## 民主國の裁判所

國民の代表者として國民が選んだ議員たちが集つで、 國民が日常守らねばならない規則や、國民のために政治 をするためについて守らねばならない規則、つまり法律 を作るのが一民主政治の國の「國會」です。

國会の作った法律に從つて、國民のため國民全体に代 って、実際の行政をするのが一民主政治の國の 內閣」

しかし、せつかく関会が関民のためによい法律を作つ ても、一部の國民や内閣の役人がこれをふみにじつたり な法律を作ったりしたのでは、國民全体の意思はふみに じられてしまいます。そこで、憲法や法律がふみにじら れないように番をするお目付役が必要で、そのお目付役 をするのが一民主政治の國の「裁判所」なのです。

日本は、新しい憲法によって、民主政治の國に生れか わりました。日本の裁判所は、憲法や法律をまもるお日 付役です。

## 裁判所のしごと

裁判所は、このように、憲法や法律のお目付役です。 では、一体どういうようにしてそのお目付役をつとめる

法律にそむいて罪をおかす人があつたときには、闘民 全体の利益と秩序をまもるために、その人を罰して下さ いと裁判所に訴え出ることができます。國民全体に代つ てこういう訴えをする役人が「檢察官」なのです。

法律を守らない人があつて争いがおこり、自分の利益 が害されるときは、黒白をつけて下さいと裁判所に訴え ることができます。

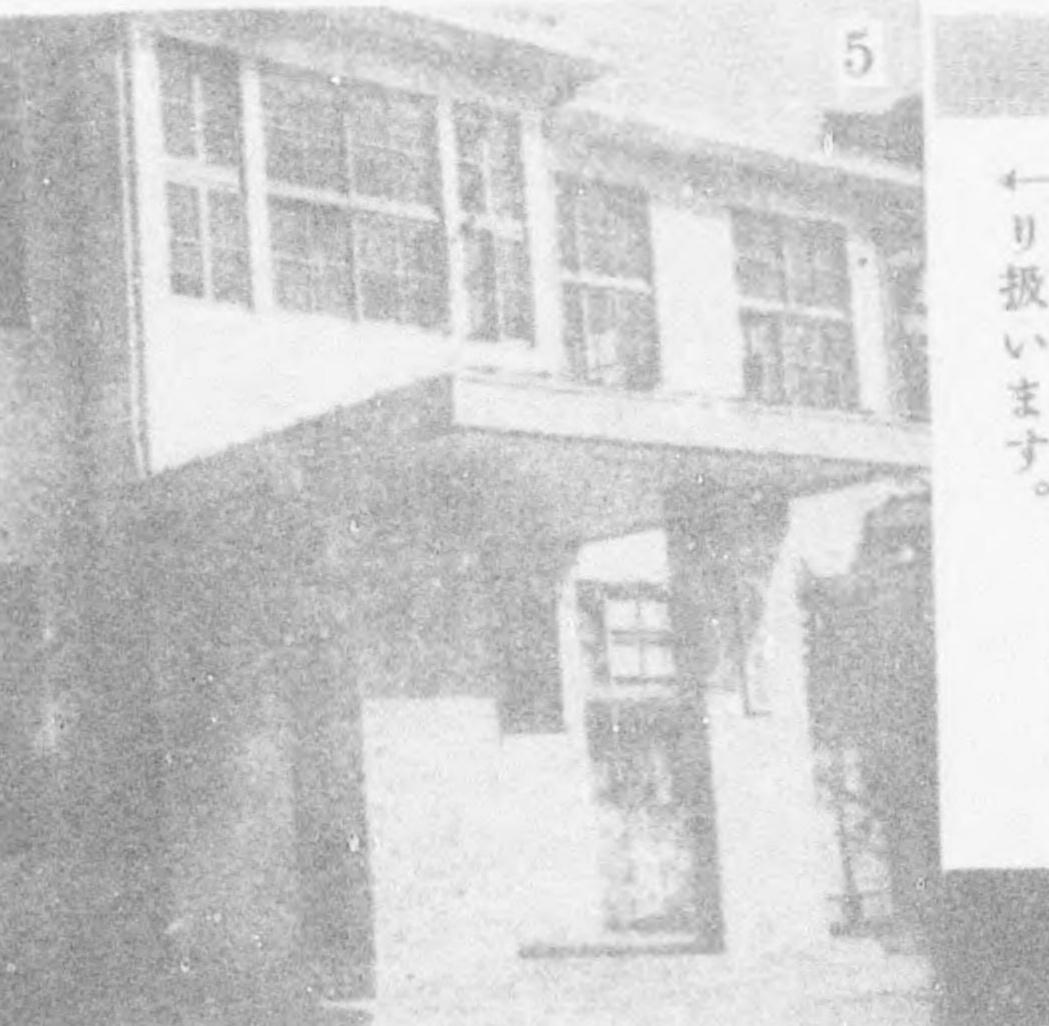
内閣や内閣の下の役所が法律に從わないで色々な処分 をしたときは、そんな処分は取り消して下さいと裁判所



