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Editorial

MOURNING, RESOLVE AND THE ROAD AHEAD

The banking fraternity has been deeply shaken by the tragic death of two comrades while performing their duties on a Sunday. Their untimely demise is not merely a personal tragedy for their families and colleagues; it has caused profound anguish across the banking community. At this hour of grief, our foremost duty is to remember the departed comrades with dignity, extend our solidarity to their bereaved families, and ensure that their sacrifice does not fade from our collective memory.

The circumstances in which bank officers and employees were compelled to attend to banking work on a Sunday raise serious questions about the increasing pressure being placed upon the workforce. The relentless drive to keep branches open, often disregarding established understandings and the legitimate concerns of employees, cannot become the accepted norm. The safety, dignity and reasonable working conditions of bank employees must remain non-negotiable.

The subsequent understanding leading to the withdrawal of the proposed three-day strike needs to be viewed in the larger context of organisational responsibility and collective bargaining. The decision

was taken after considering the prevailing circumstances and the need to preserve the space for further engagement. Such a decision should not, however, be misunderstood as dilution of our demands or retreat from our legitimate struggle. The issues remain firmly on the table, and the movement retains its organisational strength.

The success of the 11 September strike demonstrated the unity, discipline and fighting capacity of the banking fraternity. The response from officers and employees across the country sent a clear message that persistent disregard of legitimate demands cannot continue indefinitely. The solidarity displayed by the rank and file has strengthened the hands of the negotiating leadership and reaffirmed that collective action remains the most effective instrument available to the working people.

The issues before us are neither isolated nor merely procedural. The demand for a 5day banking Week, opposition to discriminatory treatment in PLI, and resolution of the various residual issues represent questions of fairness, dignity and equality in the workplace. These concerns have acquired greater significance at a time when the burden of work continues to increase while the space for

A JUG FILLS DROP BY DROP

consultation and dialogue appears to be shrinking.

The proposed three-day strike from 28 to 30 September, though withdrawn in the changed circumstances, should therefore be understood in its proper perspective. The withdrawal should not lead to complacency at any level. The organisational machinery must remain fully prepared. All affiliated, all State & District Unit, every and entire membership must remain connected with the developments so that, should circumstances demand, the organisation can respond with the same unity and determination that characterised the 11 September action.

The present phase calls for restraint without surrender, dialogue without dilution, and preparedness without provocation. The confrontation that has emerged around legitimate employee demands must be resolved through meaningful negotiations rather than administrative pressure. At the same time, the experience of recent developments reminds us that organisational

strength is meaningful only when it is backed by preparedness at every level. We must therefore keep our organisational and agitational preparations at top gear.

The loss of our two comrades must deepen, rather than weaken, our resolve to defend the dignity and rights of every banking professional. Their memory demands accountability, but it also demands unity and determination. Let us mourn the departed, stand firmly beside their families, salute the successful 11 September strike, and remain fully prepared for the struggles ahead. The immediate course may change with circumstances, but the commitment to justice, dignity and collective bargaining must remain unwavering.

#SavePSBs
#BankingInThePublicSector
#YesToAdequateRecruitment
#MarchOnComrades,
#NationAgainstPrivatisation
#BankBachaoDeshBachao

SHARED ARTICLE

INDIAN BANKS STAY STRONG ON ASSET QUALITY, BUT EARNINGS SLOW; EXPERT CALLS FOR SEPARATE ANALYSIS OF PSBS, PRIVATE AND FOREIGN BANKS

Author: Neha Bodke, Published: July 18, 2026 in Kanal

Scheduled Commercial Banks (SCBs) reported stronger asset quality, higher capital buffers and a rebound in credit growth during FY2025-26. The latest performance data also shows moderation in earnings growth and some softening in liquidity indicators. Saji Varghese, Former President of All India State Bank of India Employees Federation (SBIEF) and Vice President of Bank Employees Federation of India (BEFI) called for separate

analysis of public, private and foreign banks, noting the widening gap between credit and deposit growth.

