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# THE RIGHT TO DISCONNECT: EVOLUTION, CONSTITUTIONAL ROOTS, AND SHIFTING INDIAN VIEWS

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## ABSTRACT

Digital communication tools have dissolved the boundaries that once separated work from personal life, creating a pervasive expectation of constant availability. In India, this problem is acute, and it has prompted legislative responses including the Right to Disconnect Bill, 2025, as well as regional policy efforts. Understanding these developments requires tracing the right's origins in global labour standards and examining how countries such as France and Australia have shaped the current debate. The arguments now forming in India find support not only in those foreign models but also in domestic constitutional values. Protection of health, rest, personal space, and emotional well-being all fall within the broad interpretation of Article 21, and they gain further strength when read alongside the Directive Principles of State Policy and Article 23.

This article identifies three persistent weaknesses in the 2025 measure: uneven treatment across industries, the absence of a minimum employee threshold for coverage, and the exclusion of informal and gig workers. Rather than a uniform regulatory framework, the better approach is a flexible one, shaped by sector-specific conditions, guided by a reasonableness standard, and introduced gradually so that businesses and institutions have time to adapt. The disconnection entitlement must ultimately become more than a statutory aspiration; it needs to be operational.

**Keywords:** Right to Disconnect, Article 21, Mental Health, Labour Law, Digital Labour, Constitutional Law, Work-Life Balance.

## 1. INTRODUCTION

Work once had clear limits. A person left the office and, more or less, was done for the day. That norm has collapsed. Messages arrive in the evenings, on weekends, and during holidays, not because emergencies demand it, but because digital tools have made contact effortless and, over time, expected. The gains in efficiency are real, but so are the costs. Personal time contracts under the quiet pressure to respond without delay. Mental strain accumulates where rest should be possible. And when silence begins to feel like neglect, something more fundamental, dignity in the relationship between employer and employee, starts to erode.

Scholars have linked what they call "tele pressure," the compulsion to respond instantly, to burnout and exhaustion.<sup>1</sup> The habits that digital connectivity reinforces are habits built around screens rather than recovery, and their sustainability is increasingly in doubt.

Nowhere has this tension been sharper, or more publicly debated, than in India. N.R. Narayana Murthy's endorsement of a ninety-hour work week set off a wave of commentary that has not fully subsided.<sup>2</sup> S.N. Subrahmanyam at Larsen & Toubro voiced support for mandatory Saturday work. Comments from Gautam Adani and others have added to the unease, while Bhavish Aggarwal has challenged conventional thinking about work-life separation altogether. Against these positions, figures like Namita Thapar have drawn attention to the power imbalance that makes such expectations coercive in practice: firms can demand, and workers often cannot refuse.<sup>3</sup>

The data gives this debate its urgency. Over half of working people in India spend at least forty-nine hours weekly on the job, far beyond international norms, and nearly three in four report feeling burned out.<sup>4</sup> The ILO places Indian workers among those with the longest hours in the world, averaging roughly 46.7 hours per week.<sup>5</sup> One recent study found that nearly nine in ten workers receive work-related messages after their scheduled shifts end, and many are contacted even when officially on sick leave or holiday.<sup>6</sup> What this describes is not an outlier problem. It is a systemic change in expectations: constant availability has come to signal dedication, even though it just as easily signals an absence of enforceable boundaries.

Laws and workplace policies establishing the ability to disengage after hours offer one response to this situation. Under such frameworks, employees may step away from work-related emails and messages after hours without facing professional penalties. These protections help reduce

stress and draw clearer lines between job duties and personal life, distinctions that digital work increasingly obscures.

This article proceeds in seven substantive parts. After examining the conceptual foundations of work, rest, and wellbeing in global legal frameworks, it traces how disconnection rights have developed across different legal systems. It then turns to India's legislative scene, covering both the 2025 national proposal and Kerala's regional initiative. A close reading of India's constitutional framework follows, showing why this entitlement is not simply good policy but arguably a constitutional mandate. The sixth section identifies the practical challenges the 2025 measure leaves unresolved. The seventh proposes a path forward, drawing on comparative experience to balance worker welfare with economic realities.

