DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775012

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No. 1.

From: Govt Section To: ESS Date: 3 April 1952

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives

2. ~~Your prompt comment is requested.~~

1 Incl Amendment re: Bill for Relief to the Invalid and Surviving Dependents of the War Dead, ~~xxxx~~ etc.

ESS
GS

- F. R. - - - - - - - - - - - - - - -

A.R. DeAngelis, 26-6148
WFM/~~RJF~~/RRD/ao

2. From: ESS To: Govt Sec Date: 7 APR 1952

1. It is recommended that clearance of opposition proposed bill be withheld.

2. Proposed legislation would increase annuities to bereaved families from ¥10,000 to ¥20,000 per year, and war invalid annuities about 40%. The estimated additional cost is 15.6 billion yen. No funds have been provided in the JFY 1952-53 budget for this purpose.

3. Proposed legislation would also extend the scope of war invalid and bereaved family benefits to students and persons mobilized for industrial purposes. No funds have been provided in the JFY 1952-53 budget for this purpose.

4. Passage of proposed bill would unbalance the budget.

1 Incl
n/c

- - - - - - - - - - - - - W. F. M. - - - - - - - - - - - - - - - - - - -

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 713012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

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DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775012

April 2, 1952.

Title of the Bill: Proposed Amendments to the Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. (No.2) (Proposed by KANEKO Yojuro and 9 others)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Budgetary Measures:

According to the explanation by the proposers, the additional expenses necessiated by this draft amendment are 12 billion yen anually and it is needed to appropriate them in the supplementary budget.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

ESS
GS

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775012

House of Representatives

April 2, 1952.

Proposed Amendments to the Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. (No. 2)

(Proposed by KANEKO Yojuro and 9 others)

The Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. shall be partially amended as follows:

The title of the Bill shall be amended to read "Bill for Temporary Measures for Compensation to the Invalid, the War-Dead as well as their Surviving Dependents, etc."

In the Contents, "relief" shall be amended to read "compensation", "Article 39" to read "Article 40", "(Articles 40-42)" to read "(Article 41-43)", and "Articles 43-51)" to read "Articles 44-53)".

In the provisions up to Article 51, "soldiers and gunzokus" shall be amended to read "soldiers, gunzokus, etc.", "gunzokus" to read "gunzokus, etc."

In Article 1, "duty" in such phrases as "in line of duty," "on duty" and the like shall be amended to read "duty or official business," and ---- to provide relief ----- to their dependent survivors" to read" --- to provide Compensation ---- to their dependent survivors."

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 713012

In Article 2, Par. 1 (2) "(excluding those who acquired, sometime after the time of death, such status as herein stated, retrospectively to the time of death, -----)" shall be amended to read "(including those drafted or forced to students service work or the like in accordance with the Imperial Ordinances based on the National General Mobilization Law (Law No. 55, 1938) who is deemed to correspond to the above, ----)"

In Article 3, Par. 1 (1), next to "the period" "(including the period during which they were in the status of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy)" shall be added and in item (2) of the same paragraph "December 8, 1941" shall be amended to read "July 7, 1937".

In Article 4, Par. 1, "the Relief Reviewing, Commission" shall be amended to read "the Compensation Reviewing Commission for the Invalid, the War Dead as well as their Surviving Dependents, etc., hereinafter referred to as 'the Compensation Reviewing; Commission;)".

In Article 4, Par. 2 and the following Articles, "duty" shall be amended to read "duty or official business."

In the heading of Article 5 and in the same Article, "relief" shall be amended to read "compensation" and to the same Article the following item shall be added:

"(7) Educational aids."

In Article 6, "relief" shall be amended to read "compensation."

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND# 775012

"Chapter II. Relief

Section 1. Relief to the Invalids, etc." shall be amended to read

"Chapter II. Compensation Sec

Section 1. Compensation to the Invalids, etc."

In Article 7, Par. 1, "(In case of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy, the duration of time while they were in such status shall be included. Hereinafter, up to Article 21, the same.)" shall be deleted; "on the day of enforcement of this Law (or the day mentioned under the competent items respectively in case of those persons prescribed in one of the following items" shall be amended to read "on April 1, 1952 (or on the day mentioned under the competent items respectively in case of those persons prescribed in one of the following items"; in items (1) and (2) of the same paragraph" on or after the day of enforcement of this Law", and in Paragraph 2 of the same Article "after the enforcement of this Law", shall be amended to read "on or after April 1, 1952"; and paragraph 3 of the same Article shall be deleted.

