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The Right to Disconnect in an 'Always-On' Economy

Context

- The rapid expansion of digital technology has fundamentally reshaped **modern work culture**.
- Tools designed to improve efficiency, such as smartphones, laptops, and instant communication platforms, have increasingly blurred the boundary between **professional responsibilities and personal life**.
- In India, this erosion has fostered a culture of constant availability, where employees are expected to remain connected long after official working hours.
- Far from symbolising dedication, this practice has contributed to widespread burnout, declining mental health, and reduced productivity.
- In this context, recognising the right to disconnect as a legal protection is **no longer optional but essential** for ensuring the well-being and sustainability of India's workforce.

The Culture of Overwork in India and Its Consequences

• The Culture of Overwork

- India's workforce is operating under extreme pressure.
- Data from the International Labour Organization reveal that more than half of Indian workers **regularly exceed 49 working hours** per week, placing the country among the highest globally for excessive work hours.
- This relentless pace has resulted in alarming levels of burnout, with a vast majority of employees reporting physical and emotional exhaustion.
- The expectation of constant digital availability has extended work into evenings, weekends, and holidays, transforming rest periods into unpaid labour and eroding the fundamental concept of work-life balance.

• Health and Productivity Consequences

- The consequences of overwork extend beyond individual discomfort and directly affect public health and economic efficiency.
- **Prolonged stress** and insufficient rest significantly contribute to lifestyle diseases such as hypertension, diabetes, anxiety, and depression.

- Work-related stress now forms a notable share of **India's mental health burden**, placing additional strain on healthcare systems.
- From an organisational perspective, fatigued employees are less creative, more prone to errors, and less engaged.
- The tragic death of a young employee due to overwork in 2024 serves as a stark reminder of the human cost of unchecked workplace pressure and highlights the urgent need for systemic reform.

Gaps in the Existing Legal Framework

- Despite recent labour reforms, India's current legal framework remains **inadequate in addressing the realities** of the digital economy.
- The Occupational Safety, Health, and Working Conditions Code, 2020 sets limits on working hours, but its protections largely apply to traditional workers and often exclude contractual, freelance, and gig employees.
- This omission leaves a significant segment of the workforce **vulnerable to exploitation**, especially those who fear professional repercussions for ignoring after-hours communication.
- The imbalance of power between employers and employees further intensifies the need for explicit legal safeguards.

The Case for the Right to Disconnect

- The right to disconnect aims to restore **dignity and autonomy to workers** by clearly defining boundaries between work and personal life.
- It seeks to ensure that employees cannot be penalised, disciplined, or discriminated against for disengaging from work-related communication beyond their designated working hours.
- Additionally, it provides mechanisms for grievance redressal when such rights are violated.
- By amending existing labour laws to include this protection, the **reform would recognise mental well-being** as a core component of occupational safety and extend coverage to vulnerable segments of the workforce.

Global Precedents and Lessons

- India is not alone in facing the challenges of an always-on work culture.
- Several countries, including France, Portugal, Italy, Ireland, and Australia, have already enacted right-to-disconnect laws.
- These frameworks require organisations to establish clear protocols for after-hours communication, reinforcing the principle that respecting personal time is vital for sustainable productivity.
- International experience demonstrates that such legislation does not hinder economic growth but instead **supports long-term efficiency** and workforce resilience.

The Path Forward Beyond Legislation: Cultural and Organisational Change

- While legal reform is necessary, it is insufficient on its own. The success of the right to disconnect depends on a **broader cultural shift within organisations**.

- Awareness programmes, sensitisation workshops, and leadership accountability are crucial to dismantling toxic norms that equate long hours with commitment.
- Employers must prioritise output and innovation over presenteeism and integrate mental health support services into workplace policies.
- Only through this holistic approach can the law achieve its intended impact.

Conclusion

- The right to disconnect represents a **forward-looking investment** in India's human capital.
- By enabling employees to rest, recover, and maintain their physical and mental health, the reform enhances not only individual well-being but also national productivity and economic sustainability.
- As India seeks to position itself as a global power, it **must recognise that progress cannot be built on exhaustion**.
- Embracing the right to disconnect affirms that a strong economy depends not on constant speed, but on the strength, dignity, and resilience of its people.

The Right to Disconnect in an 'Always-On' Economy FAQs

Q1. What problem does the "right to disconnect" seek to address?

Ans. The right to disconnect addresses the expectation of constant digital availability that blurs work-life boundaries and causes burnout.

Q2. Why is overwork considered unsustainable in India?

Ans. Overwork is unsustainable because a large proportion of Indian employees work excessive hours, leading to burnout and health issues.

Q3. How does constant availability affect employee health?

Ans. Constant availability increases stress and contributes to physical and mental health problems such as anxiety and depression.

Q4. What gap exists in India's current labour laws?

Ans. India's labour laws often fail to protect contractual and gig workers from excessive working hours.

Q5. Why is legislation alone not sufficient to ensure work-life balance?

Ans. Legislation alone is insufficient because workplace culture and organisational practices must also change to respect employee downtime.

