
Understanding Moonlighting, Workaholic Tendencies, and Anxiety among Indian Workers: A Qualitative Study

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Abstract

Moonlighting is a contemporary work phenomenon that most countries worldwide face. It's basically taking up a secondary job or side hustle alongside primary employment. It has become a significant trend in the technological labor market. The traditional labor market has provided guidelines for taking a second job, mainly referring to working hours. But the jobs requiring internet and technology don't adhere to such a working hours policy. Driven by financial needs, career aspirations, and the rise of the gig economy, moonlighting is gaining traction, especially among professionals in sectors like information technology, education, and creative industries. Having no specific law in the present field in India, a number of questions have gained importance regarding its legal validity. A number of IT giants in India have disfavored the present phenomenon of multiple jobs. However, the millennials' and Gen Z's working attitudes favor the same work culture. Taking into consideration this background, the paper delves into an international scenario concerning moonlighting and what the laws are in the picture. The discussion has been detailed regarding Indian law and case laws in the present field. There is a need to delve into how working hours effect the mental well-being of employees and whether the Indian government needs to develop some legal norms or it is left to the employers to decide the policy on multiple jobs. The paper also discusses the relation between working hours, income and happiness. Data has been collected to look into the several issues surrounding moonlighting, and on that basis, certain suggestions have been proposed in the paper. The study calls for a balanced approach to harness the potential of moonlighting while mitigating its risks especially mental health.

Keywords: Moonlighting, employer, employee, working hours, happiness index, technology, education policy.

I. INTRODUCTION: THE RISE OF MOONLIGHTING PHENOMENON

The word 'Moonlighting' has recently been a hot potato, particularly in the IT industry. This rising phenomenon of moonlighting is firmly embarked upon by Rishad Premji, the chairman of Indian tech and consulting firm Wipro. He tweeted that this was cheating –plain and simple- and that the company had shown an exit door to 300 workers for taking second jobs with rival companies (The Hindu, 2022). Big IT companies like Infosys, TCS, and others have strongly supported this act of Wipro. N. Ganapathy Subramaniam, Tata Consultancy Services (TCS) chief operating officer (COO), has asseverated it as an ethical issue. Still, he was not very bitter about it, i.e., taking a harsh decision like sacking employee (Times of India, 2022).

On the other hand, Swiggy, Flipkart, Zomato, and Tech Mahindra have raised their voices in favour of moonlighting unless employees are not working against the company's interest. C.P. Gurnani, Tech Mahindra's Chief Executive Officer (CEO), said their company will devise a moonlighting policy (The Economic Times, 2022). Swiggy has, in fact, explicitly introduced a moonlighting policy (Singh, 2022). While addressing the first academic session of the India International University of Legal Education and Research in Goa, the Hon'ble Chief Justice of India, DY Chandrachud, revealed that he moonlighted as a radio jockey for All India Radio in his twenties. He hosted shows like 'Play It Cool,' 'Date with You,' and 'Sunday Request.' (Business Today, 2020). Then the Minister of State for Skill Development, Entrepreneurship, Electronic and Information, Rajeev Chandrasekhar, also believes there's no issue with people involved in dual employment (Financial Times, 2022). The moonlighting in the Indian IT industry particularly escalated because of COVID-19, as people have to work from home. Terms like sunlighting (Adithiyaa, 2023), moonlighting, and quiet quitting (Adithiyaa, 2023) became popular during COVID-19 in India. On this point, a statement made by Rita Pinto quoted to understand the meaning of these emerging phenomenon- "A take-off from moonlighting- which means taking up a second job in the evening- sunlighting means taking time off from one's day job to fit in other work and be paid for it. Sunlighting has a slightly adverse meaning: a person takes up a second job, and it begins interfering with the first job. Sometimes, moonlighting stretches into the day and turns into sunlighting" (The Times of India, 2010) Physical presence in the office was not required, and people had ample time to devote to their other work. Remote work has allowed several workers in different fields to take on two or more jobs. The concept of moonlighting develops the culture of long work hours, and other ethical considerations are also involved. These kinds of questions need to be taken into consideration by the legislatures. The question that first needs to be addressed is: what do we understand by the term moonlighting?

A. Understanding the Concept of Moonlighting

Moonlighting originated from the term "moonlighter," i.e., a person who takes a second job at night. Moonlighting in employment refers to working a second job in addition to one's primary job without the employer's knowledge (The Economic Times, 2022). Generally, the second job is a hidden part-time job or freelance work. It is basically carried out outside of regular working hours or on weekends. We should not confuse ourselves by considering it as only a dual job. In the strict sense, it can't be termed as only a double job, as a dual job means working two jobs simultaneously. But in general parlance, both terms are used interchangeably. It's not only dual employment, but it can also be multiple job-holding. In short, it is the practice of working a second job in addition to one's primary job. This can include extensive money-making endeavors, like working a night job, weekends, or self-employed 05, 2022, 01:09:00 PM)

employment. The National Industrial Conference Board defines moonlighting as working at a paid job separate from one's regular appointment, performing after working hours, and occupying at least ten hours a week (Snow & Abramson, 1980).

The Bureau of Census for the Bureau of Labour Statistics applies the designation of "moonlighter" to employed persons who (a) hold jobs as wage or salary workers with two or more employers, (b) are self-employed and also hold secondary wage or salary jobs, or (c) are unpaid family workers who also hold secondary wage or salary jobs (Snow & Abramson, 1980).

There are innumerable reasons for it, and they may vary according to circumstances, as discussed further, such as earning extra income, pursuing one's passion or interest, gaining different field experience, or other similar reasons. Moonlighting can be broadly classified under two categories: one where the nature of primary work is entirely different from the nature of secondary employment, i.e., zero or minimal overlap, and the second where the nature of both jobs is similar. The recent sacking of employees, some objecting to it, some supporting it, makes authors look into the legal provisions in the moonlighting cases and what needs to be done in such cases. Should moonlighting be permitted in India, considering the state of the art in the country? Though at present the moonlighters are not much in the workforce, seeing the development in technology and less demand for staffing in certain fields, we cannot negate that in the future, the ratio of moonlighters will not increase, and how the state is going to perform at that point is very crucial.

This study uses qualitative and quantitative data to explore the diverse legal, social, and ethical dimensions of moonlighting in India. The investigation collects data from IT, teaching, and medical professionals to analyze various facets of moonlighting. Additionally, the study seeks to examine the global scenario, exploring the existence of international norms governing moonlighting regulation and assessing the interests of both employees and employers.

The analysis employs the “probit regression model,” wherein engagement in moonlighting is modeled based on factors such as age group, gender, the presence of more working professionals, household headship, reasons for moonlighting, and monthly savings. The paper concludes with suggestions for Indian legislators to contemplate regulatory measures for moonlighting, promoting a more collaborative approach. The Indian work culture is characterized by minimal bargaining power for employees. Recently, Narayana Murthy advocated for a 70-hour workweek for Indian nationals, overlooking the prevailing working conditions in the country (Gupta, 2023). The "State of Working India 2023" report by Azim Premji University reveals that over 40 percent of graduates under 25 are unemployed, while salaries for the employed remain stagnant. Employers, despite poor infrastructure and low wages, impose numerous restrictions on employees (Basole et al. 2023).

