

FEC-RESTRICTED

In Art. 29, "lands or buildings" shall read "rights concerning the use of water, trees, lands or buildings, and such agricultural equipments, rights concerning the use of water, trees, lands or buildings, which is in possession by government, as specified by order", and "Art. 26" shall read "Art. 26, Art. 26-2 and the preceding Article".

Article 29-2.

To the collection of hire, farm-rent, rent and the others of lands, agricultural equipments, rights concerning the use of water, trees and buildings which was acquired by government in accordance with Arts. 3 and 15, or such lands, agricultural equipments, rights concerning the use of water, trees and buildings, which is in possession by government, as specified by order, shall be applied mutatis mutandis the provisions of Art. 26-2.

In Art. 31, Para. 4 "the city office or the town or village office" shall read "the office of the city, town or village" para. 5 of the same Article shall be amended as follows;

The provisions of Articles 7 and 8 shall apply mutatis mutandis to the plans for the purchase of uncultivated land. In this case, in those Article "the Agricultural Land Commission of a City, Town or Village" shall read "the Agricultural Land Commission of a Metropolis, Hokkaido, a Special Prefecture or Prefecture", "the Agricultural Land Commission of a Metropolis Hokkaido, a Special Prefecture or Prefecture" shall read "the governor of a Metropolis, Hokkaido, a Special Prefecture or Prefecture", in Art. 7, Para. 1. "Art. 6, Para. 8", in Art. 7, Para. 3 "Para. 2 of the preceding Article" and in Art. 8 "Para. 5 of the same Article" shall read "Art. 31, Para. 4", and in Art. 8 "admission" shall read "permission".

The provisions of Art. 38, Para. 2 shall be amended as follows;

The provisions of Arts. 7 and 8, Art. 31, Para. 2, the former part of Para. 3, and Para. 4 of Article 31 respectively and Art. 32, Para. 1, shall apply mutatis mutandis to cases mentioned in the preceding paragraph. In this case, "Art. 6, Para. 5" in Art. 7, Para. 1, "Para. 5 of the preceding Article" in Art. 7, Para. 3 and "Para. 5 of the same Article" in Art. 8 shall read "Art. 31, Para. 4", and "the Agricultural Land Commission of a Metropolis, Hokkaido, a Special Prefecture or Prefecture" in Art. 31, Para. 4 and Art. 32, Para. 1 shall read "the Agricultural Land Commission of a City, Town or Village".

In Art. 39, Para. 3 "Article 22, Paras. 3 to 7 inclusive" shall read "Article 22, Paras. 3 to 8 inclusive."

In Art. 41, Para. 2 "Art. 17, Art. 18, Pars. 1 to 3 and 5, Arts. 20, 21 and 26" shall read "Art. 17, Art. 18 Paras. 1 to 3 and 5, Arts. 20, 21, 26 and 26-2", and in Para. 3 of the same Article "Arts. 27 and 28" shall read "Art. 27 and Art. 28, Paras. 1 and 2".

In Art. 44-2

To the lands which has been acquired by government owing to the purchase mentioned in Arts. 3 and 15, the exchange mentioned in Art. 23 or the purchase mentioned in Art. 28, Para. 1 (including in case where this shall be applied mutatis mutandis to Para. 5 of the same Article), in spite of the provisions of Art. 44 of the Land Book Law; shall be applied the same law, in accordance with the provisions of order.

FEC-RESTRICTED

If deemed necessary, in cases where the government purchase or exchange in accordance with the provisions of the preceding paragraph, the governor of a Metropolis, Hokkaido, a Special Prefecture or Prefecture may, in accordance with the provisions of order, report in place of the owner of land or pledgee or person having superficies in accordance with the provisions of Arts. 18, 26, 40 or 41 of the Land Book Law.

To the registration under the Land Book Law concerning the land which was sold in accordance with the provisions of Art. 16 (including in cases where this shall be applied mutatis mutandis to Art. 28, Paras. 4 and 5 and Art. 29, Para. 2) or Art. 28, Para. 3 (including in cases where this shall be applied mutatis mutandis to Para. 5 of the same Article), special provisions may be made by Cabinet Order.

Article 44-3.

In cases where the land-tax or house-tax was, in accordance with the provisions of Arts. 46 and 47 of the Local Tax Law, levied on the owner of the land or house at the time of its acquisition, which the government had acquired owing to the purchase mentioned in Arts. 3 and 15, the exchange mentioned in Art. 23 or the purchase mentioned in Art. 28, Para. 1 (including in cases where this shall be applied to Para. 5 of the same Article), the government or any person, to whom the said land or house has been sold in accordance with the provisions of Art. 16 (including in cases where this shall be applied to Art. 28, Paras. 4 and 5 and Art. 29, Para. 2) or Art. 28, Para. 3 (including in cases where this shall be applied to Para. 5 of the same Article) shall, in accordance with the provisions of order, pay an amount being equivalent to all or a part of the said land-tax or house-tax to the said owner.

In cases where the land-tax was in accordance with the provisions of Art. 46 of the Local Tax Law, levied on the pledgee or any person having the superficies extending one hundred years or more at the time of its acquisition, which the government had acquired owing to the purchase mentioned in Arts. 3 and 15, the government or any person, to whom the said land has been sold in accordance with provisions of Art. 16 (including in cases where this shall be applied to Art. 28, Paras. 4 and 5 and Art. 29, Para. 2) shall, in accordance with the provisions of order, pay an amount being equivalent to all or a part of the said land-tax to the said pledges or person having the superficies.

Article 46

The land, right, tree, structure or other property, which has been acquired by government owing to the purchase mentioned in Arts. 3, 15, 30, Para. 1, 33, Para. 2, 36, or 37, to the exchange mentioned in Art. 23, or to the purchase mentioned in Art. 28, Para. 1 (including in cases where this shall be applied mutatis mutandis to Para. 5 of the same Article, Art. 29, Para. 2 and Art. 41, Para. 3), or which has been used by government in accordance with the provisions of Art. 30, Para. 2 or Art. 37, and the land structure or other property, or right owned by the government, as specified by order, may be managed and dealt by the Minister of Agriculture and Forestry.

A Part of the managing powers of the Minister of Agriculture and Forestry concerning the administration of the land, right, tree, structure or other property mentioned in the preceding paragraph may be exercised by the headman of a City, Town or Village or such other person or organization as specified by order.

Any person shall bring an action of cancellation or alteration against the unlawful disposition by the administrative office in this Law in Court within one month after the day on which he had known that disposition; provided, however, this shall not be applied to the cases where the two months have elapsed from the day on which that disposition had been done.

The action mentioned in the preceding paragraph may not suspend the execution of administrative disposition.

Article 49

In this Law the provisions concerning Hokkaido, a Special Prefecture or Prefecture shall be applied mutatis mutandis to the previous Hokkaido, a Special Prefecture or Prefecture, within which Special City existed, its governor or the Agricultural Land Commission of Hokkaido, a Special Prefecture or Prefecture, until such time as specified by order, if Special Cities shall be appointed in future; the provisions concerning the city, its mayor or the Agricultural Land Commission of a City, shall be applied mutatis mutandis to the Special Ward, its Chief or the Agricultural Land Commission of a Ward that situates within Tokyo Metropolis, or to the Ward, its chief or the Agricultural Land Commission of a Ward that situates within City mentioned in Para. 2 of Art. 155 of the Local Autonomy Law; in a town or village where the town or village association, which deals jointly the whole of the work of the town or village or the task of the offices, exists, the provisions concerning the town or village shall be applied to the said association, the manager thereof or the Agricultural Land Commission of the town or village association.

Para. 2 of the Additional Provisions shall be deleted.

Additional Provisions

Article 1

The date of the enforcement of the present Law shall be fixed by Cabinet Order, however the provisions amended of Art. 2, Para. 3 and Art. 4, Para. 1 shall be applied since May 3, 1947.

Article 2

The proceedings on the ground of the plan for purchase mentioned in Para. 2 of the previous additional Provisions before the date of the enforcement of the present Law, shall be deemed to the proceedings mentioned in Art. 6-2, 6-3 or 6-5 amended.

Article 3.

To the cases where the government gives in accordance with the provisions of Art. 13, Para. 3 subsidy to the owner of the agricultural land which was purchased by him on July 2, 1947 in accordance with the provisions of Art. 12, shall be applied the provisions of Art. 13, Para. 3 amended.

Article 4

To the land and house which the government acquired before the date of the enforcement of the present Law owing to the purchase mentioned in Arts. 3 and 15, the exchange mentioned in Art. 23 or the purchase mentioned in Art. 28, Para. 1 (including in cases where this shall be applied mutatis mutandis to Para. 5 of the same Article), shall be applied the provisions of Art. 44-3 amended.

Enclosure "B"

FEC-RESTRICTED

Article 5

An action of the cancellation or alteration against the disposition of the administrative office under the Owner-Farmer Establishment and Special Measures Law, which was before the date of the enforcement of the present Law, may be brought in Court within one month from the date of the enforcement of the present Law, in spite of the provisions of Art. 47-2 amended, by person who knows that disposition was before the date of the enforcement of the present Law.

The period in the proviso of Art. 47-2 amended concerning the act of the administrative office mentioned in the preceding paragraph shall be charged from the day of the enforcement of the present Law.

To the provisions of the preceding two paragraphs shall be applied the provisions of Art. 8 of Law (Law. No. 75, 1947)

FEC-042/4FEC-RESTRICTEDFEC-042/41 December 1947FAR EASTERN COMMISSIONPROPOSED AMENDMENTS TO THE LAND REFORM LAW
(References: FEC-042/2, FEC-042/3)Note by the Secretary General

1. The enclosure, proposed amendments to the Land Reform Law, are circulated herewith by the Secretariat for the information of the Far Eastern Commission.

2. The particular attention of COMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRS is invited to the enclosure.

3. Information received from the Supreme Commander for the Allied Powers indicates that the amendments to the Land Reform Law, circulated as Enclosure "B" of FEC-042/3 (6 November 1947), were preliminary amendments which had not as yet received final approval by the Japanese Cabinet. The amendments enclosed herewith, however, were approved by the Japanese Cabinet on 22 October 1947 and were introduced into the Japanese National Diet on 24 October. All concerned are therefore invited to substitute the enclosed amendments for Enclosure "B" of FEC-042/3. Enclosure "A" of FEC-042/3, combined with the amendments enclosed herewith represent the final form of the Land Reform Law as of 24 October 1947.

NELSON T. JOHNSON
Secretary General

FEC-042/4

FEC-RESTRICTEDENCLOSUREPROPOSED AMENDMENTS TO THE LAND REFORM LAWConcerning The Special Measure For The Establishment
Of Owner-Farmers (Land Reform Law)

Part of Owner-Farmer Establishment Special Measures Law shall be amended as follows:

For "prefectural governor" read "governor of the Tokyo Metropolis, Hokkaido, prefectural governors" and for "Imperial Ordinance" read "Governmental Order".

In Art. 1, "and or enhancing the agricultural use of land", shall be inserted after "establishing the owner-farmers promptly and widely."

Art. 2, Para. 1 shall be amended as follows:

As employed in the present law, agricultural land is the land employed or capable of being employed for cultivation and the pasture land is the one employed or capable of being employed as pasture or grass-land (exclusive of agricultural land or land used chiefly for the object of afforestation or land rarely used as pasture or grass-land).

The following paragraph shall be inserted after Para. 2.

As employed in the present law, pasture land employed by owner is the pasture land employed as pasture or grass-land, by right of ownership by person engaged in farming or stock-raising while pasture land employed by tenant is the pasture land employed as pasture or grass-land, by right of lease, loan for use, emphyteusis or pledge, by person engaged in farming or stock-raising.

In Art. 2, Para. 3, for "the preceding paragraph," "cultivation" and "a head of the family or a family member" read respectively "the two preceding paragraphs," "cultivation or stock-raising" and "a relative or his or her consort."

In Art. 3, Para. 4, for "Item 7" read "Item 7 and 8" and Para. 5, Item 1 for "the area mentioned in Item 3 of Para. 1," read "the area specified in Item 3 of Para. 1 of Art. 3 with respective prefecture (whereas the area in a given prefecture is subdivided into certain number of areas graded in size as specified by prefectural agricultural land commission, with the approval of the Central Agricultural Land Commission, any one of the same area may be substituted for the area specified for the same prefecture in accordance with the provisions Para. 3 of Article 3. The same provision shall hold good hereinafter in the present article, Article 5 No. 2, Article 6 No.2)."

In Art. 3, Para. 4, for "Item 7" read "Items 7 and 8" and the following paragraph shall be added to the same Article.

In applying the provisions of the Item 1 or Item 2 of the preceding paragraph to particular cases, actual cultivation of land by the specific owner-farmer or juridical person or any other body shall be justified only in those cases specified below:

1. With respect to owner-farmer, in case the farmer holds family labor enough to do effective cultivation of the said land, or in case cultivation of the said land as subdivided is estimated as inevitably leading to decreasing productivity;

FEC-RESTRICTED

2. With respect to juridical person or other bodies, in case subdivision of the land into smaller units of cultivation cannot be accomplished without inevitably decreasing agricultural production, or in case cultivation is indispensable for the operation of the principal business of the juridical person or other body.

In Art. 4, Para. 1, for "the head of a family or a family member" read "a relative or his or her consort", and in the same paragraph and Para. 2 of the same Article, for "Art. 2, Par. 3" read "Art. 2, Par. 2."

In Art. 5, Item 2, "prefectural agricultural associations, City, Town or Village agricultural associations, agricultural practice associations, the Agricultural Land Development Corporation" shall be deleted and, in Item 3 of the same Article, for "or guidance of agriculture" read "or guidance of agriculture or chiefly the other object than cultivation as specified by order"; in Item 4 of the same Article, for "of the land within which adjustment of town-lots is effected under Art. 12, Par. 1 of the City Planning Law read "of the land within which adjustment of town-lots is effected and other similar land designated by the Competant Minister"; in Item 5 of the same Article, "or which is designated by the Agricultural Land Commission of a City, Town or Village with the approval of the Agricultural Land Commission of the Tokyo Metropolis, Hokkaido, a Special Prefecture of Prefecture"; in Item 6 of the same Article, for "the agricultural land which the Agricultural Land Commission of a City, Town or Village recognizes to be a land to be cultivated in the near future by the owner himself and deems it suitable that it be so cultivated" read "the agricultural land, which the City, Town or Village Agricultural Land Commission recognizes to be a land to be cultivated in the near future by the owner himself and deems it suitable that it be so cultivated, and the area of which not exceeds the area specified in Item 3 of Par. 1 of Art. 3 or the area specified in Par. 3 of the same Article in place of the area specified in same Item, including the other agricultural land which the said owner-farmer owns,"; Item 7 of the same Article shall become item 8 and the following Item shall be inserted after Item 6 of the same Article.

7. The land cultivated by owner, in case the owner of pasture land, which was purchased by the government in accordance with the provisions of Art. 40 No. 2 has turned the remaining pasture land into cultivated land of his own after the time of the said purchase.

Article 5-2

The provisions of Item 1 of the preceding Article shall not apply to the agricultural land, on which particular prefecture has acquired on and after December 20, 1946, the right of lease, loan for use, or emphyteusis in order to make use of the same land in practical guidance of farming technique; in case, however, where the owner of the said agricultural land had been the owner-farmer engaged in cultivation of the said land at the time of the acquisition of these rights, if the sum of the area of the said agricultural land and that of the other owner-farmer land actually cultivated by the said owner-farmer does not exceed the area specified in Item 3 or Par. 1 of Article 3 with respect to respective prefecture all of the said agricultural land shall be exempted from purchase; and if the said sum exceeds the area specified for respective prefec-

FEC-RESTRICTED

ture, the excessive part of the said agricultural land over the said area shall be purchased by the government.

In Art. 6, Par. 3, for "Land Tax Law" read "Land Book Law", and in Par. 5 of the same Article, for "the city, town or village office" read "the office of city, town or village."

Article 6-2

In case a tenant-farmer, who had been engaged in cultivation on the leased land on November 23, 1945 and who ceased to cultivate the same after the said day, or who has been cultivating since the said day the leased land the owner of which or the address of the said owner on the same date has changed since the said date, (or any other person, to whom was transferred after the said date the right of lease, loan for use or emphyteusis which the said tenant-farmer had held on the said leased land on the said date) or his heir, demands the city, town or village agricultural land commission to set up, in accordance with the provisions of the preceding Article, the plan for the purchase, based on the facts relating to the same land as they are found on the said date, of the agricultural land which the owner on the same date of the said leased land held on the said date, the city, town or village agricultural land commission shall lay down, based on the facts on the said date, the purchase plan of the agricultural land as regards the leased land possessed the said owner on the base of status as of November 23, 1945.

In case the leased land which constitutes the object of the said demand falls under any one of the following cases, the city, town or village agricultural land commission shall not lay down the purchase plan of the said leased land based on the facts on the said date; measurement of area, however, in case of establishing the purchase plan of agricultural land just mentioned, shall be effected as regards the area as it is on November 23, 1945.

1. The leased land, whose lease had been discorded or cancelled or whose renewal had been refused, in case owner on November 23, 1945 or successor thereof of later date of the leased land as it exists on the same date discorded or cancelled (including cancellation by agreement; hereinafter the same) the lease of the same leased land, or refused the renewal of the same after November 23, 1945, the prefectural agricultural land commission deems the conduct on the part of the same owner or the successor as lawful as well as proper, as the result of the inquiry made into the circumstances of the owner or his successor and the tenant-farmer at the time the above said dissolution, cancellation or renewal was effected.

2. Any leased land other than the above-mentioned, which constitutes the object of the demand mentioned in the preceding paragraph and the motive of which is unjustifiable in the viewpoint of city, town or village agricultural land commission, and the tenant farmer of which was engaged in cultivation thereof as on the date of November 23, 1945.

3. Any leased land which constitutes the object of demand specified in the preceding paragraph 1, and on which the person who made the same demand was engaged in cultivation as on November 23, 1945, in case the tenant-farmer or the successor thereof specified in the preceding paragraph is actually engaged in cultivation, by right of ownership, lease, loan for use, or

FEC-RESTRICTED

emphyteusis, on the agricultural land whose area exceeds the area specified in Item 3, Par. 1, Art. 3 with respective prefecture.

4. Any leased land whereon the tenant-farmer had been engaged in cultivation on November 23, 1945, in case the living condition of a person who is either the owner of the agricultural land as it exists on the same date or the successor thereof and who has been cultivating the leased land which constitutes object of the above-said demand, becomes very bad as compared with that of the tenant-farmer who made the demand as prescribed in the provisions of the preceding paragraph, when the government purchase the land following the purchase plan of agricultural land based on the status as it exists on the said date.

Article 6-3

In case the city, town or village agricultural land commission fails to decide the plan for the purchase of the leased land, in actual possession on November 23, 1945 by the owner thereof on the same date, within two months after the day on which the said commission received the said demand, if the applicant makes request to prefectural agricultural land commission within one month after the expiry of the above-said term to request the city, town or village agricultural land commission to decide a purchase plan of the agricultural land in accordance with the provisions of Par. 1 of the preceding Article, prefectural agricultural land commission shall request the said city, town or village agricultural land commission to decide a purchase plan of the agricultural land in accordance with the provisions of the same paragraph.

The provisions of Par. 2 of the preceding Article shall apply mutatis mutandis to the case mentioned in the preceding paragraph; in this case, in Item 2 of the same paragraph, for "the city, town or village agricultural land commission" read "the prefectural agricultural land commission."

Article 6-4

In cases susceptible of the provisions of the preceding two Articles, any person (real cultivator), who had been engaged in cultivation on November 23, 1945 by reason of contract for work or other contracts on the land possessed by owner of the same (nominal cultivator) specified in Item 2, Par. 5, Art. 3 and who ceased to cultivate the same land after the said date, shall be deemed as tenant-farmer, and the said land as leased land.

Article 6-5

In case the person, engaged in cultivation by reason of the right of ownership, lease, loan for use, or emphyteusis or other rights on the land, at the time of decision of the plan for the purchase of the agricultural land mentioned in Art. 6 of the Owner-Farmer Establishment Special Measures Law, or any owner or the address thereof on the said date, has changed in the period between November 23, 1945 and the time fixed for establishing the purchase plan of agricultural land according to the provisions of Article 6, and also in case the agricultural land on November 23, 1945 has ceased to be so after the same date, city, town or village agricultural land commission may decide the plan for the purchase of the agricultural land on the base of status as of the said day, dispensing with the demand mentioned in Par. 1, Art. 6-2.

FEC-RESTRICTED

The provisions of Para. 2, Art. 6-2 shall apply mutatis mutandis to the case of the preceding paragraph.

City, town or village agricultural land commission shall deliberate on the advisability of establishing the purchase plan of agricultural land specified in Par. 1, in accordance with the provisions of Par. 1 of Art. 6-2.

In case city, town or village agricultural land commission, as the result of deliberation mentioned in the preceding paragraph, decided to drop the plan for the purchase of the agricultural land in accordance with the provisions of Par. 1, the same shall state the reason thereof in the minute book.

In Art. 7, Par. 1, for "the preceding Article" read "Article 6" and in Par. 2 of the same Article, for "the preceding paragraph" read "Par. 1" and for "Par. 5 of the preceding Article" read "Art. 6, Par. 5" and the following paragraph shall be inserted after Par. 1 of the same Article.

In case the permanent residence of any person holding the ownership of the agricultural land mentioned in the preceding paragraph situates within the limits of the city, town or village in which the said agricultural land exists, also the tenant farmer engaging in cultivation on the said agricultural land on which the former person has ownership, may make a compliant as mentioned in the said paragraph. In this case the provisions of Art. 4, Par. 1 shall be applied mutatis mutandis.

In Art. 8, for "Par. 2 of the same Article" read "Par. 3 of the same Article", for "Par. 3 of the same Article" read "Par. 4 of the same Article", and for "Par. 4 of the same Article" read "Par. 5 of the same Article."

Art. 9, Par. 3 shall be deleted.

In Par. 2 of Art. 12, "except the case mentioned in Art. 12-2", shall be inserted after "servitudes exist."

Article 12-2

In case the agricultural land acquired by government in accordance with the provisions of Par. 1 of the preceding Article is, at the time of the same acquisition, in possession of the electric enterpriser under the provisions of the Electric Enterprise Law or any person engaging in electric enterprise mentioned in the provisions of Par. 2 of Article 30 of the same Law (both hereinafter called summarily "the electric enterpriser") to be used for installation of electric line (excluding supporter of electric line, hereinafter in this Article the same.), it shall be deemed that the right of servitude is created at the time of acquisition, the same right designating, for the interest of the electric enterpriser, the land in possession of the said electric enterpriser, the dominant land, used for power plant, substation, switching station or the structure supporting electric conductor in connection with the electric line, and the said agricultural land as the servient land.

In case the right of lease, loan for use or superficies is, at the time of acquisition, held by the electric enterpriser on the agricultural land, acquired by the government in accordance with the provisions of Par. 1 of the preceding Article, to be used for installation of electric line, it shall be deemed that the right of servitudes is created at the time

FEC-RESTRICTED

of acquisition in place of such rights, the same right designating, for the interest of the electric enterpriser, the land in possession of the said electric enterpriser as the dominant land, used for power plant, substation, switching station or the structure supporting electric conductor in connection with the said electric line, and the said agricultural land as the servient land; provided, however, such right of servitude shall remain effective during the remaining period wherein the former right to be continued effective.

The right of servitude mentioned in the preceding two paragraphs requires in its essence that the acts of the owner of the servient land do not constitute obstacles to the installation of structure and the other facilities of electric line.

In the proviso of Par. 1 of Art. 13, for "if the person who has the said right requests or the said person is unknown," read "except that the person who has the said right notifies that the government may not deposit." and in Par. 3 of the same Article "and Par. 3" shall be deleted.

