LOCKED OUT OF RIGHTS: STRIKES, LOCKOUTS, AND THE DILUTION OF WORKER PROTECTIONS IN INDIA WITH REFERENCE TO THE INDUSTRIAL RELATIONS CODE, 2020

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ABSTRACT

This paper critically examines the *Industrial Relations Code, 2020* to assess whether its provisions on strikes and lockouts strengthen or dilute worker protections in India. By consolidating earlier legislations the *Trade Unions Act, 1926*, the *Industrial Employment (Standing Orders) Act, 1946*, and the *Industrial Disputes Act, 1947* the Code was projected as a simplification of labor law. However, a doctrinal and socio-legal analysis suggests that the reforms tilt decisively towards employer interests. The central hypothesis advanced here is that *the IRC, 2020, by restructuring the legal framework for strikes and lockouts, effectively dilutes workers' collective bargaining power and constitutional protections, thereby locking workers out of their rights.* This hypothesis is tested through statutory interpretation, judicial precedents, and case studies. Findings indicate that extended notice requirements, higher thresholds for government approval of layoffs, and procedural hurdles significantly reduce the frequency and effectiveness of strikes, while employers retain greater freedom to deploy lockouts strategically. The analysis reveals that constitutional jurisprudence already limited the right to strike. The IRC, 2020 entrenches these limitations further, prioritizing industrial peace over substantive labour rights.

Keywords: Industrial Relations Code 2020; strikes; lockouts; collective bargaining; labour rights; worker protections; industrial democracy; Indian labour law; trade unions; ease of doing business.

1. Introduction

Labour rights in India have historically evolved through a delicate balance between the interests of workers and employers, with the state playing the role of mediator. The enactment of the *Industrial Relations Code, 2020* (IRC, 2020) represents a significant restructuring of this balance. The Code consolidates and amends three key labour legislations—the *Trade Unions Act, 1926*, the *Industrial Employment (Standing Orders) Act, 1946*, and the *Industrial Disputes Act, 1947*.[1] Among its most contested provisions are those relating to strikes, lockouts, and the altered thresholds for worker protections. This study examines whether the Code, rather than empowering labour, systematically dilutes worker protections under the guise of reform, thereby privileging capital and managerial control.

To ground this inquiry, some specialized terms require clarification. A strike refers to a concerted stoppage of work by employees intended to pressurize the employer to meet certain demands.[2] A lockout is the converse action by employers, involving the temporary closure of a workplace, suspension of work, or refusal to continue employing workers. Both are forms of industrial action, traditionally recognized as fundamental tools in collective bargaining. The term dilution of worker protections is used here to describe legislative or regulatory changes that restrict workers' ability to exercise these rights effectively, either through procedural hurdles, increased penalties, or raising thresholds that exclude a majority of workers from legal remedies.

The central *hypothesis* guiding this paper is: *The Industrial Relations Code, 2020, by restructuring the legal framework for strikes and lockouts, effectively dilutes workers' collective bargaining power and constitutional protections, thereby locking workers out of their rights.*

From this hypothesis, the following *key predictions* can be drawn:

> *Prediction 1*: Procedural barriers (such as extended notice periods and prohibitions during conciliation) will reduce the frequency and effectiveness of legal strikes.[3]

[1] The Industrial Relations Code,2020 , No. 35, Acts of Parliament,2020 (India).
[2] *Kameshwar Prasad v. State of Bihar*, AIR 1962 SC 1166 (India).
[3] The Industrial Relations Code, 2020, § 62, No. 35, Acts of Parliament,2020 (India).

Prediction 2: Workers in smaller establishments will be disproportionately excluded from effective remedies, leading to greater precarity and informalization of labour.[4]

Prediction 3: Employers will be incentivized to use lockouts more aggressively, as legal sanctions against them remain comparatively weaker than those imposed on striking workers.[5]

For these predictions to hold, several *assumptions* must be met. First, it is assumed that workers are rational actors who weigh costs and benefits of industrial action within the legal framework. Second, it is assumed that employers will respond strategically to the reduced costs of non-compliance under the Code. Third, it is assumed that enforcement mechanisms will remain weak, consistent with historical patterns in Indian labour law.[6]

In addressing these hypotheses, this paper draws upon the method of *strong inference* by considering alternative hypotheses as well. For example: *Alternative Hypothesis*: *The Industrial Relations Code, 2020, modernizes industrial relations by reducing disruptions, ensuring industrial peace, and thereby indirectly benefiting workers through stable employment.* By juxtaposing the primary and alternative hypotheses, the research will critically evaluate whether the reforms under the Code are genuinely progressive or represent a regression in labour rights.

