



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

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TCS NASHIK AND THE FRAGILITY OF POSH COMPLIANCE: WHY “ZERO COMPLIANCE” IS MORE THAN A TECHNICAL LAPSE

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ABSTRACT

The 2026 TCS Nashik case is not just another workplace harassment story. It is a reminder that India’s POSH framework can fail in practice even inside a large, reputed corporate workplace, and that failure can remain hidden until complaints reach the police, the media, and the National Commission for Women. The NCW’s reported finding of “zero compliance” at the TCS Nashik BPO unit is the centrepiece of this commentary: it shifts the case from individual misconduct to institutional breakdown. This article examines what NCW found, what the criminal process revealed, why this case matters beyond one company, and what structural reform of India’s POSH regime is required.

Keywords: *POSH Act 2013, TCS Nashik, Zero Compliance, NCW, Internal Complaints Committee, Workplace Safety, POSH Reform, Ashwini Chainani, BNS 2023, Corporate Governance India*

Suggested Citation: *Khushboo Vyas, “TCS Nashik and the Fragility of POSH Compliance: Why ‘Zero Compliance’ Is More Than a Technical Lapse,” khushboovyas74@gmail.com, 2026.*

I. THE 2026 TCS NASHIK CASE: AN OVERVIEW

The 2026 TCS Nashik case is not just another workplace harassment story. It is a reminder that India’s POSH framework can fail in practice even inside a large, reputed corporate workplace, and that failure can remain hidden until complaints reach the police, the media, and the National Commission for Women.

According to public reporting, allegations at the TCS Nashik BPO unit involved sexual harassment, coercive conduct, mental abuse, and claims of religious pressure extending across

a period of years. The matter escalated into multiple FIRs, arrests, and a detailed police investigation, with the Nashik Police ultimately filing a 1,500-page chargesheet, and courts subsequently refusing bail to several accused on the ground that the victims were vulnerable and the accused were in positions of authority.

What makes this case especially significant is the NCW's finding of “**zero compliance**” with the POSH Act at the workplace. That conclusion shifts the case from a story of individual misconduct to one of institutional breakdown. If the safeguards built into the POSH Act are absent in practice, then the statute becomes a paper promise rather than an effective protective regime.

II. THE INCIDENT AND THE CRIMINAL PROCESS

Public reports indicate that the allegations in the TCS Nashik matter were not limited to a single complaint or isolated misconduct. They reportedly involved multiple complainants, repeated incidents over a period of approximately four years (2022–2026), and several accused persons, including team leaders and a senior HR official who was herself a member of the Internal Complaints Committee (ICC) constituted under the POSH Act.

The investigation prompted the formation of a Special Investigation Team (SIT) by the Nashik Police Commissioner, which suggests that law enforcement viewed the allegations as requiring a broader and more structured inquiry than a routine harassment complaint. The SIT deployed six female police officers undercover within the facility for 40 days to gather intelligence—a measure that itself speaks to the suspected scale of the misconduct.

The reported criminal case involved offences beyond sexual harassment alone, including allegations linked to outraging modesty, derogatory remarks targeting religious sentiments, and in one instance, an allegation of rape under a false promise of marriage. Across nine FIRs, seven invoked Section 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023—the common intention provision—indicating that police viewed at least part of the alleged conduct as coordinated rather than independent. A 1,500-page chargesheet was filed before the Additional Sessions and Special Court, Nashik Road, on May 23, 2026.

BAIL REJECTIONS: THE COURT'S WORDS

Additional Sessions Judge V.V. Kathare, while rejecting the bail plea of Ashwini Chainani (ICC member and HR executive), held: "Her silence and insensitivity had endorsed the acts

of the accused. She turned a blind eye and a deaf ear to what was happening in front of her." Bail was also denied to five co-accused on May 15, 2026. All eight accused remain in judicial custody as of May 2026.

At the same time, the case reveals a familiar difficulty in workplace harassment matters: internal complaint mechanisms often fail long before criminal law steps in. By the time police action begins, the harm has already occurred and the employer's compliance failures have already compounded the damage.

