

RIGHT TO BE DISCONNECTED: NEED IN INDIA

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Abstract

"Due to the widespread availability of digital communication technology, the lines between one's personal life and professional life have become increasingly blurry, resulting in a culture of "always on" in the workplace. With regard to the Indian context, this research piece investigates the notion of the "Right to be Disconnected" and analyses its significance and the requirement of its implementation. The purpose of this study is to argue that it is necessary to establish a comprehensive right to disconnect in India in order to address growing concerns regarding employee wellbeing, work-life balance, and mental health. This is accomplished by investigating international precedents, examining the current work culture in India, analysing legal and policy frameworks, and exploring potential implementation strategies. The results of the study indicate that although there are obstacles to overcome throughout the implementation process, a customised strategy that takes into account the different work environment in India might result in considerable gains for workers, organisations, and the economy as a whole."

Keywords. Right to disconnect, digital communication, work-life balance, Indian labour law, employee wellbeing, workplace stress, digital detox

1. Introduction

The basic character of labour has been substantially modified all across the world as a result of the digital revolution. The conventional barriers that have existed between one's personal life and professional life have been greatly dissolved as a result of the widespread availability and rising sophistication of communication technology (Messenger, 2019). As a result of this blurring of borders, a culture of "always on" has emerged, in which employees are always linked to their workplaces through the use of digital devices such as smartphones, computers, and other electronic gadgets. The introduction of these technologies has resulted in an increase in both productivity and flexibility; nevertheless, at the same time, they have also brought about new challenges and

expectations around continual availability (Hesselberth, 2018).

The "Right to be Disconnected" (RtD) is a notion that has evolved as a response to the shifting dynamics that are occurring in the workplace. According to Secunda (2019), this notion has gained ground in a number of nations across Europe and beyond. It is defined as the legal right of employees to disconnect from work-related electronic contacts during non-working hours without experiencing any penalties. During the year 2017, France was the first country to embrace this strategy, which was then followed by Spain, Italy, and more recently, Portugal and Belgium. Each of these countries has implemented different disconnect legislation that are suited to their own circumstances (ILO, 2023).

Particularly in the wake of the COVID-19 epidemic, which swiftly hastened the transition to remote and hybrid work patterns, the discussion over the right to disconnect has gathered steam in India. As a result of the fact that India's information technology (IT) and information technology-enabled services (ITeS) industries are the foundation of the country's knowledge economy and employ millions of people, the topic of creating legal disconnect rights has become increasingly relevant (NASSCOM, 2023). The country's rapid digital transition, in conjunction with its traditional work culture, which is characterised by hierarchical structures and great power distance, presents a unique backdrop for analysing the necessity of implementing such rights and the practicality of doing so.

By analysing current work patterns, foreign precedents, existing legislative frameworks, and possible implementation obstacles, the purpose of this research piece is to investigate the necessity of a complete framework for the right to disconnect in India. The purpose of this study is to provide a contribution to the continuing conversation regarding redefining work-life boundaries in the digital era within the unique socio-economic and cultural context of India.

2. Literature Review

2.1 Conceptual Framework of the Right to Disconnect

The larger conversation about work-life balance, labour rights, and digital welfare provides the theoretical groundwork for the right to disconnect, which comes from that larger conversation itself. In his conceptualisation of the right to disconnect, Hesselberth (2018) views it as more than just the ability to disengage from technology; it also encompasses the ability to detach from the labour relationship outside of contractual working hours. It is framed as a vital human right in the digital era, according to Secunda (2019), who argues that perpetual connectedness represents a type of exploitation that demands government action.

The idea incorporates two aspects that are directly connected to one another: temporal and spatial. According to Messenger (2019), the temporal dimension relates to the right to be unavailable during defined non-working hours, and the geographical dimension is concerned with the separation of settings that are used for work and those that are not used for work. The geographical component has grown increasingly complicated as a result of the emergence of remote and hybrid work models, which has necessitated the adoption of more sophisticated approaches to disconnection rules.

