
AN ANALYTICAL STUDY ON THE RIGHT TO DISCONNECT WITH SPECIAL EMPHASIS ON INDIA'S RIGHT TO DISCONNECT BILL, 2025

Sai Prarthana M, School of Excellence in Law, Tamil Nadu Dr. Ambedkar Law
University, Chennai

ABSTRACT

The right to disconnect is the right of an employee to be unavailable and disconnect from work-related communication after the hours of employment. This right was introduced into India's legislative framework, by Bill No.51 of 2025 in the winter session of the Parliament of India which started in December, 2025. At its nascent stage, the right, as of now, is not legally enforceable, but the Bill surely, though slowly, is a harbinger of the right into India's framework. This article studies the various aspects of the right, by offering a multitudinous analysis with respect to the scientific repercussions of stress, depression and anxiety resulting out of over-work, cited by research papers to the right's recognition, enforcement and protection of the right in the international arena. The article studies the Bill in detail, starting with its aim and object to the establishment of an Employees' Welfare Authority to formulating charters which deal with the terms and conditions of employment to protect the welfare and mental, physical and emotional well-being of not only the worker employed, but also his family and dear ones who are dependent on him. The article concludes the present legal status of the Bill with respect to the enactment of the newly enforced labour codes with respect to its recognition, enforcement and protection.

Keywords: Right to Disconnect – Employees' Welfare Authority – Labour Codes – Charter – Article 14

I. INTRODUCTION

Globalisation surely has its own set of advantages – connections and contacts can not only be forged rapidly on a global scale, but they can also be maintained. Social-media platforms and other virtual communication channels, such as emails, messages and calls and applications such as WhatsApp and LinkedIn have paved the way to maintain and deepen personal and professional relationships. Within a professional space, although these platforms have birthed various transformative, innovative and pioneering employment opportunities which have paved ways for better standard of living and socio-economic life, sometimes in the pursuit of career enhancement, the importance which an individual gives to his own family or personal well-being take a backseat. Such practices usually have far greater and graver negative consequences, than positive and a legal endeavour which seeks to remedy the same is the Right to Disconnect Bill, 2025.

The Right to Disconnect Bill (No.51 of 2025) was introduced by Smt. Supriya Sule, Member of Parliament, as a private member's bill on the fifth day of the Parliament's winter session which began on 1st December 2025. It was introduced along with two other related bills on paid paternal leave and an amendment to the recently introduced, Code on Social Security, 2020 to recognise platform workers as a distinct category to guarantee a more sustainable environment and economy.¹ The Bill seeks to empower employees with the right to disconnect themselves from work-related communication beyond work-hours and on holidays and seeks to exonerate them from repercussions arising out of such unavailability by offering them protection against penalties.

II. RISE IN THE INCIDENCE OF WORK-RELATED STRESS

Work-life balance is extremely crucial not just for an individual's professional success and career growth, but their mental well-being. A recent study on working women in India found that excessive workload, job insecurity and work-life imbalance led to fatigue, dissatisfaction and family conflict.² Another study published as recent as March 2026 highlighted that long

¹ What Is Right to Disconnect Bill Introduced in Lok Sabha and Can It Clear Parliament?, HINDUSTAN TIMES (Dec. 7, 2025), <https://www.hindustantimes.com/india-news/what-is-right-to-disconnect-bill-introduced-in-lok-sabha-and-can-it-clear-parliament-101765025582585.html>.

² Saranya Chandrasekaran et al., Factors Causing Work-Related Stress and Strategies for Stress Management: A Study of Working Women in Private and Public Sectors in the Indian Context, 6 FRONTIERS IN GLOB. WOMEN'S HEALTH 1597409 (2025), <https://doi.org/10.3389/fgwh.2025.1597409>.

working hours and constant connectivity by means of emails, calls or messages showed higher levels of emotional exhaustion, irritability, depression, anxiety, dissatisfaction and reduced productivity. Personally, it creates conflicts within the individual's family and leads to absenteeism.³ Preliminary research in neuroscience suggests that when hours of employment exceed 52 hours per week, it may take a toll on the body of the individual, by physically altering the brain regions involved in brain regulation, memory and decision-making.⁴ Studies carried out on healthcare professionals in Switzerland concluded that overtime work and poor work-life coherence resulted in stress, absenteeism and early exits from the profession.⁵

