

# **The Constitution of the Empire of Japan (1889)**

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## **Imperial Oath Sworn in the Sanctuary in the Imperial Palace (Tsuge-bumi)**

We, the Successor to the prosperous Throne of Our Predecessors, do humbly and solemnly swear to the Imperial Founder of Our House and to Our other Imperial Ancestors that, in pursuance of a great policy co-extensive with the Heavens and with the Earth, We shall maintain and secure from decline the ancient form of government.

In consideration of the progressive tendency of the course of human affairs and in parallel with the advance of civilization, We deem it expedient, in order to give clearness and distinctness to the instructions bequeathed by the Imperial Founder of Our House and by Our other Imperial Ancestors, to establish fundamental laws formulated into express provisions of law, so that, on the one hand, Our Imperial posterity may possess an express guide for the course they are to follow, and that, on the other, Our subjects shall thereby be enabled to enjoy a wider range of action in giving Us their support, and that the observance of Our laws shall continue to the remotest ages of time. We will thereby to give greater firmness to the stability of Our country and to promote the welfare of all the people within the boundaries of Our dominions; and We now establish the Imperial House Law and the Constitution. These Laws come to only an exposition of grand precepts for the conduct of the government, bequeathed by the Imperial Founder of Our House and by Our other Imperial Ancestors. That we have been so fortunate in Our reign, in keeping with the tendency of the times, as to accomplish this work, We owe to the glorious Spirits of the Imperial Founder of Our House and of Our other Imperial Ancestors.

We now reverently make Our prayer to Them and to Our Illustrious Father, and implore the help of Their Sacred Spirits, and make to Them solemn oath never at this time nor in the future to fail to be an example to our subjects in the observance of the Laws hereby established.

May the heavenly Spirits witness this Our solemn Oath.

## **Imperial Rescript on the Promulgation of the Constitution**

Whereas We make it the joy and glory of Our heart to behold the prosperity of Our country, and the welfare of Our subjects, We do hereby, in virtue of the Supreme power We inherit from Our Imperial Ancestors, promulgate the present immutable fundamental law, for the sake of Our present subjects and their descendants.

The Imperial Founder of Our House and Our other Imperial ancestors, by the help and support of the forefathers of Our subjects, laid the foundation of Our Empire upon a basis, which is to last forever. That this brilliant achievement embellishes the annals of Our country, is due to the glorious virtues of Our Sacred Imperial ancestors, and to the loyalty and bravery of Our

subjects, their love of their country and their public spirit. Considering that Our subjects are the descendants of the loyal and good subjects of Our Imperial Ancestors, We doubt not but that Our subjects will be guided by Our views, and will sympathize with all Our endeavors, and that, harmoniously cooperating together, they will share with Us Our hope of making manifest the glory of Our country, both at home and abroad, and of securing forever the stability of the work bequeathed to Us by Our Imperial Ancestors.

### **Preamble [or Edict] (Joyu)**

Having, by virtue of the glories of Our Ancestors, ascended the throne of a lineal succession unbroken for ages eternal; desiring to promote the welfare of, and to give development to the moral and intellectual faculties of Our beloved subjects, the very same that have been favored with the benevolent care and affectionate vigilance of Our Ancestors; and hoping to maintain the prosperity of the State, in concert with Our people and with their support, We hereby promulgate, in pursuance of Our Imperial Rescript of the 12th day of the 10th month of the 14th year of Meiji, a fundamental law of the State, to exhibit the principles, by which We are guided in Our conduct, and to point out to what Our descendants and Our subjects and their descendants are forever to conform.

The right of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendants. Neither We nor they shall in the future fail to wield them, in accordance with the provisions of the Constitution hereby granted.

We now declare to respect and protect the security of the rights and of the property of Our people, and to secure to them the complete enjoyment of the same, within the extent of the provisions of the present Constitution and of the law.

The Imperial Diet shall first be convoked for the 23rd year of Meiji and the time of its opening shall be the date, when the present Constitution comes into force.

When in the future it may become necessary to amend any of the provisions of the present Constitution, We or Our successors shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no otherwise shall Our descendants or Our subjects be permitted to attempt any alteration thereof.

Our Ministers of State, on Our behalf, shall be held responsible for the carrying out of the present Constitution, and Our present and future subjects shall forever assume the duty of allegiance to the present Constitution.

## **CHAPTER I. THE EMPEROR**

**Article 1.** The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

**Article 2.** The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

**Article 3.** The Emperor is sacred and inviolable.

**Article 4.** The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them, according to the provisions of the present Constitution.