India's Scheduled Commercial Banks (SCBs) continued to demonstrate resilience during FY2025-26, with asset quality improving further, capital buffers strengthening and credit growth rebounding. However, key profitability indicators

IN THE SKY THERE IS NO DISTINCTION OF EAST AND WEST

moderated compared to previous years, while liquidity indicators softened despite remaining above regulatory thresholds.

The latest banking performance scorecard for March 31, 2026, shows that the sector remains fundamentally strong, although the pace of earnings growth has slowed after several years of exceptional performance.

Credit Growth Recovers

After moderating in FY2024-25, bank credit growth

accelerated again.

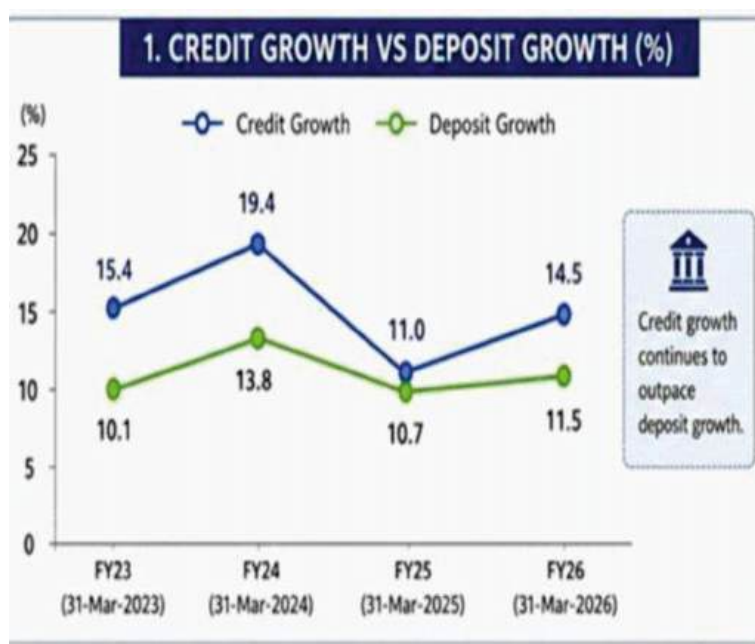
Credit growth stood at 14.5% as on March 31, 2026, compared to 11.0% a year earlier and remained above the 10-year median of 11.0%.

Deposit growth also improved to 11.5%, up from 10.7% in FY2025, although it continued to trail credit growth.

The gap between credit and deposit growth has remained one of the key areas being monitored by regulators and bankers as it influences banking system liquidity.

Category	Indicator	10-year Median (All banks)	31-Mar-2023	31-Mar-2024	31-Mar-2025	31-Mar-2026
Credit and Deposit	Credit Growth	12.0	15.4	19.4	11.0	14.5
	Deposit Growth	10.2	10.1	13.8	10.7	11.5
	G/NPA Ratio	2.3	3.9	2.8	2.3	1.8
Asset Quality and Provisions	NPA Ratio	2.4	1.0	0.6	0.5	0.4
	Slippage Ratio	2.8	1.9	1.6	1.5	1.2
	PCR	67.4	74.1	76.2	76.3	75.6
Liquidity	LCR	130.8	143.5	130.3	132.5	124.2
	NSFR	116.4	129.8	126.9	126.4	122.1
	Net Growth	20.1	21.8	15.4	7.9	4.0
Earnings	QoQ Growth	7.9	7.7	17.9	16.0	14.5
	EBIT Growth	12.3	16.3	12.3	14.9	7.9
	PAT Growth	16.8	39.2	31.5	16.8	7.2
Profitability	NIM	3.3	3.7	3.7	3.5	3.3
	ROA	0.7	1.1	1.1	1.4	1.3
	ROE	8.0	12.3	13.7	11.5	12.6
Capital	CET1 Ratio	13.2	14.0	14.0	14.6	15.3
	CRAR	16.2	17.2	16.8	17.4	17.7

Source: RBI - Financial Stability Report, June 2025. *Note: All figures in percentage (%)*



Asset Quality Improves Further

- Indian banks continued to report healthier balance sheets.
- Gross NPA ratio declined to 1.8%, the lowest in the four-year comparison.
- Net NPA ratio reduced further to 0.4%.
- Slippage ratio improved from 1.5% to 1.2%.

