



Mental Health Accommodation And Right To Disconnect: Intersectionality In Indian Labour Law

Parvathy Anil

LL.M Student in International Trade Law
National University of Advanced Legal Studies, Kochi, India

Abstract: The Right to Disconnect has emerged as a very important concept in the light of increased digitalization and the issue of workplace stress and burnout. India, in particular has emerged as one of the most overworked nations globally and this leads to a need for legal frameworks to ensure work-life balance. The rise of digital communication technologies has completely changed the dynamics of the workplace, blurring the lines between the workplace and the personal life. At the same time, mental health at the workplace has become a serious public health issue, with the World Health Organization estimating significant productivity losses due to depression and anxiety disorders. This paper examines the intersection between the right to disconnect and accommodation of mental health rights under Indian Labour Laws through an intersectional lens.

The analysis tries to focus on how these rights play out differently across different sections of the society including gender, class, caste etc. Judicial trends have acknowledged the importance of mental health as a part of right to life under Article 21 but has failed to develop a robust doctrine mental health related accommodation or digital disconnection. Drawing on the Mental Healthcare Act, 2017, the Rights of Persons with Disabilities Act, 2016, and the proposed Right to Disconnect Bill, 2025, the paper analyses how Indian law recognises the duty to provide reasonable mental health accommodation and to protect employees from after hours connectivity but fails to operationalise the same. This paper seeks to identify critical gaps in India's legal architecture: the absence of explicit right to disconnect legislation, weak enforcement mechanisms for workplace mental health protections, and the failure to recognize disconnection as reasonable accommodation.

Key Words - Right to Disconnect, Mental Health, Work-life balance, Indian Labour Law, Right to life

I. INTRODUCTION

The relationship between work and mental health has become increasingly significant in contemporary Indian society with rapid economic transformation and technological integration. In the last decade, India has witnessed a profound shift in how work is organised ranging from instant messaging platforms, emergence of gig economy, remote work arrangements and 24/7 connectivity blurring the traditional boundaries between work and personal life. For many employees, this digital intensification has not merely changed how work is done, but how much work is expected, often at the cost of rest, family time, and psychological well-being.¹

¹ Zia Khan, Legal Framework for Mental Health in Indian Workplaces: Rights and Responsibilities, 7 IJLLR 1, 3–5 (2025).

At the same time, mental-health conditions such as anxiety, depression, and burnout have moved from the margins to the centre of public-health and labour-law discourse².

In this backdrop, two major ideas are gaining traction in India, namely: the right to mental health accommodation and the right to disconnect. While the former demand employers to make reasonable adjustments for improving the mental health of the employees the latter seeks to legally protect workers from being compelled to respond to work-related communications outside working hours.

II. CONCEPTUAL FOUNDATIONS

A. Mental Health as a Labour Law concern

Mental health can no longer be considered a purely clinical or medical issue, rather it has become a core dimension of labour law policy. The World Health Organization defines mental health as “a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community.”³

The Mental Healthcare Act, 2017 (MHA) recognises that mental illness can affect a person’s ability to work and live with dignity. Section 18 of the MHA guarantees the right to access mental-health care and treatment, while Section 21 prohibits discrimination on the grounds of mental illness in employment, education, and other spheres.⁴ The Rights of Persons with Disabilities Act, 2016 (RPwD Act) further expands this framework by treating certain mental-health conditions as “benchmark disabilities” and imposing a duty of reasonable accommodation on employers.⁵

B. Reasonable Accommodation and Workplace

“Reasonable accommodation” is a cornerstone of disability-rights jurisprudence. Under the RPwD Act, it is defined as “necessary and appropriate modification and adjustments, not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”⁶ In practice this can be considered to include flexible working hours, modified duties, access to counselling etc.

