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Public Transport and the Sexual Harassment Act: The Bombay High Court Clarifies the Scope of “Workplace”

The jurisdiction of an Internal Complaint Committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is not unlimited. In a significant pronouncement, the High Court of Judicature at Bombay, in Siddhesh Pradeep Satpute v. State Bank of India & Ors. (Writ Petition No. 1213 of 2024), delivered on […]

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The jurisdiction of an Internal Complaint Committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, is not unlimited. In a significant pronouncement, the Bombay High Court quashed the findings of an ICC on the ground of **pure lack of jurisdiction**, holding that transportation not provided by the employer cannot fall within the statutory definition of "workplace."

The decision was delivered in *Siddhesh Pradeep Satpute v. State Bank of India & Ors.* (Writ Petition No. 1213 of 2024) on 16 June 2026 by a Division Bench comprising Justice Suman Shyam and Justice Firdosh P. Pooniwalla. The judgment, reserved on 4 May 2026, is a landmark clarification on the threshold question of jurisdiction under the 2013 Act.

The decision brings back in focus that the statutory authority of an Internal Complaint Committee arises only when the alleged act of sexual harassment occurs at a **"workplace"** as defined by the Act.

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Parties and Case Citation

The following parties were before the Court:

- **Petitioner:** Siddhesh Pradeep Satpute, an employee of the State Bank of India.
- **Respondent No. 1:** The State Bank of India itself.
- **Respondent No. 2:** The Internal Complaint Committee of the State Bank of India, which had passed the impugned order.
- **Respondent No. 3:** The complainant, a woman employed as a Chef at another company, who had alleged that the petitioner had subjected her to sexual harassment.

The case citation is **2026:BHC-OS:13187-DB**, and the judgment was pronounced by Justice Firdosh P. Pooniwalla.

Factual Background

The petitioner had been in the employment of the State Bank of India for fourteen years and was posted at the bank's branch at **Bandra Kurla Complex** in Mumbai. He resided in Navi Mumbai and commuted daily by local train to Kurla railway station, from where he would take a shared autorickshaw to reach his office.

On 24 March 2023, the petitioner boarded a shared autorickshaw from Kurla to BKC. Three passengers were seated on the back seat: Respondent No. 3 at the entrance, the petitioner in the middle, and a third passenger to his right. Due to the cramped seating and the bumpy condition of the roads, the petitioner's hand allegedly touched the bag carried by Respondent No. 3 on her right arm.

Respondent No. 3, however, alleged that the petitioner had **inappropriately touched her chest**. She stopped the autorickshaw, sprayed pepper spray into the petitioner's eyes, and summoned the police. A case was registered against the petitioner under Section 354A of the Indian Penal Code, 1860.

Subsequently, Respondent No. 3 lodged a complaint with the Internal Complaint Committee of her own employer. That Committee forwarded the complaint to the Internal Complaint Committee of the State Bank of India, which is Respondent No. 2 in the present proceedings.

By an order dated **29 August 2023**, Respondent No. 2 found the petitioner guilty of sexual harassment and recommended disciplinary action against him under the bank's service rules. The petitioner filed an appeal, but by an interim order dated 18 December 2023 passed in the present writ petition, the High Court directed that no final order be passed in the appeal without the leave of the Court.

The petitioner therefore filed the writ petition directly before the High Court, challenging the order of 29 August 2023 on the ground that the **Internal Complaint Committee lacked jurisdiction**.

The Legal Framework

The Court examined the relevant provisions of the Sexual Harassment Act, 2013. The key statutory provisions considered were:

- **Section 2(a)(i)** — Defines an "aggrieved woman" as a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent *in relation to a workplace*.
- **Section 2(o)** — Defines "workplace" inclusively. Sub-clause (v) is of particular significance: it states that "workplace" includes any place visited by the employee arising out of or during the course of employment, *including transportation by the employer* for undertaking such journey.
- **Section 9** — Provides that any aggrieved woman may make a complaint of sexual harassment *at the workplace* to the Internal Committee.
- **Section 11** — Empowers the Internal Committee to conduct an inquiry into such a complaint.