- Provision Coverage Ratio remained healthy at 75.6%.

The consistent improvement reflects stronger recoveries, prudent lending practices and continued focus on resolution of stressed assets.

Liquidity Moderates

Liquidity indicators witnessed some moderation during FY2026.

THERE HAS TO BE EVIL SO THAT GOOD CAN PROVE ITS PURITY ABOVE IT

The Liquidity Coverage Ratio (LCR) declined from 132.5% to 124.2%, while the Net Stable Funding Ratio (NSFR) eased from 126.4% to 122.1%.

Despite the decline, both indicators continue to remain comfortably above the prescribed regulatory minimums.

Profit Growth Returns to Normal Levels

One of the significant trends visible in the latest data is moderation in earnings growth.

Net Interest Income (NII) growth slowed sharply to 4.0%, compared to 7.9% in FY2025 and 15.4%



Margins Ease, Returns Stay Healthy

Net Interest Margin (NIM) declined gradually from 3.7% in FY2023 and FY2024 to 3.3% in FY2026.

However, profitability ratios remained healthy.

Return on Assets (ROA) stood at 1.3%, while Return on Equity (ROE) remained at 12.6%, indicating that banks continue to generate stable returns despite moderating margins.

Capital Position Strengthens

Banks further strengthened their capital base during FY2026.

in FY2024.

Profit After Tax (PAT) growth also moderated to 7.2%, down from 16.8% in FY2025 and 31.5% in FY2024.

Similarly, Earnings Before Provisions and Taxes (EBPT) growth declined to 7.9%, while growth in Other Operating Income remained relatively healthy at 14.5%.

The figures indicate that while profitability remains positive, the exceptionally high earnings growth witnessed after the post-pandemic clean-up cycle is gradually normalising.



Common Equity Tier-1 (CET-1) ratio improved to 15.3%, while the Capital to Risk-weighted Assets Ratio (CRAR) increased to 17.7%.

Higher capital buffers improve the banking sector's ability to absorb future risks while supporting continued credit expansion.

Expert Suggests Separate Analysis Across Bank Categories

Commenting on the data, Saji Varghese, Former President of All India State Bank of India Employees Federation (SBIEF) and Vice President of Bank Employees Federation of India (BEFI), said that while the study presents an encouraging overview of the banking sector, a segmented

OVERCOME ANGER BY LOVE, EVIL BY GOOD

analysis would provide a clearer understanding of the industry's performance.

"This is a good study. But we have to collect the data separately for public sector banks, private banks and foreign banks. Then only we will get the correct picture. This data shows that credit is growing high and deposit growth is sluggish. This indicates that domestic savings are going down and people are falling into a debt trap for their livelihood. Banks are also facing a liquidity crisis," said Saji Varghese.

His observations highlight the importance of analysing performance across different categories of banks, as business models, funding structures and customer segments vary significantly between public sector, private sector and foreign banks.

Key Highlights

- Credit growth rebounded to 14.5%.
- Deposit growth improved to 11.5%, but remained below credit growth.

- GNPA declined to 1.8%, while NNPA fell to 0.4%.
- Slippages reduced further to 1.2%.
- Capital adequacy strengthened with CET-1 at 15.3% and CRAR at 17.7%.
- Earnings growth moderated, with NII growth at 4.0% and PAT growth at 7.2%.
- Liquidity ratios softened but remained above regulatory requirements.

