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CORPORATE LAW IMPLICATIONS OF WORK-FROM-HOME POLICIES IN POST COVID-19 INDIA: A CRITICAL ANALYSIS OF GOVERNANCE, COMPLIANCE, AND EMPLOYEE RIGHTS

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ABSTRACT:

The COVID-19 pandemic accelerated the adoption of work-from-home (WFH) arrangements across India, fundamentally transforming corporate operations and legal frameworks. Initially implemented as a temporary response, WFH has evolved into a long-term or hybrid working model, particularly in sectors such as information technology and services¹. This transition has exposed significant gaps in India's corporate legal framework, which remains largely structured around traditional, office-based work environments².

This paper examines the corporate law implications of WFH policies and post-COVID-19 India, focusing on governance, regulatory compliance, and employee rights/ It argues that existing frameworks, including the Company's Act 2013, are insufficient to address challenges arising from decentralised work structures, such as the legality of virtual board meetings, digital compliance mechanisms, and fiduciary accountability³. Additionally, WFH arrangements raise concerns related to data protection, employee surveillance, occupational safety, and jurisdictional ambiguities, particularly in the absence of a comprehensive statutory regime governing remote work.⁴

The paper further highlights the growing intersection between corporate and labour law, emphasising issues such as the right to disconnect an employer liability in home-based

¹ A. Agrawal et al., *Work from Home Practices as Corporate Strategy—An Integrative Review*, **Heliyon** (2023), [https://www.cell.com/heliyon/fulltext/S2405-8440\(23\)07102-5](https://www.cell.com/heliyon/fulltext/S2405-8440(23)07102-5).

² S. Mukherjee & D. Narang, *Digital Economy and Work-from-Home: The Rise of Home Offices Amidst COVID-19 Outbreak in India*, **J. Knowledge Econ.** (2023), <https://link.springer.com/article/10.1007/s13132-022-00896-0>.

³ Companies Act, No. 18 of 2013, India; M. Chudinovskikh, *Regulation of Telework in BRICS: Lessons from the Pandemic*, **BRICS L.J.** (2022), <https://cyberleninka.ru/article/n/regulation-of-telework-in-brics-lessons-from-the-pandemic>.

⁴ G. Lockwood & V. Nath, *The Monitoring of Tele-Homeworkers in the UK*, **Int'l J. L. & Mgmt.** (2021), <https://www.emerald.com/insight/content/doi/10.1108/IJLMA-10-2020-0281/full/html>.

workplaces⁵. Through doctrinal and comparative analysis, it identifies regulatory inconsistencies and proposes the need for integrated reforms.

The study concludes that India must adopt a hybrid legal framework that aligns corporate governance with digital realities while ensuring employee protection. Such reforms are essential to maintain legal certainty, corporate accountability, and sustainable growth in the evolving post-pandemic business environment.

INTRODUCTION:

The COVID 19 pandemic triggered a rapid and large-scale transition to work-from-home (WFH) arrangements across India, reshaping the structure of corporate operations. Organisations, particularly in the information technology and service sectors, shifted to remote work almost overnight to ensure business continuity during nationwide lockdowns⁶. What began as an emergency response has now evolved into a long-term or hybrid work model, raising significant legal and regulatory concerns.

Indian corporate law, primarily governed by the Companies Act, 2013, was designed for centralised, office-based systems of management and control⁷. Governance mechanisms such as board meetings, compliance procedures, and oversight functions traditionally relied on physical presence and structured environments. However, the shift to remote work has disrupted these assumptions, creating challenges in ensuring transparency, accountability, and procedural compliance in virtual settings⁸. Although temporary regulatory relaxations allowed virtual meetings during the pandemic, their long-term legal validity remains uncertain.

At the same time, WFH has blurred the boundaries between corporate and labour law. Issues relating to working hours, employee monitoring, and workplace safety have become more complex in home-based work environments. The absence of a specific legal framework governing WFH in India has led to reliance on employer-driven policies, resulting in inconsistency and legal ambiguity⁹.

Further, the increased use of digital tools has intensified concerns around data privacy and surveillance, with employers adopting monitoring technologies that may conflict with employees fundamental rights¹⁰. Additionally, cross-border remote work has introduced complexities in taxation and

⁵ European Parliament, *The Right to Disconnect*, 2021 O.J. (C 456) 161, https://www.europarl.europa.eu/doceo/document/TA-9-2021-0021_EN.html.

