micro-seasons, psychologically persuading consumers to buy more, wear less, and dispose of clothes faster.

To comprehend the enormity of this ecological disaster, it is necessary to trace the history of clothing. Clothing production in ancient times was a process that required much manual effort and involved natural fabrics.⁴ Since clothing manufacture required immense human effort, clothing had inherent value that made it well-maintained. Stylistic obsolescence was an elitist luxury and could be considered as conspicuous consumption, as coined by sociologist Thorstein Veblen.⁵

This equation underwent a drastic change in the latter half of the twentieth century, leading to the birth of the fast fashion model. Developed by Western retail giants, the model revolved around the ultimate maximization of efficiency, minimization of costs, and exponential increase in the rate of stock turnover. The long-drawn process of designing clothes and selling them was ruthlessly minimized. Firms developed logistics systems that allowed them to track fashion trends from catwalks, create cheaper imitations using synthetic materials, and transport them across the globe in a matter of weeks. This became financially feasible due to extensive outsourcing to nations in the Global South at extremely cheap labor rates.⁶ Indeed, today, the industry has grown to an unbelievable macroeconomics level. The international fashion industry has become worth about USD 1.7 trillion, which constitutes one of the central pillars for

³ F. Braudel, *Civilization and Capitalism, 15th-18th Century, Vol. 1: The Structures of Everyday Life* 311 (Harper & Row, 1981).

⁴ E.W. Barber, *Prehistoric Textiles: The Development of Cloth in the Neolithic and Bronze Ages with Special Reference to the Aegean* 45 (Princeton University Press, 1991).

⁵ T. Veblen, *The Theory of the Leisure Class* 112 (Macmillan, 1899).

⁶ A. Brooks, *Clothing Poverty: The Hidden World of Fast Fashion and Second-hand Clothes* 54 (Zed Books, 2015).

globalization and free trade in the international business environment, having more than 300 million employees.⁷ The ready-made garment industry plays the role of the unquestionable pillar of economic growth and poverty reduction in the context of developing countries, especially in South and Southeast Asia. However, behind the tremendous economic advantages lies the looming environmental disaster. The United Nations Environmental Program (UNEP) unequivocally states that the fashion industry is the second-largest user of water resources on Earth and one of the most significant systematic polluters of freshwater sources. Additionally, it generates around ten percent of worldwide carbon dioxide emissions annually, which is more than all aviation and marine shipping emissions combined.⁸

The fashion industry on an international scale runs on a very destructive contradiction. By spurring economic growth globally, it is also one of the most pollution-prone industries in existence throughout history. The environmental destruction is carried out through many different layers simultaneously. Groundwater supplies are exhausted through the cultivation of cotton traditionally. Meanwhile, nearby water sources suffer from contamination caused by toxic chemicals released by dye factories, which go completely unchecked. The air becomes polluted with greenhouse gases due to the heavy consumption of coal and energy throughout production. Additionally, microplastics used to make polyester clothes leak into the ocean environment where they enter the food chain of marine life. Lastly, vast amounts of synthetic clothing waste are thrown away in unsealed landfills, where they produce methane and release toxins into the soil. Resolving the contradiction inherent in the fashion industry's immense economic impact and destructive power over the environment is what modern environmental law is all about.

II. Fast Fashion and Environmental Justice

In order to effectively evaluate the severe legal and environmental crisis created by the international garment industry, it is essential to view the matter from the perspective of environmental justice an important theoretical approach to understanding the issue. Environmental justice is a social, political, and legal approach that suggests that no particular group of people, whether it concerns race, ethnicity, class, or any other factor, should be burdened more heavily than others with adverse environmental impacts caused by industrial activities and government policies.⁹ What it calls for is an equal and fair treatment and participation of everyone in environmental governance, ensuring that the great

⁷ International Labour Organization (ILO), *Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries* 12 (2014).

⁸ United Nations Environment Programme (UNEP), *Sustainability and Circularity in the Textile Value Chain: Global Stocktaking* 15 (2020).