## **II. CONCEPTUAL FOUNDATIONS: WORK, REST, AND HUMAN WELLBEING**

Rest and leisure are not lifestyle preferences. They are conditions for sustained human performance and wellbeing. Leisure refers to time spent on activities chosen freely, whether hobbies, relaxation, or personal care. Rest denotes deliberate pauses from work that allow the body and mind to recover. Both serve distinct and essential functions: leisure supports emotional balance, while rest enables cognitive and physical renewal. When neither is adequately protected, the result is burnout, which the World Health Organisation has formally classified as an occupational phenomenon arising from unmanaged chronic workplace stress. The condition manifests as exhaustion, detachment, and declining effectiveness.<sup>7</sup>

These concerns have been part of international labour standards since the early twentieth century. The ILO's first major convention, adopted in 1919, established an eight-hour working day and a forty-eight-hour working week for industrial workers.<sup>8</sup> Subsequent agreements introduced minimum weekly rest periods and guaranteed paid vacation. The ILO has more recently noted that flexible scheduling arrangements, if not paired with clear boundaries, can actually increase overwork, and has called for formal rights allowing workers to disengage from job-related tasks after hours.

The Universal Declaration of Human Rights addressed this directly in 1948, recognising the right to rest, leisure, and reasonable limitations on working hours under Article 24.<sup>9</sup> The International Covenant on Economic, Social and Cultural Rights reinforced this in 1966 through Article 7, affirming entitlements to limited working time and paid leave.<sup>10</sup> Both

instruments ground these entitlements in human dignity rather than in productivity calculations.

Empirical work has reinforced the normative case. A 2017 joint study by the ILO and Eurofound found that remote and mobile work arrangements frequently produce isolation and burnout, and recommended that employees be permitted to block workplace communications during leave or outside working hours.<sup>11</sup> The WHO and ILO have separately documented the psychological costs of digital remote work, including social disconnection, mental fatigue, and low mood, particularly where screen time is prolonged.<sup>12</sup> Crucially, what drives worker exhaustion is not the volume of after-hours messages per se, but the unspoken expectation that responses are required. The mind cannot detach from work if it understands that availability is perpetually demanded.<sup>13</sup> The entitlement to disengage is the logical extension of these established labour protections into the conditions of contemporary digital work. Its foundation, as one commentator has put it, lies in securing workers against unreasonable demands on their time.<sup>14</sup>

### **III. EVOLUTION OF DISCONNECTION RIGHTS IN THE DIGITAL ERA**

#### **A. France: The First Legislative Recognition**

This entitlement first received statutory recognition in France. The El Khomri Law (Loi n° 20161088), adopted in August 2016 and in force from January 1, 2017, required companies with more than fifty employees to hold annual negotiations with worker representatives on the use of digital tools and their impact on rest periods.<sup>15</sup> The law did not prohibit after-hours emails or impose fines for noncompliance. Instead, it mandated structured dialogue to produce workplace-specific arrangements. This approach acknowledged that appropriate boundaries vary considerably across industries and roles, and chose negotiated outcomes over blanket rules.

#### **B. Expansion Across Europe and Beyond**

Other countries followed with varied approaches. Belgium passed initial rules in 2018 and strengthened them in October 2022, requiring companies with twenty or more workers to reach internal agreements on disconnection rights.<sup>16</sup> Portugal took a more prescriptive approach in Law No. 83/2021, prohibiting employers from contacting remote employees

outside working hours and imposing fines for violations.<sup>17</sup> Spain and Italy adopted comparable

national legislation. Ireland chose a nonlegislative route, issuing a statutory Code of Practice in April 2021 stating that workers may not face pressure to answer communications outside working hours, nor suffer consequences for refusing to do so.<sup>18</sup>

