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## The Forgotten Right: A Multidimensional Exploration of Sleep as a Socio-Legal Narrative

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*The dynamic evolution of human society is evident not only in technological and societal advancements but also in the progressive development of constitutional jurisprudence, which reveals an increasing emphasis on upholding human dignity and rights. Despite these advancements, essential elements of human beings, such as sleep, rest, and leisure, which are fundamental to human substance, remain obscure in legal and legislative discourse. This article critically examines the right to sleep as an emerging fundamental right, tracing its progression through crucial precedents, legislative development, and NGO campaigns to its eventual integration and recognition within the constitutional framework. The pivotal pronouncement in the Ramlila Maidan judgment by the Honourable Supreme Court of India constituted an influential interpretation, wherein it explicitly established the right to sleep as an integral part of Article 21. However, the acknowledgement of the right to sleep remains insufficient, lacking a definite framework and clarity in terms of enforcement and limitations, rendering its normative value futile.*

*Furthermore, the article undertakes a detailed comparative analysis, examining both the individual consequences of sleep deprivation and categorically between health and productivity, and broader structural issues, such as the implications of India's uniform time zone adherence despite its vast longitudinal spread. The article draws a contrast between India's mundane array and the United States' multi-time zone system and Russia's extensive eleven-zone model. The article concludes by asserting that the*

*right to sleep must be recognised as a foundational socio-economic right, closely interwoven with other essential fundamental rights such as health, housing, labour, and dignity.*

**Keywords:** *right to sleep, article 21, constitutional jurisprudence, sleep deprivation, time zone analysis.*

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## INTRODUCTION TO LIFE: MALLEABILITY OF ARTICLE 21 TO CONTEMPORARY NEED

The Constitution of India, as envisioned by the visionaries of our nation, is intended to weave a precise legislative compendium with well-crafted provisions, definite sections, and clauses, all of which are coherent within a manageable number of pages. Despite its acute structure, the constitution pertains as an ever-evolving decree conferred with dynamic interpretation and an inherent nature to adapt to the needs of society. One of the remarkable attributes lies in its potential to interpret the provisions to serve justice and uphold the rights of those who have been wronged, thereby reinforcing the principle of equity. Article 21<sup>1</sup> stands as the strongest testament of the constitution's interpretation malleability, proclaiming as a palpable alibi for the claim that judicial interpretation constantly infuses new life into its mandates. The most subversive fundamental right of the Indian constitution assures the Right to Life and Personal Liberty to its citizens and guarantees that no person shall be deprived of personal liberty except according to the procedure established by law. At its inception, this fundamental right had a narrow scope, as documented in the case of *A.K. Gopalan v State of Madras* (1950),<sup>2</sup> where the apex court upheld a shallow understanding, enabling any law to curtail the enforcement of this right as long as it falls within the purview of a valid procedure. Since then, Article 21<sup>3</sup> has transitioned through extensive judicial interpretation such as the inclusion of the right to livelihood in *Olga Tellis v Bombay Municipal Corporation* (1985)<sup>4</sup> as an integral part of the right to life and personal liberty to the subsequent decision of the judiciary paving the way to the recognition of the right to sleep in the case of *In Re: Ramlila Maidan Incident* (2012).<sup>5</sup>

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<sup>1</sup> The Constitution of India 1950, art 21

<sup>2</sup> *A K Gopalan v State of Madras* (1950) 1 SCR 88

<sup>3</sup> The Constitution of India 1950, art 21

<sup>4</sup> *Olga Tellis v Bombay Municipal Corporation* (1986) 3 SCC 545

<sup>5</sup> *Re- Ramlila Maidan Incident Dt. 4/5.06.2011 v Home Secretary, Union of India & Ors* (2012) 5 SCC 1

The fundamental right to sleep was never intended to fall within the scope of Article 21;<sup>6</sup> its inclusion emerged as an unexpected development in the domain of the judiciary. The trajectory of judicial reasoning from *Olga Tellis v Bombay Municipal Corporation* (1985)<sup>7</sup> to the *Ramleela Maidan* case<sup>8</sup> instantiates sensational growth in legal analysis, culminating in the unanticipated acknowledgement of the right to sleep within the ambit of Article 21.<sup>9</sup> This right finds quintessential resonance in the extensive framework of human dignity in global human rights instruments, establishing an applaudable international relevance. Acknowledging this right in judicial comparison, labour rights, and human rights, the discussion establishes its importance in ensuring fairness and well-being. It emerges as a critical facet of fundamental rights on the global level as nations increasingly acknowledge its prominence.

