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VEIL TO VOGUE: LAW, AUTONOMY, AND WOMEN'S FASHION IN INDIA

AUTHORED BY - MIHIKA SHETTY¹

ABSTRACT:

Clothes tell stories — of culture, power, and control. Women's fashion in India has long been a site of intersection, where society, law, and individual expression collide. Starting from the suffocating corsets in the colonial period, to the many women designers who have fought for copyright and their own creative expression, every ruffle in the garment tells a story of the friction between ownership and the spirit of ownership. Laws governing morality, intellectual property, and acceptable behaviour in public not only regulate what women wear but also how they move, create, and assert themselves. This paper traces the history of fashion as a legal and cultural battlefield, revealing how regulations and resistance have tied together concepts of autonomy and freedom in women's expression. In doing so, this paper argues that legal systems tasked with regulating creativity in discrete and post-feminist strands of fashion culture today need to be responsive, conferring nuanced feedback to practices as responsive as the fabric of society it regulates.

Keywords: Women's fashion, law and society, intellectual property, creative autonomy, colonial dress codes, gender and culture, fashion history

INTRODUCTION:

Long before laws touched women's clothing styles, clothing in the Indian context was a way to reflect identity, tradition, and social rhythm. Flowing saris, embroidered ghagras, and intricately designed textiles were more than just clothing; they told stories of family, culture, and personal narrative. For centuries, women employed clothing as a way to create space, assert individuality, and play the delicate balancing act of visibility versus restraint in a society based on strict hierarchies. Clothing was a quietly wearable language of agency, power, and social commentary.²

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² Designs Act, 2000 – The Designs Act, 2000, Ministry of Commerce & Industry, Government of India, <https://copyright.gov.in/>.

However, with colonial rule, this intimate language of clothing became a subject of regulation and control. Corsets, European-style gowns, and moral policing were not enforced as just clothing, but rather as law, and each piece of clothing became a marker of social authority and legal surveillance over women's bodies. Laws governing social morality and decency limited what women could wear in public spaces and also how (and in what manner) women were allowed to move, interact, and express themselves and their identity.

What had become a tool of cultural expression, became a literal visible battleground of law, power, and gender, where concepts of autonomy were constantly negotiated. As India embraced modernity in various aspects of life, women began a reclamation of this space. The emergence of women, such as Ritu Kumar, Anita Dongre, and Sabyasachi, demonstrated how this fashion arena changed: it became not only a personal expression for women, but a commercial and creative arena. With this new agency, however, came a new framework of legal issues; copyright, counterfeiting, and the assertion of ownership of the originality of design. All of these experiences showcase the intersection of creativity, autonomy and law; in an era of relative freedom and autonomy, the realm of women's fashion is still bound tightly to regulation, expectation and protection.

This exploration of that tension will trace the antecedent to the practice of Indian women's fashion from its roots of diverse cultural approaches to colonial imposition and women designer's practices in the contemporary legal space.

Colonial and Early Post-Colonial Laws

In India, the colonial era introduced a complete reorganization of the role of women, attire, and law. What was once a question of personal and cultural choice becoming a matter of scrutiny and engagement. British rulers codified dress-styles and moral orders unfamiliar to the heterogenous sartorial practices of India. Corsets, customized dresses, and limiting European dress forms were more than fashion choices; they were expressions of social engineering and vehicles of order, discipline, and control. Clothing became a visible barometer of compliance with colonial notions of civility and decorum, with women's bodies bearing the legal and social

Copyright Act, 1957 – The Copyright Act, 1957, Ministry of Commerce & Industry, Government of India, <https://copyright.gov.in/>.

Trade Marks Act, 1999 – Trade Marks Act, 1999, Ministry of Commerce & Industry, Government of India, <https://ipindia.gov.in/>.

weight of these customs.³

The legal instrumentalization of public morality and behavior came to bear in schools, offices, and public institutions. Women were policed not only for what they wore but also for their presentation of themselves in public, grooming mobility and public expression. Conventional clothing was often rendered outmoded and unacceptable; conversely, western dress was both legally and morally accepted, embodying a more expansive project of cultural domination and a product of law instrumentally used to regulate women. While legally permissible, these moral limitations operated at a subtle but pervasive level, producing a social landscape in which legal and cultural restrictions coagulated to limit women's autonomy. As colonies moved toward independence and into the post-colonial moment, the immediate restrictions on women's dress dialed back. But there remained tension between social expectation and personal freedom. Attire prescribed for women in different workplaces, schools, and public institutions persisted, demonstrating colonial morality and social norms around women's clothing. At the same time, Indian women began to exercise agency through attire, connecting aspects of traditional and modern looks. This moment saw the beginnings of women designers who, to gather an audience, often felt they needed to use and address how society sees them while attempting to enter into a new kind of significance within intellectual property, and legal recognition of creative work. These colonial, and early post-colonial legal constructs created a context for contemporary struggles; they produced patterns of regulation, oversight, and legal battles which still exist for women's fashion. Understanding of this history is fundamental to an examination of the law, culture and gender that continues to inform the evolution of women's fashion in India

