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Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

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Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

BREAKING THE CLOCK: HUMAN RIGHTS, REST, AND INDIA'S WORKING HOURS

AUTHORED BY - DR. KAPIL BHIMRAO CHAURPAGAR

Assistant Professor

At Shri Omkarnath Malpani Law College, Sangamner

Dist. Ahilyanagar, Pin- 422605 India

Affiliated to Savitribai Phule Pune University, Pune. (Maharashtra)

Abstract:

Working condition plays crucial role in shaping ones mental happiness and physical wellbeing. Recently controversy sparked and debate has started about the working hours and rest balance. Few months back, Narayan Murthy, co-founder of Infosys and an Indian software magnate, said that India had some of the world's lowest productivity levels. Therefore, he implored our youth to desire to work seventy hours every week. According to McKinsey Health Institute's survey, 40% of Indian workers exhibit signs of depression, anxiety, discomfort, or burnout. And toxic workplace behavior is the cause of 90% of these consequences. According to a 2021 World Health Organization report, long work hours are the leading cause of death among employed people. Employees are required to work nonstop every day without taking any breaks. According to the most recent data from the International Labor Organization (ILO) India ranks second in the world for prolonged working hours. In Europe, a European Union law states that the maximum working hours per week can be 48 hours including overtime. It is observed that after taking leave, productivity and efficiency actually increases. There are some rights protected by the United Nations about the interference, family, home, favorable conditions of work, rest and leisure, reasonable limitation of working hours and periodic holidays. Article 24 of UDHR states that, everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. Article 21 of Constitution of India interpreted that, the right to life is not about mere animal existence or just physical survival but a life that must be greeted with dignity one cannot arbitrarily take away the right of another person. One should have harmony between the various facets of his life when he has a solid work-life balance. Excessive work culture and expectation for more working hours, is nothing but exploitation and violation of human right, constitutional rights and statutory rights.

Key words: Working conditions, Working hours and Rest balance, Maximum working hours, Impact of Work Load, Human Rights about Working Hours.

Introduction:

Livelihood is essential for every human to survive in this material world and for this purpose one has to work somewhere to earn to himself and his family. Everyone is not fortunate to get his choice of work and working condition. Working condition plays crucial role in shaping his mental happiness and physical wellbeing. Therefore working hours, work culture and rest intervals mean leave and holidays are important things to consider. Recently L&T chairman SN Subramanyam was in news for his statement that “What do you do sitting at home? How long can you stare at your wife? Come and work for 90 hours. Forget holidays and come to office even on Sundays and work 90 hours for the entire week.”¹ L&T is a very big construction and IT company which built many important structure of national importance. After his comment controversy sparked and debate has started about the working hours and rest balance. This article examines the human rights, constitution and statutory provision regarding the maximum working hours of any employee.

Recent Developments:

The labor ministry has proposed maximum 12 working hours in a day inclusive of intervals under the draft rules on Occupational Safety, Health and Working Conditions (OSH) Code 2020 passed by Parliament under the draft rules notified on November 19, 2020. ² So if one work for 5 days a week, this comes to 60 hours a week. After a public outrage about this, the Centre Government allegedly began investigating this matter.

In a podcast a few months back, Narayan Murthy, co-founder of Infosys and an Indian software magnate, said that India had some of the world's lowest productivity levels. Therefore, he implored our youth to desire to work seventy hours every week.³ If one takes a 5 day work week, it would mean working 14 hours every day. And for those who want to work 7 days a week, they will need to work 10 hours each day to get to 70 hours. It means that every person

¹ <https://economictimes.indiatimes.com/news/new-updates>. Last Accessed on 12/3/25

² <https://timesofindia.indiatimes.com/business/india-business/labour-ministry-proposes>. Last Accessed on 12/3/25

³ <https://www.hindustantimes.com/trending/narayana-murthys-latest-take-on-long-working-hours> Last Accessed on 12/3/25

should work all seven days a week, and include Sundays as well, then when will he take a leave, according to him one should not take a leave.

Impact of Work Load and Work Culture:

Few months ago there was news titled as "26 year old Anna Sebastian Perayil tragically died in Pune."⁴ A Pune-based Ernst & Young Global member business employed Anna Sebastian Perayil in the role of chartered accountant. In a letter to the chairman of EY India, her mother, Anita Augustine, claimed that her daughter was emotionally, intellectually, and physically damaged as a result of being overworked at her job. She had to stay up so late every night due to her extreme stress, which ultimately caused her death. In our nation, millions of corporate workers endure the same degree of emotional, mental, and physical suffering.