### **A JUDICIAL DISCOURSE: INTEGRATION OF REST AS A RIGHT**

In the age of revolution of the human mind, which once relied upon harsh labour in exchange for the flourishing of industries, human comfort and rest, which form the fundamentals of human existence, were often considered dispensable. Individuals in the nineteenth century were primarily concerned with meeting basic needs, such as discovering remedies for plagues and securing adequate food for sustenance. At that time, it was perhaps unforeseen that a concern such as sleep would undergo a substantive transformation as generations progressed, and citizens would be engaged in discussion on recognising and upholding the right to sleep as a part of fundamental rights. Then, it becomes crucial for us to understand the significance of sleep and its necessity to be endorsed as a right. However, it becomes crucial to understand the theorisation of sleep as a fundamental right. Sleep, which serves the purpose of cognitive and physical restoration, is defined by a state of rest in which the nervous system is inactive.<sup>10</sup> It holds the same fundamental importance as food and clean air, making its recognition as a right long overdue. When we consider the formulation of the right to sleep, it may appear as a modern development, although its essence of legal discourse can be sensed back to 1962 to an incident of a robbery and the consistent surveillance to charge an individual guilty of criminal activities along with subsequent vindication of basic rights enshrined in the constitution and promised to

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<sup>6</sup> The Constitution of India 1950, art 21

<sup>7</sup> *Olga Tellis v Bombay Municipal Corporation* (1986) 3 SCC 545

<sup>8</sup> *Re- Ramleela Maidan Incident Dt. 4/5.06.2011 v Home Secretary, Union of India & Ors* (2012) 5 SCC 1

<sup>9</sup> The Constitution of India 1950, art 21

<sup>10</sup> 'Restorative Theory of Sleep: Unraveling the Mysteries of Slumber' (*NeuroLaunch Grey Matter Matters*, 26 August 2024) <<https://neurolaunch.com/restorative-theory-of-sleep/>> accessed 05 June 2025

the citizens thereby initiating a nuanced discourse on the importance of sleep as an essential component of human dignity. To comprehend the progression towards the inclusion of the right to sleep, it is also crucial to understand the judicial trajectory that has shaped its reasoning and its implementation.

## **A TIMELINE: THE RIGHT TO SLEEP IN THE CONTEXT OF INDIAN SOCIETY**

The case of *Kharak Singh v State of Uttar Pradesh*,<sup>11</sup> in the year 1962, stands ahead of its contemporaries, which primarily proposed the limiting intervention of government entities in the private affairs of an individual. However, these debates were not solely restricted to disposing of fundamental rights; they also subtly introduced the importance of safeguarding sleep as a right within the legal ambit. While the case was not centrally revolving around sleep, the awareness of its significance had begun. The legal development of the right to sleep was not an instantaneous progression but rather unfolded through sporadic judicial discourse, often lacking requisite reasoning. However, the judiciary of this country was not alone in advancing this discussion, the cruciality of which was equally reflected in the voices of the common man. Multiple initiatives emerged through volunteers of NGOs, and one of such pioneering entity is identified as Butterflies,<sup>12</sup> a registered voluntary organisation based in Delhi, India, founded in 1989 by Rita Panicker, involved in protecting the rights of street-connected, vulnerable children, aiming to make them self-reliant and break the cycle of generational illiteracy and poverty. They had worked towards providing night shelters and safe sleeping environments to those in need, further reinforcing the essential nature of sleep as a basic right. Their interventions, like the Children's Development Khazana (CDK) and night shelter programs, help ensure that even children living on the streets have access to secure sleep spaces.<sup>13</sup> The reported aftermath includes improved health outcomes and greater engagement in educational activities, although comprehensive data on sleep metrics is limited.

It was not long before, in 1996, that the growing awareness about the right to sleep became evident. The case of *Om Birangana Religious Society v The State and Ors*<sup>14</sup> stands as a significant pillar in shaping the rationale behind the right to sleep, but the deep-rooted religious

<sup>11</sup> *Kharak Singh v State of Uttar Pradesh* (1963) 1 SCR 332

<sup>12</sup> 'Childrens Development Khazana' (*Butterflies NGO*) <<https://butterfliesngo.org/programmes/childrens-development-khazana/>> accessed 05 June 2025

<sup>13</sup> *Ibid*

<sup>14</sup> *Om Birangana Religious Society v The State and Ors* (1996) 2 CALLT 474 (Cal)

disparities in India overshadowed the evolution of this pivotal right, delaying its formal recognition. The court recognised that the assertion of the right to practice religion under Article 25<sup>15</sup> cannot be enforced in a manner that is found to conflict with the rights guaranteed under Article 21 of others.