In January 2021, the European Parliament passed a resolution (472 votes to 126, with 83 abstentions) affirming this entitlement as fundamental to modern employment.<sup>19</sup> The resolution called on the European Commission to develop EU-wide minimum standards, framing the right not as a convenience but as a baseline protection. By mid2025, the Commission had reopened dialogue with labour and employer groups on equitable remote working conditions.<sup>20</sup>

### **C. The Australian Model: A Reasonableness Standard**

Australia's approach offers the most instructive model for India's purposes. The Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024 inserted a disconnection right into the Fair Work Act 2009, providing that employees may refuse to monitor or respond to employer contact outside of working hours unless the refusal would be unreasonable.<sup>21</sup> The provision covers communications routed through third parties as well as direct employer contact.<sup>22</sup>

Whether a refusal is unreasonable depends on several factors: the reason for the contact; its method; the degree of disruption it causes; the nature of the employee's role; whether additional compensation has been paid for after-hours availability; and the employee's personal circumstances.<sup>23</sup> When disputes arise, they are resolved internally before any external body intervenes. Only where internal processes fail does the Fair Work Commission have jurisdiction.<sup>24</sup> The Federal Court is currently examining the precise boundaries of this entitlement in ongoing litigation.<sup>25</sup> The obligation took effect for most employers in late August 2024, with small businesses given an additional year to comply. By mid2025, businesses with fewer than fifteen employees were also covered.<sup>26</sup> The phased implementation reflects a deliberate recognition that smaller organizations need more time to adjust.

### **D. Germany: The Voluntary Approach**

Germany represents the opposite end of the regulatory spectrum. German law does not provide employees with a legal right to disconnect. Instead, some firms have adopted disconnection policies through collective agreements or individual contracts. Volkswagen's internal

arrangement limiting email servers to certain hours is the most prominent example.<sup>27</sup> These voluntary measures demonstrate that meaningful boundaries can exist without statutory compulsion, but they also depend on employer goodwill, which cannot be assumed.

#### **IV. THE INDIAN LEGISLATIVE AND POLICY SCENE**

##### **A. The 2018 Proposal**

This concept entered the Indian legislative debate on 28 October 2019, when Supriya Sule, Member of Parliament, introduced the Right to Disconnect Bill, 2018, in the Lok Sabha as a Private Member's Bill.<sup>28</sup> The proposal sought to establish an Employees' Welfare Authority and create a legal entitlement for workers to ignore job-related communications after working hours. It included provisions for overtime pay and penalties for violations, but attracted criticism for definitional ambiguity. Parliament has not yet scheduled a substantive debate on the measure.<sup>29</sup>

##### **B. The 2025 Measure**

In December 2025, Ms. Sule introduced a revised version.<sup>30</sup> The 2025 iteration goes further than its predecessor. It grants workers an explicit legal right to disengage from work-related communications beyond scheduled hours, while allowing space for mutual agreements tailored to company or sector needs. It addresses unpaid overtime directly, extends its provisions to offsite and remote roles, and requires employers to provide access to mental wellness programmes. In presenting the draft law, Ms. Sule framed the problem not as a productivity issue but as one of restoring the personal boundaries that, with the advent of technology has steadily eroded.<sup>31</sup>

##### **C. Kerala's Regional Initiative**

In September 2025, Kerala introduced what would, if enacted, become India's first state-level law codifying employee boundaries outside working hours.<sup>32</sup> The draft protects private sector workers who decline to respond to job-related digital communications (including emails and calls) after hours, and makes clear that workers cannot be penalised with dismissal or loss of benefits for exercising this right. Its significance lies partly in its form: it is framed as an enforceable legal claim, not merely a policy recommendation.<sup>33</sup>

## **V. KEY FEATURES OF THE 2025 PROPOSAL**

### **A. Scope and Coverage**

The 2025 measure applies to employees whose roles require constant digital availability, even outside standard working hours.<sup>34</sup> It defines the disconnection entitlement as a legal right to ignore work-related communications sent after hours, regardless of whether those communications originate from a manager or a more senior executive.<sup>35</sup>

### **B. Protection from Disciplinary Action**

Employees cannot be disciplined for choosing to disengage outside working hours.<sup>36</sup> This provision directly targets the informal culture of obligation. That culture is rarely written down but consistently felt, and it compels workers to remain reachable long after their shifts have ended.

