



WORK, WELLNESS, AND THE LAW: A CRITICAL ANALYSIS OF INDIA'S NEED FOR A RIGHT TO DISCONNECT

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ABSTRACT

Work-related stress is becoming a silent epidemic in India, particularly in fast-paced industries such as information technology, finance and media. Young professionals today are increasingly burdened with extended working hours, often stretching into nights and weekends, leaving little room for rest or personal life. Despite numerous labour protections in India, one crucial right remains unaddressed- the right to disconnect. The right, which protects employees from being compelled to work communications outside office hours, is recognised in several countries across the globe. The tragedy of work-related stress in India highlights the urgency of implementing such a right. This article examines the evolution of the right to disconnect, the global legislative framework, and its potential place within Indian constitutional and labour law. It argues that the right to disconnect is not merely a labour issue but a matter of health, dignity, and fundamental rights under Article 21 of the Indian Constitution.

Keywords: Work-Pressure, Mental Health Issues, Right To Disconnect, India.

INTRODUCTION

In July 2024, the nation was shaken by the tragic death of Anna Sebastian Perayil, a 26-year-old from Kochi, employed at Ernest and Young in Pune. Only four months into her job, she collapsed under the weight of work-related stress, succumbing on 21 July 2024. According to her family, Anna had no prior medical conditions. What led to her untimely death was relentless overwork, late-night assignments, and weekend deadlines. As her father explained, she

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refrained from resisting work pressures as she was new to the firm and wanted to prove her commitment.¹

This is not an isolated case. A report by *The Hindu* reveals that Indian women in professional jobs such as auditing, information technology, and media work more than 55 hours a week. The working hours vary for those who belong to the marginalised sections in society and work in the unorganised sector.² A survey by ADP Research Institute found that 49% of Indian Workers feel workplace stress directly harms their mental pressure.³ The late French politician Benoit Hamon once remarked: “Employees physically leave the office, but they do not leave their work. They remain attached to a kind of electronic leash like a dog. The texts, messages, and e-mails colonise the individual's life to a point where he or she eventually breaks down”.⁴

India has witnessed discussions on the right to disconnect, particularly after incidents of occupational deaths. However, such debates fade quickly, leaving employees vulnerable to exploitation and burnout. Unlike several European and Latin American countries, Indian law still does not recognise the “right to rest” as a standalone entitlement.

The right to disconnect must be seen as a concrete measure to provide adequate protection from the digital environment and other fields, regardless of their employment status, and should be implemented in India. This article analyses the historical roots and international recognition of the right to disconnect, evaluates its potential scope under Article 21 of the Indian Constitution, and argues for its necessity in the Indian Context. It ultimately argues for the urgent implementation of this right to safeguard the well-being of India’s workforce.

TRENDS OF WORK-PRESSURE OVER TIME IN INDIA

With the advent of globalisation and digitalisation, India has witnessed a dramatic transformation in work culture. The 24/7 economy, coupled with competitive corporate environments, has shifted workplace expectations. Employees today are expected not only to

¹ ‘CA Student Hangs self to death over academic pressure’, *The Times of India*, May 09, 2024, <https://timesofindia.indiatimes.com/city/rajkot/ca-student-commits-suicide-due-to-academic-pressure/articleshow/109962378.cms>

² Rajesh Ranjan, ‘Indian Needs the Right to Disconnect’, *The Hindu*, May 02, 2025, <https://www.thehindu.com/opinion/op-ed/indians-need-the-right-to-disconnect/article68965394.ece> accessed 11 September 2025 .

³ ADP Research Institute, ‘People at Work 2024: A Global Workforce View (ADP 2024)

⁴ Benoit Hamon quoted in Rajesh Ranjan, ‘Indian Needs the Right to Disconnect’, *The Hindu*, May 02, 2025, <https://www.thehindu.com/opinion/op-ed/indians-need-the-right-to-disconnect/article68965394.ece> accessed 11 September 2025 .

complete their assigned tasks but also to remain “available” outside office hours through emails, calls, and messaging platforms.

Studies demonstrate how these shifting expectations have escalated stress. Research shows that ambiguous role expectations and poor work–life balance strongly correlate with psychological disorders, physical health problems, and reduced productivity⁵. Work-related stress has been linked with depression, anxiety, cardiovascular issues, and emotional exhaustion.⁶ In India, employees in high-demand industries such as IT and finance frequently report burnout and conflict between personal and professional roles.

A 2016 study focusing on the Indian IT sector confirmed that excessive workloads and blurred work boundaries contribute to deteriorating health and organisational crises.⁷ Furthermore, prolonged exposure to high stress levels fosters dissatisfaction and resentment among employees, undermining both individual well-being and company efficiency. The pattern indicates an urgent need for regulatory intervention.

