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Bombay High Court excludes independent public commute from the definition of 'workplace' Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

In *Siddhesh Pradeep Satpute vs. State Bank of India and Ors.*¹, the Hon'ble High Court of Bombay ("Bombay HC") examined the scope of the term 'workplace' under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("PoSH Act") and the jurisdiction of the Internal Committee ("IC") to inquire into complaints of sexual harassment arising during an employee's commute to the workplace. The Bombay HC held that an employee's routine commute on independently arranged public transport does not constitute a 'workplace' under the PoSH Act, unless the transportation has been provided or arranged by the employer.

By confirming that an employee's routine commute on independently arranged public transport does not constitute a 'workplace' under the PoSH Act, unless the transportation is provided or arranged by the employer, the judgment provides much-needed guidance on the circumstances in which an IC can inquire into complaints, and the importance of conducting a threshold jurisdictional assessment before initiating an inquiry.

Brief facts

The Petitioner, an employee of a bank ("**Petitioner**"), was travelling to work alongside a female co-passenger who worked as a chef at a different company ("**Aggrieved Woman**"). During the bumpy ride the Aggrieved Woman alleged inappropriate physical contact, used pepper spray on the Petitioner, and lodged a complaint of sexual harassment with her employer's IC. That complaint was forwarded to the IC of the Petitioner's employer, which found him guilty of sexual harassment and recommended that action be taken against him in accordance with the service rules by way of order dated August 29, 2029 ("**Order**").

The Petitioner challenged the IC's Order before the Bombay HC, contending that the shared autorickshaw which was public transport arranged independently by the passengers did not qualify as a 'workplace' as defined under the PoSH Act and that the IC therefore lacked jurisdiction.

¹ Writ Petition No. 1213 of 2024 (decided on June 16, 2026)

Statutory framework

Section 2(a)(i)² and Section 9(1)³ of the PoSH Act allows an aggrieved woman to file a complaint pertaining to sexual harassment ‘at the workplace’. The PoSH Act’s definition of ‘workplace’ covers “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 key textual hinge is the phrase “transportation by the employer,” which the Bombay HC has treated as determinative while determining whether independently arranged transportation would qualify as a ‘workplace’ under the PoSH Act.

Issue

Whether the alleged incident took place within the ‘workplace’ as defined under the PoSH Act?

Analysis and findings

Having examined the statutory framework and the facts of the case, the Bombay HC adopted a textual and purposive reading of the definition of a ‘workplace’ under the PoSH Act and clarified the limits of an IC's jurisdiction. In doing so, the Bombay HC laid down the following principles:

1. **Public transport is not a workplace:** It counts as a workplace only when the transportation is provided or arranged by the employer. Because the disputed autorickshaw was a shared public vehicle not organised by either employer, the Bombay HC concluded that the incident did not occur at the ‘workplace’, even though the Petitioner was travelling to work.
2. **The IC lacked jurisdiction:** Since the alleged conduct took place outside the statutory definition of a workplace, the IC had no jurisdiction to entertain the complaint. As a result, the Bombay HC rejected the argument that an IC can entertain a complaint and *then* decide if the incident took place at a workplace.
3. **Jurisdictional question must be decided first:** The Bombay HC emphasised that the law ‘would mandate’ an IC to first decide the jurisdictional question of whether the alleged incident took place at a ‘workplace’, before proceeding to examine the merits of the complaint. Where the answer is negative, the IC should dismiss for want of jurisdiction rather than conduct an *ultra vires* inquiry.
4. **Merits left open:** The Bombay HC expressly clarified that it was not deciding whether the sexual harassment actually occurred, leaving that aspect open to be dealt with in appropriate legal proceedings.

Conclusion

The Bombay HC's decision clarifies the scope of the PoSH Act by confirming that the concept of a ‘workplace’ does not extend to an employee's routine commute on independently arranged public transport (such as local trains, public buses, shared autorickshaws/cabs). By holding that only transportation provided or arranged by the employer (examples include company-owned shuttles, chartered buses, or employer-arranged cabs) falls within the statutory definition of a ‘workplace’, the judgment establishes a jurisdictional boundary for IC and reinforces that complaints under the PoSH Act can be entertained only where the alleged incident has the requisite nexus with the workplace as defined under the PoSH Act.

² Section 2(a)(i) of the PoSH Act defines an ‘aggrieved woman’, in relation to a workplace, as a woman of any age, irrespective of whether she is employed, who alleges to have been subjected to an act of sexual harassment by the respondent.

³ Section 9(1) of the PoSH Act provides that an aggrieved woman may submit a written complaint of sexual harassment at the workplace to the IC, where one has been constituted, or to the local committee where no IC exists. Such complaint must ordinarily be filed within 3 (three) months from the date of incident and in case of a series of incidents, within a 3 (three) months from the date of last incident.

Having said that, the judgment should not be interpreted to mean that every incident occurring during travel to or from work is automatically outside the PoSH Act. The decision turned on the specific fact that the commute was by a shared autorickshaw, that was neither provided nor arranged by either employer. Accordingly, where an employer provides, arranges, reimburses in an organised manner, mandates, or otherwise, exercises control over the mode of transport, employers should be cautious about assuming that the PoSH framework is inapplicable. Equally, where travel is undertaken as part of work duties, inter-office movement, client visits, offsite attendance, or other employment-linked requirements, the employment nexus analysis may be materially different.

Equally significant is the Bombay HC's emphasis on procedural discipline. The judgment makes it clear that jurisdiction is not a question that can be deferred until after an inquiry has commenced. Rather, an IC must first determine whether the alleged incident occurred at a 'workplace' within the meaning of the PoSH Act before proceeding to examine the merits of the complaint. From an employer's perspective, this makes it important for ICs to document a short but reasoned jurisdictional assessment at the outset as it can help demonstrate procedural rigour and reduce the risk of an inquiry being challenged as *ultra vires*. Therefore, IC members should be adequately trained to undertake a threshold jurisdictional assessment before initiating any inquiry, particularly in cases involving third-party complaints, cross-employer interactions, employee travel, offsites, client locations, or transport-related allegations.

At the same time, employers should remain mindful that although certain incidents may fall outside the ambit of the PoSH Act, they may nevertheless warrant organisational support. For example, depending on the facts, employers may still wish to evaluate whether the conduct should be examined under other internal frameworks, such as codes of conduct, expected standards of professional behaviour, employee safety protocols, or disciplinary rules, particularly where the incident involves co-workers, affects the workplace environment, or has reputational or employee-relations implications for the organisation. This is especially relevant because a lack of PoSH jurisdiction does not necessarily mean that the employer must remain inactive from an employee relations, misconduct, or welfare perspective.

Employment Practice

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