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NATIONAL PUBLIC SERVICE LAW

(Law No. 120, October 21, 1947)

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The National Public Service Law

Chapter I. General Provisions

Article 1. (Object of this Law) The object of this Law is to assure the people democratic and efficient administration of their public affairs by establishing basic standards which shall be applicable to all official positions and places of employment in the national public service (the national public service as defined in this law does not include members of the Diet) and by providing that personnel shall be so selected and directed in a manner consistent with democratic practices as to promote maximum efficiency in the performance of public duties.

Article 2. (Regular and Special Government Service) The national public service shall be divided into the regular government service and the special government service.

The regular government service shall be comprised of all positions in the national public service other than those in the special government service.

The special government service shall be comprised of the following

types of positions:

1. The Prime Minister
2. Ministers of State
3. Director-General of the Cabinet Secretariat
4. Deputy Director-General of the Cabinet Secretariat
5. Director-General of the Bureau of Legislation
6. Parliamentary Vice-Minister of each Ministry
7. Vice-Minister of each Ministry
8. Counselor of each Ministry
9. President of the Construction Board and President of the Central Liaison Office
10. Confidential Secretaries to the Prime Minister (not exceeding three in number) and other Confidential Secretaries (one for each Minister of State or head of agency included in the special government service)
11. Positions the appointment to which requires an election, resolution or consent of one or both Houses of the Diet
12. Personnel of Government enterprises, "Kodan" and others similar thereto as designated by law or rules of the National Personnel Commission
13. Advisers, Consultants, Committee-men and other personnel similar thereto as designated by law or rules of the National Personnel Commission
14. Employes engaged in common labour
15. Grand Steward, Grand Chamberlain, Chamberlains and other

personnel of the Imperial House Office as designated by law or rules of the National Personnel Commission

16. Ambassadors and Ministers

17. Judges, one Confidential Secretary to the Chief Justice of the Supreme Court and Judicial Research Officials.

18. Employes of the Diet

The provisions of this Law shall apply specifically to all positions in the regular government service (to be hereinafter referred to as the service and persons holding positions therein as personnel).

The provisions of this Law shall not apply to positions in the special government service unless specifically provided by an amendment to this Law.

Chapter II. The National Personnel Commission

Article 3. (Installation) In order to ensure the thorough-going enforcement of this Law and attain its objectives, the National Personnel Commission shall be set up under the jurisdiction of the Prime Minister.

The Commission shall take charge of the following matters:

1. Integration and coordination of position classification, appointments and dismissals of personnel of the service, their compensation, pension and other personnel administration matters;

2. Matters concerning examination of personnel;

3. Other matters placed under its jurisdiction on the basis of law.

Article 4. (Personnel) The Commission shall have the following personnel:

Chairman

Commissioners Three

Executive Director one

Other personnel provided by Cabinet Order

Article 5. (Commissioners of the Commission) Commissioners of the Commission (to be hereinafter referred to as Commissioners) shall be appointed, with the consent of the Diet, by the Cabinet from among persons 35 years old or more, who are of highest moral character and integrity, in known sympathy with the democratic form of government and efficient administration therein based on merit principles, and possessing a wide range of knowledge and sound judgment concerning personnel administration.

In case the House of Councillors does not consent to the appointment of the Commissioner despite the consent of the House of Representatives, the consent of the House of Representatives shall be taken as the consent of the Diet in the same manner as provided by Paragraph 2 of Article 67 of the Constitution of Japan.

The appointment and dismissal of a Commissioner shall be attested by the Emperor.

No person falling under one of the following specifications shall be appointed as Commissioner:

1. A person who has been adjudicated incompetent, quasi-incompetent, or bankrupt and has not yet been rehabilitated;
2. A person who has been sentenced to a penalty heavier than imprisonment without hard labour by the criminal court or who has been punished upon conviction of an offense prescribed in Chapter IV;
3. A person who falls under one of the specifications mentioned

in Item 3 or Item 5 of Article 38.

No person shall be eligible for appointment as a Commissioner who has been a candidate for national or prefectural elective public office or who is or has been an officer of a political party within one year previous to the proposed date of appointment, as provided by rules of the Commission.

With respect to the appointment of Commissioners, no two persons among them shall be members of the same political party or graduates of the same professional subdivision of the same department of the same university or high school (in universities where there is no professional sub-division, graduates of the same department).

Article 6. (Oath Taking and Performance of Duties) After he has been appointed as a Commissioner, the new incumbent shall not exercise the powers pertaining to his office until he has signed a written oath before the Chief Justice of the Supreme Court, as provided by rules of the Commission.

The provisions of Section VII of Chapter III shall apply correspondingly to Commissioners.

Article 7. (Term of Office) The term of office of a Commissioner shall be four years. However, a Commissioner who is appointed to fill a vacancy shall remain in office during the unexpired portion of the term of his predecessor.

A Commissioner may be reappointed. However, he shall not remain in office continuously for a period exceeding 12 years.

A person who has been a Commissioner shall not be eligible to appointment to any position in any agency of the National Government other than the Commission for one year after the termination of his service as Commissioner.

Exceptions, however, may be authorized by rules of the Commission.

Article 8. (Retirement and Removal from Office) A Commissioner shall automatically retire from office when he falls under one of the following specifications:

1. When he has come under one of the instances mentioned in Paragraph 4 of Article 5;
2. When his removal from office is affirmed on public impeachment proceedings based on charges filed by the Prime Minister;
3. When he has been continuously in office as a Commissioner for 12 years.

The causes for impeachment prescribed in Item 2 of the preceding paragraph shall be as follows:

1. When he is mentally or physically incompetent to perform official duties;
2. When he has acted contrary to the duties of his position or is guilty of such malfeasance as to render himself unfitting to be Commissioner.

In cases when two persons or more among Commissioners have come to belong to the same political party, all except one person shall be removed from office, with the consent of the Diet, by the Cabinet. However, in cases specifically provided by rules of the Commission, a Commissioner may be immediately removed by the Cabinet.

The provision of the preceding paragraph shall not jeopardize the position of a Commissioner who has not changed his political status in regard to party affiliations.

The provision of Paragraph 2 of Article 5 shall apply correspondingly to the instances specified in Paragraph 3.

Except the cases mentioned in Paragraph 3, no commissioner shall be removed from office against his will.

Article 9. (Impeachment of Commissioner) Proceedings for impeachment of a Commissioner shall be conducted by the Supreme Court.

When the Prime Minister intends to bring impeachment action against a Commissioner, he shall file charges in writing setting forth the alleged offense, both in general and particular, and submit them to the Supreme Court.

In the case of the preceding paragraph, the Prime Minister shall forward a copy of the charges mentioned in the same paragraph to the accused Commissioner.

The Supreme Court shall set a date for hearing not less than thirty days and not more than ninety days after the filing of the charges mentioned in Paragraph 2, and notify the Prime Minister and the accused Commissioner at least thirty days in advance of the date set for hearing.

The Supreme Court shall announce its findings within one hundred days after the original date of hearing.

The proceedings for impeachment of Commissioners shall be provided by rules of the Supreme Court.

Costs of hearings shall be borne by the national treasury.

Article 10. (Salary) A Commissioner shall be paid a salary corresponding to that of a Minister of State.

Article 11. (Chairman of the Commission) The Chairman of the Commission (to be hereinafter referred to as the Chairman) shall be appointed by the

Prime Minister from among Commissioners.

The Chairman shall preside over the affairs of the Commission and represent the Commission.

When the Chairman is unable to be attached to his duties or if his post is vacant, a senior Commissioner shall act for the Chairman in the performance of his duties.

Article 12. (Commissioners' Conference) In the Commission there shall be set up a Commissioners' Conference which is composed of the Commissioners. The Executive Director of the Commission shall be present at the Commissioners' Conference as Executive Secretary.

When exercising the powers enumerated below, the Commission shall require a resolution of the Commissioners' Conference:

1. The enactment, amendment, or abrogation of rules of the Commission;
2. Recommendations to the head of the appropriate agency of government as specified in Article 22;
3. Submitting opinions of the Commission to the Prime Minister as specified in Article 23;
4. Report to the Prime Minister as specified in Article 24;
5. Drafting of a position classification plan as specified in Article 29;
6. Determination of standards for evaluation and designation of an evaluating body as specified in Article 36 (including cases to be correspondingly applied in Article 37);
7. Designation of examining bodies as specified in Article 48;

8. Approval of temporary employment and its renewal, restriction of number of personnel for temporary employment and determination of their qualifications, and cancellation of temporary employment as specified in Article 60;

9. Drafting of a pay plan as specified in Article 63;

10. Preparation of revisions of the pay plan as specified in Article 67;

11. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently as specified in Article 72;

12. Evaluation of a case as specified in Article 87;

13. Evaluation of action and submitting a report to the Prime Minister as specified in Article 92;

14. Drafting of important matters concerning compensation as specified in Article 95;

15. Evaluation of a protest as specified in Article 103;

16. Drafting of important matters concerning pension as specified in Article 108;

17. Other matters which, by a resolution of the Commissioners' Conference, require a resolution of the same conference.

Regular meetings of the Commissioners' Conference shall, as a rule, be held at least once a week at a fixed place, as provided by rules of the Commission.

Proceedings at a meeting of the Commissioners' Conference shall be

recorded in its minutes.

The minutes specified in the preceding paragraph shall be prepared by the Executive Secretary.

Necessary determinations concerning the proceedings of the Commissioners' Conference shall be provided by rules of the Commission.

Article 13. (Secretariat of the Commission and other agencies) The Commission shall have a Secretariat, which shall take charge of general affairs concerning matters under the jurisdiction of the Commission.

The Commission may establish local offices with the approval of the Diet.

Article 14. (Executive Director of the Commission) The Executive Director of the Commission shall, under the direction and supervision of the Chairman, take charge of the affairs of the Secretariat, and act as the Executive Secretary of the Commissioners' Conference and Chairman of the National Personnel Council.

Article 15. (Prohibition of Personnel of the Commission from holding concurrent Positions) No Commissioner and Executive Director shall hold any concurrent position in the service other than that in the Commission.

Article 16. (Rules of the Commission) The Commission shall, with the approval of the Prime Minister, make rules concerning matters necessary for the execution of this Law.

Rules of the Commission shall be published by the Prime Minister in the Official Gazette.

Article 17. (Investigation) The Commission, or any person or persons designated by the Commission may conduct investigations of an employment

situation involving personnel of the service, the condition of personnel management and other matters related to personnel administration.

The Commission, or person or persons designated in accordance with the provision of the preceding paragraph, may, when necessary in conducting the investigations specified therein, subpoena witnesses or demand the presentation of books and records or copies thereof pertinent or alleged to be pertinent to any investigation or hearing.

Article 18. (Control of Delivery of Compensation) The Commission shall control delivery of compensation to personnel of the service.

Article 19. (Personnel Records) The Commission shall administer matters concerning personnel records relating to personnel of the service.

The Commission shall prescribe that the Prime Minister's Office and any ministries or agencies of government prepare and maintain personnel records inclusive of all particulars relating to personnel of the agencies of government concerned.

The particulars to be entered in personnel records, the form thereof, and other necessary determinations concerning personnel records shall be provided by rules of the Commission.

Where it is deemed that the personnel records prescribed in Paragraph 2 are contrary to the rules of the Commission, the Commission may order revisions and such other steps as may be called for.

Article 20. (Statistical Reporting) The Commission shall, as provided by rules of the Commission, prescribe and administer a system of statistical reporting concerning employment in the service.

When it is necessary in connection with the statistical reporting mentioned in the preceding paragraph, the Commission may require any appropriate

agency of government to give required information on request or at specified time and in specified form.

Article 21. (Delegation of Functions) Of the functions prescribed in this Law, the Commission may delegate unimportant functions to other agencies of government. Even in these cases, the Commission shall not be free from responsibility in regard to the exercise of such functions.

Article 22. (Recommendations for Improvement of Personnel Administration) The Commission may make recommendations to any appropriate minister or head of other agency of government concerning improvements of personnel administration.

The Commission may make recommendations to any appropriate minister or head of another agency of government concerning the change of placement and transfer of personnel between the various ministries or agencies of the National Government so as to contribute to the improved efficiency of administrative operations throughout the Government.

In the cases of the preceding two paragraphs, the Commission shall submit a due report thereon to the Prime Minister.

Article 23. (Advice on Enactment, Amendment or Abrogation of Laws and Orders) If, in order to assure the realization of the objective of this Law, the Commission has opinions concerning the enactment, or amendment or abrogation of laws and orders, it shall submit them to the Prime Minister.

Article 24. (Report on Business) The Commission shall, as provided by the Prime Minister, make an annual report to the Prime Minister of its activities and accomplishments covering each fiscal year of operation.

The Prime Minister shall publish the report mentioned in the preceding paragraph.

Article 25. (Directors of Personnel) In the Prime Minister's Office, the various ministries and other agencies of government designated by rules of the Commission, there shall be, as a member of its staff, a Director of Personnel.

The Director shall be head of a bureau or division in charge of business pertaining to personnel functions, and assist the head of the agency of government concerned by taking charge of business pertaining to personnel functions.

Article 26. (National Personnel Council) In order to ensure close contact and mutual cooperation concerning the enforcement of this Law between the Commission and the Prime Minister's Office, the various ministries and other agencies of government, there shall be set up in the Commission a National Personnel Council.

The National Personnel Council shall be composed of a Chairman and members.

The Chairman shall be the Executive Director and members shall be the Directors specified in the preceding Article.