**Article 5.** The Emperor exercises the legislative power with the consent of the Imperial Diet.

**Article 6.** The Emperor gives sanction to laws, and orders them to be promulgated and executed.

**Article 7.** The Emperor convokes the Imperial Diet, opens, closes, and prorogues it, and dissolves the House of Representatives.

**Article 8.** The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial ordinances in the place of law.

(2) Such Imperial Ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said Ordinances, the Government shall declare them to be invalid for the future.

**Article 9.** The Emperor issues or causes to be issued, the Ordinances necessary for the carrying out of the laws, or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects. But no Ordinance shall in any way alter any of the existing laws.

Article 10. The Emperor determines the organization of the different branches of the administration, and salaries of all civil and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution or in other laws, shall be in accordance with the respective provisions (bearing thereon).

**Article 11.** The Emperor has the supreme command of the Army and Navy.

**Article 12.** The Emperor determines the organization and peace standing of the Army and Navy.

**Article 13.** The Emperor declares war, makes peace, and concludes treaties.

**Article 14.** The Emperor declares a state of siege.

(2) The conditions and effects of a state of siege shall be determined by law.

**Article 15.** The Emperor confers titles of nobility, rank, orders and other marks of honor.

**Article 16.** The Emperor orders amnesty, pardon, commutation of punishments and rehabilitation.

**Article 17.** A Regency shall be instituted in conformity with the provisions of the Imperial House Law.

(2) The Regent shall exercise the powers appertaining to the Emperor in His name.

**CHAPTER II.**  
**RIGHTS AND DUTIES OF SUBJECTS**

**Article 18.** The conditions necessary for being a Japanese subject shall be determined by law.

**Article 19.** Japanese subjects may, according to qualifications determined in laws or ordinances, be appointed to civil or military or any other public offices equally.

**Article 20.** Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law.

**Article 21.** Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

**Article 22.** Japanese subjects shall have the liberty of abode and of changing the same within the limits of the law.

**Article 23.** No Japanese subject shall be arrested, detained, tried or punished, unless according to law.

**Article 24.** No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

**Article 25.** Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

**Article 26.** Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolate.

**Article 27.** The right of property of every Japanese subject shall remain inviolate.  
(2) Measures necessary to be taken for the public benefit shall be any provided for by law.

**Article 28.** Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

**Article 29.** Japanese subjects shall, within the limits of law, enjoy the liberty of speech, writing, publication, public meetings and associations.

**Article 30.** Japanese subjects may present petitions, by observing the proper forms of respect, and by complying with the rules specially provided for the same.

**Article 31.** The provisions contained in the present Chapter shall not affect the exercises of the powers appertaining to the Emperor, in times of war or in cases of a national emergency.

**Article 32.** Each and every one of the provisions contained in the preceding Articles of the present Chapter, that are not in conflict with the laws or the rules and discipline of the Army and Navy, shall apply to the officers and men of the Army and of the Navy.

### **CHAPTER III. THE IMPERIAL DIET**

**Article 33.** The Imperial Diet shall consist of two Houses, a House of Peers and a House of Representatives.

**Article 34.** The House of Peers shall, in accordance with the ordinance concerning the House of Peers, be composed of the members of the Imperial Family, of the orders of nobility, and of those who have been nominated thereto by the Emperor.

**Article 35.** The House of Representatives shall be composed of members elected by the people, according to the provisions of the law of Election.

**Article 36.** No one can at one and the same time be a Member of both Houses.

**Article 37.** Every law requires the consent of the Imperial Diet.

**Article 38.** Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

**Article 39.** A Bill, which has been rejected by either the one or the other of the two Houses, shall not be brought in again during the same session.

**Article 40.** Both Houses can make representations to the Government, as to laws or upon any other subject. When, however, such representations are not accepted, they cannot be made a second time during the same session.

**Article 41.** The Imperial Diet shall be convoked every year.

**Article 42.** A session of the Imperial Diet shall last during three months. In case of necessity, the duration of a session may be prolonged by the Imperial Order.

**Article 43.** When urgent necessity arises, an extraordinary session may be convoked in addition to the ordinary one.

(2) The duration of an extraordinary session shall be determined by Imperial Order.

**Article 44.** The opening, closing, prolongation of session and prorogation of the Imperial Diet, shall be effected simultaneously for both Houses.

(2) In case the House of Representatives has been ordered to dissolve, the House of Peers shall at the same time be prorogued.