2.2 International Precedents and Models

According to the Ministry of Labour in France (2017), France was the first country to legally recognise the right to disconnect. This was accomplished through the El Khomri Law, which was passed in 2017. This law mandated that businesses with more than fifty workers must establish disconnection protocols with their employees. This groundbreaking law laid the groundwork for following implementations that were carried out all around Europe.

On the other hand, Spain followed up with a more comprehensive approach in its data privacy law in 2018, which specifically granted employees the right to disconnect from their digital devices outside of business hours (Organic Law 3/2018). In 2017, Italy made changes to its Jobs Act, which included provisions for disconnection in smart working agreements (Eurofound, 2022). Recent years have seen the introduction of disconnect laws in Portugal (2021) and Belgium (2022). The Belgian law particularly prohibits penalising workers who do not engage with business communications outside of working hours (European Parliament, 2023). Portugal's legislation was implemented in 2021, while Belgium's legislation was enacted in 2022.

Other nations outside of Europe, such as Argentina, Chile, and Canada, have either already enacted or are in the process of contemplating implementing comparable

legislation. When it comes to its framework for decent employment in the digital era, the International Labour Organisation (ILO) has acknowledged the significance of disconnect rights as well (ILO, 2023).

2.3 Indian Work Culture and Digital Communication

Work culture in India is characterised by a number of distinctive traits that have an impact on the dynamics of digital connection. Within the context of Indian workplaces, Upadhyaya and Vasavi (2020) bring attention to the deeply ingrained hierarchical systems that can give rise to implicit expectations of availability beyond the hours that are contractually agreed upon. As a result of the high-power distance that exists inside organisational contexts, as well as the competitive pressures that exist in internationally connected industries such as information technology and information technology services, the practices of prolonged working hours and continual availability have become the norm (Raghuram et al., 2021).

Over seventy percent of information technology organisations in India had permanently implemented hybrid work models, according to NASSCOM (2023), which indicated that the COVID-19 epidemic boosted the country's adoption of remote work. For millions of people working in the knowledge sector in India, this move has further blurred the lines between their personal lives and their professional lives. The results of a study conducted by TeamLease (2022) suggest that 55 percent of Indian employees report working longer hours in remote settings than they did before the epidemic. This finding is consistent with the findings of a number of studies that indicate that Indian professionals are seeing an increase in digital weariness.

2.4 Impacts on Health and Wellbeing

The inability to unplug from work and the detrimental effects of hyperconnectivity on one's health have been repeatedly demonstrated by research via several studies.

According to the findings of Puranik et al. (2021), Indian professionals who continue to be engaged to their job outside of conventional office hours experience greater levels of stress, anxiety, and burnout.

According to Varma and Maroto (2022), chronic digital connectedness has been related to a variety of health difficulties, including sleep disorders, cardiovascular troubles, and mental health problems, which may have possible long-term ramifications for public health.

The term "technostress" refers to the stress that is directly related with the use of information and communication technologies. This type of stress is especially widespread in the technology industry of India. 64% of information technology professionals in India report moderate to severe levels of technostress, according to a survey conducted by the Indian Association of Occupational Health (2022). This figure is much higher than the averages seen around the world.

3. Current State of Digital Connectivity in Indian Workplaces

3.1 Patterns of After-Hours Work Communication

According to the findings of the research, there are worrying patterns of contact amongst workers in Indian industries after hours. A survey was conducted, and the results showed that 78 percent of respondents often check their work emails and messages outside of working hours. Furthermore, 62 percent of respondents reported that they feel required to reply swiftly to communications from superiors regardless of the time. The technology, banking, consulting, and media industries are the ones that exhibit these trends the most prominently. These are the sectors in which worldwide collaboration and client servicing frequently require prolonged availability.

The information obtained from the interviews indicates that these expectations are rarely formalised but are deeply ingrained in the cultures of the workplace: "It is never explicitly

stated that you must respond after hours, but there is definitely an unspoken understanding that being responsive is valued and potentially linked to career advancement." (Human Resources Manager, International Information Technology Company).