ないには、大きいものも小さいのもあり、全世一度裁 判しても不服があれば、もう一度調べなおして納得の行 くようにしなければなら知場合もあります。そこで、い るいろの裁判所を作って仕事を分けています。



↑高等裁判所 六大都市と札幌。 高松の八筒所にあります。大体次 の(3)、(4) 又は(5) の裁判所の 裁判に対して不服の申出があった とき、もう一度調べる所です。



↑最高裁判所 一番上の裁判所で東 京にあります。ここは高等裁判所の 裁判に対して不服の申出があった時 調べなおす所です。主に法律やその 他の処分が憲法に反していないかど うかを調べます。



COVIL INFORMATION OFFICER OOPX (Re-Issued June 1950) THE IMPERIT OF PROBECUTION (Kensaksu Shinsa Kai) Joint Press Conference of Legal Section and STAE Section. Statement made at 1100, 27 Jan 1949. You gentlemen know of the work which the Local Blection Administrution Commissions did in the recent election for numbers of the House of Representatives. But, in addition, these Local Commissions were doing another job, quietly and without publicity or notice of any kind. They were selecting the candidates for the Inquests of Prosecution. On 31 Jamery, for the first time, the members of the Inquest Committees will be selected by lot in courthouses all over Japan. These members will have the rare and priceless opportunity. of participating in the only institution in Japan in which the average citizen actually takes part in his government's activities and exercisos a chock on the powerful public produrators. However, talks with the Inquest Secretariate and the Local Election Administration Commissions indicate clearly that practically no one in Japan except the drafters of the law, and some judges, procurators and government officials, know anything about the law. Host people do not even know that there is such a law. Then the Local Bleotion Administration Commissions notified individuals that they were candidates for membership in the Inquest Committees, they had to explain that it was something like the old and non-functioning jury. In order for this law to work, the people of Japan must understand its functioning and the part that they play in it. On 1 October 1948, I talked to you gentlemen on this law. Unfortunately, that conference took place during "Newspaper Week", and so no publicity was given to the law, since it did not relate to newspapers. It seems to me that one of the most important functions of a newspaper is to set as an educational medium. Here is a wonderful opportunity to tell the people how the average person can participate in and exercise direct control over his government in one of its most important functions: lawenforcement. I have often read articles and editorials in various Japanese publications which assail the alleged attitude of the Japanese people toward their responsibilities in and toward their government. It is often claimed that the average Japanese feels little or no such responsibility in this important matter; that he feels that his government is none of his business, except when it comes to relatively rare elections for the legislatures. Hany students of government have said that true democracy will survive only when it comes as a result of the desire of the people--from the bottom by demand, rather than from the top by decree. This is a superb opportunity for the newspapers of Japan to sid in cetablishing a "grass-roots" democratic concept in Japan, by emplaining what is involved in these Inquest Committees. A plea can be made to teachers, Parent-Teachers associations, universities, agricultural and fishing cooperatives, and any other kind of club or organization to learn, talk, arme about this

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now institution, and to realize that there must be a community effort in order for it to succeed.

