

INTERNATIONAL JOURNAL OF LEGAL AFFAIRS AND EXPLORATION

Volume 3 | Issue 1

2025

Website: www.ijlae.com

Email: editor@ijlae.com

FASHION, CUSTOM AND SOCIETY: A CRITICAL SOCIO LEGAL ISSUE

Dr. Vijay Srivastava

***Associate Professor, Amity Law School, Amity University Madhya Pradesh
Gwalior.***

Naina Pathak

Student, Amity Law School, Amity University Madhya Pradesh Gwalior.

ABSTRACT

The core of this paper is to critically analyse how global fashion trends and the media have impacted Indian society particularly the youth leading to a gradual erosion of cultural pride in traditional attire, and a shift in gender norms and identity through clothing. Real-life case studies further expose discriminatory practices where individuals in traditional attire were denied entry into public spaces, underscoring the prevailing bias against Indian clothing in a modern context.

Through this work, I aim not only to highlight the ongoing cultural transformation but also to spark dialogue on the importance of balancing modernization with the preservation of our indigenous identity. I hope this paper contributes meaningfully to the academic and legal discourse on cultural rights and identity in an increasingly globalized world.

INTRODUCTION

Fashion has never simply been a means of self-expression—it is an expression of societal values, cultural identity, and changing norms. In India, a country full of textile heritage and diverse traditions of clothing, the force of globalization and Western influence has ignited a multifaceted transformation. Global fashion trends and media stories have profoundly

restructured Indian society, especially youth, in their perception of clothes, identity, and cultural pride over the last few decades.

Traditional clothes like sarees, dhotis, and kurtas—heralded as symbols of poise, modesty, and cultural fineness—are now increasingly regarded by younger generations as retrograde or old-fashioned. Western clothes are at times associated with modernity, gaudiness, and social advancement. This transformation is more than just a matter of clothing; it is indicative of altered cultural values, gender roles, and socio-economic aspirations. Mass media, commercialization, and social networks have boosted these ideals to create the pervasive aesthetic that discreetly marginalizes native fashion in favor of internationally accepted norms.

This paper critiques the ways in which such shifting attitudes towards apparel have led to increasingly greater disconnection from the cultural origins of India. Through the study of actual events—like people being refused access to public places for dressing in ethnic attire—the book reveals how dress codes might be used as instruments of exclusion, perpetuating elitism and cultural prejudice. The case studies highlight a disturbing fact: that even within a democratic, multicultural society like India, the freedom to dress according to one's tradition remains vulnerable to discrimination.

Legally and socially, the problem requires immediate self-reflection. Although modernization and globalization are unavoidable, they should not be at the expense of cultural depletion. This study seeks to investigate the socio-legal aspects of this cultural change, assessing the role of the law, education, and policy in protecting traditional identity while being inclusive.

RESEARCH OBJECTIVE

This research paper has the following objectives-

1. To examine the nature and extent of Western cultural influence on Indian society, especially in urban and youth populations including the GenZ.
2. To identify the areas where traditional Indian cultural practices have declined or transformed as a result of Westernization and Globalization.
3. To evaluate the role of Indian law in either supporting or resisting Western cultural norms and vulgarity arising out of western and pop culture in India,

4. To suggest policy frameworks for preserving Indian culture while accommodating global influences.
5. To evaluate the role of education systems in cultural transition, including how Western-style education may contribute to cultural alienation and whether curriculum reform is needed.

RESEARCH SCOPE

This research paper explores the influence of global fashion trends and media representations on the clothing preferences and cultural identity of Indian youth. It focuses on the shift away from traditional attire towards Western styles and the resulting impact on cultural pride, gender norms, and societal perceptions. The study includes real-life case studies of discrimination against individuals wearing traditional Indian clothing in modern public spaces, highlighting systemic biases. The scope also covers legal and social implications, aiming to encourage academic discussion and policy-level reflection on preserving cultural identity while embracing modernization in a globalized society.