⁶ S. Mukherjee & D. Narang, *supra* note 2.

⁷ Companies Act, No. 18 of 2013, India.

⁸ M. Chudinovskikh, *supra* note 3.

⁹ A. Agrawal et al., *supra* note 1.

¹⁰ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

jurisdiction, particularly in India's globalised economy¹¹. Against this backdrop, this paper critically examines the corporate law implications of WFH in India, focusing on governance challenges, regulatory gaps, and the need for legal reform in a digitally evolving workplace.

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK:

The expansion of work-from-home (WFH) practises in the post-COVID-19 era has generated significant academic discourse, particularly concerning its legal and corporate governance implications. Scholars widely recognised that remote work is no longer a temporary adjustment but a structural shift in how organisations operate¹². Scholars also argue that WFH has become a strategic component of corporate functioning, especially in digital economies like India, necessitating corresponding legal and institutional reforms¹³.

From a governance perspective, the literature highlights the challenges posed by virtual corporate environments. Also scholars emphasise that the emergence of virtual workspaces raises questions about the legal validity and procedural reliability of digital corporate actions, including board meetings and compliance processes¹⁴. The absence of permanent statutory provisions governing such practises in India creates uncertainty regarding their enforceability and accountability.

Another key theme in the literature is the intersection of WFH with labour law where they note that Indian labour regulations have not fully adapted to remote work arrangements, leaving gaps in areas such as working hours, employer liability, and employee protections¹⁵. This regulatory vacuum has resulted in inconsistent practises across organisations, often governed by internal policies rather than uniform legal standards.

Scholars have also examined the implications of digital surveillance in remote work settings where they highlight that the use of monitoring technologies raises significant concerns about employee privacy and data protection¹⁶. In the Indian context, where comprehensive data protection legislation is still evolving, these issues are particularly acute.

Comparative studies further demonstrate that India lags behind other jurisdictions in regulating remote work. Where the scholars observe that while some countries have introduced explicit telework regulations, India relies on a fragmented legal framework, combining elements of

¹¹ K. Varner & K. Schmidt, *Employment-at-Will in the United States and the Challenges of Remote Work in the Time of COVID-19*, *Laws* (2022), <https://www.mdpi.com/2075-471X/11/2/29>.

¹² A. Agrawal et al., *supra* note 1.

¹³ S. Mukherjee & D. Narang, *supra* note 2.

¹⁴ M. Chudinovskikh, *supra* note 3.

¹⁵ K. Varner & K. Schmidt, *supra* note 11.

¹⁶ G. Lockwood & V. Nath, *supra* note 4.

corporate, labour, and contractual law¹⁷. This lack of coherence complicates compliance and increases legal uncertainty.

Additionally, scholars also link the rise of WFH to the growth of India's digital economy, highlighting its role in enabling flexible work arrangements¹⁸. However, this shift also introduces challenges related to jurisdiction, taxation, and corporate accountability, particularly in cross-border. Overall, the literature underscores the need for an integrated legal approach that aligns corporate governance, labour protections, and digital regulation to address the complexities of WFH in India¹⁹.

CORPORATE GOVERNANCE CHALLENGES IN WORK-FROM-HOME:

A widespread adoption of work-from-home (WFH) arrangements in India has significantly altered traditional corporate governance structures, creating new challenges in ensuring accountability, transparency, and effective oversight. Corporate governance, which is fundamentally based on structured decision-making, regulatory compliance, and fiduciary responsibility, faces considerable strain in a decentralised and digitally mediated work environment²⁰.

One of the primary challenges is the conduct and legal validity of virtual board meetings. During the COVID-19 pandemic, regulatory relaxations allowed companies in India to hold board meetings through video conferencing and other electronic means²¹. While this insured business continuity, the long-term reliance on virtual meetings raises concerns regarding procedural compliance, confidentiality, and effective participation. Also scholars argue that although virtual workspaces facilitate operational efficiency, they also create ambiguity in complying with statutory requirements under the Companies Act, 2013, particularly concerning quorum verification, recording of proceedings, and authentication of decisions²².