The latest performance indicators suggest that India's banking sector continues to strengthen in terms of asset quality and capitalisation while entering a phase of more moderate profitability. At the same time, the divergence between credit and deposit growth, along with easing liquidity indicators, remains an area that will continue to be closely watched by policymakers, regulators and the banking industry

CIRCULARS

- | | |
|---------------------------------------|--|
| 56 dated 28th August, 2026: | Circular to intensify our Protest and Campaign and to get Ready-Twitter/X Campaign on 30th August, 2026 -Sunday |
| 57 dated 30th August, 2026: | Circular on the grand success of Twitter/X Campaign- Impressive digital mobilisation - March on to 11th September Strike |
| 58 dated 04th September, 2026: | No positive outcome in the meeting held by IBA - March on to 11th September Strike |
| 59 dated 04th September, 2026: | UFBU writes to the Chief Executive IBA on 4th September, 2026 on National Lok Adalat on 12 September, 2026 -attendance of bank officers on a declared bank holiday |

THREE THINGS CANNOT BE LONG HIDDEN: THE SUN, THE MOON AND THE TRUTH

Common Bond, October -2026

60 dated 09th September, 2026:	Text of UFBU Circular No. 2026/23 dated 09.09.2026 on the Conciliation meeting by Dy. CLC on 08.09.26 with no concrete and positive outcome on 5 Days Banking. Hence March on to 11th September, strike
61 dated 10th September, 2026:	Circular for Scale IV and above members stating that we have fought this battle once, we won. Now let us continue it. - The Strike programme
62 dated 11th September, 2026:	Greetings to all for making the all India Strike today a massive success
63 dated 14th September, 2026:	Text of UFBU circular no. 2026/25 dated 14.09.2026 on the UFBU Meeting held today with the call for continuation of our struggle
64 dated 17th September, 2026:	Text of UFBU letter no. 2026/04 dated 17.09.2026 addressed to the Chief Labour Commissioner (Central)
65 dated 22nd September, 2026:	Text of UFBU circular no. 2026/26 dated 22.09.2026 on the Conciliation meeting held today. No positive response from IBA and DFS. Strike stands
66 dated 23rd September, 2026:	Text of UFBU circular no. 2026/27 dated 23.09.2026 to march on and make the strike a success
67 dated 23rd September, 2026:	Text of UFBU letter no. UFBU/2026/LTR-5 dated 23.09.2026 addressed to the Chief Executive, IBA on Unilateral enlargement of agreed exemptions from strike - demand to keep IBA communication dated 23.09.2026 in abeyance
68 dated 23rd September, 2026:	Circular for working of branches on Sunday -27th Sept.
68A dated 24th September, 2026:	Text of UFBU circular no. 2026/29 dated 24.09.2026 on IBA's instructions on sensitive installations
69 dated 25th September .2026:	For Attention of Officers on Probation Participate in Strike: Clarification
70 dated 25th September .2026:	Observe 27th September Black Sunday
71 dated 25th September .2026:	UFBU Strike Deferred — Understandings Reached - A Forward Movement on Five-Day Banking, PLI and Residual Issues – Congratulations

BETTER THAN A HUNDRED YEARS OF IDLENESS IS ONE DAY SPENT IN DETERMINATION

JUDICIAL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION WRIT PETITION NO. 1213 OF 2024

Siddhesh Pradeep Satpute

... Petitioner

VERSUS

State Bank of India & Ors.

... Respondents

Oral Judgement (Per Firdosh P. Pooniwalla J.)

1. Rule. Rule made returnable forthwith with the consent of the Petitioner and Respondent Nos. 1 and 2 and heard finally.
2. Respondent No.3, though served, has not appeared.
3. This Writ Petition has been filed challenging the Order dated 29th August, 2023 passed by Respondent No.2 purporting to act under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. (hereinafter referred to as "the Sexual Harassment Act")

FACTS

4. The facts, as stated in the Writ Petition, are as under :

- a) The Petitioner is working in the State Bank of India since the last 14 years.
- b) The Petitioner was residing at Navi Mumbai and in order to travel to the bank which is situated at Bandra Kurla Complex (BKC) at Bandra, Mumbai, the Petitioner would travel by local train from Navi Mumbai to Kurla everyday and from Kurla railway station the Petitioner would take a shared autorickshaw to reach his bank at BKC.
- c) On 24th March, 2023, the Petitioner, in his usual manner, opted to go to his bank at BKC from Kurla railway station in a shared autorickshaw. The Petitioner took a seat on the back side of the autorickshaw. As the autorickshaw was a shared

autorickshaw, the autorickshaw driver took two more passengers.

