

OFFICIAL GAZETTE

ENGLISH EDITION GOVERNMENT PRINTING BUREAU

EXTRA

SUNDAY, NOVEMBER 3, 1946

The Imperial Message given to-day at the commemoration ceremony on the promulgation of the Japanese Constitution, is as follows:

I have caused this day the Constitution of Japan to be promulgated.

This Constitution represents a complete revision of the Imperial Constitution. It seeks, the basis of national reconstruction in the universal principle of mankind. It has been decided upon by the freely expressed will of the people. It explicitly stipulates that the people of Japan renounce war of their own accord, that they desire to see to the realization of a permanent peace founded on justice and order throughout the world, and that having constant regard to the fundamental human rights, they will conduct the national affairs on the fixed line of democracy.

It is my wish to join with my people in directing all our endeavours toward due enforcement of this Constitution and the building of a nation of culture tempered by the sense of moderation and responsibility and dedicated to freedom and peace.

1917
ENGLISH EDITION

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SUNDAY, NOVEMBER 3, 1946

IMPERIAL RESCRIPT

Today, following an overall revision of the Imperial Constitution, I have caused the Constitution of Japan based on the universal principles of mankind to be promulgated. I rejoice that the corner-stone of a peaceful and thoroughly democratic State has been firmly laid by this Constitution.

I have ordered the Government on this occasion to grant the Imperial Amnesty. It is my desire that all those concerned, appreciating the significance thereof, will attend to their respective affairs.

Signed: HIROHITO, Seal of the Emperor

This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946)

Countersigned:

Prime Minister and concurrently Minister for Foreign Affairs	YOSHIDA Shigeru
Minister of State	SHIDEHARA Kijuro
Minister of Justice	KIMURA Tokutaro
Minister for Home Affairs	OMURA Seichi
Minister of Education	TANAKA Kitaro
Minister of Agriculture and Forestry	WADA Hiroo
Minister of State	SAITO Takao
Minister of Communications	HITOTSUMATSU Sadayoshi
Minister of Commerce and Industry	HOSHIDIMA Niro
Minister of Welfare	KAWAI Yoshinari
Minister of State	UEHARA Eisugoro
Minister of Transportation	HIRATSUKA Tsunejirō
Minister of Finance	ISHIBASHI Tanzan
Minister of State	KANAMORI Tokujiro
Minister of State	ZEN Kenosuke

IMPERIAL ORDINANCE

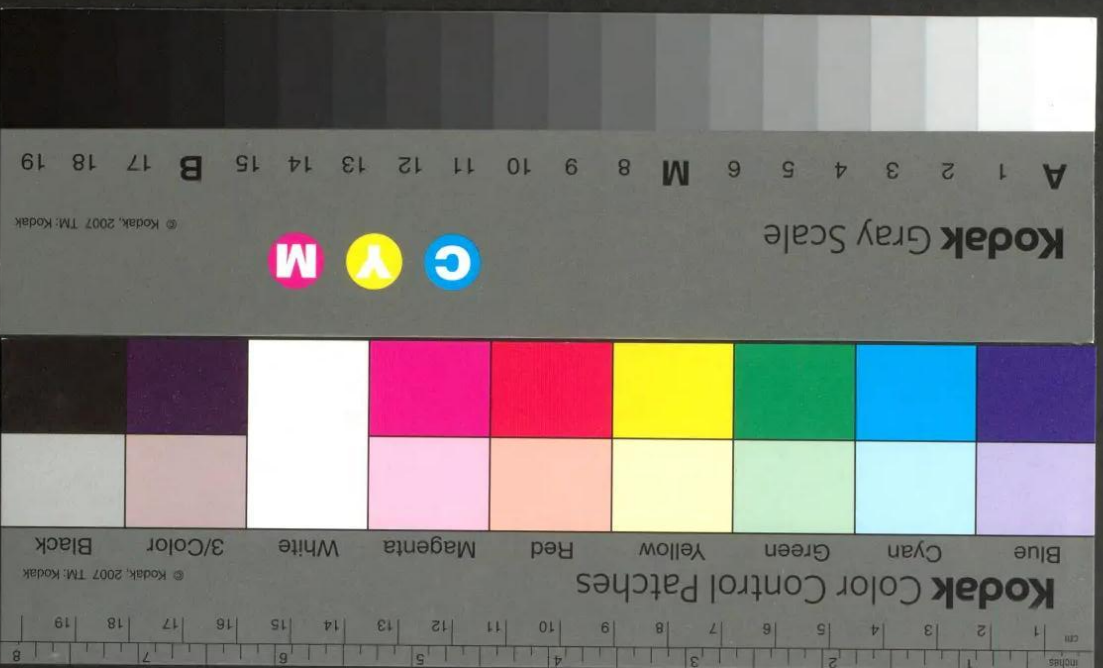
I hereby give My Sanction to General Amnesty Ordinance and cause the same to be promulgated.

