
GO-SLOW STRIKES IN INDIA: A LEGITIMATE ILLEGALITY

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ABSTRACT

The “go-slow” strike is one of the most debated forms of industrial protest. Unlike a normal strike, where work completely stops, a go-slow involves employees deliberately reducing their speed of work while staying on duty. This blurs the line between obedience and protest, creating a legal dilemma for courts and lawmakers. In India, both the Industrial Disputes Act, 1947 (IDA) and the Industrial Relations Code, 2020 (IRC) regulate strikes but do not clearly define or permit go-slow actions. Courts have generally viewed it as a dishonest practice, while workers see it as a peaceful way to put pressure on employers without risking dismissal. This paper examines the legal position of go-slow actions in India, analyses important judicial decisions, and compares international practices. It argues that India’s strict approach is outdated and that a more balanced legal framework should be adopted.

INTRODUCTION

The right to strike is widely recognized as an essential part of industrial democracy. It allows workers to collectively raise their voices for fair wages, humane working conditions, and social dignity. In India, although the right to strike is not a fundamental right, it holds an important place in labour law. However, not all strikes look the same. One of the more subtle and complex forms of protest is the “go-slow” where workers intentionally reduce their work pace to put pressure on the employer, without completely stopping work.

A go-slow strike sits in a grey area between obedience and defiance. Workers remain present and appear to be working, yet they reduce output. Employers consider this deceitful since workers receive wages without doing full work, while employees see it as a non-violent and practical form of protest.

This tension has led to serious legal uncertainty. The Industrial Disputes Act, 1947, defines and regulates lawful strikes but says nothing about go-slow. Over time, courts have interpreted it mostly as misconduct. The Industrial Relations Code, 2020, which replaced the IDA, continues the same approach by classifying go-slow as an “unfair labour practice.” This paper traces the history and legal development of the go-slow strike in India, analyses major court decisions, and suggests reforms to create a fairer balance between discipline and workers’ rights.

HISTORICAL EVOLUTION OF INDUSTRIAL PROTEST IN INDIA

Industrial protest in India has gone through several phases. During the colonial period, workers often protested through strikes and slowdowns in textile mills and railways. British authorities saw such protests as a threat to order and criminalized them under laws like the Trade Disputes Act, 1929, which valued industrial peace over workers’ rights.

After independence, the Industrial Disputes Act, 1947 aimed to create a system of conciliation and adjudication while giving limited recognition to strikes. However, the Act heavily favored employers because it imposed many procedural hurdles before a strike could be called. In this restrictive environment, the go-slow emerged as a creative way for workers to protest without technically violating the law.

Since the IDA did not define go-slow, courts had to interpret it themselves. Over the years, most judges viewed it negatively, influenced by colonial attitudes that equated industrial

discipline with social order. The Industrial Relations Code, 2020, despite its promise of modernization, retained this traditional bias and continued to treat go-slow as an offence rather than a legitimate form of dissent.

CONCEPT AND LEGAL FOUNDATION

A go-slow strike happens when employees deliberately reduce their speed of work to protest against low wages, poor working conditions, or unfair policies.¹ It is a protest method that maintains presence at work but reduces productivity, thus putting economic pressure on the employer. Because work continues, it is harder for employers to detect or punish compared to a full strike.

Section 2(q) of the Industrial Disputes Act, 1947 defines a “strike” as “a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal to continue to work or to accept employment.”² This definition clearly refers to a complete stoppage of work, not a slowdown. Therefore, a go-slow does not qualify as a strike under this section.

However, Schedule V, Part II of the IDA specifically lists “wilful slowing down of work or abetment thereof” as an unfair labour practice by workmen,³ which is punishable under Section 25-U.⁴ The Industrial Relations Code, 2020, repeats the same position. Section 2(zk) defines “strike” in similar terms⁵ and Schedule II again calls “wilful go-slow” an unfair labour practice.⁶ Thus, the law clearly treats go-slow as an offence.

This classification effectively criminalises go-slow actions by assuming dishonesty rather than protest. It forms the basis for the judiciary’s consistent disapproval of this method.

JUDICIAL PRONOUNCEMENTS

Early Judicial Approach

¹ S.N. Dhyani, “Strike: A Study in State Controls and Adjustment of Industrial Relations in India”, (1965) 1 Shri Ram Centre for Industrial Relations and Human Resources 100, 106.