**Article 45.** When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution.

**Article 46.** No debate can be opened and no vote can be taken in either House of the Imperial Diet, unless not less than one-third of the whole number of Members thereof is present.

**Article 47.** Votes shall be taken in both Houses by absolute majority. In the case of a tie vote,

the President shall have the casting vote.

**Article 48.** The deliberations of both Houses shall be held in public. The deliberations may, however, upon demand of the Government or by resolution of the House, be held in secret sitting.

**Article 49.** Both Houses of the Imperial Diet may respectively present addresses to the Emperor.

**Article 50.** Both Houses may receive petitions presented by subjects.

**Article 51.** Both Houses may enact, besides what is provided for in the present Constitution and in the Law of the Houses, rules necessary for the management of their internal affairs.

**Article 52.** No Member of either House shall be held responsible outside the respective Houses, for any opinion uttered or for any vote given in the House. When, however, a Member himself has given publicity to his opinions by public speech, by documents in print or in writing, or by any other similar means, he shall, in the matter, be amenable to the general law.

**Article 53.** The Members of both Houses shall, during the session, be free from arrest, unless with the consent of the House, except in cases of flagrant delicts, or of offenses connected with a state of internal commotion or with a foreign trouble.

**Article 54.** The Ministers of State and the Delegates of the Government may, at any time, take seats and speak in either House.

#### **CHAPTER IV. THE MINISTERS OF STATE AND THE PRIVY COUNCIL**

**Article 55.** The respective Ministers of State shall give their advice to the Emperor, and be responsible for it.

(2) All Laws, Imperial Ordinances, and Imperial Rescripts of whatever kind, that relate to the affairs of the state, require the countersignature of a Minister of State.

**Article 56.** The Privy Councillors shall, in accordance with the provisions for the organization of the Privy Council, deliberate upon important matters of State when they have been consulted by the Emperor.

#### **CHAPTER V. THE JUDICATURE**

**Article 57.** The Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor.

(2) The organization of the Courts of Law shall be determined by law.

**Article 58.** The judges shall be appointed from among those, who possess proper qualifications according to law.

(2) No judge shall be deprived of his position, unless by way of criminal sentence or

disciplinary punishment.

(3) Rules for disciplinary punishment shall be determined by law.

**Article 59.** Trials and judgments of a Court shall be conducted publicly. When, however, there exists any fear, that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provisions of law or by the decision of the Court of Law.

**Article 60.** All matters that fall within the competency of a special Court, shall be specially provided for by law.

**Article 61.** No suit at law, which relates to rights alleged to have been infringed by the illegal measures of the administrative authorities, and which shall come within the competency of the Court of Administrative Litigation specially established by law, shall be taken cognizance of by Court of Law.

## **CHAPTER VI. FINANCE**

**Article 62.** The imposition of a new tax or the modification of the rates (of an existing one) shall be determined by law.

(2) However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

(3) The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided in the Budget, shall require the consent of the Imperial Diet.

**Article 63.** The taxes levied at present shall, in so far as they are not remodelled by a new law, be collected according to the old system.

**Article 64.** The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget.

(2) Any and all expenditures overpassing the appropriations set forth in the Titles and Paragraphs of the Budget, or that are not provided for in the Budget, shall subsequently require the approbation of the Imperial Diet.

**Article 65.** The Budget shall be first laid before the House of Representatives.

**Article 66.** The expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary.

**Article 67.** Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet, without the concurrence of the Government.

**Article 68.** In order to meet special requirements, the Government may ask the consent of the Imperial Diet to a certain amount as a Continuing Expenditure Fund, for a previously fixed

number of years.

**Article 69.** In order to supply deficiencies, which are unavoidable, in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided in the Budget.

**Article 70.** When the Imperial Diet cannot be convoked, owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary financial measures, by means of an Imperial Ordinance.  
(2) In the case mentioned in the preceding clause, the matter shall be submitted to the Imperial Diet at its next session, and its approbation shall be obtained thereto.

**Article 71.** When the Imperial Diet has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

**Article 72.** The final account of the expenditures and revenues of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government to the Imperial Diet, together with the report of verification of the said board.  
(2) The organization and competency of the Board of Audit shall of determined by law separately.

## **CHAPTER VII. SUPPLEMENTARY RULES**

**Article 73.** When it has become necessary in future to amend the provisions of the present Constitution, a project to the effect shall be submitted to the Imperial Diet by Imperial Order.  
(2) In the above case, neither House can open the debate, unless not less than two-thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two-thirds of the Members present is obtained.