B. A Look into Moonlighting Scenarios in Certain Other Jurisdictions

The presence of moonlighters can be felt in several fields in modern society. In the U.S.A., it is common practice, and no specific law exists in the area. In certain situations, employees are restricted from taking dual jobs, but that's mainly on the terms of employment contracts and agreements. Employment contact primarily deals with the primary employer. If, in the contract, the second job is explicitly prohibited, then that cannot be taken, and the employer is bestowed with the power to fire the person. If there is no contract between the employer and employee, but the nature of the work is such that confidentiality and non-disclosure are prerequisites. An employee cannot take a secondary job, particularly of the exact nature. The Fair Labor Standards Act, 1938 (FLSA), does not mention directly moonlighting but provides minimum working hours. It stated that any work over 40 in 168 hours is to be considered overtime and paid for overtime (U.S. Department of Labor, Wage and Hour Division, 2011). But the act does not cover all the industries and deals with interstate commerce (companies having over \$500,000 in annual dollar volume business), educational institutions, hospitals, institutions engaged in caring for the sick, disabled, old, or mentally ill, day workers, full- time babysitters, cooks, chauffeurs, housekeepers, day workers, and federal, state, and local government

agencies. Apart from FLSA, certain states have their working hours, and those acts are also chiefly disquieted with overpayment for the work. None of the acts restrict the employer from doing extra work or extra jobs. Thus, it can be concluded that moonlighting is permitted and, in fact, legal unless you are not violating the terms of the contract.

The Canadian legal system, also in the area of moonlighting in employment cases, is silent. However, in 2015, the Court of Queen's Bench of Alberta made the point that if the company's policies do not permit taking dual jobs, then sanctions can be imposed by the company (Ross v. IBM Canada Limited, 2015). The court made it clear that if the company is paying a hefty amount and made employees aware of the conditions of moonlighting, the company has the right to terminate the employee in case of breach. The judgment holds a persuasive value in the present field. Similarly, as in the

U.S.A. and Canada, the U.K. also has the same rules and ethics to regulate moonlighting. Section 4 of the Act provides the maximum weekly working time, which should not exceed an average of 48 hours for each seven days (United Kingdom, 1998). Working Time Regulation 1998 limits the working hours to 48 hours per week with an option of 'opt- out,' i.e., WTRs only prohibit workers from being required to work over 48 hours against their will (Smith, Baker, & Warnock, 2015, p. 36). Australia has the Fair Work Act 2009, and Division 3 of the Act talks about maximum weekly hours. Section 62 provides that a full-time employee must work 38 hours a week unless the additional hours are reasonable (International Labour Organisation, n.d.). An employee is vested with the power to refuse if it's unreasonable for additional hours. Correspondingly, Germany has the Hours of Work Act that states that daily work hours cannot exceed 8 hours; in some cases, it can extend to 10 hours (Bosch, 2009). The German Labor Code provides 10 hours per day in case of daily work and 8 hours per day in case of young workers (International Labour Organisation, n.d.). Japan, known for its strict work culture, allows moonlighting for employees except government servants. Jetstar Japan has even permitted its staff to work outside employment (Chau, 2020). Mizuho Bank also provides the option to work four days a week or three days a week with a 20percent and 40 percent pay cut, respectively (Chau, 2020; Chandra, M.K, 2022). Japan's government is also working on a legal framework to protect freelancers, as nearly 2.48 million are moonlighters (Sekiguchi, 2024) Singapore does not explicitly stop a person from doing dual jobs, but civil servants are barred from doing additional work. Foreign employees holding a Work Permit or S Pass are entirely prohibited from engaging in the second job (Employment of Foreign Manpower (Work Passes) Regulations, 2012).

Certain countries like the United Arab Emirates, Saudi Arabia, Qatar, and Singapore do not allow expatriates to engage in dual employment unless explicitly authorized. Article 17 of the Federal Decree-Law No. 33 of 2021 on the Regulation of Labour Relations in the private sector specifies 8 hours per day, or 48 hours per week, as working hours (United Arab Emirates, 2021). This article also states that employees in the private sector can work part-

time, temporarily, or flexibly (Zakaria, 2021). Primarily, in these countries, there is no direct reference to moonlighting. They have rules regarding working hours, which can also be extended in certain conditions provided within respective acts and regulations only. The main concern in these countries is the person's overall health if they do extra work, i.e., work-life balance. Moonlighters must comply mainly with the employment contract policies and ensure no conflict of interest.

If we loosely classify the conditions of moonlighting in other countries, then certain classing can be there as mentioned herein:

1. Contract and Policies of the Company
2. No conflict of interest
3. Confidentiality and Intellectual Property
4. Working Hours
5. Work Permits
6. Licensing and Permissions
7. Tax Regulations
8. Specific Industries do not permit
9. Government Jobs

On similar grounds, India also restricts dual employment, mainly when a person is a government employee or has a work permit.

C. Legal and Ethical Considerations in India: Navigating Conflicts and Contractual Obligations

The concept of dual jobs or moonlighting is becoming a debatable topic worldwide due to its need and importance in various sectors of the economy in the past few years. In general, it is not *per se* legal in all spheres in India. However, certain legal interpretations pave the way for the need for legal recognition for dual jobs. A pertinent surge is observed in various sectors concerning doing a second part-time job or side business along with being employed in one's primary business. Similarly, this concept of moonlighting is also not by itself illegal in various industries where people are allowed to do multiple jobs.

However, it is to be looked at by the employee under the "principle of utmost good faith and care" that he is fair in doing the secondary and primary jobs. The employee has to be mindful of the potential drawbacks. Performance of prior assessment is also required from the employees' side to circumvent conflict of interest from the employer, termination of the primary job if the secondary job conflicts with the primary one, a non-competency clause of company, policies of companies, business interests of employers, etc.

Henceforth, the concept of moonlighting is neither intrinsically legal nor illegal. It all depends on various sectors and companies' policies and non-competency agreements. Looking for the legality of moonlighting, we must delve deeper into various contractual and labour legislations to finalise its overall recognition. It often depends on the company's contractual clauses and policies favouring freelancing.

I. 2 Legal Aspect of Moonlighting in India

- i. **Factories Act 1948** - Section 60 of the Factories Act 1948 prohibits factory employees from engaging in dual employment when they already work in a factory, thus restricting double employment (Factories Act, 1948). The logic behind the restriction is that if the worker works in two places, he is guilty of depriving the best services to the employer, and second, it is humanly impossible for a worker to do his best after 16 hours of work (Kumar, 2010, p, 154). If a person takes dual employment, then he can be made liable. Acts also talk about restrictions on hours of weekly work (Factories Act, 1948, s. 51) and daily hours (Factories Act, 1948, s 54).
- ii. Schedule I-B of the Industrial Employment (Standing Order) Rules, 1946, restricts workmen from taking up any employment that may prejudice the interests of the industrial establishment where he is employed (Industrial Employment (Standing Orders) Rules, 1946, Sch. IB, R. 8).
- iii. The prohibition provided by the **Occupational Safety, Health, and Working Conditions (OSH) Code** is restricted to simultaneous employment in a mine or factory and is mainly equivalent to the one outlined in the Factories Act (Occupational Safety, Health, and Working Conditions Codes, 2020).
- iv. **Section 9 of the Delhi Shops and Establishments Act, 1954**- Restricts employees from working in two or more establishments during which they may be lawfully employed under the legislation (The Delhi Shops and Establishment Act, 1954, s. 9).
- v. **Clause 22 of the draft Model Standing Orders for Service Sector, 2020**- While these Model Standing Orders are not notified under the Industrial Relations Code, 2020, the relevant clause states that a workman is expected to refrain from working against the

vi. interest of the establishment in which he is employed and shall not take up any other employment that may adversely impact the interests of his employer (Ministry of Labour and Employment, 2020 Clause 22). However, a worker may take up additional employment, with or without conditions, after obtaining the necessary permission from his employer. Therefore, the new labour codes seem to address the reality of the industrial sector, whereby workers tend to engage in dual employment and where gig workers are typically involved in such establishments.