III. WHAT THE NCW FOUND: "ZERO COMPLIANCE"

The NCW's intervention is the most important institutional feature of this case from a POSH law perspective. Public reporting records that the Commission found serious gaps in POSH implementation at the Nashik unit, including the absence of meaningful awareness measures, a weak internal redressal structure, and lack of unit-level visibility of complaint mechanisms. The NCW's reported description of the situation as "zero compliance" is a strong formulation—but not an exaggerated one if the statutory requirements under the POSH Act, 2013 were effectively absent at the ground level.

WHAT THE POSH ACT ACTUALLY REQUIRES

Section 4: Constitute an accessible, functional ICC. Section 9: Accept complaints within 3–6 months. Section 11: Complete inquiry within 90 days. Section 13: Submit findings to employer within 10 days. Section 19: Conduct awareness programmes, display policy, assist complainants in filing criminal cases. The Act demands real implementation—not a committee on paper.

The POSH Act is not merely about creating an Internal Committee. It is about ensuring that the committee is accessible, functional, visible, trained, and trusted by employees. A workplace that has a committee on paper but no effective process in reality cannot claim compliance in any meaningful sense. The committee must be constituted correctly, its external member must be genuinely independent, and its processes must be known to every employee from their first day of work.

At TCS Nashik, the ICC member was herself a senior HR official alleged to have actively discouraged a complainant and told her to “let it go.” The ICC, in other words, did not merely fail—it allegedly became an instrument of suppression. This is the most acute form of ICC capture, and the one that the POSH Act, as presently designed, is least equipped to prevent.

IV. WHY THIS CASE IS BROADER THAN ONE OFFICE

The TCS Nashik controversy should not be read only as a corporate scandal. It reflects a larger structural problem in India’s workplaces: women’s safety is often treated as a policy matter until a public crisis forces attention. In many smaller cities and non-metro workplaces, women already face the additional burden of social surveillance, family hesitation, and weak institutional support.

That is why this case resonates beyond TCS. If compliance can collapse inside a major IT company with a global reputation and a national POSH policy, the risk is exponentially greater in smaller firms where training is absent, committees are symbolic, and the employer’s internal culture discourages complaints. POSH cannot be allowed to become a “check-box law” implemented only when audit season arrives.

The concern is not only punishment after the fact, but prevention before harm begins. The point of the Act is to create a workplace where a woman does not have to choose between her livelihood and her dignity. When that choice is forced upon her—as it appears to have been at TCS Nashik for four years—the law has not merely been violated; it has been made meaningless.

In Nashik specifically, the social consequences of raising a complaint are compounded by the city’s Tier-2 character. A woman who speaks out not only risks her job and workplace relationships—she also risks her family’s social standing, the judgement of her community, and the precedent her case sets for every younger woman in her neighbourhood watching what happens to those who speak up.

V. THE TANUJA PRIYA BHAT CONNECTION AND POSH JURISPRUDENCE

The TCS Nashik matter also has to be viewed against the background of earlier judicial guidance on workplace harassment within TCS-related contexts, including the Tanuja Priya Bhat matter. The underlying principle from POSH jurisprudence—consistently affirmed by the

Supreme Court from Vishaka (1997) through Medha Kotwal Lele (2013) to Aureliano Fernandes (2025)—is clear: employers have a positive duty to provide a safe workplace, and the Internal Committee must function effectively rather than symbolically.

That principle becomes especially important where allegations are made against supervisors or persons in authority. In such cases, the risk of retaliation, intimidation, or evidence tampering is considerably higher, and the redressal system must therefore be both independent and credible. A committee that is beholden to management—or is itself composed of management representatives—cannot be expected to generate the employee confidence that the Act requires. The Nashik sessions court’s bail rejection in the Chainani case advances this jurisprudence meaningfully: it is among the first recorded instances of a court holding that an ICC member’s knowing inaction may attract criminal liability for abetment under the BNS. This represents a significant escalation of judicial expectation regarding the personal responsibility of those entrusted with POSH enforcement roles.