The International Labour Organisation's (ILO) inter-disciplinary overview on the issues pertaining to overtime work presents a similar grim picture as long work-hours increases the plausibility of various work-related risks such as accidents, sickness-related absenteeism and errors. The occurrence of such risks is directly related to the working hours. It further states that excessive overtime undermines satisfaction derived from working and negatively impacts the work-life balance of the concerned individual.⁶

III. THE RIGHT TO DISCONNECT

The right to disconnect indemnifies employees by awarding them with a legal right to prioritise their mental well-being and spending quality time with their family. This is actuated by offering them protection against penalties for being unavailable after their official work-hours. This Bill seeks to solidify the boundaries between work and family by clearly demarcating the time spent on each of these aspects by an individual. This shall allow an employee to effectively and efficiently balance both their employment and personal life without jeopardising one in the pursuit of the other. Analysed from another angle, this Bill also wields the potential to coerce people into prioritising their personal life and well-being into practicing a healthy work-life balance. In a general sense, if this Bill is passed by the Parliament, the right shall include the

³ Rachoru Himani Srihita et al., Workplace Stress and Burnout Dynamics in Indian Work Environments, DISCOVER PSYCHOL. (2026), <https://doi.org/10.1007/s44202-026-00682-y>.

⁴ Caroline White, Stress of Long Work Hours May Physically Alter the Brain, NEUROSCIENCE NEWS (May 14, 2025), <https://neurosciencenews.com/overwork-brain-emotion-28917/>.

⁵ Karin Anne Peter et al., Reducing Work-Related Stress Among Health Professionals by Using a Training-Based Intervention Programme for Leaders in a Cluster Randomised Controlled Trial, SCI. REP. (2024), <https://doi.org/10.1038/s41598-024-73939-y>.

⁶ Dominique Anxo & Mattias Karlsson, Overtime Work: A Review of Literature and Initial Empirical Analysis, INT'L LABOUR ORG., CONDITIONS OF WORK & EMP. SERIES NO. 104 (2019), <https://www.ilo.org/publications/overtime-work-review-literature-and-initial-empirical-analysis>.

following facets:⁷

- i. Right not to respond to work calls, messages or emails after official work-hours, mutually agreed upon the employer and employee at the time of commencement of the employment.
- ii. Choose to be unavailable for any work-related communication at untimely hours.
- iii. Decline to attend meetings scheduled outside normal working hours.
- iv. Shut down devices or switch off notifications.

IV. KEY PROVISIONS OF THE BILL

This Bill contains a total of 23 proposed sections which aim to address the evolving landscape of employment which poses numerous challenges to work-life balance, as employees are expected to remain constantly available and connected to their professional spaces even when they have left their place of employment, beyond their working hours, thereby leading to stress and depression, inter alia. Its primary objective is to ensure that employees are not compelled to attend to work when they have left their office premises or logged off (in case of remote work arrangements) and when they choose to do so, they shall be statutorily entitled to receive overtime wages at the normal wage rate.

1. Object of the Bill - This Bill seeks to establish an Employees' Welfare Authority to confer every employee with the right to disconnect from work-related telephone calls and emails beyond work hours and on holidays. Furthermore, it seeks to provide all employees with the right to refuse to answer calls and emails outside work hours and other related and incidental matters.
2. Section 1 deals with the following aspects –
 - 1) Short Title – This Bill seeks to name the Act as the 'Right to Disconnect Act, 2025.'
 - 2) Extent – This Bill, if enacted, shall apply to whole of India.

⁷ Right to Disconnect Bill, 2025: Explained (with Legal & Practical Analysis), LAWSSTUDY (2025), <https://lawsstudy.com/right-to-disconnect-bill/>.

