



## Right to Strike

**Prelims:** Article 19, Industrial Dispute Act, 1947, Fundamental Rights.

**Mains:** Right to Strike.

### Why in News?

The **Kerala High Court** has reiterated that government employees who participate in general strikes, affecting the normal life of the public and Public Exchequer, **are not entitled to be protected under [Article 19\(1\)\(c\) of the Constitution](#)** and are also a violation of the provisions of the Kerala Government Servants' Conduct Rules, 1960.

### What is Right to Strike?

#### ▪ About:

- Strike is the **collective refusal by employees** to work under the conditions required by employers. Strikes arise for a number of reasons, though **principally in response to economic conditions** (defined as an economic strike and meant to improve wages and benefits) or **labour practices** (intended to improve work conditions).
- In each country whether it is democratic, capitalist, socialist, give the **right to strike to the workers**. But this right **must be the weapon of last resort because if this right is misused, it will create a problem** in the production and financial profit of the industry.
- This would ultimately **affect the economy** of the country.
- In India, the **right to protest is a fundamental right under [Article 19](#)** of the Constitution of India.
- But right to strike is **not a fundamental right but a legal right** and with this right statutory **restriction is attached in the Industrial Dispute Act, 1947**.
  - The Industrial Dispute Act, 1947 is subsumed under **[The Industrial Relations Code, 2020](#)**.

#### ▪ Position in India:

- In India, unlike America, the right to strike is not expressly recognized by the law.
- The trade union Act, 1926 for the first time **provided limited right to strike by legalizing certain activities of a registered trade union** in furtherance of a trade dispute which otherwise breach of common economic law.
- Nowadays a right to strike is **recognized only to a limited extent permissible under the limits laid down by the law itself**, as a legitimate weapon of Trade Unions.
- The right to strike in the Indian constitution **set up is not an absolute right but it flows from the fundamental right to form a union**.
- As every other fundamental right is subject to reasonable restrictions, the same is also the case to form trade unions to give a call to the workers to go on strike and the **state can impose reasonable restrictions**.

#### ▪ Right to strike under International Convention:

- Right to strike has also been recognised by the conventions of the **[International Labour](#)**

### Organization (ILO).

- India is a founder member of the ILO.

## **What are the Important Supreme Court Judgements related to Right to Strike?**

- The Supreme Court in ***Delhi Police v. Union of India (1986)*** upheld the restrictions to form association by the members of the non-gazetted police force after the Police Forces (Restriction of Rights) Act, 1966, and the Rules as amended by Amendment Rules, 1970, came into effect.
- In ***T.K. Rangarajan v. Government of Tamil Nadu (2003)***, the Supreme Court held that the **employees have no fundamental right to resort to strike**. Further, there is prohibition to go on strike under the Tamil Nadu Government Servants' Conduct Rules, 1973.

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