Another critical issue relates to the fiduciary duties of directors in a remote working environment. Directors are expected to exercise due care, diligence, and independent judgement in managing corporate affairs. However, WFH reduces opportunities for direct interaction and informal deliberation, which are often essential for informed decision-making. Scholars highlight that remote work can weaken collaborative governance processes, potentially leading to oversight gaps. This increases the risk of directors failing to meet their fiduciary obligations, thereby exposing them to legal liability²³.

The shift to remote work has also intensified concerns around digital compliance and cyber security

¹⁷ M. Chudinovskikh, *supra* note 3.

¹⁸ Mukherjee & Narang, *supra* note 2.

¹⁹ Varner & Schmidt, *supra* note 11.

²⁰ A. Agrawal et al., *supra* note 1.

²¹ Ministry of Corporate Affairs, Gen. Circular No. 14/2020 (Apr. 8, 2020), India.

²² Companies Act, No. 18 of 2013, India.

²³ M. Chudinovskikh, *supra* note 3.

governance. Corporate operations now rely heavily on digital platforms for communication, documentation, and regulatory filings. While this enhances efficiency, it simultaneously exposes corporations to cyber risks, including data breaches and unauthorised access. Scholars note that increased reliance on digital monitoring and communication tools heightens vulnerabilities, particularly in the absence of robust cyber security frameworks. In India, where data protection regulations are still evolving, such risks can have significant legal and reputational consequences.²⁴

Further, WFH complicates internal control mechanisms and risk management systems. Traditional governance structures depend on centralised supervision and clearly defined reporting hierarchies. In contrast, remote-work environments require organisations to rely on digital tools and employee self-reporting, which may weaken internal controls. It is observed that decentralised work arrangements make it more difficult to enforce uniform compliance standards, increasing the likelihood of fraud, errors, or regulatory breaches²⁵.

The issue of shareholder engagement and transparency also emerges as a key concern. With annual general meetings (AGM's) and other shareholder interactions being conducted virtually, questions arise regarding the authenticity of voting processes and the effectiveness of shareholder participation. While virtual platforms may enhance accessibility, they can also limit meaningful engagement and reduce opportunities for direct scrutiny of management decisions²⁶.

In addition, WFH has heightened the importance of corporate cyber security governance as a core board responsibility. Employees accessing corporate systems from personal devices and unsecured networks increase the risk of cyber threats. It has emphasised that corporate boards must integrate cyber security into governance frameworks and risk management strategies. Failure to do so may lead to regulatory non-compliance and significant financial and reputational damage²⁷.

Another challenge lies in the absence of a comprehensive regulatory framework governing remote corporate operations in India. While temporary measures were introduced during the pandemic, there is no permanent legislation addressing WFH from a corporate governance perspective. It has highlighted that this fragmented approach creates legal uncertainty and inconsistent practises across organisations, particularly for multinational corporations operating in India.²⁸

Finally, the WFH Model Blurs the distinction between corporate and personal spaces, complicating questions of corporate liability. Determining whether actions taken by employees in remote settings fall within the scope of employment can be legally complex, especially in cases involving misconduct or data breaches²⁹.

²⁴ G. Lockwood & V. Nath, *supra* note 4.

²⁵ K. Varner & K. Schmidt, *supra* note 11.

²⁶ Ministry of Corporate Affairs, Gen. Circular No. 20/2020 (May 5, 2020), India.

²⁷ C.J. Li et al., *Effect of Government Guidelines and Corporate Governance on Telework Adoption, Safety & Health at Work* (2024), <https://www.sciencedirect.com/science/article/pii/S2093791124000271>.

²⁸ Chudinovskikh, *supra* note 3.

²⁹ Varner & Schmidt, *supra* note 11.

Thus, the transition to WFH has exposed significant gaps in India's corporate governance framework. Addressing these challenges requires the development of robust digital governance mechanisms, clearer regulatory guidelines, and stronger cyber security measures to ensure effective oversight in a decentralised corporate environment.

LABOUR LAW & EMPLOYEE RIGHTS IN WORK-FROM-HOME

The shift to work-from-home (WFH) arrangements in India has not only challenged corporate governance structures but is also exposed significant gaps in labour law and employee protection frameworks. Indian labour laws, historically designed around physical workplaces, struggle to address the complexities of remote work, leading to ambiguity in rights, obligations, and enforcement³⁰.