- d) It is the case of the Petitioner that, though the back seat of the autorickshaw is generally comfortable for two passengers, the autorickshaw driver got three passengers seated on the back seat and therefore, the seating was uncomfortable.
- e) On that date, the three passengers in the autorickshaw were the Petitioner, Respondent No.3 and another passenger. Respondent No.3 sat on the back seat at the entrance of the autorickshaw, the Petitioner was made to sit next to Respondent No.3 and the third passenger sat to the right of the Petitioner.
- f) It is the case of the Petitioner that the said autorickshaw was a mode of public transport, and, by any stretch of imagination, could not have been termed as transport provided by the employer.

YOU WILL NOT BE PUNISHED FOR YOUR ANGER, YOU WILL BE PUNISHED BY YOUR ANGER

- g) It is further the case of the Petitioner that, since the Petitioner was sitting in between Respondent No.3 and the third passenger, and in view of the bumpy ride of the autorickshaw due to the bad condition of the road, on some occasions, the Petitioner's left hand must have touched the Respondent No.3's bag, which she was carrying on her right arm, and Respondent No.3 took a very sensitive approach in the matter.
- h) Respondent No.3 stopped the autorickshaw at the American Embassy near BKC and started abusing the Petitioner as if the Petitioner had inappropriately touched her chest in the autorickshaw and she abruptly sprayed pepper spray in the eyes of the Petitioner, causing serious inconvenience to him.
- i) Further, Respondent No.3 also started shouting and calling the crowd and started making accusations and abused the Petitioner in the most filthy language.
- j) Looking at the gathering of the crowd and the aggression of Respondent No.3, the autorickshaw driver asked the Petitioner as well as Respondent No.3 to sit in the autorickshaw and he went ahead to "ONE BKC", where again Respondent No.3 started calling her colleagues and asked them to come and hit the Petitioner.
- k) The Petitioner immediately came out of the Autorickshaw and stood near the IDFC Bank at BKC, where Respondent No.3, who claimed to be the daughter-in-law of an Ex-Assistant Commissioner of Police, Mumbai, called her father-in-law and also called the Police. Then the police van came. The Petitioner was taken to the BKC Police Station and a case was registered against him under Section 354A of the Indian Penal Code, 1860.
- l) Respondent No.3 also lodged a complaint against the Petitioner with the Internal Complaint Committee of her company where she was working as a Chef, by making an allegation of sexual assault against the Petitioner. The Internal Committee of the Company of Respondent No.3 forwarded the complaint to Respondent No.1, who referred the matter to the Internal Complaint Committee of the employer of the Petitioner i.e. Respondent No.2 herein.
- m) After making an enquiry into the said complaint, by Order dated 29th August, 2023, the Respondent No.2 found the Petitioner guilty of sexual harassment and recommended that the employer must take action against the Petitioner as per the Service Rules. m) The Petitioner, by a letter dated 28th November, 2023 address to the Deputy General Manager and CIRDO of State Bank of India, filed an Appeal against the said Order dated 29th August, 2023. The Appeal has been heard. However, by the Order dated 18th December, 2023 passed in the present Writ Petition, it was directed that no final Orders should be passed in the said Appeal without the leave of the Court. In view of the Order dated 18th December, 2023 passed by this Court, no final Order has been passed in the said Appeal.

SUBMISSIONS OF THE PETITIONER.

5. Mr. Anand Pande, the learned counsel appearing on behalf of the Petitioner, submitted that Respondent No.2 had jurisdiction to entertain a complaint, conduct an enquiry and pass an Order under the Sexual Harassment Act, if the sexual harassment had taken place at the "workplace" of the employee who is charged with sexual harassment. However, the alleged incident did not take place at the "workplace". Therefore, the Order dated 29th August, 2023, was without the authority of law.

6. Mr. Pande submitted that "workplace" is defined under Section 2(o) of the Sexual

Harassment Act. It includes any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such a journey.

7. Mr. Pande submitted that the definition of “workplace” shows that it includes only transportation provided by the employer for undertaking the journey to any place visited by the employee arising out of or during the course of employment.

