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THE PANOPTICAN WORKPLACE: DIGITAL SURVEILLANCE AND THE EROSION OF EMPLOYEE AUTONOMY IN INDIA

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Originality Disclaimer: This piece of work is original and has not been published or submitted elsewhere.

ABSTRACT:

This research paper by Rajakulasekharan.V and Mahasri.P.S, students of Tamil Nadu National Law University, examines the rise of workplace surveillance in digital India and its impact on the dignity of the workers, autonomy and mental well being. It states that the existing Indian labour laws and data protection framework fails to adequately regulate AI driven monitoring practices. By emphasising the importance of constitutional principles, particularly the right to privacy, The paper highlights the gaps in regulation and proposes a rights based approach to ensure transparency and accountability and protection of employees in increasingly digitized work environments.

KEYWORDS: *Workplace surveillance, Worker dignity, Digital fatigue, Digital labour surveillance, AI driven monitoring, Work-life boundary erosion*

1. INTRODUCTION

The dynamics of labour relations in modern India are increasingly marked by the accelerated digitalisation of work and the deployment of artificial intelligence (AI) in the management of workplaces. The rise of remote and hybrid work arrangements has coincided with an increased use of digital surveillance technologies to monitor employee productivity, behaviour and engagement patterns.¹This represents a shift from conventional forms of supervision to technologically embedded forms of oversight, whereby surveillance is no longer occasional and

¹ Ifeoma Ajunwa, *Algorithms at Work*, 63 St. Louis U. L.J. 21, 25–27 (2019).

visible, but continuous, datafied, and algorithmically mediated.²In this brave new world, workplace surveillance is not only a managerial strategy but a structural dimension of digital labour governance, with implications for autonomy, dignity and the recasting of power in employment relations.

One notable expression of this shift in contemporary India is the rise of "bossware" which is digital monitoring software powered by artificial intelligence that allows employers to monitor keystrokes, screen usage and behavioural data with unparalleled accuracy.³While such tools are often justified as a means to improve productivity and efficiency, they also institutionalise forms of invisible control that transcend traditional managerial supervision. Unlike traditional forms of supervision, algorithmic monitoring is continuous and invisible, resulting in what might be called a digital Taylorism in which employees are reduced to metrics to be measured, monitored and disciplined.⁴Despite their rapid growth, existing laws in India are structurally unprepared to deal with them. The emergence of workplace surveillance is part of a broader trend towards the datafication of labour, in which employees' activities are captured, analysed and used to control their performance.⁵

In this context, Section 43A of the Information Technology Act, 2000 makes the organisation liable for the breach of reasonable security practices in handling sensitive personal data,⁶ but it only applies to instances where there is a data breach and not in the ongoing process of extracting and monitoring the data of employees. In addition, Section 72A of the Information Technology Act, which deals with the penalty for disclosing information without consent, only applies to confidentiality breaches and not in regulating the process of collecting and using data in the surveillance system.⁷ From this we can understand that neither of these sections provide privacy protection to the employees in the workplace. This limitation is further exacerbated when

² Jeremias Prassl, *Humans as a Service: The Promise and Perils of Work in the Gig Economy* 45–47 (Oxford Univ. Press 2018).

³ Electronic Frontier Foundation, *Inside the Invasive, Secretive "Bossware" Tracking Workers*, <https://www EFF.org/deeplinks/2020/06/inside-invasive-secretive-bossware-tracking-workers> (last visited Apr. 15, 2026).

⁴ Valerio De Stefano, *Negotiating the Algorithm: Automation, Artificial Intelligence and Labour Protection*, 41 *Comp. Lab. L. & Pol'y J.* 15, 20–22 (2019).

⁵ Shoshana Zuboff, *The Age of Surveillance Capitalism* 210–15 (2019).

⁶ Information Technology Act, No. 21 of 2000, § 43A (India).

⁷ Information Technology Act, No. 21 of 2000, § 72A (India).

interpreted through Digital Personal Data Protection Act, 2023, where section 4 of the act allows for data processing on the basis of consent or “legitimate uses,”⁸ thereby providing a broad variety of power to the employers in collecting and processing employee data.

This process enables various forms of algorithmic authority, which amplify the asymmetrical power dynamics between employers and workers, thereby entrenching workplace inequalities.⁹ However, existing labour laws in India continue to focus on physical safety and remuneration, without addressing the challenges of digitally mediated control and its psychosocial effects. Moreover, although Section 8 of the Digital Personal Data Protection Act, 2023 places duties on the data fiduciary to secure data and observe purpose limitation principles,¹⁰ it fails to tackle the matter concerning the extent and frequency of workplace surveillance, which can significantly influence the psychological aspect of workers. Therefore, this provision is limited to mere procedural compliance and ignores the consequences of algorithmic management.