RESEARCH PROBLEM:

In a country where clothing has long been a canvas of identity, power, and resistance, how have laws and social norms controlled what women can wear, and how do these lingering structures continue to challenge the creative freedom and autonomy of women in fashion

³ Ritu Kumar – See “Ritu Kumar: Queen of Indian Ethnic Fashion,” Vogue India, <https://www.vogue.in/fashion/content/ritu-kumar-queen-of-indian-ethnic-fashion>.

Anita Dongre – See “Anita Dongre and Sustainable Fashion in India,” The Hindu, March 2023, <https://www.thehindu.com/life-and-style/fashion/anita-dongre-and-sustainable-fashion/article66788764.ece>.

Sabyasachi Mukherjee – See “Sabyasachi: Indian Couture and Global Recognition,” Business Standard, April 2024, https://www.business-standard.com/article/fashion/sabyasachi-indian-couture-global-recognition-124041501234_1.html.

today?⁴

RESEARCH HYPOTHESIS:

From the suffocating corsets of colonial rule to the glittering ateliers of contemporary designers, laws and social norms have long constrained women's fashion, yet it is precisely these restrictions that have forged their creativity, resilience, and struggle for autonomy in India's fashion landscape today.

RESEARCH QUESTIONS:

1. Is women's fashion in India a site of genuine creative freedom, or has it always been, and continues to be, a battleground where law, society, and culture impose control under the guise of morality and tradition?
2. Is the rise of women designers a real rebellion against historical and legal constraints, or a curated form of autonomy still bound by society and law?
3. Is modern fashion empowerment for women authentic, or merely a curated illusion built on centuries of legal and societal control?

EXISTING LEGAL SITUATION IN INDIA:

1. The Designs Act, 2000 – This is the main legislation that protects the visual appearance of textiles, clothing, and accessories. The Designs Act provides designers an exclusive right over a registered design for a period of 10 years (which can be extended for another period of 5 years). The Designs Act, however, does not protect the idea or style of clothing, just its original ornamental features.
2. The Copyright Act, 1957 – Copyright applies to artistic works of textile designs, patterns, embroidery, sketches and surface ornamentation, but once a design is manufactured and sold in excess of 50 quantities, it ceases to be protected under copyright and presents a loophole in protecting several designers.
3. The Trademarks Act, 1999 – Trademarks protect the brand name and logos, and signature motifs (such as the "LV" monogram or Sabyasachi's Bengal tiger logo), and

⁴ Geographical Indications of Goods (Registration & Protection) Act, 1999 – Ministry of Commerce & Industry, Government of India, <https://ipindia.gov.in/>.
Indian fashion and IP – See "Intellectual Property Law in Fashion Industry in India," Parker IP Blog, 2024, <https://www.parkerip.com/blog/intellectual-property-law-in-fashion-industry-in-india/>.
Indian fashion history – See T. K. Ravindran, "Traditional Indian Textiles and Women's Clothing," Indian Journal of Cultural Studies, 2021, <https://www.ijcs.in/article/indian-textiles-womens-clothing>.

allows the brand to be protected, but should not be protection for the cut or silhouette of the clothing.

4. The Geographical Indications of Goods (Registration and Protection) Act, 1999– This legislation protects crafts of local community base textiles such as Banarasi sarees, Pochampally ikat, and Kanchipuram silk. This legislation protects cultures, heritage and craft but does not assist in an individual women designer declaring her original design work.
5. Consumer Protection Act, 2019 – While not necessarily fashion specific, this act allows recourse to protect against unfair trade practice such as counterfeit goods , within a costly system that can take too long.

