

**THE RIGHT TO STAY DISCONNECTED: A CONSTITUTIONAL
ANALYSIS OF EMERGING LABOUR RIGHTS IN THE DIGITAL ERA**
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ABSTRACT

The digitalisation of the workplace has fundamentally transformed the nature of employment, allowing employer and employee to remain connected well beyond conventional working hours. While digital technology has undoubtedly increased efficiency, it has simultaneously blurred the line separating professional from personal life, normalising extended work hours, uncompensated labour and mounting mental health concern. In response, the right to disconnect has emerged as a contemporary labour right directed at protecting workers from digital overreach. This paper undertakes a legal review of the right to disconnect, tracing its origin, statutory recognition and comparative legislative treatment across jurisdictions including France, Australia, Portugal and Belgium. It analyses the constitutional and labour law principle capable of underpinning recognition of this right within the Indian legal framework specifically, situating the right within Article 21's guarantee of life, dignity, health and privacy, within Article 14's guarantee of equality, and within Article 19(1)(g)'s protection of occupational liberty, read alongside the Directive Principles of State Policy. The paper argues that although Indian courts have not yet been asked to adjudicate the right to disconnect directly, its constitutional foundation is considerably stronger than the current absence of statutory recognition suggests, and it examines the private member's bills successive legislators have introduced without success, before proposing a framework capable of reconciling worker wellbeing with the economic realities of a developing economy substantially dependent on the international market.

KEYWORDS: *Right to Disconnect; Digital Labour Rights; Article 21; Occupational Health; Comparative Labour Law.*

1. INTRODUCTION

Labour law has continuously evolved alongside social and economic development, from the industrial revolution through the era of globalisation to the present digital revolution, a transformation that has redefined both the concept of working time and the practical reach of employer authority. The growth of email, instant messaging platform and remote work has converted employees into individuals expected to remain available at all times, typically without additional remuneration or corresponding legal protection.

The right to disconnect responds directly to this gap, correcting the absence of any legal protection for workers denied respite from digital work communication outside their working hours. This paper submits that the right to disconnect represents a natural extension of the right to life, dignity and a decent existence: workers who labour eight hours a day already carry considerable fatigue, and the additional burden of remaining perpetually available for work-related communication compounds that fatigue further, denying workers the time they need to connect with family and community that the contemporary work culture, oriented toward constant availability,

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increasingly forecloses. Digital technology, email and messaging application among them, encourages precisely this constant connectivity, and the resulting stress and burnout underscore the urgency of developing protective legal approach in this domain, an urgency the global emergence of right to disconnect legislation, examined throughout this paper, directly reflects.

The subject acquires particular urgency against a backdrop in which work-related stress has been identified as among the leading causes of preventable mortality in some national context, contributing to over one hundred and twenty thousand deaths annually by one widely cited American estimate.¹ In India specifically, the death of a young chartered accountant employed at Ernst and Young in Pune in 2024, widely reported to have followed sustained workplace overwork, brought considerable public attention to the negative consequence toxic, hyper-connected workplace culture can inflict upon employee health, and it supplies the immediate social context against which this paper examines the origin, constitutional foundation, comparative legislative treatment, and persisting limitation of the right to disconnect in India specifically.

1.1 Research Objectives

- To trace the historical origin and global emergence of the right to disconnect, and the specific socio-economic condition that produced its recognition as a distinct labour right.
- To examine the constitutional foundation available for the right to disconnect within Indian law, with particular reference to Articles 21, 14 and 19(1)(g) and the Directive Principles of State Policy.
- To undertake a comparative analysis of legislative treatment of the right to disconnect in France, Australia, Portugal and Belgium, and to assess the lessons that comparative experience offers for Indian reform.
- To evaluate the private member's bills introduced in the Indian Parliament to date, and to identify the structural and economic obstacle that have prevented their enactment.
- To propose a coherent legislative and institutional framework capable of securing the right to disconnect within the Indian context, calibrated to the realities of a developing economy.