### **C. Employees' Welfare Authority**

The measure establishes an Employees' Welfare Authority tasked with developing a national framework for off-duty wellbeing.<sup>37</sup> The Authority's responsibilities include producing model charters, conducting research into technology use patterns outside working hours, and providing the policy infrastructure for implementing the right in diverse workplace contexts.

### **D. Charters and Workplace Policies**

Workplaces with eleven or more employees are required to develop a charter, negotiated with staff or their representatives, governing afterhours communication.<sup>38</sup> The charter specifies which communication methods are permitted outside working hours, identifies exceptional circumstances in which contact may be unavoidable, and sets out particular provisions for remote employees.

### **E. Overtime Compensation**

Where employees voluntarily work beyond scheduled hours, they are entitled to additional pay equivalent to their standard earnings.<sup>39</sup> This provision addresses the pervasive practice of expecting extended hours without compensation.

## **F. Welfare Measures and Compliance**

Employers must establish Employee Welfare Committees, run structured awareness programmes, provide access to counselling services, and implement digital wellbeing initiatives on a voluntary basis. Annual reporting obligations create accountability and allow for ongoing assessment of compliance.<sup>40</sup>

## **G. Penalties for Non-Compliance**

Failure to comply with the measure's requirements or with negotiated charters carries a financial penalty equal to one percent of total employee compensation.<sup>41</sup>

## **VI. CONSTITUTIONAL FOUNDATIONS IN INDIA**

This afterhours protection is not simply a statutory innovation. It has a constitutional basis. India's foundational legal framework provides strong support for recognising this entitlement through several interlocking provisions.

### **A. Article 21: The Right to Life and Personal Liberty**

The Supreme Court has interpreted Article 21 broadly and consistently, extending it well beyond physical survival to include mental health, human dignity, and the right to earn a living with respect. Early decisions emphasised existence with basic dignity. Later judgments deepened this understanding, recognising privacy as integral to personal liberty and affirming that individuals are entitled to protection from unwanted intrusion. Where work habits routinely invade personal hours, these constitutional guarantees become directly relevant.

#### **1. Health Care Access as a Human Right**

The Supreme Court has held that health protection forms part of the fundamental rights guaranteed by Article 21, read alongside Articles 39(e), 41, and 43. In *State of Punjab v. M.S. Chawla*, the Court affirmed that wellbeing falls within the scope of personal liberty.<sup>42</sup> In *CESC Ltd. v. Subash Chandra Bose*, the Court defined wellness as complete physical, psychological, and social balance, not merely the absence of illness.<sup>43</sup> In *Consumer Education & Research Centre v. Union of India*, the Court held that occupational health forms part of the dignity protected by Article 21, directing firms to maintain employee health records and treating access

to health care as a constitutionally protected entitlement.<sup>44</sup>

## **2. Mental Health Recognised as a Fundamental Right**

In mid-2025, the Supreme Court affirmed that mental well-being is a component of the right to life under Article 21.<sup>45</sup> In *Sukdeb Saha v. State of Andhra Pradesh*, the Court treated psychological welfare as embedded in constitutional rights and issued enforceable directives to educational institutions.<sup>46</sup> Since chronic exposure to after-hours digital contact (and the pressure to remain perpetually available) is causally linked to occupational anxiety, exhaustion, and emotional strain, this development substantially strengthens the constitutional argument for legally protected disconnection rights.