² *Industrial Disputes Act 1947* (India) s 2(q).

³ *Industrial Disputes Act 1947* (India) Sch V, Pt II.

⁴ *Industrial Disputes Act 1947* (India) s 25-U.

⁵ *Industrial Relations Code 2020* (India) s 2(zk).

⁶ *Industrial Relations Code 2020* (India) Sch II.

In *Sri Ramachandra Spinning Mills Ltd v Province of Madras*,⁷ the Madras High Court held that a strike requires two things: (1) intention to exert pressure on the employer, and (2) complete cessation of work. Since go-slow involves neither a total stoppage nor withdrawal from duty, the court ruled that it cannot be called a strike. This decision established that go-slow is misconduct, not a lawful protest.

Go-Slow as Misconduct

The most significant judgment came in *Bharat Sugar Mills Ltd v Jai Singh*.⁸ In this case, sugar mill workers deliberately slowed down production to demand better conditions. The Supreme Court called this practice “a most pernicious and dishonest method,” saying it violated the duty of good faith between employer and employee. The Court further observed that go-slow was more harmful than a strike because machines continued running inefficiently, leading to losses. Thus, the Court held that go-slow amounted to serious misconduct and justified dismissal.

In *Jay Engineering Works Ltd v Union of India*,⁹ the Supreme Court again ruled that deliberate inefficiency breaks the duty of loyalty towards the employer. Similarly, in *Mani Lal v Matchless Industries of India*,¹⁰ the Delhi High Court upheld the dismissal of a worker for go-slow, calling it “serious misconduct” inconsistent with industrial discipline.

Economic Consequences and Wage Rights

In *Bank of India v T.S. Kelawala*,¹¹ the Supreme Court considered whether workers involved in a go-slow could claim full wages. The Court held that deliberate slowdown meant workers were not performing their full duties, so they were not entitled to full pay. Wages, it said, are paid for actual work done, not just attendance.

However, in *Bata India Ltd v Workmen*,¹² the Court ruled that before deducting wages or imposing penalties, employers must give employees a chance to explain. This added a layer of fairness to the process.

⁷ *Sri Ramachandra Spinning Mills Ltd v Province of Madras* AIR 1956 Mad 241.

⁸ *Bharat Sugar Mills Ltd v Jai Singh* 1961 SCC OnLine SC 7.

⁹ *Jay Engineering Works Ltd v Union of India* [1963] 3 SCR 978.

¹⁰ *Mani Lal v Matchless Industries of India* 2015 SCC OnLine Del 13478.

¹¹ *Bank of India v T S Kelawala* (1990) 4 SCC 744.

¹² *Bata India Ltd v Workmen* (2022) 6 SCC 95.

Evidentiary Challenges and Employer Abuse

In *Workmen v Motipur Sugar Factory*,¹³ the employer accused workers of go-slow because they failed to meet a high production target. The Supreme Court upheld their dismissal even though there was little evidence of deliberate slowdown. Many critics felt the Court ignored genuine production issues, showing how the go-slow doctrine can be misused by employers to punish workers and weaken unions.

Go-Slow as an Unfair Labour Practice and Misconduct

Both the IDA and the IRC classify go-slow as misconduct. The Supreme Court in *Bharat Sugar Mills* described it as “more insidious than a strike” because it deceives under the appearance of cooperation.¹⁴ These statutory and judicial positions reflect an employer-centric approach that assumes bad faith by workers.¹⁵

However, proving that workers intentionally slowed down work is very difficult. Many factors like machine faults or management inefficiency can reduce productivity. Despite this, employers often treat any drop in output as proof of go-slow, giving them excessive power and making the law one-sided.

Socio-Economic Implications of Criminalising Go-Slow

The complete ban on go-slow ignores the realities of India’s industrial system. Many workers face job insecurity, low wages, and weak unions. Legal strikes require several procedural steps such as notices and conciliation, making them ineffective in urgent situations. In such cases, go-slow becomes the only practical way to protest without losing employment.

By criminalizing go-slow, the law restricts even peaceful and non-violent forms of protest. As seen in *B.R. Singh v Union of India*,¹⁶ when workers are denied lawful means of protest, it weakens unions and strengthens employers. This imbalance leads to growing informal employment and declining bargaining power. Instead of punishing go-slow, the law should address the deeper causes behind such actions.