One of the foremost issues relates to working hours and the blurring of work-life boundaries. In traditional office settings, working hours are regulated through statutory provisions and organisational policies. However, WFH has led to an "always-on" culture, where employees are often expected to remain available beyond standard hours³¹. It had also noticed that the absence of clear legal guidelines for remote working hours in India has resulted in extended work days and increased employee burnout. This has brought attention to the concept of the "right to disconnect", which seeks to protect employees from excessive work demands outside official hours. While jurisdictions such as France have recognised this right, India currently lacks explicit legal provisions in this regard³².

Another critical concern is employee monitoring and privacy. With the rise of remote work, employers increasingly rely on digital surveillance tools to track productivity, including screen monitoring, keystroke logging, and webcam usage. While such practises may be justified from a managerial perspective, they raise serious concerns about employee privacy and dignity. This paper also argues that in the absence of a comprehensive data protection framework in India, the use of surveillance technologies creates a legal grey area, potentially infringing upon employees fundamental right to privacy as recognised by the Supreme Court in Justice KS Puttaswamy v. Union of India (2017)³³. The lack of clear statutory limits on employer surveillance further exacerbates this issue³⁴.

WFH also complicates questions of occupational health and safety (OHS). Under traditional labour laws, employers are responsible for ensuring safe working conditions within the workplace. However, when employees work from home, determining the extent of employer liability becomes challenging. For instance, issues such as ergonomic injuries, mental health concerns, or accidents occurring during working hours at home raise complex legal questions. Existing Indian labour laws do not clearly define

³⁰ K. Varner & K. Schmidt, *supra* note 11.

³¹ A. Agrawal et al., *supra* note 1.

³² European Parliament, *supra* note 5.

³³ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

³⁴ G. Lockwood & V. Nath, *supra* note 4.

employer obligations in such scenarios, leading to uncertainty and potential disputes³⁵.

In addition, WFH arrangements raise concerns regarding employment contracts in terms of service. Many organisations in India have adopted remote work policies through contractual modifications or internal guidelines rather than formal legal frameworks. It has highlighted that this reliance on private agreements results in inconsistent practises and may disadvantage employees, particularly in the absence of standardised protections. Issues such as reimbursement of expenses, provision of equipment, and liability for work-related costs remain largely unregulated³⁶.

Another important dimension is the gendered impact of WFH policies. Emerging studies suggest that remote work has disproportionately affected women, who often face increased domestic responsibilities alongside professional obligations. While WFH offers flexibility, it may also reinforce existing inequalities in unpaid care work, thereby affecting career progression and workplace equality. Indian labour law frameworks have yet to fully address these socio-legal implications³⁷.

Further, the rise of WFH has intensified jurisdictional and cross-border employment issues. Employees working remotely from different states or countries may be subject to varying labour laws, creating challenges in determining applicable legal standards. It is also noted that this is particularly relevant in India's globalised economy, where companies frequently employ remote workers across jurisdictions. This creates uncertainty regarding dispute resolution, enforcement of rights, and employer obligations³⁸. Comparative legal scholarship indicates that several countries have begun addressing these issues through targeted legislation on telework and employee protections. It is also observed that jurisdictions within the BRICS framework have adopted varying approaches, with some introducing specific provisions for remote work, including employee rights and employer responsibilities. In contrast, India's approach remains fragmented, relying on a combination of existing labour laws, contractual arrangements, and policy guidelines³⁹.

Hence, the shift to WFH has exposed significant shortcomings in India's labour law framework, particularly in areas such as working hours, privacy, occupational safety, and contractual protections. Addressing these challenges requires comprehensive legal reforms that balance employer interests with employee rights. A well-defined regulatory framework is essential to ensure fairness, protect employee well-being, and support sustainable remote work practises in the post-pandemic era.

DATA PROTECTION, CYBERSECURITY AND CORPORATE LIABILITY IN WFH:

The expansion of work-from-home (WFH) arrangements in India has significantly increased corporate reliance on digital infrastructure, thereby intensifying concerns relating to data protection, cyber

³⁵ A.A. Razak et al., *When Home is the Office: Revisiting Occupational Safety Laws in Remote Work* (2026), https://repository.gyaanarth.com/pdfs/ijriss/vol10-iss1-pg2881-2891-202601_pdf.pdf.