ORIGIN OF THE RIGHT TO DISCONNECT

The right to disconnect finds its earliest moral foundation in Article 24 of the Universal Declaration of Human Rights (UDHR), which affirms that “everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”⁸ The principle recognises that uninterrupted work compromises human dignity and health.

The right gained legal momentum in the 21st century, coinciding with the rise of information and communication technologies (ICTs). As employees become increasingly contactable outside office hours, labour protections worldwide were challenged. In response, several nations codified the right to disconnect into law, acknowledging that unchecked connectivity poses risks not only to workers' health but also to productivity and social harmony.

⁵ ADP Research Institute (n 3).

⁶ Ibid

⁷ Ibid

⁸ Universal Declaration of Human Rights, UNGA Res 217 A (III) (10 December 1948) art 24

COMPARATIVE PERSPECTIVES: FOREIGN LAWS

FRANCE

France pioneered the legal right to disconnect through the 2016 El Khori Law, which mandated negotiations on disconnection policies in companies employing more than 50 workers⁹. The law was built on earlier jurisprudence, including a 2001 ruling of the French Supreme Court holding that employees were under no obligation to work from home and a 2004 decision protecting employees from being penalised for being unreachable after hours¹⁰

SPAIN

Spain followed France by introducing the right to disconnect under its 2018 Data Protection Act, which implemented the EU General Data Protection Regulation (GDPR).¹¹ This legislation formally recognised digital rights for employees while allowing flexibility depending on the nature of employment.

ITALY

Italy codified the right in its 2017 “smart working” legislation, which permitted employees to disconnect from digital tools without risking adverse consequences on their contracts or compensation.¹²”

BELGIUM

Belgium addressed disconnection through the 2018 Act on Economic Growth and Social Cohesion, mandating dialogue on the use of digital tools and disconnection policies in workplaces with more than 50 employees.¹³

⁹ Luminita Dima and Alex Hogback ‘Legislating Right to disconnect’, (Uni Global Union Professionals and Managers, December 2020)

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Ibid

CHILE

In 2020, Chile became the first country outside Europe to legislate a right to disconnect through amendments to its labour code on teleworking. The law empowered employees to refuse engagement with digital tools outside their official hours.¹⁴

ARGENTINA

Following in the footsteps of Chile but building upon years of efforts and proposals to regulate remote working in the country, the Argentinian Senate adopted on 30 July 2020 law. Article 5 of the new law introduces a right to disconnect, noting that remote workers have a right to disconnect from ICT- tools outside of their working day and during holiday. The Argentinian law is the first law globally with specific language to protect workers from sanctions for exercising their right to disconnect¹⁵.

AUSTRALIA

In February 2024, Australia amended its Fair Work Act to recognise the right to disconnect, further underscoring the global momentum of such legislation.¹⁶

These examples demonstrate that the right to disconnect is not a radical innovation but a growing international standard aimed at ensuring dignity in employment.

INDIAN LEGAL FRAMEWORK

India's legal system has yet to directly acknowledge the right to disconnect. Nonetheless, the constitution of India and existing labour principles provide a foundation.

- Article 38 obligates the state to promote the welfare of the people.
- Article 39 (e) directs policy to protect workers' health
- Article 42 advocates for humane working conditions and maternity relief
- Article 43 emphasises a living wage and a decent standard of living.

While these provisions create guiding principles, they lack enforceability without specific legislation.

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Supra note 5

In December 2018, the Right to Disconnect Bill was introduced in the Lok Sabha, aiming to recognise employees' right to refuse work communication beyond office hours. However, the bill was criticised for vagueness and never advanced to formal debate.¹⁷ This Legislative inertia reflects the challenges of balancing economic competitiveness with employee welfare.

SCOPE UNDER ARTICLE 21 OF THE INDIAN CONSTITUTION

Article 21 guarantees the right to life and personal liberty. Judicial interpretations have consistently expanded the right to encompass dignity, health and well-being.

In *State of Punjab v M.S Chawla*¹⁸, it has been held that the right to life ensured under Article 21 incorporates within its ambit the right to health and clinical care. Further, in *Kriloskar Brothers Ltd. V. Employees State Insurance Corporation*¹⁹ Supreme Court held that employers must ensure that their employees can lead a meaningful life.

When read alongside the Directive principles- Articles 38, 39, 42, 43, and 47 – Article 21 clearly supports a broader interpretation that embraces the right to disconnect. Ensuring employees are not perpetually tethered to work aligns with the constitutional promise of a dignified life.