VI. THE COMPLIANCE GAP AND THE SELF-REGULATION

PROBLEM

The most troubling lesson from the TCS Nashik case is the gap between law and implementation. POSH compliance frequently fails because companies rely on internal structures that are neither externally audited nor meaningfully enforced by any regulatory authority.

The structural deficiency is fundamental: the same organisation that may be negligent in POSH implementation is also the one evaluating its own compliance. The ICC is constituted by the employer, funded by the employer, and—in the absence of robust external oversight—answers to the employer. When the employer’s HR function is itself implicated in misconduct, as appears to have been the case in Nashik, this conflict of interest moves from theoretical to catastrophic.

Visible workplace disclosures, regular training, periodic review by an independent external body, and genuine ICC independence are not optional features of POSH compliance—they are the substance of what the Act requires. Without them, the statute risks becoming a formal shield with no practical force: a policy in a drawer, a committee on a website, and a promise that was never meant to be kept.

The TCS Nashik case also suggests that compliance should not be treated as a matter of corporate goodwill. Just as a company must be registered to operate lawfully, there is a strong

case for treating demonstrable POSH compliance—verified, not self-certified—as a condition of lawful workplace functioning.

VII. WHAT REFORM SHOULD LOOK LIKE

The TCS Nashik case provides a clear argument for structural reform of India’s POSH enforcement regime. The following measures, individually modest but collectively transformative, are essential:

- **Unit-level ICCs:** Each workplace unit should have a properly constituted Internal Committee, not a generic committee shared across multiple locations or geographies. Employees at a Nashik BPO campus cannot meaningfully access a committee based in Mumbai.
- **Mandatory and documented training:** Employees should receive regular, documented awareness training with visible, permanent notices about complaint rights, committee composition, and contact details. Awareness is not an annual exercise—it is a continuous obligation.
- **External oversight mechanism:** A national or state-level POSH Compliance Authority, analogous to SEBI in function, should be empowered to audit ICCs, receive escalated complaints, and impose meaningful penalties for non-compliance. Self-certification of POSH compliance should be replaced with third-party verification.
- **Protected complaint escalation:** Complaints against senior employees or line managers must be capable of being escalated to an external body without fear of retaliation. The current system, which requires the complainant to navigate an employer-controlled process when the employer may itself be implicated, is structurally inadequate.
- **Real consequences for non-compliance:** Repeated or deliberate non-compliance should attract significant regulatory and business-level penalties, including suspension of operating licences and mandatory Board-level accountability.
- **Strengthened external membership:** The role of women advocates, external women experts, and—where appropriate—women police officers in POSH oversight structures should be mandated and their authority made genuinely independent of employer influence.
- **Expand the definition of harassment:** The POSH Act’s definition of “sexual harassment” under Section 2(n) does not expressly cover harassment that targets women because of their religious identity. The TCS Nashik allegations—which

involved derogatory attacks on Hindu religious symbols and pressure to adopt Islamic practices—exposed this gap. Legislative amendment is required.

VIII. CONCLUSION

The TCS Nashik case is important not only because of the alleged misconduct it contains, but because of what it reveals about the weakness of institutional safeguards under India's current POSH regime. The NCW's reported finding of "zero compliance" is not a rhetorical flourish—it is a diagnostic conclusion that the statutory infrastructure failed at every level at which it should have operated.

If workplace safety is to mean anything in India, POSH compliance must be real, visible, and enforceable. A committee that exists only on paper cannot protect employees. A policy that is never communicated cannot prevent harm. And a law that is not monitored cannot be expected to work.

The women who came forward in Nashik were not asking for a revolution in Indian labour law. They were asking for the law that already exists to be made to work. **That should not be too much to ask.**

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DECLARATION

The author, Khushboo Vyas (khushboovyas74@gmail.com), declares that this article is an original, unpublished work. The views expressed herein are the author's own and do not represent the position of any institution. All factual references to the TCS Nashik case are drawn from publicly available court orders, police records, and verified news sources. This article is submitted for academic publication purposes only.

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