



ISSN: 2583-7753

# LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 2

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.221>

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# ILLEGAL STRIKES AND LOCKOUTS: STATUTORY PROVISIONS AND JUDICIAL INTERPRETATION

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## I. ABSTRACT

*This article examines the statutory regulation of strikes and lockouts in Indian industrial-dispute law, using the Industrial Disputes Act 1947 (IDA) as its principal doctrinal framework. It advances the central argument that judicial treatment of “illegal” and “unjustified” strikes, and of employer lockouts, has not been conceptually uniform, creating uncertainty over procedural compliance, proportionality, wage consequences and the permissible limits of collective action. Through a doctrinal analysis of the definitions in sections 2(q) and 2(l), the restrictions in sections 22 and 23 and the illegality rule in section 24, the article assesses the interaction among notice, conciliation, adjudication and industrial action. It engages with *Kameshwar Prasad v State of Bihar*, *Crompton Greaves Ltd v Its Workmen*, *Tata Iron & Steel Co Ltd v Their Workmen*, and related decisions to distinguish statutory illegality from factual justification, scrutinise the legality of lockouts, and evaluate the requirement of proportionate disciplinary responses. A comparative examination of the United Kingdom and the United States identifies the value of clear procedural standards, effective conciliation and protected lawful collective action, while preserving continuity in essential services. The article finds that the IDA’s formal restrictions, ambiguity surrounding employer countermeasures and delay-prone dispute-resolution processes can disproportionately constrain workers, especially when bargaining channels fail. It therefore recommends precise statutory definitions, calibrated notice requirements, strengthened independent conciliation, sector-sensitive continuity arrangements and accessible legal-awareness measures. These proposals seek to reconcile industrial peace with meaningful protection for workers and employers. As the Industrial Relations Code 2020 has subsumed the IDA and is now in force, the article situates the older statute’s jurisprudence as an indispensable interpretative foundation for the contemporary framework. Its contribution lies*

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*in offering a structured approach to reconciling legality, justification and proportionality in strike and lockout disputes.*

## **II. KEYWORDS**

Strikes, Lockouts, Industrial Disputes Act, Labour Law, Judicial Interpretation

## **III. INTRODUCTION AND RESEARCH PROBLEM**

Strikes and lockouts are significant instruments in the domain of industrial relations, representing the respective powers of employees and employers during disputes. Strikes and lockouts serve as opposing responses in industrial conflict, each regulated under the Industrial Disputes Act, 1947. Both actions disrupt regular workplace operations, making them critical yet sensitive aspects of labour law.

The Act aims to balance the interests of workers and employers while maintaining industrial peace, particularly in sectors crucial to public welfare. It defines the conditions under which strikes and lockouts are legal or illegal, prescribes notice requirements, and lays down penalties for non-compliance. Judicial interpretations have further shaped the understanding and application of these provisions, ensuring procedural compliance and fairness. However, concerns remain regarding potential biases, procedural delays, and discretionary powers, which may affect the effectiveness of the framework.

This research examines the legal definitions, regulatory provisions, and judicial interpretations of strikes and lockouts, with a focus on assessing whether the current legal framework adequately protects the rights of both workers and employers while promoting industrial harmony

### **A. Research Problem**

Judicial interpretation of the terms “illegal strike” and “illegal lockout” has been inconsistent, creating uncertainty regarding the legality, justification and consequences of industrial action in India.

### **B. Research Aim and Objectives**

1. To analyse the legal definitions of strikes and lockouts under the Industrial Disputes Act, 1947.
2. To identify the conditions under which strikes and lockouts are considered legal or illegal.
3. To study judicial interpretations and applications of provisions relating to illegal strikes and lockouts.
4. To evaluate whether the existing legal framework effectively balances the interests of workers and employers during industrial disputes.

### **C. Research Questions**

1. How have Indian courts interpreted and applied the provisions relating to illegal strikes and lockouts?
2. Does the current legal framework effectively balance the rights of workers and employers during industrial disputes?