1.2 Research Methodology

This study adopts a doctrinal and analytical research methodology, drawing on primary and secondary legal source alike. Primary source include the text of the

¹ Joel Goh, Jeffrey Pfeffer & Stefanos A. Zenios, The Relationship Between Workplace Stressors and Mortality and Health Costs in the United States, 62 *Mgmt. Sci.* 608 (2016).

Constitution of India, the relevant provision of the Universal Declaration of Human Rights, comparative statute governing the right to disconnect in France, Australia, Portugal and Belgium, and Supreme Court decision bearing on the scope of Articles 21, 14 and 19 specifically. Secondary source include academic commentary, empirical research on workplace stress and productivity, and news report documenting both the private member's bill introduced in the Indian Parliament and the specific workplace incident that have shaped public discourse on this subject. A comparative method is employed throughout to assess how differently structured legal system, spanning civil law and common law tradition alike, have approached the underlying problem of digital overreach, and to draw from that comparison lesson genuinely applicable to Indian reform.

The analysis proceeds in three stage. The first stage traces the historical and comparative emergence of the right to disconnect, establishing the socio-economic condition and empirical evidence that motivated its recognition abroad. The second stage undertakes a doctrinal reconstruction of the right's available constitutional foundation within Indian law specifically, examining in turn the jurisprudence developed under Article 21, Article 14 and Article 19(1)(g), and situating that jurisprudence alongside the Directive Principles of State Policy most directly relevant to labour welfare. The third stage evaluates the specific legislative proposal India has generated to date, assesses the structural and economic obstacle that have prevented their enactment, and proposes reform calibrated to the particular condition of the Indian labour market. This structure allows the paper to move from the general to the specific, situating India's own experience within a broader comparative and constitutional frame rather than treating the Indian legislative gap as an isolated policy failure.

2. ORIGIN AND GLOBAL EMERGENCE OF THE RIGHT TO DISCONNECT

The idea of disconnection traces back to Article 24 of the Universal Declaration of Human Rights, which provides that everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holiday with pay.² The right to disconnect has attracted considerable attention in the twenty-first century specifically, driven by the advent of digital communication technology that has made the boundary Article 24 presupposes considerably harder to maintain in practice. France became the first country to give this right statutory status through the El Khomri Law, enacted in 2017, and several other country, Spain, Italy, Belgium, Portugal and Ireland among them, have since implemented comparable legislation or policy. The European Parliament

² Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 24 (Dec. 10, 1948).

adopted a resolution on the right to disconnect in January 2021, supporting the right's recognition across every European member state and reflecting a growing consensus regarding its necessity for contemporary workplace regulation. On 12 February 2024, the Australian Parliament debated and approved the Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024, extending a statutory right to disconnect to eligible Australian employees.

In India, Member of Parliament Supriya Sule became the first legislator to introduce a dedicated Right to Disconnect Bill, in 2018, as a private member's bill in the Lok Sabha, proposing the establishment of an Employee Welfare Authority and conferring upon every employee the right to disconnect from work-related communication outside working hours, with financial penalty for non-compliant employer. Shashi Tharoor has separately introduced private member legislation directed at amending the Occupational Safety, Health and Working Conditions Code to establish a comparable employee welfare authority and to extend the right to disconnect from work-related matters outside working hours, motivated by the ever-increasing trend of continuous digital connectivity and the tragic incident of overwork this paper's Section 1 has already documented. This paper's Section 7 examines both bills, and the persisting legislative gap they have thus far failed to close, in greater detail.

2.1 The Case for a Right to Disconnect

Several interconnected considerations explain why the right to disconnect has become a genuine necessity in the contemporary workplace, notwithstanding a persistent workaholic culture that continues to resist its recognition.