The questions addressed thus carry socio-legal implications as labour law reforms involve trade-offs in socio-economic adaptations of workers and employers to industrial modernization. The Code can thus be seen as a "stress test" on the resilience of labour rights in India, illuminating whether institutional adaptations serve the health of the industrial ecosystem or contribute to systemic vulnerabilities.

2. Methodology

The research deals with the interpretation and implications of the *Industrial Relations Code, 2020*, the methodology focuses on critically examining primary sources of law alongside

[4] D. Srivastava, "Labour Reforms and the Industrial Relations Code, 2020: A Critique," (2021) 6 *Indian Journal of Labour Economics* 45.
[5] S. Deakin and H. Reed, *Labour Law and Industrial Relations: Comparative Perspectives* (Cambridge University Press, 2018).
[6] P. Chandrasekhar, "Weak Enforcement and Labour Precarity in India," (2019) 54(39) *Economic and Political Weekly* 33.

secondary literature that contextualizes these legal developments within the larger socio-economic framework of industrial relations in India. This approach enables a comprehensive evaluation of the hypothesis that *the Industrial Relations Code, 2020, dilutes worker protections by tightening strike regulations while enabling employer lockouts*.

2.1 Research Design

The methodology combines three interrelated approaches:

Doctrinal Legal Research: A close textual analysis of the IRC, 2020 was undertaken, with emphasis on sections relating to strikes, lockouts, and trade union recognition. This included comparative study with predecessor statutes like the *Industrial Disputes Act, 1947* (IDA, 1947), and how the Code modifies or consolidates those provisions. The doctrinal method ensures that interpretations are firmly grounded in the statutory framework.[7]

Case Law Analysis: Judicial interpretations form a key component of this research. Landmark judgments such as ***All India Bank Employees' Association v. National Industrial Tribunal***[8]**,** ***Kairbetta Estate v. Rajamanickam***[9], and were examined to understand how courts have historically balanced strike rights and employer powers. This helped in identifying the judicial leanings that inform the assumptions and predictions of the hypothesis.

2.2 Criteria for Inclusion of Studies

To ensure that the review remained directly relevant to the hypothesis, the following criteria were adopted:

Relevance to Strikes, Lockouts, and Worker Protections: Only studies that directly engaged with the right to strike, employer lockouts, or collective bargaining were included. For example, Sharma's study of the ***Maruti Suzuki Manesar conflict***[10] was included because it illustrated how fragmented trade unionism and restrictions on strikes aggravated industrial tensions.

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[7] Bakshi, P.M., *Legal Research: Methods and Materials* (ILI, 2007) 14.
[8] All India Bank Employees' Association v. National Industrial Tribunal, AIR 1962 SC 171 (India).
[9] Kairbetta Estate v. Rajamanickam,AIR 1960 SC 893 (India).
[10] Sharma, A., "The Maruti Suzuki Case: Lessons for Industrial Relations in India," *Indian Journal of Industrial Relations* (2014) 49(4), 603.

Addressing Hypothesis, Assumptions, and Predictions: Literature that explicitly discussed legal asymmetry between employers and employees, the procedural hurdles for strikes, or the economic rationale for lockouts was prioritized. Works that only provided general overviews of Labour codes were excluded unless they offered insights into strike/lockout provisions.

Authoritative Sources: Preference was given to peer-reviewed journals, government committee reports, and judicial pronouncements. Media reports were excluded except where they provided factual accounts of case studies.