Likewise, sections 6 and 7 of the Occupational Safety, Health and Working Conditions Code, 2020 have provisions with regard to ensuring occupational safety and health by employers.¹¹ Nevertheless, all these provisions remain limited to the physical and environmental conditions of work only and cannot be extended to cover the issue of regulating digital surveillance technology or the impact of continuous surveillance at work. Moreover, the lack of a robust regulatory framework around workplace surveillance creates a regulatory gap, enabling employers to exercise broad powers of surveillance with few checks and balances. The idea that employees “consent” to such surveillance is highly problematic in the Indian context, where workers’ economic needs and lack of alternative employment opportunities limit the voluntarism of consent.¹²

⁸ Digital Personal Data Protection Act, No. 22 of 2023, § 4 (India).

⁹ Orly Lobel, *The Law of the Platform*, 101 Minn. L. Rev. 87, 110–15 (2016).

¹⁰ Digital Personal Data Protection Act, No. 22 of 2023, § 8 (India).

¹¹ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, §§ 6–7 (India).

¹² Mark Freedland & Nicola Kountouris, *The Legal Construction of Personal Work Relations* 98–101 (2011).

In short, workers are forced to accept invasive surveillance practices as a condition of employment, thereby making the notion of consent legally tenuous and ethically problematic. This highlights workplace surveillance as not just a privacy issue but as an exercise of power, whereby the use of technology normalises and legitimates employer dominance. Although Section 6 of the Digital Personal Data Protection Act, 2023 requires consent to be free, informed, and specific,¹³ its application in employment relationships remains problematic. However, due to the structural imbalance between the employer and employee consent is often obtained as a condition of employment in itself, thereby undermining its voluntariness and reducing it to just a formalistic requirement rather than a meaningful safeguard.

The importance of this issue is also highlighted by its constitutional aspects. The recognition of the right to privacy in *Justice K.S. Puttaswamy v. The Union of India* affirmed informational autonomy and human dignity as constitutional principles.¹⁴ The constitutional dimension of workplace dimension can be traced to article 21 of the constitution of India, which guarantees the right to life and personal liberty which was upheld in this case.¹⁵ However, the implications of principles of right to privacy in the workplace remain largely under-explored, posing important questions about the intersection of constitutional law and private employment. Likewise, in *Kharak Singh v. State of Uttar Pradesh*, the Supreme Court recognised the surveillance as an interference with personal liberty, thus laying the groundwork for recognition of the connection between surveillance and autonomy.¹⁶ Taken together, these cases indicate that privacy law needs to catch up to the realities of the digital workplace, where surveillance is systemic.

The psychological effects of surveillance also have to be taken into account. Digital surveillance creates a chilling effect whereby employees anticipate surveillance and anticipate their behaviour in response to it. This effect of anticipatory compliance creates a culture of self-surveillance, leading to stress, loss of autonomy and identity in the workplace.¹⁷ In these environments workers are not just "doing their jobs" but are "doing their jobs for surveillance", thus eroding

¹³ Digital Personal Data Protection Act, No. 22 of 2023, § 6 (India).

¹⁴ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1, ¶¶ 297–300 (India).

¹⁵ INDIA CONST. art. 21.

¹⁶ *Kharak Singh v. State of Uttar Pradesh*, A.I.R. 1963 S.C. 1295, ¶¶ 15–18 (India).

¹⁷ Phoebe V. Moore, *The Quantified Self in Precarity: Work, Technology and What Counts* 67–70 (2018).

professional autonomy and dignity. While there is a rich body of research on workplace surveillance, it is still limited. This focus is often at the expense of other critical aspects of surveillance, such as its impact on worker dignity, well-being, and power relations.¹⁸ This is especially problematic in the Indian context, given the complexities arising from the intersection of digital technologies, labour laws, and constitutional rights. A lack of an integrated approach that considers these aspects is a notable gap.