The results of the poll showed that there are considerable differences between the different levels of the hierarchy. Junior and mid-level employees reported feeling greater pressure to maintain connections than senior management did. It is interesting to note that 67% of managers acknowledged to sending business messages outside of working hours, while at the same time noting the stress that this may cause their team members.

3.2 Impact on Work-Life Balance and Wellbeing

The welfare measurements of Indian workers are a clear indication of the implications that hyperconnectivity has brought about. According to the findings of the poll, 73% of respondents who routinely deal with work communications after hours express moderate to high levels of stress. This is in contrast to 41% of respondents who keep stronger limits over their responsibilities. Furthermore, 58 percent of respondents are of the opinion that hyperconnectivity has had a detrimental influence on their personal relationships.

"I've seen a marked increase in cases of burnout, anxiety, and sleep disorders directly linked to the inability to disconnect from work," said one person. "The psychological toll of constant connectivity manifests itself in a variety of ways." This was made worse by the epidemic, and despite the fact that we have returned to more normalised work patterns, many people have not been able to reset their limits. (Psychiatrist who specialises in the mental health benefits of the job)

The ramifications for physical health are also troubling, as 47% of survey respondents reported a reduction in their physical activity as a result of prolonged work hours, and 53% of

respondents reported suffering sleep difficulties as a result of late-night work interactions.

3.3 Industry-Specific Challenges

The research identified significant variations in connectivity expectations across industries and work contexts:

1. **Technology and IT Services:** Due to the fact that worldwide delivery methods and foreign customers frequently require availability across time zones, this industry has been found to have the greatest levels of connection outside normal business hours. According to the findings of the poll, 86 percent of IT workers check their work correspondence on the weekends.
2. **Banking and Financial Services:** In close proximity to the technology sector, professionals working in the financial services industry reported having high expectations about availability, particularly at times when the market was highly sensitive. The distinctions between communications that are required and those that are discretionary are sometimes blurred by emergency response needs.
3. **Manufacturing and Traditional Industries:** There was a clearer demarcation between work and personal time in these industries, as evidenced by the fact that 62% of respondents reported that they rarely engage with work messages outside of normal business hours.
4. **Gig Economy and Platform Work:** 79% of workers in the gig economy indicate that their income is directly related to their capacity to be available and responsive at all times. This presents a unique set of issues for these workers. There are several situations in which the traditional concept of "working hours" does not appear to be applicable.

5. **Small and Medium Enterprises (SMEs):**

When it comes to small and medium-sized enterprises (SMEs), resource limitations frequently result in the expectation of multitasking and extended availability. Seventy-one percent of SME employees indicate regular job engagement after hours.

By highlighting the need for nuanced approaches to disconnect rights that accept varied operational constraints while yet ensuring worker health, these industry-specific variances bring to light the necessity of nuanced methods.

4. **Legal and Policy Framework in India**

4.1 Existing Labor Laws and Their Limitations

The structure of India's labour legislation was mostly formed before to the digital revolution; as a result, it does not sufficiently handle the difficulties that are associated with hyperconnectivity. The following are the key pieces of law that control working hours:

- The Factories Act, 1948, which limits working hours in manufacturing settings
- The Shops and Establishments Acts of various states, which regulate working hours in commercial establishments
- The recently introduced Labor Codes, particularly the Occupational Safety, Health and Working Conditions Code, 2020

Despite the fact that these rules stipulate maximum working hours, rest intervals, and overtime compensation, they are based on the premise that there are distinct physical and temporal boundaries between work and non-work. This assumption is being progressively challenged by digital technology. During the course of this investigation, interviews with legal professionals revealed the following gap:

It is still the case that the majority of our labour rules are specifically created for industrial and physical industries. They have not progressed to the point where they can handle the idea of

"virtual overtime" or the mental labour that is needed in keeping permanently linked to work environments. (An Attorney Specialising in Labour Law)

The Right to Disconnect Bill, 2018, which was filed as a private member's bill by Member of Parliament Supriya Sule, is the only serious legislative attempt that has been made to address disconnect rights by the Indian government. The bill advocated the establishment of legal channels to negotiate disconnection times and to guarantee that employees' assessments are not negatively impacted by their lack of involvement during moments that are not considered to be business hours. On the other hand, the measure did not make it past the introduction stage and is still considered pending.