Signed: HIROHITO, Seal of the Emperor

This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946)

Countersigned:

Prime Minister and concurrently Minister for Foreign Affairs	YOSHIDA Shigeru
Minister of State	SHIDEHARA Kijuro
Minister of Justice	KIMURA Tokutaro
Minister for Home Affairs	OMURA Seichi



Minister of Education	TANAKA Kōmaro
Minister of Agriculture and Forestry	WADA Hiroo
Minister of State	SAITO Takao
Minister of Communications	HIROTSUMATSU Sadayoshi
Minister of Commerce and Industry	HOSHIJIMA Hiro
Minister of Welfare	KAWAI Yoshihara
Minister of State	UEHARA Etsujirō
Minister of Transportation	HIRATSUKA Tsuneyirō
Minister of Finance	ISHIBASHI Tarzan
Minister of State	KANAMORI Tokujirō
Minister of State	ZEN Keinosuke

Imperial Ordinance No. 511

General Amnesty Ordinance

- Article 1. Those persons shall be amnestied, who committed, before November 3, 1946 the following offences, but this shall not apply in cases where acts which constitute the following offences are acts against the Allied occupation, particularly those mentioned in the Imperial Ordinance No. 311, 1946, Article 1, items 2 to 8 inclusive or Article 2, paragraph 3:
1. The offences prescribed in Articles 74 and 76 of the Criminal Code;
 2. The offences prescribed in Articles 77 to 79 inclusive of the Criminal Code;
 3. The offences prescribed in Articles 81 to 89 inclusive of the Criminal Code;
 4. The offences prescribed in Articles 105-2 and 105-3 of the Criminal Code;
 5. The offences prescribed in Article 7-4 of the Special Criminal Law in Wartime;
 6. The offences prescribed in Articles 26 to 32 inclusive and Article 34 of the Military Criminal Code;
 7. The offences prescribed in Articles 40 to 53 inclusive and Article 55 of the Military Criminal Code, and attempted but not consummated criminal offences prescribed in Articles 40, 42, 43, 45, 47, 49, 51, 53 and 55 of the said Code;
 8. The offences prescribed in Articles 57 and 59 of the Military Criminal Code;
 9. The offences prescribed in Articles 73 and 74 of the Military Criminal Code;
 10. The offences prescribed in Articles 75 to 78 inclusive of the Military Criminal Code;
 11. The offences prescribed in Articles 90 to 94 inclusive of the Military Criminal Code;
 12. The offences prescribed in Articles 95 to 104 inclusive of the Military Criminal Code;
 13. The offences prescribed in Articles 20 to 27 inclusive and Article 29 of the Naval Criminal Code;
 14. The offences prescribed in Articles 35 to 51 inclusive and Articles 53 of the Naval Criminal Code, and attempted but not consummated criminal offences prescribed in Articles 35 to 37 inclusive, Articles 40 to 42 inclusive, Articles 46, 49, 51 and 53 of the said Code;
 15. The offences prescribed in Articles 55 to 57 inclusive of the Naval Criminal Code;
 16. The offences prescribed in Articles 71 and 72 of the Naval Criminal Code;
 17. The offences prescribed in Articles 73 to 77 inclusive of the Naval Criminal Code;
 18. The offences prescribed in Articles 90 to 94 inclusive of the Naval Criminal Code;
 19. The offences prescribed in Articles 95 to 105 inclusive of the Naval Criminal Code;
 20. The offences against the Peace Preservation Law;
 21. The offences against the Maintenance of national Defence Law;
 22. The offences against the Protection of Military Secrets Law;