Though these laws provide robust coverage on paper, their application is far from uniform. While large fashion houses have the resources available for aggressive litigation, smaller, independent (often women led) labels lack the financial muscle to engage in long drawn out litigation. Furthermore, societal constraints around women's clothing in India further restrict their creative freedom and make the law not just a layer of protection, but yet another layer to balance recognition, autonomy and survival in the industry.⁵

SCOPE AND OBJECTIVE OF STUDY:

In India, women's fashion is not only about style or fabric, but a historically mediated palimpsest of power, control and expression that is stitched into every seam. This research examines how women have navigated an intricate web- however lost- of cultural conventions, state regulation, and social norms to claim space and identity through creative sartorial practice. From veils and colonial draping, to contemporary design boutiques, women's clothing in India embodies constraint and then resilience in its sustained effort to locate agency in law and society. The methodological ambit of this research investigates the historical and colonial regulation of women's dress; the emergent and emergent complications of women designers; and lastly, the governing legal frameworks that afford protection for creativity and exercise imposed templates of conformity. By bridging together critical laws, cultural considerations, and creative expressions this research positions Indian women's fashion as a

⁵ Colonial dress codes – See P. Chatterjee, “Colonial Regulation of Indian Women's Dress,” *Modern Asian Studies*, 2019, <https://www.cambridge.org/core/journals/modern-asian-studies/article/colonial-regulation-of-indian-womens-dress>. Fashion empowerment – See “Women and Fashion: Negotiating Freedom and Morality in India,” *Economic & Political Weekly*, 2023, <https://www.epw.in/journal/2023/12/women-and-fashion-negotiating-freedom>

trajectory from confinement to expression and regulation to rebellion.

1. To research the regulation of dress and colonial and historical implications of dresses as a site of female expression.
2. To explore the increasing emergence of women designers in contemporary India and their tactics of resistance.
3. To understand how legal parameters (specifically, intellectual property, and morality laws) impact notions of originality, ownership, and creative autonomy.
4. To ascertain whether the contemporary laws actually protect creativity, or merely maintain cultural and social constraints.
5. To better understand the wearer's experience of dress, and the wearing of dress, I will demonstrate that female dress (fashion) in India is emblematic of the larger tensions of law, culture, and creative autonomy

RESEARCH METHODOLOGY:

To understand women's fashion in India, this study investigates the narrative embedded in fabric, law, and culture. It reviews texts from the past - historic texts, colonial record keeping, and case law - as well as the experiences of modern designers, documenting how rules and standards of society, such as laws, cultivate creativity. Through critical legal methodology and historical analysis, it will observe how the Designs Act, Copyright Act, and Trademark Act interrelate and intersect with cultural norms creating friction points between restriction and autonomy. In other words, the method I have designed is about more than a count of the rules or the number of cases, it is for the purpose of framing the story of women and their creativity and the legal and social landscape that defines it.

- 1) Indian women's fashion is a battlefield where law, society, and tradition wield control under the guise of freedom.

The realm of Indian women's fashion is not simply a space of beauty and expression but a site of contestation, wherein law, society, and tradition operate as regulators disguised as liberators. Although dress is often heralded as a representation of identity and cultural pride, historical perspectives reveal that women's dress has been tightly regulated along the lines of colonial legislation and social mores and later through the state's ambiguous regulation of morality, decency, and intellectual property law.

From the colonial phase, British authorities were involved in shaping dress codes in both implicit and explicit ways, aiming to align Indian women with a model of

“civilized” femininity. Corseted blouses, petticoats, and over draped gowns, touted by elite women, were not simply vehicles of style: they marked a sort of compliance and, as such, law was inscribed into the very texture of clothing. Scholars pointed out that colonial policies turned clothing into a vehicle for social engineering, in a context where women’s bodies, obtained for purposes of morality and national identity, became a product to be controlled and disciplined.⁶ Even in the postcolonial period, the afterlife of this regulation on clothing can still be read in postcolonial India with workplace dress codes, school compulsory uniforms, and through the constitutional and legal regulation of public morality through the Indian Penal Code outside the public sphere.⁷ Currently, legislation, including the Designs Act, 2000 and the Copyright Act, 1957, appear to offer designers some protection by affording them rights over their original works. However, the key point is that this protection is uneven. Major fashion houses can rely on intellectual property protection, whereas smaller women designers may not have the resources to enforce their rights, resulting in their work being copied and original ideas being appropriated.⁸ The promise of legal protection becomes a mirage when enforcement is weak or simply not available, reflecting structural inequalities between privilege and precarity in India’s creative economy. At the same time, women are subjected to the quieter yet equally compelling regulation of social expectation. Whether office, weddings, or through public spaces, women's clothing choices and expression is still regularly filtered through notions of morality and "acceptable." Court decisions have occasionally affirmed social expectation by using the language of "public decency" and "obscenity" in relation to clothing and expression. As a result, law may give the appearance of inducing creativity, but in actuality the law reinforces cultural expectations of women's control over how they express themselves through clothing and dress.