Lot on briefly refrech your memories on the subject. There are 203 Incheste of Procedution, or so they are more properly termed; "Propocnition Investigation Committeeo" -- t least one in each area whore there to a District Court, so that they are available to everyone in the impedance locality. The Committee has two insolions: it may consider the decimien made by a procurator not to prosecute a portimiler come, to see if that doctains now a proper and it may give whiles ic the procurators regarding improvement of the conduct of their affeirs. If engine has made on accusation or complaint to the promiretors, or if he bee been injured by a crime, and the productor's cirries has not taken stero to indict---lim upon application to the In rest Countition by must recommiss Countition migh conduct on impostication into the mether. The Condition may also investigate the propriety of any decision by a propurator not to proposite an alleged eries; of its oun initiative, if it acquires information from any ocuree what cooper which convirces the amjority of manhers of the Inqueet Committee that with investigation is were much this mann that the Correlation, like the Grand Jury in England and America, engreence local public pointon, and can without formal appliantion, countre cases well-tenorm to the community which have not been proceduted for 好点的是可以自己的"生"。

Houseworth In the Correlations to deterrined on much basis to inours that this body is truly representative of the people of a whole. The focal Election Administration Commission salect 100 candidates by lot from among the velera registered as eligible to vote for members of the House of Representatives. The number of candidates is based on the propertion which the nurber of votors in each district bears to the total number of voters within the area of jurisdiction of each perticular Incust. The Local Election Administration Comission investigate the capilidates to see if they next the qualifications for comborable in the Impest Comittees established by the law. Then, hardness that the condidates much the regularments of the law. the 100 names are sont to the Inquest Secretariat, and the Chief of the Secretariat draw by lot eleven mashers and eleven supplementary morphore, who cores for aix month terms, and who receive expenses for lodging, food and travel when the Inquest Commistee is in secsion. The Inquest Consittees does not meet continuously. The law requires a mostling on the 15th day of March, June, September and December every year. However, in case the Chairman of the Impost doors it specially necessary, he may call a meeting of any time. During the time that the Inquest Consulttee is not in session, a calendar of applications will be prepared by the Secretariat, in the order in which they are received. In case any member of the Committee commot take part in the meetings, for such good cames as is acceptable to the District Court, the Chairman selects a substitute by lot from emong the supplementagy members.

The meetings of the Committee are closed to the public -- for this is an investigation, not a trial. The Committee has powerful aids to its investigatory powers. First, it may require the procurator whose acts or failure to act are the subject of the investigation to appear and make explanation. Second, the Committee may make inquiries of public or private offices and request reports. Third, it may call witnesses and examine them, enforcing appearance by the threat of a non-penal fine up to 10,000 yen, to be levied by the District Court. The Committee can also ask the court to summon the witness, in which case the provisions of the Code of Criminal Procedure apply to failure to appear. Fourth, the Inquest Committee can request the presence of any person deemed proper and obtain expert opinion as well as legal advice.

The deliberation of the Inquest Committee results in a recommendation. A copy is posted on the Inquest bulletin board, so that the public can see what it is. The details of the recommendation are sent both to the Chief of the District Procurator's Office, and also to the Committee for Examination of Qualifications of Procurators, which periodically reviews the records of all the procurators to determine whether they shall be continued in office or dismissed.

In addition to these recommendations in specific cases, the Inquest Committee can make proposals and render advice at any time to the District Procurators regarding methods of improving the work of the procurators. This means that the entire scope of the procurators operations is examined by the community, and that their views can be made in an effective manner. It will be hard to ignore such a strong expression of public opinich, and such power in the Inquest Committee should act as an effective popular control over the activities of the procurators.

Whether or not the Inquest of Prosecution will work depends on the degree to which the people both exercise their powers as members of the various Committees, and make complaints to the Committees. At the moment, it is clear that the average person in Japan knows absolutely nothing about this important law. The newspapers of Japan can help remedy this situation by giving the law adequate publicity. This is an opportunity to help create a functioning democracy in Japan.