- 3) Commencement – It shall come into force on the dates appointed by the Central Government by notification in the Official Gazette.
3. Section 2 provides for definitions, a few of which are as follows:
 - 1) Sub-section (c) defines ‘Authority’ to refer to the Employees’ Welfare Authority established under Section 3.
 - 2) Sub-section (a) defines ‘annual report’ which refers to a report containing details of the developmental activities taken up in a given year by the authority. It shall detail the targets which had been set for that year and the goals achieved from the targets.
 - 3) Sub-section (e) defines ‘out-of-work hours’ which refers to the timings other than which were agreed upon between the employer and employee in the work contract as the official working hours.
4. Section 3 is imperative as it establishes the Employees’ Welfare Authority, the constitution of which is as follows:
 - 1) Minister of State, Ministry of Electronics and Information Technology (MeitY) as the Chairperson, ex-officio.
 - 2) Minister of State, Ministry of Communication, as the Vice-Chairperson, ex-officio.
 - 3) Minister of State, Ministry of Labour and Employment as the Vice-Chairperson, ex-officio.
 - 4) Secretaries of the Union Ministries of Electronics and Information Technology, Communication, Labour and Employment and Statistics and Programme Implementation, as ex-officio members.
 - 5) Chief Labour Commissioner, as an ex-officio member.
 - 6) Director General, Labour Bureau, as an ex-officio member.

The appointment of the officers and staff shall be carried out by the Central Government, as necessary, for the functioning of the Authority. Their salaries, allowances and terms and

conditions of service shall be established as prescribed by the rules made under this Act.

5. Section 4 deals with the meetings of the Authority established under Section 3. It states that the Authority shall meet at such times and places and observe the rules of procedure with respect to its business transactions as prescribed by the Central Government. The expenditure incurred to attend the meetings by the members stipulated under Section 3 shall be borne by the Ministry concerned which is responsible for controlling the concerned authorities.
6. Section 5 deals with the functions of the Authority, which are as follows:
 - 1) The Authority shall discharge those functions which are fundamental in ensuring the welfare of the employees in the country.
 - 2) It shall formulate a charter that outlines the terms and conditions which must be negotiated between the employees and employers of a company (defined under Section 2(d) to refer to an entity registered under the Companies Act, 2013) or a society (defined under 2(f) to refer to a society registered under the Societies Registration Act, 1860).
 - 3) The aforementioned functions must be carried out within one year from the date of its constitution.
 - 4) Additionally, the Authority shall be empowered to disseminate knowledge and information to the State Governments collected by the former on the use of digital and other communication tools. This information must in turn be disseminated to the companies and societies.
 - 5) Finally, it states that the rights and benefits bestowed on the employees as stipulated under this Act shall be in addition to other government welfare schemes of which they are beneficiaries.
7. Section 6 deals with baseline studies to be undertaken by the Authority to collect comprehensive data about the usage of digital and communication tools outside official working hours and in the personal life by the employees. This shall be also be completed within a year from the date of its constitution.

8. Section 7 is the very foundation of the Bill as it grants employees with the right to disconnect. It states that all employees shall have the right to disconnect out of work hours, as defined under Section 2(e). The section further defines the right to disconnect as follows:
- 1) The employer can still contact the worker after the official work hours as initially agreed upon by the employer and employee when the contract of employment had commenced, but the employee is under no contractual or legal obligation to reply to the same.
 - 2) The employee shall also have the right to refuse to answer such calls after work hours.
 - 3) The employee shall not be subject to any disciplinary action by the employer if they refuse to reply to any work-related communication.
9. Section 8 requires all companies and societies which employ more than 10 employees to negotiate with workers, unions or representative to establish rules for out-of-work communication. Each such entity must draft a Charter for the same, which deals with aspects of conditions of service, demands put forth by the employees and protocols for after-work communication. Section 9 mandates that the Charters mentioned under Section 8 must also specify when the employees may be contacted outside working hours, ascertained on the basis of mutual agreement. The employees are entitled to disconnect when communication overrides the terms agreed upon in the Charter.
10. Section 10 of the Bill provides for the means of contact by the employer to the employee viz. by way of telecom, video calls, messages, emails during the time mutually agreed upon by such employee and employers.
11. Section 11 grants overtime pay for every employee who works outside normal working hours at the normal wage rate.
12. Section 12 states that every registered company and society shall constitute Employee's Welfare Committees comprising its employees to assist or represent the employees in negotiations pertaining to terms and conditions of out-of-work hours with the employers. Section 13 states that the appropriate government (defined under Section

2(b)) shall ensure that the negotiations mentioned under Section 12 are conducted at regular intervals to ensure flexibility in the rules pertaining to the right to disconnect.