## **3. Dignity in Work and Respectful Job Environments**

In *Kirloskar Brothers Ltd. v. Employees State Insurance Corporation*, the Court held that health protection is required by the constitutional commitment to dignity at work.<sup>47</sup> *Bandhua Mukti Morcha v. Union of India* linked wellbeing directly to the right to live meaningfully.<sup>48</sup> *Occupational Health and Safety Association v. Union of India* grounded workplace safety in Article 21 and the Directive Principles.<sup>49</sup>

In 2020, the Supreme Court struck down Gujarat government orders that had extended working hours while eliminating overtime pay, finding that these measures violated the legal safeguards guaranteeing dignity in employment.<sup>50</sup> The Court reasoned that denying fair hours and overtime compensation subjects workers to conditions that amount to compulsion. That finding has a direct bearing on policies that impose after-hours availability without any form of compensation or consent.

## **4. Sleep as a Constitutionally Protected Interest**

The Supreme Court has recognised sleep as a component of the right to life under Article 21.<sup>51</sup> This means that a worker's recovery time is not simply personal preference but a legally protected interest. Employer demands that systematically intrude on rest periods (through messages, calls, or informal expectations of availability) are not constitutionally neutral.

## **B. Directive Principles of State Policy**

The Directive Principles provide additional constitutional grounding. Article 38 directs the

State to promote citizen welfare. Article 39 requires it to ensure sufficient livelihoods. Article 42 mandates just and humane conditions of work. Article 43 envisions a living wage alongside dignity in daily life, and Article 47 prioritises public health.<sup>52</sup> Read together, these principles create a constitutional obligation for the State to address work arrangements that compromise health and dignity. The disconnection entitlement falls squarely within that obligation.

### **C. Article 23: Prohibition of Forced Labour**

Article 23 prohibits forced labour. Though its application may seem limited to more obvious forms of compulsion, the Supreme Court in *Gujarat Mazdoor Sabha v. State of Gujarat* interpreted the provision broadly, treating poor workplace conditions not merely as regulatory failures but as constitutional violations.<sup>53</sup> Where employees are effectively required to work beyond their contracted hours (through informal pressure, fear of professional consequences, or the absence of any legal protection against afterhours demands), the compulsion that Article 23 was designed to prohibit is present in substance, even if not in form.

### **D. International Human Rights Law**

Article 51(c) of the Constitution directs the State to respect international law and treaty obligations. Read with Article 253, which grants Parliament power to legislate on matters covered by international agreements, this provides a basis for domestic legislation giving effect to disconnection rights. The relevant international instruments include the UDHR, the ICESCR, and multiple ILO Conventions, each of which recognises entitlements to rest, leisure, and limitations on working time.<sup>54</sup>

### **E. The Doctrine of Reasonable Accommodation**

Indian courts have developed the doctrine of reasonable accommodation primarily in the context of disability rights, treating it as a constitutional entitlement rather than merely a policy preference.<sup>55</sup> The underlying principle (that rights are not effective unless the conditions necessary for their exercise are practically available) applies in the context of disconnection rights as well. If employers are not required to adapt their communication practices, the legal right to disconnect remains theoretical for most workers.

## **F. Synthesis: A Constitutional Mandate**

The disconnection entitlement draws constitutional support from Article 21 (covering wellbeing, psychological safety, dignity, rest, and privacy) as well as Articles 23, 38, 39, 42, 43, 47, and Article 51(c). These provisions do not merely provide post hoc justification for the right. They constitute an affirmative mandate for the State to provide it. As digital connectivity increasingly colonises personal time, protecting the physical and psychological integrity of workers is not a policy option. It is a constitutional requirement.