### **D. Research Methodology**

This research adopts a doctrinal research methodology, focusing on the analysis of legal doctrines, statutes, case laws, and related legal materials concerning strikes and lockouts under the Industrial Disputes Act, 1947. The methodology involves a detailed examination of statutory provisions, judicial interpretations, and scholarly commentary to understand the legal framework governing strikes and lockouts, their legality, and the protection of workers' and employers' rights.

Primary sources include the Industrial Disputes Act, 1947, relevant rules and notifications, and landmark judgments of the Indian judiciary. Secondary sources comprise legal commentaries, research articles, books, and authoritative online resources discussing industrial relations, labour law, and dispute resolution mechanisms.

The doctrinal approach facilitates a critical evaluation of the effectiveness of the current legal framework in balancing industrial relations and provides insights into potential reforms to improve fairness and compliance.

#### IV. RESEARCH & ANALYSIS

Strikes and lockouts represent two fundamental instruments in industrial relations, serving as mechanisms through which workers and employers assert their interests during disputes. A strike, as defined under Section 2(q) of the Industrial Disputes Act, 1947<sup>2</sup>, is a collective cessation of work by employees or a joint refusal to accept employment, aimed at expressing grievances or influencing employment conditions. The definition encompasses both temporary stoppages and full-scale work refusals, irrespective of their duration. Judicial interpretations, such as *State of Bihar vs. Deodas Jha* (AIR 1958, Pat. 51)<sup>3</sup>, emphasise that even brief interruptions constitute a strike, reinforcing the breadth of this concept.<sup>4</sup> The constitutional position is that the right to strike is not a fundamental right. In *Kameshwar Prasad v State of Bihar*, the Constitution Bench upheld the prohibition on strikes by government servants, while recognising that peaceful and orderly demonstrations may fall within Articles 19(1)(a) and 19(1)(b). This position was subsequently reaffirmed in *T. K. Rangarajan v Government of Tamil Nadu*,<sup>5</sup> where the Supreme Court reiterated that employees have no fundamental right to resort to strike. The permissibility of collective work stoppages therefore depends upon the applicable statutory framework, including the Industrial Relations Code, 2020, and not upon Article 19(1)(c) as an independent source of a right to strike.

A lockout, in contrast, is an employer-initiated action defined under Section 2(l) of the Act<sup>6</sup> as the temporary closure of a workplace, suspension of work, or refusal to continue employing workers. Unlike a permanent closure, a lockout is temporary and aims to compel workers to accept the employer's terms. The essentials of a lockout include its temporary nature, coercive intent, existence of a dispute, and its application within an industrial context. Case laws, including *General Labour Union (Red Flag) v.*

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<sup>2</sup> Industrial Disputes Act, 1947, s. 2(q).

<sup>3</sup> *State of Bihar v. Deodas Jha*, AIR 1958 Pat 51.

<sup>4</sup> *T K Rangarajan v Government of Tamil Nadu* (2003) 6 SCC 581; see also *Kameshwar Prasad v State of Bihar* AIR 1962 SC 1166.

<sup>5</sup> *Kameshwar Prasad v State of Bihar*, AIR 1962 SC 1166; *T. K. Rangarajan v Government of Tamil Nadu*, (2003) 6 SCC 581.

<sup>6</sup> Industrial Disputes Act, 1947, s. 2(l).

*B.V. Chavan* (1984)<sup>7</sup>, and *Sri Ramchandra Spinning Mills v. State of Madras*<sup>8</sup>, illustrate that even closures caused by extraordinary circumstances, if linked to a dispute, may constitute a lockout. Judicial interpretation ensures that both workers' and employers' actions remain within statutory limits

### **A. Concept And Definition of Strike and Lockout**

The legal regulation of strikes and lockouts in India is presently governed by the Industrial Relations Code, 2020, which came into force on 21 November 2025. The Code consolidates the statutory regime formerly contained in the Industrial Disputes Act, 1947, the Trade Unions Act, 1926 and the Industrial Employment (Standing Orders) Act, 1946. References to the Industrial Disputes Act in this article should therefore be confined to its historical development and the judicial decisions rendered under that former regime. Section 62 of the Industrial Relations Code, 2020 imposes a common notice-and-prohibition regime upon strikes and lockouts in all industrial establishments, rather than limiting the notice requirement to public utility services. A notice must be issued within sixty days before the proposed industrial action, and a strike or lock-out cannot commence within fourteen days after notice or before the date specified in that notice. Strikes are prohibited during the pendency of conciliation proceedings and for seven days following their conclusion.