Article 14

Any person, not satisfied with the consideration of the agricultural land purchased in accordance with the provision of Art. 3 may bring an action of its increase in a court; provided, however, this shall not apply to the case where one month has elapsed from the day on which the writ was delivered or the public notice mentioned in the latter part of Par. 1 of Art. 9 was given.

In an action mentioned in the provisions of the preceding paragraph the state shall be the defendant.

In the principal body of Par. 1 of Art. 15, for "the agricultural land purchased in accordance with the provisions of Art. 3" and "the agricultural establishments" read respectively "the agricultural land purchased in accordance with the provision of Art. 3 or the agricultural land as specified by order mentioned in Par. 1 of Art. 16" and "the agricultural equipment, right concerning the use of water or trees,"; in Item 1 of the same paragraph, for "the agricultural land purchased in accordance with the provision of Art. 3" and "the agricultural establishment" read respectively "the agricultural land purchased in accordance with the provision of Art. 3 or the agricultural land as specified by the order mentioned in Par. 1 of Art. 16" and "the agricultural equipments, right concerning the use of water, trees"; in Item 1 of the same paragraph, for "the agricultural land purchased in accordance with the provision of Art. 3" read "the agricultural land purchased in accordance with the provision of Art. 3 or the agricultural land as specified by the order mentioned in Par. 1 of Art. 16"; and in the same Item and Par. 3 of the same Article, for "meadow" read "pasture land."

Par. 2 of Art. 16 shall be amended as follows:

If deemed specially necessary, the government may sell the agricultural land mentioned in the preceding paragraph to the body specified by the ministerial order.

FEC-RESTRICTED

Matters necessary to the management or sale of the agricultural land by the body to which the same land had been sold in accordance with the provisions of the preceding paragraph does, shall be determined by the ministerial order.

In Par. 4, Art. 18, for "municipal office or town or village office" read "city, town or village office."

In Par. 2 of Art. 19, for "Para. 2 to 4 inclusive" read "Para. 3 to 5 inclusive," for "Art. 7, Par. 2" read "same article, Par. 3."

In Art. 21, Par. 2 "in this case, for 'increase' in Par. 1 of the same Article read 'decrease'" shall be inserted after "in accordance with the provisions of the preceding paragraph;"

In Par. 1 of Art. 22, for "in case the right which has been created in accordance with the provisions of Art. 12, Par. 2 remains attached to the agricultural land sold in accordance with the provisions of Art. 16," read "in case the agricultural land purchased in accordance with the provisions of Art. 3 in which the right that has been created in accordance with the provisions of Par. 2 of Art. 12 exists, or the agricultural land as specified by the order mentioned in Par. 1 of Art. 16 in which the right of lease, loan for use, emphyteusis, superficies or servitudes that has been created exists, was sold in accordance with the same Article," and the following proviso shall be inserted after the same paragraph.

Provided, however, that this shall not apply to the right on the said agricultural land which has been created, in the interest of the electric enterpriser, to be used for installation of electric line.

In the proviso of Par. 2 of the same Article, "or to the case where he acquired the right on such agricultural land as specified by the order mentioned in Par. 1 of Art. 16 which had become extinct in accordance with provisions of the preceding paragraph after such public notice as specified by the order has been given," shall be inserted after "to the case where he had acquired the right which has become extinct in accordance with the provisions of Art. 12, Par. 1 after the public notice mentioned in Art. 6, Par. 5 has been given."

Par. 6 of the same Article shall be amended as follows:

Any person who is not satisfied with the amount of compensation mentioned in Par. 4 may institute an action demanding the increase thereof; the present provision, however, shall not apply to the case where one month has elapsed since the day on which the notification mentioned in the preceding paragraph was given.

In an action mentioned in the preceding paragraph the state shall be the defendant.

In Art. 26 the following paragraph shall be added:

Nobody need pay the stamp-duty required by the Stamp-Duty Law with respect to the written contract concerning the payment of the consideration of the agricultural land mentioned in the preceding paragraph.

FEC-RESTRICTED

Article 26-2

The government may, in accordance with the provisions of order, make a city, a town or a village to collect the consideration of the agricultural land which has been sold in accordance with the provision of Art. 16.

In case a city, a town or a village has lost the consideration mentioned in the preceding paragraph owing to unavoidable contingency the government may, in accordance with the provisions of ministerial order, absolve the same from the responsibility thereof.

In case any person does not pay the consideration even when the date of payment is overdue, the government may, in accordance with the provisions of order, press the same with the payment and collect both arrears and the fee for arrears.

The consideration mentioned in Par. 1, as well as the arrears and the fee for arrears mentioned in the preceding paragraph may be collected by means of the measure for forcible collection of national tax in arrears, as a preferential right, however, it is placed next to the said tax in the ministerial order.

In Par. 1 of Art. 28, for "or in case his successor intends to give up to cultivation of the said agricultural land," or in case any person who has inherited the ownership of the said agricultural land from the said person intends to give up cultivation of the said agricultural land of his own, or in case the body mentioned in Par. 2 of the same Article contravenes the provisions of Par. 3 of the same Article" and in Par. 2 of the same Article, "and Art. 14" shall be inserted after "Art. 6, Par. 3" and in the same Article the following three paragraphs shall be added:

In case the government acquired the agricultural land by purchasing it in accordance with the provisions of Par. 1, it shall, except such case as are specified by order, sell the said agricultural land without delay to the person who is likely to devote himself to farming as owner-farmer.

As to the sale of the land in accordance with the provisions of the preceding paragraph the provisions of Art. 10, Art. 16, Pars. 2 and 3, Arts. 17 to 21 inclusive and Arts. 26 to 27 shall be applied mutatis mutandis. In this case, for "the preceding Article" in Art. 17 read "Art. 28, Par. 3".

As to the agricultural land sold in accordance with the provisions of Par. 3, the provisions of the preceding four paragraphs shall be applied mutatis mutandis.

In Art. 29, for "land or buildings" read "rights concerning the use of water, trees, lands or buildings, and agricultural equipments in governmental possessions, rights concerning the use of water, trees, lands or buildings, which is in possession by government as specified by order" and for "Art. 26" read "Art. 26, Art. 26-2 and the preceding Article."

Article 29-2

To the collection of hire, farm-rent, rent and the others of lands, agricultural equipments, rights concerning the use of water, trees and buildings as specified by order which was purchased in accordance with provisions of Art. 3 of Art. 15 as well as that which is in possession by government, shall be applied mutatis mutandis the provisions of Art. 26-2.

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In Par. 1, Art. 30, "or enhancing the agricultural use of land" shall be inserted after "for establishing the owner farmer"; in Item 1 of Par. 1, Art. 30, for "land other than agricultural land" read "lands other than agricultural land and pasture land" and in Item 3 of the same paragraph, for "lands" read "agricultural land and pasture land,". Following items shall be inserted after Item 7 of the same paragraph:

8. Land necessary for development of agricultural land, exclusive of lands mentioned in Items 1 and 3.

9. Right concerning the reclamantion of public waters.

In par. 2, Art. 30, for "or Item 7" read "Item 7 or Item 8."

Article 30-2

The Minister in charge may, if necessary for purchase or use under the preceding paragraph, designates pre-arranged area to be purchased or used within the fixed period. Provided, however, that such period must not exceed one year.

The Minister in charge must make a public notice thereof, when such designation have been made.

When the designation in accordance with the provisions of Par. 1 have been made, if any one who intends to pursue any of the action specified by the following Items within the said pre-arranged area within the fixed period provided in the same paragraph, must obtain approval from the Governor of Metropolis, Hokkaido or Prefecture, unless otherwise provided for by order.

1. Alteration of form and nature of land.

2. Planting or cutting trees or bamboos, transfer or removal or damaging of things attached to the land.

Act specified in Item 3, when done without the approval of the preceding paragraph, shall be void.

The Government must pay for the loss duly caused by the designation under the provisions of Par. 1.

In Par. 1, Art. 31, for "preceding Article" read "Art. 30", in Par. 4 of the same Article, for "the city office or town or village office" read "the office of city, town or village", in Par. 5 of the same Article, for "Par. 2, Art. 7" read "Par. 3, Art. 7" and for "Par. 5, preceding Article" read "Par. 5, Art. 6".

In Par. 2, Art. 32, for "the competent government official" read "the competent government official or public official."

Article 32-2

Competent Government official or public official or member of Agricultural Land Commission of Metropolis, Hokkaido or Prefecture or a person who is engaging in the business thereof, may request Registration Office, Registration Office in charge of fishery licence, Office in charge of land Ledger or House Ledger, or Office of city, town or village for inspection or a copy of necessary books relating purchase or use mentioned in Art. 30 without compensation.

FEC-RESTRICTED

In Par. 2, Art. 38, for "and Par. 1, Art. 32" read "Par. 1, Art. 32 and Art. 32-2", for "Par. 2, Art. 7" read "Par. 3, Art. 7" and for "Par. 5, preceding Article" read "Par. 5, Art. 6".

In Par. 3, Art. 39, for "Par. 3 to Par. 7 inclusive, Art. 22" read "Par. 3 to Par. 8 inclusive, Art. 22".

Article 40-2

The pasture land mentioned below shall be purchased by the government:

1. The leased pasture land outside the limits of any city, town or village, in which his permanent residence is situated, or the city, town or village adjacent thereto.

2. In case a particular land is in possession of an owner who possesses within the limits of any city, town or village, wherein the permanent residence of the owner is situated and of the adjacent city, town or village and the same owner possesses a leased pasture land, the area of which in Hokkaido exceeds 1 chobu or in a prefecture exceeds the area determined by the Central Agricultural Land Commission as regards respective prefecture, the leased pasture land found within the said limits, and whose area exceeds the area specified above.

3. In case the area of the owner pasture land in actual possession of the owner of the same (in case the same owns the agricultural land, the sum of the areas of such agricultural lands as are not subject to purchase specified in the provisions of Art. 3; hereinafter the same) exceeds 20 chobu in Hokkaido or exceeds the area determined by the Central Agricultural Land Commission as regards respective prefecture, the owner pasture land whose area exceeds the area just specified

4. In case the sum of the area of the leased pasture land owned by a particular person within the limits of any city, town or village, wherein his permanent residence is located, and of the adjacent city, town or village, and of the area of the pasture land owned by him the remarks within the parentheses in the preceding item hold good in the present item as well exceeds the area mentioned in the preceding item, the leased pasture land found within the said limits and whose area exceeds the said area.

The provisions of Art. 3, Para. 2 and 3 shall apply mutatis mutandis to cases mentioned in the preceding paragraph.

In this case, for "the preceding paragraph", "one chobu" and "three chobu" in Par. 2 of the same Article read respectively "Art. 40-2, Par. 1", "3 tanbu" and "5 chobu" and "Par. 1" in Art. 3, Par. 3 read "Art. 40-2, Par. 1."

The area mentioned in Par. 1, Item 3 or the area to be substituted for the area mentioned in Par. 1, Item 3 determined by the agricultural land commission of the Metropolis, Hokkaido or prefecture in accordance with the provisions of Art. 3, Par. 3, applicable mutatis mutandis to the preceding paragraph, shall not exceed 40 chobu.

Apart from the pasture land mentioned in Par. 1, the pasture land mentioned below which the Agricultural Land Commission of the Metropolis, Hokkaido or prefecture or the city, town or village agricultural land commission deems as advisable to be purchased by the government for the purpose of establishing owner-farmer land, the same shall be purchased by the government.

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1. The leased pasture land owned by a person owning no agricultural land or pursuing neither cultivation nor stock-farming.

2. In case the pasture land whose productivity may be increased by more intensive use of the land, such portion of the pasture land as without which the owner of the owner stock-famer land can effect, by more intensive use of the same, the same degree of productivity which he may obtain by the present form of farming such area as are assigned to him, by the Agricultural Land Commission of the Metropolis, Hokkaido or prefecture or the city, town or village agricultural land commission in accordance with the provisions of order (in case the said person owns the agricultural land, the area minus the area of such agricultural land as is not subject to purchase by the Government in the accordance with the provisions of Art. 3).

3. The pasture land owned by a juridical person or other bodies, for which cultivating and pasturing is the subsidiary activity.

4. The pasture land which a person who may utilize it as pasture or grass land by reason of ownership or other titles, does not make use of for the same purpose.

5. Besides the pasture land specified in each of the preceding items, the pasture land, the Governmental purchase of which the owner thereof has proposed to the city, town or village agricultural land commission.

To the case mentioned in the preceding paragraph, the provision of Art. 4 shall apply mutatis mutandis. In this case, in Par. 2 of Art. 4, for "within the limits of the city, town or village" read "within the limits of the city, town or village or the city, town or village adjacent thereto."

If deemed necessary for establishing the owner-farmer, the Government may purchase the following:

1. Trees, buildings, or other structures on the pasture to be purchased in accordance with the provisions of Par. 1 or of the preceding paragraph.

2. Agricultural equipment or the right concerning the use of water necessary for the use of either the pasture to be purchased in accordance with the provisions of Par. 1 or of the preceding paragraph or the agricultural land to which the said pasture will be changed.

Article 40-3

The pasture land mentioned below shall not be purchased by the government in accordance with the provisions of the preceding paragraph.

1. The pasture land, owned by the Metropolis, Hokkaido or a prefecture, being used for the public or the official purposes, and designated by the Minister in charge.

2. The pasture land owned by a city, town or village, property ward or an agricultural cooperative association (exclusive of the one designated by the Minister in charge) and which is used in common by many farmers (exclusive of the pasture land whose area exceeds the area obtained by subtracting the total of the area of the pasture land, which is owned by each member who uses the pasture land in common and which shall

FEC-RESTRICTED

not be purchased in accordance with the provisions of the preceding article or Item 5 mentioned below, from the area obtained by multiplying the area mentioned in Item 3 of Par. 1 of the preceding Article, by member of the persons who uses it in common.)

3. The pasture land owned by the Metropolis, Hokkaido or prefecture or educational organs designated by the Minister in charge being used exclusively for the purpose of experiment and research.

4. Besides the lands mentioned in any of Items mentioned above, the pasture land designated by the Minister in charge in accordance with the provisions of the Ministerial Ordinance.

5. In cases where a person, whose owner pasture land has been employed for pasturing livestock or mowing by himself, cannot engage himself in pasturing livestock or mowing on the said pasture land by reason of the cause as mentioned in Item 5 of Art. 5, and so created the right of lease or loan for use on such pasture land for a while, if the agricultural land commission of the Metropolis, Hokkaido or prefecture or the city, town or village agricultural land commission recognize the same land as a pasture land to be employed for pasturing livestock or mowing by the owner himself in the near future and deems it proper that it be so employed, the pasture land, the area of which does not exceed the area mentioned in Item 3 of Par. 1 of Art. 40-2 or the area mentioned in Par. 3 of Art. 3 which shall be applied mutatis mutandis in Par. 2 of Art. 40-2 in place of the area of the same Item.

Article 40-4

In case where the government purchases the land in accordance with the provisions of Art. 40-2, such purchase shall be effected following the purchase plan of the pasture land set up by the city, town or village agricultural land commission (in cases specified by the Ministerial Ordinance, the Agricultural Land Commission of the Metropolis, Hokkaido or prefecture; the same in Par. 4 of this Article).

The pasture land, trees, buildings, other structures or rights to be purchased, the time of purchase and the consideration thereof shall be provided for in the purchase plan of the pasture land.

The consideration mentioned in the preceding paragraph in accordance with the provisions of the Ministerial Ordinance shall be determined with respect to the pasture land, taking the current price of similar land in the vicinity into account, and with respect to the land other than pasture land, taking the current price thereof into account.

If the city, town or village agricultural land commission sets up the purchase plan of the pasture land, public notice thereof shall be given without delay and the document stating the following matters shall be submitted to public inspection at the office of the city, town or village during twenty days counting from the day on which the public notice has been given.

1. Name and permanent residence of the owner of the pasture land, tree, structure or right to be purchased.

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2. Location, lot number, class and area of the land in the case of pasture land to be purchased; kind, quantity and location in the case of trees; kind and location in the case of structure.

3. Consideration.

4. Time of purchase.

The provisions of Arts. 6-2, 6-3 and Arts. 6-5 to 8 inclusive shall be applied mutatis mutandis to the purchase plan of the pasture land. In this case, for "the city, town or village agricultural land commission" and "the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or Prefecture" in the said provisions read respectively "the Agricultural Land Commission of the Metropolis, Hokkaido or prefecture" and "the governor of the Metropolis, Hokkaido or prefecture", in those cases which are specified by Ministerial Ordinance in accordance with the provisions of the first paragraph; for "Par. 5 of the preceding Article" in Par. 1 of Art. 7 and "Par. 5 of the same Article" in Art. 8 or "Par. 5 of the preceding Article" in Par. 3, Art. 7 read "Art. 40-4, Par. 4"; for "within the limits of the city, town or village "Par.", Art. 7 read "within the limit of the city, town or village or the city, town or village adjacent thereto"; and for "approval" (shenin) in Art. 8 read "permission" (ninka).

Article 40-5

The provisions of Arts. 9 to 11 inclusive, Art. 12, Art. 13, Para. 1 and 2, Art. 14 and Arts. 32 to 33 inclusive shall apply mutatis mutandis to the purchase mentioned in Art. 40-2. In this case, for "the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture" in Par. 1, Art. 32 read case where the city, town or village agricultural land commission sets up the purchase plan of the pasture land", the city, town or village agricultural land commission."

The government shall make compensation for the loss accruing from the act mentioned in par. 1, Art. 32 or the removal mentioned in Par. 1, Art. 33 which shall be applied mutatis mutandis in the preceding paragraph, or the extinction of right mentioned in Par. 1, Art. 12, which shall be applied mutatis mutandis in Par. 4, Art. 33.

Except the cases of compensation to the act mentioned in Par. 1, Art. 32, which shall be applied mutatis mutandis in the first paragraph, a person who is entitled to compensation in accordance with the provisions of the preceding paragraph, shall be a person who has other rights than right of security in respect of the said article in the cases of removal mentioned in Art. 32 which shall be applied in the first paragraph, and a person who has other rights than ownership and right of security in respect of the said land, right, tree, structure or article in the cases of the purchase mentioned in Par. 2, Art. 33 which shall be applied in the first paragraph; provided, however, that this shall not apply to such a person as has acquired the said right after the public notification has been mentioned in Par. 4, Art. 40-4.

The provisions of Par. 3 to 8 inclusive, Art. 22 shall apply mutatis mutandis to the amount of compensation mentioned in the first paragraph. In this case, for "the Agricultural Land Commission of a City, Town or Village" read "the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture" in respect to the compensation to the act of the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture mentioned in Par. 1, Art. 32, except the compensation to the action of the city, town or village agricultural land commission mentioned in the same paragraph which shall be applied mutatis mutandis to the first paragraph", and "the governor of the Metropolis, Hokkaido or Prefecture in respect to the other compensation."

FEC-RESTRICTED

In case where the right created in accordance with the provisions of Par. 2, Art. 12 which shall be applied mutatis mutandis to Par. 2 of the preceding Article, exists on the pasture land which has been purchased in accordance with the provisions of Art. 40-2, as designated by the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture in accordance with the provision of Ministerial Ordinance, if it is necessary for cultivating the said pasture land and establishing the owner-farmer to nullify the said right previous to the time of the resale, the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture may designate the time of extinction of the said right.

The right mentioned in the preceding paragraph shall be extinct at the time as designated in accordance with the provision of the same paragraph.

The provisions of Par. 2 to 8 inclusive, Art. 22, shall apply mutatis mutandis to case mentioned in the preceding paragraph. In this case, for "Art. 6, Par. 5" and "agricultural land as specified by order mentioned in Par. 1 of Art. 16" in Par. 2, Art. 22 read respectively "Par. 4, Art. 44-4" and "pasture land mentioned in Item 2 of Par. 1 of Art. 41."

The provisions of Art. 40 shall apply mutatis mutandis to the pasture land mentioned in the first paragraph.

Par. 1, Art. 41, shall be amended as follows:

The government may sell or lease land, right, tree or structure mentioned below to a person who is likely to devote himself to cultivation or other person as specified by Ministerial Ordinance.

1. Land, right, tree, structure or other article which has been purchased or used in accordance with the provisions of Art. 30, Par. 2, Art. 33 (including the case in Par. 1 of Art. 40-5, where the same shall be applied mutatis mutandis). Art. 36 or Art. 40-2.

2. Pasture land owned by the government or tree, building, other structure on the above-mentioned land or agricultural equipments or right concerning the use of water necessary for the use of the said pasture land which has been determined in accordance with provisions of Governmental Order to be sold to a person who is likely to devote himself to cultivation or other person as specified by Ministerial Ordinance.

3. Land and article owned by the government which has been determined in accordance with the provisions of Governmental Order to be brought under cultivation.

4. Land which the Minister in charge reclaimed by means of the public-owned Surface Water Reclamation Law.

In Par. 2 of the same Article "Art. 26" and "in respect to the transfer or lease of land (including the land mentioned Item 2, Par. 1 of Art. 30) right, tree or structure purchased or used according to the plan for the purchase of uncultivated land as prescribed in Art. 31" shall be amended respectively as "Art. 26-2" and "except in case where the government sells or leases the land which has been purchased in accordance with the purchase plan of uncultivated land or the purchase plan of pasture land set up by the city, town, or village agricultural land commission," and Par. 3 of the same Article shall be amended as follows:

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In case the land purchased in accordance with the purchase plan of pasture land set up by the city, town, or village agricultural land commission is sold in accordance with the provisions of Par. 1, the provisions of Art. 15, Par. 4 of Art. 18 and Art. 19 shall apply mutatis mutandis, in addition, to the provisions which shall be applied to the preceding paragraph.

In case the land mentioned in the paragraph of this article is sold in accordance with the provisions of Par. 1, the provisions of Art. 26, Art. 27 and Items 1 to 3 inclusive, the principal body of Item 4 and Item 5 of Art. 28 shall be applied mutatis mutandis in addition to the provisions which shall be applied to the preceding two paragraphs. In this case, for "a person who is likely to devote himself to cultivation as an owner-farmer" in Par. 3 of Art. 28, read "a person mentioned in Par. 1 of Art. 41" and for "Art. 10, Pars. 2 and 3 of Art. 16, Art. 17 to 21 inclusive, and Art. 26 to the preceding article inclusive" in Par. 4 of the same Article, read "Art. 41, Pars. 2 and 3."

In case the pasture land is sold in accordance with the provisions of Par. 1, the principal body of the provisions of Par. 1 and Pars. 2 to 8 inclusive of Art. 22 shall be applied mutatis mutandis in addition to the provisions which shall be applied to the three paragraphs mentioned above.

In this case, for "agricultural land determined by the order in accordance with Par. 1 of Art. 16" read "pasture land mentioned in Par. 1, Art. 41, Item 2" and "Par. 5, Art. 6" in Par. 2, Art. 22, "Par. 4, Art. 40-4".

The provisions of Art. 18 of the Land Book Law shall not be applied to the land sold in accordance with the provision of Par. 1.

Article 41-2

The government may permit the person provided for in Par. 1 of the preceding Article to use the objects or rights mentioned in each item of the same paragraph of the same Article, under conditions determined by the governor of Metropolis, Hokkaido, or Prefecture, upon the request of the said person, before the disposal provided for in Par. 1 of preceding Article is effected.

The use mentioned in the preceding paragraph shall be free from charge, provided, however, that when there are other provisions of order, the provisions of Art. 26-2 shall apply mutatis mutandis.

In case the use of State-owned land or object is permitted to the person mentioned in Par. 1 of the preceding Article previous to the decision mentioned in Item 2 of the same paragraph, the provisions of the preceding paragraph shall apply mutatis mutandis.