⁹ R. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* 24 (Westview Press, 2000).

economic benefits of development and the heavy ecological costs of degradation will be fairly shared by all members of humanity. Fast Fashion is an economic model whose very nature represents the total opposite of Environmental Justice. Fast Fashion rests on the principle of environmental unequal exchange, a structure which enables developed countries to dump all their environmental impacts on developing nations through the consumption of large amounts of clothing products.¹⁰ The system is highly fragmented, extremely secretive, and intensely subcontracted in its transnational production chain. The apex global brands that are based in rich consumer nations such as Europe and North America end up capturing the vast majority of economic value and profit associated with brand equity and retail sales. At the same time, the massive, horrific impact on the environment and nature poisoned waterways, severely depleted aquifers, toxic air pollution, and dangerous, abusive work environments is geographically specific and falls exclusively on those poor, disadvantaged communities located at the bottom end of the manufacturing process chain.

This environmental inequality is perhaps best illustrated by the wet processing stage of garment manufacturing. In Indian garment manufacturing centers such as Tirupur (Tamil Nadu), Ludhiana (Punjab), or Pali and Balotra (Rajasthan), the continuous dumping of raw synthetic azo dyes, toxic heavy metals, and harmful bleaches and other pollutants has utterly devastated riparian ecosystems throughout southern India.¹¹ Locally marginalized agrarian societies have completely been denied their rights to safe and potable water. They have been left with infertile land covered in toxic waste that exposes them to the heavy physical and economic burden resulting from such an industry geared towards manufacturing inexpensive clothes for international customers. Money is made in the Global North, whereas toxic substances are left behind for eternity in the underground water sources of the Global South. Such acts of destruction are violations of the right to environmental safety, where only those without any political or monetary power can be affected.

Finally, environmental injustice also extends to the last stage of the fast fashion life cycle, which is the terminal, final stage. Through the mental manipulation of the planned obsolescence model, the rich consumer market generates more waste from synthetic clothes that is unmatched and unprecedented in history. The waste problem is not handled locally but instead, millions of compressed bales of fast fashion waste are shipped to the poor world.¹² The transnational practice is often carried out under the guise of donations or recycling of used clothing that are highly profitable and yet thinly disguised practices. In essence, due to the poor

¹⁰ A. Hornborg, *Ecological Unequal Exchange and the Micro-structure of Globalized Production*, 17 *Journal of World-Systems Research* 25, 28 (2011).

¹¹ R. Kant, *Textile Dyeing Industry an Environmental Hazard*, 4 *Natural Science* 22, 24 (2012).

¹² K. Fletcher, *Sustainable Fashion and Textiles: Design Journeys* 115 (Routledge, 2nd ed. 2014).

quality of materials that make up fast fashion clothing, much of what goes on to be exported ends up being non-biodegradable waste products that overwhelm the poorly developed waste management systems of the countries where these items end up. Examples of such places include the huge market place in Accra, Ghana, or even the vast textile dumping grounds found in the Atacama Desert of Chile.¹³ The artificially made, large mountains of imported garbage are often a source of spontaneous, extremely dangerous landfills, where poisonous fumes from synthetic products suffocate the nearby, impoverished population. Moreover, these synthetic rags create severe blockages within the water bodies, resulting in urban flooding and outbreaks of vector-borne diseases.

Such widespread, internationally tolerated policy is now correctly termed *waste colonialism*.¹⁴ This is the direct transference of the toxic aftermath of Western overconsumption onto the poorest, most underprivileged peoples of the world. In such a way, the people of these recipient countries receive none of the economic rewards from the retail operations that occur within the fashion sector while being forced to endure all of the environmental destruction that this process generates. As such, resolving the fast fashion problem cannot be reduced to technical improvements in terms of increasing the water efficiency in the production process or decreasing carbon emissions by small margins; instead, this is an inherently human rights issue. Solving the problems of environmental injustice demands an entire restructuring of environmental international law that destroys the structure of the ecological unequal exchange.

III. Sustainable Development Goals and the Fashion Industry

The UN formulated the 2030 Agenda for Sustainable Development in 2015, which comprises seventeen interconnected Sustainable Development Goals that serve as a normative guide to inclusive and sustainable development by the year 2030.¹⁵ The fast fashion industry, underpinned by the antiquated paradigm of linearity in its economic framework, is at odds with achieving multiple SDGs from the start. Indeed, upon analyzing the interplay of these international standards of sustainability and the practical operations within the fashion industry, one finds a fundamental disconnect in policy.

SDG 6: Clean Water and Sanitation SDG 6 requires access to safe water and sustainable management of water and sanitation for all, emphasizing improving the quality of water by significantly reducing pollution and eliminating the dumping of hazardous chemicals. The fashion industry directly defies SDG 6 because the production of traditional cotton is highly water-intensive. The huge

¹³ L. Joy et al., *Fast Fashion, Sustainability, and the Ethical Appeal of Luxury Brands*, 16 *Fashion Theory* 273, 276 (2012).