Section 62 further prohibits strikes and lockouts during conciliation proceedings and for seven days after their conclusion; during proceedings before a Tribunal or National Industrial Tribunal and for sixty days thereafter; during notified arbitration proceedings and for sixty days thereafter; and during the operation of a settlement or award concerning the relevant matter. The Act also bars strikes or lockouts while a settlement or award on the subject matter is in force. These restrictions aim to maintain essential services and uphold industrial peace. Section 63 provides that a strike or lock-out is illegal where it is commenced or declared in contravention of section 62 or continued contrary to an order issued under section 42(7). A strike or lock-out already in existence when adjudicatory proceedings commence does not become illegal

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<sup>7</sup> *General Labour Union (Red Flag) Bombay v. B.V. Chavan*, AIR 1985 SC 297.

<sup>8</sup> *Sri Ramachandra Spinning Mills v. State of Madras*, (1957) ILLJ 90 Mad.

merely by reason of those proceedings, provided that it was lawful when commenced. Section 63(3) retains the rule that a lock-out declared in consequence of an illegal strike, or a strike declared in consequence of an illegal lock-out, is not itself deemed illegal, recognising the principle of proportionality in industrial disputes.<sup>9</sup>

Penal consequences are now governed principally by section 84 of the Industrial Relations Code, 2020. A worker who commences, continues or furthers an illegal strike is liable under section 84(13) to a fine ranging from ₹1,000 to ₹10,000, imprisonment up to one month, or both. An employer who furthers an illegal lock-out is liable under section 84(14) to a fine ranging from ₹50,000 to ₹1,00,000, imprisonment up to one month, or both. Sections 84(15) and 84(16) separately address instigation and financial support for illegal industrial action, with imprisonment and fines as consequences.<sup>10</sup> Judicial interpretations have reinforced these provisions, emphasising that both employees and employers must adhere to procedural safeguards to prevent arbitrary actions.

The decisions cited in this article, including *Tata Iron & Steel Co Ltd v Their Workmen*<sup>11</sup> and *Delhi Cloth and General Mills Co Ltd v Their Workmen*,<sup>12</sup> should be expressly described as authorities decided under the former Industrial Disputes Act regime. Their reasoning remains relevant where the Industrial Relations Code reproduces or materially preserves the earlier statutory language, but each proposition must now be assessed against sections 2(u), 2(zk), 62, 63 and 84 of the Code. These judgments highlight that adherence to statutory procedures is crucial for legitimacy, and violations can render the industrial action unlawful.

In essence, the Industrial Disputes Act, 1947, provides a comprehensive framework that regulates strikes and lockouts, balancing the rights of workers and employers, maintaining industrial harmony, and safeguarding public interest.

## **B. Legal Framework Governing Strikes and Lockouts**

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<sup>9</sup> Industrial Relation Code, 2020, s. 63, 62, 42(7), 63(3).

<sup>10</sup> Industrial Relation Code 2020, ss. 84, 84(13), 84(14), 84(15), 84(16).

<sup>11</sup> *Tata Iron & Steel Co. Ltd. v. Their Workmen*, AIR 1972 SC 1917; (1972) 2 SCC 383.

<sup>12</sup> *Delhi Cloth & General Mills Co. Ltd. v. Workmen*, AIR 1967 SC 469.