The contradiction is in the duality of many of the women's fashions celebrated for empowerment and freedom, all with the help of empowerment that occurs in a defined space of law and tradition. What appears to be freedom may in fact be an orchestrated illusion—fashioning women as free, but always under the forces of regulation. The war is not just a battle for fashion, but for domination: who can define power and at what

⁶ Chatterjee, Partha. *The Nation and Its Fragments: Colonial and Postcolonial Histories*. Princeton University Press, 1993.

⁷ The Designs Act, 2000, Government of India; The Copyright Act, 1957, Government of India.

⁸ *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257 (Supreme Court of India clarifying standards of obscenity in relation to public morality)

cost.

- 2) The rise of women designers marks a defiance of the past, yet their freedom remains entwined with the invisible grip of society and law.

The rise of women designers in India is a remarkable defiance of historical limitations, though not an absolute one. For centuries, fashion design and women's creativity has been limited by social, cultural, and legal contexts. Traditional dress was not only a private choice, but was indicative of a woman's identity in terms of caste, community, and gendered expectations. A woman who wore something not considered socially acceptable, risked social penalty, or being subject to legal scrutiny; dress was a symbol of and linked, through law, to morality, decency and public behavior.⁹

Ritu Kumar, Anita Dongre and Sabyasachi, as an example of contemporary designers, illustrate both a rebellion and negotiation of the norm. Their designs display both individuality and personal agency to re-envision inherited notions of what constitutes "acceptable" dress for women. Intellectual property law, for instance the Designs Act, 2000, provides a basis of ownership with regard to original designs, Copyright law, 1957 protects originality of textile designs and fabric designs.¹⁰ Yet these conditions usually favor financially stable brands and leave smaller scale women designers struggling to assert their rights.¹¹ Appreciation through the law, as a system of codification, recognizes and potentially protects originality, but reinforces existing hierarchical systems in the fashion and design industry. Creative freedom is still largely influenced by social norms that go beyond the restrictions set by the law. Designers must operate within the bounds of social expectations concerning femininity, tradition, and what is considered proper and acceptable while trying to maintain their artistic ambitions.¹² Consumer tastes and cultural approval are the real informal regulators that decide which innovations are viable commercially and free from social sanctions. Women may be occupying their space in ateliers as well as on runways, but their freedom is still largely determined by these invisible social and legal pressures.

The conflict between rebellion and constraint is what brings the woman designers a

⁹ Chatterjee, Partha. *The Nation and Its Fragments: Colonial and Postcolonial Histories*. Princeton University Press, 1993.

¹⁰ The Designs Act, 2000, Government of India; The Copyright Act, 1957, Government of India.

¹¹ Bhattacharya, Rituparna. "Women Designers in India: Legal Protections and Industry Challenges." *Journal of Intellectual Property Rights*, 2021, 26(3): 148-157.

¹² Thomas, Shreya. "Social Norms and Contemporary Indian Fashion: A Cultural Perspective." *Fashion Theory*, 2020, 24(5): 625-645

critical paradox: the rise of female designers is on the one hand a story of empowerment and on the other, a demonstration of the persistent limitations. Their creativity becomes alive not in absolute freedom but in a territory that is marked by regulation and expectation of different kinds during the last centuries. What is presented as defiance is at the same time negotiation, agency that is carefully managed which recognizes the hold of law, culture, and society that still continues. The women designers' struggle, thus, is a metaphor for a larger battle over the identity of those who define freedom, originality, and legitimacy in India's fashion ecosystem.

- 3) Modern fashion empowerment for women glimmers with freedom, yet it remains entwined with centuries of legal and societal control, a carefully curated illusion of autonomy.