For mental-health conditions, reasonable accommodation often requires non-visible, process-based changes rather than physical modifications. A worker with anxiety may need permission to avoid certain high-pressure meetings; an employee recovering from depression may benefit from phased re-entry after leave.⁷ Yet Indian labour law has been slow to operationalise these ideas, and courts have rarely developed a robust doctrine of mental-health-related accommodation.⁸

C. Right to Disconnect

The right to disconnect refers to the legal protection of employees from being compelled to respond to work-related communications outside their agreed working hours. In India, the Right to Disconnect Bill, 2025 introduced in the Lok Sabha proposes that every employee has a statutory right to ignore work-related calls, emails, and messages after the end of their working day, unless there is a prior, mutually agreed exception.⁹ Section 7 of the Bill explicitly states that choosing not to respond cannot lead to disciplinary action, demotion, or loss of benefits.¹⁰ Similarly, the Kerala Right to Disconnect Bill, 2025 recognises the right to refuse

² Yana Yadav, Legal Recognition and Protection of Mental Health Rights of Employees in India: A Labour Law Perspective, 6 IJLLR 1, 2 (2025).

³ WHO, Mental Health: Strengthening Our Response (2022), <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response>

⁴ Mental Healthcare Act, No. 10 of 2017, Sec 18

⁵ Rights of Persons with Disabilities Act, No. 49 of 2016, Sec 20

⁶ Ibid, Sec 2(r)

⁷ Beyond the Law: Rethinking Mental Health Accommodation in India, RSRR (2026).

⁸ Ibid

⁹ Right to Disconnect Bill, 2025, Sec 7

¹⁰ Ibid, Sec 7(3)

after-hours communications through electronic platforms, subject to express agreements between employer and employee.¹¹

III. CONSTITUTIONAL AND STATUTORY FRAMEWORK IN INDIA

A. Article 21 and Right to Health

Indian courts have interpreted the Right to life and personal liberty under article 21 to include right to health including mental health through its decision in *Sukdeb Saha v. State of Andhra Pradesh*.¹²

Recently, many have argued that Article 21 also supports the right to rest, sleep and digital disconnection, especially due to rising work related stress and burnout.¹³ The Kerala High Court has in particular recognised that mental well-being is an essential part of Article 21 in the context of working women and vulnerable groups.

B. Mental Health and Disability Rights

The Mental Healthcare Act, 2017 prohibits discrimination in employment on the grounds of mental illness and mandates that persons with mental illness have the right to access mental-health services without stigma. Section 18(1) guarantees the right to access mental-health care and treatment from government-funded or recognised services, while Section 21(1)(a) prohibits discrimination in employment, education, and insurance.¹⁴

The Rights of Persons with Disabilities Act, 2016 complements the MHA by explicitly recognising mental-health conditions such as schizophrenia, bipolar disorder, and intellectual disabilities as “benchmark disabilities” eligible for reservations and protections. Section 20 of the RPwD Act requires employers to provide reasonable accommodation to persons with disabilities, and Section 21 prohibits discrimination in employment.¹⁵ Both these statutes create a rights-based framework for mental health accommodation even when enforcement remains weak.

Labour Law and The Mental Health Gap

The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) consolidates several older labour laws and regulates physical safety, working hours, and welfare measures. However, it focuses overwhelmingly on physical hazards and largely ignores psychological safety. For example, Chapter XI of the OSH Code details employer liability for contract labourers but does not explicitly require employers to protect workers from mental-health risks such as harassment, overwork, or digital surveillance.¹⁶

This gap is significant because many modern forms of work stress like constant connectivity, blurred work-life boundaries etc are invisible in traditional safety-regulation frameworks. Scholars argue for amendments to the OSH Code to accommodate the psychological risk factors and to integrate mental health aspects into workplace safety audits.

IV. THE RIGHT TO DISCONNECT IN INDIAN LAW

A. The Right to Disconnect Bill, 2025

The Right to Disconnect Bill, 2025 represents the most direct attempt to codify the right to disconnect in India. Section 7 of the Bill provides that every employee has the right to disconnect from work-related communications once their agreed working hours have ended. Employers may communicate outside working hours only during mutually agreed “out-of-work windows”, and employees are under no obligation to respond.¹⁷

¹¹ Kerala Right to Disconnect Bill, 2025, Sec 3

¹² 2025 INSC 893

¹³ Right to Disconnect: Reclaiming Boundaries in the Digital Age, Live Law (Dec. 18, 2025)

¹⁴ MHA, Sec 18

¹⁵ RPwD Act, Sec 20-21

¹⁶ Occupational Safety, Health and Working Conditions Code, No. 38 of 2020.