Judicial decisions rendered under the Industrial Disputes Act, 1947 remain important to the historical development of Indian industrial-relations law. However, their application must now be read subject to the Industrial Relations Code, 2020, particularly because the Code extends notice obligations to all industrial establishments and expressly includes certain concerted casual leave within the definition of 'strike'. Judicial pronouncements play a vital role in clarifying the scope of legal provisions, the rights and duties of employers and employees, and the limits of permissible industrial action. Courts have consistently emphasised the need to follow statutory procedures, particularly regarding notice periods, conciliation proceedings, and restrictions on strikes and lockouts in essential services.

One of the landmark cases in this context is *Tata Iron & Steel Co. Ltd. v. Their Workmen* (1972)<sup>13</sup>. In this case, the Supreme Court addressed the legality of a lockout initiated by the employer in response to disruptive actions by employees. Read as a pre-Code authority, the decision demonstrates that a lock-out cannot be employed arbitrarily. Under the present regime, the legality of a lock-out must be assessed with reference to the definition in section 2(u), the notice and waiting requirements in section 62, and the illegality consequences in section 63 of the Industrial Relations Code, 2020. The judgment highlighted that employers cannot impose lockouts arbitrarily and must comply with statutory obligations, such as issuing prior notice and obtaining necessary approvals. The ruling reinforced the principle that both strikes and lockouts must operate within the framework of law and cannot be used as instruments of coercion beyond legal boundaries.

Another critical case is *Delhi Cloth and General Mills Co. Ltd. v. Workmen*, AIR 1967 SC 469<sup>14</sup>, which examined the legality of a strike conducted without prior notice in a public utility service. The decision should be treated as an illustration of the earlier statutory insistence on procedural compliance. Under the current framework, the relevant requirement is section 62 of the Industrial Relations Code, 2020, which extends notice obligations beyond the former public-utility-service framework<sup>15</sup>. The

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<sup>13</sup> *Tata Iron & Steel Co Ltd* (n 12).

<sup>14</sup> *Delhi Cloth & General Mills Co Ltd* (n 13).

<sup>15</sup> *Ibid*.

Court noted that abrupt work stoppages in essential services could have severe consequences for the public, thereby justifying statutory restrictions on strikes. This case established a precedent that procedural compliance, particularly notice periods, is fundamental to the legality of industrial actions.

The principles governing illegal strikes and lockouts have also been examined in *Madurantakam Co-op Sugar Mills v. Vishwanathan* (2005)<sup>16</sup> and *Mgmt. Oriental Tpt. Ltd. v. S. T. Ramkrishna* (2006). In *Madurantakam*<sup>17</sup>, the Supreme Court addressed the question of worker dismissal following an illegal strike. It ruled that employees could not be uniformly penalised for participating in an illegal strike, particularly when their conduct and level of participation differed. This judgment remains relevant to the principle that disciplinary consequences should reflect the individual worker's conduct and degree of participation. However, the present statutory penalty framework is contained in section 84 of the Industrial Relations Code, 2020, and any disciplinary action must additionally comply with applicable standing orders, service rules and principles of procedural fairness. Similarly, in *Mgmt. Oriental Tpt. Ltd.*<sup>18</sup>, the court clarified that disciplinary action against employees must be directly related to their involvement in industrial action and not for unrelated misconduct. These cases illustrate that judicial oversight ensures fairness in the application of penalties for illegal strikes or lockouts.

Judicial analysis further reveals a nuanced approach towards balancing employer authority and worker rights. The courts recognise that while employers have the right to protect operational and economic interests through lockouts, employees retain the right to strike as a collective bargaining tool. However, both actions are conditional upon adherence to statutory procedures. Courts ensure procedural compliance and prevent misuse of statutory provisions by either party.

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<sup>16</sup> *Management of Madurantakam Co-op. Sugar Mills Ltd. v. S. Viswanathan*, AIR 2005 SC 1954; (2005) 3 SCC 193.

<sup>17</sup> *Management of Oriental Transport Ltd. v. B.T. Ramakrishna & Ors.*, (2006) 1 ILLJ 598 (Kant) (Karnataka H.C.)