vii. **The Occupational Safety, Health, and Working Conditions Code, 2020** - Section 30 of the Code restricts double employment in factories and mines. It states that if any worker has worked in any mine or factory within the preceding twelve hours, then he is restrained from performing the same kind of work (The Occupational Safety, Health and Working Conditions Code, 2020, s 30). Section 25 restricts the working hours in any establishment or class of establishment to eight hours a day (The Occupational Safety, Health and Working Conditions Code, 2020). This amendment aligned with the Hours of Work(Industry) Convention 1919, which India ratified. It also provides working hours not exceeding 48 hours a week.

Beedi and Cigar Workers (Conditions of Employment) Act, 1966, Mines Act, 1952, Minimum Wages Rules 1948, Motor Transport Act, 1961, Plantations Labour Act, 1951, Working Journalists (Conditions of Service) and Miscellaneous Provision Act, 1955, Apprentices Act 1961 also provide for the working hours restriction. If these norms are analysed, then the essential point that legislators should look at is that there is proper work-life balance and employers are not exploiting employees. The rationale and logic have been the welfare of workers. However, the issue is when the worker wants to work extra hours but is not in the same organisation. What are the norms then?

These acts and codes are mainly concerned with factories and mines and are not applied to all the private sectors. Plentiful cases have not been brought before the Indian courts, delving upon the issue of moonlighting and cases the court decides predominantly kindred to work in factories. In the case of (*Gulbahar v. Presiding Officer Industrial*, 2016) the Haryana High Court upheld the dismissal of an employee who was employed in a double capacity, as the employer had alleged, and upheld the dismissal. Similarly, in (*Manubhai Gorbhandas v. Arvind Mills Company*, 1956) the Bombay High Court also held that the decision to dismiss a factory worker on the ground of double employment under section 60 of the Factories Act 1948 was not unreasonable or cruel but entirely reasonable, since by committing dual employment the worker deprived his employer of the highest quality of service since it is physically impossible to work consistently at the same level for an extended period.

Another case in this regard is (*M. Neelakandan v. The Presiding Officer, Labour Court (II Additional District Judge*, 2007). Here, the courts have confirmed that moonlighting is regarded as misconduct, which would render any relief ineffective if it is proved beyond a reasonable doubt. While deciding the issue, courts have to reckon with the certified standing orders for a company that clearly states that there is a prohibition on dual employment and that it is regarded as misconduct. In the case of (*Jitendra Nath Biswas v. Steel Authority of India Ltd*, 1990) it was asserted that an employee "must have the employer's consent" to perform a second job. In addition, the court ruled that a second job "may be regarded as conduct contrary to the public policy" and "may result in disciplinary action" if it obstructs the primary work. The Supreme Court of India took a similar view in the case of (*State of Punjab v. Ram Lubhaya Bagga*, 1998) which held that engaging in a second job outside of one's primary role is an act of misconduct and is subject to disciplinary proceedings.

There are no specific provisions dealing with moonlighting in the Indian jurisdiction, and IT, medical, and teaching employees are at the mercy of their employer only. So far, the courts have also taken an employer-friendly approach when an employee pursues dual employment, provided that clear limitations are in place.

I.3 Ethical Aspect of Moonlighting in India

In the last few years, moonlighting has become more common due to the pandemic, and different companies in different industries have divergent ideas about handling it. For example, some companies let employees take on extra projects or do "side gigs" outside work to help them develop their skills. In contrast, others have banned dual employment and even gone so far as to fire moonlighters for breaking their contracts.

Employers are faced with a variety of grey areas when it comes to dealing with employees who are engaged in dual employment, including confidentiality, no competition, the ownership and allocation of intellectual property, and participation in employment social benefits programs, such as those provided for by the Employees' provident funds and Miscellaneous Provisions Act, 1952, and the Employees' State Insurance Act, 1948. To address these concerns, some companies have already taken steps to regulate the process of dual employment, including, but not limited to:

- (a) determining which projects require approval and which do not, primarily based on economic considerations and the area of the company's activity,
- (b) strictly adhering to confidentiality and non-compete obligations,
- (c) ensuring that the envisaged project does not have an adverse effect on the employee's performance or attendance, and

(d) considering any violation of dual employment terms to be considered misconduct may result in disciplinary action or termination, depending on the gravity of the breach.

Companies must clearly define what employee activities they plan to allow during off-hours. The employment contract must specify whether the employee position is exclusive. Companies should also consider implementing robust employment contracts and HR policies that define the terms of employment, such as the responsibilities and restrictions that apply to employees, as well as what constitutes misconduct and warrants disciplinary action. Moonlighting may be considered unethical if an employee's contract includes non-compete clauses and exclusive employment (as with most conventional employment contracts). Employees may view it as a breach of trust if employment contracts do not have this clause or provide exceptions.

Both employer and employee must adhere to implicit duties, like obedience, adaptation to new methods and techniques, the duty of care, good faith, and no misuse or disclosure of confidential information. The confidentiality clause is implicit in all employer and employee relationships (*General Billposting Co. Ltd. v. Atkin*, 1909). The court in (*Robb v. Green*, 1895) also stated that an express clause is preferable, but the courts usually find an implied term if the employer omits it. If an employee misuses confidential information, then no doubt the employer is with the remedy to dismiss the employee (*Smith v. Du Pont(UK)Ltd.*, 1976). However, the question to be delved into here is whether an employee is not misusing the information or there is no kind of breach, and then also, can the employer restrict the employee from doing other side work?

I.3 Employer Perspective: Challenges and Benefits of Embracing Moonlighting

Famous IT companies in India like Wipro, Infosys, and TCS do not favor moonlighting and cautioned their employees against it. However, companies like Swiggy, Tech Mahindra, Zomato, and Flipkart do not see any threat to their work if employees are engaged in multiple jobs. Swiggy, in its latest policy, allowed its employees to take up multiple jobs and stated that it trusts its employees and feels that they can excel in their performance while picking up exciting projects outside work (Sabarwal, 2022). Wipro has taken extreme action by expelling those found moonlighting. According to them, it is cheating, and their company work is hampered if the employees are engaged in more than one job.

Due to no explicit law regulating the field of dual employment, employees are at the mercy of employers only. It is entirely based on employers' approach, whether they believe or disbelieve in multi-job holding. In a personal interview given to one of the authors by two leading start-ups in India, their co-founders have different views regarding employees holding dual employment. Amit Singh, the co-founder of Weekdays (A. Singh, personal communication, May 14, 2022) stated that he doesn't favour moonlighting, whether it is the same type of work or different. He believed that if a person is full-time employed, they should spend 100 percent of their mind-space and time on their role. They are expected to go far and beyond towards the company's cause, and start-ups cannot have people donning multiple jobs.

