

**GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
LOK SABHA  
UNSTARRED QUESTION NO. 1971  
TO BE ANSWERED ON 19.12.2022**

**MOONLIGHTING IN INDUSTRY**

**1971. SHRIMATI SUMALATHA AMBAREESH:**

**Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:**

- (a) whether the Government considers moonlighting to be an efficient reason for firing of employees and if so, the details thereof;**
- (b) whether the Government has observed that layoffs are happening as a result of Moonlighting and if so, the details thereof;**
- (c) whether the Government has undertaken any study on moonlighting in the country and if so, the details thereof; and**
- (d) whether the Government has instructed companies not to fire employees as a result of moonlighting and if so, the details regarding any actions taken by the Government to stop firing as a result of moonlighting?**

**ANSWER**

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT  
(SHRI RAMESWAR TELI)**

**(a): As per the Industrial Employment (Standing Orders) Act 1946, a workman shall not at any time work against the interest of the industrial establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of his employer.**

**(b): Employment and retrenchment including lay-offs are a regular phenomenon in industrial establishments. No specific information is available to indicate that layoffs are happening due to moonlighting.**

**(c): No, Sir.**

**Contd..2/-**

**(d): Matters relating to lay-off and retrenchment in industrial establishments are governed by the provisions of the Industrial Disputes Act, 1947 (ID Act) which also regulates various aspects of lay-off and conditions precedent to retrenchment of workmen. As per the ID Act, establishments employing 100 persons or more are required to seek prior permission of the appropriate Government before effecting closure, retrenchment or lay-off. Further, any retrenchment and lay-off are deemed to be illegal which is not carried out as per the provisions of ID Act. ID Act also provides for right of workmen laid off and retrenched for compensation and it also contains provision for re-employment of retrenched workmen. Based on their respective jurisdictions as demarcated in the ID Act, Central and State Governments take actions to address the issues of the workmen and protect their interests as per the provision of the Act. In the establishments that lie in the jurisdiction of Central Government, the Central Industrial Relations Machinery (CIRM) is entrusted with the task of maintaining good Industrial relations and protect the interest of workers including on the matters relating to lay off and retrenchment and their prevention. The jurisdiction in the matters with regard to multi-national and Indian companies in the IT, social media, Edu Tech firms and related sectors lie with the respective State Governments.**

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