## **VII.COMPARATIVE CONSTITUTIONAL JURISPRUDENCE AND INTERNATIONAL PRIVACY STANDARDS**

### **A. European Court of Human Rights**

The European Court of Human Rights has addressed workplace privacy in a series of decisions that illuminate the boundaries of employer authority over employee communications. In *Bărbulescu v. Romania*, the Court acknowledged that employers may monitor workplace communications in certain circumstances, particularly where internal rules have been violated and employees have been informed of the monitoring policy.<sup>56</sup> The case established that workplace privacy protections are not absolute. Context (including the nature of the employer's interest and the proportionality of the intrusion) determines the outcome.

More broadly, the Court's reasoning in *Von Hannover v. Germany*, though arising in a press freedom context, established strong protections for private life under Article 8 of the European Convention.<sup>57</sup> The principles articulated there (that individuals retain a reasonable expectation of privacy and autonomy in their personal time) are relevant to employment relationships. An employer's reach into an employee's personal life outside working hours is not categorically different from other forms of private life intrusion that Article 8 addresses.

### **B. Comparative Constitutional Jurisprudence**

Courts in other jurisdictions have directly addressed the question. In Colombia, the Constitutional Court framed the ability to step away from work as a matter of bodily integrity and personal dignity, linking adequate rest to the constitutional protection of the person.<sup>58</sup> This

reasoning aligns with the Indian Supreme Court's expansive interpretation of Article 21 and offers a useful comparative reference for Indian courts or legislators considering the constitutional status of disconnection rights.

## **VIII. IMPLEMENTATION CHALLENGES**

### **A. Absence of Sector-Specific Exemptions**

The 2025 measure's most significant structural gap is its failure to provide for sector-specific carve-outs. Healthcare, information technology, law, media, and emergency services all involve some degree of genuine around-the-clock operational need. Applying identical rules to a hospital on-call physician and a data entry worker treats fundamentally different situations as if they were the same. The proposal does not define what constitutes necessary after-hours contact in these contexts, nor does it address senior roles (executives, partners, lead engineers) where late-hour decision-making may be legitimately required.<sup>59</sup>

### **B. Uniform Applicability Across Diverse Economic Structures**

India's workplaces range from multinational corporations to family-run microenterprises. A regulatory framework designed for large, formal employers will fit badly when applied uniformly to small startups or traditional businesses with informal communication practices. In fast-moving sectors where adaptability is central to the business model, rigid requirements can create compliance burdens without delivering the intended worker protection.<sup>60</sup>

### **C. Lack of a Clear Minimum Employee Threshold**

Unlike comparable legislation in other jurisdictions, the 2025 proposal does not specify a minimum employee count below which its core obligations do not apply. France applies its rules to firms with more than fifty employees. Belgium sets the threshold at twenty. Australia began its phased rollout at fifteen.<sup>61</sup> The 2025 measure references workplaces with fewer than eleven employees only in relation to charter requirements, and even then, only as a procedural matter.<sup>62</sup> This gap leaves it unclear whether the substantive obligations apply to small businesses at all, and creates practical difficulties for both employers and enforcement authorities.

#### **D. Enforcement Difficulties**

Most of the pressure that workers feel to remain available after hours arises not from explicit policy but from unspoken cultural norms. The ILO/Euro found study noted earlier indicates that what depletes workers is not the quantity of after-hours messages they receive, but the implicit expectation that they must respond. That expectation is created by organisational culture, not by written instruction.<sup>63</sup> A statutory right does not, by itself, change that culture. Enforcement mechanisms designed to catch explicit violations will struggle to address the informal dynamics that actually drive overwork.

#### **E. The Informal and Gig Workforce**

The 2025 measure offers nothing to India's large informal and gig workforce. These workers, for whom platform-based availability is often a condition of continued income, face precisely the kind of structural compulsion the disconnection entitlement is meant to address. But they fall outside the proposal's scope entirely.<sup>64</sup> Any serious claim that the measure advances worker welfare must account for the workers it leaves behind.