V. OTHER PROVISIONS IN THE BILL

Section 14 states that until a negotiated Charter is finalised, each entity, either society or company must specify the out-of-work hours. If employers contact employees outside the negotiated work hours, workers are not obliged to respond and they can refuse to take such communication. But if they choose to reply, the employer must pay overtime wages at the normal wage rate, as prescribed. Section 15 states that entities must frame mutually agreed upon policies for employees working remotely, including teleworking and working from home.

Sections 16, 17 and 18 are advocacy programs to inculcate healthier digital practices, which exceed the confines of a professional space and aims to enhance the overall well-being of an employee. Section 16 provides for awareness programs to be conducted by the employers to sensitise employees about the reasonable use of digital and communication tools, especially regarding its usage during travel or teleworking. Section 17 provides for counselling services to be provided by the appropriate government to help employees maintain work-life balance. Section 18 states that the appropriate government shall also establish digital detox centres and offer counselling to citizens.

Section 19 provides for penalties to be imposed on entities for non-compliance to define out-of-work conditions in Charters or remote-work policies or violating the provisions of the Act, at a rate of one per cent of the total employees' remuneration. Section 20 states that the Authority established under Section 3 must prepare an annual report which comprises of a summation of its activities, schemes and accounts and to be submitted to the Central Government and laid before the Parliament of India.

Section 21 states that funding for the implementation of aspects enumerated under this Act shall be provided for by the Central Government, as appropriated by the Parliament. Section 22 provides for a Henry VIII clause for removal of difficulties in the implementation of the Act. Finally, Section 23 deals with the Central Government's rule-making power to carry out the purposes of the Act.

VI. INDIA'S LEGISLATIVE FRAMEWORK

Article 14 of the Constitution of India, 1950 strives to ensure equality before law for all and equal protection of law. This Bill applies to India in its entirety. It does not confine itself to body corporates registered under the Companies Act, 2013, but also extends the right and its protection to societies under the Societies Registration Act, 1860. Article 14 is imperative in this context as the Bill strives to treat employees fairly, without subjecting them to arbitrary discrimination.⁸

Article 19(1)(g) guarantees the right to carry on a lawful profession, trade or business. Employees have been bestowed with this freedom, but it must be ensured that humane working conditions without imposition of unreasonable availability of employees must be guaranteed,⁹ read with Article 42 on just and humane working conditions.¹⁰

Article 21 of the Constitution of India is the cornerstone for the Bill's central premise – that employees should not be compelled to respond to work-related communication once the official work hours as agreed upon by the employer and employee in the employment contract concludes. They shall also reserve the right to refuse to attend any such communication in out-of-work hours without being subject to the employer's disciplinary action. The object of the court directly resonates with the object of Article 21, which has now evolved to include the right to a life of dignity and mental well-being. As constant connectivity erodes to a person's mental peace and births to various ailments and personal conflicts, the Bill operationalises Article 21's right to a healthy and fulfilling life and professional space.¹¹

Article 23 prohibits forced labour and exploitation. This is directly related to a more modern form of exploitation, namely, unpaid overtime work and work stress. By mandating overtime wages at the normal wage rate under Section 11 and imposing penalties on the employers for violations of the object of the Act under Section 19, it aligns with Article 23's fundamental concept to ensure that employees are not coerced into digital work servitude.¹²

Articles 38 and 39(e) of the Directive Principles of State Policy under Part IV of the

⁸ INDIA CONST. art. 14.

⁹ INDIA CONST. art. 19, § 1, cl. (g).

¹⁰ INDIA CONST. art. 42.

¹¹ INDIA CONST. art. 21.

¹² INDIA CONST. art. 23.

Constitution also directs the State to promote social welfare by reducing the existence of inequalities and protection of health and strength of workers from abuse (here, digital abuse).¹³ Article 41 highlights the State's duty to secure the right to work and public assistance in cases of unemployment or sickness¹⁴ and Article 43 ensures living wages and decent working conditions.¹⁵

A few relevant landmark judgements in the area of workers' rights and privacy is the case of *Justice K.S. Puttaswamy vs. Union of India*,¹⁶ informational privacy and decisional autonomy were recognised for the first time in 2017. This can be extended in the present context to recognise the freedom of an employee from an employer's intrusion during his personal time. The case of *Bandhua Mukti Morcha vs. Union of India*¹⁷ emphasised on the importance of humane working conditions and the right against exploitation and overwork. Similar stances were held in the cases of *Consumer Education and Research Centre vs. Union of India*¹⁸ and *M.C. Mehta vs. State of Tamil Nadu*.¹⁹ In *Francis Coralie Mullin vs. The Administrator*,²⁰ it was held that right to life includes the right to live with dignity. In *Kirloskar Brothers Ltd. vs Employees State Insurance Corporation*,²¹ it was held that employers have to duty to ensure that their employees lead a meaningful life.