Psycho-social stress arising from extended working hours, combined with the expectation of continued availability for office communication even at home, constitutes a documented source of harm to employee wellbeing: proper social interaction is a genuine human need, and its erosion through constant connectivity contributes to social isolation and, on documented medical evidence, elevated risk of cardiovascular illness and diabetes.³ Job strain compounds this difficulty: the combination of long working hours, tight deadlines and an intensely competitive environment already produces considerable workplace stress, and the added burden of remaining responsible for calls and emails after working hours intensifies that strain further; one frequently cited study finds that the mortality gap between men experiencing significant job strain and those without is comparable in magnitude to the mortality gap between smokers and non-smokers.⁴ The American Psychological Association's

³ World Health Organization & International Labour Organization, Long Working Hours Increasing Deaths from Heart Disease and Stroke (2021).

⁴ Mika Kivimäki et al., Long Working Hours as a Risk Factor for Atrial Fibrillation, 40 Eur. Heart J. 1620 (2019).

2023 Work in America Survey found that seventy-seven per cent of employees reported work-related stress, with fifty-seven per cent reporting negative consequence including exhaustion and reduced motivation; employees required to remain constantly accessible reported emotional exhaustion, diminished motivation, a desire to withdraw socially, a desire to leave their employment, reduced productivity and increased irritability toward colleague and customer alike, at rate considerably higher than employees not subject to comparable connectivity expectation.

The common assumption that longer working hour produce greater productivity is, moreover, not well supported by the available evidence: research examining logging-off pattern has found that employees who conclude their working day before the nominal end of business hour demonstrate measurably higher average productivity than employee whose duties extend their hours further, a finding that undercuts the productivity justification employer frequently invoke to resist right to disconnect legislation.⁵ Extended screen time, itself a consequence of the always-connected work culture this paper examines, carries independent health consequence: workplace research has documented employees spending in excess of ninety-six hours weekly in front of a screen, a duration contributing to insomnia, disrupted sleep, eye strain, headache and reduced physical activity.⁶

A further, less immediately visible consequence concerns the erosion of what occupational psychologist term psychological detachment, the capacity of an individual to mentally disengage from work-related thought and demand during non-working time.⁷ Research in organisational psychology has consistently found psychological detachment to be a necessary precondition for genuine recovery from work-related demand, and that employees who remain cognitively engaged with work matter during ostensible leisure time, whether through actual digital communication or merely through anticipatory anxiety regarding possible communication, fail to achieve the restorative benefit leisure time is meant to provide. The mere possibility of being contacted, in other words, can itself impair recovery even where no communication is actually received, a finding of considerable significance for legal design: a right to disconnect confined narrowly to prohibiting employer contact, without addressing the broader expectation of availability that generates anticipatory

⁵ Society for Human Resource Management, Report: Long Hours, Burnout, Not Productivity (2023).

⁶ Workplace Intelligence, New Research Finds Concerning Trends Among Gen Z Employees (2023).

⁷ Sabine Sonnentag & Charlotte Fritz, The Recovery Experience Questionnaire: Development and Validation of a Measure for Assessing Recuperation and Unwinding from Work, 12 J. Occupational Health Psychol. 204 (2007).

stress independent of any specific communication, would address only part of the underlying harm this paper has traced.

3. THE RIGHT TO DISCONNECT: TOWARD A CONSTITUTIONAL FOUNDATION IN INDIA

Today's work culture, extending well beyond official hour, carries genuine adverse consequence for the physical and mental health of the worker subject to it. Though Indian courts have not yet examined what a proper interpretation of the right to disconnect would require, the right can be broadly located within Article 21 of the Constitution, which guarantees every citizen the right to life and liberty. The expression life enshrined under Article 21 does not connote mere animal existence; it carries a considerably broader scope, encompassing the right to livelihood, to a better standard of living, and, this paper argues, to leisure as well.⁸

In *Mohinder Singh Chawla v. State of Punjab*⁹, the Supreme Court held that the right to life under Article 21 encompasses the right to health and medical attention, and in *CESC Ltd. v. Subhash Chandra Bose*¹⁰, the Court held that health denotes a state of complete physical, mental and social wellbeing rather than the mere absence of disease or infirmity, confirming that the right to health comprises both the mental and the physical wellbeing of a person. In *Kirloskar Brothers Ltd. v. Employees' State Insurance Corporation*¹¹, the Court further held that every employer bears a duty to ensure that its employee lead a meaningful life. Together, these decisions can be read to establish that the right to disconnect, though not yet the subject of direct adjudication, lies well within Article 21's own established scope.