Article 41-3

In respect to the sale or lease of the land purchased or used under the provisions of Art. 37 (inclusive of standing trees thereof; the same throughout the present Article) State-owned land decided to be sold or leased to persons specified in Par. 1 of Art. 37, under the provisions of order, the governor of Metropolis, Hokkaido, or Prefecture shall deliver the letter of notice to the other party of the sale or the lease.

FEC-RESTRICTED

In case of the preceding paragraph, the provisions of Art. 17 Par. 2 of Art. 20, and Art. 21 and Art. 26-2 shall apply mutatis mutandis.

The payment of consideration of land sold according to the provisions of Par. 1 shall be affected by the method of average annual installments as specified by order; however, when the person who has purchased the said land requests for it, the whole or part of the consideration may be paid at a time.

In Art. 42, "or Art. 31, Par. 4 (including the case which shall be applied mutatis mutandis under Art. 37, Par. 2 and Art. 38, Par. 2)" shall be amended to "Art. 31, Par. 4 (including the case which shall be applied mutatis mutandis under Par. 2 of Art. 37 and Par. 2 of Art. 38 or Par. 4 of Art. 40-4."

In Art. 43, for "and 37" read "37 and 40-2", for "Par. 2 of Art. 22 and Par. 1 of Art. 39" read "Par. 2 of Art. 22 (including the cases which shall be applied mutatis mutandis under Art. 40-6, Par. 2 and Art. 41, Par. 5), Par. 1 of Art. 39 and Par. 2 of Art. 40-5.

In Art. 44, for "33, Par. 2, Arts. 36 and 37" read "Par. 2 of Art. 33 (including the cases which shall be applied mutatis mutandis under Par. 1 of Art. 40-5), Arts. 36, 37 and 40-2", and for "Art. 29, Par. 2" read "Pars. 4 and 5 of Art. 28, and Par. 2 of Art. 29" and for "Par. 3 of Art. 41" read "Par. 5 of the same Article and Par. 4 of Art. 41."

Article 44-2

This same law in accordance with provisions of Ministerial Order shall be applied to the lands acquired by the government through purchase mentioned in Arts. 3, 15 and 40-2, the exchange mentioned in Art. 23 of the purchase mentioned in Par. 1 of Art. 28 (including the case where this shall be applied mutatis mutandis to Par. 5 of Art. 28 and Par. 4 of Art. 41) in spite of the provisions of Art. 44 of the Land Book Law.

Article 44-3

If deemed necessary, in case where the government purchases in accordance with provisions of Art. 3, Par. 1, Art. 15, Art. 30, Art. 36, 37 or 40-2, exchanges in accordance with provisions of Art. 23, or purchases in accordance with provisions of Par. 1, Art. 28 (including the case where this shall be applied mutatis mutandis to Par. 5 of Art. 28 and Par. 4, Art. 41), the Governor of the Metropolis, Hokkaido, a Special Prefecture or prefecture may, in accordance with the provisions or ministerial order, report in place of the owner of land or pledgee or person having superficies in accordance with the provisions of Art. 18, 26, 40 or 41 of the Land Book Law.

To the registration under the Land Book Law concerning the land which was sold in accordance with the provisions of Art. 16 (including in cases where this shall be applied mutatis mutandis to Pars. 4 and 5, Art. 28, Par. 2, Art. 29, and Par. 4, Art. 41, Par. 3, 28, (including in cases where this shall be applied mutatis mutandis to Par. 5 of the same Article and Par. 4, Art. 41), or Par. 1, Art. 41, or the land on which the sale mentioned in Par. 1, Art. 41-3 is effected, special provisions may be made by Governmental order.

FEC-RESTRICTED

Article 44-4

In cases where the land-tax or house-tax was, in accordance with the provisions of Arts. 46 and 47 of the Local Tax Law, levied on the owner of the land or house at the time of its acquisition, which the government had acquired owing to the purchase mentioned in Arts. 3, 15, Par. 1, Art. 30, Par. 2, Art. 33 (including the cases where this shall be applied to Par. 1, Art. 40-5) 36, or 37 or 40-2, the exchange mentioned in Art. 23 or the purchase mentioned in Par. 1, Art. 28 (including the cases where this shall be applied to Par. 5 of Art. 28 and Par. 4, Art. 41) the Government or any person to whom the said land or house has been sold in accordance with the provisions of Art. 16 (including in cases where this shall be applied to Pars. 4 and 5, Art. 28, Par. 2, Art. 29, and Par. 4, Art. 41 or Par. 3, Art. 28 (including in cases where this shall be applied to Par. 5 of the same Article and Par. 3, Art. 41, Par. 1, Art. 41, or to whom sale of the land mentioned in Par. 1, Art. 41-3 has been effected shall, in accordance with the provisions of Ministerial Order, pay an amount being equivalent to all or a part of the said land-tax or house-tax or house-tax to the said owner.

In cases where the land-tax was, in accordance with the provisions of Art. 46 of the Local Tax Law, levied on the pledgee or any person having superficies extending one hundred years or more at the time of its acquisition, which the government had acquired owing to the purchase mentioned in Arts. 3, 15, Par. 1, Art. 30, 36, 37, and 40-2, the Government or any person, to whom the said land has been sold in accordance with the provisions of Arts. 16 (including in cases where this shall be applied to Pars. 4 and 5, Art. 28, Par. 2, Art. 29, and Par. 4, Art. 41, or Par. 1, Art. 41, or to whom the sale of the land mentioned in Par. 1, Art. 41-3 has been effected, shall, in accordance with the provisions of order, pay an amount being equivalent to all or a part of the said land-tax to the said pledgee or person having the superficies.

Article 46

The land, right, tree, structure or other property, which has been acquired by government owing to the purchase mentioned in Arts. 3, 15 and 40-2 or the exchange mentioned in Art. 23 or to the purchase mentioned in Art. 28, Par. 1 (including in cases where this shall be applied mutatis mutandis to Par. 5 of the same Article, Art. 29, Par. 2, and Art. 41, Par. 4) or the land, property, or right as specified by order mentioned in Par. 1, Art. 16, or Par. 1, Art. 29, and properties mentioned in Par. 1, Art. 41, and Par. 1, Art. 41-3, shall be managed and dealt by the Minister of Agriculture and Forestry.

A part of the managing powers of the Minister of Agriculture and Forestry concerning the administration of the land, right, tree, structure or other property mentioned in the preceding paragraph may be exercised by the headman of a City, Town or Village the Agricultural Land Commission of a City, Town or Village, or such other person or organization as specified by ministerial order.

Following paragraph shall be added to Art. 47:

Competent Minister, if deemed it especially necessary, may dispose the matters which is put under the jurisdiction of Local Governor or Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or prefecture by this law.

FEC-RESTRICTED

In the case mentioned above concerning the matters which shall be disposed by competent Minister in accordance with the provisions of the said paragraph, the complaint which shall be made to Agricultural Land Commission of the Metropolis, Hokkaido, in Special Prefecture or Prefecture by this law shall be made to competent Minister. In this case the provisions of Par. 4 and Par. 5, Art. 7 shall not apply.

Article 47-2

Any person shall bring an action of cancellation or alteration against the unlawful disposition by the administrative office in this law in court within one month after the day on which he had known that disposition; this provision shall be applied, notwithstanding the provisions of Art. 8 of the Bill for the Temporary Adjustment of the Code of Civil Procedure; provided, however, this shall not be applied to the cases where the two months have elapsed from the day on which that disposition had been done.

The action mentioned in the preceding paragraph may not suspend the execution of administrative disposition.

In Art. 48 ("road" the following phrase) shall be amended to; "For the office of city, town or village" in Art. 6, Item 5, Art. 18, Par. 4, Art. 31, Par. 4, which shall be applied mutatis mutandis in Art. 38, Par. 2, and Par. 4, Art. 40-4 shall read "the office of the Divisional Agricultural Land Commission".

Article 49

In this Law, the provisions concerning the Metropolis, Hokkaido, a Special Prefecture or Prefecture shall be applied mutatis mutandis to the previous Metropolis, Hokkaido, a Special Prefecture or Prefecture, within which Special City existed or its governor until such time as specified by order, if Special Cities shall be appointed in future; the provisions concerning the City or its mayor, shall be applied mutatis mutandis to the Special Ward, or its Chief in Tokyo Metropolis, or to the ward or its chief in the City mentioned in Par. 2 of Art. 155 of the Local Autonomy Law and to the administrative ward or its chief in Special City; in a town or village where the town or village association, which deals jointly the whole of the work of the town or village or the task of the offices, exists, the provisions concerning the town or village shall be applied to the said association or the manager thereof.

The under-mentioned paragraph shall be inserted in Art. 50, as Par. 1, and former Par. 1 shall be Par. 2 and the following paragraphs will move down one by another.

Any person who acts against the provision of Par. 2 of Art. 30-2 coming under any item of the same paragraph.

Par. 2 of the Additional Provisions shall be deleted.

Additional Provisions.

Article 1

The date of the enforcement of the present Law shall come into force as the date of the promulgation, however, the provisions amended of Art. 2, Par. 3, and Par. 1, Art. 4 shall be applied since May 3, 1947, and Art. 41-2, Par. 2 and Par. 3 shall be applied since April 1st, the same year.

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Article 2

The proceedings on the ground of the plan for purchase mentioned in Par. 2 of the previous Additional Provisions before the date of the enforcement of the present Law, shall be deemed to the proceedings mentioned in Art. 6-2, 6-3 or 6-5 amended.

Article 3

To the cases where the government gives in accordance with the provisions of Art. 13, Par. 3 subsidy to the owner of the agricultural land which was purchased by him on July 2, 1947 in accordance with the provisions of Art. 12, shall be applied the provisions of Art. 13, Par. 3 amended.

Article 4

To the land and house which the government acquired before the date of the enforcement of the present Law owing to the purchase mentioned in Arts. 3 and 15, Art. 33, Par. 2, Art. 36 or Art. 37, the exchange mentioned in Art. 23 or the purchase mentioned in Art. 28, Par. 1 (including in cases where this shall be applied mutatis mutandis to Par. 5 of the same Article) shall be applied the provisions of Art. 44-3 amended.

Article 5

An action of the cancellation or alteration against the disposition of the administrative office under the Owner-Farmer Establishment and Special Measures Law, which was before the date of the enforcement of the present Law, may be brought in Court within one month from the date of the enforcement of the present Law, in spite of the provisions of Art. 47-2 amended, by person who knows of that disposition before the date of the enforcement of the present Law.

The period in the proviso of Art. 47-2 amended concerning the act of the administrative office mentioned in the preceding paragraph, shall be charged from the day of the enforcement of the present Law.

To the provisions of the preceding two paragraphs shall be applied the provisions of Art. 8 of Law (Law No. 75, 1947)

FEC-042/5FEC-RESTRICTEDFEC-042/521 December 1947FAR EASTERN COMMISSIONPROPOSED MODIFICATIONS TO BILL AMENDING
THE LAND REFORM LAW
(Reference: FEC-042/3)Note by the Secretary General

1. The enclosure, showing amendments relating to the "Land Reform Law," has been received from the Supreme Commander for the Allied Powers and is circulated herewith by the Secretariat for the information of the Far Eastern Commission.

2. The particular attention of COMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRS is invited to the enclosure.

3. The enclosed amendments were submitted for consideration to the First National Diet during September, 1947, they are intended to modify "Proposed Amendments to the Law concerning the Special Measure for the Establishment of Owner Farmers", circulated as enclosure "B" of FEC-042/3 of 6 November 1947.

NELSON T. JOHNSON
Secretary General

FEC-042/5

FEC-RESTRICTEDENCLOSUREPROPOSED MODIFICATIONS TO BILL AMENDING
THE LAND REFORM LAWAmendments To The Bill Amending The Law
Concerning The Special Measure For The
Establishment of Owner Farmers

Changes to Art. 3, Paragraph 4: Item 2, as detailed in the second paragraph shall read:

"With respect to juridical person and other bodies, in case subdivision of the land into smaller units of cultivation cannot be accomplished without inevitably decreasing agricultural production, and in case cultivation is indispensable for the operation of the principal business of the juridical person or other body."

The following paragraph shall be added to the amended Art. 12:

In Par. 2 of Art. 12, "except the case mentioned in Art. 12-2," shall be inserted after "servitudes exist".

Art. 12-2 shall be amended as follows:

In case the agricultural land acquired by government in accordance with the provisions of Para. 1 of the preceding Article is, at the time of the same acquisition, in possession of the electric enterpriser under the provisions of the Electric Enterprise Law or any person actually engaged in electric enterprise mentioned in the provisions of Par. 2 of Article 30 of the same Law (both hereinafter called summarily "the electric enterpriser") to be used for installation of electric line (except supports of wire: hereinafter the same in the present article), it shall be deemed that the right of servitude is created at the time of acquisition, the same right designating, for the interest of the electric enterpriser, the land in possession of the said electric enterpriser as the dominant land, used for power plant, substation, switching station or the structure supporting electric conductor in connection with the electric line, and the said agricultural land as the servient land.

In case the right of lease, loan for use or superficies is, at the time of acquisition, held by the electric enterpriser on the agricultural land, acquired by the government in accordance with the provisions of Par. 1 of the preceding Article, to be used for installation of electric line, it shall be deemed that the right of servitudes is created at the time of acquisition in place of such rights, the same right designating, for the interest of the electric enterpriser, the land in possession of the said electric enterpriser as the dominant land, used for power plant, substation, switching station or the structure supporting electric conductor in connection with

FEC-RESTRICTED

the said electric line, and the said agricultural land as the servient land; provided, however, such right of servitude shall remain effective during the remaining period wherein the former right continue to be effective.

The right of servitude mentioned in the preceding two paragraphs requires in its essence that the act of the owner of the servient land does not constitute obstacles to the installation of structure and the other facilities of electric line.

In case the right of servitude was created in accordance with the provisions of Par. 1 or 2, if the said dominant land belongs to the Factory foundation or Railway foundation which is the object of the hypothec at the time of creation, the said right of servitude shall become the object of the said hypothec.

Art. 6 of the additional provisions shall become Art. 7 and Art. 5, Art. 6.

Article 5.

As to the lands disposed of through Governmental sale according to the provisions of Art. 16 (applicable also to cases subject to the same provision as prescribed in Art. 29, Par. 2) or Art. 41, Par. 1, the provision mentioned in the proviso of Art. 22, Par. 1 shall be applied.

FEC-042/6FEC-RESTRICTEDFEC-042/621 June 1948FAR EASTERN COMMISSIONAGRARIAN REFORM IN JAPAN
Draft by Chairman of Committee No. 2Note by the Secretary General

The enclosure, an alternative draft for a policy on agrarian reform in Japan prepared by the Chairman of Committee No. 2, is circulated herewith for the consideration of COMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRS.

SAMUEL S. STRATTON
Acting Secretary General

FEC-042/6

FEC-RESTRICTED

E N C L O S U R E

AGRARIAN REFORM IN JAPAN
Draft by Chairman of Committee No. 2

1. In the view of the Far Eastern Commission inefficient use of resources, excessive fiscal and financial burdens and an inequitable system of land tenure in Japan before the war created a discontented rural population which was an important factor favouring the development of militarism.

2. The Far Eastern Commission has noted with satisfaction the following steps which have been taken since the surrender with a view to securing a thoroughgoing reform of the Japanese agricultural system:

a. the directives issued to the Japanese Government by the Supreme Commander for the Allied Powers, in particular that of 9th December, 1945,

b. the Agricultural Land Adjustment Law enacted by the Japanese Government in 1945, which, together with the Ordinance relative thereto dated 25th January, 1946, contained provisions designed to bring to an end the system of rents payable in kind and to prevent the exaction of exorbitant rents,

c. the Land Reform Law (known also as the "Law Concerning the Special Measure for the establishment of Owner Farmers"), enacted on 21st October, 1946, designed to bring about a large scale transfer of the ownership of land from the landlord class to the tenantry and thereby to create a numerous class of independent owner-farmers,

d. the creation of a network of Agricultural Land Commissions covering the whole country to administer the reforms referred to above,

e. the partial execution of the land transfer programme as witnessed by the latest returns of the Japanese Ministry of Agriculture and Forestry.

f. The Agricultural Co-operative Association Law enacted on 7th November, 1947, which facilitated the provision of credits to operating farmers and the extension of education in farming techniques.

3. The Far Eastern Commission now decides as a matter of policy as follows:

a. the reform of the Japanese agricultural system is an important means of promoting democratic forces in Japan, which is one of the aims of Allied policy,

b. the proper object of the reform should be to improve the economic status of all tenant farmers and as far as practicable to create a more numerous class of independent owner-farmers than has previously existed,

c. to this end the measures which have already been enacted by the Japanese Government should be carried to their completion as speedily as practicable.

FEC-042/7FEC-RESTRICTEDFEC-042/719 July 1948FAR EASTERN COMMISSION

AGRARIAN REFORM IN JAPAN
United Kingdom Draft Policy Proposal
(Reference: FEC-042/6)

Note by the Secretary General

The Secretariat has been informed that FEC-042/6, the alternative draft for a policy on agrarian reform in Japan, prepared by the Chairman of Committee No. 2, and circulated to Committee No. 2 on 21 June 1948, represents the official view of the United Kingdom delegation, and should be regarded as a draft submitted by the United Kingdom member.

NELSON T. JOHNSON
Secretary General

FEC-042/7

*dup*FEC-042/8FEC-RESTRICTEDFEC-042/814 March 1949FAR EASTERN COMMISSIONLAW CONCERNING THE SPECIAL MEASURE FOR THE ESTABLISHMENT
OF OWNER-FARMERS AS REVISED ON 26 DECEMBER 1947
(References: FEC-042/2, /3, /4, /5)Note by the Secretary General

1. The enclosure, the text of the Law Concerning the Special Measure for the Establishment of Owner-Farmers (also known as the "Land Reform Law") incorporating the amendment of 26 December 1947, has been prepared by the Secretariat and is circulated herewith for the information of the Far Eastern Commission.

2. The enclosure has been prepared on the basis of the texts of the basic law of 19 October 1946 and the amendment of 26 December 1947 as given in the Official Gazette. The enclosure supersedes the texts of the law and the amendment circulated as FEC-042/2, /3, /4, and /5.

NELSON T. JOHNSON
Secretary General

FEC-042/8

E N C L O S U R ELAW CONCERNING THE SPECIAL MEASURE FOR THE ESTABLISHMENT
OF OWNER-FARMERS AS REVISED ON 26 DECEMBER 1947

Art. 1. This Law has the object of establishing the owner-farmers promptly and widely and enhancing the agricultural use of land for the purpose of stabilizing the status of cultivators and giving them the fruits of their labor fairly thereby contributing to the increase of the agricultural productive power and promotion of the democratic tendency in rural communities.

Art. 2. As employed in the present law, agricultural land shall mean the land employed or capable of being employed for cultivation and the pasture land shall mean the land employed or capable of being employed as pasture or grassland (exclusive of agricultural land or land used chiefly for the object of afforestation or land rarely used as pasture or grassland).

Within the meaning of this Law, the owner-farmer land is an agricultural land which the person engaging in cultivation is employing for his business on the ground of ownership and the tenant-farmer land is an agricultural land which the person engaging in cultivation is employing for his business on the ground of lease, loan for use, emphyteusis, superficies or pledge.

As employed in the present Law, pasture land employed by owner shall mean the pasture land employed as pasture or grassland, by right of ownership, by person engaged in farming or stock raising, while pasture land employed by tenant shall mean the pasture land employed as pasture or grassland, by right of lease, loan for use, emphyteusis or pledge, by person engaged in farming or stock raising.

In applying the provisions of the preceding two paragraphs, those rights, mentioned in that paragraph, which are possessed by a relative or his or her consort of a person engaging in cultivation who lives in the same house or a relative or his or her consort of a person engaging in cultivation or stock raising who does not live in the same house by the special reason as specified by order shall be deemed to be possessed by the said person engaging in cultivation.

Within the meaning of this Law, the owner-farmer is an individual who is engaging in cultivation on the owner-farmer land and the tenant-farmer is an individual who is engaging in cultivation on the tenant-farmer land.

Art. 3. The agricultural land mentioned below shall be purchased by the government:

1. The tenant-farmer land owned by the owner of the tenant-farmer land outside the limits of any City, Town or Village in which his permanent residence is situated (comprising the area which is, within the administrative limit of City, Town or Village adjacent thereto, and which is designated as to be corresponding to the area within the limits of such City, Town or Village by the Agricultural Land Commission of a City, Town or Village, with the approval of the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture; hereinafter in this Article, Art. 4 and Art. 7 Par. 2, the same);

2. In cases where within the limits of any City, Town or Village in which the permanent residence of an owner of tenant-farmer land is situated, he owns a tenant-farmer land, the area of which in Hokkaido exceeds four cho-bu or in the Metropolis, a

Special Prefecture or a Prefecture exceeds the area determined by the Central Agricultural Land Commission in respect of each Metropolis, Special Prefecture or Prefecture, the tenant-farmer land within the said limits exceeding such area;

3. In cases where the total of the area of the tenant-farmer land which a person having the agricultural land owns within the limits of any City, Town or Village in which his permanent residence is situated and of the area of the owner-farmer land owned by him exceeds twelve cho-bu in Hokkaido or exceeds in the Metropolis, Special Prefecture or Prefecture, the area determined by the Central Agricultural Commission in respect of each Metropolis, Special Prefecture or Prefecture, the tenant-farmer land within the said limits exceeding such area.

In fixing the area mentioned in any of items 2 and 3 of the preceding paragraph in respect of each of the Metropolis, a Special Prefecture and a Prefecture, the average area shall be about one cho-bu with regard to the land mentioned in item 2 and be about three cho-bu with regard to the land mentioned in item 3.

If deemed specially necessary, the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture may, with the approval of the Central Agricultural Land Commission, divide the limits of the Metropolis, Hokkaido, Special Prefecture or Prefecture concerned into two or more limits and determine the area in place of the area mentioned in any of items 2 and 3 of par. 1 in respect of each of such limits, provided that the average area thereof shall be nearly the area for each of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture, mentioned in item 2 or 3 of that paragraph.

The area of the agricultural lands as specified by order which are mentioned in items 7 and 8 of Article 5 shall not be included in the area of the owner-farmer land or tenant-farmer land mentioned in any of items 2 and 3 of par. 1.

Apart from the agricultural land mentioned in par. 1, the agricultural land mentioned below which in accordance with the provisions of order, the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or Prefecture or the Agricultural Land Commission of a City, Town or Village deems it suitable that it be purchased by the government for the purpose of establishing an owner-farmer land shall be purchased by the government.

1. In cases where the area of an owner-farmer land of the owner-farmer whose cultivation is not reasonable exceeds the area mentioned in item 3 of par. 1, the area specified in Art. 3, par. 1, item 3, with respect to each prefecture (whereas the area in given prefecture is subdivided into certain number of areas graded in size as specified in accordance with the provisions of par. 3), such part of the owner-farmer land as exceeding the said area;

2. The owner-farmer land which is engaged in cultivation by a person other than an owner-farmer on the ground of contract for work or other contract;

3. The agricultural land owned and operated by a juridical person or other association with the object of engaging in cultivation whose cultivation is not reasonable;

4. The tenant-farmer land owned by juridical person or other association;

5. The agricultural land which a person who may cultivate on the ground of ownership or other title is not using for cultivation at present;

6. Except lands mentioned in any of items mentioned above the agricultural land which the owner thereof has proposed to the Agricultural Land Commission of a City, Town or Village to be purchased by the government.