RESEARCH METHODOLOGY

The current research is a qualitative, doctrinal, and analytical legal study, highlighting the interaction of Western cultural influences with the evolution of Indian cultural practices in the context of a legal framework. The study's analytical component is a consideration of how legal policy and legal systems have facilitated or opposed cultural change. It ultimately wishes to determine areas where there are gaps in current legal protections for Indian cultural identity and recommend reforms that can serve to balance cultural conservation with progressive legal tenets.

STATEMENT OF THE PROBLEM

In recent years, Indian society has witnessed a marked shift in clothing preferences, especially among the youth, due to the increasing influence of Western fashion, global media, and digital platforms. Traditional Indian attire, once regarded as a source of cultural pride and identity, is now often seen as outdated or impractical in urban and elite settings. This transformation has not only led to cultural alienation but has also exposed individuals wearing ethnic clothing to bias, exclusion, and even denial of access to public and private spaces.

Despite India's constitutional and cultural framework that values diversity and personal freedom, there remains a gap in legal and institutional mechanisms to address dress-based discrimination. Furthermore, there is limited awareness among younger generations about the historical, symbolic, and ecological value of traditional garments. This ongoing erosion of sartorial heritage threatens not just cultural expression but also impacts handloom industries, rural livelihoods, and India's intangible heritage.

Thus, there is a pressing need to critically examine the socio-legal implications of this cultural shift and to propose policies that support the coexistence of tradition and modernity in a globalized world.

HYPOTHESIS

This research paper rests on the following core hypotheses:

1. Westernization and globalization have made an impact on the perception of classic Indian wear, especially among the youth, causing its decline in daily use and a change in cultural identity.
2. Classic Indian wear is more considered as regressive or archaic, while Western wear is connected with modernity, being progressive, and social mobility, especially in urban and elite circles.
3. There exists a gap in law and institutions to protect cultural expression, such as attire-based discrimination, and hence there is limited remedy for those who are refused access to public or private areas due to their selection of traditional dress.
4. The supremacy of Western fashion and media portrayal has led to the loss of Indian sartorial heritage, not just impacting cultural pride but traditional handloom and craft-based economies.

RESEARCH QUESTION

1. How have global fashion trends influenced the clothing choices of Indian?
2. What role does media (social media, films, advertising) play in shaping perceptions of traditional versus Western attire among the younger generation?
3. To what extent has the preference for Western clothing contributed to the erosion of cultural pride in traditional Indian attire?

4. How do real-life cases of discrimination based on traditional dress reveal deeper societal biases within India's modern institutions?

LOSS OF CULTURAL IDENTITY AND HERITAGE

Bharat- a land defined by its vast cultural diversity, the push toward modernization has gradually distanced its people from their roots. Modernity today is often mistaken for abandoning one's own traditions in favour of adopting foreign ones. This mindset is not true modernization, but rather a precursor to the erosion of native values and practices. Culture is closely intertwined with a nation's social and economic structure, and thus, its decline has contributed not only to cultural loss but also to weakening the very framework of Bharat's societal and economic systems.

Since India's independence from British rule in 1947, the country has undergone profound transformations. One notable change is the growing influence of Western culture, which has weakened the sense of nationalism and diluted India's longstanding traditions. For instance, traditional clothing, once a staple in everyday Indian life, has seen a significant decline. Previously, people regularly wore region-specific garments crafted through time-honoured techniques using native fabrics such as silk, cotton, and wool. Every state had its own distinct style, reflecting its culture and climate. In contrast, Western apparel—jeans, t-shirts, and branded fast fashion—has now become commonplace, especially among urban youth. International brands like H&M and Zara have contributed to this shift, making Western outfits appear more fashionable and accessible. As a result, traditional wear is now often limited to special occasions or religious events. This change represents not just a shift in fashion but the fading of an important cultural symbol.¹