**Article 74.** No modification of the Imperial House Law shall be required to be submitted to the deliberation of the Imperial Diet.  
(2) No provision of the present Constitution can be modified by the Imperial House Law.

**Article 75.** No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

**Article 76.** Existing legal enactments, such as laws, regulations, Ordinances, or by whatever names they may be called, shall, so far as they do not conflict with the present Constitution, continue in force.  
(2) All existing contracts or orders, that entail obligations upon the Government, and that are connected with expenditure, shall come within the scope of Article 67.

# The Constitution of Japan

*{ Adopted on: 3 Nov 1946 }*

*{ Effective since: 3 May 1947 }*

## **Preamble**

We, the Japanese people, acting through our elected representatives in the National Diet, determined that we should secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty all over 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 an universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and imperial decrees 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.

## **Chapter I The Emperor**

### **Article 1 [Symbol of State]**

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 [Dynastic Throne]**

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

### **Article 3 [Cabinet Approval and Responsibility]**

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 [Rule of Law for Emperor]**

- (1) 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.
- (2) The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

### **Article 5 [Regency]**

- (1) 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.
- (2) In this case, Article 4 (1) will be applicable.

### **Article 6 [Appointments]**

- (1) The Emperor shall appoint the Prime Minister as designated by the Diet.
- (2) The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

### **Article 7 [Functions]**

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

1. Promulgation of amendments of the constitution, laws, cabinet orders and treaties.
2. Convocation of the Diet.
3. Dissolution of the House of Representatives.
4. Proclamation of general election of members of the Diet.
5. 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.
6. Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.
7. Awarding of honors.
8. Attestation of instruments of ratification and other diplomatic documents as provided for by law.
9. Receiving foreign ambassadors and ministers.
10. Performance of ceremonial functions.

### **Article 8 [Property Authorization]**

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**

- (1) 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.
- (2) 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 aggression of the state will not be recognized.

## **Chapter III Rights and Duties of the People**

### **Article 10 [Citizenship]**

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

### **Article 11 [Fundamental Human Rights]**

- (1) The people shall not be prevented from enjoying any of the fundamental human rights.

- (2) These fundamental human rights, guaranteed to the people by this Constitution, shall be conferred upon the people of this and future generations as irrevocable and inviolable rights.

#### **Article 12 [Goal to Preserve Freedom and Rights]**

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 [Individual Rights]**

- (1) All of the people shall be respected as individuals.
- (2) Their right to live, 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 [No Discrimination and Privileges]**

- (1) 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.
- (2) Peers and peerage shall not be recognized.
- (3) 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 [Electoral Rights]**

- (1) The people have the inalienable right to choose their public officials and to dismiss them.
- (2) All public officials are servants of the whole community and not of any group thereof.
- (3) Universal adult suffrage is guaranteed with regard to the election of public officials.
- (4) In all elections, secrecy of the ballot shall not be violated.
- (5) A voter shall not be answerable, publicly or privately, for the choice he has made.

#### **Article 16 [Right to Petition]**

Every person shall have the right to peacefully 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 [Recourse to the Courts]**

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 [Personal Freedom]**

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]**

Freedom of thought and conscience shall not be violated.

**Article 20 [Freedom of Religion, Secularity of the State]**

- (1) Freedom of religion is guaranteed to all.
- (2) No religious organization shall receive any privileges from the State, nor exercise any political authority.
- (3) No person shall be compelled to take part in any religious act, celebration, rite or practice.
- (4) The State and its organs shall refrain from religious education or any other religious activity.

**Article 21 [Communicative Rights]**

- (1) Freedom of assembly and association as well as speech, press, and all other forms of expression are guaranteed.
- (2) No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

**Article 22 [Right to Move, Freedom of Profession]**

- (1) 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.
- (2) Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

**Article 23 [Academic Freedom]**

Academic freedom is guaranteed.

**Article 24 [Matrimonial Equality]**

- (1) 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.
- (2) With regards 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 [Welfare Rights]**

- (1) All people shall have the right to maintain the minimum standards of wholesome and cultured living.
- (2) 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 [Right to Education, Compulsory Education]**

- (1) All people shall have the right to receive an equal education correspondent to their ability, as provided by law.
- (2) All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law.
- (3) Such compulsory education shall be free.

**Article 27 [Right and Obligation to Work, No Child Labor]**

- (1) All people shall have the right and the obligation to work.
- (2) Standards for wages, hours, rest, and other working conditions shall be fixed by law.