In applying the provision of the item 1 or item 3 of the preceding paragraph to particular cases, actual cultivation of land by the specific owner-farmer or juridical person or any other body shall be justified only in those cases as specified below:

1. With respect to owner-farmer, in case the farmer holds family labor enough to do effective cultivation of the said land, or in case cultivation of the said land as subdivided is estimated as inevitably leading to decreasing productivity;

2. With respect to juridical person or other bodies, in case subdivision of the land into smaller units of cultivation cannot be accomplished without inevitably decreasing agricultural production, as well as when cultivation is indispensable for the operation of the principal business of the juridical person or other body.

Art. 4. In applying the provisions of the preceding Article, the agricultural lands owned by a relative of his or her consort or an owner of an agricultural land who lives in the same house or by a relative or his or her consort of an owner who does not live in the same house by the special reason mentioned in the Article 2, par. 4, within the limits of a City, Town or Village in which the permanent residence of the said owner is situated, shall be deemed to be owned by the owner of the said agricultural land.

In applying the provisions of par. 1 of the preceding Article, the owner of an agricultural land whose permanent residence is not situated within the limits of a City, Town or Village where his agricultural land is located, by the reason mentioned in Article 2, par. 4 shall be deemed to be a person whose permanent residence is situated within the limit of a City, Town or Village concerned.

Art. 5. The agricultural land mentioned below shall not be subject to the purchase of the government which is to be done in accordance with the provisions of Article 3;

1. The agricultural land which the Government or public corporation uses for the public or for official business;

2. The agricultural land owned by the Metropolis, Hokkaido, a Special Prefecture, or Prefecture, a City, Town or Village, the Agricultural Association of the Metropolis, Hokkaido, a Special Prefecture, or other associations as specified by order which shall be used as the object for the establishment of owner-farmer or for common cultivation;

3. The agricultural land which is used as the object of experiment and research or guidance of agriculture, or chiefly the other object than cultivation as specified by Ministerial Ordinance, and which is designated by the governor of Tokyo, Metropolis, Hokkaido or Prefecture;

4. The agricultural land which is situated in the area of the land within which adjustment of town lots is effected and other similar land designated by the competent Ministers, or the land mentioned in Art. 16, par.1 of that Law and which is situated within an area as designated by the governor of Tokyo Metropolis, Hokkaido or Prefecture;

5. The agricultural land which is deemed suitable to be used for the altered object in the near future and which is designated by the Agricultural Land Commission of a City, Town or Village with the approval of the Agricultural Land Commission of Tokyo Metropolis, Hokkaido, a Special Prefecture or Prefecture; or which is designated by the Agricultural Land Commission of Tokyo Metropolis, Hokkaido, Prefectures;

6. In cases where, because an owner-farmer cannot engage in cultivation on his owner-farmer land by reason of illness or by any other cause as specified by order, such land is employed by other person engaging in cultivation on the ground of lease or loan for use, the agricultural land which the City, Town or Village Agricultural Land Commission recognizes to be a land to be cultivated in the near future by the owner himself and deems it suitable that it be so cultivated, and the area of which not exceeds the area specified in Art. 5., par.1, item 3 or the area specified in par. 3 of the same Article in place of the area specified in the same item, including the other agricultural land which the said owner-farmer owns;

7. The land cultivated by owner, in case the owner of pasture land which was purchased by the Government in accordance with the provisions of Art. 40-(2), has turned the remaining pasture land into cultivated land of his own after the time of the said purchase.

8. The agricultural land, the yield of which is very meager, such as the developed land, burnt field and changed field, or other agricultural land as specified by order which the Agricultural Land Commission of a City, Town or Village deems it unsuitable to be purchased by the government.

Art. 5-(2). The provisions of Item 1 of the preceding Article shall not apply to the agricultural land on which particular prefecture has acquired on and after December 29, 1946 the right of lease, loan for use, or emphyteusis in order to make use of the same land in practical guidance of farming technique; however, in the case where the owner of the said agricultural land had been the owner-farmer engaged in cultivation of the said land at the time of the acquisition of those rights, if the sum of the area of the said agricultural land and that of the other land actually cultivated by the said owner-farmer does not exceed the area specified in Art. 3, par. 1, item 3 with regard to respective prefecture, all of the said agricultural land shall be exempt from purchase; and if the said sum exceeds the area specified for respective prefecture, the excessive part of the said agricultural land over the said area shall be purchased by the government.

Art. 6. In cases where the government purchases the land in accordance with the provisions of Art. 3, such purchase follows the plan for the purchase of the agricultural land set up by the agricultural Land Commission of a City, Town or Village.

The agricultural land to be purchased, the time of purchase and the consideration shall be provided in the plan for the purchase of the agricultural land mentioned in the preceding paragraph.

In cases where there is the rental value of the land as fixed under the Land Book Law, the consideration mentioned in the preceding paragraph shall be determined within the extent of the amount which represents 40 times the said rental value for paddy field and 48 times for upland field (if the governor of Tokyo Metropolis, Hokkaido or Prefecture has specified the rates in accordance with the provisions of Art. 6-3, par. 1 of the Agricultural Land Adjustment Law, such rate shall apply instead of

40 or 48); in cases where there is no rental value as fixed under the Land Book Law, the Agricultural Land Commission of City, Town or Village shall determine the amount, with the approval of the governor of Tokyo Metropolis, Hokkaido or Prefecture, provided, however, that in cases where there exist special circumstances the Agricultural Land Commission of City, Town or Village shall determine the amount with regard to the said agricultural land with the approval of the governor of Tokyo Metropolis, Hokkaido, or Prefecture.

The Agricultural Land Commission of a City, Town or Village shall set up the plan for the purchase of the agricultural lands with the consideration of the following matters:

1. To give to persons to be owner-farmer the impartial opportunity to purchase the agricultural land;
2. To group the agricultural land cultivated by persons to be owner-farmer and to make the proportion of the paddy field and the upland field suitable and just in respect of the said agricultural land according to the circumstances of the district concerned.

If the Agricultural Land Commission of a City, Town or Village sets up the plan for the purchase of the agricultural land, public notice thereof shall be given without delay and the document stating the following matters shall be submitted to public inspection at the office of the City, Town or Village for ten days from the day on which public notice has been given.

1. Name and permanent residence of the owner of the agricultural land to be purchased;
2. The location, lot number, class (in cases where the class entered in the land register differs from its actual condition the class as it appears in the land register as well as the class according to its actual condition; the term when hereinafter referred to shall be understood in the same sense) and size of the land to be purchased;
3. Consideration;
4. Time of purchase.

Art. 6-(2) In case a tenant-farmer, who had been engaged in cultivation on the leased land on November 23, 1945 and who ceased to cultivate the same after the said day, or who has been cultivating since the said day the leased land the owner of which or the address of the said owner on the same date has changed since the said date, (for any other person, to whom was transferred after the said date the right of lease, loan for use or emphyteusis which the said tenant-farmer had held on the said leased land on the said date) or his heir, demands the City, Town or Village Agricultural Land Commission to set up, in accordance with the provisions of the preceding Article, the plan for the purchase, based on the facts relating to the same land as they are found on the said date, of the agricultural land which the owner on the same date of the said leased land held on the said date, the City, Town or Village Agricultural Land Commission shall lay down, based on the facts at the said date, the purchase plan of the agricultural land as regards the leased land possessed by the said owner on the base of status as of November 23, 1945.

In case the leased land which constitutes the object of the said demand falls under any one of the following cases, the City, Town or Village Agricultural Land Commission shall not lay down the purchase plan of the said leased land based on the facts on the said date:

1. The leased land, whose lease was discarded or cancelled or whose renewal had been refused, in case the owner on November 23, 1945, or successor thereof later date, of the leased land as it exists on the same date discarded or cancelled (including cancellation by agreement; hereinafter the same) the lease of the same leased land, or refused the renewal of the same after November 23, 1945, the Prefectural Agricultural Land Commission deems the conduct on the part of the same owner or the successor as lawful and proper, as the result of the inquiry made into the circumstances of the owner or his successor and the tenant-farmer at the time the above-said discard, cancellation or renewal was effected;

2. Any leased land other than the above-mentioned, which constitutes the object of the demand mentioned in the preceding paragraph and the motive of which is unjustifiable in the view-point of City, Town or Village Agricultural Land Commission, and the tenant-farmer of which was engaged in cultivation thereof as of the date of November 23, 1945;

3. Any leased land which constitutes the object of demand specified in the preceding paragraph 1, and on which the person who made the same demand was engaged in cultivation as of November 23, 1945, in case the tenant-farmer or the successor thereof specified in the preceding paragraph is actually engaged in cultivation, by right of ownership, lease, loan for use, or emphyteusis, on the agricultural land whose area exceeds the area specified in Art. 3, par. 1 item 3 with regard to respective prefecture;

4. Any leased land whereon the tenant-farmer was engaged in cultivation on November 23, 1945, in case the living condition of a person who is either the owner of the agricultural land as it exists on the same date or the successor thereof and who has been cultivating the leased land which constitutes the object of the above-said demand, becomes very bad as compared with that of the tenant-farmer who made the demand as prescribed in the provisions of the preceding paragraph, if the government purchases the land following the purchase plan of agricultural land based on the status as it exists on the said date.

Article 6-(3). In case the City, Town or Village Agricultural Land Commission fails to decide the plan for the purchase of the leased land in accordance with the provisions of par. 1 of the preceding Article, in actual possession on November 23, 1945 by the owner thereof at the same date, within two months after the day on which the said commission received the demand mentioned in the same paragraph, if the applicant makes request to Prefectural Agricultural Land Commission within one month after the expiration of the above-said term to make the City, Town or Village Agricultural Land Commission decide a purchase plan of the agricultural land in accordance with the provisions of the same paragraph, the Prefectural Agricultural Land Commission shall request the said City, Town or Village Agricultural Land Commission to decide a purchase plan of the agricultural land in accordance with the provisions of the same paragraph.

The provisions of par. 2 of the preceding Article shall apply mutatis mutandis to the case mentioned in the preceding paragraph; in this case, in item 2 of the same paragraph, "the City, Town or Village Agricultural Land Commission" shall read "the Prefectural Agricultural Land Commission."

Article 6-(4). In cases susceptible of the provisions of the preceding two Articles, any person (real cultivator), who had been engaged in cultivation on November 23, 1945 by reason of contract of work or other contracts on the land possessed by owner of the same (nominal cultivator) specified in item 2, par. 5, Art. 3 and who ceased to cultivate the same land after the

said date, shall be deemed as tenant-farmer, and the said land as leased land.

Article 6-(5). In case the person, engaged in cultivation by reason of the right of ownership, lease, loan for use, or emphyteusis or other rights on the land, at the time of decision of the plan for the purchase of the agricultural land mentioned in Art. 6 or any owner or the address thereof on the said date, has changed in the period between November 23, 1945 and the time fixed for establishing the purchase plan of agricultural land according to the provisions of Article 6, and also in case the agricultural land on November 23, 1945 has ceased to be so after the same date, City, Town or Village Agricultural Land Commission may decide the plan for the purchase of the agricultural land on the base of status as of the said day, dispensing with the demand mentioned in par. 1, Art. 6-2.

The provisions of par. 2, Art. 6-2 shall apply mutatis mutandis to the case of the preceding paragraph.

City, Town or Village Agricultural Land Commission shall deliberate on the advisability or otherwise of establishing the purchase plan of agricultural land specified in par. 1, in accordance with the provisions of par. 1, Art. 6-2.

In case City, Town or Village Agricultural Land Commission, as the result of deliberation mentioned in the preceding paragraph, decided to drop the plan for the purchase of the agricultural land in accordance with the provisions of par. 1, the same shall state the reason thereof in the minutes book.

Art. 7. If any person who is entitled to ownership with regard to the agricultural land provided in the plan for the purchase of the agricultural land mentioned in Article 6, is not satisfied with the plan, he may make a complaint to the Agricultural Land Commission of a City, Town or Village, provided, however, this shall not apply where the period of time for inspection mentioned in par. 3 of the preceding Article has elapsed.

In case the permanent residence of any person holding the ownership of the agricultural land mentioned in the preceding paragraph situates within the limits of the city, town or village in which the said agricultural land exists, the tenant-farmer engaging in cultivation on the said agricultural land on which the former person has ownership, may also make a complaint as mentioned in the said paragraph. In this case the provision of Art. 4, par. 1 shall be applied mutatis mutandis.

If the Agricultural Land Commission of a City, Town or Village receives the complaint mentioned in par. 1, it shall make a determination within twenty days from the day on which the period of time for inspection mentioned in Art. 6, par. 5, has expired.

The applicant who is not satisfied with the determination mentioned in the preceding paragraph may file a petition with the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture provided, however, this shall not apply where ten days have elapsed since the expiration of the period mentioned in the preceding paragraph.

If the Agricultural Land Commission of a Metropolis, Hokkaido, a Special Prefecture or a Prefecture receives the petition mentioned in the preceding paragraph, it shall make a ruling within twenty days from the day on which the period of time mentioned in the latter part of the preceding paragraph has expired.

Art. 8. If no complaint mentioned in par. 1 of the preceding Article has been made against the plan for the purchase of an agricultural land mentioned in Art. 6, within the period mentioned in paragraph 5 of the same Article or, though such complaints have been made, the determination are made to all of them in accordance with the provisions of par. 3 of the same Article and any petition has not been filed within the period mentioned in the latter part of par. 4 of the same Article or though the petition has been filed, the rulings are made to all of them in accordance with the provisions of par. 5 of the same Article, the Agricultural Land Commission of a City, Town or Village shall obtain without delay the approval of the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture relating to such plan for the purchase of the agricultural land.

Art. 9. The purchase mentioned in Art. 3 shall be effected by means of the delivery of the writ of purchase by the governor of Tokyo Metropolis, Hokkaido, or Prefecture to the owner of the said agricultural land in compliance with the plan for the purchase of an agricultural land which has been approved in accordance with the provisions of the preceding Article, provided, however, that in cases where the owner of the said agricultural land is unknown or the writ cannot be delivered by other cause, the public notice of the matter mentioned in each item of par. 2 may be given in substitution for the delivery of writ in accordance with the provisions of order.

The writ shall contain the following matters:

1. Matters mentioned in each item of Art. 6, par. 5;
2. Method and time for payment of consideration;
3. Other necessary matters.

Art. 10. In applying the provisions of Arts. 5 to 6 inclusive and the preceding Article, the area of an agricultural land shall be the area thereof which is registered on the land register; provided, however that in case the Agricultural Land Commission of a City, Town or Village deems it very unreasonable and fixes the other area in respect of such land, such area shall be depended upon with regard to the said agricultural land.

Art. 11. The procedures taken or other acts done in accordance with the provisions of Arts. 3 to 9 inclusive shall have effect as against the assignees of the owner of the agricultural land to be purchased or of the person having the preferential right, pledge or hypothec in such land in accordance with the provisions of Article 3.

Art. 12. If the governor of Tokyo Metropolis, Hokkaido or Prefecture has taken the procedure mentioned in Art. 9 the government shall acquire the ownership of the said agricultural land and the rights in such agricultural land shall be extinct at the time of purchase stated on the writ or noticed publicly in accordance with the provisions of the latter part of par. 1 of the said Articles.

In cases where the leases, loan for use, emphyteusis, superficies or servitudes exist except the case mentioned in Art. 12-2 at the time of acquisition in the agricultural land acquired by the government in accordance with the provisions of the preceding paragraph, it shall be deemed that those rights be created on the same conditions as heretofore for the persons who are entitled to such right at the time of acquisition, provided, however, that the period during which these rights subsist shall be the remaining period of the previous rights.

In cases mentioned in the preceding paragraph, if the preferential right, pledge, or hypothec exists on the previous rights, the said preferential right, pledge, hypothec shall be deemed to continue on the rights which have been created in accordance with the preceding paragraph.

Article 12-(2). In cases where the agricultural land acquired by the government in accordance with the provisions of par. 1 of the preceding Article is, at the time of such acquisition, in possession of the electric enterpriser under the provisions of the Electric Enterprise Law or any person engaging in electric enterprise mentioned in the provisions of Par. 2 of Article 30 of the same Law (hereinafter called only the enterpriser) for the purpose of the use for installation of electric line (excluding supporter, hereinafter in this Article the same), it shall be deemed that the right of servitude is created at such time of acquisition designating, for the interest of the electric enterpriser, the land, which is in possession of the said electric enterpriser, as the dominant land, used for power plant, sub-station, switching station or structure supporting electric conductor connecting with said electric line, and said agricultural land as the servient land.

In cases where the right of lease, loan for use or superficies is at the time of acquisition held by the electric enterpriser on the agricultural land, acquired by the government in accordance with the provisions of par. 1 of the preceding Article, for the purpose of the use for installation of electric line, it shall be deemed that the right of servitudes is created at the time of acquisition in lieu of such rights designating, for the interest of the electric enterpriser, the land which is in possession of the said electric enterpriser, as the dominant land, used for power plant, sub-station, switching station or structure supporting electric conductor connecting with said electric line, and said agricultural land as the servient land; provided, however, such right of servitude shall remain effective during the remaining period of the effectiveness of the former right.

The right of servitude mentioned in the preceding two paragraphs shall be in the purport that the owner of the servient land does not prejudice to the installation of the facilities of structure and the other electric line.

In case the right of servitude was created in accordance with the provisions of par. 1 or 2, if the said dominant land belongs to the Factory Foundation or Railway Foundation which is the object of the hypothec at the time of creation, the said right of servitude shall become the object of the said hypothec.

Art. 13. In order to purchase the agricultural land in accordance with the provisions of Art. 3, the government shall pay the consideration thereof to a person who owns the said agricultural land at the time of purchase, provided, however, that in cases where the preferential right, pledge or hypothec exists in the said agricultural land the consideration thereof shall be deposited except that the person who has the said right notifies that the government may not deposit.

A person having the preferential right, pledge or hypothec in the said agricultural land may enforce his right against the consideration deposited in accordance with the provisions of the preceding paragraph.

The government shall give subsidy to the owner of the agricultural land to be purchased in accordance with the provisions of Art. 3 according to the size of the land (if the said area exceeds the size prescribed in accordance with the provisions of Article 3, par. 1, item 3, par. 2, the subsidy shall be limited to that extent).

The amount of the said subsidy shall be determined by the competent Minister, making 220 Yen per tan-bu in the case of paddy field and 130 Yen per tan-bu in the case of upland field as standard and taking the yield, location, and other conditions of the said land into consideration.

Art. 14. Any person who is not satisfied with the consideration of the agricultural land purchased in accordance with the provision of Art. 3 may institute an action demanding the increase thereof; however, this shall not apply to the case where one month has elapsed from the day on which the writ was delivered or the public notice mentioned in the latter part of par. 1 of Art. 9 was given.

In an action mentioned in the provisions of the preceding paragraph the state shall be the defendant.

Art. 15. If, in cases where a person who is to be the owner-farmer of the agricultural land purchased in accordance with the provisions of Art. 3 or the agricultural land as specified by order mentioned in par. 1 of Art. 16, or a person having ownership or other right in such an agricultural land has made application to the government to buy the agricultural equipment, right concerning the use of water or trees, land or building mentioned below and the Agricultural Land Commission of a City, Town or Village recognizes such application to be reasonable the government shall purchase it.

1. The agricultural equipments, right concerning the use of water or trees, necessary for the use of the said agricultural land purchased in accordance with the provisions of Art. 3, or the agricultural land as specified by order mentioned in par. 1 of Art. 16.

2. The pasture in which a person who is to be owner-farmer of the agricultural land purchased in accordance with the provision of Art. 3 or the agricultural land as specified by order mentioned in par. 1 of Art. 16, possesses the right of lease, loan for use or emphyteusis, the building lot in which such person is entitled to the right of lease, or of loan for use or superficies or the building in which he is entitled to the right of lease, or of loan for use or superficies or the building in which he is entitled to lease.

The provisions of Art. 6, par. 1, 2, and 5 and Arts. 7 to 12-2 inclusive, Article 13, pars. 1 and 2 and the preceding Articles shall apply mutatis mutandis to cases mentioned in the preceding paragraph.

The consideration mentioned in Art. 6, par. 2 which shall be applied mutatis mutandis to the preceding paragraph shall be determined on the basis of current price.

The consideration mentioned in the preceding paragraph shall be, in respect with pasture land determined in accordance with provisions of ordinance, taking the current price of similar land in vicinity into account, and, in respect with other than pasture land, the said consideration shall be determined taking the current price thereof into account.

Art. 16. The government may, in accordance with the provisions of order, sell the agricultural land purchased in accordance with the provisions of Art. 3 and other agricultural land owned by the government as specified by order to the tenant-farmer engaging in cultivation at the time of purchase or other person as specified by order who is likely to devote himself to cultivation as owner-farmer.

If deemed specially necessary, the government may sell the agricultural land mentioned in the preceding paragraph to the body specified by ministerial order.

Matters necessary for the management or sale of the agricultural land by the body to which the same land has been sold in accordance with the provisions of the preceding paragraph, shall be determined by ministerial order.

Art. 17. A person mentioned in the preceding Article who intends to buy the agricultural land prescribed in the same article shall make application thereof to the Agricultural Land Commission of City, Town or Village.

Art. 18. In order to effect the sale mentioned in Art. 16 the government shall follow the plan for the sale of the agricultural land set up by the Agricultural Land Commission of a City, Town or Village.

The agricultural land to be sold, the other party, time and consideration of the sale shall be provided in the plan for the sale of the agricultural land.

The other party of the sale mentioned in the preceding paragraph shall be a person who has made application thereof in accordance with the provisions of the preceding Article.

If the Agricultural Land Commission of City, Town and Village sets up the plan for selling the agricultural land, public notice thereof shall be given without delay and the document stating the following matters shall be submitted to public inspection at the city, town or village office for ten days from the day on which public notice has been given.

1. Name and permanent residence of the other party of the sale.
2. The location, lot number, class and sale of the agricultural land to be sold.
3. Consideration.
4. Time of sale.

The provisions of Art. 8 shall apply mutatis mutandis to the plan of the sale of the agricultural land.

Art. 19. If a person who has made application in accordance with the provisions of Art. 17 is not satisfied with the plan mentioned in the preceding Article, he may make complaint to the Agricultural Land Commission of City, Town or Village, provided, however, this shall not apply where the period for inspection mentioned in par. 4 of the said Article has expired.

The provisions of Art. 7, pars. 3 to 5 inclusive shall apply mutatis mutandis to the cases mentioned in the preceding paragraph. In this case "par. 5 of Article 6" in Art. 7, par. 3 shall read "par. 4 of Article 18".

Art. 20. The sale mentioned in Art. 16 shall be effected by means of the delivery of written notice of sale by the governor of Tokyo Metropolis, Hokkaido, or Prefecture, to the other party of the sale in compliance with the plan which has been approved in accordance with the provisions of Art. 8 which shall be applied mutatis mutandis under Art. 18, par. 5.

The written notice shall contain the following matters:

1. Matters mentioned in Art. 18, par. 4.
2. Method and time for payment of consideration.
3. Other necessary matters.

Art. 21. If the written notice mentioned in the preceding Article has been delivered, the other party of the sale stated in such written notice shall acquire the ownership of the said agricultural land at time of sale stated in the written notice.

The provisions of Art. 14 shall be applied mutatis mutandis, in this case, "increase" in Par. 1 of the same Article shall read "decrease", to the consideration of the agricultural land which has been acquired in accordance with the provisions of the preceding paragraph.

Art. 22. In case the agricultural land, purchased in accordance with the provisions of Art. 3, whereon exists the right that has been created in accordance with the provisions of par. 2 of Art. 12, or the agricultural land as specified by order mentioned in par. 1 of Art. 16 whereon exists the right of lease, loan for use, emphyteusis, superficies or servitudes that has been created, were sold in accordance with the same Article, if a person having such right is not the purchaser of the said agricultural land, the said right shall be extinct at the time of the sale of the said agricultural land. (In case of the servitudes, this shall apply to only those servitudes which the Agricultural Land Commission of a City, Town or Village recognizes to be prejudicial to the cultivation of the said agricultural land.)