Rival Contentions

Petitioner's Arguments

Mr. Anand Pande, learned counsel for the petitioner, contended that the Internal Complaint Committee could exercise jurisdiction only if the alleged sexual harassment had occurred at the **"workplace"** of the employee. He submitted that the definition of workplace under Section 2(o) includes transportation only when it is provided by the employer.

In the present case, the shared autorickshaw was a vehicle of **public transport** and was not provided by the petitioner's employer or by the complainant's employer. Therefore, the alleged incident did not occur at a workplace, and the order of 29 August 2023 was without jurisdiction.

Respondents' Arguments

Mr. Abhijit Joshi, learned counsel for the respondents, submitted that the interpretation placed by the Internal Complaint Committee on the definition of workplace was correct. He argued that the Committee had the jurisdiction to entertain the complaint under Sections 2(a), 9 and 11 of the Act, and that the **Committee could first entertain the complaint and then decide** whether the incident occurred at the workplace.

The Court's Analysis

Maintainability of the Writ Petition

The Court first addressed the question of maintainability. It held that although the petitioner had an alternate remedy by way of appeal, the issue raised was **purely jurisdictional**. It is well settled that when a jurisdictional issue is raised in a writ petition, the Court is not obliged to relegate the petitioner to an alternate remedy. The Court therefore proceeded to examine the merits of the jurisdictional challenge.

Jurisdiction Tied to the Statutory Definition of Workplace

The Court emphasized that the jurisdiction of an Internal Complaint Committee is **strictly tied to the statutory definition of "workplace."** Under Section 2(a)(i), an aggrieved woman must allege sexual harassment *in relation to* a workplace. Under Section 9, the complaint must be of sexual harassment *at* the workplace.

These provisions make it clear that the Internal Committee can entertain a complaint only if the alleged sexual harassment occurred at a workplace as defined by the Act.

Transportation "by the Employer"

The Court then turned to **Section 2(o)(v)**, which expands the definition of workplace to include any place visited by the employee arising out of or during the course of employment, including transportation *by the employer* for undertaking such journey.

The Court noted that the inclusion of transportation is expressly qualified by the phrase **"by the employer."** The word "by" is not ornamental; it is a *statutory condition precedent*.

In the present case, the petitioner and Respondent No. 3 were travelling in a shared autorickshaw, which was a mode of public transport. The transport was not provided by the State Bank of India, nor was it provided by the complainant's employer. The Court therefore held that such transportation would **not fall within the definition of "workplace"** under Section 2(o)(v).

Jurisdiction as a Threshold Question

The Court rejected the submission of the respondents that the Internal Complaint Committee could first entertain the complaint and then decide the question of workplace as a factual issue. The Court held that **jurisdiction is a threshold question**.

The Committee must first decide whether the alleged incident occurred at a workplace. Only if the answer to that question is in the affirmative does the Committee acquire jurisdiction to conduct a further inquiry. Since the alleged incident did not occur at a workplace, the question of the Committee entertaining the complaint and passing an order on the merits did not arise at all.

Merits Left Open

The Court made it absolutely clear that it was **not going into the merits** of the controversy. It expressly left open the question of whether the petitioner actually sexually harassed Respondent No. 3 in the shared autorickshaw. That factual question, the Court held, would be dealt with in accordance with law in an appropriate proceeding.

Final Decision

In the light of the aforesaid analysis, the Court **allowed the writ petition**. The impugned order dated 29 August 2023 passed by Respondent No. 2 was set aside and quashed.

The Court made it clear that it had not adjudicated upon the merits of the allegations. The rule was made absolute, and there was no order as to costs.

Conclusion

The decision of the Bombay High Court in *Siddhesh Pradeep Satpute v. State Bank of India & Ors.* is a crucial reminder that the complaints committees constituted under the POSH Act must operate within the **boundaries of their jurisdiction**.

The judgment clarifies that the expansive definition of "workplace" under the Sexual Harassment Act, 2013, does not extend to public transport used by an employee on their own initiative. The statutory inclusion of transportation in the definition of workplace is strictly confined to **transportation provided by the employer**.

The ruling also establishes that jurisdiction is a threshold issue that must be determined before any inquiry into the merits of a complaint can proceed. By drawing a clear line around the territorial and institutional limits of the Internal Complaint Committee, the Court has provided valuable guidance to employers, committees, and practitioners in the field of workplace harassment law.

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