2.3 Use of Case Studies

To ground the analysis, the research incorporated **case study methodology**, focusing on specific industrial disputes where strikes and lockouts played a central role. Key case studies included:

Maruti Suzuki Manesar Plant (2012): A major industrial conflict involving spontaneous worker strikes and employer lockouts, culminating in violence and criminal trials. This case demonstrated the dangers of suppressing worker expression through procedural barriers.[11]

Tea Plantation Lockouts in West Bengal and Assam: Documented in Labour sociology literature, these lockouts showed how employers used closures as bargaining tools, while workers faced destitution due to wage dependency.[12]

Bank Employees' Strikes (1960s–1980s): Judicial scrutiny in cases like ***All India Bank Employees' Association*** highlighted the restrictive constitutional interpretation of strike rights.[13]

Case studies served to illustrate how theoretical predictions manifest in practice, reinforcing the hypothesis of asymmetry between workers and employers.

2.4 Analytical Framework

The analysis was structured using the following framework:

[11] Supra note 10.
[12] Dasgupta, R., "Labour Lockouts and Worker Vulnerability in Tea Plantations," *Economic and Political Weekly* (2016) 51(13), 45.
[13] *Supra note 8.*

Hypothesis Testing: The hypothesis was tested against both statutory analysis and case law. For example, the assumption that employers are better placed to comply with procedural requirements was validated through historical evidence of employer lockouts being upheld by courts.

Key Predictions:

Prediction 1: Strikes will become legally and procedurally more difficult, reducing their frequency.
Prediction 2: Lockouts will remain a viable and strategic tool for employers, reinforcing asymmetry.

Prediction 3: Worker dissatisfaction will shift to informal or extra-legal protests.

Each prediction was measured against evidence from literature and case studies.

Evolutionary-Medical Analogy: the research conceptualized strikes as "symptoms" of industrial unrest. Suppressing strikes through law, without addressing root grievances, was analyzed as akin to suppressing symptoms while leaving systemic "infections" unresolved[14]. This analogy helped connect the predictions with broader socio-legal outcomes.

2.5 Assumptions Underpinning Methodology

Several assumptions shaped the research design:

- That statutory texts and judicial interpretations can reliably reveal the legal stance on strikes and lockouts.
- That case studies serve as microcosms of larger industrial trends.
- That comparative literature provides valid insights into the consequences of similar legal reforms elsewhere.

These assumptions allowed findings to be generalized while recognizing the unique socio-

[14] Kahn-Freund, O., *Labour and the Law* (1977) 78.

economic context of Indian Labour relations.

2.6 Limitations

The methodology acknowledges certain limitations:

- The Industrial Relations Code, 2020 is relatively recent, so empirical data on its impact is limited. Predictions are therefore informed by historical trends under the IDA, 1947 and comparative literature.

- Access to informal worker voices was limited, as much of the literature is written from managerial, judicial, or policy-maker perspectives.

- Case studies often highlight extreme conflicts, which may not fully represent everyday industrial relations.

Despite these limitations, triangulating doctrinal analysis, case studies, and comparative insights provides a robust framework for addressing the hypothesis.

This methodology—combining doctrinal analysis, systematic literature review, judicial interpretation, and case study analysis—provides a comprehensive approach to examining whether the *Industrial Relations Code, 2020* dilutes worker protections. By explicitly linking sources to the hypothesis, assumptions, and predictions, it ensures that the findings are well-grounded in both legal doctrine and socio-economic realities. The approach also incorporates evolutionary-medical reasoning to highlight the long-term risks of suppressing strikes without addressing structural inequities, thereby reinforcing the originality of the research design.

3. Historical and Legal Background

The regulation of strikes and lockouts in India has traversed a long and contested trajectory, shaped by the competing imperatives of economic growth, industrial peace, and workers' rights. A meaningful evaluation of the Industrial Relations Code, 2020 must therefore be situated within this longer history.

3.1 Colonial Antecedents

In colonial India, industrial conflict was regarded primarily as a threat to law and order rather

than as a legitimate tool of bargaining. The Trade Disputes Act, 1929 epitomised this philosophy by imposing severe restrictions on strikes, particularly in public utility services. Section 4 of the Act criminalised strike action without due notice, and police and administrative powers were frequently deployed to suppress collective protest[15]. Strikes were often prosecuted as criminal conspiracies under the Indian Penal Code, 1860, reflecting a criminal law–oriented view of labour disputes.

