



LABOUR

# Kerala's Right to Disconnect Bill, 2025: A Progressive Step Towards Work-Life Balance

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## Introduction

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In an era defined by hyper-connectivity and digital dependency, the boundaries between professional obligations and personal life have become increasingly porous. The Kerala Right to Disconnect Bill, 2025, introduced as a Private Member's Bill (PMBR No. 257) by Dr. N. Jayaraj, Chief Whip of the Kerala Legislative Assembly and MLA from Kanjirappally, represents a legislative milestone aimed at restoring those boundaries and reaffirming the fundamental right to rest and dignity for private-sector employees. The Bill, if enacted, will make Kerala the first Indian state to legally recognise the employee's "right to disconnect" a principle already embraced in various European jurisdictions such as France, Belgium, and Ireland, and increasingly discussed across international labour forums.

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## The Legislative Context

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The Bill arises against a growing backdrop of employee burnout, occupational stress, and the phenomenon popularly termed the "always-on" work culture, where employees are expected to remain responsive to work calls, emails, and virtual meetings well beyond stipulated working hours. The COVID-19 pandemic further intensified this phenomenon as remote work blurred the line between office and home. Recognising these socio-economic realities, Dr. Jayaraj's initiative seeks to introduce statutory protections that would ensure employees' right to disengage from work-related communications after office hours without fear of retaliation, demotion, or loss of benefits.

## Core Provisions of the Bill

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The Kerala Right to Disconnect Bill, 2025, as tabled, provides the following key features:

- **Recognition of the Right to Disconnect**

The Bill defines the "Right to Disconnect" as an employee's right to refuse to receive or respond to any work-related communication after prescribed working hours. This covers communications made through telephone, electronic mail, messaging services, or any digital platform, in the absence of an express agreement between the employer and the employee.

- **Prohibition of Punitive Measures**

Employers are expressly prohibited from initiating any disciplinary or punitive action against employees who exercise this right. Actions such as dismissal, demotion, reduction of benefits, or denial of training opportunities solely for non-responsiveness after hours are prohibited.

- **Institution of a Grievance Redressal Mechanism**

The Bill mandates the establishment of a Private Sector Workplace Grievance Redressal Committee (PSCWGRC) at the district level, chaired by the Regional Joint Labour Commissioner. This body will investigate complaints, monitor private establishments' adherence to work-hour regulations, and issue directives aimed at maintaining work-life balance.

- **Powers of Enforcement**

In cases of non-compliance, the Labour Commissioner may conduct inquiries and recommend punitive action against erring establishments, ensuring the Act's enforceability through administrative oversight.

### • Statement of Objects and Reasons

The Bill draws inspiration from Article 24 of the Universal Declaration of Human Rights, which recognises the right to rest and leisure, including reasonable limitation of working hours and paid holidays. It underlines the urgent need to safeguard employees' mental and physical well-being by legislatively guaranteeing their right to rest.

## Constitutional and Legal Underpinnings

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The Right to Disconnect Bill does not exist in isolation; it resonates deeply with the Constitution of India and the broader framework of Indian labour law.

### 1. Article 21: Right to Life and Dignity

The Supreme Court has consistently held that the "right to life" under Article 21 encompasses the *right to live with human dignity*. Judicial interpretations in cases such as *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (AIR 1981 SC 746) and *Maneka Gandhi v. Union of India* (1978 AIR 597) affirm that dignity is intrinsic to the concept of life. Constant digital surveillance and round-the-clock professional engagement erode this dignity by denying individuals the autonomy to rest, rejuvenate, and maintain a private life. The proposed legislation, therefore, operationalises the right to dignified rest within the modern digital workplace.

### 2. Directive Principles of State Policy

The Bill also finds its spirit in Articles 38, 39, and 43 of the Constitution, which mandate the State to ensure social order, adequate livelihood, and humane working conditions. The proposed grievance redressal mechanism, intended to prevent overwork and exploitation, aligns with the State's constitutional duty to promote the welfare of its citizens through just and equitable labour conditions.

### 3. Labour Welfare under Statutory Regimes

Existing labour legislation such as the Factories Act, 1948, the Shops and Establishments Acts of various states, and the Occupational Safety, Health and Working Conditions Code, 2020, prescribe maximum working hours and mandate intervals for rest. However, these provisions primarily address physical working hours, not the digital extension of labour that has emerged in the modern economy. The Right to Disconnect Bill fills this statutory vacuum by addressing post-work electronic connectivity as a form of labour exploitation that existing laws fail to regulate.

## Comparative Perspective: Global Recognition of the Right to Disconnect

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Globally, several nations have enacted similar provisions. France was the pioneer, enacting its *Loi du Travail* in 2016, mandating companies with over 50 employees to negotiate disconnection rights with workers. Spain, Italy, and Belgium have followed suit, each recognising that the right to disconnect forms part of humane working conditions.

Kerala's proposal marks the first state-level legislative attempt in India to introduce comparable rights within its jurisdiction. Its adoption could prompt similar initiatives nationwide and potentially inform a national model policy for the private sector.

## Impact on Employee Rights and Organisational Culture

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The Bill, once implemented, is poised to have transformative implications:

- **Restoration of Work-Life Balance:** Employees will regain personal time for rest, family, and mental well-being without fear of professional consequences.
- **Legal Protection Against Digital Overreach:** The Bill introduces an enforceable boundary between labour obligations and private autonomy.
- **Promotion of Mental Health:** By curbing after-hours work stress, it upholds the spirit of Section 25 of the Mental Healthcare Act, 2017, which obliges the State to create conducive environments for mental well-being.
- **Gender Justice:** Women professionals, particularly those balancing domestic responsibilities, would benefit from a more predictable and humane work regime, advancing the objectives of equality under Articles 14 and 15.

- **Corporate Accountability:** The grievance committee framework holds employers answerable to public authorities, ensuring compliance with fair labour practices under Article 42 (provision for just and humane conditions of work).

## Challenges and Way Forward

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While the Bill is conceptually laudable, practical challenges remain. The enforceability of a Private Member's Bill depends on political consensus and governmental adoption. Moreover, sectoral flexibility must be considered certain industries such as healthcare, emergency response, and security services may require operational exceptions.

However, these challenges do not diminish the Bill's normative value. Even if not enacted immediately, it serves as a legislative catalyst that compels both public discourse and corporate introspection. It may encourage companies to adopt internal "disconnect policies," establish flexible working-hour models, and create wellness frameworks consistent with the spirit of the Bill.

## Conclusion

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The Kerala Right to Disconnect Bill, 2025, represents a pioneering attempt to reconcile technology-driven work patterns with constitutional guarantees of dignity, rest, and privacy. It recognises that the employee's right to disconnect is integral to the right to live a dignified life, protected under Article 21, and consistent with the Directive Principles of State Policy.

By embedding the *human right to rest* within a statutory framework, Kerala has once again demonstrated its leadership in progressive labour jurisprudence. Whether or not the Bill is passed in its present form, it marks the beginning of a crucial legal dialogue on redefining workplace rights in the age of constant connectivity a dialogue that India, as a constitutional democracy committed to social justice, can no longer afford to postpone.

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