On the other hand, Gaurav Gupta, founder of Supreme Chemical and Instruments (G. Gupta, personal communication, July 27, 2022) favoured moonlighting and thought it was not unethical. He believes there is no issue if a person can manage a second job without affecting his prime job and health. In cases of similar employment, the employee needs to consider that he is not disclosing or affecting his prime employer negatively. Thus, employers have different perspectives, and their primary concern is that employees engaged in multiple jobs cannot give their full attention and dedication. The employer's primary focus has been the output of the employer. In his book, H.L. The quantum of work is an important consideration (Kumar, 2007).

Suppose the employees are doing a second job of the exact nature. In that case, the problem concerning secrecy also comes into the picture as they can benefit the rival company in such a situation. Another concern has been about resources companies have spent training and developing that person's skills and providing them the resources they can use in their dual employment, i.e., on first employer expenditure, they are working for the second employer. Number of times employees are absent from primary jobs and take leaves to work for second jobs. In such a situation, employers feel cheated. Health has also been the prime concern of employers as the number of employees doing excessive work deteriorates their health, and they cannot effectively contribute to their jobs. These are genuine concerns of employers that cannot be ignored.

II. Need to adapt to the Changing Landscape of employment in the country for health and happiness

The NDA government announced the New Education Policy (NEP) in India in July 2020, considering that in the last 30 years, no significant changes have been made in the education system in our country. The government has analyzed the need to change the education system and train the coming generations for future challenges that every nation worldwide will face with the advancement of technology, infrastructure, and economic changes. The NEP strives to make notable changes in the education system to foster creativity and critical thinking.

It is a visionary document that seeks to address the changing needs of students and encourages flexible education and multidisciplinary learning. It promotes the integration of different subject areas, allowing students to pursue a diverse range of subjects based on their interests and aptitudes. It envisions a new system of higher education institutions that offer a wide range of courses and encourage research, innovation, and entrepreneurship. The

primary aim of the policy is to nurture a well-rounded individual equipped with the skills and knowledge needed for the 21st century.

The NEP talks about providing an interdisciplinary and multi-lingual curriculum. For example, if a student wants to study fashion with biology or if they want to learn agriculture with physics, there will be no issues. Such kind of approach is welcomed. It also discusses a four-year multi-disciplinary bachelor's degree in an undergraduate program with multiple exit options. Point 11 of the NEP mentions holistic and multidisciplinary education (Government of India, Ministry of Human Resource Development, 2020). Banabhatta's Kadambari says that knowledge of the 64 Kalaas is necessary for a sound education system (Government of India, Ministry of Human Resource Development, 2020). Kalaas includes arts, scientific fields, and vocational and professional fields (Government of India, Ministry of Human Resource Development, 2020). Multi-disciplinary education will develop all the capacities of human beings that a well-rounded individual needs to possess in the 21st century. When the new education policy permits the person to explore different skills and furnish their interest, no employer can restrict the individual to pursue a career in two fields. Well-rounded individuals, those who possess 21st-century capacities in areas across the arts, languages, sciences, social sciences, and other fields, cannot be restricted by employer's pearl when Indian kids are trained in such a manner, so we should be prepared for the future demands and don't let the employer be the bargainer.

Private employers in India don't provide much job security to the employees, and the country's hire-and-fire rule is well established. During COVID-19, the mass layout of employees was there by private employers, and people with second job options could maintain their financial status (Kumari & Chandra, 2021). They were able to manage their basic needs. Low pay has also been one of the reasons for the people doing moonlighting. The inflation rate in India is increasing, and people need to enter into second employment to afford the life they wish to have for themselves. A recent report published in 2021 by the University of Pennsylvania's Matthew Killingsworth found that happiness rose steadily with income well beyond \$ 75,000 without evidence of a plateau (Killingsworth, 2021). This contrasts with the work published in 2010 by Daniel Kahneman and Angus Deaton from Princeton University (Kahneman & Deaton, 2010). To reconcile the difference of options, Professor Barbara Mellers acted as an arbiter and, in another paper, Proceedings of the National Academy of Sciences concluded that more considerable income is associated with ever-increasing happiness levels (Killingsworth, Kahneman, & others, 2022). Of course, there are exceptions, but generally, more money is associated with happiness. Research does not say that money is the only secret of happiness; instead, they say it can help a bit.

According to the World Happiness Report 2024, India ranks 126 out of 143 nations worldwide (Helliwell et al., 2024). Even the neighboring countries such as Sri Lanka, Bangladesh, China, and Nepal are above it. The ranking uses six keys. Factors to measure happiness; one point is income (Helliwell et al., 2024). Suppose people have different income sources and do not affect their health or follow the working norms; they should be permitted to earn extra income by engaging in various jobs. It is also noticeable internationally that Happier Together has been announced as the 2024 United Nations International Day of Happiness Official Campaign Theme (United Nations, n.d.). It claimed happiness as a fundamental human right and goal for all, and it is a universal aspiration in the lives of all, happiness as a "new paradigm" for human development (Happiness for All, n.d.).

Doing what makes you happy is the second step to global happiness for 2024 (Happiness For All, n.d.). Considering UN Resolution 65/309, it's essential to understand that a "right to happiness" is a right to pursue happiness. If someone's happiness lies in doing dual or multiple works, there should not be any kind of fear of being expelled or any other disciplinary action. Article 21 of the Indian Constitution provides the right to life, and a broad interpretation of the term life and liberty has been there by the Indian Courts (Pandey, 2014; Chandra & Kumari, 2018). Henceforth, it can be rightly interpreted that the "Right to be happy and live happily" are also an emerging facet of Article 21 only, which is to be recognized while keeping in mind the progressive development of society.

III. Methodology:

The data used in this paper was collected through primary data via Google Forms. A brief questionnaire was prepared covering the objective of the study.

This study employs a triangular approach, incorporating both qualitative and quantitative techniques for analysis. The target population for the study consists of individuals engaged in multiple jobs, primarily in cities such as Delhi, Lucknow, and Bangalore in India. Utilizing a comprehensive pre-tested questionnaire, the study gathers information about numerous job holders, covering aspects such as individual details, employment type, reasons for moonlighting, working and living conditions, and awareness of relevant laws.

A random sampling technique is employed to collect information, ensuring a representative sample that aligns with the study's objectives. The questionnaire, distributed through Google Forms, targets professionals in locations where multiple jobs are prevalent. In total, 200 working professionals were interviewed using a structured questionnaire during the period from August 2023 to October 2023.

Descriptive analysis is conducted to gain a fundamental understanding, employing graphs, tables, cross-tabulation, and basic statistical tools. Data analysis is performed using software such as SPSS and STATA, with analytical tools like percentages and graphic methods applied. Microsoft Excel is also utilized to design graphs and charts for data presentation.

Probit regressions are employed to explore the impact of various socio-economic factors on multiple job engagement. Additionally, the study leverages secondary data sources to examine the patterns of multiple jobs in India, compiling information from earlier literature, theses, and journals on the subject of moonlighting.