The dominant national and cultural identity that existed in India is currently being put to the test following British occupation. Westernization has now taken hold in all areas of Indian society, threatening the nation with its very existence. If India wishes to retain its unique and unreplaceable culture, it cannot allow Westernization to dominate its identity²

IMPACT ON THE YOUNGER GENERATION AND THEIR SOCIAL ATTITUDES

¹ CULTURAL EROSION IN INDIA: CULTURAL LOSS AND A THREAT TO THE NATION'S TRADITIONS AND ETHNICITY- By Senjuti Ghosh

² The Cultural Erosion of India Commentary – By The Phillipian

The influence of Western dress has also subtly altered how young people perceive cultural identity and self-expression. In multicultural and urban settings, Western fashion is often seen as a neutral or default mode of dress. Traditional attire, on the other hand, may be associated with cultural constraints or conservatism. For some youth, especially those raised in cities or exposed to global norms, wearing ethnic clothing can even invite judgment, stereotyping, or social discomfort. Peer pressure also plays a critical role. Fashion trends within social circles heavily influence clothing choices. In groups where, Western fashion is the norm, young people may feel compelled to adopt similar styles to fit in and avoid social exclusion.

Technology also plays a dual role in shaping how Generation Z engages with their cultural roots. While it offers powerful tools to share and preserve culture, it can also contribute to the decline of traditional beliefs and customs. Social media, in particular, connects young people worldwide but can encourage a homogenization of culture. Youth may adopt the values and behaviours of their online communities rather than those of their local environment. Ultimately, how technology impacts cultural retention depends on individual and community choices in using these platforms to either preserve or neglect their heritage.

THE VIEW OF WESTERN CLOTHING AS “MODERN” OR “PROGRESSIVE”

India’s clothing traditions are deeply rooted in values of modesty, spirituality, and identity. This idea of modesty originates from ancient texts like the Manusmriti, which associate female modesty with purity, respect, and honor. Such beliefs shaped how women dressed and how society viewed them. Clothing wasn’t just practical—it played a key role in expressing cultural values and maintaining social norms.

Revealing, vulgar or Western-style clothing is frequently seen as modern, bold, and a sign of confidence. This shift in perception is influenced by social media, pop culture, and changing fashion trends that equate modernity with Western appearance. As a result, wearing traditional attire is sometimes wrongly viewed as lacking style or progressiveness. This mindset reflects a deeper issue of cultural disconnect and the need to revalue Indian attire as elegant, empowering, and culturally rich.

CASE STUDY

1. GT World Mall Dhoti Incident (Bengaluru, July 2024)

70-year-old farmer Fakeerappa was refused entry into GT World Mall in Bengaluru in July 2024 for sporting a traditional dhoti, even though he held a valid movie ticket. Security personnel alleged a mall policy prohibiting dhotis and asked him to dress in pants. A clip of the episode became viral, with Fakeerappa and his son making supplications at the door, bringing public fury at the cultural and class discrimination.

Politicians, civil society, and farmer groups decried the act as an insult to Indian tradition. It was compared to leaders such as H.D. Deve Gowda, who celebrate wearing dhotis in public. BBMP reacted by giving orders to all the malls to ban dress discrimination, directing security personnel to undergo inclusivity training, and threat of license cancellation for default. The mall was also closed for seven days for non-payment of property tax, which added fuel to public criticism.

GT World Mall apologized, stating that there was no written dress code and attributed the incident to miscommunication amongst employees. The incident created national outrage regarding prejudices in public places, highlighting the need to respect cultural wear and uphold inclusivity in a multicultural nation like India.³

2. Dehradun: Senior Advocate Barred from Club

Manmohan "Kandwal," a nine-time former president of the Dehradun District Bar Association, in August 2023 was refused entry to the historic Dehradun Club for dressing in traditional Indian clothing—topi, kurta, and dhoti. The club invoked its dress code stipulation of collared shirts and trousers for male members. Kandwal protested that it was an affront to personal dignity and asked the question of why Indian clothing permissible within Parliament couldn't be tolerated in private clubs. He denounced the persisting colonial mindset and stressed that no rule of a club is superior to the Constitution.⁴

The incident had generated controversy because of outmoded dress codes, which discriminate against culture and show elitism on the part of private institutions. Although women can dress traditionally at the club, more stringent rules for men show gender and cultural bias. Kandwal's protest calls for such policies to be examined in order to bring about inclusivity and respect for India's cultural heritage.