(3) Children shall not be exploited.

### **Article 28 [Unions]**

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

### **Article 29 [Property]**

- (1) The right to own or to hold property is inviolable.
- (2) Property rights shall be defined by law, in conformity with the public welfare.
- (3) Private property may be taken for public use upon just compensation therefor.

### **Article 30 [Taxation]**

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

### **Article 31 [Due Process]**

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 [Recourse to the Courts]**

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

### **Article 33 [Arrest]**

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 [Detention]**

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 [Search, Seizure]**

- (1) 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.
- (2) Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

### **Article 36 [Torture]**

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

### **Article 37 [Trial]**

- (1) In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.
- (2) 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 expenses.
- (3) 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 [Rights of the Accused]**

- (1) No person shall be compelled to testify against himself.
- (2) Confession made under compulsion, torture, or threat, or after prolonged arrest or detention shall not be admitted in evidence.
- (3) No person shall be convicted or punished in cases where the only proof against him is his own confession.

**Article 39 [*Nulla Poena Sine Lege*, Double Jeopardy]**

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 [False Imprisonment]**

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 [Legislative Power]**

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

**Article 42 [Two Houses]**

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

**Article 43 [Membership]**

- (1) Both Houses shall consist of elected members, representative of all the people.
- (2) The number of the members of each House shall be fixed by law.

**Article 44 [Qualification]**

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

**Article 45 [Term of Representatives]**

- (1) The term of office of members of the House of Representatives shall be four years.
- (2) However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

**Article 46 [Term of Councilors]**

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 Procedure]**

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 [Incompatibility]**

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

**Article 49 [Remuneration]**

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

**Article 50 [Immunity]**

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 [Indemnity]**

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

**Article 52 [Ordinary Sessions]**

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

**Article 53 [Extraordinary Sessions]**

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

**Article 54 [Election of Representatives]**

- (1) When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty days from the date of dissolution, and the Diet must be convoked within thirty days from the date of the election.
- (2) When the House of Representatives is dissolved, the House of Councilors is closed at the same time.
- (3) However, the Cabinet may in time of national emergency convoke the House of Councilors in emergency session.
- (4) Measures taken at such session as mentioned in 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 days after the opening of the next session of the Diet.

**Article 55 [Scrutiny]**

- (1) Each House shall judge disputes related to qualifications of its members.
- (2) 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 [Quorum]**

- (1) Business cannot be transacted in either House unless one-third or more of total membership is present.

- (2) 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 [Publicity]**

- (1) Deliberation in each House shall be public.
- (2) However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.
- (3) Each House shall keep a record of proceedings.
- (4) This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.
- (5) 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 [Presidents, Rules of Procedure]**

- (1) Each House shall select its own president and other officials.
- (2) Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct.
- (3) 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 [Legislative Proceedings]**

- (1) A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.
- (2) 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 the majority of two-thirds or more of the members present.
- (3) 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.
- (4) Failure by the House of Councilors to take final action within sixty 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 Councilors.

#### **Article 60 [Budget]**

- (1) The budget must first be submitted to the House of Representatives.
- (2) Upon consideration of the budget, when the House of Councilors 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 Councilors to take final action within thirty 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 [Approving Treaties]**

Article 60 (2) applies also to the Diet approval required for the conclusion of treaties.

#### **Article 62 [Investigations]**

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 [Ministerial Presence]**

- (1) 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.
- (2) They must appear when their presence is required in order to give answers or explanations.

#### **Article 64 [Impeachment Court]**

- (1) 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.
- (2) Matters relating to impeachment shall be provided by law.

### **Chapter V The Cabinet**

#### **Article 65 [Executive Power]**

Executive power is vested in the Cabinet.

#### **Article 66 [Membership, Responsibility]**

- (1) The Cabinet consists of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.
- (2) The Prime Minister and other Ministers of State must be civilians.
- (3) The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

#### **Article 67 [Election of Prime Minister]**

- (1) The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet.
- (2) This designation shall precede all other business.
- (3) If the House of Representatives and the House of Councilors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councilors fails to make designation within ten 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 [Appointment of Ministers]**

- (1) The Prime Minister shall appoint the Ministers of State.
- (2) However, a majority of their number must be chosen from among the members of the Diet.
- (3) The Prime Minister may remove the Ministers of State as he chooses.

#### **Article 69 [Impeachment of Government]**

If the House of Representatives passes a resolution of no confidence, or rejects a confidence resolution, the Cabinet shall resign altogether, unless the House of Representatives is dissolved within ten days.