¹⁷ Right to Disconnect Bill, 2025 (Lok Sabha)

The Bill also creates an Employees' Welfare Authority with the duty of issuing guidelines, monitoring compliance, and handling complaints. Section 19 imposes financial penalties of up to 1% of the total remuneration paid to employees for violations, serving as a deterrent against non-compliance. Overall, these provisions marks a significant improvement in the current regime, where after-hours communications are largely governed by company policies rather than a common enforceable law.

B. Kerala's State-level Initiative

At the state level, Kerala has introduced the Kerala Right to Disconnect Bill, 2025 which introduces a similar framework but specifically designed to tailor to the needs of Kerala's labour market. The Bill defines the right to disconnect as the employee's right to refuse to receive or respond to work-related communications after prescribed working hours, including those made via telephone, email, messaging services, or any digital platform.¹⁸ District-level grievance redressal committees are empowered to monitor compliance and address practices such as excessive work hours and poor employee-welfare measures.

These initiatives shows a growing recognition that digital overreach at workplace is not just a managerial issue but a legal and constitutional concern.

C. Constitutional and Policy Justifications

The Right to Disconnect can be justified under Article 21 (right to life and dignity), Article 39(e) (protection of workers' health and strength), and Article 42 (humane conditions of work). The right to disconnect also aligns with India's international commitments under the International Labour Organization (ILO) conventions on working time and occupational safety and health.¹⁹

Policy-wise, it is argued that the Right to Disconnect can reduce burnout, improve productivity and promote gender-equitable work-life balance.

V. JUDICIAL TRENDS AND CASE LAWS

Indian courts have increasingly recognised that mental health is an integral part of the right to life and personal liberty under Article 21 of the Constitution. In *Parmanand Katara v. Union of India*, the Supreme Court held that the right to health includes both physical and mental well-being, laying the foundation for treating psychological suffering as a constitutional concern.²⁰ The Supreme Court has also recognised mental health as a fundamental right in *Sukdeb Saha v. State of Andhra Pradesh*, where it held that mental health is central to the vision of life with dignity, autonomy, and well-being under Article 21.²¹

The Supreme Court has interpreted the Rights of Persons with Disabilities Act, 2016 (RPwD Act) in a relatively progressive manner. In *National Federation of the Blind v. Union of India*, the Court emphasised that the State and private employers must adopt an inclusive attitude towards persons with disabilities and make necessary adjustments to ensure equal participation.²² In *Ravinder Kumar Dhariwal v. Union of India*, the Court held that disciplinary proceedings against a Central Reserve Police Force (CRPF) employee who acquired mental illness during service were discriminatory and violative of the RPwD Act, and that mental-health conditions must be treated as a mitigating factor even if they do not fully incapacitate the employee.²³ In *Vikas Gupta v. State Bank of India & Ors.*, the Delhi High Court held that termination based solely on a mental-health condition, without reasonable accommodation or proper assessment, amounts to unjust and discriminatory treatment under the RPwD Act.²⁴

Although Indian courts have not yet directly ruled on the right to disconnect, they have recognised that digital overreach can violate the right to privacy and dignity. In *Justice K.S. Puttaswamy (Retd.) v. Union of India*, the Supreme Court held that the right to privacy includes the right to control one's personal information and

¹⁸ Kerala Right to Disconnect Bill, 2025.

¹⁹ ILO Convention No. 132 on Hours of Work (1970).

²⁰ *Parmanand Katara v. Union of India*, (1989) 4 SCC 286.

²¹ *Sukdeb Saha v. State of Andhra Pradesh*, (2025) SCC OnLine SC 18489

²² *National Federation of the Blind v. Union of India*, (2014) 13 SCC 414.