A full account of the state's duty in realising the right to disconnect requires reading Article 21 alongside Articles 38(1), 39(e), 42, 43 and 47 of the Constitution of India, each directing the state toward the promotion of social welfare, the protection of worker health, just and humane condition of work, a living wage, and improved public health respectively.¹² These provisions collectively underline the significance of work-life balance as a matter of constitutional concern, situating the right to disconnect within a broader constitutional commitment to health and beneficial social coexistence, and supplying the state with a clear mandate to legislate on right to disconnect

⁸ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, A.I.R. 1981 S.C. 746 (India).

⁹ Mohinder Singh Chawla v. State of Punjab, A.I.R. 1997 S.C. 1225 (India).

¹⁰ CESC Ltd. v. Subhash Chandra Bose, A.I.R. 1992 S.C. 573 (India).

¹¹ Kirloskar Brothers Ltd. v. Employees' State Ins. Corp., (1996) 2 S.C.C. 682 (India).

¹² India Const. arts. 38(1), 39(e), 42, 43, 47.

policy specifically, notwithstanding the continuing legislative gap this paper's Section 7 examines.

The Constitution of India is a living document, interpreted dynamically to respond to the evolving social, economic and technological reality the country faces. Digital communication technology, email, instant messaging, virtual meeting and monitoring software among them, has transformed work into a culture of perpetual availability, and worker, particularly within the private and information technology sector, are frequently expected to engage with work-related message well beyond prescribed working hour without additional compensation or legal protection. The right to disconnect denotes, in this context, the right to disengage from work-related digital communication outside working hour without suffering adverse consequence as a result, a concept traditionally situated within labour law but one this paper argues carries strong independent grounding within the Indian Constitution specifically, within the right to life and liberty above all.

3.1 Constitutionalism and the Emergence of New Rights

Indian constitutional jurisprudence has consistently widened the ambit of fundamental right to keep pace with modern challenge, and the Supreme Court has repeatedly stressed that fundamental right must be construed purposively rather than narrowly. *Maneka Gandhi v. Union of India*¹³ established that the procedure by which life or liberty may be curtailed must itself be just, fair and reasonable, an interpretive shift that has, in the decades since, transformed Article 21 into a repository of unenumerated right essential to human dignity. The right to disconnect may properly be understood as a further offspring of this same interpretive tradition: though the harm it addresses is not physical in the conventional sense, the coercive effect of perpetual digital availability on a worker's dignity, health and autonomy is genuine and, this paper argues, constitutionally cognisable on the same interpretive logic that has already extended Article 21 to encompass livelihood, health, privacy and a clean environment.

This interpretive logic has already produced comparable extension in adjacent labour contexts, lending further support to the argument this paper advances. Courts have recognised, in the specific context of occupational health and safety, that the right to life under Article 21 imposes a positive obligation on the state to secure a working environment free from conditions that endanger a worker's physical or mental health, an obligation the continuous digital connectivity this paper examines arguably engages with comparable force to the physical hazard that earlier occupational health jurisprudence addressed

¹³ *Maneka Gandhi v. Union of India*, A.I.R. 1978 S.C. 597 (India).

directly.¹⁴ If Article 21 already requires the state to protect worker from physical harm arising from unsafe working condition, the psychological and physiological harm sustained connectivity produces, documented at length in Section 2 above, supplies a doctrinally coherent basis for extending comparable protection to the digital dimension of the modern workplace.

4. ARTICLE 21: DIGNITY, HEALTH AND MENTAL WELL-BEING

4.1 Right to Live with Human Dignity

The right to live with dignity is protected under Article 21. In *Francis Coralie Mullin*, the Supreme Court held that the right to life embraces the right to a life of dignity along with all its necessary adjunct. Because continuous intrusion into a worker's private time deprives that worker of sleep, leisure and family life, each necessary for a dignified existence, the right to disconnect follows naturally as a component of the right to live with dignity Article 21 already guarantees.