### **Article 70 [Vacancy Resignation]**

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 altogether.

### **Article 71 [Continuing Office]**

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 [Function of Cabinet]**

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

1. Administer the law faithfully; conduct affairs of state.
2. Manage foreign affairs.
3. Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.
4. Administer the civil service, in accordance with standards established by law.
5. Prepare the budget, and present it to the Diet.
6. 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.
7. Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

### **Article 74 [Countersignature]**

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

### **Article 75 [Preliminary Immunity]**

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

## **Chapter VI Judiciary**

### **Article 76 [Judicial Power]**

- (1) The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.
- (2) No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.
- (3) All judges are independent in the exercise of their conscience and bound only by this Constitution and the laws.

### **Article 77 [Judicial Procedure]**

- (1) 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.

- (2) Public procurators shall be subject to the rule-making power of the Supreme Court.
- (3) The Supreme Court may delegate the power to make rules for inferior courts to such courts.

#### **Article 78 [Public Impeachment]**

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

#### **Article 79 [Supreme Court]**

- (1) 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.
- (2) 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 years, and in the same manner thereafter.
- (3) In cases mentioned in the preceding paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.
- (4) Matters pertaining to review shall be prescribed by law.
- (5) The judges of the Supreme Court shall be retired upon the attainment of the ages as fixed by law.
- (6) All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

#### **Article 80 [Term of Judges]**

- (1) The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court.
- (2) All such judges shall hold office for a term of ten years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.
- (3) The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

#### **Article 81 [Jurisdiction of Supreme Court]**

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 [Public Trials]**

- (1) Trials shall be conducted and judgment declared publicly.
- (2) 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 [National Finances]**

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

### **Article 84 [Tax Laws]**

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

### **Article 85 [Budget Authorization]**

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

### **Article 86 [Yearly Budget]**

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

### **Article 87 [Reserve Fund]**

- (1) 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.
- (2) The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

### **Article 88 [Imperial Household]**

- (1) All property of the Imperial Household shall belong to the State.
- (2) All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

### **Article 89 [Secular Budget]**

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 [Board of Audit]**

- (1) 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.
- (2) The organization and competency of the Board of Audit shall be determined by law.

### **Article 91 [Cabinet Report]**

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 [Local Autonomy]**

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

### **Article 93 [Local Assemblies]**

- (1) The local public entities shall establish assemblies as their deliberative organs, in

accordance with the law.

- (2) 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 [Budget Autonomy]**

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

#### **Article 95 [Veto for Local Laws]**

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 [Qualified Majority, Referendum]**

- (1) 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.
- (2) 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 [Inviolable Human Rights]**

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 inviolable.

#### **Article 98 [Unconstitutional Law]**

- (1) This Constitution shall be the supreme law of the nation and no law, ordinance, imperial decree or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.
- (2) The treaties concluded by Japan and established laws of nations shall be faithfully observed.

#### **Article 99 [Binding for all Powers]**

The Emperor or the Regent as well as Ministers of States, 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 [Enforcement]**

- (1) 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.
- (2) The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councilors 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 [Preliminary Diet]**

If the House of Councilors 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 Councilors shall be constituted.

**Article 102 [Half Term]**

- (1) The term of office for half the members of the House of Councilors serving in the first term under this Constitution shall be three years.
- (2) Members falling under this category shall be determined in accordance with law.

**Article 103 [Election of Successors]**

- (1) 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.
- (2) When, however, successors are elected or appointed under the provisions of this Constitution, they shall forfeit their positions as a matter of course.

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**TREATY OF MUTUAL COOPERATION AND SECURITY  
BETWEEN JAPAN AND THE UNITED STATES OF AMERICA (1960)**

**ARTICLE I**

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

**ARTICLE II**

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

**ARTICLE III**

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

**ARTICLE IV**

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

**ARTICLE V**

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

**ARTICLE VI**

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan. The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

**ARTICLE VII**

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

**ARTICLE VIII**

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

**ARTICLE IX**

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

**ARTICLE X**

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area. However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Washington in the Japanese and English languages, both equally authentic, this 19th day of January, 1960.

FOR JAPAN:

*Nobusuke Kishi*  
*Aiichiro Fujiyama*  
*Mitsujiro Ishii*  
*Tadashi Adachi*  
*Koichiro Asakai*

FOR THE UNITED STATES OF AMERICA:

*Christian A. Herter*  
*Douglas MacArthur 2nd*  
*J. Graham Parsons*