

"Organic Law of Manchukuo" 1934

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1934

By the Grace and Will of Heaven, we have acceded to the throne and have indicated the fundamentals of the sovereign organization by enacting the Organic Law. In the exercise of the supreme power we shall conform to the provisions of the said Law and shall not suffer the same to be violated.

Imperial Sign Manual and Imperial Seal. First day of March,
First Year of Kangte (1934)

(Countersigned by)

Chang Hsiao Hsu	The Prime Minister
Tsuang Shih-i	The Minister of Civil Department
Hsieh Chih Shih	The Minister of Foreign Department
Chang Chinghui	The Minister of Military Department
Hsui Hsia	The Minister of Finance Department
Chang Yen-Ching	The Minister of Industry Department
Ting Chien Hsui	The Minister of Communication Department
Fen Han Ching	The Minister of Justice Department
Cheng Hsiao Hsu	The Minister of Education Department

Organic Law

Chapter I. The Emperor.

Article 1. The Manchou Empire shall be reigned over and governed by an Emperor. The succession to the Imperial Throne shall be as determined separately.

Article 2. The dignity of the Emperor shall be inviolable.

Article 3. The Emperor is the head of the Empire, supervising the sovereign rights and shall exercise them in accordance with the provisions of the present law.

Article 4. The Prime Minister shall give his advice to the Emperor and shall be responsible for it.

Article 5. The Emperor shall exercise the legislative powers with the approval of the Legislative Council.

Article 6. The Emperor shall cause the courts of justice to exercise the judicial powers in accordance with law.

Article 7. The Emperor shall issue or cause to be issued ordinances for the maintenance of public peace and order and for the promotion of public welfare, or for the carrying out of laws. But no such ordinance shall in any way alter any of the existing laws.

Article 8. The Emperor, in consequence of an urgent necessity of maintaining public safety or averting emergency calamities, shall be empowered to issue, with the approval of the Privy Council, when it is impossible to convene to Legislative Council, Imperial ordinances which shall have the identical force of law. Such Imperial ordinances, however, shall be reported at the following session of the Legislative Council.

Article 9. The Emperor shall determine the organization of the different branches of administration, appoint or dismiss government officials and shall fix their salaries, except in the case of those especially provided for in the present or other laws.

Article 10. The Emperor shall have the power to declare war, make peace, and conclude treaties.

Article 11. The Emperor shall have the supreme command of the military, naval, and air forces.

Article 12. The Emperor shall confer decorations and other marks of distinction.

Article 13. The Emperor shall order amnesty, pardon, commutation of punishments and rehabilitations.

Chapter III. The Privy Council

Article 14. The Privy Council shall be composed of Privy Councillors.

Article 15. The Privy Council shall, when consulted by the Emperor, submit its opinions relative to the following matters:

- (1) Laws;
- (2) Imperial House Law;
- (3) Imperial Ordinances;
- (4) Budgets and matters pertaining to contracts other than budgets which entail obligations upon the National Treasury;
- (5) Treaties and agreements negotiated with the foreign nations and declarations issued in the name of the Emperor;
- (6) Major appointments and dismissals of government officials;
- (7) Other important matters of the State.

Article 16. The Privy Council may report its views to the Throne on important matters relating to the affairs of the State.

CHAPTER III. The Legislative Council

Article 17. The organization of the Legislative Council shall be as determined separately by law.

Article 18. All legislative and budgetary bills and matters pertaining to contracts other than budgets entailing obligations upon the National Treasury shall require the approval of the Legislative Council.

Article 19. The Legislative Council may present proposals relating to affairs of the State to the State Council.

Article 20. The Legislative Council may receive petitions presented by the people.

Article 21. The Legislative Council shall be convoked annually by the Emperor. The duration of the ordinary session shall be one month, which may, however, be prolonged by the Emperor in case of necessity.

Article 22. No session of the Legislative Council can be opened unless more than one-third of the total number of its members are present.

Article 23. The proceedings at a session of the Legislative Council shall be decided by a majority vote. In case of a tie-vote, the chairman shall have the casting vote.

Article 24. The deliberations of the Legislative Council shall be held in public. Closed sessions may, however, be held upon demand by the State Council or by a resolution of the Legislative Council.