NEED FOR THE RIGHT TO DISCONNECT IN INDIA

The necessity of such a right in India is Multifaceted:

1. **Mental and Physical Health:** WHO estimates that 15% of working adults suffer from anxiety, depression, or other disorders, often aggravated by overwork.²⁰ Continuous stress contributes to burnout, characterised by emotional, mental and physical exhaustion.
2. **Work-Life Balance:** Overwork corrodes personal relationships and erodes employee satisfaction. Without statutory protection, employees hesitate to refuse after-hours communication, fearing retaliation.

¹⁷ The Right to Disconnect Bill 2018, Lok Sabha (India)

¹⁸ State of Punjab and Ors. V. Mohinder Singh Chawla and Ors., AIR 1997 SC 1225 (1996) (India)

¹⁹ Kriloskar Brothers Ltd. V. Employees State Insurance Corporation, 1978 2 SCR 345 (India)

²⁰ Karan Yadav, 'Trapped by the Clock: Should Indian Employees Have the Right To Disconnect After Office Hours?', *The Times of India*, September 4, 2024 https://timesofindia.indiatimes.com/education/news/trapped-by-the-clock-should-indian-employees-have-the-right-to-disconnect-after-office-hours/amp_articleshow/113065561.cms#amp_ct=1748532880354&_tf=From%20%251%24s&aoh=17485328698682&referrer=https%3A%2F%2Fwww.google.com accessed on 13 September 2025.

3. Productivity and Efficiency: Overwork diminishes efficiency and creativity rather than enhancing them.²¹

4. Economic Exploitation: Fresh graduates often work 8- 9 hours daily for modest pay but are expected to remain available beyond these hours without overtime.²²

5. Ethical Considerations: This will enhance the company's reputation and promote a well-maintained environment where employees can work productively without any stress.

These are some of the well-known reasons for the need for the right to disconnect in India. After the COVID-19 pandemic work work-related stress has increased and there is an immediate need for such legislation in India.

CHALLENGES TO THE RIGHT TO DISCONNECT

Even if such legislation is possible, it does have a lot of challenges, but they can be tackled easily if it is approached positively. The main challenges are:

Implementation of such a law seems challenging as the workaholics may oppose the law as it may affect different job sections of jobs.

Misuse: People tend to misuse such a law by using this as a weapon for their daily small issues.

Social pressure: It may affect work over time and can cut off the salary of those people who are willing to work, which can lead to opposition to such a law.

Indian Culture: Indian culture is deeply rooted in hard work and achievement, which is often equated with patriotism or dedication, making acceptance difficult. The idea that work should take precedence has been deeply embedded in Indian culture. Narayan Murthy's 70-hour work proposal to accelerate the country's growth, as well as Nilesh Shah's 12-hour workday proposal, also suggested that India grow more rapidly. In July 2024, the Economic Survey presented by the finance ministry emphasised longer over time hours with reduced wages and also India is a growing economy. Implementing such a law is quite challenging in India²³.

Employer Resistance: Companies may perceive disconnection laws as productivity barriers and resist compliance.

²¹ WHO, Mental Health at work: Policy Brief (World Health Organisation and ILO, 2022)

²² Ibid.

²³ Supra note 5

Technological Realities: IT and BPO industries depend on instant responsiveness across time zones. Crafting flexible yet enforceable rules is complex

Legislative Gaps: The 2018 Bill demonstrated how a vague definition and a lack of clarity on enforcement mechanisms weaken legislative effectiveness.

Employee Fears: In a competitive job market, workers may hesitate to exercise disconnect rights, fearing repercussions such as negative appraisal or job loss.

These challenges highlight the need for a carefully tailored legal framework that balances workers' lives with economic realities.

CONCLUSION AND WAY FORWARD

The *Right to Disconnect* is not merely a labour law reform but a recognition of human dignity in the digital age. India's growing economy cannot ignore the mental health costs of unchecked overwork.

The tragic incident at Ernst & Young has brought renewed focus to the urgent need for reforms that prioritise employees' health and work-life balance. With more countries recognising the right to disconnect, India too must consider adopting laws that ensure workers can truly disconnect, unwind, and protect their well-being²⁴.

To effectively implement the Right to Disconnect in India, a robust framework is essential, accounting for the diverse nature of work across various sectors, the economic realities, and the competitive pressures that influence both employee expectations and managerial practices²⁵. Understanding the laws of right to disconnect from foreign countries, India should also consider the implementation of such a law. The time is up!

²⁴ Sourabh Kartikey, 'The Right to Disconnect and India's predicament in the wake of Recent Tragedy', (Oct. 2024) <https://www.alec.co.in/show-blog-page/the-right-to-disconnect-and-indias-predicament-in-the-wake-of-recent-tragedy> accessed on 12 September 2025.

²⁵ Supra note 5