¹⁴ Brooks, *supra* note 4, at 67.

¹⁵ G.A. Res. 70/1, *Transforming Our World: The 2030 Agenda for Sustainable Development* (Oct. 21, 2015).

amount of freshwater used to grow cotton has led to the depletion of ancient underground sources of water on a global scale. In addition, the wet treatment process uses sophisticated cocktails of chemicals, such as heavy metals, formaldehyde, and azo dyes.¹⁶ In centers of industrial activity, where textile production is dominant, such toxic effluents are released regularly without much regulation into the river, rendering the water biologically lifeless. The contamination of water sources for drinking and agriculture makes it impossible to achieve the main objective of SDG 6, which is ensuring that vulnerable populations have access to clean water.

SDG 12: Responsible Consumption and Production SDG 12 serves as the central, defining theme for the entire global fashion industry, explicitly seeking to decouple economic growth from environmental degradation.¹⁷ Target 12.2 states that the sustainable management of resources should be achieved, whereas Target 12.5 aims to substantially reduce the production of wastes via prevention, reduction, reuse, and recycling. The absolute and complete opposite of these two fundamental aspects of sustainability is the economic and psychological model of the fast fashion industry. Fast fashion companies rely entirely on the psychological model of planned obsolescence to remain profitable.¹⁸

While the conventional approach towards manufacturing of clothing includes using durable materials and timeless designs, fast fashion brands introduce new microcollections almost every week. In the current time of ultrafast fashion, spurred by online stores such as Shein and Temu, algorithms continuously scour social media platforms for the latest microtrends to develop hundreds of thousands of various products that are posted on the company's website every day.¹⁹ The marketing and promotion of such clothing involve taking advantage of current trends in influencer marketing and gamifying the process of buying through online retail stores, thereby creating a highly ingrained consumerist culture. Such clothing is purposely made using the poorest quality of raw material and inferior methods of manufacture like poor stitching, loose threads, and thin cloth materials so as to minimize manufacturing costs.²⁰ This deliberate physical deterioration process obliges the consumer to dispose of the product quickly, continually engaging in the cycle of buying and generating unprecedented mountains of textile waste.

¹⁶ R. Kant, *Textile Dyeing Industry an Environmental Hazard*, 4 *Natural Science* 22, 24 (2012).

¹⁷ P. Leal Filho et al., *Circular Economy in Textiles and Apparel: Processing, Manufacturing, and Design* 112 (Woodhead Publishing, 2019).

¹⁸ K. Fletcher, *Sustainable Fashion and Textiles: Design Journeys* 115 (Routledge, 2nd ed. 2014).

¹⁹ S. Amed et al., *The State of Fashion 2023* 18 (McKinsey & Company, 2022).

²⁰ *Id.* at 22.

SDG 13: Climate Action Goal 13 sets forth an unambiguous appeal for immediate action to address climate change. Fast fashion functions as a self-reinforcing and mostly unchecked force causing climate change around the world. Synthetic fibers, which dominate production, are incredibly energy-intensive products. As completely dependent on fossil fuels for production, polymerizing and extruding them takes tremendous amounts of constant power, in addition to heat, which is generated from heavily polluting coal-fired boilers at the wet process stage in Asia.²¹ Consequently, the fashion industry accounts for an estimated ten percent of total global greenhouse gas emissions.²² An increase in domestic production quantities, crucial for achieving an international presence in the market, inevitably results in an increase in greenhouse gas emissions, thus undermining global efforts towards decarbonization and posing a direct threat to SDG 13.

SDG 14: Life Below Water The SDG 14 focuses on the conservation of the oceans, seas, and marine life, explicitly demanding that there should be a substantial reduction in the pollution of the sea from terrestrial sources. The deep-seated and economical use of artificial synthetic polymers by the fashion industry has become a dire threat to the achievement of this objective through the relentless production of microplastics. Microscopic pieces of plastic are shed by synthetic apparels when washed domestically using machines.²³ The reason being that such microfibers evade the conventional filtration systems utilized by cities, hence their continuous disposal into the oceans around the globe. Such microfibers absorb extremely harmful pollutants in the environment and end up being ingested unknowingly by a broad range of aquatic creatures, causing bioaccumulation of pollutants through the marine food web, endangering marine life on earth.