Article 25. All legislative and budgetary bills and matters pertaining to contracts other than budgets which entail obligations upon the National Treasury, [which are decided to be passed,] shall be sanctioned, promulgated, and put into force by the Emperor.

In the event of the legislative and budgetary bills and matters other than budget pertaining to contracts which entail obligations upon the National Treasury being rejected by the Legislative Council, [they shall be referred to for reconsideration with reasons indicated therefor,] When further rejected, the Privy Council shall be consulted for a decision thereon.

Article 26. No member of the Legislative Council shall be held responsible outside the Council for his opinion uttered or for any vote given within the Council.

Chapter IV. The State Council

Article 27. The State Council shall take charge of all administrative affairs.

Article 28. The State Council shall be composed of the Department of Civil Affairs, Foreign Affairs, Defense, Finance, Industry, Communications, Justice and Education.

Article 29. The State Council shall have a Prime Minister and each of the Departments a minister. The minister of each Department shall be responsible for the affairs over which he exercises jurisdiction.

Article 30. The Prime Minister and the Ministers of the Departments may attend the sessions of the Legislative Council at any time and may have a voice in its deliberations, but shall have no vote.

Article 31. All Imperial edicts or rescripts, Imperial messages, laws and Imperial ordinances relating to State affairs shall bear the counter-signatures of the Prime Minister and the Ministers of the Departments concerned.

Chapter V. The Courts

Article 32. The Courts shall, in accordance with law, conduct trials of Civil and criminal cases. In respect to administrative and other special litigation, however, special provisions shall be made by law.

Article 33. The organization of the Courts and the qualifications of the judicial officials shall be determined by law.

Article 34. The judicial officials shall command independence in the discharge of their duties.

Article 35. No judicial official shall be dismissed except by trials on criminal offense or disciplinary punishment, nor shall be subjected to suspension, transfer of position or office and reduction of salary against his will.

Article 36. The trials and judgments of Courts shall be open to the public. Cases which threaten public order and peace or in which public morals are liable to be in danger, however, may be closed to the public in accordance with law or by decision of the Court concerned.

Chapter VI. The Supervisory Council

Article 37. The Supervisory Council shall conduct supervisory duties and audit the accounts.

The organization and duties of the Supervisory Council shall be determined separately by law.

Article 38. The Supervisory Council shall have supervisors and auditors.

Article 39. No supervisor or auditor shall be dismissed except by trials on criminal offense or disciplinary punishment, nor shall any supervisor or auditor be subjected to suspension, transfer of position and reduction of salary, against his will.

Supplementary Provisions

Article 40. The present law shall come into force on the first day of March, First Year of Kangte.

Article 41. The Emperor may, for the time being, issue Imperial ordinances or decrees possessing the identical force of laws, fix the budgets or make contracts other than budgets which entail obligations on the National Treasury, with the approval of the Privy Council.

Article 42. All previous ordinances, Council orders, and other laws and ordinances irrespective of their designations or titles shall continue to remain in force.

From Page 9 of "Official Gazette" Extra number for March 1st.

IMPERIAL ORDINANCE

We, in accordance with the provisions of Article 41 of the Organic law, and with the approval of the Privy Council, have sanctioned the abolition of the Government Organization Law and hereby cause this matter to be promulgated.

Imperial Sign-Manual and Imperial Seal. First day of March,
First year of Kangte (1934)

(Countersigned by)

Chang Hsiao Ysu, The Prime Minister
Tsuang Shih-1, the Minister of Civil Department
Hsieh Chih Shih, The Minister of Foreign Department
Chang Ching hui, The Minister of Military Department
Hsui Hsia, The Minister of Finance Department
Chang Yenching, The Minister of Industry Department
Ting Chien Hsui, the Minister of Communications Department
Fen Han Ching, The Minister of Justice Department
Cheng Hsiao Sau, The Minister of Education

IMPERIAL ORDINANCE NO. 1

Abolition of the Government Organization Law
(Government Organic Law)

The Government Organization Law (The Government Organic Law) Ordinance No. 1, of the First Year of Tatung (1932) is hereby abolished.

Supplementary

The present Ordinance shall take effect as from the First day of March, First Year of Kangte (1934).