³ India Times, The News Minute

⁴ The Times Of India

3. Aquila Delhi restaurant saree controversy

In September 2021, a woman was reportedly denied entry to Aquila, an upscale Delhi restaurant, for wearing a saree, which staff claimed didn't meet their "smart casual" dress code. A video of the incident went viral, sparking nationwide outrage and the trending hashtag **#SareeNotSari**. Critics argued that the saree, a respected traditional attire, should never be considered inappropriate. The **National Commission for Women (NCW)** intervened, requesting an official explanation and urging a police investigation. Meanwhile, the **South Delhi Municipal Corporation (SDMC)** issued a closure notice to the restaurant for operating without a valid health trade license and for poor hygiene.⁵

Aquila later apologized, stating the incident was a misunderstanding and that traditional attire is not banned by their policy. However, the damage to their reputation was already done. The incident reignited debate over dress codes, cultural respect, and inclusivity in public spaces, highlighting the importance of cultural sensitivity in modern urban India.⁶

CONCLUSION AND SUGGESTIONS

- Social media sites like Instagram and Facebook have become a powerful influence on today's youth, often valuing appearance, fashion, and public image through likes and followers. Although these platforms claim to restrict users under 18, teenagers can easily bypass these rules by creating fake profiles or entering a false age. Many parents, especially from rural backgrounds or with limited digital knowledge, are often unaware of what their children view online. This leads to teens being exposed to content that promotes Western lifestyles, immodest clothing, and materialism. Over time, such exposure can affect how they see themselves and behave, often clashing with cultural and family values.

To address the issue, a multi-layered approach is needed involving government regulation, parental guidance, education, and cultural awareness. The first step is enforcing age-verified access to social media in India. This could include requiring

⁵ Hindustan Times

⁶ DNP India

government-issued ID (like Aadhaar, school ID, or PAN card) and using AI tools to detect underage users. Social media platforms must also display content warnings, like A/UA ratings, on posts not suitable for children. Strict penalties should be imposed on companies that fail to follow these rules.

- Although it is correct that Article 21 of the Indian Constitution ensures the right to life and personal liberty, freedom of expression in appearance, however, this right is not unlimited it has limitations. As laid down in Article 19(2), the State can place reasonable restrictions on basic rights in the interest of - morality, decency, public order, and culture. But imposing legal controls in issues of dress needs to be done with caution, for it concerns individual freedom, gender equality, and contemporary definitions of freedom. However, any restriction must meet the test of reasonableness, necessity, and non-discrimination under constitutional. India has existing laws governing public decency:
 1. Section 294 IPC/ 296 BNS sanctions obscene acts in public.
 2. Sale and distribution of obscene materials are addressed by Section 292 IPC/ 294 BNS.

The State can also support voluntary dress codes in educational institutions, religious places, and public offices, communities - not through punishment, but through social consensus and local norms.

- The emergence of Western fashion brands such as Zara, H&M, and Levi's in India has significantly altered consumer behavior, especially among the youth. These global brands, backed by heavy investment and strong marketing, have gained widespread popularity, often being seen as symbols of modernity and status. In contrast, Indian traditional clothing start-ups—rooted in handlooms, Khadi, and regional crafts—struggle to gain attention and support. Several challenges contribute to this disparity: lack of investor interest, weak branding, limited retail presence, and a mindset that equates Western fashion with professionalism while reserving Indian wear for festivals.