Source: **The Hindu**

America's Venezuelan Actions are Most Unlawful

Context

- The alleged attack by the United States on Venezuela and the capture of President Nicolás Maduro represents a **grave violation of international law**.
- Even acknowledging the authoritarian nature of the Maduro administration, internal governance failures do not justify external military intervention.
- The incident raises serious legal concerns relating to the use of force, state sovereignty, and the protection accorded to heads of state.
- More broadly, it highlights the **erosion of the international rule of law** in a period marked by declining respect for legal constraints on power.

The Prohibition on the Use of Force

- The cornerstone of the modern international legal order is the **prohibition on the use of force** enshrined in Article 2(4) of the United Nations Charter.
- This provision forbids states from using force against the territorial integrity or political independence of another state.
- The Charter recognises only two exceptions: self-defence in response to an armed attack, and force authorised by the UN Security Council. Neither condition was satisfied in the Venezuelan case.
- Although this framework is clear, powerful states have repeatedly sought to dilute its force.
- Expansive interpretations of self-defence, including anticipatory and pre-emptive action, have been advanced, particularly in counterterrorism contexts.
- Similarly, claims of humanitarian intervention have been used to justify military action without Security Council approval.
- Yet even these controversial doctrines fail to accommodate unilateral military action against Venezuela, where no armed attack or imminent threat was established.

The Illegality of Law-Enforcement Justifications

- The U.S. operation was reportedly framed as a law-enforcement measure aimed at apprehending alleged criminals, including the Venezuelan President.
- This rationale stretches international law beyond recognition. International law maintains a firm distinction between domestic criminal jurisdiction and the cross-border use of armed force.
- Military incursions into another state's territory cannot be justified by reference to criminal prosecution objectives.
- Accepting such a justification would set a dangerous precedent, allowing states to characterise military interventions as policing operations to evade legal constraints.
- This approach undermines the principle of sovereign equality and risks normalising unilateral coercion.

Head-of-State Immunity and the Status of President Maduro

- A central legal issue concerns the treatment of President Maduro following his capture.
- Under international law, sitting heads of state enjoy **immunity ratione personae of sitting heads of state** from the criminal jurisdiction of foreign courts.

- This immunity is absolute during their term of office and applies regardless of the nature of the alleged offences.
- As a result, domestic courts of another state lack jurisdiction to prosecute a serving head of state.
- Arguments seeking to deny this immunity based on the alleged illegitimacy of Maduro's election or lack of diplomatic recognition are legally unsound.
- International law does not condition immunity on democratic credentials or external recognition.
- The decisive criterion is effective control over state territory and institutions. Since the Maduro administration exercised such control, its head remained entitled to full personal immunity.
- Allowing states to unilaterally withdraw recognition and deny immunity would destabilise diplomatic relations and invite selective enforcement.

Sovereignty, Non-Intervention, and Imperial Overreach

- The forcible apprehension of a foreign national on another state's territory without consent constitutes an **internationally wrongful act**.
- This violation is particularly acute when the individual concerned is a sitting head of state.
- Such conduct breaches fundamental principles of sovereignty and non-intervention, which are essential to maintaining international stability.
- Any attempt to influence or control Venezuela's political trajectory through coercive means further compounds the illegality.
- These actions evoke earlier forms of imperial domination and reinforce perceptions that international law is applied selectively.
- Such practices weaken trust in the international legal system and embolden further violations.

The Broader Crisis of International Law

- The Venezuelan episode is symptomatic of a **wider pattern of disregard for international legal norms**, especially those governing the use of force.
- Repeated violations risk hollowing out the authority of international law. The problem lies not in the substance of the law, but in the declining willingness of states to comply with it.
- The weakening of domestic rule-of-law institutions has had a direct and corrosive effect on international legal accountability.
- At the same time, international law should not be dismissed as merely a tool of powerful states.
- Core norms, particularly those restricting the use of force, remain fundamentally opposed to authoritarianism and unilateral domination.

Conclusion

- The U.S. action against Venezuela constitutes a **serious breach of international law**, violating rules on the use of force, sovereignty, and head-of-state immunity.
- Beyond its immediate illegality, the episode exemplifies a **broader decline in respect for legal restraints on power**.
- Strengthening international law ultimately depends on revitalising domestic democracy and the rule of law.

- Without such commitment, **foundational norms will continue to be eroded by authoritarian impulses** and imperial ambitions.

America's Venezuelan Actions are Most Unlawful FAQs

Q1. Why is the U.S. action against Venezuela considered illegal under international law?

Ans. It violates the UN Charter's prohibition on the use of force and lacks both self-defence justification and Security Council authorisation.

Q2. Can a military operation be justified as a law-enforcement measure under international law?

Ans. No, international law does not permit cross-border military force to be justified as domestic criminal enforcement.

Q3. What legal protection does a sitting head of state enjoy under international law?

Ans. A sitting head of state enjoys personal immunity from the criminal jurisdiction of foreign courts.

Q4. Does lack of diplomatic recognition remove head-of-state immunity?

Ans. No, immunity depends on effective control over the state, not on external recognition.

Q5. What broader danger does this incident pose to international law?

Ans. It weakens respect for fundamental legal norms and encourages authoritarian disregard for international constraints.

Source: **The Hindu**

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