¹³ *Workmen v Motipur Sugar Factory* 1965 SCC OnLine SC 77.

¹⁴ *Bharat Sugar Mills Ltd v Jai Singh* [1962] 3 SCR 684.

¹⁵ *Industrial Disputes Act 1947* (India) Sch V, Pt II; *Industrial Relations Code 2020* (India) Sch II.

¹⁶ *B.R. Singh v Union of India* AIR 1990 SUPREME COURT 1.

Why Workers Resort to Go-Slow

In *Bharat Sugar Mills*, the Court noted that workers often adopt go-slow to maintain wages while putting pressure on employers.¹⁷ But *Bank of India v T.S. Kelawala* made it clear that workers cannot claim full wages during such actions.¹⁸ Therefore, the real reason workers prefer go-slow is not money but strategy. During full strikes, employers can replace workers or declare lockouts. In a go-slow, workers stay on duty, making replacement difficult and keeping negotiations active. It represents a middle ground resistance without rebellion.

INTERNATIONAL PERSPECTIVE

In the United Kingdom, the *Trade Union and Labour Relations (Consolidation) Act 1992* recognizes go-slow as “Action Short of a Strike.”¹⁹ Such actions are legal if they are peaceful, based on genuine disputes, and approved by ballot.

In South Africa, under the *Labour Relations Act 66 of 1995 (LRA)*, go-slow actions are lawful if they remain peaceful and related to workplace demands. On the other hand, Belgium and the United States treat go-slow as breach of contract, providing no protection.²⁰ These comparisons show that regulating go-slow through clear rules, rather than banning it outright, aligns better with democratic labour practices.

ILO FRAMEWORK AND RIGHT TO PROTEST

The International Labour Organization (ILO) recognizes the right to strike as an essential part of the freedom of association. Its Committee on Freedom of Association has stated that restrictions on peaceful forms of protest like go-slow are justified only for public safety.²¹ As a member of the ILO, India’s absolute ban on go-slow goes against these principles. Adopting the ILO approach would not promote indiscipline; it would simply protect peaceful

¹⁷ *Bharat Sugar Mills Ltd v Jai Singh* [1962] 3 SCR 684.

¹⁸ *Bank of India v T S Kelawala* 1990 SCR (3) 214.

¹⁹ *Trade Union and Labour Relations (Consolidation) Act 1992* (UK) s 238A.

²⁰ International Labour Organization, ILO Principles Concerning the Right to Strike (2017), available at https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40jur/documents/genericdocument/wcms_453506.pdf

²¹ Bernard Gernigon, Alberto Odero & Horacio Guido, ILO Principles Concerning the Right to Strike (International Labour Office, Geneva 2000)

industrial dissent and align India's laws with international democratic standards.²²

CRITICAL EVALUATION

India's strict attitude toward go-slow comes from colonial-era thinking that viewed worker activism as disorderly. The Industrial Relations Code, 2020, despite consolidating labour laws, failed to change this approach. It still assumes that lower productivity means intentional misconduct.

Reform is necessary. Go-slow should be recognized as a **regulated** form of protest lawful if peaceful, transparent, and notice-based. Following the UK model, India could require prior intimation, prohibit damage or sabotage, and ensure the action is related to genuine disputes. Such changes would not harm industrial discipline but would improve collective bargaining and promote workplace democracy. Courts should also move beyond moral judgment and evaluate each case contextually, distinguishing between deliberate sabotage and symbolic protest.

True industrial peace comes not from punishment but from participation and dialogue between employers and workers.

CONCLUSION

The go-slow strike stands at the crossroads between legitimacy and illegality. Under Indian law, it is treated harshly and viewed through a moral rather than socio-economic lens. While employers see it as deceitful, workers see it as one of the few peaceful ways to express their grievances.

Recognizing go-slow actions under a regulated system would not destroy discipline; it would democratize industrial relations. India should modernize its labour laws to align with global standards and constitutional values, balancing productivity with participation. Only then can this "legitimate illegality" become a lawful symbol of industrial justice.

²² Anushka Jain, 'Go-Slow Actions in Indian Industrial Law: A Case for Re-classification and Reform' (SCC Online Blog, 13 May 2025) <https://www.scconline.com/blog/post/2025/05/13/go-slow-actions-in-indian-industrial-law-a-case-for-reclassification-and-reform/>