IV. Findings

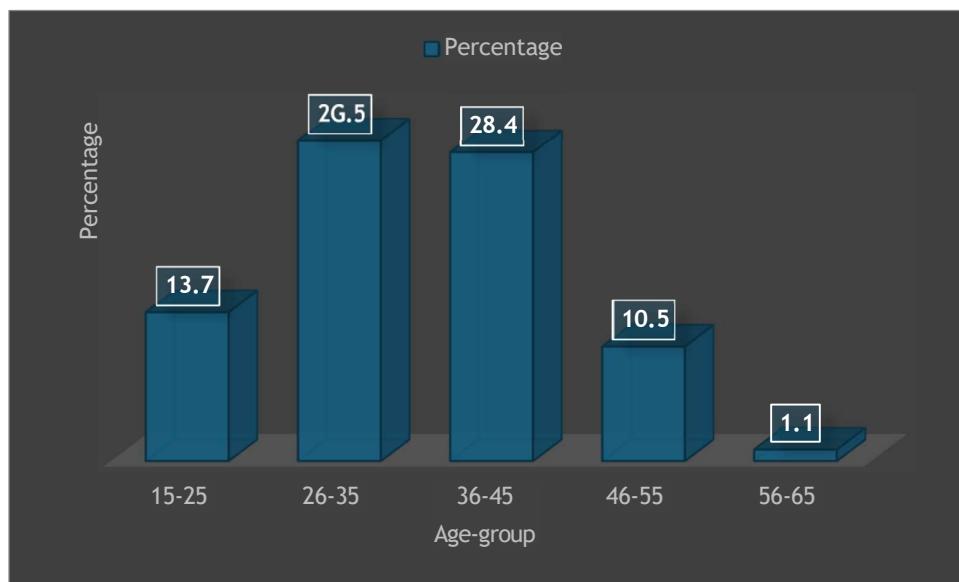
The findings begin with descriptive statistics in Table (1).

Table 1. Summary statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
areyoutheh~d	190	0.357895	0.4806475	No	Yes
Gender	190	0.505263	0.5012932	Female	Male
maritalsta~s	190	0.589474	0.493229	Unmarried	Married
howmanymem~m	190	4.642105	1.739159	2	11
ofdependen~s	190	1.873684	1.419756	0	6
areyouenga~r	190	0.4	0.4911923	No	Yes
howmanyhou~t	76	2.789474	2.412831	0	8
howconcern~o	100	3.4	1.222681	1	5
areyouknow~n	188	0.404255	0.4920578	No	Yes
monthlydis~e	190	124389.5	157934.3	10000	950000
monthlyexp~s	190	68694.74	76851.48	10000	555000
month_sav	190	55694.74	111220.2	-120000	475000
Dpi	188	2.712766	2.643213	1	11

Note: The sample is made up of 195 observations. Saving is defined as (Y=C+D), where Y represents the total household net monthly disposable income, C= total monthly household expenditure, D= monthly consumption in durable goods. Source: Primary data

Figure 1. Age-group and Moonlighting



Age Category and Engagement in Secondary Employment: Figure (1) illustrates the trend of individuals participating in moonlighting across various age groups within the working-age population. The prevalence of moonlighting diminishes as individuals age. Moonlighting is observed to be less common in the younger age group (15-25), more prevalent in the age groups 26-35 and 36-45, and less frequent among older respondents.

Figure 2. Respondent's Marital status

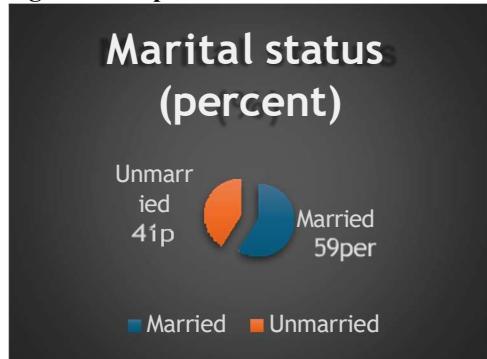
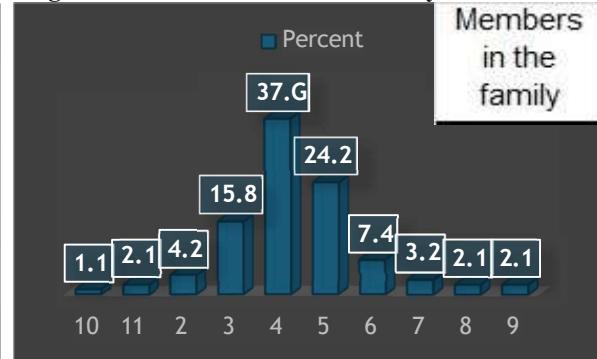


Figure No. of Members in the Family



Source: Primary Data

Nearly 59 percent of respondents who were married participated in moonlighting, indicating a higher prevalence among individuals in marital relationships.

Figure 3. Religion of the Respondents

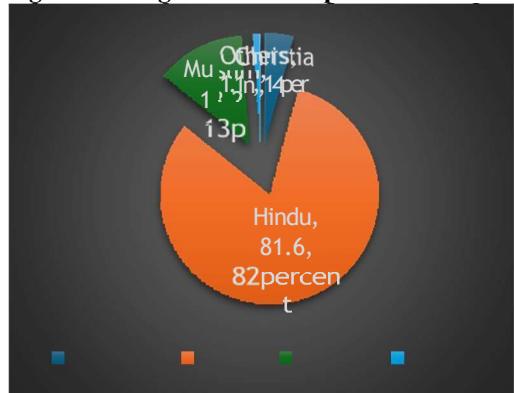
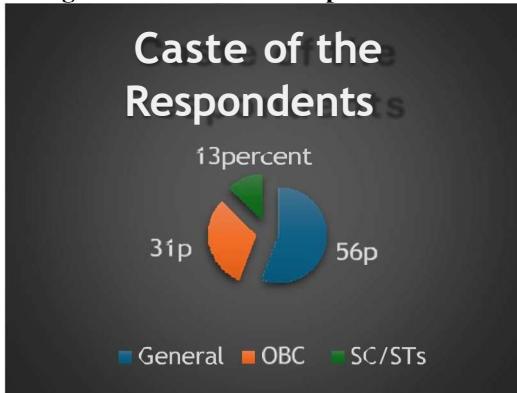


Figure 4. Caste of the Respondents



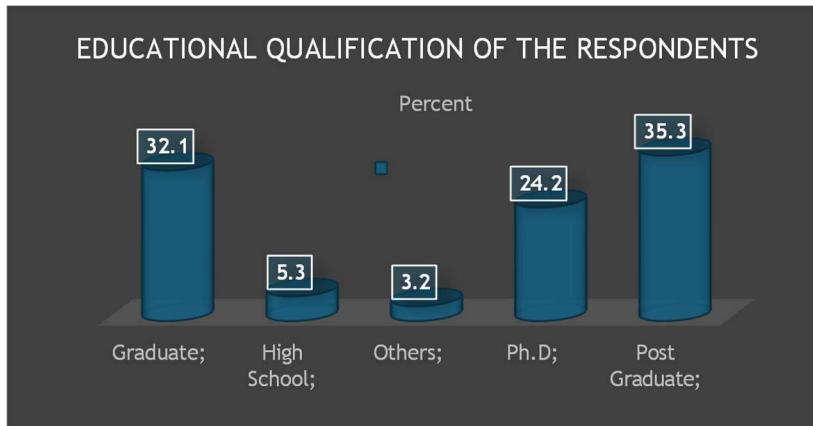
Source: Primary Data

Figure 3 illustrates that approximately 82percent of the respondents follow the Hindu religion, 13percent identify as Muslims, and around 4.2percent adhere to Christianity. Figure 4 shows that 56percent of respondents fall under the General category, 31percent belong to Other Backward Castes, and 13percent are from SC/STs.

