

MEMORANDUM OF COOPERATION
ON
THE TECHNICAL INTERN TRAINING PROGRAM
BETWEEN
THE MINISTRY OF JUSTICE, THE MINISTRY OF FOREIGN AFFAIRS AND THE
MINISTRY OF HEALTH, LABOUR AND WELFARE OF JAPAN
AND
THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP OF THE
GOVERNMENT OF INDIA

The Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Health, Labour and Welfare of Japan (hereinafter referred to collectively as “the Ministry of Japan”) and the Ministry of Skill Development and Entrepreneurship of the Republic of India (hereinafter referred to as “MSDE”), with a view to promoting partnership in skill development, share the common view that the purpose of the Technical Intern Training Program is to transfer technical skills, techniques and knowledge (hereinafter referred to as “technical skills.”), to contribute to the human resource development of the Republic of India (hereinafter referred to as “India”), and to strengthen mutual interests through cooperation between Japan and India. Based on this view, the Ministry of Japan and MSDE (hereinafter referred to collectively as “both Ministries”) have decided to cooperate as follows in order to adequately advance the Technical Intern Training Program:

I. Purpose

The purpose of this Memorandum of Cooperation (hereinafter referred to as “this MoC”) is to transfer technical skills from Japan to India appropriately and smoothly by advancing the Technical Intern Training Program by setting out the commitments between the Ministry of Japan and MSDE to send and accept technical intern trainees and thereby strengthen the international cooperation.

II. Commitments of the Ministry of Japan

The Ministry of Japan, in cooperation with the Embassy of Japan as well as the Consulates-General of Japan in India, if considered appropriate, will carry out the following commitments related to the acceptance of technical intern trainees from India in accordance with the relevant laws and regulations of Japan:

1. When the Ministry of Japan receives the information from MSDE about a sending organization that intends to send technical intern trainees to Japan (hereinafter referred to as “Sending Organization”) and has been approved by MSDE (Directorate General of Training (DGT)) to meet Sending Organization’s Approving Standards described in Attachment 1 (hereinafter respectively referred to as “Approved Sending Organization” and “Approving Standards”), to make such

- information publicly available in Japan;
2. To accept only those technical intern trainees of India who are sent by Approved Sending Organizations after the commencement of cooperation under this MoC. However, the Ministry of Japan may not accept technical intern trainees of India in case that a technical intern training plan prepared by an implementing organization related to the technical intern trainee is not approved by Organization for Technical Intern Training of Japan and so forth, even if they are sent from Approved Sending Organizations;
 3. When MSDE completes the process for approval of Indian Sending Organizations, to receive a full list of Indian Approved Sending Organizations, and when MSDE provides a letter of recommendation for an Indian Approved Sending Organization, to receive the letter;
 4. Not to require the letter of recommendation for technical intern trainees by MSDE after receiving a full list of Approved Sending Organizations, on the condition that the Ministry of Japan receives the Certificate described in Attachment 3 after the commencement of cooperation under this MoC;
 5. When the Ministry of Japan receives from MSDE the information on the revocation of an approval of Approved Sending Organizations, to make such information publicly available in Japan;
 6. To provide necessary information when the Ministry of Japan receives inquiries from MSDE pertaining to issues such as the status of implementation of the Technical Intern Training Program, any revisions of the Program, or any additions of the occupations covered by the Program;
 7. To provide MSDE with a list of licensed Japanese supervising organizations;
 8. To notify the results to MSDE, when the Ministry of Japan takes administrative measures against a supervising organization by revoking the license, issuing an order for suspension of operation or issuing an order for improvement, or administrative measures against an implementing organization by revoking accreditation of a technical intern training plan or issuing an order for improvement in accordance with Article 15, Article 16, Article 36 or Article 37, including the case of violations of Article 46 to 49 of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (herein after referred to as “Act”);
 9. To establish a mechanism to support technical intern trainees in English;
 10. To establish a system to transfer technical intern trainees to other implementing organizations in case of revocation of license of a supervising organization, discontinuation of business by an implementing organization or infringement of human rights by a supervising organization or an implementing organization; and
 11. When the Ministry of Japan finds that an Indian Approved Sending Organization has exercised activities inconsistent with Act, to inform MSDE of such activities for the purpose of cooperating with MSDE in taking appropriate action on such activities.