³⁶ M. Chudinovskikh, *supra* note 3.

³⁷ Mukherjee & Narang, *supra* note 2.

³⁸ Varner & Schmidt, *supra* note 11.

³⁹ Chudinovskikh, *supra* note 3.

security, and corporate liability. As employees access sensitive corporate data from remote locations using personal devices and unsecured networks, traditional safeguards designed for centralised office environments have become inadequate⁴⁰.

A central issue is the heightened risk of data breaches and unauthorised access. In a WFH setting, employees frequently operate outside secure corporate networks, increasing exposure to cyber threats such as phishing attacks, malware, and data interception⁴¹. It has emphasised that remote work environments significantly expand the “attack surface” for organisations, making them more vulnerable to cyber security incidents. In India, where comprehensive data protection legislation has only recently begun to take shape, this creates a regulatory gap in addressing corporate responsibility for such breaches.

The legal framework governing data protection in India has historically been based on the Information Technology Act, 2000, and the accompanying Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011⁴². However, these provisions were not specifically designed for remote work environments. As a result, they provide limited guidance on issues such as employee handling of data outside office premises and the use of personal devices for professional purposes⁴³. It also argued that this inadequacy leaves corporations exposed to both compliance risks and potential liability.

Another key concern is the use of employee monitoring technologies, which has increased significantly with WFH adoption. Employers often deploy software tools to track productivity, communication, and system usage. While such monitoring may be justified from a business perspective, it raises serious legal concerns regarding privacy, consent, and proportionality. In the Indian context, the right to privacy recognised in *Justice KS Puttaswamy v. Union of India* (2017) imposes constitutional limitations on excessive surveillance.⁴⁴ However, the absence of specific statutory guidelines governing workplace monitoring creates uncertainty for both employers and employees.

WFH also complicates corporate liability for data protection violations. Under existing legal frameworks, companies can be held liable for negligence in implementing reasonable security practises. However, determining liability becomes more complex when breaches occur due to employee actions in remote settings⁴⁵. For instance, if an employee uses an unsecured personal network or device leading to data leak, it is unclear whether the liability rests solely with the employee or extends to the employer. It is also noted that such ambiguities are increasingly relevant in India’s digital economy, where remote work is integrated into global business operations.

⁴⁰ A. Agrawal et al., *supra* note 1.

⁴¹ G. Lockwood & V. Nath, *supra* note 4.

⁴² Information Technology Act, No. 21 of 2000, India; Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011.

⁴³ M. Chudinovskikh, *supra* note 3.

⁴⁴ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

⁴⁵ G. Lockwood & V. Nath, *supra* note 4.

⁴⁶ K. Varner & K. Schmidt, *supra* note 11.

In addition, the rise of WFH has brought attention to the need for robust corporate cyber security governance. Corporate boards are now expected to play an active role in overseeing cyber security risks as part of their governance responsibilities. It is argued that cyber security should be treated as a core element of corporate governance, requiring the implementation of comprehensive risk management frameworks, regular audits, and employee training programmes⁴⁷. Failure to adopt such measures may result in regulatory penalties, financial losses, and reputational damage.

Another emerging issue is the cross-border transfer of data in remote work scenarios. Employees working from different jurisdictions may access or process data across borders, raising concerns about compliance with international data protection standards⁴⁸. It is highlighted that this is particularly significant for Indian companies engaged in outsourcing and global service delivery, where data flows frequently transcend national boundaries. In the absence of clear regulatory guidelines, corporations face uncertainty in ensuring compliance with both domestic and foreign data protection laws.

Furthermore, WFH environments challenge the effectiveness of internal data governance policies. Traditional corporate systems rely on controlled access, secure networks, and centralised IT management. In contrast, remote work requires organisations to extend these controls to diverse and often uncontrolled environments. This necessitates the adoption of advanced cyber security measures including encryption, multi-factor authentication, and secure virtual private networks (VPN's)⁴⁹.

Comparative legal perspectives indicate that several jurisdictions have strengthened data protection regulations in response to remote work challenges. It is seen that the countries within the BRICS framework have begun integrating cyber security and data protection considerations into telework regulations. India, however, continues to rely on a fragmented approach, highlighting the need for comprehensive reform⁵⁰.