SDG 15: Life on Land The SDG 15 aims at conserving and restoring the ecosystems on earth, sustainable management of the forests, combating desertification, and reversing the processes of land degradation. The fashion industry endangers the attainment of this target via several avenues. Traditional cultivation of cotton poses a major threat to global soil degradation due to its effects on biodiversity and soil conditions.²⁴ At the same time, the ever-growing global demand for cellulose fibers, such as viscose, is fueling global deforestation, clearing out old, carbon-rich forests to make way for sterile

²¹ Quantis, *Measuring Fashion: Environmental Impact of the Global Apparel and Footwear Industries Study* 12 (2018).

²² United Nations Environment Programme (UNEP), *Sustainability and Circularity in the Textile Value Chain: Global Stocktaking* 15 (2020).

²³ I.E. Napper and R.C. Thompson, *Release of Synthetic Microplastic Plastic Fibres from Domestic Washing Machines: Effects of Fabric Type and Washing Conditions*, 112 *Marine Pollution Bulletin* 39, 42 (2016).

²⁴ Food and Agriculture Organization of the United Nations (FAO), *The State of the World's Land and Water Resources for Food and Agriculture* 112 (2021).

monoculture tree farms. Lastly, the millions of tons of textile waste dumped into uncontrolled landfills each year release poisonous contaminants into the soil.

IV. National and International Legal Frameworks

The enormous gap that exists between the massive size of the economy within the fast fashion industry and its extremely damaging externalities in relation to the environment requires an elaborate and complex legal response. Nevertheless, an examination of the current state of affairs shows that there is no coherent response to regulation in this area.

The Indian Legal Framework and Environmental Jurisprudence India holds a special importance because it is amongst those countries that are one of the biggest manufacturers and users of textiles. Environmental protection in India is not something that comes from the legislation passed in India but rather forms an integral part of the constitution itself. It was only because of the wide interpretation of Article 21 of the Indian constitution, which talks about the basic right to life and personal liberty, that led to the development of environmental law in India.²⁵ While the ambit of the provision was initially limited to safeguarding the most basic requirement of survival from state authoritarianism, through a string of judicial decisions, the apex court has now extended the ambit of Article 21 to include the right to a clean environment as a part of the right to life enshrined in Article 21. The significance of this judgment is that it has provided citizens locus standi to challenge the menace of industrial pollution under Article 32 or Article 226.²⁶

To implement this right and frame guidelines for judicial interference, certain principles of international environmental law were incorporated by the Supreme Court in its functioning, especially the Precautionary Principle and the Polluter Pays Principle, which were legally accepted through the historic decision of *Vellore Citizens Welfare Forum v. Union of India*.²⁷ The significance of *Vellore* case is especially important for this paper because it was specifically concerned with the massive amount of pollution caused by the discharge of tens of millions of liters of untreated waste by the leather tanning companies and the textile dyeing factories into Palar River, which led to the devastating contamination of groundwater in Tamil Nadu. According to the Precautionary Principle formulated by the Court, both the state and other authorities must anticipate and prevent the very origin of such environmental damage, despite scientific uncertainty.

²⁵ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

²⁶ Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India* 245 (Oxford University Press, 3rd ed. 2022).

²⁷ *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

With regard to the phenomenon of fast fashion industry, the strict implementation of the Precautionary Principle will put an enormous burden of proof upon the industry itself because of its use of numerous hazardous chemicals, including suspected mutagens and carcinogens.²⁸ However, the producer should convincingly demonstrate that their waste is non-toxic prior to releasing it. However, due to the unstructured nature of the fast fashion supply chain which involves unlicensed third and fourth-tier dye manufacturers, it is possible to totally circumvent this constitutional obligation.

Additionally, the current legislative structure, which largely includes the Environment (Protection) Act, 1986; the Water (Prevention and Control of Pollution) Act, 1974; and the Air (Prevention and Control of Pollution) Act, 1981, was established years before the notion of fast fashion came into existence.²⁹ Such statutes create a traditional command-and-control system that does not take into consideration unique challenges associated with the environment posed by fast fashion. The focus is on the local factory as opposed to the entire macroeconomic supply chain system, and there is no requirement for EPR (Extended Producer Responsibility). Moreover, voluntary initiatives launched by the government, such as the Sustainable Resolution project (SUURE), are not legally binding and do not enforce decarbonization in smaller textile factories.