4.2 Right to Health and Mental Wellbeing

The Supreme Court has held health to be an integral component of the right to life. In *Consumer Education and Research Centre v. Union of India*¹⁵, the Court held the right to health and medical care to be a fundamental right under Article 21, and mental health, though less immediately visible than physical health, remains inextricably intertwined with it. Constant connection to digital work platform has been shown to produce stress, anxiety, burnout syndrome and sleep disorder, and the absence of a recognised right to be free of digital overwork accordingly infringes an employee's mental health directly, exposing them to psychological harm arising specifically from the conditions of their employment. The right to disconnect would, on this reasoning, function as a constitutional psychological safeguard for employee generally.

4.3 The Right to Leisure as an Incident of a Dignified Life

A further, related strand of Article 21 jurisprudence bears directly on the right to disconnect: the recognition that a dignified existence requires not merely subsistence but the opportunity for rest, leisure and the cultivation of relationship and interest beyond the workplace.¹⁶ This recognition finds its clearest textual echo in Article 24 of the Universal Declaration of Human Rights, examined in Section 2 above, but its constitutional significance within Indian law derives independently from the Supreme Court's own broad construction of the term life under Article 21, which has consistently rejected

¹⁴ *Consumer Educ. & Research Ctr. v. Union of India*, A.I.R. 1995 S.C. 922, 15-17 (India).

¹⁵ *Consumer Educ. & Research Ctr. v. Union of India*, A.I.R. 1995 S.C. 922 (India).

¹⁶ *Olga Tellis v. Bombay Mun. Corp.*, A.I.R. 1986 S.C. 180, 32-33 (India).

any reading confined to mere physical survival. A worker denied meaningful leisure through the continuous, low-grade demand of digital availability is, on this reasoning, denied a component of dignified existence the Constitution already protects, even though no Indian court has yet been asked to locate that denial specifically within the right to disconnect this paper examines. The absence of direct adjudication does not diminish the doctrinal availability of the argument; it reflects, instead, the comparative novelty of the underlying harm, a novelty this paper's Section 2 traces to the recent and rapid expansion of workplace digital technology specifically.

5. PRIVACY, EQUALITY AND OCCUPATIONAL LIBERTY

5.1 Privacy and Personal Autonomy

In *Justice K.S. Puttaswamy v. Union of India*¹⁷, a nine-judge bench of the Supreme Court unanimously recognised the right to privacy as a fundamental right under Article 21, emphasising that privacy encompasses personal autonomy, decisional freedom and control over one's own time and space. Work-related digital communication received after working hour intrudes directly into the private sphere of the individual, collapsing the boundary between public, work-related life and private, home-based life, and such intrusion restricts an individual's autonomy over their own personal time, making the right to disconnect a necessary extension of the right to privacy already recognised.

The proportionality standard *Puttaswamy* established, requiring that any restriction on privacy be lawful, necessary and proportionate, supplies a further analytical resource for assessing mandatory after-hours connectivity and electronic monitoring specifically: such practice will frequently fail the proportionality standard, since the underlying business objective, task completion or client responsiveness, can generally be achieved through less restrictive means than continuous, unbounded digital availability. Constitutional privacy jurisprudence, on this basis, lends direct support to curtailing employer control over an employee's digital life outside working hour.

5.2 Article 14: Equality and Protection Against Arbitrariness

Article 14 guarantees equality before the law and protection against arbitrary state action; in *E.P. Royappa v. State of Tamil Nadu*¹⁸, the Supreme Court held that arbitrariness is antithetical to equality. Unregulated digital work practice disproportionately burdens junior employee, contract worker and gig worker specifically, who typically lack meaningful bargaining power and fear retaliation should they decline after-hours communication, and this unequal

¹⁷ Justice K.S. Puttaswamy v. Union of India, (2017) 10 S.C.C. 1 (India).

¹⁸ E.P. Royappa v. State of Tamil Nadu, A.I.R. 1974 S.C. 555 (India).

impact reinforces structural inequality within the workplace. Recognition of the right to disconnect would accordingly advance substantive equality by protecting the workers least able to protect themselves from arbitrary and exploitative connectivity expectation.