<sup>18</sup> *Ibid.*

Additionally, courts have addressed the implications of strikes or lockouts in essential services and public utility sectors. By enforcing compliance with section 62 of the Industrial Relations Code, 2020, courts and adjudicatory authorities may ensure that industrial action does not undermine conciliation, adjudication, binding settlements, awards or public welfare. For instance, in *Bharat Petroleum Corporation Ltd. v. Petroleum Employees' Union* (2003), the High Court of Madras held that employees participating in a strike during ongoing conciliation proceedings violated statutory restrictions, rendering the strike illegal.

By enforcing statutory requirements and addressing ambiguities in definitions and procedures, courts have strengthened the framework for industrial dispute resolution, promoting fairness, transparency, and industrial harmony. The jurisprudence highlights that while strikes and lockouts are powerful tools for negotiation; their exercise must remain strictly within the legal framework to protect both public welfare and individual rights.

### C. Judicial Interpretation and Case Laws

The legal regulation of strikes and lockouts in India can be better understood when compared with frameworks in other jurisdictions, particularly the United States and the United Kingdom. Such a comparative perspective highlights similarities, differences, and potential lessons for improving industrial relations.

In the United States, the right to strike is constitutionally protected for most workers under the National Labour Relations Act, 1935<sup>19</sup>, which empowers employees to engage in collective bargaining and to strike over disputes relating to wages, working conditions, and union recognition. However, strikes affecting essential services, such as healthcare or transport, are subject to restrictions. Lockouts by employers are also permitted as a lawful response to strikes or bargaining disputes. U.S. law places strong emphasis on negotiation and mediation but affords broader leeway for industrial action compared with India. Employees are generally entitled to reinstatement and

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<sup>19</sup> National Labor Relations Act, 1935 (United States).

protection from retaliatory dismissal, provided the strike is lawful and does not involve unfair labour practices.

In the United Kingdom, strikes and lockouts are regulated under the Trade Union and Labour Relations (Consolidation) Act, 1992.<sup>20</sup> Strikes are considered lawful if they are called by a recognised trade union and follow procedural requirements, including balloting and notice periods. Lockouts are less common but recognised as employer responses to industrial disputes. U.K. law emphasises conciliation through bodies such as Acas (Advisory, Conciliation and Arbitration Service), which mirrors the role of conciliation officers in India. Legal compliance, particularly regarding notice and authorisation, is crucial for the protection of both employees and employers.

Both the U.S. and U.K. frameworks offer broader protection for lawful strikes, highlighting the limited recognition of such rights in India. Indian law, in contrast, restricts strikes in public utility services and places procedural conditions on all industrial actions. While Section 24(3)<sup>21</sup> allows lockouts in response to illegal strikes, employees have comparatively limited protection, particularly in non-public utility sectors. The comparative study suggests that India could benefit from stronger legal recognition of the right to strike, coupled with enhanced dispute resolution mechanisms to reduce industrial unrest.

## **V. COMPARATIVE PERSPECTIVE**

The current legal framework governing strikes and lockouts under the Industrial Disputes Act, 1947, presents both strengths and limitations. While the Act provides detailed provisions for procedural compliance, notice periods, and conciliation, it often fails to address the practical realities of industrial disputes, leaving room for ambiguities and inconsistent enforcement.

One significant feature of the Industrial Relations Code, 2020 is its recognition of strikes and lockouts as regulated instruments of collective bargaining. Sections 62 and 63 establish the conditions governing notice, prohibition and illegality, while section

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<sup>20</sup> Trade Union and Labour Relations (Consolidation) Act, 1992 (United Kingdom).

<sup>21</sup> Industrial Disputes Act, 1947, s. 24(3).

63(3) preserves the statutory rule concerning industrial action declared in consequence of an illegal strike or illegal lock-out. Judicial interpretations, as seen in *Madurantakam Co-op Sugar Mills v. Vishwanathan* and *Mgmt. Oriental Tpt. Ltd. v. S. T. Ramkrishna*, reinforce fairness by emphasising proportionality in penalties and distinguishing levels of employee participation. This framework protects both parties from arbitrary action and encourages adherence to statutory procedures.

