

## CHAPTER 3.

### Conscription

Article 23. Those who, according to the census registration law, reach twenty years of age between December 1 of the previous year and November 30 of a given year, unless prescribed otherwise, are required to take the conscription examination.

The age specified in the preceding paragraph is called the military age.

Article 24. When a male member of a family reaches 20 years of age between December 1 and 31 of any year, the head of the family must report the fact to the mayor, or the town or village master of the place of permanent domicile by the end of November of that year; but, when such member of a family reaches military age between January 1 and November 30 of any year, the head of the family must report the fact to the mayor or the town or village master stated above by the end of November of the previous year. The head of a family must, except when otherwise specified, follow the above procedure in his own case.

Article 25. Conscription districts are established in order to carry out necessary conscription measures.

A conscription district is divided into sub-conscription districts. The class and area of a conscription district are determined by Imperial Ordinance.

Article 26. Requirements as to the number of men for service with the colors and for service in the first conscript reserve, are apportioned first to conscription districts, and then to sub-conscription districts.

The apportionment of the number of men required from conscription and sub-conscription districts as stated in the preceding paragraph, is to be carried out in accordance with the number of men who have their permanent domiciles in those districts, and who are to take their conscription examination therein.

Article 27. The quotas of men allotted to various sub-conscription districts in accordance with the provision of the preceding article, are to be filled by men permanently domiciled in those districts.

Article 28. In case it is impossible to obtain the required number of men from a conscription, or a sub-conscription district, the unfilled portion of the quota may be allocated to another conscription or sub-conscription district.

Article 29. Conscription examinations will be held in a sub-conscription district where the men concerned have their permanent residences. The physical examination, however, may be held at a place other than the permanent residence.

Article 30. In case of failure to take the conscription examination in the required year, the examination will be taken the following year.

Article 31. A man who, as a result of a conscription physical examination, has been selected for active service, or for service in the first conscription reserve, is considered as belonging to the sub-conscription district in which the examination was taken regardless of change of residence to another such district.

Article 32. Those who have taken a conscription physical examination are classified as follows:

Those fit for service with the colors.

Those fit for service in the national army, but unfit for service with the colors.

Those unfit for service.

Those whose fitness is doubtful.

The above standard of classification is determined by Imperial Ordinance.

Article 33. Those found suitable for service with the colors as prescribed by Imperial Ordinance, are enlisted in accordance with the requirements of the allocations to each sub-conscription district, beginning with those suitable for service with the colors, followed by those for service in the 1st conscript reserve. The selection of accepted conscripts is made in accordance with their physical excellence.

In deciding upon the order of enlistment of the men of equal physical condition, the authorities concerned, in case of special necessity, may resort to drawing, as prescribed by Imperial Ordinance.

The branches of service for those who are enlisted under the provision of paragraph 1 are determined according to the number of men allocated to each sub-conscription district, physique, attainments, and professions of the men concerned.

Those fit for service with the colors, when not enlisted with service with the colors or in the first conscript reserve, are placed in the second conscript reserve.

The conscripts who are accepted for service with the colors, when the branches of service for them are decided upon, may be enlisted for actual service, in accordance with their preferences, irrespective of the order of enlistment specified in paragraphs 1 and 2.

Article 34. Those who are suitable for service in the National Army, but unfit for service with the colors, are not enlisted.

Article 35. Those unfit for any service are dropped from all lists of men available for service.

Article 36. Enlistment is postponed for those whose suitability for service is doubtful. Such cases are required to appear for the conscription examination every year until their suitability, or unsuitability, for service is finally decided upon.

Article 37. When those who are required to appear for the conscription examination are suffering from diseases unfitting them for service, or when they are insane, or physically deformed, parents or guardians are required to submit documentary evidence to this effect in order that they may be exempted from service without appearing for their conscription examination.

Article 38. Abolished.

Article 39. Conscription examination of the men concerned may be postponed in the following cases:

When under public hearing or preliminary investigation in connection with a criminal case for which the punishment includes penalties in addition to imprisonment.

When in custody following a crime.

When under a stay of execution.

When on parole.

When in a reformatory, or a house of correction in accordance with the Juvenile Law.

When temporarily out of a reformatory in accordance with the rules thereof.

The provisions of the preceding paragraph are applicable, with necessary modifications, to those found suitable for service with the colors, but whose order of enlistment has not been decided upon.

Those whose enlistment has been postponed in accordance with the provisions of the two preceding paragraphs, are to

appear for their conscription examination in the year in which the reason for the postponement becomes ineffective, or in the following year.