The McKinsey Health Institute conducted a survey in April 2022.⁵ It spoke with 1,000 HR managers and 15,000 workers. According to the poll, 40% of Indian workers exhibit signs of depression, anxiety, discomfort, or burnout. And toxic workplace behaviour is the cause of 90% of these consequences. Because of this, employees in India are 60% more likely than those elsewhere to want to quit their occupations.⁶ However, unemployment is also a significant issue in our nation, making it challenging to leave a job during this time. What is the toxic culture at work? And the workers who are dealing with this? According to a 2021 World Health Organisation report, long work hours are the leading cause of death among employed people. Additionally, working more than 50 hours per week increases the risk of heart stroke by a significant amount, and in India alone, this causes the deaths of over 2 lakh employees annually.⁷

Comparison of Top Management and Employee's Salary:

It is frequently seen that the person discussing the increase in working hours is seated on the top management site. The CEO salaries of the top five IT businesses in our nation have risen by 160% over the past five years, from 34 crores to 84 crores each year. but during the same

⁴ <https://indianexpress.com/article/cities/pune/after-pune-ca-dies-mother-alleges-work-pressure> Last Accessed on 12/3/25

⁵ <https://www.mckinsey.com/featured-insights/future-of-asia/employee-mental-health-and-burnout-in-asia-a-time-to-act> Last Accessed on 12/3/25

⁶ Ibid

⁷ <https://www.who.int/news/item/17-05-2021-long-working-hours-increasing-deaths-from-heart-disease-and-stroke-who-ilo>. Last Accessed on 12/3/25

period, the salary of the freshers increased by only 4% in the last five years.⁸ S N Subramaniam's salary is 51 crore per year which is 535 times more than the salary of the average employee of L&T. his total remuneration comprises a base salary of Rs 3.6 crore, Rs 1.67 crore in perks, and Rs 35.28 crore as commission. Additionally, he received Rs 10.5 crore in retirement benefits.⁹ A person cannot make 51 crore on his own if he is sitting on such a large pay with such a large increase. If that individual is in charge of such a large organisation, how can he achieve 51 crore without the help of those who work at the bottom and their dedication?

There is a report that in HL Tech the average salary increase is 4%.¹⁰ Now if we talk about inflation according to that, the inflation is around 6.5%.¹¹ Food inflation is at 11%,¹² medical inflation is around 14-15%¹³. In this inflation of 11-12%, how would a person working in a corporate manage to survive on a salary increase of 4%. In corporate, people's salary doesn't increase for 3-4 years. On the contrary, they are threatened that you are not going to lose your job, this is the biggest increment for you.

Companies want their employees to work without taking leave, but they only want to raise the salaries of top management, the CEO, the chairman, and the managing director. Employees are required to work nonstop every day without taking any breaks and to never even discuss raising their pay.

Caparison of Indian Working Hours with Other Countries

According to the Factories Act 1948, it is illegal to make any person work for more than 48 hours a week.¹⁴ India is among the top nations with the longest working hours, with the typical Indian worker putting in 46.7 hours per week, according to the most recent data from the International Labour Organisation (ILO). India ranks second in the world for prolonged

⁸ <https://www.moneycontrol.com/news/business/indian-it-ceo-pay-soars-160-in-last-5-years> Last Accessed on 12/3/25

⁹ <https://www.outlookbusiness.com/corporate/lt-chief-subrahmanyam-earns-535-times-more-than-the-median-pay-of-his-employees> Last Accessed on 12/3/25

¹⁰ <https://startuppedia.in/trending/trending/hcl-tech-gives-3-4-salary-hike-to-top-performers-junior-staff-with-10-yrs-exp-gets-1-4-raise-8618565> Last Accessed on 12/3/25

¹¹ <https://www.moneycontrol.com/news/business/earnings/britannia-industries-taking-price-hikes-of-around-6-5> Last Accessed on 13/3/25

¹² <https://www.business-standard.com/economy/news/october-retail-inflation-hits-14-month-high-at-6-21-food-prices-soar> Last Accessed on 13/3/25

¹³ <https://www.livemint.com/money/personal-finance/medical-inflation-in-india-reaches-alarming-rate-of-14-reveals-report> Last Accessed on 14/3/25

¹⁴ Section 51 of Factories Act

working hours, with a startling 51% of its workers logging more than 49 hours a week.¹⁵

Apart from India, working more than 50 hours a week is illegal in other countries of the world. The law allows working hours to be 40 hours a week in the US¹⁶, 40 hours in China¹⁷ and Japan¹⁸. 48 hours in the UK¹⁹ and Germany²⁰ and maximum of 35 hours per week in France.²¹

In Europe, a European Union law states that the maximum working hours per week can be 48 hours including overtime.²² That means, no employee at any sort of work can work for more than 48 hours per week.