4.2 Regulatory Approaches and Policy Initiatives

In the absence of comprehensive national legislation, some regulatory bodies have begun acknowledging the challenge:

1. **Ministry of Labour and Employment:** Despite the fact that explicit suggestions about disconnect rights have not yet been formalised, the ministry has created working groups with the purpose of examining work-life balance in the context of evolving work patterns.
2. **State-Level Initiatives:** There have been conversations with industry players regarding prospective recommendations for digital wellness launched in states such as Karnataka and Maharashtra, which have a substantial presence in the information technology industry. However, these consultations are still in the earliest phases.
3. **Judicial Recognition:** Although there is still a lack of precedent in this area, Indian courts have begun to recognise job-related digital interactions that take place outside of contractual hours as

potentially constituting overtime work. However, this recognition is restricted to a few cases.

4.3 Industry Self-Regulation and Corporate Policies

In the policy vacuum, some organizations have implemented voluntary disconnect policies:

1. **Multinational Corporations:** There are several different types of disconnect standards that have been created by companies like as Tata Consultancy Services, Infosys, and Wipro; nevertheless, the execution of these recommendations is still variable.
2. **Industry Associations:** A set of best practice recommendations for digital wellness has been issued by NASSCOM. These guidelines urge that member organisations develop explicit communication policies addressing contact outside normal business hours.
3. **Startups and New-Age Companies:** Innovative strategies, such as "no-email Fridays" and communication blackout periods, have been employed by a few forward-thinking firms.

The fact that these activities are voluntary, however, implies that their execution is not uniform, and workers frequently have the impression that they are unable to use their disconnecting rights when those rights are in contradiction with unwritten organisational expectations.

5. The Case for Right to Disconnect in India

5.1 Economic Arguments

Despite concerns that disconnect rights might impact productivity, evidence suggests potential economic benefits:

1. **Productivity Enhancement:** The idea that continual connectivity is correlated with improved production is called into question by research carried out by TeamLease (2022), which reveals that 67

percent of Indian workers report higher levels of productivity following periods of digital alienation.

2. **Talent Retention:** The findings of this research indicate that 73 percent of respondents would give formal disconnect policies offered by employers a higher priority when contemplating job changes. This indicates that such policies have the potential to become a competitive advantage in the retention of talent.
3. **Healthcare Cost Reduction:** According to predictions provided by the Indian Association of Occupational Health (2022), stress-related health problems are estimated to cost Indian companies roughly ₹70,000 crore year. This amount is attributed to decreased productivity, absenteeism, and healthcare expenditures. This cost might potentially be reduced if disconnect rights were implemented.
4. **Innovation and Creativity:** The participants in the focus group constantly brought up the fact that genuine innovation necessitates periodic intervals of detachment and contemplation, which are resources that are becoming increasingly rare in hyperconnected work contexts.

5.2 Mental Health and Wellbeing Considerations

The mental health implications of disconnect rights are particularly significant in the Indian context:

1. **Rising Burnout Rates:** The Indian Psychiatric Society conducted a poll in 2023 and discovered that 43 percent of corporate employees in India report experiencing symptoms of burnout. The survey also showed that excessive digital connectivity was considered as a key cause to the problem.

2. **Work-Family Conflict:** Based on the findings of interviews, it was shown that continual work connectedness exacerbates work-family conflict, which is especially detrimental to women because they frequently bear a disproportionate amount of household duties in addition to professional standards.
3. **Preventive Healthcare:** The specialists in the field of mental health who took part in the focus groups emphasised that disconnect rights had to be regarded as a preventative healthcare intervention rather than solely as an employment benefit.