23. The offences against the Enforcement Regulations of the Protection of Military Secrets Law, the Ministry of War Ordinance No. 43, 1937;
24. The offences against the Enforcement Regulations of the Protection of Military Secrets Law, the Ministry of the Navy Ordinance No. 28, 1937;
25. The offences against the Law concerning Protection of Secrets about Materials for Military Use;
26. The offences against the Enforcement Regulations of the Law concerning Protection of Secrets about materials for Military Use, the Ministries of War and the Navy Ordinance No. 3, 1939;
27. The offences against Regulations concerning Protection of Secrets about Materials for Military Use of the Ministry of Transportation and Communication, the Ministry of Transportation and Communication Ordinance No. 81, 1944;
28. The offences against the Cabinet Ordinance No. 13, 1945 concerning Protection of Secrets about Materials for Military Use designated by the Prime Minister;
29. The offences against the Strategic Zone Law;
30. The offences against the Law No. 83, 1890;
31. The offences against the Defended Sea Law;
32. The offences against the Control of the Borders Law;
33. The offences against the Enforcement Regulations of the Control of the Borders Law, the Saghalien Government Ordinance No. 82, 1939;
34. The offences against the Law of Military Control of Port Regions for Military Transportation;
35. The offences against the Ordinance concerning the Regions of Buildings for defence in Kwantung Province;
36. The offences against the Imperial Ordinance No. 263, 1906;
37. The offences against the Peace Police Law;
38. The offences against the Press Law;
39. The offences against the Publication Law;
40. The offences against the Law concerning Temporary Control of Speech, Publication, Meetings, Associations etc.;
41. The offences against the Law concerning Temporary Control of Threatening Documents;
42. The offences prescribed in Article 32-4 of the Exchange Law;
43. The offences against the Law concerning Electric Correspondence for Military Use;
44. The offences against the Defence of Air Law;
45. The offences against the Religious Associations Law;
46. The offences against the Law of Election of Members of the House of Representatives, and the offences against Laws and Ordinance which cite with necessary modifications the penal clauses of the said Law concerning election of members of the assemblies organized in accordance with Laws and Ordinances;
47. The offences prescribed in Articles 233 to 236 inclusive of the Criminal Law, the Law No. 36, 1880;
48. The offences prescribed in Article 31-2, Articles 33, 34 and 36 to 40 inclusive, 42 and 43 of the National Mobilization Law, and the offences prescribed in Article 48 of the said Law concerning them;
49. The offences prescribed in Articles 5 and 6 of the Law No. 92, 1937, and the offences prescribed in Article 7 of the said Law concerning them;
50. The offences prescribed in Articles 17 to 19 inclusive of the Temporary Adjustment of Funds Law;
51. The offences against the Adjustment of Dairy-farming Industry Law;
52. The offences against the Gold Production Law;
53. The offences against the Law concerning Regulation of Distribution of Coal and Coke;
54. The offences against the Regulation of Wood Law;