Hence, the shift to WFH has significantly increased corporate exposure to data protection and cyber security risks in India. The existing legal framework is insufficient to address the complexities of remote work, particularly in areas of liability, surveillance, and cross-border data flows. To ensure effective governance, India must develop a robust and cohesive regulatory framework that aligns data protection laws with the realities of digital and remote work environments.

REGULATORY GAPS AND NEED FOR LEGAL REFORMS IN INDIA:

The rapid institutionalisation of work-from-home (WFH) practises in India has exposed significant deficiencies in the existing legal framework governing corporate operations and employment relations. While temporary regulatory measures introduced during the COVID-19 pandemic enabled continuity

⁴⁷ C.J. Li et al., *supra* note 27.

⁴⁸ Varner & Schmidt, *supra* note 11.

⁴⁹ M. Chudinovskikh, *supra* note 3

⁵⁰ *Id.*

of business functions, they failed to establish a comprehensive and permanent legal structure to address the long-term implications of remote work⁵¹. Consequently, the current framework remains fragmented, creating uncertainty for both corporations and employees.

One of the most prominent gaps lies in the absence of a dedicated statutory framework governing WFH. Indian law does not provide a unified definition or regulatory regime for remote work, leaving it to be governed indirectly through existing corporate, labour, and contractual laws⁵². It is observed that this lack of legal clarity creates ambiguity in determining rights, obligations, and enforcement mechanisms, particularly in virtual work environments. As a result, companies often rely on internal policies, leading to inconsistent practices and potential legal disputes.

Another critical gap is the inadequacy of labour laws in addressing remote work realities. Although India has undertaken labour law reforms through the introduction of new labour codes, these do not explicitly address WFH arrangements. Issues such as working hours, overtime compensation, occupational safety, and employee surveillance remain largely unregulated in remote settings⁵³. It is highlighted that this regulatory vacuum places employees at risk of exploitation while also exposing employers to legal uncertainty.

The lack of a clear legal framework also affects corporate governance and compliance mechanisms. While regulatory relaxations permitted virtual board meetings and electronic filings during the pandemic, there is no permanent statutory clarity regarding their continued use⁵⁴. This creates uncertainty in areas such as the validity of corporate decisions, maintenance of records, and accountability of directors. It is emphasised that as WFH becomes a long-term corporate strategy, governance frameworks must evolve to incorporate digital processes without compromising transparency and oversight.

In addition, data protection and cyber security laws in India remain insufficiently developed to address the complexities of remote work. The reliance on the Information Technology Act, 2000, and associated rules does not adequately cover issues such as employee monitoring, cross-border data transfers, and corporate liability in decentralised work environments⁵⁵. It is argued that the absence of a comprehensive data protection regime tailored to workplace context creates significant legal risks, particularly in an era of increased digital surveillance.

Another major concern is the lack of regulation surrounding employee rights in remote work settings, particularly the absence of a legally recognised “right to disconnect”. As WFH blurs the boundaries between professional and personal life, employees often face extended working hours and increased

⁵¹ Ministry of Corporate Affairs, Gen. Circular No. 20/2020 (May 5, 2020), India.

⁵² Information Technology Act, No. 21 of 2000, India; Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011.

⁵³ European Parliament, *supra* note 5.

⁵⁴ K. Varner & K. Schmidt, *supra* note 11.

⁵⁵ Chudinovskikh, *supra* note 3.

stress⁵⁶. Also it is to be noted that while several jurisdictions have introduced legal protections to address this issue, India has yet to adopt similar measures, leaving employees vulnerable to overwork.

Furthermore, WFH has introduced jurisdictional and taxation complexities that are not adequately addressed under existing laws. Employees working remotely from different states or countries create challenges in determining applicable labour laws, tax liabilities, and regulatory compliance requirements⁵⁷. It is highlighted that this is particularly relevant in India's globalised economy, where remote work has facilitated cross-border employment arrangements. The absence of clear guidelines in this area increases the risk of legal disputes and compliance failures.

Comparative legal analysis indicates that several countries have responded to these challenges by enacting specific telework legislation and strengthening data protection frameworks. It is seen that jurisdictions within the BRICS framework have adopted varying approaches to regulate remote work, including provisions on employee rights, employer obligations, and digital governance. In contrast, India's fragmented approach underscores the urgent need for reform⁵⁸.