The National Personnel Council may submit recommendations to the President on important matters relating to personnel administration.

Except as prescribed in the preceding four paragraphs, necessary determinations concerning the National Personnel Council shall be provided by rules of the Commission.

Chapter III. Standard for the Service

Section I. General Rules

Article 27. (Principles of Equal Treatment) In the administration of

this law, all of the people shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status or family origin.

Article 28. (Principle of Meeting Changing Conditions) The standards concerning compensation, hours of work and other working conditions to be established under this law may from time to time be changed to meet changing conditions under procedures to be determined by the Diet.

Section II. Position Classification Plan

Article 29. (Establishment of Position Classification Plan) The position classification plan shall be prescribed by law.

The Commission shall develop a position classification plan whereby all positions in the service are classified by classes determined according to the kinds of duties and by grades according to the degrees of complexity of duties and responsibilities involved.

In the position classification plan, classification of positions shall be so effected that the same qualifications may reasonably be required for and the same schedules of basic pay may be applied equitably to all positions in the same grade and class.

The plan as provided in the preceding three paragraphs shall be submitted to the Diet for approval before the enforcement of this Law.

Article 30. (Enforcement of the Position Classification Plan) The position classification plan shall be gradually enforced, commencing first with segments where it is practicable.

Except as prescribed in this Law, determinations necessary for the

enforcement of the position classification plan shall be provided by rules of the Commission.

Article 31. (Allocation of Positions) In the event of enforcing the position classification plan, the Commission shall, as provided by rules of the Commission, allocate to one of the grades of a class of the position classification plan every position to which such plan is applicable.

The Commission shall, as provided by rules of the Commission, review at any time the allocations prescribed in the preceding paragraph, and revise them, where deemed necessary.

Article 32. (Prohibition of Classification of Positions by other than the Position Classification Plan) In regard to positions to which the position classification plan is applicable, no classification of positions on any basis other than the position classification plan shall be made as the basis for the development and application of qualification standards for employment and the payment of compensation.

Section III. Examination, Appointment and Dismissal

Article 33. (Basic Standard for Appointment and Dismissal) Appointment and dismissal of a person in the service shall be made entirely on the basis of the result of his examination and the merit of his performance of duties or other demonstrated abilities.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Commission.

Part 1. General Rules

Article 34. (Definition of Employment, Initial Appointment, Promotion, Demotion and Transfer) Employment as referred to in this Law is defined as the appointment of any person to any position in the service by any of the following means: initial appointment, promotion, demotion and transfer.

An initial appointment as referred to in this Law is defined as an appointment of a person to any position in a class by any means other than by promotion, demotion or transfer.

A promotion as referred to in this law is defined as the assignment of a person to a position in the same class in a grade higher than he is holding.

A demotion as referred to in this Law is defined as the assignment of a person to a position in the same class in a grade lower than he is holding.

A transfer as referred to in this Law is defined as the assignment of a person to a position in the same grade and class in a different subdivision of the same organization or a different organization in the service.

Article 35. (Method of filling Vacancies) When a vacancy occurs in the service, an appointing officer, except as specially provided by law or rules of the Commission, may appoint a person by any one of the following means: transfer, initial appointment, promotion or demotion. This shall not, however, apply to cases where the Commission recognises the special necessity and designates the method of employment.

Article 36. (Method of Initial Appointment) Initial appointment of personnel shall be by competitive examination. However, in cases where, with respect to a grade or grades of a class or classes of positions prescribed

by rules of the Commission, the approval of the Commission has been obtained, this provision shall not preclude such initial appointment by means of an evaluation of demonstrated abilities other than by competitive examination.

The evaluation specified in the proviso of the preceding paragraph shall be conducted by the Commission or an evaluating body appointed by the Commission in accordance with standards established by the Commission.

Without prejudice to the provisions of the preceding two paragraphs, initial appointments of personnel to a position may be made from among persons who have previously held a position of the same or higher grade in the same class, as provided by rules of the Commission.

Article 37. (Method of Promotion) Promotion of personnel shall be by competitive examination (to be hereinafter referred to as examination) among incumbents of positions in the next lower grade of the same class to which the promotional position under consideration belongs. This provision shall not, however, preclude the Commission from restricting the scope of persons to be examined, at the request of an appointing officer, to employees under his jurisdiction.

In cases where, in view of the duties and responsibilities of the position to which appointment is to be made, the Commission deems it impracticable to hold an examination among the incumbents concerned, promotion may be made by means of an evaluation based on the past service record of such incumbents.

The provision of Paragraph 2 of the preceding Article shall apply correspondingly to the instances of the evaluation under the preceding paragraph.

Article 38. (Provisions for Disqualification) No person falling under one of the following types of cases shall be eligible to appointment in the service, except as provided by rules of the Commission or quasi-incompetent:

1. A person who has been adjudicated incompetent or quasi-incompetent;
2. A person who has been sentenced to a penalty heavier than imprisonment without hard labor by the criminal court, and of whom the execution of the sentence has not been completed or who has not yet ceased to be amenable to the execution of the sentence;
3. A person who was dismissed by disciplinary decision and of whom a period of two years has not expired since the date of dismissal;
4. A Commissioner or Executive Director who has committed a crime prescribed in Article 109, Item 3 of Article 110 and has been convicted;
5. A person who, on or after the date of the enforcement of the Constitution of Japan, formed or belonged to a political party or association which advocated the overthrow by force of the Constitution of Japan or the Government existing thereunder.

Article 39. (Prohibition of Illegal Acts concerning Personnel Matters) No person shall, for the purpose of realising any one of the items mentioned below, pay or receive or offer or solicit or promise to pay or receive money or other benefit, or use threat, coercion or other similar method, or,

directly or indirectly, use or offer or demand or promise to use public office or be in any way concerned with such acts.

1. Resignation, temporary retirement or failure to accept appointment;
2. Withdrawal of his application for examination or appointment, or suspension of competition for appointment;
3. Effecting or recommending employment, promotion, retention in employment or other advantage in the service.

Article 40. (Prohibition of Acts of Fraud concerning Personnel Matters) No person shall make any false or dishonest statement, record, certificate, mark rating, evaluation or report with regard to any examination, evaluation, personnel record or appointment.

Article 41. (Prohibition against Obstructing the Right to Examination of Appointment and Furnishing of Information) No person belonging to any examining body or other personnel in the service shall obstruct any person in his right to examination or appointment or furnish any special or secret information for the purpose of favourably effecting or discrimination against the rights or prospects of any person with respect to examination or appointment in the service.

Part 2. Examination

Article 42. (Instances of holding Examination) Examination shall be held, as provided by rules of the Commission, according to grade or grades of a class or classes of positions.

Article 43. (Disqualifications for Examination) Persons who are ineligible to appointment for reasons other than those specified in Article 44

shall not compete in an examination.

Article 44. (Prerequisites of Eligibility for Examination) For persons intending to compete in an examination, objective and uniformly applicable qualifications which constitute a minimum essential to the performance of the duties of a grade or grades of a class or classes of positions involved, shall be determined as prerequisites by rules of the Commission.

Article 45. (Content of Examination) Each examination shall have as its object the accurate measurement of the relative abilities of the persons examined to perform the duties of the grade and class of positions concerned, and shall be practical in character.

Article 46. (Entrance Examination to be Open and Equal) Entrance Examinations shall be open and on equal terms to any citizen who possesses the minimum qualifications determined as prerequisites by rules of the Commission.

Article 47. (Announcement of Entrance Examination) Announcement of entrance examinations shall be given publication by means of official Notification.

The announcement of examination of the preceding paragraph shall set forth the duties and responsibilities of the grade and class of positions for which examination is to be held, the rates of pay, the prerequisites of eligibility, the subjects of examination and the individual weights thereof, the time and place of examination and where, when and how necessary application forms may be secured and filed and other qualifying procedure observed and such other information as the Commission may deem pertinent.

The Official Notification prescribed in Paragraph 1 shall, as provided by rules of the Commission, be given publicity in such a way that all pertinent details relating to the examination in view may unfailingly become

known to all persons presumably qualified for such examination.

The Commission shall at all times exercise diligence in the efforts to secure adequate participation of presumably qualified persons in examinations.

Article 48. (Examining Bodies) Examinations shall, as provided by rules of the Commission, be conducted only by examining bodies determined by the Commission.

Article 49. (Time and Place of Examination) The time and place of examinations shall be so decided that they may be reasonably accessible to any qualified citizen in the country.

Part 3. Employment Eligible Lists

Article 50. (Preparation of Eligible List) In regard to employment of personnel by examination, employment eligible lists (entrance eligible lists and promotional eligible lists) shall be prepared by grade and class of positions, as provided by rules of the Commission.

Article 51. (Persons to be entered in Entrance Eligible List) The names and examination scores of those who have achieved the qualifying score or better under entrance examination shall be entered in the entrance eligible list in the precise order of their examination scores as eligible to appointment to the appropriate positions in the grade and class covered by the list.

Article 52. (Persons to be entered in Promotional Eligible List) The names and examination scores of those who have achieved the qualifying score or better in promotion examinations shall be entered in the promotional

eligible list in the precise order of their examination scores as eligible to promotion to the appropriate positions in the grade and class covered by the list.

Article 53. (Inspection of Eligible List) Employment Eligible Lists shall be at all times open to inspection of the persons examined, appointing agencies of government and other interested parties upon demand.

Article 54. (Cancellation of Eligible List) The Commission may, at its discretion, cancel, either in whole or in part, eligible lists which have been in use for over one year or at any time for one of the causes prescribed by the Commission.

Part 4. Employment

Article 55. (Appointing Officer) Appointment to a position in the service, whether as the result of entrance examination, promotion examination, or other qualifying procedure, shall be made only by an appointing officer.

Except as specifically prescribed by Law, the appointing power shall be vested with the Cabinet, the Prime Minister, various ministers, heads of other administrative agencies of government according to the grades of positions provided by Cabinet Order.

The appointing officer who is the head of an administrative agency of government prescribed in the preceding paragraph, may delegate such appointing power only to a high official of such agency, as provided by Cabinet Order.

Article 56. (Method of Appointment from Entrance Eligible List) Initial appointment from an entrance eligible list shall be made from amongst the top five names on such list for each vacancy to be filled.

Article 57. (Method of Promotion from Promotional Eligible List)

Promotion of personnel from a promotional eligible list shall be made from amongst the top five names on such list for each vacancy to be filled.

Article 58. (Recommendation of Eligibles for Employment) In cases where the appointing officer desires to fill an authorized vacancy by initial appointment or promotion and makes due application therefor, the Commission shall, as prescribed by rules of the Commission, submit the required number of eligibles prescribed in the preceding two Articles for the employment in view from among those entered in the appropriate employment eligible lists.

Article 59. (Conditional Period of Initial Appointment) Any initial appointment to the grade or class prescribed by rules of the Commission shall be considered conditional and shall become regular only after the appointee shall have served in the position concerned a period of not less than six months during which he shall have performed satisfactorily the duties of that position.

Necessary determinations concerning conditional initial appointment shall be provided by rules of the Commission.

Article 60. (Temporary Employment) An appointing officer, as provided by rules of the Commission, may effect, with the approval of the Commission, temporary appointments each not to exceed six months in duration, in emergencies, to positions of an essentially temporary and transitory nature or in instances when an eligible list has not been established by the Commission. In such cases, temporary appointment may, with the approval of the Commission, be renewed once for an additional period of six months, as provided by rules of the Commission, but not more than once.

The Commission may, with respect to temporary appointment, limit by grade and class of positions the number of such appointments and specify

qualifications of personnel so employed.

The Commission may cancel any temporary appointment which violates provisions of the preceding two paragraphs.

Temporary appointment shall not in any way confer the right to or preference in selection for permanent employment.

Except as prescribed in the preceding four paragraphs, this Law, Cabinet Orders issued thereunder and rules of the Commission shall apply to temporary appointees.

Part 5. Temporary Retirement, Reinstatement, Retirement and Dismissal

Article 61. (Temporary Retirement, Reinstatement, Retirement and Dismissal) The temporary retirement, reinstatement, retirement and dismissal of personnel of the service shall be effected by the appointing officer.

Section IV. Compensation

Article 62. (Basic Standard for Compensation) Personnel of the service shall be compensated on the basis of the duties and responsibilities of their positions.

The purport of the provision of the preceding paragraph shall be achieved as quickly as possible and in so far as practicable giving due consideration to existing practices.

Part 1. Pay Plan

Article 63. (Delivery of Compensation under Pay Plan) The Compensation to personnel of the service shall be effected under a pay plan prescribed by law, and, unless provided therein, no money or valuable thing of any kind

may be given as compensation.

The Commission shall conduct necessary investigations and studies and, as a result thereof, draft and submit to the Prime Minister a pay plan conforming to the position classification plan.

Article 64. (Compensation Schedule) A compensation schedule shall be provided in the pay plan.

In the compensation schedule, there shall be clearly specified by a fixed range of variation the amount of pay for each grade, which shall be determined after taking into consideration the cost of living, prevailing wage rates and other pertinent factors.

Article 65. (Matters to be provided in Pay Plan) In addition to the compensation schedule of the preceding Article, the following items shall be provided in the pay plan: Matters concerning:

1. Standards for an increase of pay within a same grade;
2. Compensation of positions upon the initial application of the position classification plan;
3. Compensation for overtime, night and holiday work;
4. Allowances for service in specially designated areas, for hazardous jobs and other extraordinary services;
5. Adjustments of compensation by the Commission in regard to positions not requiring full-time service, those for which the facilities necessary for living are wholly or partly supplied at official expense, and others with special working conditions.