In Article 7, Par. 2 and in the provisions down to Article 51, "the Relief Reviewing Commission" shall be amended to read "the Compensation Reviewing Commission."

In the list of Article 8, "¥66,000,00" shall be amended to read "¥90,000,00", "¥54,000,00" to read "¥66,000,00" and "¥48,000,00" to read "¥54,000,00".

In Article 11 item (3), "prior to the enforcement of this Law" shall be amended to read "prior to March 31, 1952".

"Section 2. Relief to Surviving Dependents of the War-Dead, etc." shall be amended to read "Section 2. Compensation

to Surviving Dependents of the War-Dead, etc."

Article 23 paragraph 2 shall be deleted.

In the heading of Article 25, "father, mother, grandchild, grandfather and/or grandmother" shall be amended to read "and/or grandchild"; and in the same Article, "father, mother, grandfather or grandmother" to read "or grandchild"; "at the time of enforcement of this Law (or on the day of his death if he dies after enforcement of this Law)" to read "on April 1, 1952, (or on the day of his death if he dies on or after April 2, 1952)"; in items (2) and (4) of the same Article, "below 18 years of age" to read "below 18 years of age or being above 18 years of age, has been attending school (excluding miscellaneous schools) prescribed in School Education Law (Law No. 26, 1947) since he or she was below 18 years of age"; and item (3) and (5) of the same Article shall be deleted and item (4) shall be made item (3).

In Article 26, "Ten Thousand Yen (¥10,000.00)" shall be amended to read "Twenty Thousand Yen (20,000.00)", "Five Thousand Yen (5,000,00)" to read "Ten Thousand Yen (¥10,000.-00)".

In Article 27 paragraph 1, "paragraph 1" shall be deleted.

In Article 29 item (2), "after the death" shall be amended to read "on or after the date of death"; and "prior to enforcement of this Law" to read "on or before March 31, 1952."

In Article 30 paragraph 1, "after enforcement of this Law" shall be amended to read "on or after April 1, 1952".

In Article 31 Item (5), "father, mother, grandchild, grandfather and/or grandmother" shall be amended to read "and/or grandchild".

In Article 34, "December 8, 1941" shall be amended to read "July 7, 1937"; and item (2) of the same Article shall be deleted.

In Article 35, "Article 25, item (1), (2) or (4)" shall be amended to read "any of the items under Article 25"; and "at the time of enforcement of this Law (or the day of his death, if the decease occurs after enforcement of this Law)" to read "on April 1, 1952 (or the day of his death, if the decease occurs on or after April 2, 1952."

In Chapter II, Section 2, the following Article shall be added next to Article 39:

(Educational Aid)

Article 40. With reference to compulsory education, the State may, within the limits of the following provisions, give aid either in money or in kind to a child or grandchild who is entitled to the surviving dependent's pension, as provided for by Ministerial Ordinance.

(1) Text books, school accessories and other necessary things for attendance at school.

(2) Food-supply at school.

2. The provisions of the preceding paragraph shall apply mutatis mutandis to a person who is a child or grandchild of a person receiving the invalidity pension for his category 1 or higher degree of disability, who has Japanese nationality, and who depends on or shares a livelihood with the recipient of the invalidity pension.

In Chapter III, Article 40 shall be made Article 41,

and the ensuing Articles down to Article 47 shall be re-numbered accordingly; Article 49 shall be made Article 51, and the ensuing Articles shall be re-numbered accordingly; Article 48 shall be made Article 49, in paragraph 1 of the same Article "Article 17 or 21" shall be amended to read "Article 17, 21 or 40", in paragraph 2 of the same Article "relief" shall be amended to read "compensation", and the following Article shall be added next to the same Article:

(Relations with Livelihood Protection Law)

Article 50. The compensation under the provisions of this law shall not be construed to affect the application of the provisions of the Livelihood Protection Law (Law No. 144 of 1950).

In Article 52 as amended, "relief" shall be amended to read "compensation".

In the Supplementary Provisions, "the Law for Relief to the Invalid and Surviving Dependents of the War-Death, etc." shall be amended to read "the Bill for Temporary Measures for Compensation to the Invalid, the War-Death as well as Their Surviving Dependents, etc."

Paragraph 1 of the Supplementary Provisions shall be amended as follows:

This law shall come into force as from the day of its promulgation, and apply as from April 1, 1952.

Paragraph 9 of the Supplementary Provisions shall be made paragraph 12, and the ensuing items shall be re-numbered accordingly.

Paragraph 2 of the Supplementary Provisions shall be made paragraph 3, and the ensuing paragraphs down to paragraph 8 shall be re-numbered accordingly.