The Calcutta High Court firmly asserted: “A citizen has a right to leisure, right to sleep, right not to hear, and right to remain silent. He also has the right to read and speak with others. The use of microphones certainly takes away the right of the citizens to speak with others, their right to read or think, or the right to sleep.”<sup>16</sup>

Moreover, the judiciary acknowledged the deterrent effects of noise and its adverse effects on sleep as reflected in *Forum, Prevention of Environment and Sound Pollution v Union of India*<sup>17</sup> and *Free Legal Aid Cell Shri Sujan Chand Aggarwal v Govt. of NCT of Delhi* (2001).<sup>18</sup> These judgments are testimonials of emerging changes in attitude towards sleep, as well as physiological and psychological well-being.

## **A CRITICAL VIEW: DELVING DEEPER INTO THE AFFIRMATION OF THE RIGHT TO SLEEP**

The recognition of the right to sleep, even though it was anticipated, its emergence under such abrupt and unexpected circumstances was unforeseen. The whole incident emerged from a number of mass and anti-corruption protests led by Baba Ramdev, which steadily gained momentum in the month of February 2011 when a part of an anti-corruption rally at Ramlila Maidan demonstrated a strong resistance against malpractices. The Ramlila Maidan at that time was officially permitted for use by Baba Ramdev to organise a yoga camp dating from June 1 to June 20, 2011.<sup>19</sup> However, the event soon turned into a platform for voicing resistance against the state.

At midnight, a massive police force flooded the Ramlila Maidan, where most of the protestors were peacefully asleep. As the authorities attempted to escort Baba Ramdev out of the venue, the

<sup>15</sup> The Constitution of India 1950, art 25

<sup>16</sup> *Om Birangana Religious Society Through v The State and Ors* (1996) 100 CWN 617

<sup>17</sup> *Forum, Prevention of Environment and Sound Pollution v Union of India and Ors* (2006) 8 SCC 796

<sup>18</sup> *Free Legal Aid Cell Shri Sujan Chand Aggarwal Alias Bhagat Ji v Govt. of NCT of Delhi and Ors* (2001) 60 DRJ 297

<sup>19</sup> *Re- Ramlila Maidan Incident Dt. 4/5.06.2011 v Home Secretary, Union of India and Ors* (2012) 5 SCC 1

supporters repelled, leading to a chaotic disruption. To evade detention, Baba Ramdev mingled with the crowd, leading to a confrontation with the police, where the police resorted to the use of force, such as lathi charges and the use of tear gas. This raised serious constitutional concerns regarding the violation of the right to peaceful assembly under Article 19(1)(b) of the Indian Constitution.<sup>20</sup> The petitioner submitted that the protest was sustained to be non-violent and supported the cause of introducing strong anti-corruption legislation. In light of the above occurrence, the Hon'ble Supreme Court recognised the right to sleep as an integral part of the Right to Life under Article 21 of the Constitution<sup>21</sup> and established that the midnight dispersal of the protestors hampered the peaceful gathering of protestors and violated their fundamental right to sleep.

The Supreme Court's judgment in the case of the *Re Ramlila Maidan Incident v Home Secretary, Union of India & Ors*,<sup>22</sup> laid down several concurring orders, most notably recognising the right to sleep as a fundamental right. This acknowledgement of the right to sleep stands paramount in addressing the long-standing requisite of restoring sleep as a basic fundamental of human rights. Sleep forms the very basis of human existence, and Justice Chauhan rightly quoted it in the judgment: "*To arouse a person suddenly brings about a feeling of shock and numbness. The pressure of a sudden awakening results in almost a void of sensation. Such an action, therefore, does affect the basic life of an individual.*"<sup>23</sup>

Even before the establishment of the right to sleep as a fundamental right under Article 21 of the Indian Constitution,<sup>24</sup> this right was also interpreted indirectly in the case *Sayeed Maqsood Ali v State of Madhya Pradesh*.<sup>25</sup> In this case, the petitioner invoked Articles 226<sup>26</sup> and 227 of the Indian Constitution<sup>27</sup> to challenge the respondent's use of loudspeakers, causing disturbances and disrupting public peace in violation of the Noise Pollution (Regulation and Control) Rules, 2000.<sup>28</sup> The Hon'ble High Court then stressed the importance of the right to sleep within the legal boundaries of fundamental rights. The court also held that every citizen is entitled to live

<sup>20</sup> The Constitution of India 1950, art 19(1)(b)

<sup>21</sup> The Constitution of India 1950, art 21

<sup>22</sup> *Re- Ramlila Maidan Incident Dt. 4/5.06.2011 v Home Secretary, Union of India and Ors* (2012) 5 SCC 1

<sup>23</sup> *Ibid*

<sup>24</sup> The Constitution of India 1950, art 21

<sup>25</sup> *Sayeed Maqsood Ali v State of Madhya Pradesh & Ors* (2001) 2 MPLJ 605

<sup>26</sup> The Constitution of India 1950, art 226

<sup>27</sup> The Constitution of India 1950, art 227

<sup>28</sup> Noise Pollution (Regulation and Control) Rules 2000

in a decent environment and enjoy the right to sleep peacefully at night, enshrined within Article 21 of the Indian Constitution.<sup>29</sup> This judgment reinstated that fundamental rights not only encompass precise liberties but also the rights that are essential for a dignified and peaceful life.