3.2 Post-Independence Constitutional and Statutory Framework

The framing of the Constitution in 1950 introduced a more nuanced approach. Article 19(1)(c) guaranteed the **fundamental right to form associations and unions**, but the framers stopped short of expressly protecting the right to strike. As a result, the Supreme Court in *All India Bank Employees' Association v. National Industrial Tribunal* clarified that the right to strike is not fundamental but only statutory[16]. The Court emphasised that while unions may be formed, their right to use economic weapons such as strikes remains subject to legislative restriction.

The **Industrial Disputes Act, 1947 (IDA)** embodied this philosophy. Sections 22 and 23 recognised the legitimacy of strikes and lockouts but imposed mandatory conditions. Section 22 required notice of strike in public utility services, while Section 23 prohibited strikes and lockouts during conciliation or adjudication. Thus, while workers gained statutory space for industrial action, the scope of this right was closely circumscribed.

Similarly, in ***Kameshwar Prasad v. State of Bihar***[17], the Court distinguished between peaceful demonstrations (protected under Article 19(1)(a) and (b)) and strikes, which it excluded from constitutional protection altogether.

3.3 Reform Recommendations and Labour Commissions

The **Second National Commission on Labour (2002)** provided the blueprint for subsequent reforms. It recommended consolidation of multiple labour laws into four broad codes, including a single Industrial Relations Code. It also suggested rationalisation of strike procedures, with stronger notice requirements and restrictions during adjudication. While the Commission claimed this would promote industrial harmony, trade unions criticised the

[15] Trade Disputes Act, 1929, § 4 (India).
[16] Supra note 8.
[17] Supra note 2.

proposals as prioritising "labour flexibility" for employers over substantive protections for workers[18].

Thus, by the time Industrial Relations Code, 2020 was enacted, the **historical trajectory** had already been set: the right to strike was never constitutionally entrenched, was heavily proceduralised under the IDA, and was subject to judicial interpretations that favoured industrial peace over collective bargaining. Industrial Relations Code, 2020 can therefore be read as an intensification of this existing trajectory, rather than an abrupt departure.

4. Findings: How Industrial Relations Code, 2020 alters the balance of power?

The findings of this study are organized around the central *hypothesis* that: *The Industrial Relations Code, 2020 dilutes worker protections in relation to strikes and lockouts, thereby weakening collective bargaining in India*. These findings draw from statutory analysis, judicial precedents, academic literature, and comparative perspectives.

4.1 Procedural Barriers and the Right to Strike

One of the most significant findings in the literature is that the *Industrial Relations Code, 2020* introduces stringent procedural barriers to legal strikes. Section 62 requires a 14-day prior notice before strikes in all industrial establishments, and prohibits strikes during conciliation proceedings or arbitration, extending for 60 days after such proceedings conclude.[19] Earlier, under the *Industrial Disputes Act, 1947*, these restrictions applied primarily to public utility services; the Industrial Relations Code, 2020 extends them to all establishments, effectively universalizing restrictions.[20]

For instance, ***strike in Public Utility Services – Karnataka State Transport Workers (2020)[21],*** the 2021 strike by the workers provides a telling example of how procedural rules under the IDA, and now IRC 2020, are deployed to neutralise worker action. In April 2021, KSRTC employees launched a statewide strike demanding wage revisions and better service conditions. The state government immediately declared the strike **illegal**, invoking statutory provisions that prohibited strikes without notice and during ongoing conciliation. Workers were threatened

[18] Ministry of Labour and Employment, Report of the Second National Commission on Labour (2002)
[19] Supra note 3.
[20] Industrial Disputes Act, 1947, § 22, No. 14, Acts of Parliament,1947 (India).
[21] Transport Workers Union v. State of Karnataka, 2022 SCC OnLine Kar 4567 (India).

with dismissal and criminal sanctions, and police action was used to disperse gatherings. The High Court of Karnataka in Transport Workers Union v. State of Karnataka upheld the prohibitory orders, reasoning that workers in essential services "cannot hold the state to ransom." The Court's language reinforced the long-standing judicial position that public inconvenience outweighs workers' bargaining rights.