VII. RECOGNITION OF THE RIGHT TO DISCONNECT IN THE NEW LABOUR CODES

Although the New Industrial and Labour Codes of 2025 do not directly and expressly address or regulate the right to disconnect, several provisions relating to wages, safety, social security and industrial relations now currently in force shall have a tangible effect on the right to disconnect, if the law is implemented.

In the Code on Wages, 2019, aspects on minimum wages, payment of wages, equal remuneration and overtime work and wages have been addressed. Section 11 of the Bill addresses overtime work and wages if the employee chooses to attend work-related

¹³ INDIA CONST. arts. 38–39.

¹⁴ INDIA CONST. art. 41.

¹⁵ INDIA CONST. art. 43.

¹⁶ Justice K.S. Puttaswamy (Retd.) v. Union of India, AIR 2018 SC (Supp.) 1841.

¹⁷ Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.

¹⁸ Consumer Educ. & Rsch. Ctr. v. Union of India, AIR 1995 SC 922.

¹⁹ M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699.

²⁰ Francis Coralie Mullin v. Adm'r, Union Territory of Delhi, AIR 1981 SC 746.

²¹ Kirloskar Bros. Ltd. v. Employees' State Ins. Corp., [1996] INSC 126.

communication beyond official work hours.

The Code on Social Security, 2020 addresses social security benefit of employees' compensation in work-related accidents, provident fund, gratuity, employees' insurance which includes maternity benefit, medical benefit, sickness benefit and provision of funeral expenses inter alia. This Code is especially important in this context as it has, for the first time, recognised gig and platform workers and included them in the legal framework. Gig and platform workers shall be the biggest beneficiaries of this right as they shall reserve the right to refuse to attend work-related communication and to disconnect themselves from work beyond the official hours. The Code provides for schemes on health, maternity and disability benefits and protection in old-age. For gig and platform-workers, this problem is especially severe as their boundaries between working hours and personal space becomes blurred on various fronts. Therefore, with the Bill mandating the formulation of charters by means of negotiation, entitlement of overtime wages and policies for remote work arrangements, the blurred boundaries can be strived to made definite to facilitate a healthy and sustainable work-life balance. Yet, various aspects related to standardisation and regularisation of wage structures and absence of fixed working hours imposes graver expectations of constant availability for work on them.

The Industrial Relations Code, 2020 governs the elements of trade unions, collective bargaining and amicable settlement of disputes between employers and employees. Section 12 of the Bill formulates the establishment of Employees' Welfare Committees. The Bill also strives to formulate Charters based on mutually accepted terms and negotiation.

The Occupational Safety, Health and Working Conditions Code, 2020 ensures safe working conditions, health and well-being of the employees. Sections 16-18 strive to guarantee the same by counselling sessions, awareness programs and establishment of digital detox centres.

VIII. CRITICAL ANALYSIS OF THE BILL

Although the Bill emphasis that all employees all over India should be the beneficiaries of the right to disconnect and right to refuse to attend work-related communication after official work hours, it does specifically state whether it includes within its ambit, contract workers, gig workers, platform workers, government employees and unorganised sector workers. Additionally, it states the right applies to companies and societies employing more than 10

employees, which means that it excludes smaller firms, startups and potentially large sections of unorganised employment. Even if this Bill is made applicable to them, socio-economic factors such as high cost-of-living, low pay and demanding essential expenses of every-day life necessitates such workers to work overtime to sustain a basic standard of living, thereby rendering the Bill ineffective.