To strengthen Indian traditional clothing start-ups, several steps can be taken. The government can launch dedicated grants or schemes under the Ministry of Textiles to support handloom and heritage-based ventures. Retail spaces and online platforms should reserve a portion of their space for homegrown brands, giving them more visibility. Investors should be encouraged—through tax incentives and CSR

initiatives—to fund cultural fashion start-ups. At the same time, these brands need to modernize their designs and marketing strategies to appeal to younger consumers. Globally, Indian fashion should be promoted like yoga or Ayurveda, with subsidies for international showcases and exports. Finally, educational institutions and workplaces can normalize traditional clothing through cultural dress days and awareness campaigns.

Reviving Indian fashion is not just about culture—it's a path to sustainable livelihoods, rural empowerment, and preserving heritage. With structured support from the government, investor recognition, and conscious consumer choices, India can lead the world in sustainable, ethical, and culturally rooted fashion.

- In earlier times, Indian women mostly wore traditional attire and focused on domestic roles, which society often undervalued. As women entered the workforce, Western clothing became associated with empowerment, professionalism, and confidence. However, over time, some began to equate bold dressing with empowerment, leading to cultural tensions and a decline in respect for traditional attire like sarees. Today, women wearing Indian clothes are often unfairly seen as outdated or less progressive, reflecting a deeper issue of cultural insecurity and Western dominance in fashion ideals. This perception harms cultural identity and creates pressure, especially on younger generations, to conform to Western styles for acceptance. True empowerment should be rooted in education, values, and self-respect—not just appearance. To address this, value-based education, media representation of role models blending tradition and modernity, cultural awareness campaigns, and responsible social media use are essential. Encouraging modest, culturally relevant dressing without moral policing, along with family and community involvement, can help restore pride in traditional wear.

Ultimately, women should be free to choose how they dress, but society must recognize that real empowerment comes from character, not clothing. Embracing both tradition and progress can help preserve cultural heritage while promoting true gender equality

- Young people tend to shun classic apparel not because they are disrespectful, but because they lack knowledge about its cultural and historical meaning. Fashion schools should educate fashion history, ethnography, and postcolonial theory to encourage

culturally aware design. Museums like Delhi's Handicrafts Museum and Ahmedabad's Calico Museum must modernize through interactive exhibits, AR/VR technology, and storytelling to better engage youth. Exhibitions should highlight tribal and regional clothing along with the rituals and traditions they represent. Government programs like National Handloom Day need to move beyond gestures of symbolism, such as pop-up fairs and press outreach. Campaigns need to highlight how handloom promotes rural livelihoods, is sustainable, and preserves cultural heritage.

REFERENCE

STATUTES

- Constitution of India

- Companies Act, 2013
- Indian Penal Code/ Bhartiya Nyaya Sanhita

ARTICLES

- CULTURAL EROSION IN INDIA: CULTURAL LOSS AND A THREAT TO THE NATION'S TRADITIONS AND ETHNICITY- By Senjuti Ghosh
- The Cultural Erosion of India Commentary – By The Phillipian

WEBSITES

- <https://indianculture.gov.in/timeless-trends/history-clothing-ancient-india>
- <https://timesofindia.indiatimes.com/india/doon-lawyer-in-dhoti-denied-entry-to-club/articleshow/103115201.cms>
- <https://www.financialexpress.com/india-news/delhi-restaurant-clarifies-amid-backlash-for-denying-entry-to-woman-wearing-saree/2335992/>
- <https://phillipian.net/2025/02/21/the-cultural-erosion-of-india/>
- <https://groflexerp.com/indian-fashion-startups-advantages-of-combining-tradition-and-innovation-2/>
- <https://ijsser.org/more2024.php?id=75>
- <https://www.slideshare.net/slideshow/a-research-on-the-attitude-of-youth-on-fashion-25109160/25109160>

NEWSPAPER

- The Times Of India
- India Times
- The News Minute
- DNP India
- Hindustan Times