55. The offences against the National Labour Note-Books Law;
56. The offences against the Urgent Measures in Wartime Law;
57. The offences against the Companies for Military Purposes Law;
58. The offences against the Military Service Law;
59. The offences against the Enforcement Regulations of the Military Service Law, the Ministry of War Ordinance No. 24, 1927;
60. The offences against the Army Muster Regulations, the Ministry of War Ordinance No. 25, 1927;
61. The offences against the Army Muster Regulations, for Defence, the Ministry of War Ordinance No. 53, 1942;
62. The offences against the Enforcement Regulations of the Military Volunteers Ordinance, the Ministry of War Ordinance No. 16, 1940;
63. The offences against the Enforcement Regulations of the Military Officers' Public Service Ordinance, the Ministry of War Ordinance No. 28, 1927;
64. The offences against the Navy Muster Regulations, the Ministry of Navy Ordinance No. 23, 1927;
65. The offences against the Navy Muster Regulations for Defence, the Ministry of Navy Ordinance No. 20, 1944;
66. The offences against the Enforcement Regulations of the Naval Volunteers Ordinance, the Ministry of Navy Ordinance No. 21, 1927;
67. The offences against the Enforcement Regulations of the Naval Officers' Public Service Ordinance, the Ministry of Navy Ordinance No. 20, 1927;
68. The offences against old Laws and Ordinances which are equal in nature to the offences enumerated in every preceding item;
69. The offences prescribed in the Laws and Ordinances of Korea, Formosa, the Kwantung Province, the South Sea Islands and the other territories outside the Empire, which are equal in nature to the offences specified in every preceding item.

Article 2. General Amnesty will not be granted in case where an act which constitutes any offence mentioned in the foregoing Article constitutes another offence coincidentally, or is a means or a result of an act which constitutes another offence.

Supplementary Provision:

The present Ordinance shall come into force as from the day of its promulgation.

I hereby give My Sanction to Commutation Ordinance and cause the same to be promulgated.

Signed: HIROHITO, Seal of the Emperor
This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946)

Countersigned:

Prime Minister and concurrently Minister for Foreign Affairs	Baron YOSHIDA Shigeru
Minister of State	SHIIDEHARA Kijuro
Minister of Justice	KIMURA Tokutaro
Minister for Home Affairs	OMURA Seichi
Minister of Education	TANAKA Koreo
Minister of Agriculture and Forestry	WADA Hiroo
Minister of State	SAITO Takao
Minister of Communications	HITOTSUMATSU Sadyoshi
Minister of Commerce and Industry	HOSHIJIMA Niro
Minister of Welfare	KAWAI Yoshinari
Minister of State	UEHARA Eisujiro
Minister of Transportation	HIRATSUKA Tsunejiro
Minister of Finance	ISHIBASHI Tanzan
Minister of State	KANAMORI Tokujiro
Minister of State	ZEN Kenosuke

Imperial Ordinance No. 512

Commutation Ordinance

Article 1. With respect to persons who were sentenced to imprisonment or graver penalty before November 3, 1946 and now are prior to execution of punishment, suspended from execution, under execution, suspended temporarily from execution or released on a ticket-of-leave, the penalty shall be commuted by the present Ordinance, but this shall not apply to those who have taken flight to be exempted from execution of punishment.

Article 2. Capital punishment shall be mitigated to penal servitude for life.

Article 3. Penal servitude for life shall be lowered to penal servitude for a period of twenty years, and imprisonment for life to imprisonment for a period of twenty years; but in respect to persons who are not less than seventy years of age on November 3, 1946 or less than sixteen years at the time of committing offences, each penalty shall be lowered to penal servitude or imprisonment for a period of fifteen years.

Article 4. Penal servitude or imprisonment for a term shall be altered in term according to the following rules:

1. With respect to persons who are prior to execution of punishment, one-fourth of the term of penalty shall be reduced;
2. With respect to persons who are under execution, one-half of the remaining term shall be reduced, but the rule of the preceding item shall govern those who have been executed for less than one-half of the term;
3. With respect to persons who are not less than seventy years of age on November 1, 1946 or less than sixteen years at the time of committing offences, one-third of the term shall be reduced, without following the rules of the preceding two items.

