



# Fashion & Law Journal

MAY 2023

FASHIONLAWJOURNAL.COM

**BENEATH THE FABRIC:  
SHEDDING LIGHT ON THE  
UNSUNG HEROES OF FASHION**

**BEHIND THE HASHTAGS:  
UNVEILING THE ETHICS OF  
FASHION INFLUENCERS IN  
SPONSORED CONTENT**

**INDIA: FASHION FOR ALL  
AND ALL FOR FASHION**

**PROSTHETIC MAKEUP:  
A CASE FOR DESIGN  
PROTECTION**

**DEATH OF STREETWEAR 2.0**

**ARE YOU BUYING THE PRODUCT OR THE BRAND?**

Fashion & Law Journal | May 2023



# India: Fashion for all and All for Fashion

Radha Khera



## **Ethics, Diversity and Inclusion**

In the words of Verna Myers, ‘Diversity is being invited to the Party; Inclusion is being asked to Dance’. Two sides of the same coin, the concept of Diversity and Inclusion are the buzzwords globally. The endeavor of each industry is to be more fair, diverse and inclusive to appeal to consumer emotion, ever since ethics became significant to every business seeing a changing trend in consumer behavior. For millennials and GenZ, a brand’s value and worth is much more than its quality and repute – it is also what it does for its workforce, for the environment and for social issues. The Fashion Industry has in the past, set typical standards of beauty. However, much welcomed recent trends bend towards non-traditional ideas of beauty and standard when it comes to depicting fashion. Beauty lying in the eyes of the beholder stands relevant to the fashion industry in present times much more

than ever. Embracing a global movement on Diversity and Inclusion, the Fashion Industry in India is set to reinvent new ways of appealing to conscious consumers. From unconventional fashion shows, to diverse models walking the ramp, inclusive fashion and wide representation, Fashion designers are creating a new world – one that is for all.

## **Models as the face of Fashion:**

Despite a strong demand of plus-sized clothes globally, the fashion industry’s show-casing of collections traditionally were through XS sized models - an unsaid rule of ‘thinner the better’. To the extent that news of fad diets and starvation of models before fashion shows had countries across the globe revisit requirements of minimum Body Mass Index (BMI). A recommended BMI for women spans between

18.5 and 25 by the United Nations, with lower than 18.5 being perceived underweight, 18 as malnourished and 17 as severely malnourished. Research had that an average BMI of a runway model is 16, which is even below the severely malnourished indicator. Leading the fashion industry globally, Italy and France introduced laws early on to discourage excessively skinny models from walking the ramp. Through a nationwide campaign to curb eating disorders, the Italian government and Italy's fashion industry banned ultra-thin models and France introduced laws requiring medical certificates confirming Quetelet index/ BMI being in good measure. Spain and Israel too have such laws in place. Denmark on the other hand, introduced a Fashion Ethical Charter requiring that agencies signing up the charter provide annual medical check of models under 25 years of age amongst other things that also include healthy food at photo shoots.

India on the other hand, does not promote extremely skinny models as the face of their fashion. However, absent a size chart honouring Indian bodies, international sizing standards meant for western body-types are aped. Indian bodies fitting international standard sizes has a tendency to impact the required Indian body type. Having said that, some significant Indian Fashion Designers have been the voice of persisting concerns and set tone to change the way Indian fashion is viewed globally. In 2016 for example, Indian fashion designer Wendell Rodricks, known for his minimalist designs and organic clothing (at a time when minimalism and organic did not get the attention they do today) launched Indian Women's Size Chart at the Lakmé Fashion Week Winter/Festive 2016. However, despite the need to bridge the gap in the industry's requirements, the size chart was not adopted. Nonetheless at least one some inclusive fashion with plus size models walk the ramp without being an outcast from the focus of fashion.

Several leading designers now engage plus sized models as part of their advertisement campaigns. Even better, they seem to be making inclusive clothes including plus sizes running upto 6XL. However, what is also referred to by some as 'the fat tax', certain designers adopt the practise of charging an extra amount for plus sized clothes. Some perceive this as a subtle way

of body shaming as the industry is known to work on extensive margins on cloth pricing. Given this 'fat tax', is the industry really being inclusive by charging a premium or giving in merely to the need of the hour of promoting size inclusivity for moral fashion?