To address these gaps, this paper proposes a multi-dimensional reform framework. First, there is a need for dedicated legislation or statutory amendments that explicitly recognise and regulate WFH arrangements. Such a framework should define key terms, establish rights and obligations, and provide clarity on issues such as working conditions and employer liability. Second, labour laws must be updated to include provisions on working hours, occupational safety, and employee rights in remote settings, including the right to disconnect. Third, India must strengthen its data protection regime to address workplace-specific concerns, particularly in relation to surveillance and cyber security.

Additionally, corporate governance framework should be modernised to incorporate digital processes, including clear guidelines on virtual meetings, electronic compliance, and cyber security oversight. Finally, regulatory authorities must develop clear policies to address cross-border remote work and taxation issues.

Thus, the existing legal framework in India is ill-equipped to address the complexities of WFH in the post-pandemic era. Comprehensive and coordinated legal reforms are essential to ensure clarity, protect stakeholders, and support sustainable corporate growth in an increasingly digital and decentralised work environment.

RECOMMENDATIONS:

In light of the challenges identified, several reforms are necessary to align Indian corporate law with the realities of work-from-home (WFH) arrangements. First, there is a need for a comprehensive statutory framework specifically governing remote work. Such legislation should clearly define WFH, outline employer and employee obligations, and standardise compliance requirements to reduce

⁵⁶ M. Chudinovskikh, *supra* note 3.

⁵⁷ European Parliament, *supra* note 5.

⁵⁸ Chudinovskikh, *supra* note 3.

ambiguity⁵⁹.

Second, Indian labour laws must be updated to incorporate specific protections for remote workers, including regulation of working hours, mandatory rest periods, and recognition of the right to disconnect. This would help address the growing issue of employee burnout and ensure a balance between flexibility and well-being⁶⁰.

Third, the government should strengthen the data protection and cyber security framework, particularly in the employment context. With increased reliance on digital tools, corporations must be legally required to implement robust cyber security measures and ensure that employee monitoring practises comply with privacy standards⁶¹.

Fourth, corporate governance norms should be modernised to formally recognise digital governance mechanisms, including virtual board meetings, electronic record-keeping, and online shareholder participation. Clear statutory guidelines would enhance transparency and accountability in remote corporate operations⁶².

Finally, policymakers must address jurisdictional and taxation challenges arising from cross-border remote work, especially in India's globalised economy. Establishing clear rules in this area will reduce compliance uncertainty and support multinational business operations⁶³.

CONCLUSION:

The transition to work-from-home (WFH) in the post-COVID-19 era has fundamentally transformed corporate functioning in India, revealing critical gaps in existing legal frameworks. As this paper has demonstrated, traditional corporate and labour laws were designed for centralised workplaces and are increasingly inadequate in addressing the complexities of decentralised, technology-driven work environments⁶⁴.

When these challenges have emerged in areas such as corporate governance, employee rights, data protection, and regulatory compliance. The absence of clear statutory provisions governing virtual board processes, employee monitoring, and remote workplace safety has created significant legal uncertainty⁶⁵. At the same time, the rise of digital workspaces has intensified concerns regarding privacy and cyber security, further highlighting the need for stronger legal safeguards⁶⁶.

Moreover, the growing prevalence of cross-border remote work has introduced additional complexities in taxation and jurisdiction, underscoring the limitations of existing regulatory approaches⁶⁷ and these

⁵⁹ Id.

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⁶¹ Information Technology Act, No. 21 of 2000, India; G. Lockwood & V. Nath, *supra* note 4.

⁶² Companies Act, No. 18 of 2013, India; Ministry of Corporate Affairs, Gen. Circular No. 20/2020 (May 5, 2020), India.

⁶³ K. Varner & K. Schmidt, *supra* note 11.

⁶⁴ A. Agrawal et al., *supra* note 1.

⁶⁵ Companies Act, No. 18 of 2013, India.

⁶⁶ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

⁶⁷ K. Varner & K. Schmidt, *supra* note 11.

challenges collectively point to the urgent need for a more coherent and adaptive legal framework.

In conclusion, while WFH offers substantial benefits in terms of flexibility and efficiency, its long-term sustainability depends on the development of integrated legal reforms that balance corporate interests with employee protection. A forward-looking approach is essential to ensure legal certainty, promote good governance, and support the evolving nature of work in India.



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