The Bill states that every company and society must draft its own Charter by mutually agreeing upon the terms and conditions of service and out-of-work hours-related communication depending upon their unique requirements as not all company or society would follow the same wage structure or working hours as that of its competitor in the same industry. Although this is a welcome move as it decentralises the very foundation of the Bill, it may result in ineffective implementation, which may eventually result in irregular and unequal protection granted to all employees, that the Bill strives to achieve. The same lacuna can be highlighted in case of teleworkers and WFH employees.

IX. COMPARATIVE ANALYSIS WITH THE INTERNATIONAL FRAMEWORK

The **European Union (EU)** lacks a specific legislation on this right. **France** pioneered the right to disconnect when it introduced the right through El Khomri Law in 2017, the same year when India recognised the right to privacy as a fundamental right under Article 21. This law applies to companies with more than 50 employees and mandates negotiations with unions to establish disconnection policies. This right has been incorporated directly in its labour codes, thereby giving it full statutory enforcement powers. **Italy's** Law 81/2017 introduced this right as part of its 'smart working' framework. This law requires for the presence of contracts, thereby mandating the disconnection periods and other adjoining policies with the force of law.

Portugal's 2021 law, Law No.83/2021 on the right to disconnect is one of the strictest laws in this arena globally. It completely bans employers from contacting the employees after official work hours and imposes fines ranging up to €9,690. Portugal's law is comparatively more protective as it covers home-office expenses and also prohibits intrusive monitoring of the employees.

In 2021, **Ireland** adopted the Code of Practice on the Right to Disconnect, which is overseen by the Workplace Relations Commission. While it is not a formal law, it is enforceable through

labour tribunals. **Australia**'s 2024 law, a part of the Fair Work Act, 2009, introduced through the Fair Work Legislation Amendment (Closing Loopholes No.2) Act of 2024 under Section 333M,²² allows employees to ignore 'unreasonable' work-related contact after the completion of official work hours. Any dispute which may arise in this regard shall be resolved by its Fair Work Tribunals, whereas **Spain**'s 2018 law, Organic Law 3/2018 of December 5 on Protection of Personal Data and Guarantee of Digital Rights (in Spanish, *Ley Orgánica de Protección de Datos Personales y garantía de los derechos digitales*), embeds this right with data protections and digital rights. It requires employers to respect rest periods, thus showing the stark contrast on the right's implementation in both countries.

X. CHALLENGES TO IMPLEMENTATION AND SUGGESTIONS

As aforementioned, challenges pertaining to ambiguity on the right's coverage exist. The newly-introduced labour codes do not expressly cover digital rights, digital well-being and disconnection and refusal to attend work-related communication, thereby leaving gaps in enforceability and implementation. Furthermore, it is difficult to ascertain set 'working hours' for flexible, remote and gig-work arrangements. The Information Technology (IT) sector, the ITeS (Information Technology-Enabled Services) sector and outsourcing industries depend on cross-time-zone work arrangements and collaboration, thereby rendering implementation of this rule impractical. Since labour inspection systems in India are already overburdened, monitoring of employees' digital activity by the employers or committees established under this Act would be nearly impossible to effectuate properly. Imperatively, the informal sector lacks a structured human resource infrastructure to ensure compliance with the provisions aforementioned. In India's work culture, the habit of being 'always-on' in employees or the expectation of the same on the part of employers would resist the welcoming of the Bill. It is needless to say that the provisions cannot be complied with situations of emergency professionally.

Therefore, for the effective implementation of the right, the OSH Code, 2020 may be amended to include this right. Along with the Employer's Welfare Authority, an appellate authority comprising of both employers and employees in equal strength may be established to remedy the grievances of the employees with respect to violations of the Charter, paying of over-time

²² Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024 (Cth), No. 2, 2024 (Austl.), <https://www.legislation.gov.au/C2024A00002/asmade/text>.

wages or to just facilitate cordial negotiation between the employer and employee. Judicial recognition of this right under the umbrella of Article 21 by means of pronouncements will also fasten the process of incorporation of this right into existing legislation, thereby paving way for its effective implementation.

XI. CONCLUSION

In conclusion, a layered approach towards this aspect of law shall prove to be the most viable option, that is, constitutional recognition, specific statutory amendments, sector-specific rules and decentralised workplace arrangements which are unique for each workplace is the need of the hour. This shall protect the worker's dignity and ensure his mental and physical well-being and shall result in a harmonious co-existence of both work and family.

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