International Legal Frameworks and Global Treaties In terms of international regulation, there is a heavy dependence on treaty agreements that have significant jurisdictional weaknesses in the context of transnational supply chains. The UNFCCC, along with its follow-up Paris Agreement, represents the peak binding architecture in relation to climate regulation on a global scale.³⁰ The binding agreement of the Paris Agreement operates through decentralization in which NDCs constitute the core of each nation's contributions. For example, the government of India revised its NDCs in 2022 and decided that the emission intensity of the Indian economy will be reduced by forty-five percent by 2030 leading to the highly ambitious plan of achieving net-zero emissions by 2070 known as Panchamrit.³¹

Nevertheless, the legal structure governing the Paris Agreement rests on an underlying premise that is rooted in territorial accounting. As such, a huge regulatory loophole emerges in relation to international production and consumption. Within the stringent reporting procedures of the UNFCCC, emissions can only be allocated to the territories in which the production and

²⁸ Divan and Rosencranz, *supra* note 12, at 260.

²⁹ The Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986 (India).

³⁰ Paris Agreement to the United Nations Framework Convention on Climate Change art. 2, Dec. 12, 2015, T.I.A.S. No. 16-1104.

³¹ Government of India, *India's Updated First Nationally Determined Contribution Under Paris Agreement 2* (2022).

burning take place.³² Thus, the substantial carbon debt resulting from the energy-intensive processes involved in spinning, weaving, wet processing, and production is exclusively held against the carbon stock of developing industrial nations such as India and Bangladesh. The carbon debt is not held by the consuming states of Europe and North America, nor the multinational corporations in these regions responsible for causing such pollution through their mathematical calculations.

As a way of filling the considerable gap within state-based treaty law with regard to holding corporations accountable, the UN Climate Change Secretariat came up with the Fashion Industry Charter for Climate Action. As a non-binding initiative, this charter aims to align the fashion industry with the Paris Agreement goals by pledging net-zero emissions by 2050.³³ Nevertheless, in the absence of stringent sanctions, laws and liabilities within the supply chains, these types of initiatives often become nothing more than elaborate methods of greenwashing by companies and fail miserably in addressing the escalating impact of fast fashion on the environment.

V. Conclusion and Suggestions

In summary, the comprehensive analysis provided throughout this paper has thoroughly explored the catastrophic impact that the fast fashion global macroeconomic framework has on the ecosystem. The study has analyzed how inadequate the current Indian environmental legislative approach remains because of its inability to move beyond the old command-and-control model and has investigated how the trend toward more innovative extraterritorial regulations continues to evolve in international legislation. This research makes it evident without a doubt that the uncontrolled development of the fast fashion economic model is a serious environmental threat for the textile sector; however, it also poses an existential threat to the attainment of the United Nations Sustainable Development Goals (SDGs).

As India is situated at the highly important juncture point of the current fast fashion global problem because it serves as the principal producer of fast fashion apparel for the rich industrialized countries in the Global North while developing into a booming market itself, this issue cannot be ignored any longer.³⁴ Environmental law jurisprudence is neither a rigid nor a homogenous monolith, but rather a highly dynamic entity that must reflect the most profound principles of a society and its existential fears.³⁵ The international legal regime has

³² M. Doering, *Global Value Chains and Climate Change: The Governance of Scope 3 Emissions*, 30 *Review of European, Comparative & International Environmental Law* 245, 248 (2021).

³³ UNFCCC, *Fashion Industry Charter for Climate Action* 3 (2018).

³⁴ P. Leal Filho et al., *Circular Economy in Textiles and Apparel: Processing, Manufacturing, and Design* 112 (Woodhead Publishing, 2019).

³⁵ R. Lazarus, *The Making of Environmental Law* 145 (University of Chicago Press, 2004).

continued for many years to remain eerily silent about the issue of unprecedented destruction of the environment caused by the fashion industry, seeing the destruction of nature simply as an unfortunate yet necessary consequence of the free market economic order in today's world. In truth, the law has fully played a role in making it possible for the conversion of what used to be a very essential, durable product of human ingenuity into masses of very disposable, extremely toxic hazardous waste. It has become increasingly evident through this study that the fast fashion macroeconomic paradigm is fundamentally flawed from a strictly environmental perspective. It runs counter to the SDGs, contributing directly to the depletion of vital sources of fresh water, accelerating the climate crisis, poisoning our oceans with artificial microfibers, and causing mountains of plastic textile waste in underdeveloped nations.³⁶ The existing Indian legal system, which is based on an outdated and localized model of command and control, is now rendered entirely unable to regulate such a complicated and legally ambiguous system, especially since it is transnational.³⁷ The classical form of environmental injustice in law that is solely focused on prosecuting the poorest and weakest sub-contractor at the very bottom of the supply chain, while providing complete legal immunity to the top global brand that prescribes the very terms of such a production process, is wholly unjustified in its environmental justice context.