It is observed that after taking leave, productivity and efficiency actually increases. An organisation named Expert Market conducted an analysis of 42 nations' workforces. They separated each nation's GDP per capita by the number of hours each individual works annually. This was done in order to determine productivity. On this list, Luxembourg is in the first place.²³ Because they've strictly prohibited people from working on Sundays. Every employee gets 5 weeks' paid leave in a year. They aren't made to work for more than 40 hours a week.

Ireland, Norway, Denmark, and the Netherlands are the other top-ranked nations, and they all take the same tack. It is not by coincidence that these nations consistently rank first on the Quality of Life and Happiness Index, yet each of them has a 40-hour workweek.²⁴

Mexico is one of the nations at the bottom of the list, where unemployment is a major concern. There is very little enforcement of the 48-hour work week restriction since labour regulations are so lax. The situation is similar in nations with extremely long workdays, such as Greece, Chile, and Colombia. Employees are therefore frequently overworked and burned out, and their

¹⁵ <https://www.business-standard.com/india-news/india-among-top-overworked-nations> Last Accessed on 14/3/25

¹⁶ <https://www.dol.gov/agencies/whd/fact-sheets> Last Accessed on 14/3/25

¹⁷ <https://leglobal.law/countries/china/employment-law/employment-law-overview-china> Last Accessed on 15/3/25

¹⁸ <https://leglobal.law/countries/japan/employment-law/employment-law-overview-japan> Last Accessed on 15/3/25

¹⁹ <https://www.gov.uk/maximum-weekly-working-hours> Last Accessed on 15/3/25

²⁰ <https://boundlesshq.com/guides/germany/hours-of-work/> Last Accessed on 15/3/25

²¹ <https://leglobal.law/countries/france/employment-law/employment-law-overview-france> Last Accessed on 15/3/25

²² <https://europa.eu/youreurope/business/human-resources/working-hours-holiday-leave/working-hours/index> Last Accessed on 15/3/25

²³ <https://www.expertmarket.com/uk/crm-systems/the-ultimate-guide-to-work-place-productivity> Last Accessed on 15/3/25

²⁴ <https://worldhappiness.report/ed/2024/happiness> Last Accessed on 15/3/25

productivity continues to decline.

Human Rights about Working Hours and Rest Intervals:

There are some rights protected by the United Nations about the interference, family, home, favorable conditions of work, rest and leisure, reasonable limitation of working hours and periodic holidays. These conventions also speaks about freedom from slavery and the right to life which has various dimensions about meaningful life.

Universal Declaration of Human Rights 1948

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.²⁵

International Labor Organization (ILO)

According to ILO's first Convention, [the Hours of Work \(Industry\) Convention, 1919 \(No. 1\)](#): excessive hours of work and inadequate periods of rest and recuperation, which can damage workers' health and increase the risk of work accidents. In many parts of the world, there is a significant link between low wages and excessive working time. Long working hours prevents workers from getting adequate rest, attending to family responsibilities and participating in the

²⁵ <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Last Accessed on 16/3/25

community.

[ILO standards on working time](#) provide the framework for regulating hours of work, daily and weekly rest periods, and annual holidays. Most countries have statutory limits of weekly working hours of 48 hours or less, and the hours actually worked per week in most countries are less than the 48-hour standard established in ILO conventions. These limits serve to promote higher productivity while safeguarding workers' physical and mental health.

Working time policies enabling both men and women to reconcile work and family responsibilities contribute significantly to achieving gender equality at work. New forms of working time such as compressed workweeks, staggered working time arrangements, annualized working hours, flexi time and on-call work, offer new opportunities and challenges.²⁶

The International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) protects the basic civil and political rights of individuals, including the right to freedom from slavery and the right to life. It also requires countries to take steps to protect these rights.²⁷ Freedom from slavery and right to life has very wide connotation under the Constitution of India which is discussed below.