The Bombay High Court in the year 2024, in the judgment of *Ram Issrani v ED*,<sup>30</sup> reprimanded the Enforcement Directorate for taking a petitioner's statement late into the night. The court instructed the ED to set "reasonable timings" for such processes, underscoring the right to sleep as a fundamental right. However, if the fundamental right of sleep is violated, what definite punishment could be invoked against the ED in such a case leaves the judiciary in a dilemma of what appropriate procedure surrounds the right to sleep? The judgment falls short of defining the obligations that rest upon the state to enforce this right. The judgment also falls deficient to answer whether there pertains any inherent duty of the state to provide a hassle-free environment to its citizens, which ensures their right to sleep, especially for the population that falls below the poverty line; such developments require a comprehensive judicial interpretation and apt legislative actions to provide precision in the definition of the right to sleep. Additionally, the right did not specify its limitations, whether the right extends to hospitals, prisons, or student hostels, where sleep deprivation is often prevalent. Is it satisfactory to state only three words in the name of reasonable restrictions and simultaneously construct the ambit of this intricate fundamental right?

### **BROADER ASPECT OF INTERPRETATION OF FUNDAMENTAL RIGHT: A PROBE INTO RAMLILA CASE JUDGMENT**

The Hon'ble Supreme Court's decision to include the right to sleep as a fundamental right under Article 21<sup>31</sup> is appreciable. However, the judgment did not outline its ambit and reasonable restrictions, creating ambiguity in its application. Fundamental rights are subject to reasonable restrictions in the interest of public order. Whereas, in this case, the judgment did not specify what would be considered as its valid limitation. The complexity of this decision will become evident when the matters of religious affairs, such as the usage of loudspeakers, or even during emergencies, are left to be resolved by subsequent judicial proceedings. In the continued maturation of this fundamental right, the chief initiative must be to preclude the prevalence of

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<sup>29</sup> The Constitution of India 1950, art 21

<sup>30</sup> *Ram Kotumal Issrani v Directorate of Enforcement & Anr* (2024) BHC-AS:17238-DB

<sup>31</sup> The Constitution of India 1950, art 21

ambiguity and force courts as well as policymakers to take necessary steps to safeguard human rights while balancing democratic rights, which cater to the needs of society. The pronouncement of the right to sleep as an integral part of Article 21,<sup>32</sup> by the Hon'ble Supreme Court in the landmark judgment of *Ramlila Maidan Case* (2012)<sup>33</sup>, did not remain a mere matter of the judiciary or a statutory status: rather, it ignited a wave of grassroots efforts aimed at the implementation of the right to sleep. The NGOs, activists, and civil societies acted as a catalyst in sustaining the efforts of transitioning the judicial recognition of the right to sleep into tangible outcomes by creating awareness about the significance that this right holds and towards addressing the needs of society and protecting the dignified life promised to vulnerable communities.

The synchronisation of democratic institutions works remarkably when the judiciary delivers justice, and the executive ensures that the intended beneficiaries derive tangible advantages from these provisions. This synergy was reflected through the initiatives adopted by the Delhi Urban Shelter Improvement Board (DUSIB) Guidelines, a statutory body, notably working for the establishment of adequate night shelters for the homeless. The pioneering efforts of DUSIB embodied the democratic ideal of being *of, for, and by the people*, striving to establish adequate night shelters for the homeless. This initiative effectively served the purpose of recognising the right to sleep, ensuring safer sleeping conditions accompanied by essential amenities, and acting as a precedent for necessary future government interventions.