The preceding provision, however, shall not apply to the right to the said agricultural land created, in the interest of the electric enterpriser, to be used for installation of electric line.

The government shall make compensation for the loss accrued from the extinction of the right to the person who has the right which shall be extinct in accordance with the provisions of the preceding paragraph, provided, however, that this shall not be applied to the case where he has acquired or to the case where he has acquired the right to such agricultural land as specified by the order mentioned in par. 1 of Art. 16 which has become extinct in accordance with the provisions of the preceding paragraph after such public notice as specified by ministerial order has been given, the right which has become extinct in accordance with the provisions of Art. 12, par. 1 after the public notice mentioned in Art. 6, par. 5 has been given.

The loss to be compensated in accordance with the provisions of the preceding paragraph shall be the loss arisen normally from the extinction of the right mentioned in paragraph 1.

The Agricultural Land Commission of a City, Town or Village shall determine the amount of compensation mentioned in paragraph 2 with the approval of the governor of Tokyo Metropolis, Hokkaido, or Prefecture.

If the Agricultural Land Commission of a City, Town or Village shall determine the amount of compensation mentioned in the preceding paragraph, it shall notify such amount without delay to a person to whom the compensation is to be made in accordance with the provisions of par. 2 of this Article.

Any person who is not satisfied with the amount of compensation mentioned in par. 4 may institute an action demanding the increase thereof; the present provision, however, shall not apply to the case where one month has elapsed since the day which witnessed the notification mentioned in the preceding paragraph.

In an action mentioned in the preceding paragraph the state shall be the defendant.

The provisions of Art. 13, pars. 1 and 2 shall apply mutatis mutandis to cases where the preferential right, pledge, hypothec exists on the right which has become extinct in accordance with the provisions of par. 1 of this Article.

Art. 23. In cases where the government sells the agricultural land in accordance with the provisions of Art. 16, if there is special necessity to effect the reasonable establishment of owner-farmer, the Agricultural Land Commission of a City, Town or Village may indicate the necessary matters to the owner of the tenant-farmer land in respect of the exchange of the said agricultural land for the tenant-farmer land purchased by the government bearing a close resemblance to the said land in its class, area and rank, etc.

The indication mentioned in the preceding paragraph shall be effected to the owner of the said tenant-farmer land, determining the location, lot number, class and area of the agricultural lands acquired by him and the government at the result of the said exchange.

A person who has been indicated in accordance with the provisions of par. 1 shall negotiate with the Agricultural Land Commission of a City, Town or Village with regard to such exchange within ten days from the day on which indication was given.

If no agreement has been arrived at or no negotiation can be made in cases mentioned in the preceding paragraph the Agricultural Land Commission of a City, Town or Village shall apply for a ruling by the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture and Prefecture.

If the ruling is made in accordance with the provision of the preceding paragraph, it shall be deemed that the contract of exchange is made according to the provisions of such ruling.

Art. 24. The exchange mentioned in the preceding Article shall have the effect of transferring ownership on the day fixed in the negotiation mentioned in par. 3 of the said Article or in the ruling mentioned in par. 4 of that Article. The preferential right, pledge or hypothec which has existed in the said tenant-farmer land at the time of transfer of ownership mentioned in the preceding Article shall exist in the agricultural land which the owner of the said tenant-farmer land has acquired as a result of exchange.

Art. 25. In cases where the government sells the agricultural land in accordance with the provisions of Art. 16, if there is special necessity to effect the reasonable establishment of owner-farmer, the Agricultural Land Commission of a City, Town or Village may indicate the necessary matters to a person having lease or emphyteusis in the agricultural land to be sold by the government and a person having leases or emphyteusis in the agricultural land bearing a close resemblance to the said land in its class, area, rank, etc., which has not been purchased by the government, in respect of the exchange of lease or emphyteusis owned by them.

The indication mentioned in the preceding paragraph shall be effected, by determining the location, lot number, class and size of the agricultural land in which the lease or emphyteusis to be transferred as a result of the exchange exists.

The transfer of the lease or emphyteusis in the exchange mentioned in the par. 1 may be effected notwithstanding the provisions of the proviso of Art. 272 and Art. 612 of the Civil Code.

In cases where the Agricultural Land Commission of a City, Town or Village has made the indication mentioned in par. 1, it shall notify to that effect without delay to the owner of the agricultural land and the lessor who is not the owner of the said agricultural land to which such indication has been made.

In case a person who has been notified in accordance with the provisions of the preceding paragraph is not satisfied with the indication mentioned in par. 1, such person may make complaint to the Agricultural Land Commission of a City, Town or Village; provided, however, this shall not apply where ten days have elapsed from the day on which the notification mentioned in the preceding paragraph was given.

The provisions of Art. 23, pars. 3 to 5 inclusive and the preceding Article shall apply mutatis mutandis to the exchange mentioned in par. 1; provided, however, that in this case "negotiate" with the Agricultural Land Commission of a City, Town or Village in Art. 23, par. 3 shall read "negotiate" and in par. 4 of the same Article "the Agricultural Land Commission of a City, Town or Village--a ruling in the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture and Prefecture" shall read "a person who has been indicated in accordance with the provisions of par. 1--a ruling by the Agricultural Land Commission of a City, Town or Village."

Art. 26. The consideration of the Agricultural Land which has been sold in accordance with the provision of Art. 16 shall be paid by the method of annual installment with interest of 3.2% per year within the period of thirty years (including the period which it is left unredeemed); provided, however, that in case a person who has purchased the said Agricultural Land applies for, the whole or a part of its consideration may be paid at a time.

Art. 26-(2). The government may, in accordance with the provisions of order, make a city, town or village collect the consideration of the agricultural land which has been sold in accordance with the provision of Art. 16.

In case a city, town or village has lost the consideration mentioned in the preceding paragraph owing to unavoidable contingency, the government may, in accordance with the provisions of ministerial order, absolve the same from the responsibility thereof.

In case any person does not pay the consideration even when the date of payment is overdue, the government may, in accordance with the provisions of order, press the same with the payment and collect both the arrears and the fee for arrears.

The consideration mentioned in par. 1, as well as the arrears and the fee for arrears mentioned in the preceding paragraph may be collected by means of the measure for forcible collection of national tax in arrears; as a preferential right; however, it shall be placed next to the said tax in the order of execution.

Art. 27. In case the total amount of such annual installment of the consideration of the Agricultural Land which has been sold in accordance with the provisions of Art. 16 if the payment of the consideration were to be made by such method as determined by order and taxes and other financial obligation on such land exceeds the fixed ratio of the amount of its ordinary field, the Government shall reduce or exempt the annual installment, or postpone the payment thereof or take such other measure as may be necessary to lighten the charge on the owners respectively in regard to the payment of consideration.

The fixed ratio referred in the preceding paragraph shall be determined by the Central Agricultural Land Commission; provided, however, that it shall not exceed one-third.

In addition to the matter provided for in the preceding paragraph such matters as may be necessary for the extension of the provisions of par. 1 shall be provided by order.

Art. 28. In case any person to whom the agricultural land has been sold in accordance with the provisions of Art. 16 or any person who has inherited the ownership of the said agricultural land from the said person intends to give up cultivation of the said agricultural land of his own, or in case the body mentioned in ministerial order specified in par. 2 of the same Article contravenes the provisions of ministerial order mentioned in par. 3 of the same Article, the government shall, in accordance with the provisions of order propose to such person that the said Agricultural Land shall be purchased by the government.

In case such proposal is made by the government as contemplated in the preceding paragraph, the transfer of the said Agricultural Land shall be effected at the time of such proposal by such terms as determined in the said proposal. The provisions of Art. 6, par. 3 and Art. 14 shall apply mutatis mutandis to the consideration of the said Agricultural Land in this case.

In case the government acquires the agricultural land by purchasing it in accordance with the provisions of par. 1, it shall, except such cases as are specified by order, sell the said agricultural land without delay to the person who likely to devote himself to farming as owner-farmer.

As to the sale of the land effected in accordance with the provisions of the preceding paragraph the provisions of Art. 10, Art. 16, pars. 2 and 3, Arts. 17 to 21 inclusive and Arts. 26 to 27 inclusive shall be applied mutatis mutandis. In this case, "the preceding Article" in Art. 17 shall read "Art. 28, par. 3."

As to the agricultural land sold in accordance with the provisions of par. 3, the provisions of the preceding four paragraphs shall be applied mutatis mutandis.

Art. 29. In case a person as specified by order to whom the agricultural land has been sold in accordance with the provisions of Art. 16 intends to purchase such agricultural equipment, rights concerning the use of water, trees, lands or buildings, and agricultural equipment, rights concerning the use of water, trees, lands or buildings in possession by government as specified by order as were purchased by the government in accordance with the provisions of Art. 15 he shall apply to that effect to the Agricultural Land Commission of a City, Town or Village.

The provisions of Art. 16 and Arts. 18 to 22 inclusive, Art. 26, Art. 26-(2) and the preceding Article shall apply mutatis mutandis to the transfer of the agricultural establishments, lands or building which has been purchased by the Government in accordance with the provisions of Art. 15. In this case, "the preceding Article" in Art. 18, par. 3 and "Article 17" in Art. 19, par. 1 shall read "Art. 29, par. 1".

Art. 29-(2). As to the collection of hire, farm rent, rent and the others of lands, agricultural equipment, rights concerning the use of water, trees and buildings which were purchased in accordance with provisions of Art. 3 or Art. 15 as well as that which as specified by order are in possession by government, the provisions of Art. 26-2 shall be applied mutatis mutandis.

Art. 30. If it is deemed necessary for establishing the owner-farmer or enhancing the agricultural use of land, the government may purchase the following:

2. 1. Lands other than agricultural land and pasture land which are to be cultivated into agricultural land.

2. Rights other than ownership or the right of security regarding to the land owned by the government which is to be cultivated into agricultural land.

3. Lands adjacent to the land mentioned in items 1 or 2 which are deemed suitable to be cultivated, together with the said land.

4. Trees, buildings or other structures on the land mentioned in item 12.

5. Right of fishery.

6. Right concerning the use of water.

7. Lands, building or other structures necessary for the use of the land mentioned in the items 1 or 2 after the said land has been cultivated into agricultural land.

8. Land necessary for development of agricultural land, exclusive of lands mentioned in items 1 and 3.

9. Right concerning the reclamation of public waters.

The government may use the things mentioned in items 6 to 8 inclusive of the preceding paragraph.

Article 30-(2). The Minister in charge may, if necessary for purchase or use prescribed in the preceding Article, designate the area to be purchased or used within the fixed period; provided, however, that such period must not exceed one year.

The Minister in Charge must make a public notice thereof, when he has made the designation prescribed in the preceding paragraph.

When the designation in accordance with the provisions of par. 1 has been made, any one who intends to pursue any of the acts specified in the following items within the said pre-arranged area and in the fixed period provided for in the same paragraph, must obtain approval from the Governor of Metropolis, Hokkaido or Prefecture, unless otherwise provided for by ministerial order.

1. Alteration of forms and nature of land.

2. Planting or cutting trees or bamboos transferred or removal or damaging of things attached to the land.

3. Transfer of ownership to land or things attached to the land.

Act specified in item 3, when done without the approval of the preceding paragraph, shall be void.

The government must pay for the loss ordinarily caused by the designation under the provisions of par. 1.

Art. 31. In order to purchase or use such things as prescribed in Article 30, the government shall follow the plan for the purchase of uncultivated land which has been set up by the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture in accordance with the provisions of order.

In the plan for the purchase of uncultivated land mentioned in the preceding paragraph, there shall be determined the land, right, tree, building or other structure to be purchased or used, the time of purchase or the time and the period of use and the consideration.

In case where the consideration in the preceding paragraph is to be determined, the provisions of Article 6, par. 3 shall apply mutatis mutandis in respect to the agricultural land, and in respect to land other than agricultural land, the current price thereof shall be the standard. In this case "the Agricultural Land Commission of City, Town or Village" in the said paragraph shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefectures."

In cases where the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or Prefecture sets up the plan for the purchase of uncultivated land, the public notification to that effect shall be made without delay and the document stating the following matters shall be subject to public inspection for fourteen days from the date of such notification, at the office of city, town or village of the locality in which the land or other things to be purchased or used in accordance with the provisions of the preceding Article is situated.

1. Name and permanent residence of the owner of lands, rights, trees or structures to be purchased or used.
2. Location, lot number, class and size of the land; kind in the case of right; kind, quantity and location in the case of trees; or kind and location in the case of the structure which are respectively to be purchased or used.
3. Consideration.
4. Time of the purchase or time and period of the use.

The provisions of Articles 7 and 8 shall apply mutatis mutandis to the plan for the purchase of uncultivated land. In this case "the Agricultural Land Commission of a City, Town or Village" shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" and "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" shall read "the prefectural governor," and "par. 5 Article 6" in Art. 7, pars. 1 and 3 and in Art. 8 shall read "par. 4 of Art. 31" and "approval" (shonin) in Art. 8 shall read "a sanction" (ninka).

Art. 32. If it is deemed necessary to set up the plan for the purchase of uncultivated land in accordance with the provision of the preceding Article, the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture may cause the member of the commission or person engaging in the affairs thereof to enter into, survey or inspect the land owned by other person, or transfer or remove the things which are the obstacles to such survey or inspection, but the damage sustained as the result of such measures shall be compensated.

In cases where there exists necessity for the purchase or use by the government as prescribed in Article 30, the provisions of the preceding paragraph shall apply mutatis mutandis. In this case "the member of commissioner or a person engaging in the affairs thereof" shall read "the said officials."

Article 32-(2). Competent government official or public official or member of Agricultural Land Commission of Metropolis, Hokkaido or Prefecture or a person who is engaging in the business thereof, may ask for registration office, office in charge of

fishery license, office in charge of Land Ledger or House Ledger, or Office of city, town or village the inspection or a copy of necessary books relating purchase or use mentioned in Art. 30 without compensation.

Art. 33. The government may cause the owner or possessor of the article which exists in the land or structure purchased or used in accordance with the provisions of Art. 30 to take away the said article.

In the case mentioned in the preceding paragraph, if the said article may not be used for the purpose hitherto used as the result of its being taken away, the owner of the land article may demand the government to purchase the said article in accordance with the provisions of order.

The governor of Tokyo Metropolis, Hokkaido, or Prefecture shall determine the consideration of purchase as prescribed in the preceding paragraph on the base of the current price.

The provisions of Arts. 9, 11, 12, par. 1, Art. 13, pars. 1 and 2, Art. 14 shall apply mutatis mutandis to the purchase as prescribed in par. 2. In these cases "each item of Art. 6, par. 5" in item 1, Art. 9, par. 2 shall read "each item of Art. 31, par. 4."

Art. 34. The provisions of Arts. 9 to 11 inclusive, Art. 12, par. 1, Art. 13, pars. 1 and 2, and Art. 14 shall apply mutatis mutandis to the purchase or use as prescribed in Article 30. In this case "each item of Art. 6, par. 5" in item 1 of Art. 9 par. 2 shall read "each item of Art. 31, par. 4" and "the Agricultural Land Commissioner of City, Town or Village" in Art. 10 shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture," except in the case where the said purchase is in accordance with provisions of Art. 38.

With regard to the case wherein the uncultivated land purchased in accordance with the provisions of par. 1, Art. 30 is, at the time of the same purchase, used for installation of electric line by right of ownership, lease, loan for use or superficies, the provisions of pars. 2 and 3, Art. 12 and of Art. 12-2, besides the provisions to be applied mutatis mutandis in the preceding paragraph, shall apply mutatis mutandis.

Art. 35. In cases where the government uses the right, land, trees or structure in accordance with the provisions of Art. 30, par. 2, the government shall acquire the right of use of the said right, land tree, or structure at the time of use as stated on the writ mentioned in Art. 9, par. 1 which shall be applied mutatis mutandis under the preceding Article or at the time of use as notified publicly in accordance with the proviso to the said paragraph, and the exercise of the right over the said right, land, tree, or structure shall be suspended during the period of use; provided, however, that one which shall not be an obstacle to the use shall be treated otherwise.

Art. 36. In cases where the use of right, land, tree or structure as prescribed in Art. 30, par. 2 is extended over more than three years or in case it has become very difficult to use the said right, land, tree or structure for the purpose hitherto used as the result of its use, a person having the said right or owner of the said land, tree or structure may, in accordance with the provisions of order, demand the Government to purchase the said right, land, tree or structure.

The consideration for the purchase mentioned in the preceding paragraph shall be determined by the governor of Tokyo Metropolis, Hokkaido, or Prefecture. To the case mentioned in the first paragraph, the first part of the provisions of Art. 31, par. 3 and

Art. 33 par. 4 shall apply mutatis mutandis. "The City, Town or Village Commission, with approval of the prefectural governor" in Art. 6, par. 3 which shall be applied mutatis mutandis in this case shall read "prefectural governor."

Art. 37. If it is deemed specially necessary, in cases where the government purchase the land in accordance with the provisions of Art. 30, the government may purchase or use other land (including the trees on such land) necessary in order to sell or lease as a substitute land to a person having ownership, lease, loan for use, emphyteusis, superficies or iriaken in the said land at the time of such purchase.

The provisions of Article 31 to the preceding Article inclusive shall apply mutatis mutandis to cases mentioned in the preceding paragraph.

Art. 38. If, in cases where the government purchased the land mentioned in item 1 of Art. 30, par. 1 in accordance with the provisions of Art. 30, par. 1, the area of the said land does not exceed the area fixed by the competent Minister, the government may make purchase as prescribed in Paragraph 1 of Article 30, according to the plan for the purchase of uncultivated land set up by the Agricultural Land Commission of a City, Town or Village, irrespective of the provisions of Article 31, par. 1.

The provisions of Arts. 7 and 8, Art. 31, par. 2, the former part of par. 3, and par. 4 of Article 31 respectively and Art. 32, par. 1, and Art. 32-2 shall apply mutatis mutandis to cases mentioned in the preceding paragraph. In this case "par. 5 of the preceding Article" in Art. 7 par. 1 and 3 and "par. 5 of Article 6" in Art. 8 shall read "par. 4 of Art. 31" and "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture, Prefecture" in Art. 31, par. 4 and Art. 32, par. 1 shall read "Agricultural Land Commission of a City, Town or Village."

Art. 39. The government shall make compensation for the damages sustained by the act mentioned in Article 32, par. 1 (including cases which shall be applied mutatis mutandis under par. 2 of the same Article, par. 2 of Article 37 and par. 2 of the preceding Article), by the act of removal mentioned in Article 33, par. 1 (including cases which shall be applied mutatis mutandis under par. 2 of Article 37) by the extinction of right by virtue of the provisions of Article 12, par. 1 which shall be applied mutatis mutandis under Article 33, par. 4 (including the cases which shall be applied mutatis mutandis under Art. 36, par. 2) or Art. 34 (including cases which shall be applied mutatis mutandis under par. 2 of Article 37) or by the suspension of exercise of right by virtue of the provisions of Article 35 (including cases which shall be applied mutatis mutandis under par. 2 of Article 37).

Except the cases of compensation to the act as mentioned in Article 32, par. 1 (including the cases which shall be applied mutatis mutandis under par. 2 of the same Article, par. 2 of Article 37, par. 2 of the preceding Article) a person who is entitled to compensation by virtue of the provisions of the preceding paragraph, shall be a person who has the ownership or rights other than right of security in respect of the said land, right, tree, structure or article in the cases of the purchase or use as prescribed in Article 30 or Article 37, or of the purchase as presented in Article 33, par. 2 or Article 36, par. 1 and be a person who has the right other than right of security in respect of the case of removal by virtue of the provisions of Article 33, par. 1 (including the cases which shall be applied

mutatis mutandis under par. 2 of Article 37); provided, however, that this shall not apply to such person who has acquired such right after the public notification as prescribed in Article 31, par. 4 (including the case which shall be applied mutatis mutandis under Art. 37, par. 2 and par. 2 of the preceding paragraph) was made.

The provisions of Article 22, pars. 3 to 8 inclusive shall apply mutatis mutandis to the amount of compensation mentioned in par. 13; in this case "the Agricultural Land Commission of a City, Town or Village" shall read "the governor of Tokyo Metropolis, Hokkaido or Prefecture" in respect to the compensation of the act as prescribed in Article 32, par. 1 which shall be applied mutatis mutandis under par. 2 of the same Article (including the cases which shall be applied mutatis mutandis under par. 2 of Article 37) and of the removal as prescribed in Article 33, par. 1 (including the cases which shall be applied mutatis mutandis under par. 2 of Article 37) or of the purchase by virtue of the provisions of Article 33, par. 2 or Article 36, par. 1, (including the case which shall be applied mutatis mutandis under Article 37, par. 1); shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" in respect to the other compensation, except the compensation of purchase as prescribed in the preceding Article.

Art. 40. The provisions of restriction or prohibition as specified by order under the other laws and ordinances shall not apply to the development of the land purchased by the government in accordance with the provisions of Article 30 or of the land mentioned in item 2 of par. 1 of the same Article.

Article 40-(2). The pasture land mentioned below shall be purchased by the government:

1. The leased pasture land outside the limits of any city, town or village, in which his permanent residence is situated, or the city, town or village, adjacent thereto.

2. In case a particular land is in possession of an owner who possesses within the limits of any city, town or village, wherein the permanent residence of the owner is situated, and of the adjacent city, town or village, and the same owner possesses a leased pasture land, the area of which in Hokkaido exceeds 1 cho-bu or in a prefecture exceeds the area determined by the Central Agricultural Land Commission as regards respective prefecture, the leased pasture land found within the said limits, and whose area exceeds the area specified above.

3. In case the area of the pasture land in actual possession of the owner of the same employed by him (in case the same owns the agricultural land, the sum of the area of the said pasture land and the areas of such agricultural land as are not subject to purchase specified in the provisions of Art. 3; hereinafter the same) exceeds 20 cho-bu in Hokkaido or exceeds the area determined as regards respective prefecture by the Central Agricultural Land Commission, the pasture land employed by owner whose area exceeds the area just specified.

4. In case the sum of the area of the leased pasture land owned by a particular person within the limits of any city, town or village, wherein his permanent residence is located, and of the adjacent city, town or village, and of the area of the pasture land owned by him exceeds the area mentioned in the preceding item, the leased pasture land found within the said limits and whose area exceeds the said area.

The provisions of Art. 3, pars. 2 and 3 shall apply mutatis

mutandis to cases mentioned in item 2 or 3 of the preceding paragraph. In this case, "the preceding paragraph," "1 cho-bu" and "3 cho-bu" in par. 2 of the same Article shall read respectively "Art. 40-2, par. 1," "3 tan-bu" and "5 cho-bu" and "par. 1" in Art. 3, par. 3 shall read "Art. 40-2, par. 1."

The area mentioned in par. 1, item 3 or the area to be substituted for the area mentioned in par. 1, item 3 determined by the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture in accordance with the provisions of Art. 3, par. 3, applicable mutatis mutandis to the preceding paragraph, shall not exceed 40 cho-bu.

Apart from the pasture land mentioned in par. 1, the pasture land mentioned below which the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture or the City, Town or Village Agricultural Land Commission deems as advisable to be purchased by the government for the purpose of establishing owner-farmer, the same shall be purchased by the government.

1. The pasture land owned by a person owning no agricultural land or pursuing neither cultivation nor stock-farming.

2. In case the pasture land whose productivity is recognized as capable of increase by more intensive use of the land, such portion of the same pasture land as the owner can dispense with in securing the same increased productivity, through more intensive use of the same, as the same owner can secure by the present form of utilization of such area as is assigned to him by the Agricultural Land Commission of the Metropolis, Hokkaido, Prefecture or the City, Town or Village Agricultural Land Commission in accordance with the provisions of ministerial order (in case the said person owns the agricultural land, the area minus the area of such agricultural land as is not subject to purchase by the government in accordance with the provisions of Art. 3).