5.3 Article 19(1)(g) and Directive Principles

Article 19(1)(g) protects the freedom to carry on any occupation, trade, business or profession, and while employer may consider permanent connectivity essential to business efficacy, Article 19(6) permits reasonable restriction on that freedom in the interest of the general public.¹⁹ Reasonable working hour and adequate rest period constitute a crucial safeguard against occupational liberty becoming a vehicle for exploitation, and the right to disconnect functions, on this reasoning, as a constitutionally permissible limitation on employer practice, protective of the underlying fundamental right rather than destructive of it.

The Directive Principles of State Policy, though not independently justiciable, carry considerable interpretive weight in construing the Constitution: Article 39(e) makes the state responsible for preserving worker health and strength, and Article 42 requires the state to secure just and humane condition of work.²⁰ In *Bangalore Water Supply and Sewerage Board v. A. Rajappa*²¹, the Supreme Court articulated the welfare orientation underlying Indian labour law jurisprudence generally, an orientation the right to disconnect directly serves by promoting humane condition of work within the digital, as much as the physical, workplace.

Read together, the four constitutional pillar this paper's Sections 4 and 5 have traced, dignity and health under Article 21, equality under Article 14, occupational liberty under Article 19(1)(g), and the welfare orientation the Directive Principles supply, do not operate as isolated doctrinal source but as a mutually reinforcing constitutional structure. Dignity and health identify the harm the right to disconnect addresses; equality identifies why that harm falls with particular severity on India's most vulnerable worker; occupational liberty establishes that a right to disconnect would constitute a permissible, rather than an unconstitutional, restriction on employer practice; and the Directive Principles supply the affirmative constitutional mandate directing the state toward exactly this kind of protective labour legislation. No single strand, considered alone, would necessarily compel legislative recognition of the right to disconnect, but their cumulative weight, this paper argues, supplies a

¹⁹ India Const. art. 19, cl. 1(g), cl. 6.

²⁰ India Const. arts. 39(e), 42.

²¹ *Bangalore Water Supply & Sewerage Bd. v. A. Rajappa*, A.I.R. 1978 S.C. 548 (India).

considerably stronger constitutional foundation than the continuing legislative silence this paper's Section 7 documents would suggest.

6. COMPARATIVE LEGISLATIVE PRACTICE: FRANCE, AUSTRALIA, PORTUGAL AND BELGIUM

India presently lags behind several jurisdictions that have already recognised the toxicity of unregulated hyper-connectivity and translated that recognition into binding legislative protection.

6.1 France: The Pioneer

France became the first nation to make the right to disconnect mandatory, through the El Khomri Law of 2017, which requires employers with more than fifty worker to negotiate the specific terms of the right to disconnect with their workforce; where agreement cannot be reached, the employer must instead create an internal charter specifying when a worker is not obliged to remain in contact.²²

6.2 Australia: A Statutory Right

Australia enacted the Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024, under which eligible worker now possess a right not to monitor, read or respond to contact from their employer outside working hour, unless the request in question is reasonable in the circumstance.²³ Australia's transition from a policy-based approach to a genuinely statutory right marks a significant development within the common law world specifically, given the structural similarity between Australian and Indian labour law tradition.

6.3 Portugal and Belgium

Portugal has implemented a comparatively stringent rule prohibiting employer from contacting employee outside working hour altogether, save in case of genuine force majeure, with financial penalty attaching to non-compliant employer.²⁴ Belgium, in 2022, enacted legislation permitting civil servants to disconnect work device upon leaving the office without fear of consequence, a protection subsequently extended to the corporate sector for companies employing more than twenty worker.²⁵ These four jurisdictions, though differing considerably in the specific mechanism each employs, negotiated charter, statutory entitlement, outright prohibition or scaled application by company size, together demonstrate that the right to disconnect is administrable across a range of legal and economic context, a demonstration this paper's

²² Loi No. 2016-1088 du 8 août 2016 (El Khomri Law), art. L.2242-17 (Fr.).