Literature Review

The academic literature on workplace surveillance has grown in response to the emergence of digital labour platforms and algorithmic management. Ajunwa's research underscores the impact of data-driven surveillance technologies on employment structures through the creation of continuous assessment mechanisms that go beyond conventional management practices.¹⁹ Moore also stresses the significance of surveillance in shaping worker identities and behaviours, noting that digital surveillance alters the dynamics of labour by embedding surveillance in the work process. In terms of regulatory approaches, Greenleaf has traced the development of international data protection regulations, which have proven inadequate to deal with workplace issues.²⁰

Other studies have discussed the governance implications of algorithmic management, particularly with regard to transparency, accountability and worker rights in digital work settings.²¹ Yet, these efforts are largely confined to Western legal frameworks and do not consider the Indian labour market. Indian research has mostly centred on labour law reforms and informal work, with little attention paid to the effects of digital surveillance on worker dignity and well-being. Further, the focus of these studies is on informational privacy without considering the psychosocial effects of ongoing surveillance and the dynamics of power in the workplace. This paper aims to fill this gap by providing a more holistic approach to understanding the implications of workplace surveillance in relation to constitutional rights, labour law and the new digital economy.

¹⁸ Graham Greenleaf, *Global Data Privacy Laws*, 169 *Privacy Laws & Bus. Int'l Rep.* 10, 12–14 (2021).

¹⁹ *Supra* note 2. Pp. 31-32.

²⁰ *Supra* note 11. p. 12.

²¹ *Supra* note 2. Pp. 30-33.

Research Objectives

1. To explore the growth and characteristics of digital surveillance in India's workplaces, especially as related to AI-based surveillance.
2. To understand the effects of such AI based surveillance on workers' dignity, autonomy and mental health.
3. To assess the effectiveness of current Indian laws, such as labour law and privacy jurisprudence, in dealing with workplace surveillance.
4. To propose a rights-based legal and policy framework for ensuring transparency, accountability, and protection of workers in digitally surveilled workplaces.

2. LEGAL FRAMEWORK GOVERNING WORKPLACE SURVEILLANCE IN INDIA

The shift in workplace surveillance in India mirrors a broader shift in managerial control from overt and spatially contained modes to ubiquitous, technologically-enabled surveillance. Historically, management control was confined to specific spatial limits, and involved observable forms of supervision. But the incorporation of digital technologies has recast surveillance as a pervasive and data-driven process, in which the activities of workers are tracked, measured and evaluated using algorithmic systems.²² At the central point of this transformation lies the emergence of algorithmic governance where the authority to make decisions is increasingly embedded within the automated systems that regulate worker performance in real time.²³

These systems facilitate minute tracking of productivity, communication, and behavioural patterns, thereby allowing the employers to exercise a form of invisible and anticipatory control that extends beyond traditional supervisory limits and violates the right to privacy of the workers.²⁴ Unlike conventional oversight, which is frequent in nature and is transparent, digital surveillance operates persistently and opaquely, producing a work environment which is

²² Supra note 2. Pp. 31-32.

²³ Supra note 4. Pp. 24-26.

²⁴ Supra note 10. Pp. 80-82.

characterised by constant observation and evaluation.²⁵ This shift needs to be understood in the context of employment relations that are characterised by power imbalances. The use of surveillance technologies amplifies these inequalities through its centralisation of informational power with employers, and the diminishment of worker agency.²⁶ In this context, surveillance not only serves its instrumental purpose as a tool for productivity management, but also takes on the role of domination, where surveillance systems institutionalise hierarchical control and reduce the possibility for worker autonomy.²⁷ The result is an imbalance that is particularly acute within precarious work arrangements, where economic dependency undermines worker resistance to intrusive surveillance.

Yet the regulatory milieu of these changes lacks conceptual coherence and responsiveness to digital labour relations. Constitutional law provides a basic framework for regulating intrusive surveillance practices, in the form of recognition of dignity and liberty. In *Maneka Gandhi v. Union of India*, the Supreme Court interpreted Article 21 to encompass a substantive notion of due process, which embeds fairness and reasonableness as integral to state action.²⁸ This approach provides a valuable framework for assessing intrusive surveillance practices, particularly in terms of their effects on autonomy. Likewise, in the case of *People's Union for Civil Liberties v. Union of India*, the Court acknowledged the threats posed by unregulated surveillance, and the importance of procedural safeguards to mitigate arbitrary intrusion into personal privacy.²⁹ While these judgements were formulated in the context of state action, the underlying principles of dignity, autonomy and proportionality are also applicable to employer surveillance in private workplaces.

²⁵ Tyler Cross, *What Is Bossware? Your Guide to Employee Monitoring Tools*, ExpressVPN, <https://www.expressvpn.com/blog/remote-work-spying-tools/> (last visited Apr. 18, 2026).