3. The pasture land owned by a juridical person or other bodies, for which cultivating and pasturing is the subsidiary activity.

4. The pasture land which a person who may utilize it as pasture or grass land by reason of ownership or other titles, does not make use of it for the same purpose.

5. Besides the pasture land specified in each of the preceding items, the pasture land, the governmental purchase of which the owner thereof has proposed to the City, Town or Village Agricultural Land Commission.

To the case mentioned in pars. 1 to 4 inclusive, the provision of par. 1 Art. 4 shall apply mutatis mutandis and to two cases mentioned in par. 1, the provisions of par. 2 of the same Article shall apply mutatis mutandis. In this case, in the same Article, "within the limits of the city, town or village" shall read "within the limits of the city, town or village or the city, town or village adjacent thereto."

If deemed necessary, the government may purchase the following:

1. Trees, building or other structures on the pasture to be purchased in accordance with the provisions of par. 1 or par. 4.

2. Agricultural equipment or the right concerning the use of water necessary for the use of either the pasture to be purchased in accordance with the provisions of par. 1 or par. 4, or the agricultural land to which the said pasture will be changed.

Article 40-(3). The pasture land mentioned below shall not be purchased by the government in accordance with the provisions of the preceding paragraph:

1. The pasture land, owned by the Metropolis, Hokkaido or Prefecture, used for the public or the official purposes, and designated by the Minister in charge.

2. The pasture land owned by a city, town or village, property ward or an agricultural cooperative association (exclusive of the one designated by the Minister in Charge) and used in common by many farmers (exclusive of the pasture land whose area exceeds the area obtained by subtracting the total of the area of the pasture land, which is owned by each member who uses the pasture land in common and which shall not be purchased in accordance with the provisions of the preceding Article, from the area obtained by multiplying the area mentioned in item 3 of par. 1 of the preceding Article, by member of the persons who used it in common).

3. The pasture land owned by the Metropolis, Hokkaido or Prefecture or educational organs designated by the Minister in Charge and, used exclusively for the purpose of experiment and research.

4. Besides the lands mentioned in any of the items mentioned above, the pasture land designated by the Minister in Charge in accordance with the provisions of the Ministerial Order.

5. In case where a person, whose pasture land by right of possession has been employed for pasturing livestock or mowing by himself, cannot engage himself in pasturing livestock or mowing on the said pasture land by reason of the cause as mentioned in item 6 of Art. 5, and so created the right of lease or loan for use on such pasture land for a while, if the Agricultural Land Commission of the Metropolis, Hokkaido, or Prefecture or the City, Town or Village Agricultural Land Commission recognizes the same land as a pasture land to be employed for pasturing livestock or mowing by the owner himself in the near future and deems it proper that it be so employed, the pasture land, the area of which (the remarks within the parentheses in item 3, par. 1, Art. 40-2 hold good in the present item as well) does not exceed the area mentioned in item 3 of par. 1 of Art. 40-2 or the area mentioned in par. 3 of Art. 3 which shall be applied mutatis mutandis in par. 2 of Art. 40-2 in place of the area of the same item.

Article 40-(4). In case where the government purchases the land in accordance with the provisions of Art. 40-2, such purchases shall be effected following the purchase plan of the pasture land set up by the City, Town or Village Agricultural Land Commission (in cases specified by the Ministerial Order, the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture the same in par. 4 of this Article).

The pasture land, trees, buildings, other structures or rights to be purchased, the time of purchase and the consideration thereof shall be provided for in the purchase plan of the pasture land.

The consideration mentioned in the preceding paragraph shall in accordance with the provisions of the Ministerial Order be determined with respect to the pasture land, taking the current price of similar land in the vicinity into account, and with respect to the land other than pasture land, taking the current price of the same into account.

If the City, Town or Village Agricultural Land Commission sets up the purchase plan of the pasture land, public notice thereof shall be given without delay and the document stating the following matters shall be submitted to public inspection at the office of the city, town or village during twenty days counting from the day on which the public notice has been given:

1. Name and permanent residence of the owner of the pasture land, trees, structure or right to be purchased.

2. Location, lot number, class and area of the land in the case of pasture land to be purchased; kind, quantity and location in the case of trees; kind and location in the case of structure.

3. Consideration.

4. Time of the purchase.

The provisions of Arts. 6-2, 6-3 and Arts. 6-5 to 8 inclusive shall apply mutatis mutandis to the purchase plan of the pasture land. In this case, "the City, Town or Village Agricultural Land Commission," and "the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or Prefecture" in the said provisions shall read respectively "the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture and the governor of the Metropolis, Hokkaido or Prefecture," in those cases which are specified by Ministerial Order in accordance with the provisions of the first paragraph; and "approval" (shonin) shall read "permission" (ninka); "par. 5 of the same Article" in par. 1 of Art. 7 and Art. 8 or "par. 5 of Art. 6" in par. 3, Art. 7 shall read "Art. 40-4, par. 4"; "within the limits of the city, town or village" in par. 2 Art. 7 shall read "within the limits of the city, town or village or the city, town or village adjacent thereto".

Article 40-(5). The provisions of Arts. 9 to 12-2 inclusive, pars. 1 and 2, Art. 13, Art. 14 and Arts. 32 to 33 inclusive shall apply mutatis mutandis to the purchase mentioned in Art. 40-2. In this case, "the Agricultural Land Commission of the Metropolis, Hokkaido, a Special Prefecture or a Prefecture" in par. 1, Art. 32 shall read "the City, Town or Village Agricultural Land Commission," except the cases specified by the ministerial Order mentioned in Art. 41.

The government shall make compensation for the loss accruing from the act mentioned in par. 1, Art. 32 (including the cases where this shall be applied mutatis mutandis to par. 2 of the same Article; the same in par. 3) or the removal mentioned in par. 1, Art. 33 which shall be applied mutatis mutandis in the preceding paragraph, or the extinction of right mentioned in par. 1, Art. 12, which shall be applied mutatis mutandis in par. 4, Art. 33.

Except the cases of compensation to the act mentioned in par. 1, Art. 32, which shall be applied mutatis mutandis in the first paragraph, a person who is entitled to compensation in accordance with the provisions of the preceding paragraph, shall be a person who has other rights than right of security in respect of the said article in the cases of removal mentioned in par. 1, Art. 33 which shall be applied in the first paragraph, and a person who has other rights than ownership and right of security in respect of the said land, right, trees, structure or article in the cases of the purchases mentioned in par. 2, Art. 33 which shall be applied in the first paragraph; provided, however, that this shall not apply to such a person as has acquired the said right after the public notification mentioned in par. 4, Art. 40-4.

The provisions of par. 3 to a (sic) inclusive, Art. 22 shall apply mutatis mutandis to the amount of compensation mentioned in par. 2. In this case, "the Agricultural Land Commission of a City, Town or Village" in pars 4 and 5 of the same Article shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, or Prefecture" in respect to the compensation to the act mentioned in par. 1, Art. 32 which shall be applied mutatis mutandis to the first paragraph, except the compensation to the action of the City, Town or Village Agricultural Land Commission mentioned in the same paragraph, and "the governor of the Metropolis, Hokkaido or Prefecture" in respect to the other compensation.

Article 40-(6). In case where the right created in accordance with the provisions of par. 2 Art. 12 which shall be applied mutatis mutandis to par. 1 of the preceding Article, exist on the pasture land which has been purchased in accordance with the provisions of Art. 40-2, as designated by the Agricultural Land Commission of the Metropolis, Hokkaido, Prefecture in accordance with the provision of Ministerial Order, if it is necessary for cultivating the said pasture land and establishing the owner-farmer to nullify the said right previous to the time of the resale mentioned in Art. 41, the Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture may designate the time of extinction of the said right.

The right mentioned in the preceding paragraph shall be extinct at the time as designated in accordance with the provisions of the same paragraph.

The provisions of pars. 2 to 8 inclusive, Art. 22, shall apply mutatis mutandis to cases mentioned in the preceding paragraph. In this case, "Art. 6, par. 5" and "agricultural land as specified by order mentioned in par. 1 of Art. 16" in par. 2, Art. 22 shall read respectively "par. 4, Art. 44-4" and "pasture land mentioned in item 2 of par. 1 of Art. 41."

The provisions of Art. 40 shall apply mutatis mutandis to the pasture land mentioned in the first paragraph.

Art. 41. The government may sell or lease land, right, tree or structure mentioned below to a person who is likely to devote himself to cultivation or other person as specified by Ministerial Order.

1. Land, right, tree, structure or other article which has been purchased or used in accordance with the provisions of Art. 30, Art. 33, par. 2 (including the case in par. 1, Art. 40-5, where the same shall be applied mutatis mutandis), Art. 36 or Art. 40-2.

2. Pasture land owned by the government or trees, buildings, other structures thereon or agricultural equipment or right concerning the use of water necessary for the use of the said pasture land which has been determined in accordance with provisions of governmental order to be sold to a person who is likely to devote himself to cultivation or other person as specified by Ministerial Order.

3. Land and article owned by the government which has been determined in accordance with the provisions of governmental order to be brought under cultivation or to be required for the use of the said land brought under cultivation.

4. Land which the Minister in Charge reclaimed by means of the public-owned Surface Water Reclamation Law.

The provisions of Arts. 17, 18, 20, 21 and 26-2 shall apply

mutatis mutandis to the transfer or lease as prescribed in the preceding paragraph. In this case in Art. 17, (the preceding Article and the same Article) shall read respectively (par. 1, Art. 41) and (the same paragraph, and except in case where the government sells or leases the land which has been purchased in accordance with the purchase plan of uncultivated land or the purchase plan of pasture land set up by the City, Town or Village Agricultural Land Commission, "the Agricultural Land Commission of a City, Town or Village" in Art. 17 and Art. 18, pars. 1 and 4 and Art. 8 which shall be applied mutatis mutandis under Article 18, par. 5 shall read "the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" and "the approval of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture" in Art. 8 which shall be applied mutatis mutandis under Article 18, par. 5 shall read the "Sanction of the governor of Tokyo Metropolis, Hokkaido or Prefecture."

In case the pasture land purchased in accordance with the purchase plan of pasture land set up by the City, Town or Village Agricultural Land Commission is sold in accordance with the provisions of par. 1, the provisions of Art. 10, par. 4, Art. 18 and Art. 19 shall apply mutatis mutandis, in addition to the provisions which shall be applied mutatis mutandis to the preceding paragraph.

In case the land mentioned in the paragraph of this Article is sold in accordance with the provisions of par. 1, the provisions of Art. 26, Art. 27 and items 1 to 3 inclusive, the principal body of item 4 and item 5 of Art. 28 shall be applied mutatis mutandis in addition to the provisions which shall be applied mutatis mutandis to the preceding two paragraphs. In this case, "a person who is likely to devote himself to cultivation as an owner-farmer" in par. 3 Art. 28, shall read "a person mentioned in par. 1 of Art. 41" and "Art. 10, pars. 2 and 3 of Art. 16, Art. 17 to 21 inclusive, and Art. 26 to the preceding Article inclusive" in par. 4 of the same Article, shall read "Art. 41, pars. 2 and 3."

In case the pasture land is sold in accordance with the provisions of par. 1, the principal body of the provisions of Art. 22 shall be applied mutatis mutandis in addition to the provisions which shall be applied to the three paragraphs mentioned above.

In this case, "agricultural land determined by the order in accordance with par. 1 of Art. 16 in pars. 1 and 2 of the same Article shall read "pasture land mentioned in par. 1, Art. 41, item 2" and "par. 5, Art. 6" in par. 2, Art. 22, shall read "par. 4, Art. 40-4."

The provisions of Art. 18 of the Land Book Law shall not be applied to the land sold in accordance with the provision of par. 1.

Article 41-(2). The government may permit the person provided for in par. 1 of the preceding Article to use the objects or rights mentioned in items 1, 3 or 4 of the same paragraph of the same Article, under conditions determined by the governor of Metropolis, Hokkaido, or Prefecture, upon the request of the said person, before the disposal provided for in par. 1 of preceding Article is effected.

The use mentioned in the preceding paragraph shall be free of charge; however, this provision shall not apply to the case as specified by order, in this case the provisions of Art. 26-2 shall apply mutatis mutandis.

In case the use of state-owned land or object is permitted to the person mentioned in par. 1 of the preceding Article previous

to the decision mentioned in item 3 of the same paragraph, the provisions of the preceding two paragraphs shall apply mutatis mutandis.

Article 41-(3). In respect to the sale or lease of the land purchased or used under the provisions of Art. 37 (inclusive of standing trees thereof; the same throughout the present Article) State-owned land decided to be sold or leased to person specified in par. 1 of Art. 37, in accordance with the provisions of order, the governor of Metropolis, Hokkaido, or Prefecture shall deliver the letter of notice to the other party of the sale or the lease.

In case of the preceding paragraph, the provisions of Art. 17, par. 2, Art. 20 and Art. 21 and Art. 26-2 shall apply mutatis mutandis.

The payment of consideration of land sold according to the provisions of par. 1 shall be effected by the method of average annual installments as specified by order; however, when the person who has purchased the said land requests for it, the whole or part of the consideration may be paid at a time.

Art. 42. After the public notification as mentioned in Art. 6, par. 5 (including the cases which shall be applied mutatis mutandis under Art. 15, par. 2) or Art. 31, par. 4 (including the cases which shall be applied mutatis mutandis in par. 2, Art. 37 and par. 2, Art. 38) or par. 4, Art. 40-4, a person who has the right relating to the land, agricultural establishments, structures or trees provided in the said plan of purchase, shall not, except the case where there exists no cause of apprehensions that the purchase or use might be prejudiced, alter the appearance or quality of such land or destroy or remove any of the said agricultural establishments, structures and trees, without obtaining the permission of the governor of Tokyo Metropolis, Hokkaido, or Prefecture.

Art. 43. The consideration of the land, agricultural establishment, structure, right, tree, or other property purchased or used in accordance with any of the provisions of Arts. 3, 15, 30, 33, par. 2 Arts. 36, and 37, and 40-2, the subsidy as prescribed in Art. 13 par. 3 and the compensation as prescribed in any of par. 2 of Art. 22 (including the cases which shall be applied mutatis mutandis in Art. 40-6, par. 2 and Art. 41, par. 5), par. 1, Art. 39 and par. 2 Art. 40-5, may be paid by means of the bond to be redeemed within thirty years.

In order to make the payment thereof in such manner as is prescribed in the preceding paragraph, the government may issue the bond to the extent of necessary amount.

The Minister of Finance shall determine the delivery-price of the bond to be given in accordance with the preceding two paragraphs, taking the current price thereof in consideration.

Such matters as may be necessary in respect to the bond mentioned in par. 2 shall be provided by orders.

Art. 44. In the cases of purchase as prescribed in any of Arts. 3, 15, 30, par. 1, 33, par. 2 (including the cases which shall be applied mutatis mutandis in par. 1 of Art. 40-5), Art. 36 and 37 or Art. 40-2; of transfer or lease as prescribed in Arts. 16 (including the cases which shall be applied mutatis mutandis under pars. 4 and 5, Art. 28 and Art. 29, par. 2) or par. 3, Art. 28 (including the case where this shall be applied mutatis mutandis to par. 5 of the same Article) or Art. 41; of exchange as prescribed in Arts. 23 or 25; or of purchase as prescribed in Art. 28, par. 1 (including cases which shall be applied mutatis mutandis under par. 5 of the same Article and Art. 41, par. 4) the registration thereof shall be effected in accordance with the provisions of a Cabinet Order.

Article 44-(2). To the lands acquired by the government through purchase mentioned in Arts. 3, 15 and 40-2, the exchange mentioned in Art. 23 or the purchase mentioned in par. 1 of Art. 28 (including the case where this shall be applied mutatis mutandis to par. 5 of Art. 28 and par. 4 of Art. 41,) in spite of the provisions of Art. 44 of the Land Book Law, shall be applied the same law, in accordance with the provisions of ministerial order.

Article 44-(3). If deemed necessary, in cases where the government purchases the land in accordance with provisions of Art. 3, Art. 15, par. 1 Art. 30, Arts. 36, 37 or 40-2 or exchanges the same in accordance with provisions of Art. 23, or purchases the same in accordance with provisions of par. 1, Art. 28, (including the case where this shall be applied mutatis mutandis to par. 5, Art. 28 and par. 4, Art. 41), the Governor of the Metropolis, Hokkaido, or Prefecture may, in accordance with the provisions of ministerial order, submit the report, in accordance with the provisions of Arts. 18, 26, 40 or 41 of the Land Book Law, in place of the owner of land or pledgee or person having superficies.

To the registration under the Land Book Law concerning the land which was sold in accordance with the provisions of Art. 16 (including the cases where this shall be applied mutatis mutandis to pars. 4 and 5, Art. 28, par. 2 Art. 29, and par. 4, Art. 41), par. 3, Art. 28 (including the cases where this shall be applied mutatis mutandis to par. 5 of the same Article and par. 4, Art. 41), or par. 1, Art. 41, or the land on which the sale mentioned in par. 1, Art. 41-3 is effected special provisions may be made by Governmental order.

Article 44-(4). In cases where the land-tax or house-tax was, in accordance with the provisions of Art. 46 and 47 of the Local Tax Law, levied on the owner of the land or house at the time of its acquisition, which the government had acquired owing to the purchase mentioned in Arts. 3, 15, par. 1, Art. 30, par. 2, Art. 33 (including the cases where this shall be applied mutatis mutandis to par. 1, Art. 40-5), 36, or 37 or 40-2, the exchange mentioned in Art. 23 or the purchase mentioned in par. 1, Art. 28 (including the cases where this shall be applied mutatis mutandis to par. 5, Art. 28 and par. 4, Art. 41) the Government or any person to whom the said land or house has been sold in accordance with the provisions of Art. 16 (including the cases where this shall be applied mutatis mutandis to pars. 4, and 5, Art. 28, par. 2, Art. 29, and par. 4 Art. 41) or par. 3, Art. 28 (including the cases where this shall be applied mutatis mutandis to par. 5 of the same Article and par. 4, Art. 41) par. 1, Art. 41, or to whom the land mentioned in par. 1, Art. 41-3 has been sold shall, in accordance with the provisions of ministerial order, pay an amount equivalent to all or part of the said land tax or house tax charged to the said owner.

In cases where the land tax, in accordance with the provisions of Art. 46 of the Local Tax Law, levied on the pledgee or any person having superficies extending one hundred years or more on the land at the time of its acquisition, which the government had acquired owing to the purchase mentioned in Arts. 3, 15, par. 1, Arts. 30, 36, 37 and 40-2, the Government or any person, to whom the said land has been sold in accordance with the provisions of Art. 16 (including the cases where this shall be applied mutatis mutandis to pars. 4 and 5, Art. 28, par. 2, Art. 29, and par. 4, Art. 41), or par. 1, Art. 41, or to whom the land mentioned in par. 1, Art. 41-3 has been sold, shall, in accordance with the provisions of ministerial order, pay an amount equivalent to all or part of the said land tax charged to the said pledgee or person having the superficies.

Article 46. The land, right or tree, structure or other property, which has been acquired by government owing to the purchase mentioned in Arts. 3, 15 and 40-2, the exchange mentioned in Art. 23 or the purchase mentioned in Art. 28, par. 1 (including the cases where this shall be applied mutatis mutandis to par. 5 of the same Article, par. 2, Art. 29, and par. 4, Art. 41) or the land, property, or right as specified by order mentioned in par. 1, Art. 16, or par. 1, Art. 29 and properties mentioned in par. 1, Art. 41, and par. 1, Art. 41-3, shall be managed and disposed of by the Minister of Agriculture and Forestry.

Part of the competence held by the Minister of Agriculture and Forestry concerning the administration of the land, right, tree, structure or other property mentioned in the preceding paragraph may be exercised by a City, Town or Village Agricultural Land Commission, or such other person or organization as specified by ministerial order.

Art. 47. If it is deemed specially necessary for the establishment of owner-farmers, the competent Minister or the governor of Tokyo Metropolis, Hokkaido, or Prefecture may cause the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture to make disposition of matters which come within the limit of the jurisdictional powers of the Agricultural Land Commission of a City, Town or Village under the present Law.

In the cases mentioned in the preceding paragraph, the governor of Tokyo Metropolis, Hokkaido, or Prefecture shall, in respect to matters which come within the jurisdiction of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture in accordance with the provisions of the same paragraph, make the disposition of matters which come under the present Law, within the limit of the jurisdictional powers of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture and the complaint to be made to, or petition to be filed with, the Agricultural Land Commission of a City, Town or Village or of Metropolis, Hokkaido, Special Prefecture or Prefecture under this Law shall be made in the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture or governor of Tokyo Metropolis, Hokkaido, or Prefecture respectively.

If it is deemed specially necessary for the establishment of owner-farmer, the competent Minister may cause the governor of Tokyo Metropolis, Hokkaido, or Prefecture or the Central Agricultural Land Commission, to make disposition of matters which come, under the present Law, within the limit of the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture, or Prefecture.

In cases mentioned in the preceding paragraph the competent Minister shall, in respect of matters which come within the jurisdiction of the governor of Tokyo Metropolis, Hokkaido, or Prefecture or the Central Agricultural Land Commission in accordance with the provision of the said paragraph, make disposition of matters which come, under the present Law, within the limit of the jurisdictional powers of the governor of Tokyo Metropolis, Hokkaido, or Prefecture or the Central Agricultural Land Commission in accordance with the provision of the said paragraph, make disposition of matters, which come, under the present Law, within the limit of the jurisdictional powers of the governor of Tokyo Metropolis, Hokkaido, or Prefecture, and the complaint to be made to the Agricultural Land Commission of the Metropolis, Hokkaido, Special Prefecture or Prefecture shall be made to the governor of Tokyo Metropolis, Hokkaido, or Prefecture the Central Agricultural Commission and the petition to be filed with the governor of Tokyo Metropolis, Hokkaido, or Prefecture shall be filed with the competent Minister.

The Minister in Charge, if he deems it especially necessary for establishing the owner-farmer, may dispose of the matters put under the jurisdiction of the governor of Tokyo Metropolis, Hokkaido or Prefecture or Agricultural Land Commission of the Metropolis, Hokkaido or Prefecture by virtue of this Law.

In the case mentioned above relating to the matters which shall be disposed of by the said Minister in accordance with the provisions of the said paragraph, the complaint which shall be made by virtue of this Law, Agricultural Land Commission of the Metropolis, Hokkaido, or Prefecture shall be made to the same Minister. In this case the provisions of par. 4 and par. 5, Art. 7 shall not apply.

Article 47-(2). Any person shall institute an action of cancellation or alteration against the unlawful disposition by the administrative office by means of this Law within one month of the day on which he knew that disposition, however, this shall not be applied to the cases where the two months have elapsed since the day on which the same disposition was effected; this provision shall be applied, notwithstanding the provisions of Art. 8 of the Bill for the Temporary Adjustment of the Code of Civil Procedure (Law No. 75, 1947).

The action mentioned in the preceding paragraph may not suspend the execution of administrative disposition.

Art. 48. Provisions concerning the Agricultural Land Commission of a City, Town or Village under this Law shall apply to the Divisional Agricultural Land Commission in a city, town or village where such divisional Agricultural Land Commission exists. In this case, "the administrative limit of a city, town or village" in par. 1, Art. 3, Art. 4 (including the case where this shall be applied mutatis mutandis to par. 5, Art. 40-2), par. 2, Art. 7 (including the case where this shall be applied mutatis mutandis to par. 5, Art. 40-5), and par. 1, Art. 40-2 shall read "administrative extent of the Divisional Agricultural Land Commission" and in item 4 of the same paragraph "administrative limit of a city, town or village adjacent thereto or other area within the administrative extent of a city, town or village adjacent thereto or other area within the administrative extent of the Divisional Agricultural Land Commission, adjacent to the said area."