Article 40. When evidence is produced to show that a family is threatened with want due to the enlistment of its important member (the head of the family or any other member living under the same roof), his enlistment may be postponed for two years. If the evidence is not founded on fact, however, postponement of enlistment is not allowed.

If the reason necessitating the postponement of enlistment disappears before the expiration of such postponement, the conscription examination will be held during the year in which such reason becomes ineffective, or in the following year.

If the reason necessitating the postponement of enlistment does not become ineffective until after the expiration of the postponement, he must appear for his conscription examination in the year following the expiration of the postponement. In this case, he is not liable to service with the colors, or in the first conscript reserve.

The period of the postponement of conscription specified in paragraph 1 is to be computed from December 1 of the year of appearance for the conscription examination.

Article 41. Those who are to appear for conscription examination, if attending schools specified by Imperial Ordinance, may be exempted from such examination until they reach 26 years of age at the maximum.

When the reason for postponement of their conscription examination has terminated, conscription examination will be taken in the year such reason becomes ineffective, or in the following year. When a change of schools is made within six months of graduation, the reason for postponement of conscription examination is regarded as still in force.

Those who are still attending school upon the expiration of the postponement of their conscription examination as specified in paragraph 1, are liable to such an examination in the year when the postponement has expired.

In war time, or in time of incident, the enlistment of the foregoing student classes may not be postponed, as specified by Imperial Ordinance.

Article 42. Those who have been residing abroad since, or prior to, reaching military age (except as specified by Imperial Ordinance) may apply for postponement of conscription.

Those whose conscription has been postponed in accordance with the provision of the preceding paragraph are to appear for conscription examination in the year in which the reason for postponement is terminated, or in the following year.

Article 43. If those whose conscription is postponed in accordance with the provision of Article 42, paragraph 1, temporarily return home due to the death or serious illness of direct descendants, relatives, wives, children, or by the order of the government offices to which they belong, the reason for the postponement of their conscription is not regarded as being ended, unless their stay at home exceeds 90 days.

Besides the cases mentioned in paragraph 1 of the preceding article, those residing abroad may return to Japan temporarily, as specified in Imperial Ordinance, once a year, and for a period of time not exceeding 90 days, depending upon the distance between Japan and their residence abroad, without forfeiting their privilege to deferred conscription.

When those coming under the provisions of the two preceding paragraphs, due to diseases or other unavoidable conditions arising during their stay in Japan, are unable to

leave for their residences abroad in the time specified in the preceding two paragraphs, they may apply for extension of their stay in this country, without forfeiting their privilege to deferred conscription.

Article 44. The provisions of the two preceding articles, with necessary modifications, are applicable to the Japanese nationals belonging to the crews of Japanese vessels plying between foreign ports.

Article 45. In case a family, due to simultaneous enlistment of more than two members (those living under the same roof, including the head of the family) is exposed to immediate want, the enlistment of one of them may be postponed until the other finishes his service with the colors.

The provision of Article 17, par. 2, with necessary modifications, is applicable to those whose enlistment has been postponed in accordance with the provision of the preceding paragraph.

Article 46. When those fit for service with the colors, due to diseases or other inevitable reasons, are unable to enter the army on the dates for their enlistment, or where they come under one of the cases enumerated in Article 39, their enlistment may be postponed by a period not to exceed 31 days.

When those fit for service with the colors are unable to join the army on the expiration of the postponement specified in the preceding paragraph, they are liable to another conscription examination, unless they belong to such branches of service as are specified in Article 13, in which case they are liable to enlistment, without another conscription examination, with the next group of men becoming available for enlistment.

Article 47. When those found fit for service with the colors at the time of conscription examination, but are found to be

unfit for service by reason of disease or mental disorder not readily curable within 31 days on the occasion of their physical examination at enlistment, they are returned to their homes. Such cases will be given another conscription examination unless they are found to fall under the provisions of Article 21.

The provisions of Article 46, par. 2, with necessary modifications, are applicable to those who are returned to their homes in accordance with the provision of the preceding paragraph.

Article 48. When vacancies have occurred among men in service with the colors, they are to be filled from among those in the first year of service in the first conscript reserve, in accordance with their order of conscription.

The provisions of Article 27 and Article 28, with necessary revisions, are applicable to the cases relative to the filling of vacancies as specified in the preceding paragraph.