²⁶ Bhumika Pant, *Reinforcing and Resisting Power: Information Asymmetries in Algorithmic Management of Work*, <https://countercurrents.org/2025/11/reinforcing-and-resisting-power-information-asymmetries-in-algorithmic-management-of-work/> (last visited Apr. 18, 2026).

²⁷ Mohammad Hossein Jarrahi et al., *Algorithmic Management in a Work Context*, 7 *Big Data & Soc'y* 1, 6–8 (2021).

²⁸ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248, ¶¶ 56–60 (India).

²⁹ *People's Union for Civil Liberties v. Union of India*, (1997) 1 S.C.C. 301, ¶¶ 20–25 (India).

Despite such constitutional precedents, Indian labour law remains rooted in industrialised notions of employment, emphasising primarily physical workplace conditions and economic rights.³⁰ This leaves no specific provisions in law to address the datafication of labour, where employee productivity is constantly tracked and controlled through digital technologies. The lack of explicit legal provisions to address such practices creates a regulatory gap, enabling technologically mediated labour control to proceed unchecked and unaccounted for. Data protection laws, although providing an informational protection, are limited in their relevance to the workplace. By treating people as disembodied data subjects, these laws overlook the coercive nature of employment relationships, in which consent is instrumental to economic survival.³¹ This makes existing protections insufficient to deal with workplace surveillance, especially in contexts of digital precarity and power imbalance.

Further, constant monitoring creates a chilling effect, requiring workers to engage in anticipatory self-discipline and compliance.³² This psychological aspect of surveillance reinforces the view that workplace surveillance cannot be limited to a privacy concern, but needs to be understood as an issue of dignity and autonomy. The lack of a comprehensive legal approach that combines constitutional doctrines and contemporary labour practices leaves the regulation of workplace surveillance in India open to question.

3. THE POWER OF STRUCTURAL INEQUALITY

The growing prevalence of digital workplace surveillance in India should not be seen as a technologically driven, neutral phenomenon but as a shift in power relations in the workplaces which affects the rights of the laborers. In essence, surveillance is a mode of structural power, where technology systems amplify employer power and legitimise unequal power dynamics.³³ Unlike managerial control, the traditional method to look after the labours which used to be the visible surveillance of workers, digital surveillance embeds control in algorithmic

³⁰ Kamala Sankaran, *Labour Laws in India*, 54 *Econ. & Pol. Wkly.* 45, 50–52 (2019).

³¹ *Supra* note 11. p. 12.

³² *Supra* note 11. Pp. 45-47.

³³ *Supra* note 5. Pp 230–35.

processes and therefore makes it permanent, invisible and contestable.³⁴This shift in turn transforms the role of workers from production participants to data subjects which violates their right to privacy. Surveillance re-positions workers from producers to data-subjects ruled by algorithms. This is most apparent in the intensification of power imbalance between employers and workers. Employment relationships in India are already in the worst condition with economic vulnerability, weak bargaining positions and informality.³⁵

The use of surveillance technologies compound these issues by providing employers with unparalleled access to employee data on behaviour and productivity, thereby entrenching informational asymmetries.³⁶ In such spaces, surveillance no longer remains a tool of management, but one of control, especially in sectors characterised by digital uncertainty and precarious work arrangements.³⁷A key aspect of this is the perpetuation of the consent fantasy that underpins the use of surveillance technologies. The notion of employee consent to surveillance doesn't reflect the reality of power and coercion in the workplace. Employees may not consent to intrusions as a choice but as a necessity for economic survival, thus making consent not a thing of concern.³⁸This has critical implications from a legal and ethical perspective, as consent is undermined when it is not freely given. In *Central Inland Water Transport Corporation v. Brojo Nath Ganguly*, the Supreme Court acknowledged agreements under circumstances of unequal bargaining power may be inequitable, thus laying the groundwork for contesting the validity of coerced consent in employment relations.³⁹

The advent of algorithmic management reinforces these disparities by institutionalising decision-making processes through algorithmic processes. These technologies use measures such as ratings, productivity levels and behavioural patterns to assess performance, often in opaque and non-accountable ways. Beyond legal and structural dimensions, surveillance also has significant psychological impacts. Computerised surveillance creates a chilling effect, forcing workers to

³⁴ Supra note 4. Pp 30–32.

³⁵ Supra note 23. Pp 52-54.

³⁶ Supra note 1. Pp 34–36.

³⁷ Katie Wells et al., *Algorithms at Work: The New Contested Terrain of Control*, 28 New Lab. F. 39, 42–45 (2019).