²³ Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024 (Cth) (Austl.).

²⁴ Lei n.º 83/2021 (Port.).

²⁵ Loi du 3 octobre 2022 portant des dispositions diverses relatives au travail (Belg.).

Section 7 draws upon directly in assessing India's own continuing legislative gap.

6.4 Common Design Features Across Jurisdictions

Notwithstanding their differing legal technique, the four jurisdictions this paper has examined share several common design features worth drawing out explicitly, since they supply a useful template for Indian reform. First, each regime distinguishes between the existence of the underlying right and the mechanism through which it is given effect, whether negotiated charter, statutory entitlement or outright prohibition, allowing the specific mechanism to be calibrated to local industrial relations practice while preserving the underlying protective principle. Second, each regime attaches some form of consequence, financial penalty, statutory remedy or reputational sanction, to non-compliance, recognising that a right to disconnect without an enforcement mechanism risks remaining aspirational only, a concern this paper's Section 7.2 raises specifically in the Indian context. Third, each regime permits genuine business necessity, emergency, urgent operational requirement or comparable exception, to override the right in defined and narrow circumstance, avoiding the rigidity that might otherwise render the right impractical for sectors with a genuine, unavoidable need for after-hours availability. These shared design features, considered together, suggest that a workable Indian statute need not choose between the French, Australian, Portuguese and Belgian model in isolation, but could instead draw selectively upon each, adapting the specific combination to India's own industrial and economic context, a possibility this paper's Section 8 recommendations develop further.

7. LEGISLATIVE ATTEMPTS AND PERSISTING CHALLENGES IN INDIA

Although the Indian Constitution, on the analysis this paper has developed, already supplies considerable doctrinal foundation for the right to disconnect, that right has not received statutory recognition in India, and Indian labour law remains oriented substantially toward the physical workplace and conventional working hour, ill-suited to the digital connectivity concern this paper examines. The absence of a well-established standard for appropriate working hour compounds this difficulty: information technology personnel commonly work forty-five to fifty hours weekly, while prominent industry voice, Infosys founder Narayana Murthy among them, have publicly suggested that a considerably longer working week, up to seventy hours, should become the expectation for younger workers in the sector, a position in direct tension with the right to disconnect this paper has traced.²⁶ Occupational category such as

²⁶ India Today, Infosys Founder Narayana Murthy Says Young IT Workers Should Work 70 Hours a Week (Oct. 26, 2023).

security service and healthcare, moreover, cannot readily operate according to a standard clock at all, complicating any uniform statutory approach to working hour regulation.

From the employer's perspective, the right to disconnect complicates the practical task of ensuring work is completed on schedule, particularly within India's rapidly expanding startup sector, where competitive pressure often generates an implicit expectation that workers put in additional effort beyond formal working hour, directly contrary to the right to disconnect this paper examines. India's status as a developing economy substantially dependent on the international market compounds this tension further: unlike France and Australia, developed nation with correspondingly developed labour law and economic structure, India's continued reliance on international competitiveness creates genuine pressure for extended working hour, complicating the straightforward legislative transplantation of the comparative model examined in Section 6.

7.1 Legislative Attempts: The Private Member's Bills

Although the government has not yet introduced executive legislation on this subject, the matter has received sustained attention through private member's bill. The Right to Disconnect Bill, 2018, introduced by Member of Parliament Supriya Sule, represented the first direct legislative effort to enshrine the right in India, proposing the creation of an Employee Welfare Authority to disseminate a charter governing out-of-hours communication and expressly providing that no disciplinary action could be initiated against an employee for declining to respond to a communication received outside office hour. The Bill did not proceed to enactment, but it established an important template for subsequent legislative debate regarding digital boundaries in the Indian workplace.