Article 49. When those falling under one of the following cases have been accepted as conscripts, they are to be conscripted after those specified in Article 33, par. 5, but before all others:

Those specified in Article 46, par. 2.

Those specified in Article 47.

Those who, having committed a crime specified in Article 74, were sentenced to a penalty.

Those who, having committed a crime specified in Article 76, were sentenced to a penalty.

Article 50. Those who, having been sentenced for a crime specified in Article 74 or Article 76, forfeit their claim to deferred conscription as specified in Articles 40 - 42 and Articles 44 and 45.



Article 51. When men of military age are found to be without record of domicile due to clerical or other errors in census registration, they will take their conscription examination, in the year when such a mistake is discovered, or in the following year. Those who have not taken their conscription examination due to mis-registration in the census register are also to be treated in the same way as stated above.

Those who have already taken their conscription examination, and are then found to be of, or less than military age as a result of the correction of their birth days, will be re-examined unless they come under one of the following cases:

Those who are in service with the colors, or have already finished their service with the colors when the mistake is discovered.

Those who, being in service with the conscript reserve, are called out to the colors for the purpose of training, or have already finished such a training when the mistake is discovered.

Those who have been disqualified for military service in accordance with the provision of Article 37.

Article 52. Japanese nationals not coming under the census registration law, who have been adopted into the families who are under the control of this law after reaching military age are exempted from military service.

The provision of the preceding paragraph, with necessary modification, is applicable to those who, after reaching military age, have acquired or been restored to Japanese citizenship.

Article 53. Those who are to take their conscription examination in accordance with the provisions of Articles 30 and 36, Article 39 par. 3, Article 40 par. 2-3, Article 41 par. 2-3, Article 42 par. 2, Article 44, Article 46 par. 2, Article 47,

Article 51 par. 1 or Article 66 par. 1, are exempted from conscription examination when they have passed the age of 37.

The age stated in the preceding paragraph is that of a conscript as computed from the date stated in Article 17 par. 1.

#### CHAPTER 4.

##### Summons

Article 54. Soldiers invalided from the service, those in service in the first or second reserve, those in service in the conscript reserve, or those in service in the National Army, are to be called out in time of war or incident in accordance with the needs of the situation.

Article 55. Soldiers on furlough pending their discharge from active service may be called out in order to fill vacancies among the men with the colors, or in case of necessity other than stated above.

Men in the first reserve may be called out when the required number of men has not been obtained after calling all the men on furlough in order to meet the needs of the situation or for other reasons.

Article 56. Men in the first and second reserve may be summoned up to five times for the purpose of undergoing necessary training.

The summoning of reservists specified in the preceding paragraph is fixed at once a year, the length of one call not exceeding 35 days in the case of soldiers, and 70 days in the case of seamen.

The length of one call specified in the preceding paragraph, in case of special necessity, may be prolonged but not to exceed 50 days. In such cases, the number of calls made during the period of first reserve service and during the

period of second reserve service will be reduced by one each.

Article 57. Those in service in the conscript reserve may be summoned for a period not to exceed 120 days for the purpose of training.

Those who have finished the course at a Youths' School or a course of the same grade as, or of a higher grade than that of a Youths' School at any other institution, are exempted from such summons as are stated above as prescribed by Imperial Ordinance.

The determining of the standard of training as stated in the preceding paragraph is to be done, with necessary modifications, in accordance with the provision of Article 41, par. 2.

Article 58. Those in service in the conscript reserve who have undergone necessary training with troops may be called out for an annual course of training.

The provision of Article 56 is applicable to the summons specified in the preceding paragraph.

Article 59. When those who have been called out for an annual course of training fail to finish that course by reason of crimes they have committed, or without other good reason, the number of days or drills they have failed to attend are not considered as a completed part of the training period concerned.

The above is applicable, with required modifications, to the cases of those who have been called out for such training and who fail, without good reason, to join the colors at the specified time.

The provision of the preceding paragraph, with necessary modifications, is applicable to all persons summoned for training other than stated above.

Article 60. Soldiers on furlough pending their discharge from active service, soldiers in service in the first reserve, soldiers in service in the second reserve, and those in service in the conscript reserve, may be called out for an annual inspection muster.

Article 61. Soldiers on furlough pending their discharge from active service, soldiers in service in the first reserve, soldiers in service in the second reserve, and those in service in the conscript reserve who come under one of the following headings may be exempted from annual training or an annual inspection muster:

Government officials, or quasi-officials in the government service who are not easily replaced.