The standards of Item 1 of the preceding paragraph shall be determined after taking into consideration length of service, efficiency of service and such other service connected factors.

Article 66. (Determination of Amount of Compensation) Each person in the service shall be paid at one of the rates set forth in the pay plan for the grade and class of the position in which he is employed.

In determining the basic pay plan, no discrimination of any kind shall be made by non-service connected factors.

Article 67. (Revisions of Pay Plan) The Commission shall at all times conduct necessary investigations and studies concerning the pay plan and shall, as frequently as it deems such action necessary, prepare and submit to the Prime Minister any revisions, either upward or downward, of the compensation schedules.

Part 2. Delivery of Compensation

Article 68. (Payroll) A person or persons who deliver compensation of any kind to personnel of the service shall first prepare a payroll in regard to a recipient or recipients.

Payrolls shall be kept available for examination by personnel of the Commission at any time.

Except as prescribed in the preceding two paragraphs, necessary determinations concerning payrolls shall be provided by Cabinet Order and rules of the Commission.

Article 69. (Auditing of Payroll) Where it is necessary to ensure that delivery of compensation is conducted in compliance with law, order or rules of the Commission, the Commission may audit payrolls or order corrections when it is deemed necessary.

Article 70. (Action against Illegal Payment) In case it is discovered that compensation is paid contrary to law, order or rules of the Commission,

the Commission, besides taking appropriate steps in regard to the matters under its own jurisdiction, shall, if it is deemed necessary, according to its nature report the case to the Board of Audit or the public procurator for action.

Section V. Efficiency

Article 71. (Basic Standard for Efficiency) Personnel of the service shall have their efficiency fully developed and increased.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard of the preceding paragraph shall be provided by rules of the Commission.

The Commission shall conduct necessary investigations and studies concerning programs which will develop and increase the efficiency of personnel of the service and take appropriate steps to assure the installation of such programs.

Article 72. (Evaluation of Work Performance) The performance on duty of personnel of the service shall be periodically evaluated by the head of the administrative agency of government where they are employed, who shall take such appropriate action as the result of evaluation may call for.

The Commission shall have the power of making necessary determinations concerning the evaluation mentioned in the preceding Article and records thereof and of recommending to the head of the appropriate administrative agency such action consistent with this law as may be calculated to develop and improve the efficiency of the personnel of the service.

The Commission shall draw up plans concerning recognition for efficient performance and measures for correcting failure to perform efficiently, and

submit them to the Prime Minister.

Article 73. (Programs for Improving Efficiency) For the purpose of developing and improving the efficiency of persons in the service, the Commission and the head of the appropriate administrative agency involved shall formulate and exercise diligence in administering programs concerning:

1. Education and training of personnel;
2. Health of personnel;
3. Recreation of personnel;
4. Safety of personnel;
5. Welfare of personnel;

In regard to the formulation and administration of the programs of the preceding paragraph, the Commission shall be responsible for their overall planning, their integration and coordination with the appropriate agencies involved and surveillance over such agencies.

Section VI. Status, Disciplinary Punishment and Guarantee

Article 74. (Basic Standard for Status, Disciplinary Punishment and Guarantee) In regard to their status, disciplinary punishment and guarantee, personnel of the service shall be treated equitably.

Except as prescribed by this Law, determinations necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Commission.

Part 1. Status

Article 75. (Guarantee of Status) Personnel of the service shall not,

against their will, be demoted or be temporarily retired or be dismissed, unless they come under one of the causes provided by law.

Personnel of the service shall suffer reduction of pay grade when they come under one of the causes prescribed by rules of the Commission.

Article 76. (Forfeiture of Office due to Disqualification) .When a person in the service falls under one of the cases as specified in Article 38, he shall automatically forfeit his office, except as provided by rules of the Commission.

Article 77. (Removal from Office by Impeachment) Provisions for impeachment of persons in the service shall be prescribed by law.

Article 78. (Instances of Demotion and Dismissal against His Will) In cases where a person in the service falls under one of the following cases, he may be demoted or dismissed against his will, as provided by rules of the Commission:

1. When his performance on duty fails to show any merit;
2. When due to mental or physical debility, he has difficulty or is incompetent to perform official duties;
3. When otherwise he lacks the qualifications for fitness required for positions of a grade or grades or a class or classes.

Article 79. (Instances of Temporary Retirement against His Will) In cases where a person in the service falls under one of the following cases, he may be temporarily retired against his will:

1. When he requires a prolonged period of rest due to mental or physical debility;
2. When he is prosecuted with respect to a criminal case.

Article 80. (Effect of Temporary Retirement) The period of temporary retirement in any case as specified in Item 1 of the preceding Article shall be one year; if the debility ceases to exist during the period of temporary retirement, the reinstatement shall be ordered forthwith, while a person who still remains temporarily retired on the expiration of the prescribed period shall automatically be treated as retired.

The period of temporary retirement in any case as specified in Item 2 of the preceding Article shall be the same as the inherence of the case in question with the law court concerned.

While still retaining his status in the service, a person who is temporarily retired does not attend to his official duties. During his temporary retirement, he shall receive one-third of his pay.

Article 81. (Exceptions to Application) In regard to the status of personnel mentioned below, the provisions of Article 75, Article 78 to the preceding Article inclusive and Articles 89 to 92 inclusive shall not apply:

1. Temporary personnel;
2. Personnel in conditional period of initial appointment;
3. Personnel who become supernumeraries or whose positions are abolished due to an amendment or abrogation of the law concerning the official organization or of the fixed number of personnel or as a result of a reduction in budget;
4. Persons who, in consequence of a revision of the allocation of positions by the classification plan, suffer the same result as a reduction of pay grade or demotion.

In regard to the status of personnel enumerated in various items of the

preceding paragraph, necessary determinations may be provided by rules of the Commission.

As to which of the persons enumerated in Item 3 of Paragraph 1 shall be demoted, or be temporarily retired or dismissed, the decisions shall be made on the basis of the merit of their performance on duty and other demonstrated abilities.

Part 2. Disciplinary Punishment

Article 82. (Instances of Disciplinary Punishment) When he falls under one of the following cases, a person in the service may, as disciplinary punishment, be dismissed, suspended from duty, suffer reduction in pay or administration of a reprimand:

1. When he has acted contrary to this Law or rules of the Commission;
2. When he has acted contrary to the duties of his position or has neglected his duties;
3. When he is guilty of such malfeasance as to render himself unfitting to be a servant of the community.

Article 83. (Effect of Disciplinary Punishment) The period for suspension of duty shall range from one month to one year.

While still retaining his status in the service, a person who is suspended from duty does not attend to his official duties. While he is suspended from duty, he shall receive one-third of his pay.

In case of reduction in pay, less than one-third of his pay shall be deducted for a period ranging from one month to one year.

Article 84. (Administrator of Disciplinary Punishment) Disciplinary

punishment shall be administered by an appointing officer.

Article 85. (Relations with Criminal Court) While a case which is to be subjected to disciplinary punishment is in the criminal court, no disciplinary proceedings may be taken on the same case.

Part 3. Guarantee

Division 1. Application for Administrative Action on Working Conditions

Article 86. (Application for Administrative Action on Working Conditions) Personnel of the service may present application to the Commission relative to salary, wages, or any of the working conditions, and ask that they be accorded appropriate administrative action by the Commission or the head of an employing agency of government.

Article 87. (Review and Evaluation of Case) When the application specified in the preceding Article is received, the Commission shall conduct such investigations, hearings or other fact finding operations as may in its discretion be necessary, and evaluate the situation with due regard to fairness to the public and all persons concerned and in terms of maintaining and improving the efficiency of personnel of the service.

Article 88. (Action to be taken as a Result of Evaluation) When the Commission considers action necessary in regard to working conditions on the basis of the evaluation specified in the preceding Article, it shall take its own action on the matters under its jurisdiction, and recommend to the head of an appropriate agency of government to take action in regard to other matters.

Division 2. Review of Disadvantageous Action
taken against the Will of Personnel

Article 89. (Delivery of Written Statement of Charges for Reduction of Pay Grade, etc., taken against the Will of Personnel) When a person in the service, against his will, has his pay grade reduced, or is demoted, temporarily retired, dismissed or otherwise subjected to greatly disadvantageous action, or is about to be administered disciplinary punishment, he shall at the time of such action be given by the officer taking such action a written statement of charges fully setting forth the reasons therefor.

In cases where a person in the service considers that he has been subjected to greatly disadvantageous action specified in the preceding paragraph, he may demand delivery of the written statement of charges mentioned in the same paragraph.

Article 90. (Appeal for Review) The employe subject to the action specified in Paragraph 1 of the preceding Article may, within thirty days after he has received the written statement of charges, appeal to the Commission for review thereof.

Article 91. (Investigation) On receipt of the appeal specified in the preceding Article, the Commission, or an agency or agencies designated by the Commission, shall promptly investigate the case.

In the cases specified in the preceding paragraph, if the employe subject to the action demands a hearing, such hearing shall be accorded. If requested by the employe concerned, the hearing shall be a public hearing.

The officer who took the action or his representative and the employe subject to the action may appear at all hearings, be represented by counsel

of their own choosing, be heard and present witnesses, books, records and any pertinent facts and data.

Persons other than those mentioned in the preceding paragraph may present to the Commission any facts and data concerning the case.

Article 92. (Action to be taken as a Result of Investigation) If, as a result of the investigation specified in the preceding Article, the validity of the charges is established, the Commission shall confirm the action of the employing agency of government.

If, as a result of the investigation specified in the preceding Article, it is established that the action taken is at variance with the facts or otherwise is not justified, the Commission shall, in regard to the cancellation or revision of the original action, the restoration of employment rights to the person involved, the correction of any injustice that may have been done him by reason of such inaccurate accusation, and the reimbursement of any compensation lost by reason of such inaccurate accusation, take its own action for the matters under its jurisdiction, and shall, in regard to others, submit a report to the Prime Minister giving its views thereon.

Upon receipt of the report specified in the preceding paragraph, the Prime Minister shall, in compliance with such report, take such appropriate action as to give necessary direction etc. to the head of the employing agency of government to which the employe involved is attached.

Division 3. Compensation for Injury and Disease Incurred in Line of Duty

Article 93. (Compensation for Injury and Disease Incurred in Line of Duty) In case a person in the service dies, is injured or insure disease in

line of duty or dies as the result thereof, a system of compensating the employe concerned and his immediate dependents for damage resultant of any such incident, shall be established and enforced.

The compensation system specified in the preceding paragraph shall be provided by law.

Article 94. (Matters to be provided in Law) In the compensation system mentioned in the preceding Article, the following matters shall be provided:

1. Protection of the employe concerned against economic distress during periods of incapacity resultant of injury or disease incurred in line of duty;
2. Compensation of the employe for permanent or prolonged damage to his earning capacity resultant of injury or disease incurred in line of duty;
3. In the event of the death of the employe resultant of injury or disease incurred in line of duty, compensation for damage sustained by the surviving members of his family or those who maintain their living by an income of the employe at the time of his death.

Article 95. (Responsibility of the Commission for Drafting Compensation System) The Commission shall conduct essential studies in regard to the compensation system as soon as practicable, and submit its recommendations thereon to the Prime Minister.

Section VII. Performance on Duty

Article 96. (Basic Standard for Performance on Duty) Any person in the

service, as a servant of the community, shall attend to his duties in the interest of the public, and exert his utmost in the performance of his duties.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard specified in the preceding paragraph shall be provided by rules of the Commission.

Article 97. (Subscription to Oath) Personnel of the service shall subscribe to the oath of office, as provided by rules of the Commission.

Article 98. (Duty to Obey laws and Orders and Orders of Superiors) Personnel of the service in the performance of their duties shall comply with laws and orders and observe the orders of their superiors on matters pertaining to the performance of their official duties. They may, however, express their opinions regarding the orders of their superiors.

Article 99. (Prohibition of Acts Causing Loss of Credit) No person in the service shall act in such a way as to cause the loss of credit of his position or reflect adversely on the national public service.

Article 100. (Duty to Preserve Secrecy) A person in the service shall not divulge any secret which may have come to his knowledge in the performance of his duties. This shall also apply after he has retired from office.

In case a person in the service is to make a statement concerning any secret in respect of his duties as a witness or an expert witness prescribed by law or order, he shall require the permission of the head of his employing agency of government (or in the case of a retired employe, the head of the agency of government having jurisdiction over the position he held at the time of retirement or any position similar thereto).

The permission referred to in the preceding paragraph shall not be refused,

except under conditions and procedures provided by law or rules of the Commission.

Article 101. (Undivided Attention to Duty) Personnel of the service, except in cases authorized by the head of their employing agency of government because of special circumstances, shall give their full working time and occupational attention to the duties of their public position.

Article 102. (Restriction of Political Activities) No person in the service shall solicit, or receive, or be in any manner concerned in soliciting or receiving any subscription or other benefit for any political party or political purpose.

No person in the service shall be a candidate for elective public office in cases provided by rules of the Commission.

No person in the service specified by law or rules of the Commission shall be an officer of any political party or political organization.

Article 103. (Exclusion from Private Enterprise) A person in the service shall not concurrently hold a position therein and a position of an officer, adviser or counsillor in any company or other organization established for the purpose of carrying on any commercial, industrial or financial or other private enterprise aiming at pecuniary gain (to be hereinafter referred to as profit-making enterprise), nor shall he carry on, on his own account, any enterprise which aims at pecuniary gain.