The rules of the preceding paragraph shall govern the minimum and maximum term in cases where sentences are passed fixing the minimum and maximum term of penalties; but the provisions of item 2 of the preceding paragraph shall apply to the maximum term of penalties which were imposed upon those persons of not less than sixteen years of age at the time of committing offences who had passed the minimum term thereof.

In cases of fractions of year, month or day are produced on the occasion of calculation prescribed in the preceding two paragraphs, one year shall be reckoned as twelve months and one month as thirty days; and fractions of days shall be omitted.

Article 5. Penalties imposed upon the following offences shall not be reduced:

1. Offences prescribed in Articles 73 and 75 of the Criminal Code;
2. Offences prescribed in Article 108 of the Criminal Code, and attempted but not consummated committal thereof;
3. Offences prescribed in Article 148 of the Criminal Code, and attempted but not consummated committal thereof;
4. Offences prescribed in Article 181 of the Criminal Code;
5. Offences prescribed in Article 200 of the Criminal Code, and attempted but not consummated committal thereof;
6. Offences committed against lineal ascendants of himself or himself or his or her spouse, prescribed in Article 204 of the Criminal Code;
7. Offences prescribed in Article 205, paragraph 2 of the Criminal Code;
8. Offences prescribed in Article 218, paragraph 2 of the Criminal Code, and the offences of causing death or wounds by reason of committing them;
9. Offences prescribed in Article 220, paragraph 2 of the Criminal Code, and the offences of causing death or wounds by reason of committing them;
10. Offences prescribed in Articles 236, 238 to 241 of the Criminal Code, and attempted but not consummated committal thereof;
11. Offences against the Special Criminal Law in Wartime which are equal in nature to the offences prescribed in every preceding item;
12. Offences prescribed in Article 86, paragraph 2, Article 88 and Article 88-2, paragraph 2 of the Military Criminal Code, and attempted but not consummated committal thereof.

tal thereof:

13. Offences prescribed in Article 86 paragraph 2, Article 88 and Article 88-2 paragraph 2 of the Naval Criminal Code, and attempted but not consummated criminal thereof;

14. Offences prescribed in the old Laws, which are equal in nature to the offence mentioned in every preceding item;

15. Offences prescribed in Article 2, paragraphs 1 and 2 of the Imperial Ordinance No. 90, 1946, and attempted but not consummated criminal thereof;

16. The offences which are composed of acts against the Allied occupation, particularly those mentioned in the Imperial Ordinance No. 311, 1946, Article 1, items 2 to 8 inclusive or Article 2, paragraph 3;

17. Offences prescribed in Laws and Ordinances of Korea, Formosa, the Kwantung province or the South Sea Islands, which are equal in nature to the offences mentioned in every preceding item.

Article 6. Commutation shall not be granted in cases where concurrent offences about which only one sentence was passed concurrently should contain offences mentioned in the preceding Article.

The same shall apply in cases where acts constituting offences other than those mentioned in the preceding Article should at the same time constitute offences prescribed in the said Article, or be means or results of offences mentioned in the said Article.

Article 7. Commutation shall not be granted to those persons who, while sentenced to imprisonment or graver penalties, were granted special amnesty, commutation or rehabilitation not in accordance with the Imperial Ordinance within fifteen years before November 3, 1946, and were sentenced again to imprisonment or graver penalties within seven years thereafter.

Supplementary Provision:

The present Ordinance shall come into force as from the day of its promulgation.

I hereby give My Sanction to Rehabilitation Ordinance and cause the same to be promulgated.