Shashi Tharoor has separately introduced private member legislation directed at amending the Occupational Safety, Health and Working Conditions Code, aimed at worker wellbeing more broadly and specifically addressing the working conditions prevailing in the gig economy and the information technology sector. Though linked publicly with the right to disconnect campaign, this legislative proposal has focused particularly on establishing rigid time boundary, recognising that remote work does not imply availability at any time from any location, and on connecting the right to disconnect with protection against workplace harassment and mental burnout more generally. Tharoor has argued, in the course of parliamentary and public debate, that the continuing absence of comprehensive data protection and updated labour law leaves the Indian employee susceptible to a form of digital exploitation in which hyper-connectivity, itself a product of modern technology, effectively becomes synonymous with exploitation.

7.2 Persisting Enforcement Challenges

Even were comparable legislation enacted in India, several genuine implementation challenge would remain.

- Defining working hour with precision proves considerably more difficult within a remote work arrangement than within a traditional office setting, where physical presence supplied a natural, self-evident boundary.
- Global time-zone operation, increasingly common among Indian firms serving international client, complicate any single, uniform definition of after-hours communication.
- The informal sector and the gig economy, both substantial components of the Indian workforce, presently fall outside the protective scope either private member's bill would extend.
- Limited employee awareness of the right to disconnect, and of the mechanism through which it might eventually be enforced, continues to constrain the practical reach any future legislation would achieve.

Judicial interpretation, collective bargaining and clear policy directive together offer the most realistic means of addressing these challenge pending the enactment of dedicated legislation, and constitutional courts, drawing on the doctrinal foundation this paper's Sections 3 through 5 have traced, could play a considerably more active interpretive role in this domain than they have exercised to date.

Collective bargaining specifically deserves further attention as an interim mechanism, since it does not depend on the comparatively slow process of either judicial doctrine or parliamentary enactment. Trade union and employee association in sector with a genuine, organised bargaining presence, information technology and banking among them, could negotiate right to disconnect provision directly into collective agreement, following broadly the French model of employer-employee negotiation this paper's Section 6.1 examines, without awaiting either a definitive constitutional ruling or the passage of dedicated legislation. The comparative weakness of collective bargaining across much of the Indian private sector, however, particularly within the newer technology and start-up sector where the connectivity problem this paper examines is often most acute, limits how far this interim mechanism can realistically extend, underscoring why this paper's Section 8 ultimately favours statutory intervention over reliance on collective bargaining or judicial interpretation alone.

8. CONCLUSION AND RECOMMENDATIONS

The right to disconnect represents a genuinely contemporary labour right, directed at reducing the stress that accompanies work continuing well beyond official working hour. France and Australia have already enacted legislation protecting this right, and comparable measure exist in Portugal and Belgium, while the Indian government has, to date, allowed successive private member's bill, from Supriya Sule's original 2018 proposal through Shashi Tharoor's subsequent legislative effort, to lapse without enactment. For the right to disconnect to succeed in India, an effective regulatory structure is required, one genuinely attentive to the nature of Indian work culture and the competitive pressure that continue to influence both employee and employer alike.

The following measure would strengthen the prospect of meaningful implementation.

- Establish a dedicated monitoring authority, along the lines both private member's bills have proposed, empowered to ensure enforcement through regular audit and structured employee feedback capable of tracking non-compliance across sector.
- Promote sustained employer awareness of the right to disconnect, so that employer come to understand and actively support the balance between work and private life the right is designed to secure, rather than treating it as an external compliance burden alone.
- Extend statutory protection deliberately to the informal sector and gig economy, addressing directly the coverage gap this paper's Section 7 identifies as a significant limitation of both pending private member's bills.
- Encourage constitutional courts to engage directly with the doctrinal foundation this paper has traced through Articles 21, 14 and 19, so that judicial interpretation can supply interim protection pending the enactment of comprehensive legislation.

The psycho-social stress and strain this paper has documented throughout illustrate the continuing and pressing importance of this campaign. Notwithstanding the considerable challenge that lie ahead, defining appropriate working hour across diverse occupation, reconciling worker wellbeing with India's competitive position in the international economy, and extending protection to workers presently outside the formal employment relationship, the focus of government and employer alike should remain fixed on securing the wellbeing of the worker whose labour increasingly extends, through digital technology, into every hour of the day.