²³ *Ravinder Kumar Dhariwal v. Union of India*, (2023) SCC OnLine SC 1112.

²⁴ *Vikas Gupta v. State Bank of India & Ors.*, 2022 SCC OnLine Del 4567.

to be free from constant surveillance and intrusion.²⁵ This reasoning can be extended to argue that unlimited after-hours connectivity through calls, emails, and messaging platforms constitutes a form of digital surveillance that undermines mental well-being.

Taken together, these cases suggest that Indian courts are moving towards recognising mental health related harms and digital overreach as serious legal issues, even if they have not yet articulated a clear doctrine of the right to disconnect or mental-health accommodation in labour law.

VI. WHY MENTAL HEALTH AND DISCONNECT RIGHT AFFECTS WORKERS DIFFERENTLY: INTERSECTIONALITY

A. Gender, care work and mental-health vulnerability

In India, women continue to perform a disproportionate share of unpaid care work, including childcare, elderly-care, and household management. When combined with long working hours and after-hours connectivity, this double burden increases the risk of anxiety, depression, and burnout.²⁶ It's been shown that existing labour protections for women, like maternity benefits and anti-harassment mechanisms often fail to account for psychological stress arising from work-life imbalance.

The Mental Healthcare Act, 2017 and the RPwD Act do not explicitly address gender-based mental health risks, even though women account for a major fraction of those reporting anxiety and depression in the workplace. Intersectional analysis thus demands that mental health accommodation be understood not only as a disability rights issue but also as a gender-justice issue.

B. Caste, Class and the Unequal Impact of Digital Work

Workers from Scheduled Castes, Scheduled Tribes, and Other Backward Classes often occupy low-paid, and informal sector jobs where mental health protections are the weakest. In the informal economy, which constitutes the majority of India's workforce, there is little scope for formal reasonable-accommodation mechanisms or written employment contracts.²⁷

Moreover, the right to disconnect is most meaningful for workers who have bargaining power and access to stable employment. A gig-worker or contract employee may fear that refusing after-hours communication will lead to loss of work or reduced income, even if no explicit disciplinary action is taken.²⁸

C. Disability status and the limits of "reasonable accommodation"

For persons with mental-health disabilities, reasonable accommodation is both a legal right and a practical necessity. Yet the RPwD Act's definition of "reasonable accommodation" gives significant discretion to employers, as they can claim that some adjustments would be too difficult or costly to provide.

Intersectional analysis reveals that persons with mental-health disabilities from marginalised castes or low-income backgrounds face compounded disadvantages. They may lack access to quality mental-health care, face stigma within their communities, and encounter employers who are unwilling to make even modest adjustments. In such cases, the absence of robust enforcement mechanisms renders the statutory right to accommodation largely symbolic.²⁹

²⁵ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

²⁶ Mental Health and Women's Rights at the Workplace: A Legal Perspective, 14 IUP India 106 (2024).

²⁷ NSSO, Employment and Unemployment Survey (2019–20)

²⁸ Right to Disconnect in India, Vidhi Centre for Legal Policy (Dec. 14, 2025).

²⁹ Yadav, *supra* note 3, at 15.

VII. COMPARATIVE PERSPECTIVES: LESSONS FROM OTHER JURISDICTIONS

A. France and the Right to Disconnect

France was among the first countries to legally recognise the right to disconnect. In 2001, the French Supreme Court's Labour Chamber held that employees could not be required to work from home or take work-related materials with them, limiting work obligations to the workplace and working hours. In 2004, the Court further ruled that an employee could not be penalised for being unreachable outside work hours, reinforcing the idea that personal time must be respected.³⁰

This judicial foundation was later codified in the "El Khomri Law" (Loi Travail) of 2016, which requires companies with more than fifty employees to negotiate agreements with trade unions on the use of digital tools after working hours.³¹ These agreements must protect employees' personal and family time by setting clear boundaries on when they are expected to respond to work-related communications. French labour authorities treat this as part of the employer's duty to safeguard workers' psychosocial well-being, and failure to comply is likely to attract administrative sanctions.