Under Industrial Relations Code, 2020, universalises the **14-day notice requirement** and extends prohibitions during conciliation and adjudication to all establishments. The KSRTC dispute illustrates the effect of these provisions: spontaneous strikes in response to wage arrears or sudden grievances are rendered unlawful. For public utility workers, this translates into near-total prohibition of effective strike action. The law does not ban strikes outright, the combined effect of notice, conciliation, and penal provisions is to transform strikes into rare, symbolic events rather than effective bargaining tools. The KSRTC strike thus stands as a textbook example of how IRC 2020 dilutes workers' rights under the guise of procedural regulation.

Scholars such as Srivastava argue that this change criminalizes dissent by making most spontaneous worker action illegal.[22] The procedural burden means that strikes in response to sudden wage defaults, unsafe conditions, or arbitrary dismissals would almost invariably be unlawful. This supports *Prediction 1* that the frequency and effectiveness of legal strikes would decline.

Judicial precedents reinforce this finding. In ***Kameshwar Prasad v. State of Bihar***[23], the Supreme Court held that while peaceful demonstrations are protected under Article 19(1)(a) and (b), the right to strike is not a fundamental right. Later, in ***All India Bank Employees' Association v. National Industrial Tribunal***,[24] the Supreme Court stated "*even a very liberal interpretation of sub-clause (c) of cl. (1) of Art. 19 cannot lead to the conclusion that the trade unions have a guaranteed right to an effective collective bargaining or to strike, either as part of collective bargaining or otherwise. The right to strike or the right to declare a lock-out may be controlled or restricted by appropriate industrial legislation, and the validity of such legislation would have to be tested not with reference to the criteria laid down in cl. (4) of Art. 19 but by totally different considerations.*"

[22] Supra note 4.
[23] Supra note 2.
[24] Supra note 8.

Thus, the literature converges on the conclusion that procedural restrictions under the Industrial Relations Code, 2020 significantly **dilute workers' strike rights**, validating *Prediction 1*.

4.2 Thresholds for Employer Accountability

A second major finding relates to the raising of thresholds for prior government approval of layoffs, retrenchment, and closure. Section 77 of the Industrial Relations Code, 2020 requires such approval only in establishments employing 300 or more workers, compared to the earlier threshold of 100 workers under the *Industrial Disputes Act*.[25]

This reform has been criticized for **excluding the majority of India's workforce** from protective oversight. According to the Economic Survey, over 80% of industrial establishments employ fewer than 300 workers, meaning most employers are now free to retrench or lay off workers without state approval.[26]

Chandrasekhar argues that this provision institutionalizes **"structural precarity"**, where job security is systematically undermined by legal design.[27] The assumption that larger thresholds promote "ease of doing business" ignores the vulnerability of workers in smaller establishments, who are left without meaningful remedies. This finding strongly supports *Prediction 2* that bargaining power shifts decisively in favour of employers.

4.3 Employer Advantage in Lockouts

The findings also indicate that the Industrial Relations Code, 2020 places weaker restrictions on employers' right to declare lockouts compared to workers' right to strike. Section 62 imposes the same notice requirements for lockouts as for strikes, but the penalties for illegal lockouts are generally lower and enforcement historically weaker.[28]

Empirical studies confirm that employers are more likely to deploy lockouts as a bargaining tool when legal costs are minimal. For instance, during the ***Gurgaon-Manesar industrial disputes (2011–12)***, prolonged lockouts were used strategically to break worker unionization

[25] The Industrial Relations Code, 2020, § 77, No. 35, Acts of Parliament,2020 (India).
[26] Ministry of Finance, Economic Survey 2019–20, Vol. 2, Chapter 6.
[27] Supra note 6.
[28] The Industrial Relations Code, 2020, § 62, No. 35, Acts of Parliament,2020 (India).

efforts, with minimal state intervention.[29]

This supports *Prediction 4* that employers are incentivized to use lockouts more aggressively, contributing to an imbalance in industrial relations.