No person who was in the service shall, for a period of two years after leaving the service, accept an appointment involving representation of a profit-making enterprise which is closely connected with the duties of the public position he held for two years prior to retirement.

The provisions of the preceding two paragraphs shall not apply to cases wherein approval is given by the Commission on the recommendation of the head of the employing agency of government, as provided by rules of the Commission.

With respect to a profit-making enterprise, when a person in the service holds stocks, shares or other interests therein to such a degree as to be in a position to participate in the management of such enterprise, the Commission may call upon such employe to submit a report regarding his holdings of stocks, shares and other interests, as provided by rules of the Commission.

When the Commission, on the basis of the report specified in the preceding paragraph, considers it inappropriate for the person concerned to continue the holdings in question in the performance of his duties, it may serve notice to the employe to the same effect, as provided by rules of the Commission.

Upon receipt of the notice mentioned in the preceding paragraph, if the employe concerned has objection to the substance thereof, he may file a protest with the Commission within thirty days after he has received the said notice.

The provisions of Paragraphs 2 and 3 of Article 91 shall apply correspondingly to the instances of protest as specified in the preceding paragraph.

An employe who has not filed any protest as specified in Paragraph 6 and an employe whose protest has not been sustained as the result of investigation by the Commission shall divest himself of his holdings either in whole or in part within a period provided by rules of the Commission or

relinquish his position, as provided by rules of the Commission.

Article 104. (Restriction of Participation in Other Undertaking or Business) If a person in the service is, in consideration of an honorarium, concurrently to hold a position therein and a position of an officer, adviser or counsillor in any undertaking other than a profit-making enterprise, or to engage in any other undertaking or to carry on business, the permission of the head of the employing agency of government shall be required.

Article 105. (Scope of Duties of Personnel) Apart from taking charge of duties prescribed by law or order, personnel of the service as such shall assume no other obligation whatever.

Article 106. (Conditions of Work) Necessary determinations concerning conditions of work and other matters pertinent to the performance of duties may be provided by rules of the Commission.

The rules of the Commission mentioned in the preceding paragraph shall be consistent with the purport of this Law.

Section VIII. Pension to Retired Employes

Article 107. (Basic Standard for Pension to Retired Employes) Persons in the service who have faithfully served for a reasonable period of time and retired shall be given pension.

Necessary determinations concerning pension mentioned in the preceding paragraph shall be provided by law.

Persons who retire as the result of injury or disease incurred in line of duty or the surviving members of those who die in line of duty may be given a pension as provided by law.

Article 108. (Object of the Pension System) The pension system shall

have as its object the provision for each person, after retirement, of an income adequate to sustain him and his immediate dependents at the time of retirement or death in manner dignified and appropriate to the circumstances of retirement or death.

In the cases of Paragraph 3 of the preceding Article, due adjustments with the compensation system specified in Article 93 shall be effected.

The pension system shall be designed on a sound basis and administered by the Commission.

The Commission shall conduct essential studies in regard to the pension system as soon as practicable and submit its recommendations thereon to the Prime Minister.

Chapter IV. Penal Provisions

Article 109. A person who violates the prohibition prescribed in Article 39 shall be sentenced not to exceed three years in penal servitude or fined not to exceed ten thousand yen.

Money or other benefit given or received by the person mentioned in the preceding paragraph shall be confiscated. When it is not possible to collect such amount either in whole or in part, its value shall be sought and collected.

Article 110. A person falling under one of the following cases shall be sentenced not to exceed one year in penal servitude or fined not to exceed five thousand yen.

1. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 and has made a false statement;
2. A person who has been ordered to produce books, records or

copies thereof in accordance with the provision of Paragraph 2 of Article 17 and has produced false books, records or copies thereof;

3. A person who violates the prohibition prescribed in Article 40 or Article 41;

4. A person who violates the prohibition prescribed in Paragraph 2 of Article 103.

Article 111. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 and has not responded, except for just cause, or who, in accordance with the provision of the same paragraph, has been ordered to produce books, records or copies thereof and has not complied with such order without any just cause shall be fined not to exceed three thousand yen.

Supplementary Provisions

Article 1. In this law the provision of Article 2 of the Supplementary Provisions shall be enforced from November 1, 1947, and other provisions from July 1, 1948.

The Commission shall be set up not later than January 1, 1949.

In this Law provisions other than those concerning the establishment of the Commission and the Performance on Duty (inclusive of the supplementary provisions related thereto) may be gradually applied as practicable, as provided by law or rules of the Commission.

Article 2. A Temporary National Personnel Commission (to be hereinafter referred to as the Temporary Commission) shall be set up under the jurisdiction of the Prime Minister.

The Temporary Commission shall have the power of investigating positions, employment situations and other matters pertaining to personnel administration in general and making other preparations in so far as are necessary for the enforcement of this Law.

The Temporary Commission shall exercise the powers of the Commission as provided in this Law from July 1, 1948, up to the installation of the Commission. In this case, "the Commission" in this Law shall be taken to read "the Temporary Commission" and "Commissioners" shall be taken to read "members of the Temporary Commission."

The Temporary Commission shall be composed of a chairman and two members.

The chairman and members of the Temporary Commission shall retire upon the installation of the Commission. In this case the chairman of the Temporary Commission shall promptly hand over charge to the Chairman of the Commission.

The provisions of Paragraph 1 of Article 5, Paragraphs 3 to 5 inclusive of the same Article and Paragraph 2 of Article 11 shall apply correspondingly in respect of the chairman and members.

The Temporary Commission shall have a Secretariat.

In the Secretariat of the Temporary Commission there shall be one Executive Director and necessary personnel prescribed by Cabinet Order.

Necessary determinations concerning the implementation of the powers of the Temporary Commission may be provided by Cabinet Order until July 1, 1948, after which time such determinations shall be provided by law or rules of the Commission.

Article 3. In Paragraph 6 of Article 5, the department of the university

or high school shall include the department of the universities under the "University Ordinance," the high schools under the "High School Ordinance" or the colleges under the "College Ordinance."

Article 4. Of Commissioners who are appointed at the outset, the term of office of two shall, without prejudice to the provision of Paragraph 1 of Article 7 be five years for one and three years for the other. In this case, which Commission shall have which term of office shall be decided by the Prime Minister.

Article 5. In case Commissioners other than the Chairman are simultaneously appointed from the outset, in applying the provision of Paragraph 3 of Article 11, "a senior Commissioner" shall be taken to read "a Commissioner on a longer term of office."

Article 6. Dismissals by disciplinary decision referred to in Item 3 of Article 38 shall include those effected under the provisions heretofore in force.

Article 7. The temporary retirement or disciplinary punishment of a person who, under the regulations heretofore in force, has been ordered to be temporarily retired or has been under disciplinary proceedings or has been subjected to disciplinary action shall be the same as heretofore.

Article 8. The provision of Item 2 or Item 3 of Article 82 shall also apply to acts committed before the application of the provisions of the same Article.

Article 9. On a date to be later established by the Commission, persons actually holding positions designated by the Commission shall, as provided by rules of the Commission, be regarded as having qualified themselves in the

examination or the evaluation based on this Law or otherwise as having possessed the qualifications necessary for the grade and class to which the positions involved belong and hold the latter under the procedure based on this Law. This provision shall not, however, apply to persons specified in Article 11 of the Supplementary Provisions.

Article 10. In cases of the designation of positions specified in the preceding Article, an appointing officer may, with the approval of the Commission, extend beyond the limits specified in Paragraph 1 of Article 60 temporary employment to the positions designated in the preceding Article for a period not to exceed three years from the dates as specified in the preceding Article.

Article 11. Persons actually holding, on a date to be later established by the Commission, such positions as heads and assistant heads of external and internal bureaus of the Prime Minister's Office, the various ministries, and agencies specified by the Commission and other positions of organizational level in the service, similar to the foregoing, as designated by the Commission, shall, as provided by rules of the Commission, be deemed on that date as having received temporary employment prescribed in the preceding Article; such temporary employment, however, shall not exceed three years from July 1, 1948.

In regard to the positions as specified in the preceding paragraph, it shall be the duty of the Commission by greatest diligence to make allocations of positions and administer the necessary examinations or evaluations under this Law within two years after July 1, 1948.

Article 12. The provision of Article 100 shall also apply to former

personnel who had retired before the enforcement of the provision of the same Article.

Article 13. In case it is necessary to make exceptions to this Law on the basis of the special nature of the duties and responsibilities of any positions in the regular government service, such as diplomatic and consular officials, other personnel stationed abroad, school teachers, court officials or public procurators, such exceptions may be separately provided by law or rules of the Commission. These exceptions shall not, however, be contrary to the spirit of Article 1 of this Law.

Article 14. Interim exceptions and other matters necessary for the revision or abrogation of the provisions of the laws and orders concerning personnel which are actually valid at the time of enforcing or applying the various provisions of this Law, and for applying the provisions of this law to persons subject to those of such laws and orders shall be provided by law or rules of the Commission.

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STATE REDRESS LAW
(Law No. 125, October 27, 1947)

Article 1. If a public official entrusted with the exercise of the public power of the State or of a public entity, has, in the conduct of his official duties, inflicted intentionally or through negligence any damages on another person through an illegal act, the State or the public entity concerned shall be under obligation to make compensation therefor.

If, in the case referred to in the preceding paragraph, the public official has perpetrated the act intentionally or through gross negligence, the State or the public entity concerned shall have the right to obtain reimbursement from the said public official.

Article 2. If a person has been damaged through the existence of any defect in the construction or management of highways, rivers or other public installation, the State or the public entity concerned shall be under obligation to make compensation for it.

If, in the case referred to in the preceding paragraph, there exists any other person who is responsible for causing the damages, the State or the public entity concerned shall have the right to obtain reimbursement from him.

Article 3. If, in cases where the State or a public entity has an obligation to make compensation for a damage in accordance with the provisions of the preceding two Articles, the State or the public entity charged with the matters of the appointment or supervision of the public official in question or of the establishment or management of the public installation in question, is

different from that which defrays the salary, allowance or other expenses of such public official or the expenses necessary for the establishment or management of such public installation, then the latter shall also be under obligation to make compensation for the said damage.

In the case referred to in the preceding case, the State or the public entity that has made compensation for the damages shall have the right to obtain reimbursement from the person under obligation to make compensation for the said damage within the State or the public entity itself.

Article 4. Except as provided in the preceding three Articles, the provisions of the Civil Code shall apply to the liability for damages of the State or a public entity.

Article 5. If otherwise provided in any statute besides the Civil Code, those provisions shall apply to the liability for damages of the State or a public entity.

Article 6. In cases where a foreigner is the injured party, this statute shall apply only if the compensation is reciprocally guaranteed.

Supplementary Provisions:

This Law shall come into force as from the day of its promulgation.

A part of the Public Notary Law shall be amended as follows:

Article 6. Deleted.

A part of the House Registration Law shall be amended as follows:

Article 4. Deleted.

In Article 7 the words "and Article 4" shall be deleted.

A part of the Real Estate Registration Law shall be amended as follows:

Article 13. Deleted.

A part of the Code of Civil Procedure shall be amended as follows:

Article 532. Deleted.

The laws hitherto in force shall apply to the damages resulting from the acts prior to the effective date of this statute.

IMPEACHMENT OF JUDGES LAW
(Law No. 137, November 19, 1947)

Chapter I. General Provisions

Article 1. (Purport of this law). Impeachment of judges shall be proceeded with in accordance with the provisions of this act, in addition to those prescribed in the Diet Law.

Article 2. (Grounds for removal by impeachment). A judge is liable to be removed from his post on being impeached and convicted for any of the following offences:

1. Conduct in grave contraventions of official duties or grave neglect of official duties.

2. Other misconducts seriously affecting the integrity of a judge.

Article 3. (Location of the Court of Impeachment and the Impeachment Committee) The Court of Impeachment and the Impeachment Committee shall be located in Tokyo Metropolis.

Chapter II. Procedures of Impeachment

Article 4. (Functioning of the Court of Impeachment and the Impeachment Committee) The Court of Impeachment and the Impeachment Committee may function even while the Diet is out of session.

Article 4-2 (Budget) The Presiding Judge shall compile the budget for the Court of Impeachment and present it to the Standing Committees for House Management of both Houses.

The Standing Committee for House Management of each House shall, upon deliberation on the budget in the preceding paragraph, send it to the President of each House with or without recommendation attached thereto.

The Chairman of the Indictment Committee shall compile the budget for the Indictment Committee and present it to the Standing Committee for House Management of the House of Representatives.

The Standing Committee for House Management of the House of Representatives shall, upon the deliberation on the budget in the preceding paragraph, send it to the Speaker of the House of Representatives with or without recommendation attached thereto.

Article 5. (Members and reserve members of the Impeachment Committee) The number of members of the Impeachment Committee shall be twenty and that of reserve members shall be ten.

The election of the members and the reserve members of the Impeachment Committee shall be carried out at the beginning of the session of the Diet convened for the first time after the general election of the members of the House of Representatives. But in the case of the 1st Session of the Diet, such election shall be held during its session.

In case any vacancy occurs in the post of the members or reserve members of the Impeachment Committee a by-election shall be held in the House of Representatives to fill the vacancy.

The tenure of office of the members and the reserve members of the Impeachment Committee shall be concurrent with their membership in the House of Representatives.

The members and reserve members of the Impeachment Committee may resign with the permission of the House of Representatives, provided such permission may be given by the President of that House when the Diet is out of session.

In case a member of the Impeachment Committee is prevented from discharging his function or the post is vacant, a reserve member shall take his place or

fill the vacancy temporarily.