Signed: HIROHITO, Seal of the Emperor

This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946)

Countersigned:

Prime Minister and concurrently
Minister for Foreign Affairs
Minister of State
Minister of Justice
Minister for Home Affairs
Minister of Education
Minister of Agriculture and Forestry
Minister of State
Minister of Communications
Minister of Commerce and Industry
Minister of Welfare
Minister of State
Minister of Transportation
Minister of Finance
Minister of State
Minister of State

YOSHIDA Shigen
SHIDEHARA Kijuro
KIMURA Tokutaro
OMURA Seichi
TANAKA Kotaro
WADA Hiroo
SAITO Takao
HITOTSUMATSU Sadayoshi
HOSHIJIMA Niro
KAWAI Yoshinari
UEHARA Desujiro
HIRATSUKA Tsunajiro
ISHIBASHI Tanzan
KANAMORI Tokujiro
ZEN Keinosuke

Imperial Ordinance No. 513

Rehabilitation Ordinance

Rehabilitation shall be granted to those persons who by reason of fine or graver penalty passed upon them have lost their qualifications or have them suspended, and have passed not less than five years between the day on which the execution of the aforesaid penalty ceased or was remitted and the day before November 3, 1946; but this shall not apply in cases where they were again sentenced to fine or graver penalty on and after November 3, 1946.

Supplementary Provision:

The present Ordinance shall come into force as from the day of its promulgation.

INSTRUCTIONS

Ministry of Justice Instruction No. 3

November 3, 1946

Minister of Justice

KIMURA Tokutaro

Courts
Public Prosecutor's Offices
Juvenile Courts
Reformatories
Detention Houses
Prisons
Juvenile Prisons

At the time of the promulgation of the Returned Constitution, an Imperial Rescript for General Amnesty has been issued.

With the honour of being in charge of the Magistrate to effect the said Rescript, I, Tokutaro, am full of gratitude.

By doing my best from the bottom of my heart, I intend to discharge this important mission.

Those who are in service of the Judicial Offices, in obedience to the purport, must, in accordance with the directives, cause persons who come under the Ordinances of General Amnesty, Commutation and Rehabilitation to receive a special favour universally without even a single omission.

There also shall be a clear distinction between those who are to be favoured with a special pardon, commutation or rehabilitation and those who are not, in accordance with the standards provided apart, and those who come under the conditions of the above favour shall be stated and caused to be tried at once.

To those who are favoured, carefully and politely, you must convey the meaning of the Rescript, give a kind admonition, take proper measures of protection, cause them to mend their ways, lead them to step into a new life by themselves, endeavour to leave nothing to be desired in their acts from now on as members of a good nation never committing a crime again.

On completing the foundation for reconstructing Japan anew, I expect that the whole nation should still more change their mind and by the united efforts of the Government and the people, cut open thorny paths, overcome various difficulties which our country is now confronted with, dash forward to the establishment of a real State of peace, a new Japan.

Ministry of Justice Instruction No. 4

November 3, 1946

To the Public Procurator

The Regulations for Provisional Certification concerning the general amnesty of rehabilitation of those condemned in the overseas Courts, etc. shall be ruled as follows:

Minister of Justice

KIMURA Tokutaro

Article 1. In case those who have been pardoned or rehabilitated in accordance with the General Amnesty Ordinance or the Rehabilitation Ordinance among those condemned in Okinawa Prefecture, Karafuto, Korea, Formosa, Kwantung, the South Sea Islands or other areas outside Japan shall make an application to the Public Prosecutor of the District Court or the Local Court which has the jurisdiction over their permanent domicile for the provisional certification of pardon or rehabilitation, a provisional certificate shall be delivered to those persons.

Article 2. The classification, the applicant's permanent domicile, address, name, age, name of offence, name of punishment, term of punishment, name of the Court which gave a judgement, date of giving a judgement, date of delivering or other requisite particulars shall be depicted in the provisional certificate and the fact that it is an authenticated one shall be elucidated.

Article 3. In case the Public Prosecutor has delivered the provisional certificate, the particulars stipulated in the preceding Article shall be depicted in the Provisional Certification Book.