Moonlighting is seen to be more desperate across individuals with different education levels. In line with earlier literature, Moonlighting increases with educational attainment (Amirault, 1997). Figure 5 also shows that with education level at high school, only 5.3 percent of individuals were engaged in moonlighting, whereas 35 percent of Ph.D. were engaged in moonlighting.

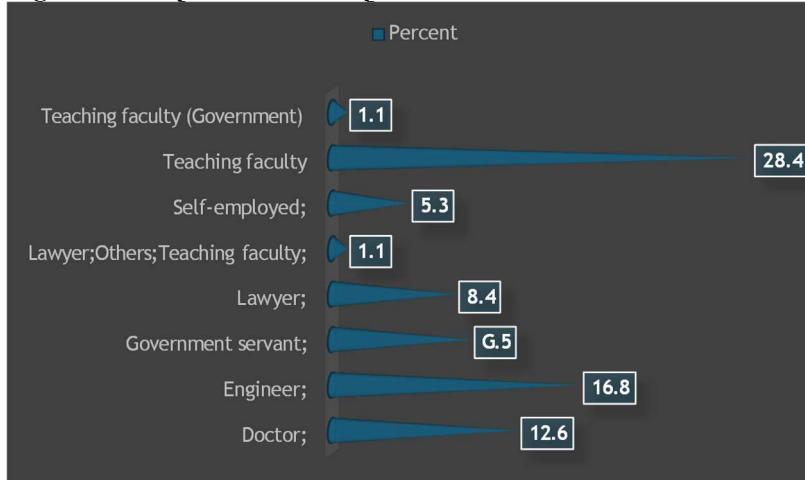
Digging deeper into the results, the figure illustrates secondary employment patterns among individuals with various occupational roles. Firstly, certain occupations may have schedules that are not conducive to taking on an additional job. Additionally, varying salaries in different professions may impact the inclination to seek secondary employment. Lastly, considering that skills may be job-specific, individuals may have differing opportunities to apply these skills or acquire new ones in a second job. **Consistent with this discussion**, Figure 6 indicates the prevalence of moonlighting in occupations. Professions such as teaching faculty (higher education), government employees, and other jobs are less likely to moonlight. In contrast, numerous professionals and service providers hold multiple jobs. For instance, medical practitioners, teaching faculty (non-government teachers), and engineers are actively involved in moonlighting. Previous studies align with and support these findings (Amirault, 1997).

Figure 5. Educational Qualification of the Respondents



Source: Primary Data

Figure 6. Occupation of the Respondents



Source: Primary Data

Figure 7. Gender and Engage in Moonlighting

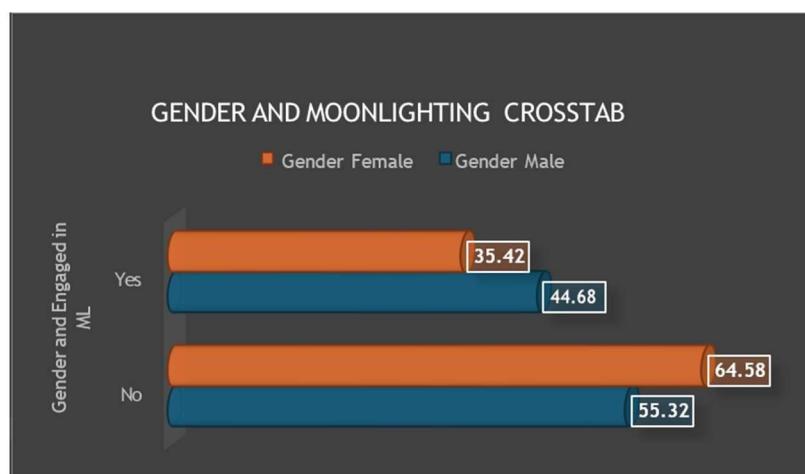
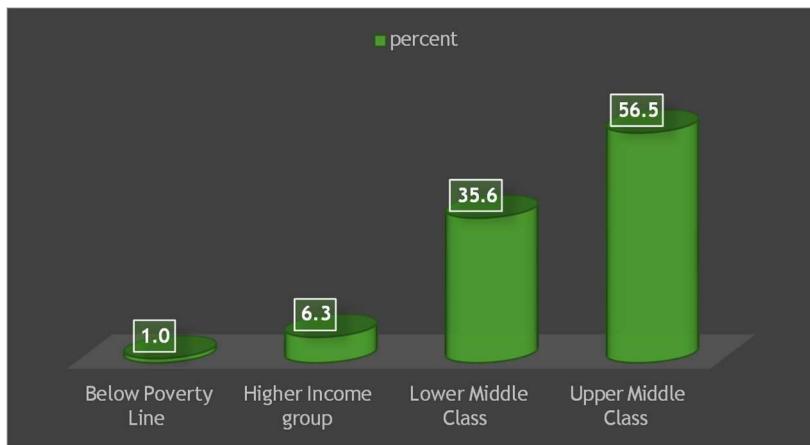


Figure 7 shows that male respondents are more inclined towards multiple jobs.