The order of the reserve members who perform the official functions as members according to the provisions of the preceding paragraph shall be determined by the House at the time of their election.

The members or the reserve members of the Impeachment Committee who perform the official functions as members shall receive reasonable remuneration to be fixed by the President of the House of Representatives.

Article 6. (The duties of the Chairman of the Impeachment Committee) The Chairman of the Impeachment Committee shall supervise the general affairs of that Committee and represent it.

In case the Chairman is prevented from discharging his duties another member shall act temporarily in his stead in accordance with the order previously determined by the Committee.

Article 7. (Secretariat) There shall be a Secretariat in the Indictment Committee.

The Secretariat shall have two Secretaries and two Clerks.

One of the Secretaries shall be the Chief Secretary.

The Chief Secretary shall, under the supervision of the presiding Judge, administer general affairs and direct and supervise the other Secretary and the Clerks.

The Secretary other than the Chief Secretary and the Clerks shall, under the direction of their superior, engage in general affairs.

The Chief Secretary, the other Secretary and the Clerks shall be appointed or removed by the Chairman with the consent of the Speaker of the House of Representatives and the approval of the Standing Committee for House Management.

Article 8. (Independence of Authority) The members of the Impeachment Committee shall exercise their official power independently.

Article 9. (Convocation) The Impeachment Committee shall be convened by the Chairman. If there be a request made by five members or more of the Committee, the Chairman shall convene the Committee.

Article 10. (Deliberation) The Impeachment Committee shall neither open any deliberation nor pass any resolution unless a minimum of fifteen members are present.

The resolution of the Impeachment Committee shall be passed by a majority of the members present, and in case of a tie the Chairman shall decide; provided a majority of two-thirds of the members present shall be necessary to pass a resolution to proceed with an impeachment.

The deliberation of the Impeachment Committee shall not be open to public.

Article 11. (Investigation) The Indictment Committee shall investigate into the reasons for indictment upon the request to indict or when they deem that reasons for removal by impeachment exist.

The Indictment Committee may entrust the investigation in the preceding paragraph to Government or public offices.

The Indictment Committee, or the government or public offices commissioned with the investigation mentioned in the preceding paragraph may, in connection with such investigation, demand the presence and testimony of witnesses and presentation of records.

Travel expenses, daily allowances and allowances for hotel charges shall be paid to a witness who presents himself upon the demand mentioned in the preceding paragraph, in conformity with the cases when a witness presents himself to the Court of Impeachment.

Article 11-2.(Dispatch of the members of the Indictment Committee) The Indictment Committee may dispatch the members of the Indictment Committee for investigation.

The Indictment Committee when it intends to dispatch the member of the Indictment Committee for investigation while the Diet is in session, shall get the approval of the Speaker of the House of Representatives.

Article 12. (Time limit for indictment) An indictment for removal cannot be instituted after the lapse of three years since the reason for impeachment occurred. However, in case the term of office for the members of the House of Representatives expires, or the House of Representatives is dissolved, within that period, an indictment for removal may be instituted within one month after the members of the Indictment Committee are elected in the first Diet session convened thereafter, and in case criminal proceedings are taken for the same reason the indictment may be instituted within one year after the judgment in the criminal case becomes absolute.

Article 13. (Stay of impeachment) The Impeachment Committee may stay an impeachment, when in its judgment the circumstances justify such action.

Article 14. (Filing of a written impeachment) An impeachment for removal shall be instituted by filing a written impeachment with the court of impeachment.

A written impeachment shall contain the name and the position of the judge to be impeached and the causes therefor. When the Impeachment Committee has filed a written impeachment with the Court of Impeachment it shall forthwith notify the Supreme Court of the fact.

Article 15. (Request for indictment) Any person may request an indictment for removal to the Indictment Committee whenever he considers that there is a reason for removal of a judge by impeachment.

When the President of a High Court or the President of a District Court considers that there is areason for removal by impeachment of a judge who is attached to his Court or a lower court under his jurisdiction, he must notify the President of the Supreme Court of such reason.

When the President of the Supreme Court has received the notice mentioned in the preceding paragraph, or considers that there is a reason for removal by impeachment, he must request the Indictment Committee to institute an indictment for removal.

The request for an indictment under the provisions of paragraph 1 and the preceding paragraph shall be accompanied by a brief statement of the reasons thereof. However evidences shall not be required.

Chapter III. Trial

Article 16. (Judges and Reserve Judges) The number of judges of the Court of Impeachment shall be seven members each from the House of Representatives and the House of Councillors. The number of the reserve judges shall be four each from both Houses.

The provisions of Pars. 2 and 3 of Art. 4 shall mutatis mutandis apply to the judges or reserve judges who are the members of the House of Representatives.

The election of judges or reserve judges who are the members of the House of Councillors shall be conducted during the 1st Session of the Diet.

In case the posts of the judges or reserve judges for the members of the House of Councillors are vacant, there shall be held a by-election in the House of Councillors to fill the vacancy.

The tenure of office of the judges or the reserve judges shall be concurrent with their tenure of office as the members either of the House of Representatives or of Councillors.

The judges or reserve judges may resign with the permission of the House to which they belong, but when the Diet is out of session they may resign with the permission of the President of the House to which they belong.

In case where a judge is unable to discharge his duties or a judge's post is vacant, a reserve judge who is the member of the House to which the judge concerned belongs shall perform the duties of the judge.

The order of the reserve judges to perform the judge's duties in accordance with the provisions of the preceding paragraph shall be decided by the House to which they belong at the time of their election.

The judges and the reserve judges who perform the official functions of judges shall receive a reasonable remuneration to be agreed upon by the Presidents of both houses.

Article 17. (The duties of the Presiding Judge) The Presiding Judge of the Court of Impeachment shall supervise hearings, maintain the order of the court and adjust the procedure of deliberation as well as administer the general affairs of the Court and represent it.

In case the Presiding Judge is prevented from discharging his duties another judge shall act temporarily in his place in accordance with the order previously determined by the Court.

Article 18.(Secretariat) There shall be a Secretariat in the Court of Impeachment.

The Secretariat shall have two Secretaries and two Clerks.

One of the Secretaries shall be the Chief Secretary.

The Chief Secretary shall, under the supervision of the Presiding Judge, administer general affairs and direct and supervise the other Secretary and the Clerks.

The Secretary other than the Chief Secretary and the Clerks shall, under the direction of their superior, engage in general affairs.

The Chief Secretary, the other Secretary, and the Clerks shall, under the direction of the Judges, engage in the business relative to cases, beside the matters prescribed in the two preceding paragraphs.

The Chief Secretary, the other Secretary, and the Clerks shall be appointed or removed by the Presiding Judge with the consent of the Presidents of both Houses and the approval of the Standing Committee for House Management.

Article 19. (Independence of the Authority) The judges of the Court of Impeachment shall exercise their official power independently.

Article 20. (Collegiate system of the Court of Impeachment) The Court of Impeachment shall not conduct hearings or render judgment unless not less than five judges each from both Houses are present, provided the Court may otherwise determine as to matters other than hearings or judgments in the court.

Article 21. (Service of the written impeachment) The Court of Impeachment shall immediately on receipt of a written impeachment serve its copy to the judge against whom the impeachment for removal was instituted.

Article 22. (Engagement of counsel) A judge against whom an impeachment was instituted may engage his counsel at any time.

The previsions of the statutes concerning Criminal Procedure shall mutatis mutandis apply to such counsel.

Article 23. (Oral pleadings) A judgment of removal shall be based upon the oral pleading.

In case a judge against whom an impeachment was instituted does not appear at the date of oral pleading another date shall be fixed. Should the judge still fail to appear on that another date without good reason, the Court may proceed

with the impeachment and render its judgment without hearing his pleading notwithstanding the provisions of the preceding paragraph.

Article 24. (Attendance of a member of the Impeachment Committee) The Chairman of the Impeachment Committee or a member of the Committee designated by the Chairman shall attend the hearings of the Court and the pronouncement of its judgment.

Article 25. (Place of Session) The Sessions shall be held at the Court of Impeachment.

The Court may, when it deems expedient, hold its session at other places notwithstanding, however, the provisions of the preceding paragraph.

Article 26. (Publicity of trial) Trials in the Court of Impeachment shall be conducted and its judgment declared publicly.

Article 27. (Maintenance of Order in Court) The Presiding Judge may order any person who interferes with the exercise of functions of the court or who behaves improperly, to leave the court, and may issue such other orders or take such measures as are necessary for the maintenance of order in the court.

Article 28. (Examination) The Court of Impeachment may summon and examine the judge against whom an impeachment was instituted.

The provisions of the statutes concerning Criminal Procedure shall mutatis mutandis apply to the case mentioned in the preceding paragraph, but he shall not be taken into custody.

Article 29. (Evidence) The Court of Impeachment may, on its own initiative or an application, take necessary evidence, or commission a District Court for that purpose.

With respect to evidence the provisions of the statutes concerning criminal procedure shall be applicable with necessary modifications; provided

however that the Court of Impeachment or its presiding judge shall not order arrest, seizure, search or other forcible measure against the person, thing or place, or impose fine.

Besides the foregoing, the Court of Impeachment shall have the following power, in order to collect the necessary evidence:

1. To order the possessors of evidence to produce it.

2. To make inspection of any place necessary for the discovery of facts.

3. To request of government and public offices the production of reports and data.

Article 29-2 (Dispatch of Judges) The Court of Impeachment may dispatch a Judge for trial or judgment, trial or judgment while the Diet is in session, must obtain the approval of the Speaker of the House of Representatives as regards a Judge who is a member of the House of Representatives, and the approval of the President of the House of Councillors as regards a judge who is a member of the House of Councillors.

Article 30. (Application of statutes concerning criminal procedure) The provisions of the statutes concerning criminal procedure shall apply mutatis mutandis to the emlusion, refusal or avoidance of a Judge, the Chief Secretary or the other Secretary, or a Clerk, to trial in the Court, to the preparation of Court records, and to the cost of procedures.

Article 31. (Deliberation of judgment) Deliberation for judgment shall not be open to the public.

A judgment shall be determined by a majority of judges participating in the trial, but, to rendering a judgment of removal, two-thirds majority is necessary.

Article 32. (Prohibition of double jeopardy) The Court of Impeachment shall not render a judgment of removal for a cause which has already been adjudged by it.

Article 33. (Reason for judgment) When rendering a judgment, the reason therefor shall be stated. In the reason for a judgment of removal the facts and the evidence upon which such facts have been found shall be stated.

Article 34. (Written judgment) A judgment shall be rendered in writing.

The judgment shall be signed and sealed by the judges who have participated in giving such judgment. If the Presiding Judge is unable to sign and seal, one of the judges, and if a judge other than the Presiding Judge is unable to do so, the Presiding Judge, shall make an additional entry of the fact and reason on the judgment and affix his signature and seal thereto.

Article 35. (Service of the judgment) When the Court of Judgment rendered a final judgment, it shall serve forthwith copies of the judgment to a judge against whom an impeachment had been instituted and to the Supreme Court.

Article 36. (Publication of judgment) A judgment of the Court of Judgment shall be publicly notified in the Official Gazette.

Article 37. (Effects of judgment of removal) A judge shall be removed upon the pronouncement of a judgment of removal.

Article 38. (Recovery of judicial qualification) The Court of Impeachment may, in the following cases, hear the application of the judges removed on impeachment for the recovery of their judicial qualifications:

1. If upon the lapse of 5 years from the date of the judgment of removal a justification exists.

2. If any new evidence is found to prove the absence of the cause of removal or otherwise a justification exists for the recovery of the judicial qualification.

A judgment for the recovery of qualification shall restore to the applicant the qualification which he lost in accordance with the provisions of laws by virtue of the original judgment for impeachment.

Article 39. (Suspension of functions as a judge) The Court of Impeachment may suspend at any time the exercise of functions by the judge against whom an impeachment has been instituted.

Article 40. (Relation between the Proceedings of Impeachment and the Criminal Procedure) The Court of Impeachment may suspend its proceedings pending the proceedings in a criminal court for the same cause.

Article 41. (Reservation of dismissal) A judge against whom an impeachment has been instituted shall not, even on personal application for dismissal, be dismissed by any person authorized to do so pending the final judgment by the Court of Impeachment.

Article 42. (Power to make rules) Except as provided elsewhere by this statute, the Court of Impeachment shall have power of making rules of its own procedure.

Chapter IV. Penalty

Article 43. (False Accusation) Any person who has made false statement with intent to cause an impeachment to be instituted against a judge shall be liable to an imprisonment with hard labor for over 3 months but not exceeding 10 years.

When the person who has committed the crime prescribed in the preceding paragraph, makes a confession before a judgment to the reported case is rendered, and before the crime is discovered, his sentence may be mitigated or pardoned.

Article 44. (Punishment against witnesses, etc.) The following offences are punishable with a fine not exceeding ¥ 3,000:

1. Failure to appear or serve without good reason when summoned by the Court of Impeachment as witness, expert, interpreter or translator.

2. Failure to produce evidence when ordered by the Court of Impeachment, without good reason.

3. Refusal or obstruction of inspection of the Court of Impeachment.

Any person who having been called upon by the Impeachment Committee to appear as witness, or furnish evidence or records, fails to appear, makes false statement, fails to produce records or produces false records without good reason, shall be liable to a fine not exceeding ¥ 1,000.

Supplementary Provision

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

PEOPLE'S EXAMINATION OF SUPREME COURT JUDGES

(Law No. 136, November 20, 1947)

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Chapter I. General Provisions

Article 1. (Object of the present Law) Examination by the people on the appointment of the judges of the Supreme Court shall be governed by the present Law.