8. Mr. Pande submitted that, in the present case, when the alleged incident of sexual harassment took place, the Petitioner was not travelling by any transport provided by the employer but by a public transport i.e. a shared autorickshaw. Therefore, the alleged incident did not take place in a “workplace”, and, therefore, Respondent No.2 had no jurisdiction to entertain or try or decide the complaint filed by Respondent No.3.

9. Mr. Pande further submitted that the finding of Respondent No.2 that, even though the incident allegedly happened in public transport on the way to the “workplace”, it falls within the wide definition of “workplace” as per Section 2(o)(v) of the Sexual Harassment Act, is totally erroneous.

10. Mr. Pande submitted that, for the aforesaid reasons, the Order dated 29th August, 2023 is without jurisdiction and is required to be set aside.

SUBMISSIONS OF RESPONDENT NOS. 1 AND 2.

11. Respondent Nos. 1 and 2 have filed Affidavit sworn by Mr. Anup Kumar, the Assistant General Manager (HR) of Respondent No.1, affirmed on 10th January, 2024, in reply to the Petition.

12. Mr. Abhijit Joshi, the learned counsel appearing on behalf of Respondent Nos. 1 and 2, submitted that the interpretation of “workplace” by Respondent No.2 is correct and therefore, the Order dated 29th August, 2023 does not call for any interference.

13. Mr. Joshi further submitted that by virtue of the provisions of Section 2(a) (which defines “aggrieved woman”), Section 9 (complaint of sexual harassment) and Section 11 (enquiry into complaint) of the Sexual Harassment Act, the Respondent No.2 had jurisdiction to entertain the complaint of Respondent No.3. Mr. Joshi further submitted that Respondent No.2 had dealt with the issue whether the alleged incident took place at the “workplace” of the employee. The same does not affect the jurisdiction of Respondent No.1.

ANALYSIS AND FINDINGS

14. At the outset, we must point out that we are entertaining this Writ Petition despite the Appeal filed by the Petitioner. As stated hereinabove, the Petitioner has filed an Appeal against the said Order dated 29th August, 2023. The said Appeal has been heard. No final Order has been passed in the Appeal in view of the Order dated 18th December, 2023 of this Court in the present Petition which directed that no final Order in the Appeal be passed without the leave of the Court. However, since, in the Petition, the Petitioner has raised an issue of jurisdiction of Respondent No.2 to entertain the complaint of Respondent No.3, we are not inclined to relegate the Petitioner to an alternate remedy. It is well settled in law that when issues of jurisdiction are raised in a Writ Petition, the Court may not relegate the Petitioner to an alternate remedy of an Appeal.

15. Before we consider the rival contentions of the parties, it would be appropriate to refer to certain provisions of the Sexual Harassment Act which are relevant to our enquiry. Sections 2(a), 2(o), Section 9 and Section 11 of the Sexual Harassment Act are relevant and are set out hereunder :

“2 (a) “aggrieved woman” means

XXXXX

9. Complaint of sexual harassment (1) Any aggrieved woman may make, in writing, a

EVERY HUMAN BEING IS THE AUTHOR OF HIS OWN HEALTH OR DISEASE

complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

11. Inquiry into complaint. (1) Subject to the provisions of section 10, the Internal Committee or the local Committee, as the case may be, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case

under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable:

Provided that where the aggrieved woman informs the Internal Committee or the Local Committee, as the case may be, that any term or condition of the settlement arrived at under subsection (2) of section 10 has not been complied with by the respondent, the Internal Committee or the Local Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

(2) Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.

(3) For the purpose of making an inquiry under sub-section (1), the Internal Committee or the Local Committee, as the case may be, shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

HE WHO SEEKS HAPPINESS BY HURTING WILL NEVER FIND IT

(b) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

(4) The inquiry under sub-section (1) shall be completed within a period of ninety days.”

16. Section 2(a)(i) provides that an aggrieved woman means any 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”.

17. Similarly, Section 9 provides that an aggrieved woman may make, in writing, a complaint of sexual harassment at the “workplace” to the Internal Committee if so constituted.

