BLOGS

Sectional Test on Strike and Lockout under the Labour Law for CLAT PG

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1. Under the Industrial Disputes Act, 1947, which of the following best describes a strike?

a) Collective refusal by workers to perform contractual obligations

b) Any protest by workers against the employer

c) Temporary closure of workplace by employer

d) Refusal to accept employment by employer

2. Which of the following is NOT included within the statutory definition of strike under the Industrial Disputes Act?

a) Cessation of work by employees

b) Refusal to continue work by employees

c) Concerted refusal to accept employment by employees

d) Closure of the undertaking by the employer

3. A strike in a public utility service is illegal if workers go on strike:

a) Without giving notice within six weeks before striking

b) Within fourteen days of giving notice

c) Before the expiry of the date specified in the notice

d) All of the above

4. Which of the following correctly states the time limit for notice of strike in public utility services?

a) Notice must be given within 30 days before strike

b) Notice must be given within 6 weeks before strike

c) Notice must be given within 3 months before strike

d) Notice must be given within 7 days before strike

5. Under the Industrial Disputes Act, strikes and lockouts are prohibited during the pendency of:

a) Conciliation proceedings before a conciliation officer

b) Proceedings before Labour Court or Industrial Tribunal

c) Arbitration proceedings

d) All of the above

6. Which of the following cases held that the right to strike is not a fundamental right?

a) Bangalore Water Supply v. A. Rajappa

b) T.K. Rangarajan v. Government of Tamil Nadu

c) Excel Wear v. Union of India

d) Workmen of Meenakshi Mills v. Meenakshi Mills Ltd.

7. Under the Industrial Disputes Act, a strike declared in contravention of Section 22 or Section 23 is classified as:

a) Unfair strike

b) Illegal strike

c) Justified strike

d) Constitutional strike

8. Which of the following best describes a lockout?

a) Closure of business permanently

b) Employer’s refusal to give work to employees

c) Temporary suspension of employment by employer during industrial dispute

d) Employer’s dismissal of workers

9. In which case did the Supreme Court observe that strike is a weapon of collective bargaining but not an absolute right?

a) Kameshwar Prasad v. State of Bihar

b) All India Bank Employees’ Association v. National Industrial Tribunal

c) Crompton Greaves Ltd. v. Workmen

d) T.K. Rangarajan v. Government of Tamil Nadu

10. Which of the following is NOT a requirement for a legal strike in public utility services?

a) Notice of strike

b) Waiting period of 14 days after notice

c) Approval of Labour Court

d) No strike during conciliation proceedings

11. Under the Industrial Disputes Act, a lockout declared in retaliation to an illegal strike is generally considered:

a) Illegal

b) Justified

c) Legal

d) Void

12. Which case laid down important principles for determining whether a strike or lockout is justified?

a) Crompton Greaves Ltd. v. Workmen

b) Bangalore Water Supply v. Rajappa

c) D.S. Nakara v. Union of India

d) Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha

13. Under the Industrial Relations Code, 2020, the notice requirement for strike has been extended to:

a) Only public utility services

b) All industrial establishments

c) Only government industries

d) Only essential services

14. Which of the following situations would NOT make a strike illegal?

a) Strike during conciliation proceedings

b) Strike during adjudication proceedings

c) Strike after expiry of conciliation proceedings

d) Strike during arbitration proceedings when arbitration is notified

15. Which principle governs the legality of strike and lockout in labour jurisprudence?

a) Absolute freedom of industrial action

b) Balance between industrial peace and collective bargaining

c) Freedom of contract

d) Employer supremacy

Answers

1. (A) Section 2(q) defines strike as a cessation of work by a body of persons employed in an industry acting in combination.
2. (D) Closure of undertaking is closure, not strike.
3. (D) Section 22 imposes strict procedural requirements for strikes in public utility services.
4. (B)
5. (D) Sections 22 and 23 prohibit strikes and lockouts during such proceedings.
6. (B) The Supreme Court in T.K. Rangarajan (2003) held that government employees have no fundamental right to strike.
7. (B) Section 24 defines illegal strikes and lockouts.
8. (C) Section 2(l) defines lockout as temporary closing of place of employment or refusal to continue to employ workers.
9. (B)
10. (C)
11. (C) A lockout in response to an illegal strike may be legal depending on circumstances.
12. (A)
13. (B) The Industrial Relations Code, 2020 extends the strike notice requirement to all establishments.
14. (C)
15. (B)