³⁸ Mary L. Gray & Siddharth Suri, *Ghost Work: How to Stop Silicon Valley from Building a New Global Underclass* 102–05 (2019).

³⁹ *Central Inland Water Transport Corp. v. Brojo Nath Ganguly*, (1986) 3 S.C.C. 156, ¶¶ 89–92 (India).

alter their behaviour in response to anticipatory surveillance.⁴⁰ This anticipatory compliance encourages a culture of self-surveillance, whereby workers internalise surveillance technologies and regulate their behaviour accordingly.⁴¹ In turn, this creates a workplace environment marked by increased stress, reduced autonomy and diminished subjectivity, where workers are required to adapt their behaviour to algorithmically constrained norms.⁴²

These trends point to the need for a re-evaluation of regulatory frameworks that tend to focus on surveillance as an issue of information privacy rather than control and power. By prioritising informational privacy over broader concerns about the impact of algorithmic governance on worker dignity and autonomy, existing regimes fail to grapple with the broader implications of surveillance for labour relations in the context of a changing world of work.⁴³ In the absence of an effective legal response, workplace surveillance remains an unregulated and unchecked form of domination, which is redefining labour relations in ways that are inconsistent with fundamental principles of fairness and natural justice.

4. THE LIMITS OF REGULATION AND RIGHTS BASED-APPROACH

The legal framework for governing workplace surveillance in India is not only fragmented but also conceptually flawed in its very basis for failing to understand surveillance as a matter of power rather than information management. The continued segmentation of the issue between labour and data protection laws continues to create a confusion in its systemic nature and constrains the potential for effective legal engagement.⁴⁴ This results in a regulatory environment in which intrusive surveillance practices exist within a normative gap, effectively normalising employers' control practices while shielding it from legal scrutiny.⁴⁵ Existing labour law is structurally rooted in an industrial paradigm that assumes control to be spatially confined and

⁴⁰ Paul Glavin et al., *Private Eyes, They See Your Every Move: Workplace Surveillance and Worker Well-Being*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11300163/> (last visited Apr. 26, 2026).

⁴¹ Supra note 19

⁴² *Digital Panopticon: How Remote Work Monitoring Shapes Employee Behavior and Motivation*, *Businesses* 6(1), 6, 12–15 (2026), <https://www.mdpi.com/2673-7116/6/1/6> (last visited Apr. 26, 2026).

⁴³ Supra Note 6

⁴⁴ Supra note 4. Pp 30–32.

⁴⁵ Supra note 5. Pp 230–35.

visibly exerted.⁴⁶This type of law is unsuited to the technologically mediated workplace, where control is dispersed, pervasive and inscribed into technology.

The failure of labour codes in addressing the datafication of labour is not merely a case of regulatory lapse but also can be seen as its incapacity to grasp labour as an informational and algorithmically regulated space.⁴⁷ In this manner, workplace surveillance remains as an unregulated aspect of managerial prerogative which is used to constantly monitor the labour and intrude into their personal space rather than a legally scrutinised practice. The data protection law, which is often used to correct this problem, further makes it worse by perpetuating deficit by adopting a formalist notion of consent that disregards the coercive nature of employment relations. By presuming employees as independent data subjects, this approach ignores the economic realities of workplace power.⁴⁸ The use of notice-and-consent-based mechanisms thus relies on a legal fiction of consent, which veils circumstances in which refusal is not practical, nor permissible.

This two-fold failure highlights a deeper doctrinal inconsistency in Indian law while on one hand, constitutional jurisprudence firmly upholds the values of dignity, autonomy and proportionality, while on the other hand, these principles are confined to the realm of state activity.⁴⁹ The hesitation to apply constitutional scrutiny to private employment relationships results in a zone of reduced rights protection, where surveillance operates outside the ambit of fundamental legal norms. This doctrinal hesitation is particularly untenable in digitally mediated workplaces, where private actors exercise forms of control that closely resemble regulatory authority. To overcome this failure, we urgently need a rights-based regulatory approach that confronts the power issues raised by workplace surveillance. This framework must move beyond constraining surveillance to a narrow conception of privacy and acknowledge that surveillance is a complex issue which raises concerns about dignity, autonomy and equality. Importantly, this means shifting from

⁴⁶ Mark Freedland & Nicola Kountouris, *The Legal Construction of Personal Work Relations* 85–89 (2011).