Article 2. (Date of Examination) Examination shall be carried out for each of the judges on the date of the first general election of members of the House of Representatives following their appointment.

On the date of the first general election of members of the House of Representatives after the elapse of ten (10) years from the date of the first examination, examination of each judge shall be carried out again, and this shall continue in the same manner thereafter.

Article 3. (Districts where examination is to be carried out)

Examination shall be carried out throughout the districts of all of the Metropolis, Circuits, special Prefectures and Prefectures.

Article 4. (Right to examine) Any person who has right to vote for members of the House of Representatives has the right to examine.

Article 5. (Notification of the date of examination and of the full names of judges) The people's examination of the supreme court judges administration committee must notify the date of examination and the full names of judges to be examined by the official gazette at least twenty-five (25) days prior to the date of examination.

Article 6. (Manner of examination) Examination shall be conducted by means of ballot.

With respect to the ballot, one man one vote system shall be adopted.

Article 7. (Voting districts and counting of ballot districts) Voting districts and ballot-counting districts for examination shall coincide with voting districts and ballot-counting districts for election of members of the House of Representatives.

Article 8. (Lists of the persons having right to examine) For examination, the poll books for election of members of the House of Representatives shall be used.

Article 9. (The People's Examination of the Supreme Court Judges Administration Committee) There shall be established the People's Examination of the Supreme Court Judges Administration Committee (hereinafter to be referred to as People's Examination Administration Committee) in order to have it administer the business pertaining to the examination.

The People's Examination Administration Committee shall consist of ten

(10) People's Examination of the Supreme Court Judges Administration Commissioners (hereinafter to be referred to as People's Examination Administration Commissioners).

The People's Examination Administration Commissioners shall be elected by the House of Councillors from among its members.

The People's Examination Administration Commissioner's term of office shall be three (3) years; provided the term of office of a Commissioner elected in a by-election to fill a vacancy shall be the unexpired portion of the term of his predecessor.

With respect to the People's Examination of the Supreme Court Judges Administration Committee, the provisions of Articles 16 to 19, inclusive, of the Law for the Election of Members of the House of Councillors shall apply with necessary modifications.

Article 10. (Supervisions of business pertaining to examination) The People's Examination of judges administration committee shall control and supervise the election administration committees of the Metropolis, Circuits, Special Prefectures and Prefectures with respect to the business pertaining to examine.

The election administration committees of the Metropolis, Circuits, Special Prefectures and Prefectures shall control and supervise the election administration committees of Cities, Towns and Villages with respect to the business pertaining to examination.

Article 11. (Where judges have retired and so forth) Where any of the judges to be examined has lost his office or died prior to the date of examination, no examination shall be carried out with respect to the appointment of

such judge.

In the circumstances mentioned in the preceding paragraph, the People's Examination Administration Committee shall announce the fact in the official gazette.

Chapter II. Voting and Counting of Ballot

Article 12. (Taking charge of the business pertaining to voting) Voting overseers at the election of members of the House of Representatives shall take up the post of voting overseers in the case of examination and shall take charge of the business pertaining to voting for examination.

Voting witnesses at the election of members of the House of Representatives shall act as voting witnesses in the case of examination.

Article 13. (Time and place of voting) Voting for examination shall be conducted at polling-places for the election of members of the House of Representatives and simultaneously with voting for the election.

Article 14. (Pattern of the ballot paper) The ballot paper shall bear the full names of the Judges to be examined printed in the order as determined by the Popular Examination Administration Committee by drawing. The ballot paper shall have a column for marking opposite the name of each of the judges to be examined.

The pattern of the ballot paper shall be prepared in accordance with the form prescribed in a separate sheet by the Commission for Overseeing the Election of Metropolis, District or Prefecture.

Article 15. (Manner of voting) Each examiner shall personally mark the ballot paper within the column opposite the names of the judges whose

dismissal is considered desirable, and leave the column in blank in regard to the judges whose removal he does not consider desirable, and cast it into the ballot-box.

The name of the examiner shall not appear on the ballot paper.

Article 16. (Voting by braille points) In the case of the voting in braille points, each examiner shall personally enter the name of a judge on the ballot paper whose dismissal is considered desirable, and leave it in blank in regard to the judges whose dismissal is not sought, and cast it into the ballot box.

The pattern of the ballot paper and other necessary matters in the case of the preceding paragraph shall be specified by a Cabinet Order.

Article 17. (Record of voting) Voting overseers shall make records of voting, shall state thereon the state of affairs concerning the voting and shall sign their names thereon together with the voting witnesses concerned.

Article 18. (Secrecy of voting) No person who exercises the right to examination shall be obliged to state anything about the contents of voting for examination.

Article 19. (Taking charge of the business pertaining to counting of ballot) Ballot-counting overseers at the election of members of the House of Representatives shall take up the post of ballot-counting overseers in the case of examination and shall take charge of the business pertaining to ballot-counting of examinations.

Ballot-counting witnesses at the election of members of the House of Representatives shall act as ballot-counting witnesses in the case of examination.

Article 20. (Time and place of ballot-counting) Ballot-counting of examination shall be conducted at polling-places for the election of members of the House of Representatives on the voting day or on its following day (if there are two or more voting districts within one ballot-counting district, then on the day when all of the transmitted ballot boxes have been received by the ballot-counting authorities concerned or on its following day).

Article 21. (Examination of votes to examine and the report of results) Ballot-counting overseers shall, upon having completed the examination of votes to examine, forthwith report the results thereof to the chairman of the examination branch council concerned.

Article 22. (Validity of a vote) The following votes cast for the examination shall be null and void:

1. A vote for which no formal ballot paper is used;
2. A vote which bears an entry other than the mark of X;
3. A vote bearing the mark of X not personally inscribed by the examiner.

In cases where there are more than two judges to be examined, only, a vote mentioned in No. 3 of the preceding paragraph shall be null and void and similarly mark of X by which it is unable to identify the judge whom it was intended to indicate shall be null and void.

Article 23. (Record of ballot-counting) Ballot-counting overseers shall make records of ballot-counting, shall state thereon the state of affairs concerning the ballot-counting and shall sign their names thereon together with the ballot-counting witnesses concerned.

Article 24. (Preservation of ballots and so forth) Ballots cast in the case of examination shall be preserved by the election administration committees of the cities, towns or villages concerned for a period of ten (10) years from the date for examination, upon having been classified into the valid and invalid ballots, and together with the records of voting and those of ballot-counting of examination.

Article 25. (Where no voting for election is carried out) In case where no voting for election is carried out by virtue of the provisions of Article 71 of the Law for Election of Members of the House of Representatives, the voting for examination shall be carried out notwithstanding the provision of Article 13.

The provisions of Articles 20, 44 and 48 of the Law for the Election of Members of the House of Representatives shall be applicable with necessary modifications to the cases of the voting for examination and ballot-counting mentioned in the preceding paragraph, notwithstanding the provisions of Articles 12, 19 and 20 of this enactment.

In the case of the voting and ballot-counting provided for in the preceding paragraph, the vote overseers or the ballot-counting overseer shall select three vote witnesses or three ballot-counting witnesses respectively from among the persons whose names are found in the list of names of the voters for the Election of Members of the House of Representatives in the said voting or ballot-counting district.

Article 26. (Other matters relating to voting and ballot-counting) With the exception of the matters provided in the present Law or in an order to be issued in pursuance thereof, matters pertaining to voting and ballot-counting

shall conform to those pertaining to voting and ballot-counting in the case of election of members of the House of Representatives.

Chapter III. Examination Branch Councils and Examination Council

Article 27. (Examination branch councils) An examination branch council shall be held at the office of the Metropolis, Circuit, Special Prefecture or Prefecture concerned or at any other place fixed by the chairman of the examination council.

The chairmanship of every examination branch council shall be filled by the person who has been appointed thereto from among the persons having the right to examine by the election administration committee of the Metropolis, Circuit, Special Prefecture or Prefecture concerned.

The chairman of an examination branch council shall take charge of the business pertaining to the examination branch council.

The chairman of examination branch council shall appoint three (3) witnesses to the examination branch council from among the persons who are within the district of the Metropolis, Circuit, Special Prefecture or Prefecture concerned and who have been enrolled on the poll-book for member of the House of Representatives.

The chairman of an examination branch council shall hold examination branch council on the day when he has received the reports mentioned in Article 21 from all of the ballot-counting overseers who sat within the district of the Metropolis, Circuit, Special Prefecture or Prefecture concerned, or on the day following thereto and shall examine the reports in the presence of the witnesses to the examination branch council.

Article 28. (Report of the result of Examination Branch Council) The Chairman of an Examination Branch Council, upon completion of the examination prescribed by the provisions of paragraph 5 of the preceding Article, shall forthwith report to the Chairman of Examination, for each of the Judges, the number of the votes favering his dismissal and of those opposed to the dismissal, with a copy of the minutes of the proceedings of the Examination Branch Council attached to such report.

Article 29. (Examination Council) The examination council shall be held at a place designated by the chairman of examination.

The chairmanship of examination shall be filled by the person who has been appointed thereto from among the persons having the right to examine by the people's examination of the Supreme Court Judges Administration Committee.

The chairman of examination shall take charge of the business pertaining to the examination council.

The chairman of examination shall appoint three (3) examination witnesses from among the persons enrolled on the poll-book for members of the House of Representatives.

The chairman of examination shall hold examination council on the day when he has received the reports mentioned in the preceding Article from all of the chairmen of examination branch councils or on the day following thereto, and shall examine the reports in the presence of the examination witnesses.

Article 30. (Record of examination) The chairman of examination shall make out a record of examination, shall describe thereon the state of the examination and shall sign his name thereon together with the examination

witnesses.

Any record of examination shall be preserved by the people's examination of the Supreme Court Judges Administration Committee for a period of ten (10) years from the date for examination together with the papers pertaining to the report mentioned in Article 28.

Article 31. (A judge who has been voted for dismissal) A judge about whom the votes favoring his dismissal exceed those opposing his dismissal shall be regarded as one to be dismissed, except where the number of the votes favoring his dismissal does not reach one-hundred-fiftieth of the total number of the voters whose names appear in the poll-book for the election of Members of the House of Representatives as on the day of its determination.

Article 32. (Report and notification of the results of examination) The chairman of examination shall, upon having completed the examination under the provisions of Article 29, paragraph 5 forthwith report to the People's Examination of the Supreme Court Judges Administration Committee the full name of any judge who is favored to be dismissed, the number of votes favoring his dismissal, the number of votes opposed to his dismissal and other circumstances of the examination.

The People's Examination of the Supreme Court Judges Administration Committee shall, upon receiving the report mentioned in the preceding paragraph, forthwith inform any judge who is favored to be dismissed to that effect, notify by the Official Gazette the full name of any judge who is favored to be dismissed at the same time and give notice to the Prime Minister.

Article 33. (Other matters relating to examination branch councils

and the examination council) With the exception of the matters provided in the present Law or in an order to be issued in pursuance thereof, with respect to examination branch councils and the examination council, the provisions of Chapter VI of the Law for the Election of Members of the House of Representatives shall apply with the necessary modifications.

Chapter IV. Result of Examination

Article 34. (Effect of dismissal) A judge whose dismissal has been favored shall be dismissed after the lapse of the time during which an action under Article 35 or Article 37 may be brought (and, in case where such action has been brought on the day when the case has ceased to be pending in the Court or on the day on which a Judgment overruling the objection becomes final).

A judge dismissed as a result of examination cannot be appointed Judge of the Supreme Court during five years on and after the day of his dismissal.

A judge mentioned in the first paragraph, who has lost his office prior to the day when he is to be dismissed in accordance with the provisions of the said paragraph, shall be deemed to be dismissed in accordance with the provisions of the said paragraph.

Chapter V. Action

Article 35. (Action for the nullity of examination) Any person having the right to examine or the judge whom the votes prescribed in the first paragraph of the preceding Article have favored to dismiss may, if he has objection as to the validity of such examination, bring an action against the chairman of the people's examination of judges administration committee to

the Tokyo High Court within thirty (30) days of the date on which the notification under the provisions of Article 32, paragraph 2 has been effected.

Article 36. (Judgment pronouncing examination null and void) In an action brought in accordance with the provisions of the preceding Article, if any contravention of the present Law or an order issued thereunder is made in regard to examination, the Court shall render a judgment pronouncing the whole or a part of the examination null and void, only in cases where there is apprehension that but for such contravention the result of the examination might have been changed.

Also in an action brought in accordance with the provisions of Article 37, if examination comes under the case mentioned in the preceding paragraph, the Court shall render a judgment pronouncing such examination null and void.

Article 37. (Action for the nullity of dismissal) A Judge whose dismissal has been favored may, if he has objection as to the validity of the dismissal, bring an action against the chairman of the people's examination of the Supreme Court Judges Administration Committee to the Tokyo High Court within thirty (30) days of the date on which the notification in accordance with the provisions of Article 32, paragraph 2 has been effected.

Article 38. (Order of judgment) With respect to actions brought in accordance with the provision of Article 35 or the preceding Article, the Court shall speedily render judgment thereon, giving such actions priority irrespectively of the order of other actions.

Article 39. (Notice concerning actions) If an action under the provisions of any of Articles 35 and 37 has been brought or has ceased to be pending at a Court, or a judgment has become final and conclusive on the

said action, the president of the Court concerned shall forthwith give notice of that effect to the Prime Minister.