## **NGOS AND ACTIVIST MOVEMENTS: IN IMPLEMENTING FUNDAMENTAL RIGHTS**

The right to sleep was acknowledged relatively late in the public domain, but the delay did not hinder its adoption. The concept was welcomed wholeheartedly, although initially perceived as being confined to the narrow aspect of human life. Over time, it became broadly linked with the well-being and dignity of individuals, contributing to their physical, mental, and social health, thereby influencing societal progress at large. The efforts initiated by the activists and the NGOs have been instrumental in advancing this initiative, bringing marginalised narratives to the forefront and advocating for the recognition of sleep as a fundamental right. The right to sleep

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<sup>32</sup> *Ibid*

<sup>33</sup> *Re- Ramlila Maidan Incident Dt. 4/5.06.2011 v Home Secretary, Union of India & Ors* (2012) 5 SCC 1



was introduced later into the discussion than one might perceive, and even the discussions were only relevant to the aspect of sleep in the functioning of the human body, but in reality, the perception runs much deeper and plays a significant role in the development of a country. The right to sleep, even after gaining recognition, could not be formulated into a comprehensive and effective framework that is instrumental in serving the cause of justice. The concept at the outset was perceived as a narrow area to work on, but later its significance in society and the role it plays in human dignity were amplified. Sleep forms a fundamental unit of one's physical, mental, and social health, thereby influencing societal progress on a larger scale. The efforts initiated by these organisations in implementing the right to sleep in safeguarding these rights play a pivotal role in establishing a society aligned with the aspects of the right to sleep, showcasing their commitment towards basic human dignity and fostering national growth.

These institutions influence public opinion, setting the stage for addressing critical issues. One such initiative, *#MeetToSleep*,<sup>34</sup> in collaboration with several allies to build safer spaces for vulnerable individuals such as women and children, ensuring their right to sleep safely. The NGO has not only concentrated in certain regions, but it's been noticeable in every demography in several nations as well as within the nation. One such NGO name is *Femme Fridays*, which is a creative project aimed at creating spaces for women in poetry<sup>35</sup>, empowering them to explore writing, reading, and conversations beyond the realm of art. Launched in 2018, it has also initiated *CLAPP (Community Led Action Programme with Police) for Women's Safety at Public Places*—a collaborative initiative by PCVC and the US Consulate (2015–2017) in Hyderabad. CLAPP brought together both government officials and college students to investigate and address gender-based violence in public spaces and institutions, develop and implement solutions, and assess their effectiveness. One of the pioneering moments one can recall is *Meet to Sleep*, the wave of a campaign supportive of young women reclaiming public spaces without having to fear the shallows of society. The movement of the *Meet to Sleep* reclaims a sense of belonging and safety. The notion that withstands meeting to sleep is also narrated in quite a few works of literature, and one of the most recognised ideas put forth is *Why Loiter? Women and Risk on Mumbai Streets*—a book by Shilpa Phadke, Sameera Khan, and Shilpa Ranade,

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<sup>34</sup> 'Meet To Sleep Allies' (*Blank Noise*) <<https://www.blanknoise.org/meettosleepallies>> accessed 05 June 2025

<sup>35</sup> *Ibid*

published in 2011.<sup>36</sup> The book delves into the deeper concepts of transforming feminist ideas in public areas; these rights are inclusive of women's right to loiter, walk, and occupy public spaces without purpose or fear. Meet to Sleep nourishes the agenda of empowering women to live safely in public areas, not as a means of transit but as a freedom to rest, reclaim, and assert their right to the city freely. Through collaboration and active participation from various allies, these initiatives continue to challenge societal prejudice, ensuring that women have a voice and exist confidently in public spaces.

## LEGISLATIVE AND LEGAL PROGRESSION

The legislature of this country has displayed constant inaction in establishing a framework that is consistent with the fundamental right to sleep, and so with its implementation. However, the judiciary shows a contrast in the approach to upholding the fundamental right to sleep as an integral component of the right to life and personal liberty. Judicial initiatives in this regard have remained consistent, even in the absence of adequate legislative recognition and enforcement. The court has, on numerous occasions, interpreted this right through a series of progressive judgments. For instance, in the judgment, *Jan Jagriti Abhiyan v Union of India*,<sup>37</sup> the NGO Jan Jagriti Abhiyan advanced a Public Interest Litigation before the Delhi High Court, urging robust protection for slum and pavement dwellers against the recurring threat of nocturnal evictions. Citing the Ramlila Maidan case, the petitioners submitted that the midnight evictions in Ramlila Maidan and the evictions of dwellers are found to share common facts of intrusion by the state and depriving an individual of his dignity by breaching their right to sleep, which in turn has long-lasting effects on one's health. Similarly, in the case of *Joseph v State of Kerala*,<sup>38</sup> the Kerala High Court further entrenched the right to sleep by recognising it as an integral component of the right to health and dignity. The Court stated that pollution caused by heavy noises arising from public celebrations and the use of loudspeakers at night is concerning. It is also witnessed that the Hon'ble Delhi High Court in its judgment in the year 2019, in the case of *Ajay Maken & Ors. v Union of India & Ors*<sup>39</sup> ruled that the nighttime evictions of slum dwellers and homeless individuals constitute a violation of multiple articles of the Indian Constitution, as these multiple