III. Commitments of MSDE

MSDE, in accordance with the relevant laws and regulations of India, will carry out the following commitments with regard to sending technical intern trainees:

1. To ensure that the recommendation, which is made by MSDE on a Sending Organization that is considered to have the ability to properly coordinate the applications of the technical intern trainees for the supervising-organization-type of the Technical Intern Training Program to supervising organizations in Japan (the recommendation stipulated in paragraph 1, Article 25 of the Ordinance for Enforcement of Act), may not be made by any public authorities other than MSDE;
2. To examine whether or not Sending Organizations meet Approving Standards, and to give approvals when Sending Organizations are considered to meet Approving Standards;
3. To make the names and other information of Approved Sending Organizations in India, publicly available when the approvals set out in the previous paragraph are given. To provide the Ministry of Japan with the information on Approved Sending Organizations in the form specified in Attachment 2, and to continue issuing the letter of recommendation for Sending Organizations which MSDE considers appropriate to send technical intern trainees to Japan until MSDE provides the Ministry of Japan with a full list of Approved Sending Organizations;
4. When MSDE is informed by the Ministry of Japan that an Approved Sending Organization seems to have exercised activities inconsistent with Approving Standards or other improper activities, to conduct investigations over the Approved Sending Organization in question, to provide necessary guidance and supervision, and then to report the results to the Ministry of Japan;
5. To provide guidance to Approved Sending Organizations in India in order to select and send technical intern trainees in an appropriate manner, to revoke an approval when MSDE considers that an Approved Sending Organization no longer meets Approving Standards, and to notify the results to the Ministry of Japan;
6. To cooperate on follow-up surveys conducted by the Ministry of Japan concerning the situation of utilization of acquired technical skills, etc. after the technical intern trainees return to India, by, in particular, providing guidance to Approved Sending Organizations in order to obtain accurate feedbacks as many as possible from those former technical intern trainees; and
7. To provide the Ministry of Japan with information required, when MSDE receives inquiries from the Ministry of Japan pertaining to guidance and supervision records exercised over Approved Sending Organizations, records related to approval of Sending Organizations, matters related to the types of job categories in demand for technical transfer in India and so forth.

IV. Designation of Contact Points

Both Ministries will designate respectively the following contact points related to communications and coordination between both countries in order to effectively implement the activities under this MoC.

1. For Japan, the International Affairs Department of the Organization for Technical Intern Training. For modification and supplementation of this MoC and desire to terminate the cooperation under this MoC, the Entry and Status Division of the Immigration Bureau, the Ministry of Justice and the Office of Counselor for Overseas Human Resources Development, the Ministry of Health, Labour and Welfare.
2. For India, the Director General of Training/ Joint Secretary, Directorate General of Training, MSDE. The aforementioned contact points may delegate a part of the work related to this MoC to the Embassy of India in Japan.

V. Settlement of Issues

Both Ministries will consult with respect to the implementation of activities under this MoC or issues arising in relation to the implementation, including occurrences of technical intern trainees' disappearances and deportations of illegally staying technical intern trainees, and will settle such issues amicably and in close cooperation, through diplomatic channels as deemed appropriate, with each country's relevant ministries and agencies.

VI. Implementation within the scope of laws and regulations

Cooperation under this MoC will be conducted within the scope of the laws and regulations in force in each country. Either of Ministries will not disclose confidential information obtained from the other Ministry through cooperation and exchange of information within the framework of this MoC without the written consent from the other Ministry.

VII. Consultation

Representatives of both Ministries will consult from time to time, as necessary, through diplomatic channels as deemed appropriate.

VIII. Others or Miscellaneous

1. Commencement

This MoC was signed in Tokyo, Japan, on 17th October in 2017 in two originals in the English Language. The cooperation under this MoC will commence on the thirtieth day after the date of receipt of the latter notification, which each Ministry makes to announce the intention to commence the cooperation under this MoC.

2. Validity

The cooperation under this MoC will continue for a period of five years from the thirtieth day after the date of receipt of the latter notification and will be extended

automatically for additional five years unless there is a written notice by either Ministry indicating desire not to extend it sixty days in advance of the termination date.

3. Termination

(1) In case either Ministry wishes to terminate the cooperation based on this MoC before the end of the five-year period mentioned above, the cooperation may be terminated by a written notice to the other Ministry indicating such intent, not later than ninety days before the desired termination date.

(2) In case of termination of the cooperation under this MoC, both Ministries will ensure that the interest of technical intern trainees is taken into account.

4. Modification and supplementation: The contents of this MoC will be modified or supplemented as necessary with written consent of both Ministries.

This Memorandum is made in English.