⁴⁷ Pauline T Kim, *Artificial Intelligence, Big Data, Algorithmic Management, and Labour Law*, in *The Oxford Handbook of the Law of Work* 819, 825–28 (Guy Davidov et al. eds., 2024).

⁴⁸ *Supra* note 2. Pp. 45-47.

⁴⁹ Gautam Bhatia, *Horizontal Application of Fundamental Rights: A Critique of the Supreme Court's Approach*, 12 *Indian J. Const. L.* 1, 8–12 (2019).

reactive to proactive regulatory frameworks, from regulation to substantive constraints on employer power.

First, necessity must be a threshold principle, entailing a burden on employers to show that surveillance measures are necessary, rather than just useful. This must be complemented by a robust proportionality analysis, which means that surveillance must be tailored to minimise intrusion and avoid excessive data collection.⁵⁰ These principles must be used as binding constraints, rather than aspirational principles, as they are currently. Second, principles of transparency and accountability must be transformed into instruments of empowerment for workers, rather than information disclosure. This means not just disclosing the use of surveillance technologies to workers, but also allowing them to contest through institutional mechanisms. External regulatory monitoring, with enforcement powers, is critical to avoid the establishment of algorithmic power. Third, the introduction of collective participation of workers is a corrective to individual consent. So, by institutionalising participatory processes into the decision-making structures of organisations, the framework can redress the power imbalance in workplace surveillance. In moving from individualised consent to collective agreements, a shift towards democratic workplace management occurs.

Finally, recognition of psychosocial harm is crucial to understanding the harms of surveillance. The constant nature of monitoring not only involves the collection of data, but also the modification of behaviour, creating settings of stress, self-discipline and loss of autonomy.⁵¹ Regulation that does not address these impacts is incomplete. In short, the regulation of workplace surveillance in India needs more than a fine-tuning as it needs a shift in paradigm towards law, technology and labour. Otherwise, current regimes will not only condone, but also enable surveillance to operate as an embedded system of control in the digital economy affecting the rights of the labour.

⁵⁰ Aharon Barak, *Proportionality: Constitutional Rights and Their Limitations* 340–45 (Cambridge Univ. Press 2012).

⁵¹ Paul Glavin et al., *Private Eyes, They See Your Every Move: Workplace Surveillance and Worker Well-Being*, 11 Soc. Sci. Res. 327, 333–36 (2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11300163/> (last visited Apr. 27, 2026).

5. CONCLUSION

The paper has explored the rise of AI-based surveillance in the workplace in India and shown that it fundamentally alters labour relations by perpetually datafying and relying on algorithms to control it. Contributing to the first goal, it demonstrates that technologies like bossware can be used to monitor productivity behaviour and communications granularly and turn supervision into an invisible and ubiquitous system of control. Regarding the second objective, the analysis confirms that this kind of surveillance has important psychosocial effects such as stress, anticipatory compliance and erosion of autonomy, thus eroding the dignity of workers.

The paper critically assesses the current state of law in reference to the third goal and finds it wanting. Labour laws are still based on the industrial paradigm with the physical conditions and the data protection regulations are based on the formal concept of consent and legitimate use, which does not work in the circumstances of inequality of bargaining power. Article 21 of the Constitution of India, despite its broad coverage of privacy and dignity, remains largely confined to state action, creating a doctrinal gap in their application to private employment. The paper pursues the argument that the issue of surveillance at the workplace in India needs to be reconceptualised constitutionally as a type of private power that should be regulated similarly to state action.

A modern example may be found in the proliferation of employee monitoring tools in Indian IT and platform economy where it has become a normalisation of behavioural control without sufficient protection. Lastly, a rights based framework based on proportionality, transparency and accountability, statutory reform and institutional checks and balances are proposed in the paper to meet the fourth objective. This kind of approach is required so that technological innovation does not undermine fundamental rights, but works within a framework that upholds dignity, autonomy and democratic values of the changing digital workplace.

In conclusion it can be held that AI-driven workplace surveillance has crucially transformed the labour relations by enabling continuous monitoring and datafication of the employees through algorithmic control. The paper therefore indicates an urgent need to reframe regulatory priorities by recognising workplace surveillance as intrusion into the privacy of the individuals. It also notes that the unchecked deployment of monitoring technologies risks normalising asymmetrical control in employment relations without adequate institutional oversight. The

paper therefore emphasised the need for infusing constitutional provisions into private employment regulation, along with the creation of an independent supervisory mechanism. Such measures are quintessential to ensure that the evolving digital work environments remained aligned with the principles of fairness, accountability and substantive equality.

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