Figure: 8. Income-group of the Respondents

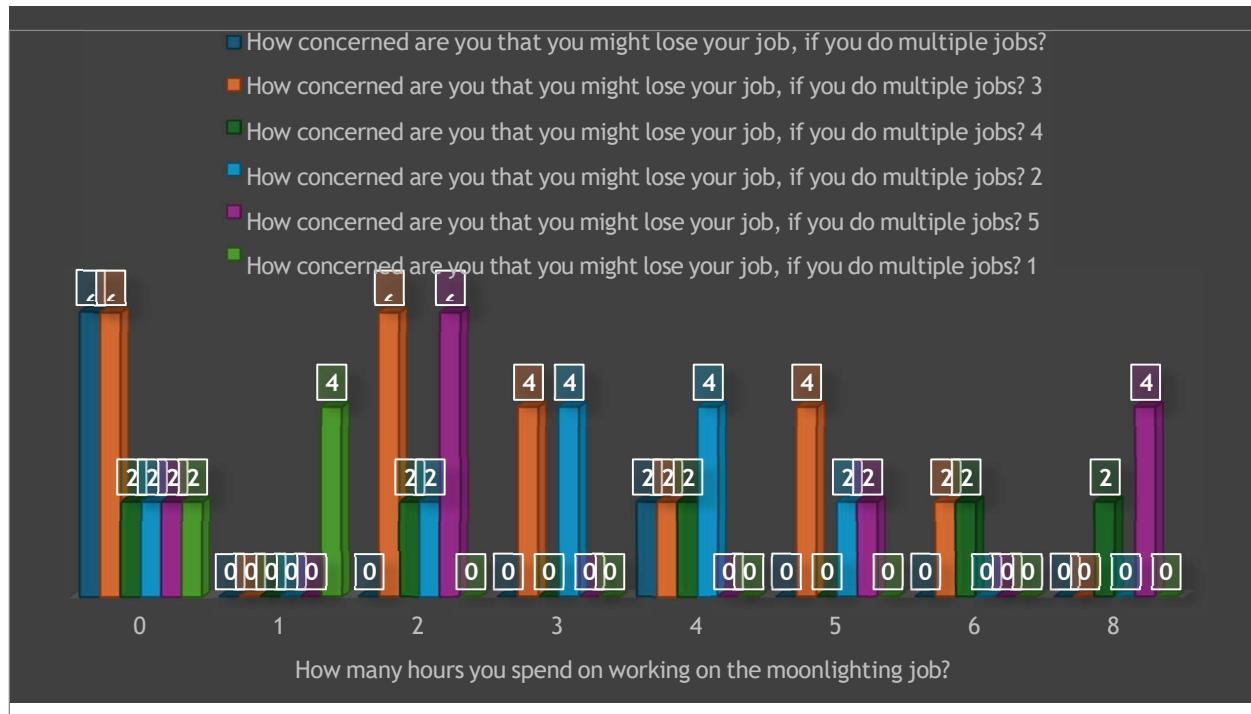


Source: Primary Data

Figure 8 shows that the middle class (especially the upper middle class) was likelier to moonlight.

Figure 9 shows the cross-tabulation of hours spent on a second job and reasons for moonlighting. We can see that extra earnings are the most important reason for spending an extra hour on a second. the motivations behind having multiple jobs. Approximately 46 percent of individuals indicated that their primary reason was to augment their income. Another 33 percent mentioned they engaged in multiple jobs for exploration purposes. Only 9 percent reported having more than one job to cover expenses or settle debts, and another 9 percent cited exploration as their motivation.

Figure 9. Cross tab between Hours spent and concern about losing the Job



IV.1. Empirical Specification and Econometric Issues:

The quantification of monthly savings (Month Sav) is directly derived by subtracting the total household net monthly disposable income from the monthly expenditure on all goods and services, excluding consumer durables. Table 1 furnishes details regarding the characteristics of individuals involved in moonlighting. According to our definition, a second job is considered moonlighting if it is a paid position or an individual economic activity (self-employed). Therefore, it falls under the category of moonlighting if respondents answer affirmatively to both "Are you engaged in moonlighting/multiple jobs?" and "In the last 30 days, did you do moonlight for which you have been paid?"

Hypothesis Test Summary				
	Null Hypothesis	Test	Sig.	Decision
1	The distribution of Inmonth_sav is the same across categories of Which income category you belong to.	Independent-Samples Kruskal-Wallis Test	.000	Reject the null hypothesis.
2	The distribution of Inhours is the same across categories of Which income category you belong to.	Independent-Samples Kruskal-Wallis Test	.043	Reject the null hypothesis.
3	The distribution of How many members do you have in your family? is the same across categories of Which income category you belong to.	Independent-Samples Kruskal-Wallis Test	.220	Retain the null hypothesis.
4	The distribution of No. of dependent children (and parents) is the same across categories of Which income category you belong to.	Independent-Samples Kruskal-Wallis Test	.044	Reject the null hypothesis.
5	The distribution of How many members are working in your family? is the same across categories of Which income category you belong to.	Independent-Samples Kruskal-Wallis Test	.032	Reject the null hypothesis.
6	The distribution of Indpi is the same across categories of Which income category you belong to.	Independent-Samples Kruskal-Wallis Test	.000	Reject the null hypothesis.

Asymptotic significances are displayed. The significance level is .05.

Hypothesis Test Summary				
	Null Hypothesis	Test	Sig.	Decision
1	The distribution of Inmonth_sav is the same across categories of Age-group.	Independent-Samples Kruskal-Wallis Test	.018	Reject the null hypothesis.
2	The distribution of Inhours is the same across categories of Age-group.	Independent-Samples Kruskal-Wallis Test	.190	Retain the null hypothesis.
3	The distribution of How many members do you have in your family? is the same across categories of Age-group.	Independent-Samples Kruskal-Wallis Test	.001	Reject the null hypothesis.
4	The distribution of No. of dependent children (and parents) is the same across categories of Age-group.	Independent-Samples Kruskal-Wallis Test	.052	Retain the null hypothesis.
5	The distribution of How many members are working in your family? is the same across categories of Age-group.	Independent-Samples Kruskal-Wallis Test	.001	Reject the null hypothesis.

Asymptotic significances are displayed. The significance level is .05.

Figure 10 & 11 Hypothesis Tests Results

Observations indicate that most moonlighters are younger, possess higher education levels, and belong to higher income brackets. These findings align with the results obtained from the study.

Another variable involves the respondents' perception of the risk of losing their primary job. The fear of job loss represents a notable source of uncertainty for individuals. The question posed was: "How concerned are you that you might lose your job?" Response options include very concerned, concerned, not concerned, neither concerned nor unconcerned, and not very concerned at all. The analysis of this question employs a Likert scale.

Binary Probit regression is employed to analyze these probabilities, considering a set of personal factors, gender (dummies), reasons for moonlighting (Likert scale), and monthly saving. The results align with expectations, indicating that the likelihood of engaging in moonlighting is higher for males, primarily due to motivations such as earning extra income and increasing monthly savings. Additionally, higher odds are observed for individuals in professions like medical practitioners, teaching faculty, and engineers.

Model 10: Probit, using observations 1-189 (n = 162)

Missing or incomplete observations dropped: 27

Dependent variable: EngagedinML

QML standard errors

	<i>Coefficient</i>	<i>Std. Error</i>	<i>z</i>	<i>p-value</i>
Const	-5.05615***	1.25589	-4.026	<0.0001
Age_group	0.156893**	0.0713901	2.198	0.0280
Gender	-0.860172***	0.314820	-2.732	0.0063
wWorking_family	0.0197125	0.106163	0.1857	0.8527
ReasonsforML	0.808427***	0.0944300	8.561	<0.0001
Head_HH	0.625915**	0.268302	2.333	0.0197
1_Month_sav	0.278236***	0.100063	2.781	0.0054
Mean dependent var	0.395062		S.D. dependent var	0.490380
McFadden R-squared	0.541885		Adjusted R-squared	0.477485
Log-likelihood	-49.79491		Akaike criterion	113.5898
Schwarz criterion	135.2030		Hannan-Quinn	122.3651

Number of cases 'correctly predicted' = 143

(88.3percent) f(beta'x) at mean of independent vars =

0.490 Likelihood ratio test: Chi-square (6) = 117.801

[0.0000] Test for normality of residual -

Null hypothesis: error is normally distributed

Test statistic: Chi-square (2) = 12.8048

with p-value = 0.00165761

IV.2 Main empirical specification:

In the empirical formulation, the research conducts regressions primarily to evaluate the influence of variables such as age group, presence of multiple earners in the family, gender, motivations for moonlighting, head of the

household, and monthly savings on the decisions related to moonlighting. The fundamental equations that are estimated generally follow this structure:

$$\hat{\text{Engaged_ML}}_i = \alpha_0 + \beta_1 \text{Age_group}_i - \beta_2 \text{gender}_i + \beta_3 \text{more_working_in_family}_i + \beta_4 \text{Reasons_ML}_i + \beta_5 \text{Head_HH} + \beta_6 \text{Monthly_sav}_i + u_i \quad (1)$$

Within this framework, an individual believes that the legalization of moonlighting carries a subjectively assessed probability denoted as p , leading to an affirmative response. Conversely, with a probability of $(1-p)$, the individual responds negatively to moonlighting.