NOTIFICATIONS

Ministry of Justice Notification No. 99

November 3, 1946

When those who have been sentenced to a penalty in respect to the offences to be granted an amnesty in accordance with the General Amnesty Ordinance of the Imperial Ordinance No. 511 of the twenty-first year of Showa (1946) and been undergone or remitted the execution of the penalty, wish to get certification to the effect that they have been amnestied, they shall make application to the public procurator of the court (the succeeding court in case of the sentence of the court-martial or the demobilization court abolished) that sentenced the penalty. The same shall apply in cases where those who have been granted a rehabilitation in accordance with the Rehabilitation Ordinance of the Imperial Ordinance No. 513 of the twenty-first year of Showa (1946), wish to get certification to that effect.

Minister of Justice

KIMURA Tokutaro

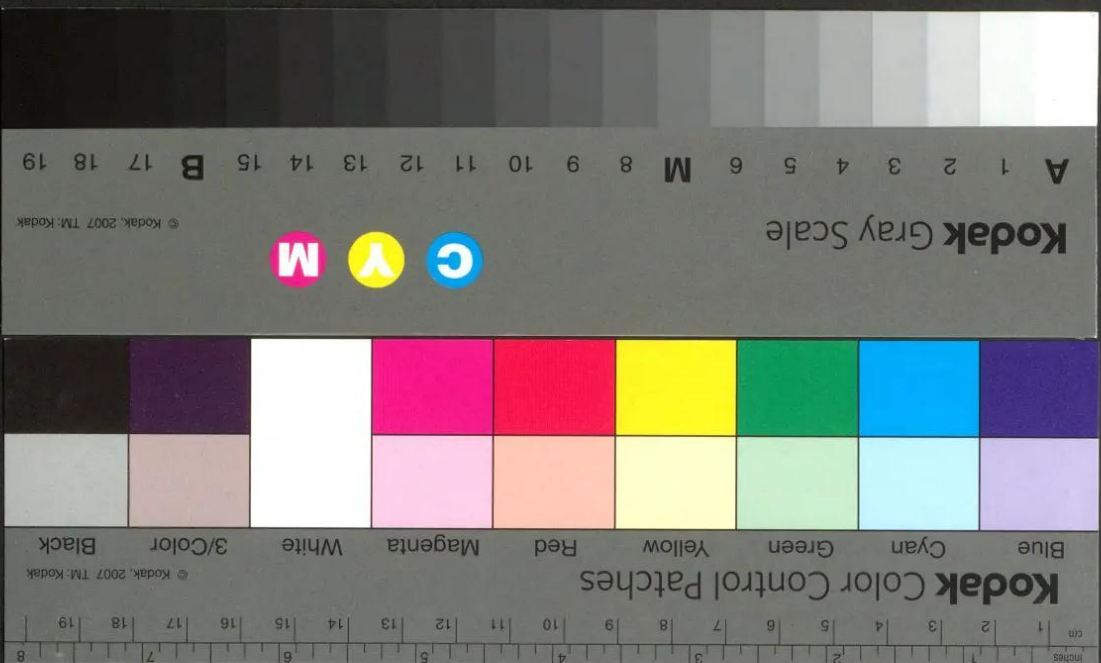
Ministry of Justice Notification No. 100

November 3, 1946

When those who have been sentenced a penalty in the Okinawa Prefecture, Saiphaten, Korea, Formosa, Kwantung, the South Sea Islands or the other districts outside Japan and been granted an amnesty or a rehabilitation by the General Amnesty Ordinance or the Rehabilitation Ordinance in accordance with the Ministry of Justice Instructions No. 4 of the twenty-first year of Showa (1946), wish to get provisional certification to that effect, they shall make application to the public procurator of the district or the local court that exercises jurisdiction over their permanent domicile.

Minister of Justice

KIMURA Tokutaro



OFFICIAL GAZETTE

ENGLISH EDITION

EXTRA

Sunday, November 3, 1946

THE CONSTITUTION OF JAPAN

GOVERNMENT PRINTING BUREAU

OFFICINE D'IMPRESSE

IMPRIMERIE

ARTS

10, rue de Valenciennes, Paris

ИМПЕРАТОРСКОЕ УЧРЕЖДЕНИЕ

I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people, and hereby sanction and promulgate the amendments of the Imperial Japanese Constitution effected following the consultation with the Privy Council and the decision of the Imperial Diet made in accordance with Article 73 of the said Constitution.