Mayors of cities or masters of towns or villages, assistant-mayors, assistant town or village masters, treasurers of cities, towns or villages, and those in important posts of municipal offices or other public offices.

Members of the Imperial Diet; prefectural assemblies; municipal, town or village assemblies and similar assemblies when the Diet and those assemblies are in session.

Those who are residing or making trips abroad.

Members of the crews of Japanese vessels plying between foreign ports.

Article 62. The summons of reservists may be postponed by not to exceed 10 days in case of serious illness, or in case they are prevented from doing so by circumstances over which they have no control.

When those enumerated in Article 39, par. 1, are summoned and are unable to join the colors by the date specified, or those whose summons have been postponed in accordance with provisions of the preceding paragraph and are unable to join

the colors by the date of expiration of the postponement, the date or year of their summons will be altered according to circumstances.

The provisions of the two preceding paragraphs, with necessary modifications, are applicable to those who have been ordered to attend their annual inspection muster.

When those who have been called out are found, as a result of physical examination conducted prior to their enlistment, to be incapable of service on account of their diseases or physical or mental disorder, the date or year for their enlistment will be postponed unless they are exempted from service.

Article 63. When convincing proof is produced of the fact that a family (including the head of the family and other members thereof who live under the same roof) is exposed to distress due to the enlistment of an important member, he will be discharged from the army. When, however, the evidence produced is not founded on facts, he will not be discharged.

#### CHAPTER 5.

##### Miscellaneous Rules

Article 64. When those who had been appointed to service in the first conscript reserve have been called to service with the colors in accordance with provisions of Article 48 in order to fill the vacancies among the men in active service, the time already served in the first conscript reserve is calculated as part of his service with the colors.

Article 65. For those who entered the army later than the time originally specified in accordance with the provision

of Article 46; and those who, in accordance with the provision of Article 48, par. 1, were enlisted later than the time originally specified to fill the vacancies among the men in active service, the period of service with the colors will be calculated as in the case of those who were enlisted at the specified time. This, however, does not apply to those who were enlisted later than the time originally specified because of crimes they had committed, or without other good reason.

The provision of the first paragraph, with necessary modifications, is applicable to those whose summons had been postponed in accordance with the provision of Article 62, par. 1, in case they entered the army before the expiration of the postponement.

Article 66. When those who had been enrolled by application, are discharged prior to completion of the service period specified by Imperial Ordinance, they are liable to a conscription examination.

When they are enlisted as a result of the conscription examination stated above, the period of their active service is to be calculated as prescribed by Imperial Ordinance.

Article 67. Abolished.

Article 68. Reports of various matters relative to military service other than specified in the present law are to be made as prescribed by ordinance.

Article 69. The mayor of a city, or a master of a town or a village, as prescribed by ordinance, is required to indicate on the margin of the census register of each man having permanent domicile in his city, town, or village, an abbreviation indicating the branch of service to which he belongs, except for those who belong to the second National Army.

The provision of Article 3 of the Census Registration Law, with necessary modifications, is applicable to the official duties specified in the preceding paragraph.

Article 70. In case the information required to be furnished by persons concerned relative to matters connected with this law cannot be furnished by them, the information will be furnished by heads of families.

Article 71. The provisions of the present law concerning the heads of the families are applicable to their legal representatives when they are under age or declared incompetent, or to those who are in charge of the family affairs in case the heads of the families or their legal representative are not yet established.

Article 72. In cities where masters of wards are charged with duties relative to census registration, the provisions of this law concerning the duties of mayors are applicable.

The provisions of this law concerning the duties of town or village masters are applicable to those who are in posts similar to those of town or village masters.

Article 73. The "schools" specified in the present law involve schools abroad that are specified by Imperial Ordinance.

Article 74. Those who, with an intention to evade military service, abscond, or conceal or injure themselves, feign illness, or resort to fraudulent means are liable to a penalty up to 3 years.

Article 75. Those who are to be enlisted for service with the colors, without good reason fail to join the army in ten days after the date for their enlistment, are liable to an imprisonment up to 6 months. In time of war, five days' delay will subject him to imprisonment up to one year.

The provisions of the preceding paragraph, with necessary modifications are applicable to those who volunteer for service in the army.

Article 76. Those who without good reason, fail to take their conscription examination, are liable to a fine up to ¥100.

Article 77. Those who fail to furnish the reports specified in the provision of Article 24 are liable to a fine up to ¥50.

Article 78. The provisions of the preceding five articles are applicable to whoever may be guilty of the crimes specified in those articles.