International Covenant on Economic, Social and Cultural Rights

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;

²⁶ <https://www.ilo.org/resource/other/ilo-helpdesk-business-and-working-time> Last Accessed on 16/3/25

²⁷ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> Last Accessed on 16/3/25

- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.²⁸

Constitution of India:

The constitution of India confers fundamental rights to its citizens. Article 21 deals with the right to life and personal liberty. The right to life is most essential right to the citizens and non-citizens. Article 21 has been interpreted many times by the judiciary which has increased its scope. It includes the right to life with dignity. The right to life is not about mere animal existence or just physical survival but a life that must be greeted with dignity one cannot arbitrarily take away the right of another person.²⁹

In *Naz Foundation vs. Government of NCT of Delhi and others* the Delhi High court held that “the constitutional safeguard to human dignity expect us to recognize the worth and the value of all people as an individual of our society”³⁰ In *Ramleela Maidan Case* rest and leisure alternatively means to sleep and right to sleep has also recognized as fundamental right

Article 23 protects citizens not only against the State but also from private citizens. Article 23 forbids any form of exploitation. Also, one cannot be forced to engage in labor against his/her will even if remuneration is given.

Article 41, which falls under Part IV, mentions the state's duty to organize social security and provide for unemployment, old age, sickness, and disablement. This implies a state obligation to ensure that citizens have the opportunity to rest, relax, and enjoy leisure, which is a necessary component of a dignified life.

The Factories Act, 1948

The Factories Act also prescribes weekly hours and says that no adult worker shall be required

²⁸ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> Last Accessed on 16/3/25

²⁹ *Francis Coralie v. Union Territory of Delhi*, AIR 1981 SC 746

³⁰ SCC 712, 2009

or allowed to work in a factory for more than forty-eight hours in any week.³¹ And about weekly holidays it says that no adult worker shall be required or allowed to work in a factory on the first day of the week³²

The Occupational Safety, Health and Working Conditions Code, 2020:

According to new Occupational Safety, Health and Working Conditions Code. No worker shall be required or allowed to work, in any establishment or class of establishment for more than (a) eight hours in a day; and (b) the period of work in each day under clause (a) shall be so fixed, as not to exceed such hours, with such intervals and spread overs, as may be notified by the appropriate Government.³³ And No worker shall be allowed to work in an establishment for more than six days in any one week.³⁴

Importance of Family and Social Life

Family relationships play a central role in shaping an individual's well-being across the life course.³⁵ It is believed that the family is the foundation of all social groups. Family members care for, love, and defend one another because they are emotionally bonded to one another. The family is the primary focus of social and professional obligations. To meet the needs of himself and his family, a person must work and earn money.³⁶

Family is regarded as the basic, nuclear and fundamental to all the social groupings

One should have harmony between the various facets of his life when he has a solid work-life balance. You will have time for hobbies and other pursuits after work, including taking care of your family and yourself. Your general wellbeing can be enhanced if you can make time for hobbies, leisure, socializing, and personal care.³⁷

Humans are gregarious creatures that cannot exist without community. Friends and family are part of society. Based on a recent study, it appears that having a diverse range of social

³¹ Section 51

³² Section 52

³³ Section 25

³⁴ Section 26

³⁵ Merz E.-M., Consedine N. S., Schulze H.-J., & Schuengel C (2009). Well-being of adult children and ageing parents: Associations with intergenerational support and relationship quality. *Ageing & Society*, 29, 783–802.

³⁶ https://www.researchgate.net/publication/323733863_Family_and_Society Last Accessed on 16/3/25

³⁷ <https://www.healthdirect.gov.au/work-life-balance> Last Accessed on 16/3/25

connections is essential to our happiness.³⁸ So being a social is natural thing for any human being and for this sufficient time should get for working employee.

Conclusion:

Working life is important for everyone, but the working hours and the time for rest and leave is also essential part of human life. Overburden from work leads to many health issues even death of person. There are so many human rights, constitutional and statutory provisions which limits the working hours. But in reality it is generally observed that these provisions are ignored and there is no mechanism to strictly implement these rules. Australian government gave the Right to disconnect to the millions working in Australia. Australian workers have the option to reject calls and messages from their employers if they are not at work and they attempt to reach them. Any unreasonable contact related to work can be ignored when they are not working. It gave workers a way to reclaim a work-life balance.³⁹ In India also such kind of relief should be given to the corporate employees who are working beyond working hours. This work culture and expectation for more working hours, is nothing but exploitation and violation of human right, constitutional rights and statutory rights.

³⁸ H.K. Collins,S.F. Hagerty,J. Quoidbach,M.I. Norton,& A.W. Brooks, Relational diversity in social portfolios predicts well-being, *Proc. Natl. Acad. Sci. U.S.A.* 119 (43) e2120668119, <https://doi.org/10.1073/pnas.2120668119> (2022).

³⁹ <https://www.thehindu.com/news/international/australia-gives-millions-of-workers-right-to-disconnect/article>
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