18. Therefore, in the light of the aforesaid provisions, the Internal Committee of a Company or an organisation can entertain a complaint of an aggrieved woman of being subjected to sexual harassment only at the “workplace”.

19. Respondent No.2 has come to the conclusion that the complaint made by Respondent No.3 against the Petitioner was in respect of a “workplace” by virtue of the provisions of Section 2(o)(v), which state that any place visited by the employee arising out of or during the course of employment, including transportation by the employer for undertaking said journey, would be included within the definition of the “workplace”.

20. It can be seen that Section 2(o)(v) includes within the meaning of “workplace” transportation by the employer for undertaking a journey to any place visited by the employer arising out of or during the course of employment.

21. Therefore, in order to fall within the meaning of “workplace”, the transportation has to be provided by the employer.

22. In the present case, the Petitioner and Respondent No.3, alongwith one another passenger, were sharing an autorickshaw from the Kurla Railway Station to BKC at Bandra. Although the Petitioner was going to his office, the said transportation had not been provided either by his employer or the employer of Respondent No.3. In these circumstances, in our view, such transportation would not fall within the definition of a “workplace” as defined by Section 2(o)(v). For the said reason, in our view, the alleged incident has not taken place at a “workplace”.

23. Respondent No.2 cannot entertain a complaint of an aggrieved woman being subjected to sexual harassment if the alleged sexual harassment has not taken place at the “workplace”. For this reason, in our view, Respondent No.2 had no jurisdiction to entertain the complaint of Respondent No.3 and pass the Order dated 29th August, 2023. Therefore, in our view, the Order dated 29th August, 2023 of Respondent No.2 is un-sustainable in law and hence, liable to be set aside.

24. It is the submission of Mr. Joshi, on behalf of Respondent Nos. 1 and 2, that, by virtue of the provisions of Section 2(a), Section 9 and Section 11 of the Sexual Harassment Act, Respondent No.2 had jurisdiction to entertain the complaint of Respondent No.3. It was further the submission of Mr. Joshi that Respondent No.2 could then decide whether the alleged incident took place at the “workplace” of the employee.

25. We are unable to accept the said submission of Mr. Joshi. Section 9 of the Sexual Harassment Act provides that any aggrieved woman may make in writing a complaint of sexual harassment at a “workplace” to the Internal Committee if so constituted. In the light of the provisions of Section 9 of the Sexual Harassment Act, the Internal Committee of a company or organisation will have jurisdiction to entertain a complaint only if sexual harassment has taken place at a “workplace” as

DO NOT DWELL ON THE PAST OR FUTURE. CONCENTRATE ON THE PRESENT MOMENT

defined under Section 2(o) of the Sexual Harassment Act. Since, in the present case, as held by us, the alleged sexual harassment has not taken place at a "workplace", Respondent No.2 had no jurisdiction to entertain the complaint of Respondent No.3. In these circumstances, the question, of Respondent No.2 entertaining the complaint and then deciding whether the alleged sexual harassment took place at a "workplace", does not arise at all.

26. In our view, the law would mandate such an Internal Committee to first decide the jurisdictional question whether the alleged sexual harassment has taken place at a "workplace" and only if the answer to that question is in the affirmative, would the Internal Committee have jurisdiction to conduct a further enquiry in the matter.

ORDER

In the light of the aforesaid discussion and for the aforesaid reasons, the following Orders are passed :

a) Writ Petition is allowed in terms of prayer (b) which reads as under :

"(b) That the Hon'ble Court be pleased to set aside and quash the impugned order passed by the Respondent No.2 on the complaint of the Respondent No.3 dated 29.08.2023 being Exhibit-A to the Petition."

b) We make it absolutely clear that, in this Judgement, we have not gone into the merits of the controversy, i.e. whether the Petitioner had sexually harassed Respondent No.3 in the shared authorickshaw or not. The said aspect of the matter is left open to be dealt with in accordance with law in an appropriate proceeding.

c) Rule is made absolute in the aforesaid terms.

d) In the facts and circumstances of the case, there will be no order as to costs.

**(FIRDOSH P. POONIWALLA, J.)
(SUMAN SHYAM, J.)**

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