The variable Engaged_ML signifies the subjective probability within household I (or household head I, represented as a dummy variable; 1 for yes, 0 otherwise), genders (a dummy variable with 1 for female and 0 otherwise), Reasons_ML, age group, the presence of more workers in the family (a dummy variable with 1 for yes and 0 otherwise), and the logarithm of monthly_sav, assumed to impact moonlighting. These variables are included to examine whether they influence the decision to engage in multiple jobs. The analysis reveals that the coefficient associated with reasons is precisely determined and optimistic, indicating that reasons for holding multiple jobs positively impact the decision to moonlight. Furthermore, the estimates suggest that gender has a negative and statistically significant effect on moonlighting, with significance at the 5 percent level. Higher monthly savings are precisely determined and positive, suggesting that savings influence the decision to pursue a second job. The inclination to have multiple jobs varies based on age, gender, reasons, savings, and the male household head status.

The second regression model addresses whether moonlighting ought to be sanctioned. Model 2 presents the outcomes of a probit regression designed to gauge the likelihood of legalizing holding multiple jobs.

$$\hat{\text{ML_legalized}}_i = \alpha_0 - \beta_1 \text{ML_Ethical}_i + \beta_2 \text{Gender}_i - \beta_3 \text{Age_group}_i + \beta_4 \text{Monthly_dpi}_i + u_i \quad (2)$$

In this regression model, the dependent variable is a binary variable with a value of 1 indicating "yes" and 0 otherwise. The independent variables include ML_Ethical (a dummy variable with 1 for yes and 0 otherwise), age group, monthly disposable income, and gender (with females coded as 1 and 0 otherwise). The ethical stance on moonlighting has a negative impact on the dependent variable, with statistical significance at the 5 percent level. The age group variable is negative, statistically significant, and equals -0.22. The coefficient for monthly disposable income is positive, precisely determined, and significant at the 10 percent level. The gender variable is positive and highly significant. According to the estimates presented in Model 2, a 22 percent increase in age is associated with a negative inclination toward legalizing moonlighting. Conversely, the positive effect of income on the perception of moonlighting as ethical is significant at the 10 percent level.

Model 2: Probit, using observations 1-190 (n = 185) Missing or incomplete observations dropped: 5 Dependent variable: ML_legalized.

QML standard errors

	Coefficient	Std. Error	Z	p-value
Const	1.51491***	0.317862	4.766	<0.0001
MLethical	-0.533815	0.225767	-2.364	0.0181
Age_group	-0.220720***	0.0585778	-3.768	0.0002
Monthlydisposableincome	2.05021e-06	1.17635e-06	1.743	0.0814
Gender	0.662423***	0.245229	2.701	0.0069
Mean dependent var	0.805405	S.D. dependent var		0.396963
McFadden R-squared	0.143344	Adjusted R-squared		0.088502
Log-likelihood	-78.10234	Akaike criterion		166.2047
Schwarz criterion	182.3065	Hannan-Quinn		172.7303

Note: Number of cases 'correctly predicted' = 153
 (82.7 percent) f(beta'x) at mean of independent vars = 0.397 Likelihood ratio test: Chi-square(4) = 26.1376 [0.0000] Test for normality of residual - Null hypothesis: error is normally distributed Test statistic: Chi-square (2) = 5.92886 with p-value = 0.0515899

V. Conclusion and Suggestions

Following the primary finding, which remained consistent across different estimation methods, “savings” positively impact the decision to engage in moonlighting. The substantial positive influence of reasons for choosing moonlighting is highly significant. This suggests that individuals often view their second job as a self-insurance mechanism, serving as an alternative to precautionary saving to safeguard themselves and their families from uncertainties related to primary job earnings. The study also delved into empirical research from a legal perspective. Results from the second model indicate that ethical considerations, age group, income, and gender influence moonlighting, concluding that “it should be legalized.” A theoretical and empirical examination of the direct effects of various demographic features of moonlighting on savings is an important area that merits further exploration and is slated for future research. The practice of moonlighting is undeniable and will likely persist in the future, regardless of one's stance. Therefore, employers must define their company's stance on moonlighting when formulating and implementing Human Resources policies and procedures. Employees should communicate the nature of their secondary employment to their primary employer. Provisions related to moonlighting can be interpreted in various ways; on the one hand, it may be seen as a restriction on dual employment, while on the other, it could be perceived as a limitation on overtime, affecting the number of hours an individual is permitted to work.

The companies may also choose to implement a “moonlighting policy” depending on the nature of their services and employment conditions. Some of the steps employers can take to address moonlighting include:

- **Contractual Protection Clauses:** The first defence is to include appropriate contractual clauses in the employment contract. This can be done either in the letter of appointment or in policies and other documents that are part of the employment contract. For instance, the non-competition clause is a standard inclusion in employment contracts and can be enforced during employment. These negative covenants, which are in force during the employment period, are generally not regarded as a violation of article 27 as a restriction on trade under the Indian Contract Act 1872.
- **Proper Vigilance:** Employers must proactively safeguard their rights by monitoring employee performance, investing in enhanced cyber security measures, and increasing employee awareness. Such a strategy may be appropriate for companies that handle sensitive or critical information, and clients of such companies may find it necessary to prohibit other work or employee moonlighting.
- **Moonlighting policy:** If an employer chooses to allow employees to moonlight, a moonlighting policy can be put in place that outlines approvals and projects that employees can undertake. For example, an employee shouldn't be allowed to work on projects that may involve them creating or inventing products or intellectual property that would be used in their primary employer's area of work. The moonlighting policy should also outline and require transparency from employees regarding additional projects and activities they wish to pursue. It should also ensure that employees comply with any confidentiality/non-compete requirements that may apply to them.
- **Job Security:** The employer should provide job security to the person. Data analysed also point out that the main reason for moonlighting is job security, as Government employees are less engaged in moonlighting because of job security. The comparatively high moonlighting rates of married men emphasize the significance of economic responsibility for their families as a motive for a second job.
- **Health and Happiness:** Health and happiness can't be ignored while formulating any policy. Working hours fixed in many foreign jurisdictions are also on health basics only. Excessive work can deteriorate the mental and physical condition of the worker and can affect their family relationship. Narayana Murty's 70-hour workweek model can affect the workers' health as the International Labour Organisation, in its latest convention, mandated 40-hour work-week instead of a 48-hour work convention. There is need to look into rise in mental health crises in India. These measures would allow organisations to allow employees to engage in additional activities in a controlled way while safeguarding their interests. More organisations will likely adopt such policies as the demand for qualified labour or gig work increases. Besides granting employee flexibility, it will also help employers harness different talents and competencies at the lowest operating cost and improve their business efficiency. So, instead of giving an employer a monopoly, the State should regulate it through some mechanism so that the interests of both can be protected and sacking on the ground of moonlighting can be controlled. The government needs to end this monopoly of employers and has explicitly stated that moonlighting is permitted under certain circumstances, and arbitrarily, employers cannot sack employees on present grounds.

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