#### **F. Need for a Graduated and Context-Sensitive Framework**

These challenges are not individually fatal, but they are collectively significant. A right that applies uniformly across diverse sectors, without clear thresholds, without sector-specific guidance, and without any mechanism for addressing gig work, risks being a formal entitlement that functions poorly in practice. Staggered implementation, sector-specific regulations developed through delegated authority, and an ongoing stakeholder consultation process could address many of these gaps. But these solutions must be built into the framework from the outset, rather than retrofitted later.

### **IX. THE WAY FORWARD: BALANCING WELFARE AND ECONOMIC REALITIES**

#### **A. Legislative Recommendations**

Legislative reform should combine clear statutory obligations with mechanisms for institutional adaptation. The following measures warrant consideration.

Employee thresholds should be defined and phased, following the models of France, Belgium,

and Australia, to give smaller businesses time to develop compliance capacity. Sector-specific regulations should provide defined exceptions for healthcare and other essential services where continuous availability is genuinely necessary. The measure should adopt Australia's reasonableness standard, requiring assessment of factors such as communication frequency, role type, compensation arrangements, and individual circumstances before a refusal to disconnect is deemed unreasonable.<sup>65</sup> Dispute resolution mechanisms should require internal resolution before any referral to the Employees' Welfare Authority, ensuring that the right is enforced consistently and at the appropriate level. Remote and off-site workers should be explicitly covered, consistent with Portugal's approach.<sup>66</sup>

### **B. Organisational Responsibility**

Statutory rights alone will not shift workplace culture. Organisations must develop clear communication norms and train managers to respect boundaries as a matter of leadership practice. Workers should participate in designing after-hours guidelines. Ownership of the rules is essential to compliance with them. Technical solutions, such as systems that delay or block work-related messages during designated off-hours, are more effective than written policies alone. Counselling and support services must be substantively accessible, not simply listed in a compliance document.

### **C. A Calibrated Approach**

India can draw on comparative experience to chart a course that respects both worker welfare and the realities of a globally integrated economy. The goal is not to limit output, but to ensure that digital tools serve the people who use them rather than colonising their private time without limit. Evidence from jurisdictions that have implemented disconnection rights suggests that the outcomes (better performance, improved mental health, stronger organisational cultures) justify the adjustment costs.<sup>67</sup>

### **D. The Role of Judicial Interpretation**

Even without legislative action, the disconnection entitlement may find shelter in existing constitutional doctrine. Courts interpreting established labour rights alongside Article 21 could impose limits on abusive after-hours demands. The Supreme Court's decisions expanding Article 21 to embrace wellbeing, self-respect, and fair job environments provide the doctrinal

foundation for such reasoning. Judicial action of this kind would not be an innovation. It would be a natural extension of principles the Court has already affirmed.

## **X. CONCLUSION**

Work today happens anytime and anywhere. Digital technology has made this possible, and in many respects desirable, but it has also created conditions in which personal time is systematically encroached upon. This encroachment occurs not by explicit demand but by the accumulated weight of cultural expectation. Indian workers are among the longest working in the world, burnout is widespread, and the expectation of after-hours availability has become so normalised that many workers no longer distinguish it from a formal job requirement.

The 2025 central Bill and Kerala's parallel initiative are meaningful responses to these conditions. They signal a legislative willingness to treat worker wellbeing as a legal entitlement rather than a private preference. And they are constitutionally well-grounded. Article 21, as the Supreme Court has interpreted it over decades, reaches questions of health, dignity, privacy, rest, and mental well-being. The Directive Principles and international human rights commitments reinforce this foundation.

But the proposal has real gaps. It does not address sector-specific needs, does not define minimum thresholds clearly, and leaves informal and gig workers unprotected. These are not minor technical defects. They are structural weaknesses that will determine whether the right functions in practice or remain symbolic.

The experience of France, Portugal, Belgium, and Australia shows that workable frameworks do emerge when drafters take these implementation questions seriously. The European Parliament has described disconnection not as a privilege but as a basic protection: a floor beneath modern working life that connectivity, however useful, must not be allowed to remove.