Suggestions for Legal Reform

The path towards realizing environmental justice and sustainability in the fashion industry will require a drastic change in the laws governing it locally and internationally. There exists a pressing need for the implementation of laws which are geared towards the peculiarities of the fast fashion industry. The five recommendations highlighted below provide guidelines towards this process:

- 1. Enactment of a Specialized Fashion Sustainability Statute:** The Indian legislature must enact an *Indian Fashion Sustainability and Circularity Act*. The law must ruthlessly lift the corporate veil through legal tools such as strict joint and several liability.³⁸ This will mean that global and local brands that stand on top of the supply chain will have to fully consider the grave environmental impacts associated with their strategy of planned obsolescence in an obligatory, legal manner. By ensuring that market access is conditional to the environmental compliance of its deepest third- and fourth-tier subcontractors, the state will succeed in shifting corporate conduct from voluntary social responsibility to legal obligations.

³⁶ United Nations Environment Programme (UNEP), *Sustainability and Circularity in the Textile Value Chain: Global Stocktaking* 15 (2020).

³⁷ Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India* 245 (Oxford University Press, 3rd ed. 2022).

³⁸ E. Maitre-Ekern, *The Choice of Regulatory Instruments for a Circular Economy*, in *Preventing Environmental Damage from Products* 112, 125 (Cambridge University Press, 2018).

- 2. Implementation of Mandatory Extended Producer Responsibility (EPR):** It is imperative that a legally binding extended producer responsibility (EPR) regime tailored to textiles be introduced. Fast-fashion firms need to be legally compelled to account for the cost of disposal at the end of their garments' lifecycle. This EPR regime should incorporate a rigorous eco-modulation scheme involving heavy fines on unrecyclable synthetic mixes as well as azo dyes (malus) and subsidies on recyclable mono-materials made of natural fibers (bonus). What is more important, the legally earmarked money needs to be invested into recycling capacity and waste-picker organizations.
- 3. Proactively Challenging Overproduction and Planned Obsolescence:** The legislation itself must have the jurisprudence to counteract the economic law behind engineered overproduction. This includes legislating strict prohibitive statutes against the physical destruction, burning, or dumping of pristine surplus products in landfills.³⁹ Moreover, in order to counter the increasing menace of ultra-fast fashion platforms, which have gone digital and focus on speed, the government must levy harsh penalties on environmental charges that are calculated precisely for speeding up the manufacturing process and SKU velocity.
- 4. Mandating Absolute Digital Supply Chain Transparency:** To impose supply chain liability and authenticate environmental claims, it is imperative that the government mandates the use of a Digital Product Passport (DPP) for all apparel produced or exported from India. Using the existing Digital Public Infrastructure of India, each piece of clothing will come with a verified digital trace indicating the chemicals used, absolute water footprint, and production tier.⁴⁰ This radical transparency will eliminate information asymmetry, eradicate corporate greenwashing, and allow environmental regulators to deploy precise, data-driven enforcement.
- 5. Transitioning to a Binding UN Framework Convention:** Domestic unilateral reforms must also go hand-in-hand with international legislation. It is time for the global community to abandon the period of voluntary soft laws and move towards negotiating a United Nations Framework Convention on Sustainable Textiles.⁴¹ This agreement should lay out globally standardized and legally enforceable principles regarding the phasing out of extremely dangerous substances, impose tight quotas on the production of virgin synthetic plastics, and specifically revise the Basel Convention by labeling mixed synthetic textiles as hazardous waste, thereby putting a legal stop to the practice of waste colonialism towards the Global South.

³⁹ Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for setting ecodesign requirements for sustainable products, 2024 O.J. (L) 1, art. 25.

⁴⁰ S. Schmutz and E. Som, *Digital Product Passports: Enablers of a Circular Economy*, 15 *Sustainability* 112, 118 (2023).

⁴¹ P. Sands and J. Peel, *Principles of International Environmental Law* 234 (Cambridge University Press, 4th ed. 2018).

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