

## **R.M.M. Law College, Saharsa**

**Pt. Lecturer- KESHAV KUMAR SHRIVASTAVA**

**L.L.B Part- 3<sup>rd</sup>**

**Subject- Labour Law**

**Paper- 6<sup>th</sup>**

**Date- 28/08/2020**

**Topic- Describe the law relating to strike under the Industrial Dispute Act.  
What are the different kinds of strike?**

**Introduction-** According to Industrial Disputes Act 1947, a strike is “a cessation of work by a body of persons employed in an industry acting in combination; or a concerted refusal of any number of persons who are or have been so employed to continue to work or to accept employment; or a refusal under a common understanding of any number of such persons to continue to work or to accept employment”.

This definition throws light on a few aspects of a strike. Firstly, a strike is referred to as stoppage of work by a group of workers employed in a particular industry. Secondly, it also includes the refusal of a number of employees to continue work under their employer. In a strike, a group of workers agree to stop working to protest against something they think is unfair where they work. Labors withhold their services in order to pressurize their employment or government to meet their demands. Demands made by strikers can range from asking for higher wages or better benefits to seeking changes in the workplace environment. Strikes sometimes occur so that employers listen more carefully to the workers and address their problems.

### **Procedure of Strikes-**

Proposal to go on strike should be intimated to management by way of prior notice, that is 14 days stipulated time period should be given to the management to respond or react so as to avoid strike. During this 14 days time no workmen should go on strike. Only after expiry of the that 14 days and management fails to respond or resolve issues within that 14 days, workers can go on strike on fixed date by giving notice of strike. Such strike should be done before the expiry of that six weeks only.

**Succinctly; Strike should be only after the expiry of 14 days of prior notice given to the management.**

### **According to Sec. 22(1)**

No person employed in a public utility service shall go on strike in breach of contract-

(a) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; or

(b) within fourteen days of giving such notice; or

(c) before the expiry of the date of strike specified in any such notice as aforesaid; or

(d) during the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.

### **Legal strikes and Lockouts [Section 24 of ID Act 1947]-**

A strike or a lockout shall be illegal, if employers or worker who ever disobeys or fails to follow [Sec 22, 23, 10(3), 10-A (4-A)] for commencing strikes or lockout, those strikes and lockout are said to illegal.

#### **Section**

22 Prohibition of strikes and Lockouts (Notice is mandatory in public utility services)

23 General prohibition of strikes and Lockouts (if said matter is pending before board, a Labour Court, Tribunal or national tribunal or arbitrator as mention under Sec 10 & 10A or settlement or about is in operation)

10 Reference of disputes to Boards, courts or Tribunals

10A Voluntary reference of disputes to arbitration

### **TYPES OF STRIKE-**

According to Industrial Disputes Act 1947, Strike [Sec. 2 (q)]: Strike means "a cessation of work by a body of persons employed in any industry acting in combination or a concerted refusal under a common understanding of any number of persons who are or have been so employed, to continue to work or to accept employment". Mere stoppage of work does not come within the meaning of strike unless it can be shown that such stoppage of work was a concerted action for the enforcement of an industrial demand.

#### **1) Economic Strike:**

Under this type of strike, labors stop their work to enforce their economic demands such as wages and bonus. In these kinds of strikes, workers ask for increase in wages, allowances like traveling allowance, house rent allowance, dearness allowance, bonus and other facilities such as increase in privilege leave and casual leave.

#### **2) Sympathetic Strike:**

When workers of one unit or industry go on strike in sympathy with workers of another unit or industry who are already on strike, it is called a sympathetic strike. The members of other unions involve themselves in a strike to support or express their sympathy with the members of unions who are on strike in other undertakings. The workers of sugar industry may go on strike in sympathy with their fellow workers of the textile industry who may already be on strike.

### 3) **General Strike:**

It means a strike by members of all or most of the unions in a region or an industry. It may be a strike of all the workers in a particular region of industry to force demands common to all the workers. These strikes are usually intended to create political pressure on the ruling government, rather than on any one employer. It may also be an extension of the sympathetic strike to express generalized protest by the workers.

### 4) **Sit down Strike:**

In this case, workers do not absent themselves from their place of work when they are on strike. They keep control over production facilities. But do not work. Such a strike is also known as 'pen down' or 'tool down' strike. Workers show up to their place of employment, but they refuse to work. They also refuse to leave, which makes it very difficult for employer to defy the union and take the workers' places. In June 1998, all the Municipal Corporation employees in Punjab observed a pen down strike to protest against the non-acceptance of their demands by the state government.

### 5) **Slow Down Strike:**

Go-slow is yet another form of industrial protest in which workmen do not stop the work but deliberately slow-down the process of production in order to cause loss of production to the employer. It must be noted that there is no cessation of work at all, and in fact, workmen pretend themselves as engaged in doing their work.

### 6) **Hunger strike:**

In this form of industrial protest, workmen resort to fasting near the workplace in order to demand the employer to redress their grievances.

**The End**