However, the Act also demonstrates significant limitations. The extension of notice requirements to all industrial establishments under section 62 may promote industrial continuity, but it may also delay collective action even in sectors outside essential services. Further, section 2(u) retains a definition of lock-out centred on temporary closure, suspension of work or refusal to employ, without expressly incorporating coercive intent. This continuing textual position requires careful judicial and doctrinal analysis<sup>22</sup>. This has allowed courts to interpret lockouts expansively, as in *Sri Ramchandra Spinning Mills v. State of Madras*<sup>23</sup>, but also creates uncertainty for employers regarding lawful exercise of authority.

Procedural requirements, while intended to maintain order, can be cumbersome. The sixty-day notice window and fourteen-day statutory waiting period under section 62 may delay collective action and intensify disputes where bargaining has already failed. Although section 53 requires conciliation where notice under section 62 has been given, the effectiveness of the framework depends upon prompt, neutral and adequately resourced conciliation. Moreover, the law does not clearly address the settlement of claims arising from illegal strikes or lockouts, leaving courts to apportion blame subjectively.

From a critical perspective, the Industrial Relations Code seeks to secure industrial peace but may place a greater procedural burden upon workers by extending strike-notice requirements to all industrial establishments. The retention of broad lock-out terminology and the asymmetry in statutory penalties require continued scrutiny to ensure that industrial regulation does not undermine meaningful collective

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<sup>22</sup> Industrial Relation Code, 2020.

<sup>23</sup> *Sri Ramachandra Spinning Mills v. State of Madras*, (1957) ILLJ 90 Mad.

bargaining, particularly in essential and non-public utility sectors. Comparative analysis indicates that stronger recognition of lawful strike rights and enhanced dispute resolution mechanisms could improve the effectiveness of the system, while the Industrial Disputes Act provides a structured framework for regulating strikes and lockouts, practical and conceptual gaps remain. The law could benefit from clearer definitions, streamlined procedures, and stronger protections for workers to ensure that industrial action functions as a genuine tool for negotiation rather than a source of legal vulnerability. Judicial interpretations mitigate some deficiencies, but legislative reforms may be necessary to achieve a more equitable balance between employer authority and employee rights.

## VI. CRITICAL ANALYSIS

The legality and justifiability of a strike are distinct concepts in Indian labour jurisprudence. Under the present Industrial Relations Code, 2020, a strike commenced contrary to section 62, or continued contrary to an order under section 42(7), is illegal under section 63. The legality inquiry concerns compliance with statutory requirements, whereas justifiability concerns the reasonableness of the workers' demands, the employer's conduct, the urgency of the dispute and the availability of alternative dispute-resolution mechanisms.

However, the legal consequence of this distinction was authoritatively settled by the Constitution Bench in *Syndicate Bank v. K. Umesh Nayak*.<sup>24</sup> Resolving the apparent divergence between *Churakulam Tea Estate (P) Ltd. v. Workmen, Crompton Greaves Ltd. v. Workmen*<sup>25</sup> and *Bank of India v. T. S. Kelawala*, the Court held that workers are entitled to wages for a strike period only where the strike is both legal and justified. Accordingly, an illegal strike does not entitle workers to wages merely because the grievance motivating it appears genuine or compelling.

*Crompton Greaves Ltd. v. Workmen* remains relevant because it explains that justifiability is a fact-sensitive inquiry. A strike may be unjustified despite formal legality where the workers act precipitately, employ violence or sabotage, or fail to

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<sup>24</sup> *Syndicate Bank v. K. Umesh Nayak*, AIR 1995 SC 319; (1994) 5 SCC 572.

<sup>25</sup> *Crompton Greaves Ltd. v. Workmen* (1978 AIR 1489)

pursue reasonable alternatives. Conversely, employer conduct, unfair labour practices, non-implementation of settlements or urgent workplace grievances may be relevant in assessing whether the workers' resort to collective action was justified. Yet such considerations cannot displace the statutory requirement of legality for the limited purpose of wage entitlement.