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<sup>36</sup> Shilpa Phadke, Sameera Khan and Shilpa Ranade, *Why Loiter? Women and Risk on Mumbai Streets* (Penguin India 2011)

<sup>37</sup> *Janhit Abhiyan v Union of India* (2022) SCC OnLine SC 1540

<sup>38</sup> *Joseph v State of Kerala* KHC (2015) 5 Ker 586

<sup>39</sup> *Ajay Maken & Ors v Union of India & Ors* (2019) AIR ONLINE Del 523

ejections deprive people of their fundamental right to sleep and subject them to inhumane treatment, further emphasizing the decision passed by the Hon'ble Supreme Court in the year 2012 in Ramlila Maidan Case.<sup>40</sup> The judiciary has routinely strived to assert this right to its fullest extent, often seizing national attention to the significance of the right to sleep within the ambit of an individual's fundamental rights. As lucid from the repeated assertions of the honourable Supreme Court, sleep forms a fundamental pillar of a human being's existence.

Although the Indian legislative framework must be commended for its wise acknowledgement of the intricate balance between restorative sleep and mental health, and dignifies this vital interdependence within a vigorous legal paradigm that underlines a panoramic approach to the well-being of an individual. The proposed Mental Healthcare Act 2017<sup>41</sup> categorically recognises the intricate balance between sleep and mental health. This act, while implicitly defending the pivotal role sleep plays in preserving the mental health of an individual, explicitly reinforces the predominant importance of an individual's mental well-being. Section 20(3)(a)<sup>42</sup> of this act bluntly mandates that every individual with a mental illness has the right to live with dignity, including the right to adequate rest and sleep. This section recognises that mental illness can be aggravated because of sleep deprivation and inhumane treatment. Thus, this section emphasises the importance of ensuring adequate sleep. This stresses the effects of insufficient sleep on the mental health of an individual, occasionally driving the individual towards insanity. The mere existence of this act reflects that the legislature acknowledges sleep as an essential component of comprehensive mental health care.

## **TORTURE AND THE LONG-STANDING VIOLATION OF THE RIGHT TO SLEEP**

Sleep and torture have a long, long-standing history, with sleep deprivation being used as an instrument to liberate methods of coercion and punishment across civilisations. From ancient times to modern-day interrogations. Article 1 of the UN Convention Against Torture<sup>43</sup> outlines torture as an act that inflicts severe pain could be physical or mental. This precision aids in inferring that purposeful sleep deprivation can not only arouse acute psychological distress but also be rendered as a form of mental torture. This article aids the United Nations in reinstating

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<sup>40</sup> *Re: Ramlila Maidan Incident Dt. 4/5.06.2011 v Home Secretary, Union of India & Ors* (2012) 5 SCC 1

<sup>41</sup> Mental Healthcare Act 2017

<sup>42</sup> Mental Healthcare Act 2017, s 20(3)(a)

<sup>43</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987

the gravity of sleep in safeguarding mental health. The Mental Healthcare Act distinctly acknowledges that the deprivation of sleep can induce severe mental suffering when used as a punitive or coercive measure. This underlines the importance of sleep in the maintenance of mental well-being. This pivotal act behaves as a legal shield to fortify that the protection of sleep is integral in safeguarding overall mental health against practices that may amount to psychological harm. India, being a signatory to the United Nations Convention Against Torture (UNCAT),<sup>44</sup> has not yet ratified it. This often characterises India as insensitive to anti-torture law, underscoring the cruciality of its ratification. Sleep deprivation has been classified as a method of psychological torture by the UN Special Rapporteur. However, the call for an adequate legislative framework remains unheeded. The revision of national health policy in 2017<sup>45</sup> reflects a critical oversight, as it excludes sleep-specific safeguards, specifically taking into account the self-sustained evidence that links sleep deprivation to a vast horizon of adverse health outcomes from diminished cognitive function and increased risk of cardiovascular disease to broader public safety concerns.