(Secretariat Note: The following paragraph from the amendment of 26 December 1947 cannot be reconciled with the text of Art. 48, to which it is intended to refer.)

"item 1 of the same paragraph shall read "item 1, par. 1, Art. 3, item 1, par. 1, Art. 40-2, par. 5 of the same Article and par. 5, Art. 40-4" and ("read" the following phrase) shall be amended to (for "the office of city, town or village") in Art. 6, par. 5 (including the case where this shall be applied mutatis mutandis to par. 2, Art. 15), Art. 18, par. 4 (including the case where this shall be applied mutatis mutandis to par. 2, Art. 29 and par. 3, Art. 41), Art. 31, par. 4, which shall be applied mutatis mutandis in Art. 38, par. 2, and par. 4, Art. 40-4 (shall read "the office of the Divisional Agricultural Land Commission.")

Article 49. In this Law, the provisions concerning the Metropolis, Hokkaido, or Prefecture shall be applied mutatis mutandis to the previous Metropolis, Hokkaido, or Prefecture, with- in which Special City existed, or its governor until such time as specified by order, if Special Cities shall be appointed in future; the provisions concerning the City or its mayor, shall be applied mutatis mutandis to the Special Ward or its Chief in Tokyo Metropolis, to the ward or its chief in the City mentioned

in par. 2 of Art. 155 of the Local Autonomy Law, and to the administrative ward or its chief in Special City; in a town or village where the town or village association, which manages jointly the whole of the work of the town or village or the task of the offices, exists, the provisions concerning the town or village shall be applied to the said association or the manager thereof.

In "ward" (Ku) of Tokyo Metropolis, Kyoto City, Osaka City, and Yokohama City, Nagoya City, and Kobe City, the provisions concerning the city or mayor shall be applied to ward or to the chief of the ward as designated by the governor of Tokyo Metropolis, Hokkaido, or Prefecture.

Art. 50. Any person who falls under any of the categories mentioned in the following items shall be liable to imprisonment with hard labor not exceeding six months or a fine not exceeding five hundred yen.

1. Any person who acts against the provision of par. 3 of Art. 30-2 coming under any item of the same paragraph.

2. Any person who refuses, obstructs or evades a survey, inspection, transfer or removal by an official in charge as prescribed in Art. 32, par. 2 which is applicable with the necessary modifications under Art. 32, par. 2, (including the cases which shall be applied mutatis mutandis under Art. 37, par. 2).

3. Any person who contravenes the provisions of Art. 42.

4. Any person who, in violation of the provisions of Art. 45, fails to make a report or makes a false report.

Art. 51. Where a representative of a juridical person, or an agent, an employee of juridical persons or a person or any other person being employed by such juridical persons or person acts in violation of the provisions of item 2 or item 3 of the preceding Article with respect to the business of the said juridical person or said person, such juridical person or persons shall, in addition to the punishment which shall be inflicted on the person who acts, be liable to a fine as provided for in the same Article.

Supplementary Provisions (Law of 19 October 1946):

The date of the enforcement of the present Law shall be fixed by an Imperial Ordinance.

With regard to the purchase of agricultural land as prescribed in Art. 3, par. 1, in case the Agricultural Land Commission of a City, Town or Village deems it suitable, the plan for the purchase of the agricultural land may, as prescribed in Art. 6, be set up according to the facts as exists on November 23, 1945.

Supplementary Provisions (Amendment of 26 December 1947):

Article 1. The present Law shall come into force as from the day of its promulgation; however, the provision amended of par. 4, Art. 2 and par. 1, Art. 4 shall be applied since May 3, 1947, and pars. 2 and 3, Art. 41-2 shall be applied since April 1st, the same year.

Article 2. The proceedings taken on the ground of the plan for purchase mentioned in par. 2 of the former Additional Provisions person to the enforcement of the present Law, shall be deemed to be the proceedings taken according to provisions of Art. 6-2, 6-3 or 6-5 amended.

Article 3. With regard to land purchased by government previous to the enforcement of this Law in accordance with the provisions of Arts. 3 and 15, Art. 30, par. 1 or Art. 37, par. 1 the provisions of Art. 12-2 shall be applied.

Article 4. To the cases where the government gives in accordance with the provisions of Art. 13, par. 3 subsidy to the owner of the agricultural land which was purchased by him previous to the enforcement of this law in accordance with the provisions of Art. 3, shall be applied the provisions of Art. 13, par. 3 amended.

Article 5. With regard to the lands disposed of through governmental sale according to the provisions of Art. 16 (applicable also to cases subject to the same provision as prescribed in Art. 29, par. 2) or Art. 41, par. 1, the provision mentioned in the proviso of Art. 22, par. 1 shall be applied.

Article 6. To the land and house which the government acquired previous to the enforcement of the present Law owing to the purchase mentioned in Arts. 3 and 15, Art. 30, par. 1, Art. 33, par. 2, Art. 36 or Art. 37, the exchange mentioned in Art. 23 or the purchase mentioned in Art. 28, par. 1 (including the cases where this shall be applied mutatis mutandis to former par. 3, Art. 41) shall be applied the provisions of Arts. 44-3 and 44-4 amended.

Article 7. An action of the cancellation or alteration objecting to the disposition of the administrative office by means of the Owner-Farmer Establishment Special Measures Law, previous to the date of the enforcement of the present Law, may be received by Court within one month from the date of the enforcement of the present Law, in spite of the provisions of par. 1, Art. 47-2 amended, by person who knows of the same disposition previous to the date of the enforcement of the present Law.

The term mentioned in the proviso of par. 1, Art. 47-2 amended concerning the act of the administrative office mentioned in the preceding paragraph, will commence from the day of the enforcement of the present Law.

The provisions of the preceding two paragraphs shall not interfere with the application of the provisions of Art. 8 of Law No. 75, 1947.

FEC 043

8 April 1946

FAR EASTERN COMMISSION

CO-ORDINATION OF THE WORK OF THE COMMITTEES
(Reference SC 006, SC 006/1)

Note by the Secretary General

1. The enclosure, procedures for co-ordination of the work of the Committees, is circulated herewith for the consideration of the Far Eastern Commission.
2. The STEERING COMMITTEE unanimously approved the enclosure at its eighth meeting, 5 April 1946.

NELSON T. JOHNSON
Secretary General

FEC 043

ENCLOSURECO-ORDINATION OF THE WORK OF THE COMMITTEES

To enable the Steering Committee to exercise its function of co-ordinating the work of the Committees, the following procedures are adopted, subject to any decision of the Commission in any particular case:

1. No committee shall, without the consent of the Steering Committee, consider subjects not included in the list of subjects assigned to the Committees by the Commission.

2. It shall be the duty of the Chairman of each committee to see that his committee does not encroach upon the field of another committee. If such an event occurs, or is likely to occur, the Chairman shall, and any member of the Committee may, raise the matter for the consideration of the Steering Committee.

3. All reports and recommendations from Committees shall go, before being placed on the Agenda of the Commission, to the Chairman of the Steering Committee, who shall decide, after consultation with the Chairman of the Committee concerned, whether such reports and recommendations should be considered first by the Steering Committee before being placed on the Agenda of the Commission.

4. It shall be the duty of the Secretary General to recommend to the Chairman of a Committee, or to the Chairman of the Commission as the case may be, any changes which may be desirable in the form of any resolution, report or recommendation in order to make it conform to the standard accepted for Commission papers.

FEC 043/1

16 April 1946

FAR EASTERN COMMISSION

CO-ORDINATION OF WORK OF COMMITTEES NO. 1 AND NO. 2.

(Reference SC 006/2)

Note by the Secretary General

The enclosure, a proposal submitted by the United States member of COMMITTEE NO. 1: REPARATIONS, was unanimously approved by the STEERING COMMITTEE at its ninth meeting, 16 April 1946, and is circulated for the consideration of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

FEC 043/1

E N C L O S U R ECOORDINATION OF WORK OF COMMITTEES NO. 1 AND NO. 2.

1. The subjects for consideration by Committees No. 1 and 2 are so distinct and the purposes of their deliberation are so different that it seems advisable that these Committees should operate separately. However, an occasion has arisen in Committee No. 1 for referring a reparations paper to Committee No. 2 for consideration, from a general economic policy viewpoint. It is anticipated that similar reference or interchange may, in the future, be desirable.

2. It is recommended, therefore, that a procedure be established whereby:

a. Committees No. 1 and 2 meet in joint session each month, under the alternating chairmanship of their respective chairmen or deputy chairmen .

b. Brief reports be made to the joint session of progress made by the sub-committees of Committees No. 1 and 2; and

c. Views may be exchanged upon matters of substance and recommendations made leading to improvement in coordination of effort directed towards interrelated problems.

FEC 044

8 April 1946

FAR EASTERN COMMISSION

LIAISON WITH THE SUPREME COMMANDER FOR THE ALLIED POWERS

Note by the Secretary General

1. The enclosure, a proposed request for consultation with the Supreme Commander for the Allied Powers, which was considered by the Steering Committee at its eighth meeting on 5 April 1946, is forwarded herewith for the consideration of the Far Eastern Commission.

2. The text of the enclosure has been prepared by an ad hoc committee of the Steering Committee, comprised of the representatives of the Netherlands, Australia, New Zealand and the United States, and is forwarded directly to the Commission, at the request of the Steering Committee itself, without further consideration by the Steering Committee.

NELSON T. JOHNSON
Secretary General

FEC 044

E N C L O S U R ELIAISON WITH THE SUPREME COMMANDER FOR THE ALLIED POWERS

1. The Far Eastern Commission would be assisted in its task of formulating policy if it could be more fully acquainted with the progress already made by the Supreme Commander for the Allied Powers in achieving the objectives of the occupation in the several fields of administration, and with the work which remains to be done and the problems to be met in each field, and if the Commission could be given timely information in general of the plans of the Supreme Commander for the Allied Powers for future action in each section of his Headquarters, with the consideration affecting the relative urgency with which the various matters should be attended to, and with the trend of events in Japan in so far as this affects policies now being formulated. The Commission therefore requests the Chairman to consult with the Supreme Commander with a view to obtaining the information referred to above in general terms.

2. The Far Eastern Commission believes that it would also be to the mutual advantage of the Supreme Commander for the Allied Powers and the Commission if the Supreme Commander for the Allied Powers were kept informed of the progress of work carried on by the Commission and its several committees.

FEC 044/1

12 April 1946

FAR EASTERN COMMISSION

LIAISON WITH THE SUPREME COMMANDER FOR THE ALLIED POWERS

Note by the Secretary General

1. At its eighth meeting, 10 April 1946, the Far Eastern Commission unanimously agreed to FEC 044 Liaison with the Supreme Commander for the Allied Powers.

2. The enclosure, the letter of transmittal of the Secretary General forwarding the request for consultation on behalf of the Commission to the Chairman, in accordance with Section VI paragraph 1 of the Terms of Reference, is circulated herewith for the information of the Commission.

NELSON T. JOHNSON
Secretary General

FEC 044/1

ENCLOSURELETTER OF TRANSMITTAL

11 April 1946

Major General Frank R. McCoy, Chairman
Far Eastern Commission
Washington, D. C.

My dear Mr. Chairman:

The Terms of Reference of the Far Eastern Commission provide that the Commission "may make such arrangements through the chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers."

At a meeting of the full Far Eastern Commission at its headquarters, 2516 Massachusetts Avenue, Northwest, Washington, D. C. on 10 April 1946, the enclosed request for information from the Supreme Commander for the Allied Powers was unanimously agreed to by the Commission.

As Secretary General of the Far Eastern Commission, I have the honor to transmit this request to you on behalf of the Commission, for such arrangements as you may deem practicable to make.

As you will recall, in the discussion of this proposal in the Commission meeting the Ambassador from the United Kingdom proposed that in transmitting the request to the Supreme Commander the first sentence be amended to read as follows: "The Far Eastern Commission will be assisted in its task of formulating policy if arrangements could be made whereby at all stages it will be fully acquainted....."

Respectfully yours,

Nelson T. Johnson
Secretary General

FEC 044/1

FEC-044/2

16 July 1946

FAR EASTERN COMMISSION

LIAISON WITH THE SUPREME COMMANDER FOR THE ALLIED POWERS

Note by the Secretary General

1. At its eighth meeting on 10 April 1946, the Far Eastern Commission unanimously approved a paper, FEC-044, in which the Commission requested its Chairman, according to Article VI, 1 of its Terms of Reference, to consult on its behalf with the Supreme Commander for the Allied Powers with respect to the establishment of effective liaison between the Commission and the Supreme Commander.

2. The Chairman submits the enclosed statement for the consideration of the Commission, in which a summary is made of current arrangements for liaison.

3. The Supreme Commander has been consulted as to these arrangements and has approved them.

NELSON T. JOHNSON
Secretary General

FEC-044/2

E N C L O S U R ELIAISON WITH THE SUPREME COMMANDER FOR THE ALLIED POWERS

1. The following arrangements for liaison between the Far Eastern Commission and the Supreme Commander for the Allied Powers are presently in operation:

- a. Regular Information from Japan. The Commission now receives regularly from the Supreme Commander his monthly overall report entitled "Summation of Non-Military Activities in Japan," minutes of the meetings of the Allied Council for Japan, written reports of special missions to Japan, such as the Educational and Textile Missions, a weekly summary of developments prepared especially for the Commission by the Civil Affairs Division of the War Department, certain newspapers and magazines published in Japan, and other miscellaneous reports emanating from the headquarters of the Supreme Commander and from various United States Government agencies in Washington.
- b. Spot Information. As suggested in paragraph 4 of FEC-067/2, Standard Procedures for Formal Commission Actions, the Secretariat has worked out arrangements to get such factual information as is specifically requested by committees of the Commission and is pertinent to the work of the Commission, through appropriate United States governmental agencies in Washington, and if necessary from Japan.
- c. Consultation. On matters where the personal views of the Supreme Commander are desired, the Commission requests its Chairman, according to Article VI, 1 of its Terms of Reference, to arrange for appropriate consultation with the Supreme Commander.
- d. Special Reports. As arranged with the State and War Departments, personnel returning from Japan are made available for personal and informal appearances with the Commission or appropriate committee, as the case may be.

- e. FEC Activities. The Secretariat forwards each week a selected group of Commission papers via the War Department to the Supreme Commander and a second set to the Chairman, Allied Council for Japan. These include minutes of Commission, Steering Committee and other committee meetings, the Weekly Summary of Commission Business, and all "FEC"-designated papers. Furthermore, the United States Government ascertains the views of the Supreme Commander on issues before the Commission prior to furnishing the U.S. Representative on the Commission the expression of the U.S. Government's position on these issues.
- f. Allied Personnel on SCAP's Staff. Arrangements have been completed and appropriate information circulated to the Commission (FEC-069) whereby governments represented on the FEC may nominate personnel for service on the staff of the Supreme Commander.
- g. SCAP Request for Policy Guidance. As new matters arise in the administration of the occupation of Japan on which the Supreme Commander needs policy guidance but does not have it within the framework of his existing directives, he refers these matters to the United States Government for such guidance, and, where the matter is within the cognizance of the Far Eastern Commission, the United States Government in turn refers it to the Commission for policy decision. In these matters, with the exception of the three reserved questions, the United States Government reserves its right, according to Article III, 3 of the Terms of Reference, to issue interim directives in the event that the issue is urgent, pending the formulation of policy by the Commission. In this connection, from time to time at his discretion, the Supreme Commander may summarize the work left to be done in the occupation and the problems unanswered, with an indication of priority for consideration by the Commission.

2. In addition to the above, should the Far Eastern Commission so desire, there is no objection on the part of the United States Government to the designation from time to time of a personal emissary of the Commission to make a short trip by air to Japan. Such officer might be empowered by the Commission to indicate directly to the Supreme Commander as well as to his staff the current status of activity on the Commission; and in return to convey back to the Commission the views of the Supreme Commander and any other pertinent information which he may gather.

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COPY NO. 9

FEC 045

9 April 1946

FAR EASTERN COMMISSION

JAPANESE TRADE UNIONS

Note by the Secretary General

The enclosure, a United Kingdom paper on Japanese Trade Unions submitted by the United Kingdom Delegate, is herewith circulated for the consideration of the Far Eastern Commission and referred to COMMITTEE NO. 4: STRENGTHENING OF DEMOCRATIC TENDENCIES.

NELSON T. JOHNSON
Secretary General

FEC 045

CONFIDENTIAL

ENCLOSUREJAPANESE TRADE UNIONSIntroduction

1. The United Nations wish to encourage the development of democratic institutions in Japan, both in the political and economic spheres. The growth of trade unions in England and other countries has contributed greatly to the transference of power from a small ruling class to the mass of the people and has enabled the benefits of economic progress to be widely shared. If a similar development can be fostered in Japan, it will be to the advantage not only of the Japanese themselves but also of the rest of the world, since it may be expected to divert the minds of the Japanese people from concern with vain nationalist ambitions to the pursuit of more solid material benefits. A strong trade union movement cannot, of course, be created by prescription; the people themselves must will it, and must be prepared for long struggles and efforts in its achievement. But if the United Nations can assist in this process, there is every reason why in their own interest they should do so.

Past History

2. Japanese trade unions in the past have been feeble institutions with but little influence over the political and economic life of the country. There were sporadic strikes and labour disputes in Japan from the latter years of the nineteenth century, but it was not until the war of 1914-18 that a trade union movement worthy of the name could be held to exist. In spite of the industrialisation of Japan in the succeeding twenty years, the movement grew slowly and membership never exceeded 420,000. This was in 1936, when the number of occupied persons was over 32 million and the number of persons employed in manufacturing industry, mining and transport was over 9 million. By far the largest of the trade unions was the Seamen's Union, founded in 1928. Ten years later this accounted for nearly two-fifths of the total number of organised workers.

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A large proportion of the remainder was to be found in the engineering industries, while in the textile industries, which in the United Kingdom have long been among the most powerfully organised trades, trade unions barely existed.

3. The trade union movement has so far shown little capacity for working out a common policy and has lacked any consistent aim. Many unions have been mainly concerned with political activities, and the movement as a whole has been disfigured by internal disputes. Very few unions during the past twenty years were able to secure from employers the recognition of the right of collective bargaining (although the Seamen's Union provided an important exception to this rule), and the principle of the standard rate was almost unknown in Japanese manufacturing industry. During the war the trade unions voluntarily discontinued their activities and became merged in various patriotic associations. Trade unionism thus has a slender foundation of experience on which to build.

4. The weakness of the trade unions in Japan can be attributed to two sets of causes, one political and the other economic. An oligarchic Government strongly inclined towards imperialist policies is hardly likely to look with favour on organised activity among the workers, and this was the kind of Government that existed in Japan during the greater part of the last few decades. The legal position of the Japanese trade unions is rather obscure. Some notes about it are contained in Appendix "A". It would seem that action was frequently taken by the executive to suppress any body including trade unions, which appeared to harbour "dangerous thoughts" and which might weaken the effectiveness of the nationalist propaganda of the ruling cliques. Moreover the police in Japan, in their capacity as mentors of the people, possessed extraordinarily wide powers, and they frequently intervened in trade disputes and sometimes took it upon themselves to dissolve trade unions. Although the right of citizen to form associations is permitted by the Japanese Constitution, it does not seem that there was any possibility of appealing successfully to the courts against arbitrary action of this kind by the executive.

CONFIDENTIAL

5. On the economic side the forces antagonistic to the growth of trade unions were equally powerful. Not only was the Japanese population of working age growing rapidly throughout this period, but the industrial labour market was being flooded by a constant stream of immigrants from the depressed and overpopulated countryside. Under these conditions the possibility of establishing anything in the nature of a "closed shop" was remote even if political conditions had been favourable. Again the structure of the Japanese industries themselves was unfavourable to trade union capacity. A high proportion of the industrial production was turned out by very small workplaces, while many of the large-scale enterprises were in the hands either of the State or of a comparatively few powerful concerns. In the largest of the manufacturing industries, the textile industries, the nature of the labour supply was not such as to promote effective organisation among the workers. The women and girls who staffed the great cotton mills came for the most part from rural families. They were recruited by factory agents; they were housed in dormitories provided by the employers, and they received a large part of their wages in kind. They seldom remained for more than two or three years at the mill before returning to their families. Most of the railways and the leading plants in the iron and steel industry were Government enterprises; and free trade unions could scarcely make headway in such industries when the employer was an authoritarian and "paternal" Government.

6. The social traditions of Japan hardly favour the development of trade unions. It is true that there are in that country a long tradition of group action and a marked capacity for organisation. But there is also a tradition of docility before acknowledged authority which is hardly compatible with vigorous trade union capacity. Moreover, the "paternal" relationship between the employer and the employed, or between the master and his apprentices, that existed in earlier times has by no means disappeared. This relationship, in principle at any rate, reappears in the living-in system in the great mills, in the widespread custom of granting dismissal allowances, and in the practice of paying semi-annual bonuses at New Year and O-Bon (Festival of the Dead).

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One does not, of course, have to go to Japan to find examples of "welfare capitalism", but in that country the social situation has provided a particularly sympathetic environment for its development.

7. Within the last twenty years several important measures which have been intended to improve the conditions of the workers have become law, and these may be briefly referred to. In 1924 a Tenancy Disputes Conciliation Act set up conciliation machinery for dealing with disputes between landlords and tenants; these disputes have long been a prominent feature of Japanese rural life. This was followed in 1926 by the Labour Disputes Conciliation Act, which made conciliation compulsory in all important public utility and State undertakings. The resort to official conciliation machinery for other industries was apparently not very frequent, except in the case of the shipping industry, which was covered by a Joint Maritime Board composed of representatives of the Shipowners and the Seamen's Union. Unofficial mediation in disputes was often resorted to in other trades, and in this connection a Harmonisation Society (a private body in receipt of a Government subsidy) was of some importance. An attempt was also made by the Government to limit hours of work in certain industries, notably in the textile industries, where in 1929 restrictions were placed on night work. No control could of course be exercised over hours of work in the numerous small workshops.

8. An imperial Ordinance issued in 1923 required public employment exchanges to be established in all towns with over 30,000 inhabitants, and in 1934 this system was extended to rural communities. Long before this, private recruiting agencies had operated, especially in connection with the recruitment of labour from rural areas for the textile mills. This system was liable to various abuses which the Government attempted to control. Partly because of changes in economic conditions and partly because of the Government's own employment exchanges, the private recruiting agencies declined in importance in the inter-war years, and in 1938 they were abolished, since their existence was incompatible with the wartime control which the Government had introduced.

CONFIDENTIAL

Various schemes of social insurance came into being during the pre-war era. The most notable legislation consisted of the National Health Insurance Act of 1937, which covered the majority of industries by a compulsory health insurance scheme. Obligations were also placed on the employer for providing compensation for accidents, and for giving allowances to workers on retirement or dismissal. The law covering the latter point made compulsory what has long been a voluntary practice on the part of Japanese employers. It would seem, therefore, that social insurance had outstripped the organisations of labour in Japan; this is, indeed, what was to be expected in a society of the Japanese type.

9. Japan was one of the original members of the League of Nations and therefore of the International Labour Organisation. In fact, one of her representatives took part on the Organising Commission which arranged for the first I. L. O. Conference in Washington in 1919. Some time after ceasing to be a member of the League of Nations, Japan tendered her resignation from the I.L.O. This became effective in November 1940. Japan had ratified a total of fourteen Conventions, a detailed list of which is given in Appendix "C". Japan also adhered to the Berne White Phosphorus Agreement.