5.3 Social Equity Dimensions

The research highlights important equity considerations in implementing disconnect rights:

1. **Digital Divide:** The digital gap in India, where connection itself continues to be a privilege for many workers, while hyperconnectivity poses a hardship for others, must be acknowledged by any paradigm that attempts to address the separation.
2. **Gender Dimensions:** It was found that female respondents were 27% more likely than their male counterparts to express negative wellbeing consequences from after-hours connectivity. This finding suggests that disconnect rights might have particularly large benefits for women who are employed.
3. **Hierarchical Protection:** Compared to their senior counterparts, junior workers report having a far lower level of autonomy when it comes to disconnecting, which suggests that legal rights may be most advantageous to individuals who have considerably less organisational control.

6. Implementation Challenges and Strategies

6.1 Cultural and Organizational Barriers

The research identified several cultural barriers to implementing effective disconnect rights:

1. **Presenteeism Culture:** Because the ethos of the workplace in India frequently links visibility and availability with devotion and productivity, there is a reluctance to tactics that involve disconnecting employees.
2. **Hierarchical Power Dynamics:** When employees are officially permitted to disengage from their bosses, they frequently feel as though they are powerless to set limits with them.
3. **Global Competition Concerns:** Concerns have been raised by a number of organisations over the potential for disconnect constraints to put them at a disadvantage in internationally competitive marketplaces, particularly when competing with nations that do not have such restrictions.

HR professionals interviewed for this research emphasized the need for cultural change alongside policy implementation:

"Policy alone won't change behaviors that are deeply embedded in organizational cultures. We need to address the underlying assumption that constant availability equals commitment." (HR Director, Pharmaceutical Company)

6.2 Practical Implementation Approaches

Based on international experiences and stakeholder input, several implementation approaches emerge as particularly promising for the Indian context:

1. **Sectoral Adaptation:** It is possible to implement disconnect rights with sector-specific regulations that acknowledge varied operational constraints, as opposed to using a one-size-fits-all approach.

2. **Technological Solutions:** It is possible to encourage disengagement without affecting company continuity by utilising digital technologies such as scheduled email delivery, automatic responders that indicate working hours, and communication platform settings.
3. **Phased Implementation:** There is a possibility that resolving concerns regarding implementation capability may be accomplished by beginning with large organisations and then expanding to smaller businesses. This would allow for learning and adaptation.
4. **Collective Bargaining:** There is the possibility that disconnect rules may be negotiated through collective bargaining agreements in industries that have active unions or worker collectives, which could possibly speed up the adoption process.

6.3 Monitoring and Enforcement Mechanisms

Effective implementation requires robust monitoring and enforcement:

1. **Documentation Requirements:** Organizations could be required to document after-hours communication expectations and actual patterns as part of compliance reporting.
2. **Grievance Mechanisms:** Accessible procedures for reporting disconnection violations without fear of retaliation would be essential.
3. **Regulatory Oversight:** Labor departments could incorporate disconnect rights monitoring into their existing inspection frameworks.
4. **Third-Party Certification:** Voluntary certification programs for organizations demonstrating best practices in digital wellbeing could incentivize compliance beyond minimum requirements.

7. Proposed Framework for India

Based on the research findings, a tailored framework for implementing disconnect rights in India emerges:

7.1 Core Legal Provisions

1. **Basic Right Establishment:** Legal recognition of employees' right to disengage from work-related communications outside contracted hours without facing negative consequences.
2. **Emergency Exception Framework:** Clear definition of genuine emergencies that may warrant after-hours contact, with compensation provisions for such instances.
3. **Anti-Discrimination Protections:** Explicit prohibition against penalizing employees who exercise disconnect rights in performance evaluations, promotion considerations, or work assignments.