## INTERNATIONAL AND NATIONAL PURVIEW OF THE RIGHT TO SLEEP

The prevalence of sleep disorders in India is high, which is suggestive of a comprehensive national policy. A recent study reports that the percentage of insomnia has been pegged to be as high as 33% among adults in India.<sup>46</sup> Sleep deprivation, a deteriorating factor on an individual's health, is a deep and extensive complication. Daytime sleepiness in adults can lead to reduced productivity. Sleep-deprived people are less effective in making quality decisions and are more likely to experience distress, develop obesity, and be more likely to get coronary heart disease. Drowsy drivers can cause fatal accidents. Insufficient sleep in school children hampers their mood significantly and causes daytime behavioural impairments. However, the National Sleep Foundation, an American non-profit, charitable organisation, introduced a panel that made

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<sup>44</sup> *Ibid*

<sup>45</sup> 'National Health Policy 2017' (Ministry of Health & Family Welfare, 06 April 2017)

<[https://nhsrcindia.org/sites/default/files/2021-](https://nhsrcindia.org/sites/default/files/2021-07/National%20Health%20Policy%202017%20%28English%29%20.pdf)

[07/National%20Health%20Policy%202017%20%28English%29%20.pdf](https://nhsrcindia.org/sites/default/files/2021-07/National%20Health%20Policy%202017%20%28English%29%20.pdf)> accessed 05 June 2025

<sup>46</sup> Nasreen Akhtar and Hrudananda Mallick, 'Recommendations for a National Sleep Policy in India' (2019) 32(1) The National Medical Journal of India <<https://nmji.in/recommendations-for-a-national-sleep-policy-in-india/>> accessed 05 June 2025

recommendations for national sleep policy within national health policy, but that did not yield any commendable outcomes.<sup>47</sup>

While these rights have been affirmed across a myriad of circumstances, the stark reality remains that the daily subsistence of millions is rendered short-lived, equivalent to an illusion. This disconcerting state of affairs is underscored by the Global Hunger Index 2018, which positions India at 108 out of 130 nations, and by estimates indicating that as of 2016, approximately eight million individuals were subjected to the conditions amounting to modern slavery, with a prevalence of 6.1 victims per thousand people and a global ranking of 53 among 167 countries.<sup>48</sup> Further, National Crime Records Bureau (NCRB) reports up to 2018-19 corroborate the ongoing prevalence of bonded and forced labour, thereby reinforcing the urgent need for the legislature to bridge the gap between judicial mandates and practical enforcement of fundamental rights.<sup>49</sup> Notwithstanding the harsh indicators revealed by the Global Hunger Index (2018), which ranked India 108 out of 130 nations,<sup>50</sup> and the staggering estimates that millions continue to endure food insecurity and substandard living conditions, some commentators contend that the establishment of a “right to sleep” may be of secondary concern. However, this viewpoint fails to recognise that the right to sleep is inextricably linked with other fundamental rights such as food, health, and an adequate standard of living. Adequate sleep is a critical pillar of human dignity and well-being, serving as both a precondition for and a natural extension of the broader spectrum of socio-economic rights.

Despite the cyclic ignorance of the right to sleep in India, the global outlook reveals that this fundamental necessity is enshrined in the legal frameworks of various jurisdictions. The labour landscape in India discloses the urgency of addressing basic human rights, considering the dire circumstances of food insecurity and inadequate living conditions. The International Labour Organisation reflects the labour discourse in India through its estimates that nearly 19 million individuals are jobless, while many of the 260 million agricultural labourers endure excessively long hours. Moreover, around 40% of informal sector workers suffer from chronic sleep deprivation due to irregular work schedules.<sup>51</sup> This junction of labour exploitation and socio-

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<sup>47</sup> ‘Mission and Goals’ (National Sleep Foundation) <<https://www.thensf.org/mission-and-goals/>> accessed 05 June 2025

<sup>48</sup> Welthungerhilfe, *Concern Worldwide and Institute for International Law of Peace and Armed Conflict* (2024)

<sup>49</sup> *Crime in India 2019 NCRB* (2020)

<sup>50</sup> Welthungerhilfe (n 48)

<sup>51</sup> International Labour Organization and Institute for Human Development, *India Employment Report* (2024)

economic hardship highlights the need for comprehensive legislative reforms to safeguard the fundamental right to sleep as an intrinsic part of human dignity, by and large, the physical and mental well-being of an individual.

The right to sleep reflects paramount cohesion with international human rights principles as it is a fundamental component of human dignity and prosperity. A legally nonbinding treaty, the Universal Declaration of Human Rights, 1948, italicises under article 25(1)<sup>52</sup> that every person has the right to maintain a standard of living adequate for their health, distinctly incorporating rest, leisure, and sleep. The right to sleep is globally affirmed as an influential human right and is progressively incorporated into the governance of human behaviour. The International Covenant on Economic, Social and Cultural Rights (ICESR) 1996,<sup>53</sup> recognises requisite rest as a vital part of the right to health, asserting its critical role in defending an individual's liberty.