Signed: HIROHITO, Seal of the Emperor

This third day of the eleventh month of the twenty-first year of Showa (November 3, 1946)

Countersigned:

- Prime Minister and concurrently Minister for Foreign Affairs YOSHIDA Shigeru
- Minister of State Baron SHIDEHARA Kijuro
- Minister of Justice KIMURA Tokutaro
- Minister for Home Affairs OMIURA Seichi
- Minister of Education TANAKA Katsuo
- Minister of Agriculture and Forestry WADA Hiroo
- Minister of State SAITO Takao
- Minister of Communications HIOTSUMATSU Sadayoshi
- Minister of Commerce and Industry HOSEIJIMA Niro
- Minister of Welfare KAWAI Yoshinari
- Minister of State UEHARA Eisaijio
- Minister of Transportation HIRATSUKA Tsunejiro
- Minister of Finance ISHIBASHI Tanzan
- Minister of State KANAMORI Tokujiro
- Minister of State ZEN Kenosuke

The Constitution of Japan

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal, and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

СОЛВНИМЕЛЪ БЪЛГАРСКИ ВЪВЕДИ

CHAPTER I. THE EMPEROR

Article 1. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

Article 3. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

Article 5. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article 6. The Emperor shall appoint the Prime Minister as designated by the Diet. The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

Article 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

CHAPTER II. RENUNCIATION OF WAR

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

CHAPTER III. RIGHTS AND DUTIES OF THE PEOPLE

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable publicly or privately for the choice he has made.

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall not be violated.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity.

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Article 27. All people shall have the right and the obligation to work. Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.

Private property may be taken for public use upon just compensation, therefor.

Article 30. The people shall be liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32. No person shall be denied the right of access to the courts.

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

Article 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

Article 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

Article 38. No person shall be compelled to testify against himself.

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

CHAPTER IV. THE DIET

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

Article 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councilors.

Article 43. Both Houses shall consist of elected members, representative of all the people.

The number of the members of each House shall be fixed by law.

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article 45. The term of office of members of the House of Representatives shall be

four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

Article 46. The term of office of members of the House of Councilors shall be six years, and election for half the members shall take place every three years.

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

Article 51. Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

Article 52. An ordinary session of the Diet shall be convoked once per year.

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation.

Article 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councilors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councilors in emergency session.

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

Article 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article 59. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councilors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds

or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

Article 60. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided for by law.

CHAPTER V. THE CABINET

Article 65. Executive power shall be vested in the Cabinet.

Article 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.

The Prime Minister may remove the Ministers of State as he chooses.

Article 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

Article 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

Article 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article 72. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision

over various administrative branches.

Article 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service in accordance with standards established by law.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article 75. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired hereby.

CHAPTER VI. JUDICIARY

Article 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

Article 77. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public prosecutors shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article 78. Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

Article 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.

Matters pertaining to review shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate com-

pension which shall not be decreased during their terms of office.

Article 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article 82. Trials shall be conducted and judgment declared publicly. Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights of people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.

CHAPTER VII. FINANCE.

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

Article 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

Article 87. In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet.

The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

Article 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

The organization and competency of the Board of Audit shall be determined by law.

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

CHAPTER VIII. LOCAL SELF-GOVERNMENT

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

CHAPTER IX. AMENDMENTS

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon

be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

CHAPTER X. SUPREME LAW

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

Article 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

Article 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

CHAPTER XI. SUPPLEMENTARY PROVISIONS

Article 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

Article 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article 103. The Ministers of State, members of the House of Representatives, and judges in office on the effective date of this Constitution, and all other public officials, who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution they shall forfeit their positions as a matter of course.