For India, adopting that principle would mean aligning legal innovation with constitutional values that are already embedded in its founding document. Whether the legal boundary between work and rest ultimately takes hold will depend not only on the quality of legislation, but on whether institutions (courts, employers, regulators, and workers themselves) treat it as a genuine entitlement rather than a discretionary benefit. That choice will determine whether the expansion of digital connectivity serves human beings or simply demands more from them.

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<sup>39</sup> Right to Disconnect Bill, 2025, cl. 9 (India).

<sup>40</sup> Right to Disconnect Bill, 2025, cl. 10 (India).

<sup>41</sup> Right to Disconnect Bill, 2025, cl. 12 (India).

<sup>42</sup> State of Punjab v. M.S. Chawla, (1997) 2 SCC 83, ¶ 8 (India).

<sup>43</sup> CESC Ltd. v. Subash Chandra Bose, (1992) 1 SCC 441, ¶ 24 (India).

<sup>44</sup> Consumer Education & Research Centre v. Union of India, (1995) 3 SCC 42, ¶¶ 24, 26 (India).

<sup>45</sup> Francis Coralie Mullin v. Adm'r, Union Territory of Delhi, (1981) 1 SCC 608, ¶ 6; K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1, ¶ 298 (India).

<sup>46</sup> Sukdeb Saha v. State of Andhra Pradesh, 2025 SCC OnLine SC 1234 (India).

<sup>47</sup> Kirloskar Bros. Ltd. v. Empls. State Ins. Corp., (1996) 2 SCC 682, ¶ 14 (India).

- <sup>48</sup> *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802, ¶ 10 (India).
- <sup>49</sup> *Occupational Health and Safety Association v. Union of India*, (2014) 3 SCC 547, ¶ 12 (India).
- <sup>50</sup> *Gujarat Mazdoor Sabha v. State of Gujarat*, (2020) 10 SCC 459, ¶¶ 45–46 (India).
- <sup>51</sup> *In Re: Ramlila Maidan Incident*, (2012) 5 SCC 1, ¶ 249 (India).
- <sup>52</sup> India Const. arts. 38, 39, 42, 43, 47.
- <sup>53</sup> *Gujarat Mazdoor Sabha v. State of Gujarat*, (2020) 10 SCC 459, ¶ 48 (India); India Const. art. 23.
- <sup>54</sup> India Const. arts. 51(c), 253; International Covenant on Economic, Social and Cultural Rights, art. 7 (1966).
- <sup>55</sup> *Vikash Kumar v. Union Pub. Serv. Comm'n*, (2021) 5 SCC 370, ¶ 43 (India).
- <sup>56</sup> *Bărbulescu v. Romania*, App. No. 61496/08, Eur. Ct. H.R. ¶ 121 (2017).
- <sup>57</sup> *Von Hannover v. Germany*, App. No. 59320/00, Eur. Ct. H.R. (2004).
- <sup>58</sup> Corte Constitucional, julio 2016, Sentencia T254/16 (Colom.).
- <sup>59</sup> *Bhushan & Kumar*, supra note 4, at 540.
- <sup>60</sup> *Digital Shackles*, supra note 14.
- <sup>61</sup> Code du travail art. L. 224217 (Fr.); Loi du 26 mars 2018 (Belg.); Fair Work Legislation Amendment Act 2024 sch 1, pt 5 (Austl.).
- <sup>62</sup> Right to Disconnect Bill, 2025, cl. 7 (India).
- <sup>63</sup> Eurofound & Int'l Labour Off., supra note 11, at 32.
- <sup>64</sup> *Bhushan & Kumar*, supra note 4, at 541.
- <sup>65</sup> Fair Work Act 2009 (Cth) s 333M(4) (Austl.).

<sup>66</sup> Lei n.º 83/2021 (Port.).

<sup>67</sup> Digital Shackles, *supra* note 14; Eur. Parl. Res. of 21 Jan. 2021, ¶ 1.

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