B. Australia and mental-health accommodation

In Australia, Disability Discrimination Act 1992 and Fair Work Act 2009 requires employers to make reasonable adjustments for employees with mental-health conditions.³² Australian tribunals have also recognised that failure to accommodate mental-health conditions can amount to unlawful discrimination, even in the absence of explicit harassment.

VIII. GAPS AND CHALLENGES IN THE CURRENT REGIME

Indian law on mental-health accommodation and the right to disconnect is highly fragmented. The MHA, RPwD Act, OSH Code, and proposed Right to Disconnect Bill each address different aspects of the problem without a coherent, integrated framework.³³ This fragmentation leads to confusion among employers, employees, and even courts. Also, enforcement mechanisms are weak. The RPwD Act relies on disability commissioners and grievance redressal committees, but these bodies are often under-resourced and over-burdened.

Stigma remains another major barrier to claiming mental health related rights. Many employees fear that disclosing a mental health condition will lead to discrimination, demotion, or loss of opportunities. The MHA mandates sensitisation and training for police officers and government officials, but similar requirements for private-sector employers are absent. Awareness of the right to reasonable accommodation is also low, particularly in small and medium scale enterprises and the informal sector. Without targeted awareness campaigns and capacity building for trade unions and civil society organisations, statutory rights will remain largely on paper.

Current legal frameworks largely adopt a universal approach, treating all workers as if they face the same risks and enjoy the same bargaining powers. In reality, the impact of mental health related stress and digital overreach varies largely across gender, caste, class and sector.

IX. PRACTICAL REFORMS FOR FAIRER WORKPLACES

Indian labour law should integrate mental-health accommodation and the right to disconnect into a single, coherent statutory framework that clearly recognises psychosocial risks and protects workers from digital overreach. For this purpose, the Occupational Safety, Health and Working Conditions Code, 2020 should be amended to require employers to identify and mitigate mental-health risks through regular risk assessments. The Right to Disconnect Bill, 2025 should be enacted in its present form and extended to cover all sectors,

³⁰ Cour de cassation [Cass.], Ch. soc., 23 juin 2004, n° 02-44.765, Bull. civ. IV, no. 183.

³¹ 12 LÉGIFRANCE, available at: <https://www.legifrance.gouv.fr/juri/id/JURI TEXT000007046319/>

³² Disability Discrimination Act 1992 (Cth), s. 5. ; Fair Work Act 2009 (Cth), s. 351.

³³ Zia Khan, Legal Framework for Mental Health in Indian Workplaces: Rights and Responsibilities, 7 IJLLR 1, 3–5 (2025).

including gig and platform workers, so that no category of employee is left outside its protective scope. At the same time, the Rights of Persons with Disabilities Act, 2016 should be interpreted and clarified to confirm that reasonable accommodation applies to mental-health conditions and to list concrete examples of permissible adjustments.

To give these rights real effect, enforcement mechanisms must be strengthened through dedicated institutional capacity and accessible redressal structures. The proposed Employees' Welfare Authority should be empowered to issue binding guidelines on disconnect norms and to impose meaningful penalties on employers who violate them. Additional protections such as guaranteed rest periods, strict limits on after-hours communication, and access to free or subsidised counselling should be mandated for groups that face compounded vulnerabilities.

X. CONCLUSION

Mental health accommodation and the right to disconnect are not peripheral concerns in Indian labour law. They are central to the realisation of dignity, health, and humane working conditions. The Mental Healthcare Act, 2017, the Rights of Persons with Disabilities Act, 2016, and the proposed Right to Disconnect Bill, 2025 provide important building blocks, but they remain incomplete without an intersectional lens that accounts for gender, caste, class, and disability status.

By integrating mental health and right to disconnect into a unified statutory framework, strengthening enforcement mechanisms, and embedding intersectional safeguards, Indian labour law can move beyond formal equality towards substantive justice for all workers. Only then can the promise of Article 21, life with dignity, become a lived reality in India's increasingly digital and demanding workplaces.