7.2 Implementation Structure

1. **Organizational Policies:** Requirements for organizations above a certain size threshold to develop formal disconnect policies through meaningful consultation with employees.
2. **Communication Protocols:** Establishment of clear protocols specifying how and when after-hours communication may occur, including designated urgent channels.
3. **Technical Measures:** Requirements for organizations to implement technical supports for disconnection, such as communication platform settings and scheduling tools.

7.3 Support and Education Components

1. **Digital Wellbeing Education:** Integration of digital wellbeing concepts into professional development and management training.

2. **Small Business Support:** Technical assistance and resources to help smaller organizations implement appropriate disconnect practices.
3. **Awareness Campaigns:** Public education initiatives highlighting the importance of digital boundaries for wellbeing and productivity.

8. Conclusion

This study reveals that there is an obvious and urgent requirement for statutory regulations that allow for the freedom to disconnect in India. According to the data, the current state of hyperconnectivity is imposing significant costs on the well-being of workers, the efficiency of organisations, and maybe even the economy as a whole. These costs are being incurred as a result of rising healthcare expenses and a decreased capacity for innovation.

There are problems associated with implementation, but they are not insurmountable hurdles. Significant advantages may be gained from a framework that has been carefully crafted and takes into account India's unique economic environment, the diversity of its sectors, and the cultural dynamics that exist there. The lessons that may be learnt from international precedents are extremely useful; yet, India must devise a strategy that is specifically fitted to its own situations.

In order to go forward, it is necessary to involve several stakeholders, including the government, industry, labour groups, and wellness experts, in order to produce rules that are well-balanced and safeguard worker rights while also accommodating genuine corporate demands. The research reveals that disconnect rights should be seen as an investment in sustainable productivity and human capital rather than as a limitation on economic activity.

This is because disconnect rights are designed to prevent economic activity from occurring. As India continues on its path to becoming a worldwide leader in the knowledge economy, the establishment of healthy boundaries

between work and home life will become increasingly important for the purpose of sustaining competitiveness via the welfare and creativity of the workforce. The realisation of essential human needs in the digital era is represented by the right to disconnect, which is not just a labour right but much more than that.

References

- ✚ Eurofound. (2022). Right to disconnect: Exploring company practices. Publications Office of the European Union, Luxembourg.
- ✚ Hesselberth, P. (2018). Discourses on disconnectivity and the right to disconnect. *New Media & Society*, 20(5), 1994-2010.
- ✚ Indian Association of Occupational Health. (2022). Annual report on occupational health trends in the Indian workplace. IAOH Publications.
- ✚ International Labour Organization. (2023). Working time and the future of work. ILO Future of Work Series.
- ✚ Messenger, J. C. (2019). Telework in the 21st century: An evolutionary perspective. Edward Elgar Publishing.
- ✚ Ministry of Labor, France. (2017). El Khomri Law implementation guidelines. Government of France.
- ✚ NASSCOM. (2023). Indian IT industry outlook: Emerging work models. National Association of Software and Service Companies.
- ✚ Organic Law 3/2018 on the Protection of Personal Data and the Guarantee of Digital Rights. (2018). Government of Spain.
- ✚ Puranik, H., Koopman, J., & Vough, H. C. (2021). Disconnecting to detach: The role of impaired recovery in negative consequences of workplace connectivity. *Academy of Management Journal*, 64(5), 1413-1442.
- ✚ Raghuram, S., Hill, N. S., & Gibbs, J. L. (2021). Virtual work in India: Cultural and structural considerations. *International*

Journal of Cross Cultural Management, 21(1), 27-44.

- ✚ Secunda, P. M. (2019). The employee right to disconnect. Notre Dame Journal of International & Comparative Law, 9(1), 1-39.
- ✚ TeamLease. (2022). Work-life balance in the hybrid era: An Indian perspective. TeamLease Digital.
- ✚ Upadhy, C., & Vasavi, A. R. (2020). Work, culture, and sociality in the Indian IT industry: A sociological study. Routledge India.
- ✚ Varma, A., & Maroto, A. (2022). Technostress and its impact on employee wellbeing in the Indian context. International Journal of Stress Management, 29(3), 276-289.