Present Position

10. In considering what steps the United Nations can take to foster a sound and democratic trade union movement in Japan, regard must be had not only to the past history of trade unionism in that country, but also to more recent developments and to the current position that has been reached. In particular, it is necessary to take account of the action taken by SCAP since the occupation of Japan. Full information on the latter subject is not available at the time of writing, and the conclusions reached in the following paragraphs are, therefore, necessarily of a tentative character only. In this connection the following extracts from Japanese broadcasts are of some significance:-

CONFIDENTIAL

Conference of Japanese Trade Union Leaders

"Japanese leaders of the former National Council of Labour Unions held a conference on the 29th September, and decided on mass labour meetings in various important cities. The aim of these meetings is to form a committee to organise labour unions, which will agitate for wage increases, establishment of an unemployment system and the immediate release of political prisoners. It was also decided to discuss the formation of a single Labour Union in Japan". (Broadcast of the 3rd October, 1945)

Labour Union Bill

"The new Labour Union Bill, prepared in accordance with General MacArthur's directive, was to be submitted to the Japanese Diet at the extraordinary session opening on the 27th November. It recognises the right to strike, collective negotiations, and the workers' participation in management". (Broadcast of the 23rd November, 1945)

Demand for New Labour Ministry

"Increasing pressure is being exerted for the establishment of a new Labour Ministry in Japan to handle the numerous new problems that are expected after the proposed Labour Union Bill becomes law. It is thought that the Welfare Ministry will not be able to tackle the special problems of labour participation in the management of industry, which the Bill takes for granted. It is pointed out that even collective bargaining and workers' welfare questions, such as unemployment insurance, labour conditions, and compensation and benefits for workers are new to Japan". (Broadcast of the 23rd November, 1945.)

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11. The First Weekly Report on Japan and Korea from the Civil Affairs Division of the U. S. War Dept., (F.E.C. Document, MI 001/1), dated 22nd December, states that the proposed Japanese Trade Union Bill (which was submitted at the recent session of the Diet but not passed), contains four important types of provisions:-

- a. guarantee to workers of the right to organise and bargain collectively;
- b. elimination of laws and regulations restricting organisational activities;
- c. prohibitions upon discrimination because of union membership;
- d. provisions for registration and the voluntary incorporation of trade unions.

The bill also recommends the establishment of a separate Labour Ministry and the exclusion of militarists and militant nationalists from positions as union officials or labour relations committee members.

12. Since the policy to be adopted will, in any event, need to be the subject of agreement between the Powers represented on the Far Eastern Commission, consideration will be useful of the understanding reached between the United Kingdom, United States and the U. S. S. R., regarding the policy to be followed towards the formation and growth of trade unions in Germany. The text of the Agreement is given below:-

The Formation, Control and
Functions of Trade Unions in Germany

Agreement between the United Kingdom, the
United States and the U. S. S. R.

- a. The formation of free trade unions shall be permitted and encouraged within the whole of Germany. With the consent of Military Government trade unions will be permitted at a local level and allowed to federate and amalgamate in larger organisations.

CONFIDENTIAL

b. The formation of trade unions shall be a process of democratic self-expression and initiative, proceeding from the basic levels - that is, from the workers themselves. Trade union organising Committees must be elected by the workers concerned by secret ballot and democratic methods.

c. It shall be the responsibility of the German trade unions to ensure that all officials have been democratically elected at regular stated intervals and all their activities shall be democratically conducted.

d. No person who has been an official of the Deutsche Arbeits Front or more than a nominal member of the Nazi Party or who is a Nazi sympathiser or militarist will be permitted to hold office.

e. Allied Authorities will take no measures that will unnecessarily hamper the growth of free trade unions. They will not interfere with trade unions so long as their activities, including the holding of meetings, are not directed against the Allied Authorities or detrimental to their control, and so long as they do not produce disorder or in any other way threaten the security of the occupying forces or the accomplishment of the objects of the occupation.

f. Trade unions may act collectively for the well-being of their members in professional, economic or social matters, provided that they do not transgress any law or order which forbids such action.

In particular, trade unions may:-

- (1) Assist Military Government in de-nazification and the elimination of militarism;
- (2) Promote education in democracy;
- (3) Co-operate with Military Government and German Authorities in the reconstruction and development of a peaceful German economy;
- (4) Co-operate in the execution of Allied policy regarding the elimination of monopolistic practice and cartels;

CONFIDENTIAL

(5) Negotiate with employers or employers associations concerning wages, hours and labour conditions consistent with Allied policies. Any agreement reached on wages must be approved by the competent German wage control authority.

(The agreement of France was also forthcoming except on the matter of supra-regional unions, and since her attitude on this question was dictated by her general policy of opposition to the unification of Germany it is not likely to prove an obstacle so far as Japan is concerned.) The principles set out in the agreement have been the basis of policy in the British zone in Germany, and this policy has been recently endorsed by the delegation from the Trade Union Council which visited the zone.

13. The application of the principles of this agreement to Japan will, however, have to take account of a fundamental difference in the methods of control in the two countries. In the case of Germany, no national governmental authority is in existence and the Occupying Powers are, therefore, in a position to exercise direct control over such matters as the formation, recognition and conduct of trade unions to any extent necessary. In the case of Japan, on the other hand, control will be exercised less directly, viz., by using a Japanese Government acting under the orders of the Occupying Powers. Consequently, in Japan it will rest more with the workers themselves to produce a movement in which they will feel a sense of individual responsibility and there will be less scope for action by those Powers in the direction of supervising the growth of that movement. The policy of the Powers should accordingly be to ensure for the trade union movement an independent legal status which will prevent the Japanese executive from interfering unduly in trade union affairs as was its practice before the war (see paragraph 4). In that connection it will no doubt be necessary for the Occupying Powers to secure the repeal of any legislation which prevents the organisation of trade unions and the exercise of trade union activities as permitted in democratic countries.

CONFIDENTIAL

14. British policy in Germany has been to encourage the formation of a trade union movement starting with the local organisation of industrial trade unions and developing gradually towards the formation of national unions and federation with other unions throughout Germany. This is because His Majesty's Government have held the view that the opposite process is likely to result in the infection of the German trade union movement with authoritarianism and in stifling the local initiative which is necessary to sound trade unionism. Following this line in regard to Japan, the reactivation of the old central organisation should not occur at too early a date and without the preparatory spade work at lower levels. It is noted from the radio report of the 3rd October (paragraph 10), that the leaders of the former National Council of Labour Unions in Japan have been taking an active part in stimulating the growth of new unions. There would appear to be some danger that these former trade union leaders, if permitted to exercise their influence prematurely, may tend to bring about a trade union movement based on earlier Japanese theories and not on the principles which it is desirable to see established. The attitude of the Occupying Powers towards the reintroduction of former trade union leaders needs, therefore, to be one of caution.

15. It will be observed that, subject to the provisions of paragraph 5 of the agreement quoted in paragraph 12 that agreement would not preclude the possibility of strikes. In the early period of occupation particularly careful handling of labour disputes will be necessary. Impetuous intervention in disputes between Japanese employers and workers might have results for more embarrassing to the ultimate objectives of the Control than would be warranted by the immediate objective of bringing a particular stoppage to a quick end. It is our view, therefore, that the Occupying Powers should keep as far as possible aloof from disputes so long as they do not endanger the security of the occupying forces or the accomplishment of the objects of the occupation.

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With a view to keeping stoppages of work at a minimum the Japanese Government should, however, be required to set up machinery for conciliation in order that all possible steps might be taken by the Japanese to ensure prompt consideration of their causes and to assist in their settlement.

16. Conclusions.

a. The formation of free trade unions should be permitted and encouraged throughout Japan.

b. Proper legislative safeguards should be introduced to avoid undue interference by the Japanese executive in trade union affairs.

c. So far as practicable in the circumstances prevailing in Japan, policy towards the formation and growth of trade unions should be on the lines already agreed upon for Germany and put into force in the British Zone.

d. Emphasis should be placed on the importance of a solid local basis for future trade unions activity in Japan, and on the dangers arising from the premature establishment of central unions of a central federation of trade unions.

e. The reintroduction of former trade union leaders into Japanese trade union activity should be carefully watched.

f. Subject to the security of the occupying forces and the accomplishment of the objects of the occupation, the occupying forces should keep as far as possible aloof from industrial disputes. The Japanese Government should be required to set up machinery for conciliation of such dispute

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APPENDIX "A"JAPANESE TRADE UNIONS AND THE LAW

It is difficult to speak with assurance on the Japanese law as it affected trade unions, and this subject requires further investigation. The legal situation appears to have been as follows:-

1. There was no law in Japan which prohibited strikes or lock-outs; on the contrary, these stoppages were implicitly recognised in the Labour Disputes Conciliation Act of 1926 (see paragraph 7 of the text). But action taken by strikers in the course of a trade dispute might be (and frequently was) construed by the police as intimidation or obstruction and so liable to upset public order. The police have evidently had wide discretion in their interpretation of the law on these matters, and this seriously jeopardises the position of strikers, even if their actions are of a kind which in this country would be considered reasonable. The history of trade unionism in England shows how important it is that the law should distinguish clearly between actions that are permissible and those that are not permissible in the course of a trade dispute.

2. The laws under which the police could interfere with unions or take action in labour disputes were:-

a. Public Peace Police Act, 1900, which gave the police power to repress agitation in connection with labour disputes.

b. Peace Preservation Law of 1925 was to provide against the spread and diffusion of "dangerous thought". The principal item of the Regulations, Article 1, provided that those who have organised an association of fraternity with the object of altering the national constitution or of repudiating the system of private property, or those who have joined such an organisation with full knowledge of its object are liable to a penalty ranging from death to five years' penal servitude.

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c. An Imperial Ordinance of 1928 made the provisions of the 1925 Act still more stringent.

These laws were not expressly aimed at trade unions, and only affected workers' organisations indirectly. The Government could decide at any moment, however, that an organisation of any kind was undesirable and instruct the police to see that it was dissolved.

3. In 1936 the Minister of War prohibited workers in military arsenals from forming unions or continuing their affiliation with either the General Federation of Labour of Japan or the Japanese Congress of Trade Unions.

4. Apart from the measure mentioned under 3 above (which covers a special case), there is no legislation specifically regulating the exercise of the right of association. The Japanese Constitution guarantees the right of subjects to form associations. From time to time Bills to give legal status to trade unions have been presented to the Diet, but none of them has been passed. The latest was a Government measure of February 1931, which passed the Lower House but failed to pass the Upper House as the discussion of the Bill was still proceeding when the Diet session closed. The principal provisions were:-

a. The objects of a trade union were set down as "the maintenance or improvement of conditions of labour, mutual aid and culture among members and other activities for the protection and promotion of common interests". Any organisation of workers engaged in the same or similar trade or industry, or any federation of such organisations was to be recognised.

b. Trade unions were to be allowed to admit as members not only actual workers but anyone who had once been a worker in the same or a similar trade as well as anyone who was, or had been, an official of the union. Soldiers and sailors, as well as civilians attached to the army or navy, were excluded from membership.

CONFIDENTIAL

c. Discharge of a worker on account of membership of a trade union was to be unlawful. A contract of service requiring a worker to withdraw from or abstain from joining a union was to be declared invalid.

d. The authorities were empowered to declare illegal any action on the part of a union which was contrary to law if committed by an individual. They were also to have power to require unions to submit reports of their transactions, property, membership, &c. Means were provided for trade unions to resort to litigation if their rights were unlawfully violated.

5. Trade unions, like all other organisations in Japan were required to register themselves with the police authorities.

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APPENDIX "B"HOURS OF WORK IN JAPANESE INDUSTRY

1. The first Factory Act was passed in 1911, but it did not come into force (and then only partially) until 1916. The Act was amended in 1923, but the amended Act was not applied until 1926. This Act covered all factories employing 10 or more workers and thus excluded a very large section of Japanese industry. The hours of work of "protected workers" (children under 16 and all women) were limited to not more than 11 hours a day with a recess of at least 1 hour if they worked over 10 hours. There was no legal restriction on the hours worked by adult males. From July 1929 the employment of women and young persons in specified factories was prohibited between the hours of 10 p.m. and 5 a.m. It appears, however, that local authorities were given power to exclude certain classes of workers from these regulations, and this power seems to have been widely exercised in the textile industry.

2. Owing to the increased industrial activity during the rearmament period, and 12-hour day for men became very frequent plus overtime in many cases. But because such long hours resulted in much absenteeism, accidents and bad health, with consequent loss of efficiency, the Government issued recommendations to employers that, in any case, 14 hours including overtime should be the limit; later, hours were restricted by orders (not legislation) to a maximum of 12. An order of 1939 limits in principle the working day of adult males to 12 in specified industries, including a break of 30 minutes when hours of work exceed 6, and a break of 1 hour if over 12.

3. In 1936 the average number of hours worked in manufacturing industry was between $9\frac{1}{2}$ and 10 hours a day. This does not apply of course to workers in small factories with less than 10 workers. The main contrast between the hours worked by factory workers in Japan and in most Western countries was to be found not so much in the great length of the working day in Japan, but in the absence of a weekly rest day. This is shown by the following figures for October 1936:-

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	<u>Hours worked per day</u>	<u>Days worked per month</u>
Textile and dyeing	9.5	27.6
Machinery and tools	10.8	27.3
Chemical	9.5	27.6
Food	9.37	27.8
Miscellaneous	9.47	27.3

4. In the case of miners, regulations were issued in 1928 which for the first time limited the hours of work for men. According to these regulations underground workers were limited to 10 hours a day. From September 1933, employment of women and children under 16 years of age was prohibited in mines between the hours of 10 p.m. and 5 a.m.

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APPENDIX "C"INTERNATIONAL LABOUR CONVENTIONS RATIFIED BY JAPAN

- Convention No. 2. Unemployment.
- Convention No. 5. Minimum Age (Industry).
- Convention No. 7. Minimum Age (Sea).
- Convention No. 9. Placing of Seamen.
- Convention No. 10. Minimum Age (Agriculture).
- Convention No. 15. Minimum Age (Trimmers and Stokers).
- Convention No. 16. Medical examination of Young Persons (Sea).
- Convention No. 18. Workmen's Compensation (Occupational Diseases).
- Convention No. 19. Equality of Treatment (Accident Compensation).
- Convention No. 21. Inspection of Emigrants.
- Convention No. 27. Marking of Weight. (Packages transported by Vessels).
- Convention No. 29. Forced Labour.
- Convention No. 42. Workmen's Compensation (Occupational Diseases) (Revised).
- Convention No. 50. Recruiting of Indigenous Workers.

FEC-045/1

7 November 1946FAR EASTERN COMMISSIONPRINCIPLES FOR JAPANESE TRADE UNIONS
(Reference: SC-032/3)Note by the Secretary General

1. The following amendment proposed by the United Kingdom member at the thirty-seventh meeting of the Steering Committee, 6 November 1946, is circulated herewith for the information of the STEERING COMMITTEE:

"Trade unions and their officials should, where practicable, while not interfering with their normal operations, take an active part in the process of democratization of Japan and should be encouraged to participate, ~~where-practicable, while-not-interfering-with-their-normal-operations,~~ in measures taken to achieve the objectives of the occupation, such as the elimination of militaristic and monopolistic practices, and the democratic reconstruction and development of a peaceful Japan."

2. The motion failed to obtain a majority vote. China, India, the Netherlands, the United Kingdom and the United States were in favor. Australia, Canada, New Zealand, the Philippines and the U.S.S.R. were opposed. France abstained.

3. The United States member in approving SC-032/3 made the following statement:

"The United States Government interprets paragraph 7 to mean that organized participation in the democratization process in Japan on the part of trade unions and their officials should be encouraged, but such participation should not be encouraged in such a way as to hinder the achievement of the principal obligation and responsibility of the unions and their officials to organize for the protection of union members and union interests.

In the case of paragraph 1, the United States Government is of the opinion that the final lines which read, 'and otherwise assisting the legitimate trade union interest of workers, including organized participation in building up a peaceful and democratic Japan', represent essentially a summary of paragraph 7."

4. It was agreed to retain SC-032/3, Principles for Japanese Trade Unions and the proposed amendment on the agenda for further consideration unless the Far Eastern Commission met prior to the next meeting of the Steering Committee.

NELSON T. JOHNSON
Secretary General

RESTRICTED

FEC-045/2

13 November 1946

FAR EASTERN COMMISSION

PRINCIPLES FOR JAPANESE TRADE UNIONS

(Reference: FEC-045 Series; SC-032,
SC-032/1, SC-032/2, SC-032/3)

Note by the Secretary General

1. The enclosure, a proposed policy relative to principles for Japanese Trade Unions, was approved, as amended, by the Steering Committee at its thirty-eighth meeting, 12 November 1946, and is forwarded herewith for the consideration of the Far Eastern Commission.

2. The New Zealand, Philippines and Soviet members reserved their positions on paragraph 7 of the enclosure.

3. The United States member in approving the enclosure made the following statement:

"The United States Government interprets paragraph 7 to mean that organized participation in the democratization process in Japan on the part of trade unions and their officials should be encouraged, but such participation should not be encouraged in such a way as to hinder the achievement of the principal obligation and responsibility of the unions and their officials to organize for the protection of union members and union interests.

In the case of paragraph 1, the United States Government is of the opinion that the final lines which read, 'and otherwise assisting the legitimate trade union interest of workers, including organized participation in building up a peaceful and democratic Japan', represent essentially a summary of paragraph 7."

4. The Steering Committee, in accordance with paragraph 3 of FEC-067/3, recommended that the enclosure be released to the press.

5. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

E N C L O S U R EPRINCIPLES FOR JAPANESE TRADE UNIONS

1. Japanese workers should be encouraged to form themselves into trade unions for the purpose of preserving and improving conditions of work, participating in industrial negotiations to this end, and otherwise assisting the legitimate trade union interests of workers, including organized participation in building up a peaceful and democratic Japan.

2. The right of trade unions and their members to organize for these purposes should be assured and protected by law. The freedom of workers to join trade unions should be provided for by law. All laws and regulations preventing trade unions achieving these objectives should be immediately abrogated. Employers should be forbidden to refuse employment to, or discriminate against, a worker because he is a member of a trade union.

3. Trade unions should have the right of free assembly, speech and the press, and access to broadcasting facilities on a non-discriminatory basis, provided only that such assembly, speech, or writing does not directly interfere with the interests of the occupation.

4. Trade unions should be encouraged to negotiate with the employers on behalf of their members regarding terms and conditions of employment. The Japanese Government should establish mediation and arbitration machinery for dealing with industrial disputes that cannot be settled by direct and voluntary negotiation between the worker or his representative and the employer. The mediation and arbitration machinery should operate under conditions assuring the protection of the interests of the workers, and if employers are represented on the machinery, trade unions should be given equal representation.

5. Strikes and other work stoppages should be prohibited only when the occupation authorities consider that such stoppages would directly prejudice the objectives or needs of the occupation.

6. Trade unions should be allowed to take part in political activities and to support political parties.

7. Where practicable and while not interfering with their normal operations trade unions and their officials should ^{by Sec - L} take an active part in the process of democratization of Japan and should ^{h.z.} be encouraged to participate in measures taken to achieve the objectives of the occupation, such as elimination of militaristic and monopolistic practices and the democratic reconstruction and development of a peaceful Japan.

8. Trade unions should be encouraged to promote adult education and an understanding of democratic processes and of trade union practices and aims among their members. The Japanese Government should as far as possible assist trade union officials in obtaining information on trade union activities in other countries. These objectives should be given due weight when allocations of paper supplies and imports of foreign publications are made.

9. The Japanese should be free to choose the form of organization of their unions, whether on a craft, industry, company, factory or territorial basis. Emphasis should be placed on the importance of a solid local basis for future trade union activity in Japan. However, unions should be allowed to form federations or other groupings, for example in the same area or in related industries or on a nationwide basis.

10. The formation of trade unions should be a process of democratic self-expression and initiative, proceeding from the workers themselves. Employers should not be allowed to take part in the organization or conduct of unions or to finance them.

11. Trade union officials and standing committees should be elected by the workers concerned by secret ballot and democratic methods. It should be the responsibility of the unions to ensure that all officials have been democratically elected at regular stated intervals and that all their activities are democratically conducted.

12. No person who is subject to the purge directive of 4 January 1946, or to subsequent purge directives, should be allowed

to hold office in a trade union. All persons who were directly connected in the past in a responsible capacity with the obstruction or repression of trade union organization or activity should be prohibited from employment as union officials, in labor agencies or as mediators, conciliators, or arbitrators. All persons who held office in government-sponsored or controlled trade unions should be subject to screening before being allowed to take office again.

13. Japanese Government and other agencies which were set up or functioned for the purpose of obstructing or in such a way as to obstruct free labor organization and legitimate trade union activities should be abolished or their powers in respect to labor revoked. No police or other government agencies should be employed in spying on workers, breaking strikes, or suppressing legitimate union activities.

14. Any undemocratic workers' organizations or their affiliates, such as the Patriotic Industrial Associations, should be dissolved and not allowed to revive. No new workers' organizations with militaristic, ultra-nationalistic, fascist, or other totalitarian aims should be permitted.

15. Persons who have been imprisoned because of activity or "dangerous thoughts" in connection with trade unions and other labor organizations should be released.

16. The balance sheet and table of income and expenditure of each trade union showing also the source of large contributions should be available for public inspection. Safeguards such as annual audit by a professionally competent auditor appointed by the members should be taken to ensure the accuracy of these statements.

RESTRICTED

FEC-045/3

14 November 1946

FAR EASTERN COMMISSION

PRINCIPLES FOR JAPANESE TRADE UNIONS
(Reference: FEC-045/2)

Note by the Secretary General

1. The Far Eastern Commission, at its thirty-fourth meeting, 14 November 1946, referred paragraph 7 of FEC-045/2, Principles for Japanese Trade Unions, to an ad hoc subcommittee, composed of the New Zealand, Philippines, United Kingdom and Soviet representatives, for reconciliation of divergent views and for report.

2. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

FEC-045/3

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FEC-045/4

21 November 1946

FAR EASTERN COMMISSION

PRINCIPLES FOR JAPANESE TRADE

UNIONS
(Reference: FEC-045 series, SC-032
series)

Note by the Secretary General

1. The Far Eastern Commission, at its thirty-fourth meeting, 14 November 1946, considered FEC-045/2, Principles for Japanese Trade Unions, and referred paragraph 7 of the paper to an ad hoc subcommittee consisting of the United Kingdom, Soviet, Philippines, and New Zealand Representatives for consideration.

2. The enclosure, two alternative proposals for the revision of paragraph 7, submitted by the Chairman of the ad hoc subcommittee to the thirty-fifth meeting of the Far Eastern Commission on 21 November 1946, is circulated herewith for the further consideration of the Far Eastern Commission.

3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

RESTRICTEDE N C L O S U R EPRINCIPLES FOR JAPANESE TRADE UNIONS

(Proposed revisions of paragraph 7 of FEC-045/2 considered by ad hoc subcommittee of the Far Eastern Commission on 15 November 1946)

Proposal A. Encouragement should be given to organized participation by trade unions and their officials in the democratization process in Japan and in measures taken to achieve the objectives of the occupation, such as the elimination of militaristic and monopolistic practices. But such participation should not be encouraged in such a way as to hinder the achievement of the principal obligation and responsibility of the unions and their officials to organize for the protection of union members and union interests.

Proposal B. Trade unions and their officials should take an active part in the process of democratization of Japan and should be encouraged to participate where practicable, while not interfering with their normal operations, in measures taken to achieve the objectives of the occupation, such as the elimination of militarism and monopolistic practices, and the democratic reconstruction and development of a peaceful Japan. Organized participation in the democratization process should not be encouraged to such an extent as to hinder the achievement of the principal obligation and responsibility of the unions and their officials to organize for the protection of union members and union interests.