## THE CASE FOR MULTIPLE TIME ZONES

India, a country with an expansive longitudinal span, adheres to a single time zone, the Indian Standard Time Zone (IST, UTC+5:30), which is based on the central meridian of 82.5°E. This creates substantial terrestrial disparities.<sup>54</sup> There exists a misalignment in the northeastern states such as Assam, Arunachal Pradesh, and Nagaland, where the sun rises as early as 4:00 AM in summer, whereas in western States like Gujarat, Rajasthan, and Maharashtra, the sun rises considerably later.<sup>55</sup> This disarray compels north-eastern residents to adhere to IST-based work schedules that clash with their natural daylight hours, reducing their sleep duration and undermining their right to adequate sleep. On the contrary, the United States ensures that local work and rest schedules are synchronised with natural daylight, with the aid of its six time zones, from Eastern time (UTC-5) to Hawaiian Time (UTC-10), thereby protecting the biological rhythms and the inherent right to sleep of its citizens. In the same way, Russia has adopted 11 time zones across its vast territory, which advances work and rest in harmony with natural daylight, warding off the severe disruptions that a singular time zone would impose. India spans

<sup>52</sup> The Constitution of India 1950, art 25(1)

<sup>53</sup> International Covenant on Economic, Social and Cultural Rights 1976

<sup>54</sup> 'India Standard Time – IST Time Zone' (*Time and Date*) <<https://www.timeanddate.com/time/zones/ist>> accessed 05 June 2025

<sup>55</sup> 'Separate time zone for Northeast' (*Shankar IAS Parliament*, 25 March 2017)

<<https://www.shankariasparliament.com/current-affairs/separate-time-zone-for-northeast>> accessed 05 June 2025

a significant longitudinal range (from 68°E to 97°E), so the demand for at least two time zones stands justified.<sup>56</sup> The adoption of two time zones would not only better accommodate the circadian rhythm of its diverse regions but also safeguard the right to sleep and the overall well-being of those in the Northeast. Many people in India operate in a time zone that is not an appropriate diurnal cycle for them; people's productivity and efficiency follow a biological clock that is synchronised with the daily light-dark cycles. From the body's circadian rhythm point of view, the existing IST is highly suitable for Kanyakumari, Kavaratti, and Ghuar Mota, manageable for Alipurduar, Kolkata, Gangtok, Mirzapur, and Gilgitum, but highly unsuitable for Dong and Port Blair.<sup>57</sup> Different time zones will yield better economic benefits as people will be able to work better and plan better, according to their natural cycles. Tea gardens in Assam have long set their clocks one hour ahead of IST, creating their informal time zone (Chaibagaan Time).<sup>58</sup>

## CONCLUSION

The words synonymous with sleep, rest, and leisure, which are basic and a very significant human need, haven't been acknowledged by India's legal and policy framework as their independent significance. Irrespective of the intrinsic link of sleep to the right to life and personal liberty under Article 21 of the Constitution,<sup>59</sup> the independent significance of sleep is yet to be acknowledged by the legislative measures, the judiciary, on the other hand, has played a revolutionary role in affirming and interpreting people's right to sleep, especially in cases which include state interference, noise pollution as well as governance in the urban environment. These judicial orders have set crucial precedents that underscore sleep as a human necessity rather than a privilege, significant for maintaining health, lifestyle, as well as stable cognitive functioning. The legal protections that are currently in motion are observed to remain scattered, with noise control laws and workplace policies that fundamentally lack a unified approach to safeguarding sleep. Moreover, it can be seen that sleep deprivation is highly linked

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<sup>56</sup> 'Demand for 2 Time Zones in India' (*Drishti IAS*, 28 November 2018) <<https://www.drishtiias.com/to-the-points/paper1/2-time-zones-in-india>> accessed 05 June 2025

<sup>57</sup> *ibid*

<sup>58</sup> Ritu, 'What is "Chaibagaan" time?' (*Medium*, 31 August 2023) <<https://medium.com/@ritus.rs/what-is-chaibagaan-time-e9585ab84389>> accessed 05 June 2025

<sup>59</sup> The Constitution of India 1950, art 21

to concerns with public health, labour rights, and environmental concerns, making it essential to adopt a framework that includes more comprehensive and multidimensional policies.

In the coming times, a more cohesive and imperative legislation must be established that is advocative of human rights, such as sleep, an essential component of human dignity and well-being. This requires assistance from legal executives as well as policy, formulated to create awareness amongst those who are victims of regulatory shortcomings and ensure effective enforcement and protection of laws. A society that fails to ensure the necessities of society, inclusive of sleep, compromises the well-being of an individual. The recognition of this right is not a mere constitutional policy revolution, but it holds significance in attaining a moral and social imperative. The future of legal jurisprudence in India is actively evolving and fostering a place that upholds an equitable, human, and just society.