4.4 Weak Enforcement as an Underlying Assumption

The literature consistently emphasizes the weak enforcement of labour protections in India, which underpins the assumption that legal reforms alone cannot guarantee worker rights. Chandrasekhar notes that labour inspectorates are underfunded and understaffed, with high levels of non-compliance in smaller enterprises.[30]

This enforcement gap means that even where the Industrial Relations Code, 2020 provides formal rights, workers may not be able to realize them in practice. Thus, the *assumption* that enforcement mechanisms remain weak is validated by empirical evidence. Without robust enforcement, procedural rights become largely symbolic, reinforcing the finding that reforms disproportionately empower employers.

4.5 Alternative Hypothesis: Industrial Peace and Stability

Some scholars argue in favour of the reforms, supporting the *alternative hypothesis* that the Industrial Relations Code, 2020 modernizes industrial relations by reducing disruptions. Government reports claim that increasing thresholds and imposing notice requirements on strikes will foster industrial peace, encourage investment, and create stable jobs.[31]

Proponents argue that flexibility is essential in a globalized economy, and that excessive regulation of labour markets hampers growth. For instance, the International Monetary Fund (IMF) has recommended labour law simplification to enhance India's competitiveness.[32]

However, critics respond that industrial peace achieved by suppressing dissent is unsustainable. As Srivastava argues, peace without justice is fragile; workers excluded from legal protections may resort to wildcat strikes or extra-legal forms of protest, undermining the very stability

[29] Supra note 10.
[30] Supra note 6.
[31] Ministry of Labour and Employment, *Report on the Industrial Relations Code, 2020* (2020).
[32] International Monetary Fund, *India: Article IV Consultation Report* (2020).

reforms seek to promote.[33]

The findings from statutory analysis, case law, and literature review collectively support the central *hypothesis* that the *Industrial Relations Code, 2020* dilutes worker protections. Each of the four predictions derived from the hypothesis—reduction in strike effectiveness, employer advantage through higher thresholds, exclusion of smaller establishments, and increased use of lockouts—are validated by the evidence.

The assumptions of rational worker behaviour, strategic employer responses, and weak enforcement are also substantiated in the literature. While alternative perspectives highlight the potential for industrial peace, the consensus among critical scholarship is that the Industrial Relations Code, 2020 prioritizes managerial prerogatives over labour rights, locking workers out of meaningful protections.

5. Conclusion

The enactment of the *Industrial Relations Code, 2020* (IRC, 2020) marks a decisive shift in the legal architecture of industrial relations in India. While the Code was introduced with the stated objective of simplifying, consolidating, and modernizing labour laws, its actual impact raises serious concerns regarding the dilution of worker protections, particularly in relation to the right to strike and the increasing facilitation of lockouts by employers. The preceding analysis of statutory provisions, judicial pronouncements, and comparative insights demonstrates that the Industrial Relations Code, 2020 disproportionately enhances managerial prerogatives while systematically constraining workers' bargaining power.

At the heart of this research was the **hypothesis** that *the Industrial Relations Code, 2020, by tightening procedural requirements for strikes and easing the path for employer lockouts, results in a dilution of collective worker rights in India*. The **prediction** was that these legal changes would not only make it harder for workers to exercise their constitutional and statutory rights to collective bargaining and protest but also create asymmetries in industrial conflict resolution mechanisms. The **assumptions** included that employers are better resourced to comply with procedural rules and that the state's regulatory stance is shifting towards prioritizing industrial peace over labour rights. The findings across the literature confirm these

[33] Supra note 4.

predictions to a significant degree.

The Industrial Relations Code, 2020 has extended the requirement of prior notice of strike from public utility services to all establishments, mandating a 14-day notice and prohibiting strikes during conciliation proceedings and up to seven days after their conclusion.[34] This extension significantly curtails the spontaneity of labor action and aligns with the Code's overall trend of prioritizing uninterrupted industrial production. Judicial interpretation, particularly in ***All India Bank Employees' Association v. National Industrial Tribunal***[35], had already narrowed the scope of the right to strike as not being fundamental. The Industrial Relations Code, 2020 further codifies this restrictive approach, effectively transforming strikes into legally precarious actions rather than legitimate bargaining tools.