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#### Additional Regulations

This law will go into effect on and after March 31, 1939, with the exception of the revised provisions of Articles 10, 12, 15, 17, 18, 38, 41, 45 and 67, and part of the revised provision of Article 53, relative to Articles 17, 41 and 61, which are to be enforced on and after December 1, 1939.

Those who, on March 31, 1939, are actually serving in the army due to extension of their service in accordance with the provision of Article 19, will, in spite of revised provision of Article 8, be considered under this law prior to amendment as far as their period of service is concerned.

Those who, on December 1, 1939, are actually attending a middle school, or a school which in accordance with the provision of Article 41 prior to the present revision is



regarded to be of the same grade as or of a higher grade than a middle school, are to be treated as heretofore relative to the postponement of their conscription irrespective of the revised provision of Article 41, as long as they are attending their present school.

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*Changes - January 1941*

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MAR 19 1941  
OFFICE CHIEF OF STAFF  
MIL., INTEL. DIV.  
2023-745  
F.w. 36  
WAR DEPARTMENT *dw*

Article 2. Par. 1

Change

Military service is divided into service in the Standing Army, service in the Conscript Reserve, and service in the National Army.

Article 6

Change

The term of service in the First Reserve is fixed at 15 years and 4 months with the army, and at 12 years with the navy. Those who have finished their period of active service are assigned to service in the First Reserve.

Article 7

Cancelled

Article 9

Change

Those who have finished their term of service with the colors and in the First Reserve, and those who have undergone training in the army prior to the completion of their term of service in the Conscript Reserve, are to serve in the First National Army. Males between 17 and 40 years of age under the Japanese census registration law, who are not in service with the Standing Army, the Conscript Reserve, or the First National Army, are to serve in the Second National Army.

Article 18

Change

The forms of service specified in Articles 5, 6, and 8, and in Article 9, Par. 1, are discontinued when the men concerned reach 40 years of age, regardless of actual length of time spent with the colors.

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Article 21. Par. 1

Change

When soldiers in the active service, the First Reserve, or the Conscript Reserve, have become unfit for such service by reason of mental or physical disorder, or when relieved from active service through the operation of Article 20, they are transferred to other classes of service. Those who have become entirely incapable of service for such reasons, are relieved from further military responsibility.

Article 53

Change

Those who take their conscription examination in accordance with the provisions of Articles 30 and 36, Article 39 par. 3, Article 40 par. 2-3, Article 41 par. 2-3, Article 42 par. 2, Article 44, Article 36 par. 2, Article 47, Article 51 par. 1, or Article 66 par. 1, are exempted from conscription examination when they have passed the age of 37. The age here stated is that of a conscript as computed from the date in Article 17 par. 1.

In connection with the conscription of those who live in Chosen, Taiwan, or in any place outside of Japanese territory, exceptions may be established to all cases stated in Articles 26, 27, and 29 by virtue of an Imperial Ordinance.

Article 54

Change

Soldiers invalided from the service, those in the First Reserve, those in the service in the Conscript Reserve, or those in the National Army, are to be called out in time of war or incident in accordance with the needs of the situation.

Article 56

Change

Men in the First Reserve may be summoned up to five times for the purpose of undergoing necessary training.

The summoning of reservists specified in the preceding paragraph is fixed at once a year, the length of one call not exceeding 35 days in the case of soldiers and 70 days in the case of seamen.

The length of one call specified in the preceding paragraph, in case of necessity, may be prolonged by not to exceed 50 days. In such cases, the number of calls made will be reduced by one each.

Article 57 Par. 1

Change

Those in service in the Conscript Reserve may be summoned for a period of not to exceed 180 days for the purpose of training.

Article 60

Change

Soldiers on furlough pending their discharge from active service, soldiers in the First Reserve, and those in service in the Conscript Reserve, may be called out for an annual inspection muster.

Article 61

Change

Soldiers on furlough pending their discharge from the active service, soldiers in service in the First Reserve, and those in service in the Conscript Reserve who come under one of the following headings, may be exempted from annual training or annual inspection muster:

Additional Regulations

This law shall take effect on and after April 1, 1941, except for Article 53, par. 2, which is to be enforced on and after November 1, 1941.

Those who, at the time this law goes into effect, are in service in the Second Reserve, shall be assigned to service in the First Reserve.

In the case of those who are assigned to service in the First Reserve in accordance with the provisions of the preceding paragraph, the period they have already served in the Second Reserve will be taken into account in computing their further service in the First Reserve.