**FOR THE MINISTRY OF JUSTICE
OF JAPAN**

**FOR THE MINISTRY OF SKILL
DEVELOPMENT &
ENTREPRENEURSHIP OF THE
GOVERNMENT OF REPUBLIC OF
INDIA**

**FOR THE MINISTRY OF FOREIGN
AFFAIRS OF JAPAN**

**FOR THE MINISTRY OF HEALTH,
LABOUR AND WELFARE OF JAPAN**

Approving Standards for Sending Organizations

1. A Sending Organization must meet all of the following standards.
 - (1) To appropriately select and send to Japan only those who are motivated to engage in technical intern training with the understanding of the objectives of the Technical Intern Training Program and to contribute to the economic development of the Republic of India (hereinafter referred to as “India”) by making use of the achievement through the technical intern training after returning to India.
 - (2) To clearly specify the calculating criteria of commissions and any other fees to be collected from ‘technical intern trainees and/or technical intern trainee candidates’ (hereinafter referred to as “trainees and candidates”) and make the criteria publicly available, and to explain the detail of such commissions and other fees to trainees and candidates in order to obtain their understanding sufficiently.
 - (3) To provide the technical intern trainees who returned to India after completing the technical intern training with necessary support, such as finding occupations in order for them to appropriately utilize the acquired technical skills, etc.
 - (4) With respect to the appropriate implementation of the Technical Intern Training Program as well as the protection of technical intern trainees, to respond the requests from the Minister of Justice of Japan, the Minister of Health, Labour and Welfare of Japan or the Organization for Technical Intern Training. Such requests include cooperation on follow-up surveys on the technical intern trainees who returned to India after completing the technical intern training.
 - (5) As for Sending Organization and its board members, if they had been sentenced to imprisonment or more severe penalty in Japan, India or any other countries, at least five years have elapsed after the penalty had been completed or the penalty had been exempted from the execution.
 - (6) To carry out any projects in accordance with the laws and regulations of India.
 - (7) As for Sending Organization and its board members, to have never conducted any of the following acts within the preceding five years:
 - (a) In connection with technical intern training, managing money or other properties of trainees and candidates, their relatives or other persons concerned, regardless of any reasons such as collecting deposits or any

- other purposes;
- (b) Concluding any contracts that impose monetary penalties or that expect undue transfer of money or other properties, for the violation of the contracts in relation to technical intern training;
 - (c) Human rights infringements against trainees and candidates such as assaults, intimidations, and restrictions of freedom; and
 - (d) With regards to the procedures of the Technical Intern Training Program as well as the immigration program in Japan, to use or provide forged, altered or false documents, pictures or drawings with the intention of obtaining permissions fraudulently.
- (8) In coordinating applications for technical intern training to Japanese supervising organizations, to confirm that trainees and candidates, their relatives or other persons concerned have never been involved in the acts set out in (a) and (b) of (7).
- (9) Acknowledging the importance of addressing disappearance of technical intern trainees, to cooperate with Japanese supervising organizations and to make efforts in order to prevent technical intern trainees from disappearing.
- (10) To have other necessary capacities to appropriately coordinate applications for technical intern training to Japanese supervising organizations.
2. In terms of approving Sending Organization in India, MSDE will commence the procedure from 1st November 2017 and provide a full list of Approved Sending Organizations for the Ministry of Japan by 1st January 2018. The Ministry of Japan will accept only those trainees who are sent by Indian Approved Sending Organizations on the list from 1st May 2018.

Date : _____

Outline of Approved Sending Organization

Name of Organization : _____

Name of Representative : _____

Address : _____

TEL : _____ FAX : _____

Email : _____

URL: _____

Date of establishment : _____

Date of approval (Duration) : _____ (Valid until : _____)

Type of industry and main business : _____

Capital : _____

Yearly sales figure (the most recent year) : _____

Number of full-time employees (the number of employees involved in sending work) : _____ (_____)

Name of person in charge of training : _____

(position) _____

(Address) _____

(TEL) _____ (FAX) _____

(Email) _____

Contact point in Japan

(Name) : _____

(Name of representative (In the case of a company/organization)) : _____

(Address) _____

(TEL) _____ (FAX) _____

(Email) _____

Date:

Certificate

The Ministry of Skill Development and Entrepreneurship of the Republic of India (hereinafter referred to as “the Ministry”) hereby recognizes that the technical intern trainees who will be sent to Japan by Approved Sending Organizations* are appropriate to engage in technical intern training, excluding those recognized inappropriate by the Ministry, and so notifies the Japanese contact point designated in IV. of the Memorandum of Cooperation on the Technical Intern Training Program separately.

* The term Approved Sending Organization means the sending organization which is approved by the Ministry.

Ministry of Skill Development and Entrepreneurship of the Republic of India
(Signature)