Article 40. (Procedure) Except as otherwise provided in Article 35 to the preceding Article inclusive, with respect to an action brought in accordance with the provisions of any of Articles 35 and 37, the rules of civil procedure (except renewal of procedure) shall govern.

Article 41. (Notification of nullity of examination and so forth) If, as a result of an action brought in accordance with the provisions of any of Articles 35 and 37, a judgment pronouncing examination or dismissal null and void has become final and conclusive, the People's Examination of Judges Administration Committee shall forthwith notify of that effect by the Official Gazette.

Chapter VI. Renewal of Examination

Article 42. (Renewal of Examination) In case where the whole or a part of an examination has become null and void as a result of an action brought in accordance with the provisions of any of Articles 35 and 37, another examination shall be carried out again except as the result of the examination may be fixed without conducting another voting for examination in accordance with the provision of paragraph 5.

The date of examination mentioned in the preceding paragraph shall be fixed and notified by the Official Gazette at least twenty-five (25) days prior to the date of examination by the people's examination of the Supreme Court Judges Administration Committee.

The examination under the provisions of the first paragraph may not be

carried out while an action under the provisions of any of Articles 36 and 37 is permitted to be brought or is pending at a court.

Necessary provisions for the examination under the provisions of the first paragraph shall be prescribed by Cabinet Order.

In case where it is possible as a result of an action under Article 36 or Article 37, to decide on the result of the examination, Examination Committee shall meet and decide thereon.

Chapter VII. Penal Provisions

Article 43. (Crimes of giving interests and so forth) Any person who commits any of the acts enumerated in any of the following items shall be liable to imprisonment with or without hard labor for a term not exceeding three (3) years or to a fine not exceeding twenty thousand (20,000) yen:

1. If, with the object of evading or enabling others to evade the dismissal by examination or of procuring by means of examination the dismissal of others he gives, offers or agrees to give money, an article or any other valuable consideration or official or private service to any person having the right to examine or canvassing in connection with examination or entertains or receives any such person or offers or agrees to do so;
2. If, with the object of evading or enabling others to evade the dismissal by examination or of procuring by means of examination the dismissal of others, he induces any person having the right of examination or canvassing in connection with examination, availing himself of water-supply lease for cultivation,

right of obligations or contribution to, or any other special interests with such person or any of the shrines and temples, schools, corporations, associations, cities, towns or villages and so forth with which such person has direct concern;

3. If, with the object of giving remuneration for voting or not voting for examination, for canvassing in connection with examination or ceasing to do so, or for acting as a go-between in such act or omission or inducing such act or omission, he commits any of the acts mentioned in item numbered 1 to any person having the right to examine or canvassing in connection with examination;

4. If he receives or demands any of the interests, entertainment or reception mentioned in item numbered 1 or in the preceding item accepts any of the offers mentioned in item numbered 1 or in the preceding item, or yields or urges the inducement mentioned in item numbered 2;

5. If he delivers, offers or agrees to deliver money or an article to any person canvassing in connection with examination, with the object of having such canvasser commit any of the acts mentioned in items numbered 1 to 3 inclusive, or he, being a person who canvasses in connection with examination, receives or demands such delivery or accepts such offer;

6. If he acts as a go-between or makes inducement with respect to any of the acts mentioned in any of the preceding five items.

If any people's examination of judges administration commissioner, any

election administration commissioner of a local public entity (including an administrative Ward and any of the Wards of Cities mentioned in Article 155, paragraph 2 of the Local Self-Government Law -- this shall be the same also as to the words "local public entity" hereinafter to be used), any clerk of the people's examination of the Supreme Court Judges Administration Committee or of the election administration committee of a local public entity, any voting overseer, any ballot-counting overseer, any chairman of examination branch council and the chairman of examination as well as any governmental or local official having relation to the business of examination commits with respect to the examination concerned any of the crimes mentioned in the preceding paragraph, he shall be liable to imprisonment with or without hard labor for a term not exceeding four (4) years or to a fine not exceeding thirty thousand (30,000) yen. The same shall apply also in cases where any police officer commits any of the crimes mentioned in the preceding paragraph with respect to examination within the Metropolis, Circuit, Special Prefecture or Prefecture within which he officially acts.

Article 44. (Confiscation and additional imposition) In any of the cases mentioned in the preceding Article, any interest received by or delivered to the offender shall be confiscated. In case the confiscation thereof is impracticable in whole or in part, the value of such interest shall be additionally imposed upon the offender.

Article 45. (Crimes obstructing freedom of examination) Any person who commits any of the acts enumerated in any of the following items, shall be liable to imprisonment with or without hard labor for a term not exceeding four (4) years or to a fine not exceeding thirty thousand (30,000) yen:

1. If he assaults, intimidates or abducts any person having the right to examine or canvassing in connection with examination;
2. If he obstructs freedom of examination by hindering the convenience of traffic or assemblage or by disturbing speech or by any other unlawful means such as false artifice or fraudulent stratagem and the like;
3. If he intimidates any person having the right to examine or canvassing in connection with examination, availing himself of water-supply, lease for cultivation, right of obligation or contribution to, or any other special interests with a person having right to examine or canvassing in connection with examination or any of the shrines and temples, schools, corporations, associations, cities, towns or villages and so forth with which such person has concern.

Article 46. (Crimes abusing official powers and so forth) If, with respect to examine, any governmental or local official or any of the persons mentioned in the former part of Article 43, paragraph 2, intentionally neglects to perform his official duties, or obstructs freedom of examination with the abusive exercise of his official power, he shall be liable to imprisonment without hard labor for a term not exceeding four (4) years.

If any governmental or local official or any of the persons mentioned in the former part of Article 43, paragraph 2, requires a person having the right to examine to disclose the contents of the vote which will be or has been cast by such person, he shall be liable to imprisonment without hard

labor for a term not exceeding six (6) months or to a fine not exceeding three thousand (3,000) yen.

Article 47. (Crimes of publishing false matters) No matter whether by means of speech or by means of newspapers, magazines, handbills or posters or by any other means, any person who commits any of the acts enumerated in the following items shall be liable to imprisonment without hard labor for a term not exceeding two (2) years or to a fine not exceeding ten thousand (10,000) yen; and in the case of publication by means of newspapers or magazines, any of their editors or of the persons who actually have taken charge of the editing also shall be punished in the same manner:

1. If, with the object of evading or enabling others to evade the dismissal by examination, he publishes any false matter with respect to the career of a judge to be examined;
2. If, with the object of procuring by means of examination the dismissal of a judge to be examined, he publishes any false matter with respect to such judge.

Article 48. (Application with the necessary modifications of the penal provisions in the Law for the Election of Members of the House of Representatives) With respect to examination, the provisions of Articles 117 to 125 inclusive, 127, 128, 138 and 147 of the Law for the Election of Members of the House of Representatives shall apply with the necessary modifications. In this case, the following modifications shall be made, as the case may be, namely: in Article 117 of the same Law for "Article 8" there shall be substituted the words "the former part of Article 43, paragraph 2 of the Law of the People's Examination of the Supreme Court Judges"; for "the full name

of the eligible person who has been voted" the words " the contents of vote"; in Article 118 of the same Law for "the full name of the eligible person" the words "the contents of vote"; in Article 119 of the same Law for "the chairman of election" the words "any of the chairmen of examination branch councils, the chairman of the examination", for "the places of election councils" the words "the places of examination branch councils and the place of examination council"; in Article 120 of the same Law, for "Article 115, item numbered 1 or the preceding Article" the words "Article 45, item numbered 1 or the preceding Article of the Law of People's Examination of the Supreme Court Judges"; in Article 122 of the same Law, for "the places of election Council" the words " the places of examination branch councils and the place of the examination branch councils and the place of the examination council"; in Article 125 of the same Law, for "Article 112 and 113, Article 115" the words "Articles 43 and 45 of the Law of the People's Examination of Judges of the Supreme Court and the present Law"; in Article 127, paragraph 4, for "Article 8" the words "the former part of Article 43, paragraph 2 of the Law of the People's Examination of Judges of the Supreme Court"; and in Article 147, for "Chapter XII" the words "Chapter VII of the Law of the People's Examination of Judges of the Supreme Court".

Chapter VIII. Miscellaneous Provisions

Article 49. (Loss of office of the People's Examination of the Supreme Court Judges administration commissioner and so forth) Any People's Examination of the Supreme Court Judges administration commissioner, any

voting overseer, any ballot-counting overseer, any chairman of an examination branch council or any chairman of examination shall lose his office in case he has lost his right to examine.

Article 50. (Expenses) The expenses concerning the execution of examination shall be borne by the state.

Article 51. (Posting up a notice of the full names of the judges to be reviewed) Election administration committees of cities, towns and villages shall post up a notice of any of the full names of the judges to be reviewed, in accordance with the provisions which may be made by a Cabinet Order.

Article 52. (Issue of Official Bulletin concerning Examination) Election Administration Committee of the Metropolis and Prefectures shall issue Official Bulletin concerning the examination stating therein the full names, careers and other matters that may have bearings on the examination.

Article 53. (Application to Special Examination Wards and so forth) The provisions relating to Cities in the present Law shall apply to Special Wards, Administrative Wards and Wards, so far as the area in Tokyo Metropolis divided into Wards, Special Cities and the Cities mentioned in Article 155, paragraph 2 of the Local Self-Government Law are concerned.

Article 54. (Exceptions as to associations of towns and villages and so forth) With respect to the applications of the present Law, a whole-affairs-association or an office-affairs-association shall be deemed to be a single town and village, and election administration committees and election administration commissions of such association shall respectively be deemed to be election administration committees and election administration commissioners

of town and village.

Article 55. (Exceptions as to places most difficult of access and so forth) Special provisions may be made by a Cabinet Order in regard to matters to which the provisions of the present Law are difficult to apply on islands or such other places most difficult of access.

Article 56. (Provisions with respect to the enforcement) Provisions which may be necessary in connection with the enforcement of the present law shall be made by a Cabinet Order.

Supplementary Provision

The date on which the present law comes into force shall be fixed by a Cabinet Order.

Remarks

1. The paper to be used for the ballot must be of such kind as the mark of X cannot be seen from outside when folded.

2. The said paper may be a folding type and need not necessarily be a slip-in type.

3. The Seal of the City, Town or Village may be substituted for the stamp to be put on the ballot paper in accordance with a decision of the Commission for Overseeing the Election of such City, District or Prefecture.

Annex

Note:

1. Enter the mark of X in the column over the name of a judge whose dismissal is considered desirable.

2. Leave blank the column over the name of a judge whose dismissal is not considered desirable.

3. Do not make any entry other than the mark of X.

The mark of X. The name of a judge.

Ballot of the People's Examination of the Supreme Court Judges.

H: 26

ADJUDGMENT OF DOMESTIC RELATIONS LAW

(Law No. 152, December 4, 1947)

Chapter I. General Provisions

Article 1. This Law shall have for its object the maintenance of domestic peace and sound collective life of relatives on the basis of individual dignity and essential equality of the sexes.

Article 2. The branch of the Local Court established in accordance with the provisions of the Court Organi₂ation Law for the purpose of rendering decree or effecting conciliation with regard to cases relating to family shall be the Court of Domestic Relations and the judges serving in such branch shall be judges of domestic relations.

Article 3. The judge of domestic relations who sits alone shall, on causing the councillors to attend or hearing their opinions, render decree.

The conciliation shall be effected by conciliation committee which shall consist of judge of domestic relations and conciliation commissioners.

If deemed suitable, the Court of Domestic Relations may render decree or effect conciliation only by a single judge notwithstanding the provisions of the preceding two paragraphs.

Article 4. The provisions of the Code of Procedure relating to exclusion, refusal and refrainment of judges shall apply with the necessary modification to judges of domestic relations and counsillors, and those relating to exclusion, refusal and refrainment of court clerks shall do so to clerks of the Court of Domestic Relations.

Article 5. The travelling expenses, daily allowance and hotel charges determined by the Supreme Court shall be paid to counsellors and conciliation commissioners.

Article 6. In order to make application for decree or conciliation, the fee determined by the Supreme Court shall be paid.

Article 7. Except as otherwise provided, the provisions of Book 1 of the Law of Procedure in Non-contentious Matters shall, unless contrary to its nature, apply with the necessary modifications to decree and conciliation, excepting, however, the provisions of Article 15 of the said Law.

Article 8. Except provided in this Law, the matters necessary for decree and conciliation shall be determined by the Supreme Court.