The distinction retains significance beyond wages. The factual circumstances underlying a strike may be relevant when an adjudicatory authority evaluates the proportionality of disciplinary measures against individual workers, particularly where degrees of participation differ. Nevertheless, justification does not legitimise violence, intimidation, sabotage, gherao or interference with essential services. The appropriate legal position is therefore that legality and justifiability must be assessed independently, but a claim for wages during a strike period succeeds only when both conditions are satisfied.

#### **A. Whether A Strike Is Justified Even If It Is Illegal**

The Industrial Relations Code, 2020 defines 'strike' in section 2(zk) as a collective cessation of work, a concerted refusal, or a refusal under a common understanding to continue work or accept employment. Significantly, the definition expressly includes concerted casual leave on a given day by fifty per cent or more workers employed in an industry, or a concerted refusal to continue to work or to accept employment." The focus is on collective withdrawal of labour from lawful duties. The question arises whether acts such as *gherao* or refusal to work beyond regular hours fall within this statutory definition.

A *gherao* involves physical confinement or obstruction of managerial or supervisory personnel to compel negotiation or concession. In *Jay Engineering Works Ltd. v. State of West Bengal*<sup>26</sup>, the Calcutta High Court held that a *gherao* does not constitute a strike but an act of wrongful restraint under the Indian Penal Code. The Court observed that coercive confinement cannot be equated with peaceful cessation of work. Similarly, in *R. S. Ruia v. State of West Bengal*<sup>27</sup>, it was held that *gherao* is not a legitimate form of

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<sup>26</sup> *Jay Engineering Works Ltd. v. State of West Bengal* (AIR 1968 Cal 407)

<sup>27</sup> *R. S. Ruia v. State of West Bengal* (1968 1 LLJ 593 Cal).

industrial protest as it infringes upon personal liberty. The Supreme Court in *Rohtas Industries Ltd. v. Rohtas Industries Staff Union*<sup>28</sup> later reinforced that while peaceful demonstration is lawful, coercion or intimidation falls outside the definition of a strike and is punishable under criminal law.

Cessation of work after normal hours must still be distinguished from a withdrawal of labour from contractual duties. Refusal to perform voluntary overtime will not ordinarily constitute a strike merely because it is concerted; however, concerted casual leave by fifty per cent or more workers may fall within section 2(zk), independently of the issue of overtime. In *Tata Iron & Steel Co. Ltd. v. Its Workmen* (AIR 1972 SC 1918)<sup>29</sup>, the Supreme Court held that refusal to perform overtime cannot be deemed a strike unless such overtime forms part of the contractual obligation. Employees cannot be compelled to render extra service unless their employment terms so require. Similarly, in *Express Newspapers Ltd. v. Their Workers*<sup>30</sup>, the Court noted that withdrawal from voluntary or discretionary duties outside fixed hours does not amount to cessation of employment under Section 2(q).

However, if workers collectively stop work before the scheduled time or obstruct others from performing duties, such action would meet the statutory definition of a strike, as seen in *Workmen of Motipur Sugar Factory v. Motipur Sugar Factory (P) Ltd.*<sup>31</sup>

Thus, while *gherao* represents coercion outside the legal framework of industrial protest, refusal to work beyond regular hours is not inherently a strike. The distinction lies in whether the conduct constitutes a withdrawal from normal duties or a coercive act interfering with management rights. The law thereby maintains a clear boundary between protected industrial action and unlawful coercion.

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<sup>28</sup> *Rohtas Industries Ltd. v. Rohtas Industries Staff Union* (1976 AIR 425).

<sup>29</sup> *Tata Iron & Steel Co Ltd* (n 12).

<sup>30</sup> *Express Newspapers Ltd. v. Their Workers* (AIR 1963 SC 569).

<sup>31</sup> *Motipur Sugar Factory v. Motipur Sugar Factory (P) Ltd.* (AIR 1965 SC 1803).

## VII. SUGGESTIONS AND RECOMMENDATIONS

Based on the analysis of strikes and lockouts under the Industrial Disputes Act, 1947, several recommendations can be proposed to strengthen the legal framework and improve industrial relations in India.