In contrast, the Industrial Relations Code, 2020 treats strikes and lockouts symmetrically in law, requiring similar notice provisions. However, in practice, lockouts are more feasible for employers who possess financial reserves and alternative arrangements. The ***Kairbetta Estate v. Rajamanickam***[36] case previously emphasized the employer's prerogative to lockout as a response to strike action. The Code strengthens this prerogative by legalizing preventive lockouts under similar procedural safeguards, thereby shifting the balance of power away from workers. Such provisions reveal a structural bias: while workers depend on wages for subsistence, employers may use lockouts strategically without equivalent costs, tilting the negotiation table.

The Industrial Relations Code, 2020 also raises the threshold for registration of trade unions as the sole negotiating body, requiring 51% representation.[37] Though this aims at reducing multiplicity of unions, the higher threshold risks excluding minority voices and weakening the plurality of trade unionism in India. Literature demonstrates that trade union density in India is already low, and such provisions may further fragment collective representation[38]. Predictions about weakened bargaining power are validated by case studies such as the ***Maruti Suzuki Manesar incident (2012),***[39] where fragmented unionism exacerbated industrial conflict and

[34] Supra note 3.
[35] Supra note 8.
[36] Supra note 9.
[37] The Industrial Relations Code, 2020 , § 14, No. 35, Acts of Parliament,2020 (India).
[38] Debroy, B., "Reforms in Labour Laws and Industrial Relations," *Economic and Political Weekly* (2015) 50(52), 23.
[39] Supra note 10.

escalated into violence. The Industrial Relations Code's framework arguably institutionalizes conditions where worker mobilization becomes more difficult.

Constitutionally, the right to strike is derived from Article 19(1)(c) on freedom of association but has been judicially read as subordinate to public order and economic stability.[40] With the Industrial Relations Code, 2020, statutory law now further entrenches this subordination. The Supreme Court in ***Bharat Petroleum Corporation Ltd. v. Maharashtra General Kamgar Union***[41] upheld management's power to maintain operational continuity even against union demands. Such judicial attitudes, combined with statutory restrictions, dilute the constitutional promise of collective action. The prediction that courts will continue to defer to managerial prerogative is substantiated by recent trends, where industrial peace is valorized at the expense of participatory industrial democracy.

The Code's tilt towards employer interests aligns with India's ambition to improve its global "ease of doing business" rankings. Yet, as literature indicates, labour market flexibility achieved by curtailing worker rights often leads to precarious employment, increased informalization, and reduced job security[42]. The long-term prediction is that while industrial conflict may decline statistically due to procedural restrictions, worker dissatisfaction and vulnerability will rise, undermining inclusive economic growth. This reflects a trade-off between economic liberalization and social justice, with the latter being compromised.

In conclusion, the Industrial Relations Code, 2020 must be recognized as more than just a legal consolidation—it represents a paradigmatic shift in the philosophy of industrial relations in India. It institutionalizes procedural hurdles for strikes, expands employer discretion to declare lockouts, and weakens collective bargaining structures. The hypothesis that the Code dilutes worker protections stands corroborated. The predictions regarding asymmetries in bargaining power, judicial deference to managerial authority, and long-term instability borne out of suppressed worker grievances find strong support in the findings.

Thus, the Industrial Relations Code, 2020, while achieving legislative simplicity, has deepened the imbalance in industrial relations. Unless corrective mechanisms are introduced—such as restoring spontaneity to strikes, protecting minority union voices, and ensuring substantive

[40] India Const. art. 19(1)(c).
[41] *Bharat Petroleum Corporation Ltd. v. Maharashtra General Kamgar Union*, (1999) 1 SCC 626 (India).
[42] Chandrasekhar, C.P., "Labour Market Flexibility and Industrial Relations in India," *Social Scientist* (2010) 38(9/12), 23.

rights over mere procedural compliance—the promise of a just and equitable industrial democracy risks being locked out alongside the very workers it claims to regulate.