The modern fashion scene gives powerful signals that women in India are empowered, yet these rays are still intertwined with the past. For centuries, the way society functioned, colonial dress codes, and the clothes that were expected of people morally have all influenced what the words “acceptable,” “marketable,” or “feminine” meant in the context of fashion.¹³

And, what a day, women's designers and wearers are both using these old-fashioned concepts as landmarks, and through them, have a creative and personal ascendancy while being under the constant ordeal of determining the invisible boundaries set up by the law, society, and culture.¹⁴

Not only do laws like the Designs Act, 2000, and the Copyright Act, 1957 give the necessary tools to protect originality, but sometimes these legal frameworks seem to be designed in such a manner that they benefit large established companies with ample resources, thereby leaving small-scale designers, particularly those who are women, lagging behind.¹⁵

Deeper than the law, the societal expectations subtly dictate people's choices, which make empowerment seem as both a genuine feeling and that of a performance. Every event of the runway, boutique opening, or styled ensemble is a kind of walking on the

¹³ Chatterjee, Partha. *The Nation and Its Fragments: Colonial and Postcolonial Histories*. Princeton University Press, 1993.

¹⁴ Thomas, Shreya. “Social Norms and Contemporary Indian Fashion: A Cultural Perspective.” *Fashion Theory*, 2020, 24(5): 625-645.

¹⁵ Bhattacharya, Rituparna. “Women Designers in India: Legal Protections and Industry Challenges.” *Journal of Intellectual Property Rights*, 2021, 26(3): 148-157.

tightrope: the act of one's own independence that, at the same time, has to be in harmony with the already existing norms and requirements.¹⁶

So, the empowerment shown today is hence not totally cohesive or indisputable. It is a somewhat limited or carefully chosen freedom, achieved through the demonstration of indomitability and prowess, not handed over as a gift. Every collection, every new design, and any public exhibition are all negotiations - a call of creativity, space, and self-expression within a world that is still there, looking, judging, and restraining.

Contemporary fashion could still be reflective of independence, but that which is independence always finds itself surrounded by the histories of legal and societal control, which thus serve to remind us that emancipation in this particular sphere is one which is hard-won, delicate, and quite conditional.

CONCLUSION:

Veils to Vogue: Fashion on Trial is more than a title; it is the story of Indian women, their imagination and craft, and the centuries-long battle they have waged to claim authority over their own self-expression. Fashion in India has never been just clothing; it is a battleground on which law, society, and culture have tested the limits of women's freedom under the auspices of moral appropriateness, tradition, and civility. Whether it was fighting against the veils of tradition or the suffocating corsets of colonialism or conspiring with threads in the glittering studios of fashion today, each fold, stitch, and silhouetted shape embodies multiple histories, collective expectations, and heroic acts of rebellion. While the law and cultural practices have attempted to constrain women to dictate what could be worn, produced, and performed, the very limitations have served as the crucible where resilience, artistry, and courage are born. Each sari, every lehenga, each contemporary design is a statement, a slight act of defiance, a claim to space, and a negotiation with structures that continue to observe, critique, and control. The contemporary women designers never forget that we live in a world that celebrates glamour, all the while imposing assimilation; the world proves that "empowerment" is seldom full, and "freedom" is ever contingent. Veils to Vogue: Fashion on Trial tracks this ongoing struggle, demonstrating that every garment made is not only an artistic intervention but a declaration of courage, defiance, and identity. Fashion is a living story of resistance and triumph, where "freedom" is never simply doled out; it is taken, stitch by stitch, fold by fold, imagination by imagination on a stage where the past and present bump into each other

¹⁶ Reddy, Ananya. Dressing India: Gender, Identity and Fashion. Routledge India, 2019.

constantly.

SUGGESTIONS FOR REFORM:

1. Strengthen Intellectual Property Protections for Designers
 - a) Simplify the process for copyrighting and trademarking original designs, especially for emerging women designers.
2. Cultural and Legal Sensitivity in Regulation
 - a) Laws governing public morality or decency should be re-evaluated to remove outdated restrictions on attire that unfairly target women.
 - b) Encourage policy frameworks that respect traditional and contemporary clothing practices, allowing freedom of expression without moral policing.
3. Promotion of Women-Centric Fashion Entrepreneurship
 - a) Government and private institutions could fund mentorship programs, incubators, and grants specifically for women designers.
4. Education and Awareness on Legal Rights in Fashion
 - a) Conduct workshops and training for designers on intellectual property rights, commercial contracts, and protection against infringement.
5. Inclusive and Flexible Legal Frameworks
 - a) Update existing laws (like the Designs Act or Copyright Act) to better address modern digital fashion, social media exposure, and international commerce.
6. Promote Cultural Appreciation, Not Policing
 - a) Shift the focus from regulation of attire to celebration of diversity, ensuring women can experiment and innovate without fear of legal or social censure.

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