Firstly, the statutory conciliation process under section 53 should be implemented promptly and effectively whenever notice is issued under section 62. Since the notice regime now applies to industrial establishments generally, administrative rules should ensure that conciliation begins without avoidable delay and remains accessible to both workers and employers. Broadening this provision would allow disputes in other industries to be addressed through negotiation before escalation, reducing the frequency of industrial actions.

Secondly, the sixty-day notice window and fourteen-day waiting period under section 62 should be supported by clear electronic filing procedures, acknowledgement mechanisms and time-bound conciliation. This would reduce technical disputes concerning service of notice while preserving the Code's objective of providing a genuine opportunity for negotiated settlement.

Thirdly, the penalty structure in section 84 should be administered transparently and proportionately. Enforcement must distinguish among individual participation, instigation, financial support and employer responsibility, while ensuring that sanctions are not used to suppress legitimate collective bargaining or lawful industrial protest. Uniform enforcement across all industries would deter violations and enhance compliance, ensuring that industrial actions remain lawful and proportionate.

Fourthly, sector-specific guidelines should be introduced for industries critical to public welfare, such as healthcare, transport, and utilities. Tailored regulations would allow essential services to continue operating while safeguarding workers' rights, maintaining a balance between public interest and labour rights.

Fifthly, legal-awareness programmes should educate workers, trade unions and employers regarding the Industrial Relations Code, 2020, especially the expanded

definition of strike, the universal notice requirement, conciliation procedures and the consequences of unlawful industrial action. Increased understanding of procedural requirements, rights, and obligations would encourage voluntary compliance and reduce instances of illegal strikes or lockouts.

Finally, A strengthened conciliation framework with neutral oversight could ensure timely intervention and resolution. This body could monitor conciliation, arbitrate disagreements, and expedite settlements, providing a neutral platform that reduces reliance on judicial remedies and promotes industrial harmony.

Implementing these recommendations would enhance the effectiveness of the Industrial Disputes Act, ensuring that strikes and lockouts function as legitimate tools for negotiation while protecting workers' rights and sustaining industrial stability

## **VIII. CONCLUSION**

Both strikes and lockouts remain important mechanisms in industrial conflict, but their legality must now be assessed under the Industrial Relations Code, 2020. The Code regulates these measures through an expanded definition of strike, a uniform notice regime, statutory conciliation, restrictions during pending proceedings and a revised penalty framework for unlawful industrial action, balancing the interests of workers and employers.

Comparative analysis suggests that stronger recognition of the right to strike, improved dispute resolution mechanisms, and clearer procedural guidelines could enhance industrial harmony. Legislative and policy reforms, combined with awareness programmes, would ensure that strikes and lockouts are exercised responsibly and effectively.

In conclusion, the Industrial Relations Code, 2020 now provides the operative foundation for regulating strikes and lockouts in India. Its effectiveness will depend upon consistent interpretation, timely conciliation, proportionate enforcement and a balanced application that protects industrial continuity without rendering collective bargaining ineffective. Strengthening procedural clarity, safeguarding workers'

rights, and ensuring timely resolution of disputes will promote equitable industrial relations, protect public interests, and sustain workplace stability in India.

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6. General Labour Union (Red Flag) Bombay v. B. V. Chavan, AIR 1985 SC 297.
7. Jay Engineering Works Ltd. v. State of West Bengal, AIR 1968 Cal 407.
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10. Management of Oriental Transport Ltd. v. B. T. Ramakrishna, (2006) I LLJ 598 (Kant).
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15. Tata Chemicals Ltd. v. Workmen, AIR 1978 SC 828.
16. Tata Iron & Steel Co. Ltd. v. Their Workmen, AIR 1972 SC 1917; (1972) 2 SCC 383.
17. Workmen of Motipur Sugar Factory v. Motipur Sugar Factory (P) Ltd., AIR 1965 SC 1803.
18. Syndicate Bank v. K. Umesh Nayak, AIR 1995 SC 319; (1994) 5 SCC 572.
19. *T. K. Rangarajan v Government of Tamil Nadu*, (2003) 6 SCC 581.