Chapter II. Decree

Article 9. The Court of Domestic Relations shall try and render decree on the following matters:

(A) 1. Adjudication of incompetency and revocation thereof in accordance with the provisions of Articles 7 and 10 of the Civil Code;

2. Adjudication of quasi-incompetency, revocation thereof and other measures relating to quasi-incompetency in accordance with the provisions of Article 11, Paragraph 2, and Article 15 of the Civil Code;

3. Measures relating to management of absentee's property in accordance with the provisions of Articles 25 to 29 inclusive of the Civil Code;

4. Judicial declaration of disappearance and annulment thereof in accordance with the provisions of Article 30 and Article 32,

Paragraph 1 of the Civil Code:

5. Appointment of special representative in accordance with the provisions of Article 775 of the Civil Code;
6. Permission of change of the surname of child in accordance with the provisions of any of Article 791, Paragraphs 1 and 2 of the Civil Code;
7. Permission of adoption in accordance with the provisions of any of Articles 794 and 798 of the Civil Code;
8. Permission of abolition of adoptive relations in accordance with the provisions of Article 811, Paragraph 3 of the Civil Code;
9. Permission and other measures relating to disciplinary punishment in accordance with the provisions of Articles 822 and 857 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code);
10. Appointment of special representative in accordance with the provisions of Article 826 of the Civil Code (including cases where the said provisions are applicable with the necessay modifications under Article 860 of the same Code);
11. Appointment of administrator of property and other measures relating to management of property in accordance with the provisions of Article 830, Paragraphs 2 to 4 inclusive of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 869 of the same Code);

12. Judicial declaration of loss of parental power or power of administration and annulment thereof in accordance with the provisions of Articles 834 to 836 inclusive of the Civil Code;

13. Permission of resignation or recovery of parental power or power of administration in accordance with the provisions of Article 837 of the Civil Code;

14. Appointment of guardian, curator or supervisor of guardianship in accordance with the provisions of any of Article 841 (including cases where the said provisions are applicable with the necessary modifications under Article 847, Paragraph 1) and Article 849 of the Civil Code;

15. Permission of resignation of guardian, curator or supervisor of guardianship in accordance with the provisions of Article 844 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 847, Paragraph 1 and Article 852 of the same Code);

16. Dismissal of guardian, curator or supervisor of guardianship in accordance with the provisions of Article 845 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 847, Paragraph 1 and Article 852 of the same Code);

17. Appointment of temporary curator in accordance with the provisions of Article 847, Paragraph 2 of the Civil Code;

18. Elongation of terms for preparing an inventory in accordance with the provisions of the proviso of Article 853, paragraph 1 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code);

19. Permission of sending to hospital, supervision and others of a person adjudged incompetent in accordance with the provisions of Article 858, Paragraph 2;

20. Grant of remuneration to guardian in accordance with the provisions of Article 862 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code);

21. Report of business of guardianship, presentation of inventory, inquiry of guardianship and of state of property, management of property and other measures relating to business of guardianship in accordance with the provisions of Article 863 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 867, Paragraph 2 of the same Code);

22. Elongation of terms for the account of management in accordance with the provisions of the proviso of Article 870 of the Civil Code;

23. Measures relating to administration of legacy in accordance with the provisions of Article 895 of the Civil Code;

24. Elongation of terms for acceptance or renunciation of inherit-

ance in accordance with the provisions of the proviso of Article 915, Paragraph 1 of the Civil Code;

25. Measures relating to preservation or administration of estate of inheritance in accordance with the provisions of Article 918, Paragraphs 2 and 3 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under any of Article 926, Paragraph 2, Article 936, Paragraph 3 and Article 940, Paragraph 2 of the same code);

26. Reception of declaration of qualified acceptance of inheritance in accordance with the provisions of Article 924 of the Civil Code;

27. Appointment of appraiser in accordance with the provisions of any of Article 930, Paragraph 2 (including cases where the provisions thereof are applicable with the necessary modifications under any of Article 947, Paragraph 3, Article 950, Paragraph 2 and Article 957, Paragraph 2), the proviso of Article 932 (including cases where the provisions thereof are applicable with the necessary modifications under any of Article 947, Paragraph 3 and Article 950, Paragraph 2) and Article 1029, Paragraph 2 of the Civil Code;

28. Appointment of administrator of the estate of inheritance in accordance with the provisions of Article 936, Paragraph 1 of the Civil Code;

29. Reception of declaration of renunciation of inheritance in accordance with the provisions of Article 938 of the Civil Code;

30. Measures relating to separation of estate of inheritance in accordance with the provisions of any of Article 941, Paragraph 1 and Article 950, Paragraph 1 of the Civil Code;

31. Measures relating to administration of estate of inheritance in accordance with the provisions of Article 943 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Article 950, Paragraph 2 of the same Code);

32. Appointment of administrator and other measures relating to administration of estate of inheritance in accordance with the provisions of Articles 952 and 953 or Article 938 of the Civil Code;

33. Confirmation of will in accordance with the provisions of any of Article 976, Paragraph 2 and Article 979, Paragraph 2 of the Civil Code;

34. Probate of will in accordance with the provisions of Article 1004, Paragraph 1 of the Civil Code;

35. Appointment of executor in accordance with the provisions of Article 1010 of the Civil Code;

36. Grant of remuneration to executor in accordance with the provisions of Article 1018, Paragraph 1 of the Civil Code;

37. Removal and permission of resignation of executor in accordance with the provisions of Article 1019 of the Civil Code;

38. Revocation of will in accordance with the provisions of Article 1027 of the Civil Code;

39. Permission of renunciation of legally secured portion in accordance with the provisions of Article 1043, Paragraph 1 of the Civil Code.

(B) 1. Measures relating to cohabitation of husband and wife and to cooperation and support between them in accordance with the provisions of Article 752 of the Civl Code;

2. Measures relating to change of administrator of property and to partition of common property in accordance with the provisions of Article 758, Paragraphs 2 and 3 of the Civil Code;

3. Measures relating to share of expenses arisen from marriage in accordance with the provisions of Article 760 of the Civil Code;

4. Designation of superintendent of child and other measures relating to superintendance of child in accordance with the provisions of any of Article 766, Paragraphs 1 and 2 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Articles 749, 771 and 788 of the same Code);

5. Measures relating to distribution of property in accordance with the provisions of Article 768, Paragraph 2 of the Civil Code (including cases where the said provisions are applicable with the necessary modifications under Articles 749 and 771 of the same Code);

6. Designation of successor to right mentioned in Article 897,

Paragraph 1 in accordance with the provisions of any of Article 789, Paragraph 2 (including cases where the said provisions are applicable with the necessary modifications under Article 749, Article 751, Paragraph 2, Article 771, Article 808, Paragraph 2 and Article 817) and Article 897, Paragraph 2 of the Civil Code;

7. Designation of person having parental power and change thereof in accordance with the provisions of any of Article 819, Paragraphs 5 and 6 of the Civil Code;

8. Measures relating to support in accordance with the provisions of Articles 877 to 880 inclusive of the Civil Code;

9. Exclusion of Presumption heir and revocation thereof in accordance with the provisions of Articles 892 to 894 inclusive of the Civil Code;

10. Measures relating to partition of property succeeded to in accordance with the provisions of Article 907, Paragraphs 2 and 3 of the Civil Code.

The Court of Domestic Relations shall have the power to try and render decree on matters which fall under its jurisdiction specially pursuant to other laws in addition to those prescribed in this Law.

Article 10. The number of councillors shall be one or more with regard to each case.

The councillors shall be nominated by the Court of Domestic Relations with regard to each case from among those appointed beforehand every year by the Local Court.

The qualification and number of the persons to be appointed by the preceding paragraph and other matters necessary for making appointment referred to in the said paragraph shall be determined by the Supreme Court.

Article 11. The Court of Domestic Relations may, of its own motion, submit a case mentioned in (B) of Article 9, Paragraph 1 to conciliation.

Article 12. The Court of Domestic Relations may, if deemed suitable, cause any person interested in the result of decree to intervene in the proceedings of decree.

Article 13. The decree shall have its effect by giving notification to the person who receives decree; but the decree against which immediate complaint may be raised shall not be effective unless it becomes final and inclusive.

Article 14. Immediate complaint only may be raised against decree pursuant to the provisions specified by the Supreme Court, and the term thereof shall be two weeks.

Article 15. The decree ordering payment of money, delivery of thing, performance of duty of registration or other performance shall have the same effect as an executory obligatory title.

Article 16. The provisions of Articles 644, 645, 647 and 650 of the Civil Code shall apply with the necessary modifications to an administrator of property appointed by the Court of Domestic Relations.

Chapter III. Conciliation

Article 17. The Court of Domestic Relations shall effect conciliation in respect of any case of personal affairs and other case relating to family; however, this shall not apply to any case mentioned in (A) of Article 9,

Paragraph 1.

Article 18. Any person who wishes to bring an action in respect of a case about which conciliation may be effected in accordance with the preceding Article shall, at first, apply for conciliation in a Court of Domestic Relations.

In cases where an action has been brought without applying for conciliation in respect of a case mentioned in the preceding paragraph, the Court shall submit such case to conciliation in a Court of Domestic Relations; however, this shall not apply to cases where the Court considers it unsuitable to submit to conciliation.

Article 19. In cases where in respect of a case about which conciliation may be effected in accordance with the provisions of Article 17 an action is pending, the Court may, of its own motion, transfer such case under conciliation of the Court of Domestic Relations at any time.

Article 20. The provisions of Article 12 shall apply with the necessary modifications to conciliation proceedings.

Article 21. If in conciliation an agreement is arrived at between both parties and is stated in a protocol, conciliation shall be deemed to have been concluded and such statement shall have the same effect as a final and conclusive decision. But with regard to cases mentioned in (B) of Article 9, Paragraph 1, it shall have the same effect as an irrevocable decree.

The provisions of the preceding paragraph shall not apply to cases mentioned in Article 23.

Article 22. The conciliation committee shall consist of a judge of

domestic relations and two or more conciliation commissioners.

The conciliation commissioners shall be nominated with regard to each case by judge of domestic relations from among the following persons:

1. The persons appointed beforehand every year by the Local Court;

2. The persons determined by agreement of both parties.

If considered necessary for disposing of a case, a judge of domestic relations may nominate as conciliation commissioner any person who does not fall under the preceding paragraph.

Article 23. In cases where in conciliation before conciliation committee of a case relating to nullity or annulment of marriage or adoption an agreement is arrived at between both parties and the existence of cause of nullity or annulment is not disputable, a Court of Domestic Relations may, if upon inquiring necessary facts and hearing the opinions of conciliation commissioners it considers reasonable, render decree corresponding to such agreement as regards nullity or annulment of marriage or adoption.

The provisions of the preceding paragraph shall apply with the necessary modifications to conciliation before conciliation committee of a case relating to nullity or annulment of divorce by agreement, or abolition of adoptive relations by agreement, acknowledgement or nullity or annulment thereof, determining father in accordance with the provisions of Article 775 of the Civil Code, denial of legitimacy or confirmation of existence or non-existence of family relations.

Article 24. If, in cases where conciliation before conciliation committee is unsuccessful, a Court of Domestic Relations recognises suitable, it may, upon hearing the opinions of conciliation commissioners and considering

equity for both parties and all the circumstances, of its own motion, render decree of divorce, abolition of adoptive relations or other necessary for the solution of the case, in so far as it is not contrary to the purport of applications of both parties. In this decree the payment of money or other property performance may be ordered.

The provisions of the preceding paragraph shall not apply to cases mentioned in (B) of Article 9, Paragraph 1.

Article 25. Against decree rendered in accordance with the provisions of Article 23 or Paragraph 1 of the preceding Article, an objection may be raised to a Court of Domestic Relations pursuant to the provisions specified by the Supreme Court, and the term thereof shall be two weeks.

If an objection is raised within the terms prescribed in the preceding paragraph, the decree of the said paragraph shall lose its effect.

If no objection is raised within the terms prescribed in Paragraph 1, the decree of the said paragraph shall have the same effect as a final and conclusive decision.

Article 26. In cases where conciliation is unsuccessful in respect of a case of decree mentioned in (B) of Article 9, Paragraph 1, it shall be deemed that an application for decree has been made at the time when conciliation was applied for.

If, in cases where in respect of a case about which conciliation may be effected in accordance with the provisions of Article 17 conciliation is unsuccessful and decree mentioned in any of Articles 23 and 24, Paragraph 1 is not rendered or decree loses its effect in accordance with the provisions of Paragraph 2 of the preceding Article, the party brings an action within

two weeks as from the day on which he received the notice to the effect, it shall be deemed that such action has been brought at the time when conciliation was applied for.

Chapter IV. Penal Provisions

Article 27. If any interested person summoned by a Court of Domestic Relations or conciliation committee does not appear without proper reason, the Court of Domestic Relations shall punish him with an administrative fine not exceeding five hundred yen.

Article 28. If any person who is or was conciliation commissioner reveals the process of deliberation, the opinions of judge of domestic relations or conciliation commissioners or the number of each opinion without proper reason, he shall be liable to a fine not exceeding one thousand yen.

The same shall apply in cases where any person who is or was counsillor reveals the opinions of judge of domestic relations or counsillors.

Article 29. If any person who is or was counsillor or conciliation commissioner reveals, without proper reason any secret of other person known by him in relation to matters which he officially disposed of, he shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding three thousand yen.

Supplementary Provisions

This Law shall come into force as from January 1, 1948.

In application of this Law, measures relating to partition of property mentioned in Article 10 of the Supplementary Provisions of the Law for the Partial Amendment of the Civil Code coming into force on the same day as this

Law (hereinafter referred to as the Supplementary Provisions of the New Civil Code), designation of person having parental power or change thereof mentioned in any Article 14, Paragraphs 2 and 3 of the Supplementary Provisions of the New Civil Code, alteration or revocation of decision rendered in respect of support mentioned in Article 24 of the Supplementary Provisions of the New Civil Code, measures relating to distribution of Property mentioned in Article 27, Paragraph 2 of the Supplementary Provisions of the New Civil Code (including cases where the provisions of such paragraph shall apply with the necessary modifications under the proviso of Article 25, Paragraph 2, Article 26, Paragraph 2 and Article 28 of the Supplementary Provisions of the New Civil Code) and measures relating to partition of property succeeded to as mentioned in Article 32 of the Supplementary Provisions of the New Civil Code, shall be deemed to be matters mentioned in (3) of Article 9, Paragraph 1, and confirmation of will mentioned in Article 33 of the Supplementary Provisions of the New Civil Code shall be deemed matters as mentioned in (A) of Article 9, Paragraph 1.