### **But darling, the moon has scars too – Fashion vs. Compassion:**

A joint-initiative 'INDIAsize' is underway between the Ministry of Textiles and National Institute of Fashion Technology to get an Indian size chart and bring India at pace with its fashion counterparts. Until that happens, call out for runway auditions on some prestigious modelling portals in India, may continue to indicate international standards of size 2-4, age bracket 18-25, with 'no obvious scars', and a relaxation of height requirement to 5.7 instead of 5.9 for models.

Despite the standards set for generic beauty when it comes to fashion, all is not lost in India for some designers cross comfortable borders to address social stigmas through their collection. After all, – isn't fashion really about depicting stories through clothes and emotions?. A Mumbai-based designer Archana Kochhar, had as show-stopper, an acid-attack survivor Reshma Qureshi, walk the ramp at New York Fashion Week. Promoting that beauty must not be objectified, the inspiration for such decision came through Reshma's campaign on 'Make Love Not Scars'. Acting also as a voice for violence against women, the global Fashion Industry has seen some spectacular shows one such being by the Designer Rick Owen that 'saw models carrying other models as human backpacks' to convey women supporting other women. India has been doing Fashion shows aiming to create awareness on social issues. Showcasing collections of designers such as Anju Modi, JJ Valaya, Rohit Bal amongst others, the Fashion Design Council of India (FDCI) partnered with a Non-Governmental Organisation – Tamana, to include the differently abled in the glamour industry. In the words of Coco Chanel, a fashion legend, "Every day is a fashion show and the world is a runway", the world then must be one that keeps fashion for all and all for fashion.

Since inclusivity isn't only in size, the industry's willingness to open the runway for all, including



transgenders ought to be applauded. When it comes to fashion, men seldom get the attention or credit they deserve for all the expectations set by the industry. We now live in an era of gender-neutral fashion where designers are ruling out stigmas by creating androgynous designs. More fluid than ever, the fashion industry is witnessing exciting times as it keeps pace with social issues that, while present since a long time, are finding new ways to be addressed through creative, bespoke fashion and conscious consumers.

### The Legal angle:

India does not have exclusive laws to protect models, however, some statutes do contain relevant provisions such as 'Equal Remuneration Act, 1976', 'Maternity Benefit Act, 1961', 'Indecent Representation of Women (Prohibition) Act, 1986 and so on. The Government of India recently took the initiative to define gig workers under 'The Code on Social Security 2020' aiming at promoting welfare of gig workers and may bring about some clear set of rights attributed to models.

When it comes to inclusivity and diversity in fashion, no specific laws are in place in India. However, several statutes and legislations make possible an anti-discriminatory co-relation. Guaranteed by the Constitution, the right to equality under Article 14, prohibition of discrimination on the basis of race, religion, caste, sex etc. under Article 15 and Right to life and liberty under Article 21, which has also been interpreted to include the Right to dignity and self-respect are some provisions that may be extended to inclusivity. A significant point here is that fundamental rights are generally enforceable against the state. However, in what appears to be a game-changer, the constitution bench of the Indian Supreme court earlier this year in the case of **Kaushal Kishor v. State of UP | WP (CrI) No. 113/2016**, ruled that fundamental rights under Article 19 and 21 can be enforced even against private persons. Apart from these, statutes such as Rights of Persons with Disabilities Act, 2016, the Equal Remuneration Act, 1976/ The Code on Wages, 2019, the Transgender Persons (Protection of Rights) Act, 2019, are few legislations that include



anti-discrimination provisions which though appear to be a far-fetched relief, may be invoked for discriminatory instances.

### Let's walk the talk:

Despite all that is spoken about, Diversity and Inclusion while the need of the hour, are yet to penetrate across industries in spirit. Changed perceptions and welcoming newer ways of depicting fashion by a few designers is not enough to change mindsets, which are influenced by years of conditioning. Although access to the internet and social media has facilitated the spread of awareness of social issues, much needs to be done to sustain the focus on D&I both by brand owners and law-makers. The British Fashion Council introduced a 'Diversity and Inclusion Steering committee' to allow fair representation of minority communities in the fashion industry. While the Fashion Design Council of India undertakes several initiatives encouraging fair and inclusive representation, perhaps set practices for all designers encouraging compliance to ethical norms may assist in escalating the initiative of diverse and inclusive fashion in India.

*Author is Managing Associate at Remfry & Sagar and Editorial Board Member at Fashion Law Journal*