The following paragraph shall be added next to paragraph 1 of the Supplementary Provisions:

2. The compensation under the provisions of this law shall be temporary measures, and a law providing for measures to supplant such temporary measures shall be enacted during 1953.

In paragraph 4 of the Supplementary Provisions as amended, "on April 1, 1952" shall be added next to "qualified to an additional pension"; and "after enforcement of this law" shall be amended to read "on or after April 2, 1952."

In paragraph 5 of the Supplementary Provisions as amended, "on or before March 31, 1952" shall be added next to "if the duration of time had been partly elapsed".

The following two paragraphs shall be added next to paragraph 9 of the Supplementary Provisions as amended.

The following two paragraphs shall be added next to paragraph 9 of the new Supplementary Provisions:

10. In case a recipient of an invalidity pension or a surviving dependent's pension under the provisions of the Welfare Pensions Insurance Law (Law No.60 of 1941) is qualified to receive the invalidity pension or the surviving dependent's pension under the provisions of this Law due to the same reason, the grant of the invalidity pension or the surviving dependent's pension under the provisions of the Welfare Pensions Insurance Law shall be suspended while he she is qualified to receive the invalidity pension or the surviving dependent's pension under this Law, provided that this shall not apply to the part which the amount of the surviving dependent's epnsion under the provisions of the Welfare Pensions Insurance Law (including the additional grant prescribed in Article 45-(2) of the same Law) exceeds the amount of the surviving dependent's pension qualified to be granted under the provisions of this Law (or the total amount of the surviving dependent's pensions if the spouse, as a surviving dependent, has such child that falls under the purview of the provisions of the Welfare Pensions Insurance Law, Article 45-(2), who is qualified to the surviving dependent's pension under the provisions of this Law).

11. If there exists no body else qualified to the surviving dependent's pension under the provisions of the Welfare Pensions Insurance Law, in case the recipient of the pension loses its qualification to the surviving dependent's pension when the grant of the pension was or has been suspended under the provisions of the preceeding paragraph, the provisions of Article 47 of the same Law shall apply, regarding the total

amount of the invalidity pension and the surviving dependent's pension mentioned below, as the total of the invalidity pension and the surviving dependent's pension already paid in accordance with the provisions of the same Law:

(1) The invalidity pension granted under the provisions of the Welfare Pensions Insurance Law;

(2) The surviving dependent's pension granted under the provisions of the Welfare Pensions Insurance Law for the death of the recipient of the invalidity pension;

(3) The invalidity pension granted under the provisions of the Law;

(4) The surviving dependent's pension granted to the dependents under the provisionsof this Law, to whom the grant of the invalidity pension had been suspended under the provisions of the preceding paragraph, as well as the Child falling under the purview of the provisions of the Welfare Pension Insurance Law, Article 45-(2), for the death of the recipient of the invalidity pension.

In the amendment provisions of Article 2 of the Cabinet Order for Establishment of Repatriation Relief Agency (Cabinet Order No.124 of 1948), paragraph 13 of the new Supplementary Provisions, "relief" shall be amended as "compensation"; in the amendment provisions of Article 6 of the same Order, "veterans" shall be amended as "veterans, etc."; and in the amendment provisions of Article 7-(2) of the same Order, "the Relief Reviewing Commission" shall be amended as "the Compensation Reviewing Commission for the Invalid and Surviving Dependent's of the War-Dead, Etc."

In paragraph 15 of the new Supplementary Provisions, "the Law for Relief to the Surviving Dependent's, Etc." shall be amended as "the Law for Compensation to the Surviving Dependents, Etc."

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.

From: Govt Section To: ESS Date: 2 April 1952

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives

2. Your prompt comment is requested.

1 Incl Amendment re: Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc.

ESS
GS

- F. R. - - - - - - - - - - - - - - - -

April 1, 1952.

Title of the Bill: Proposed Amendments to the Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, Etc. (Proposed by TAKAHASHI Hitoshi).

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Fokio Irie

Chief, Legislative Bureau,
House of Representatives.

ESS
GS/WM

House of Representatives

April 1, 1952.

Proposed Amendments to the Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc.

(Proposed by TAKAHASHI Hitoshi)

The Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. shall be partially amended as follows:

In Article 1, next to "to provide relief, through grants of pensions or lump-sum-grants, etc." shall be added "in accordance with the spirit of national compensation".

In Article 3, Par. 1 (1), next to" the period", shall be added "(including the period during which they were in the status of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy)."

In Article 7, Par. 1,"(In case of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy, the duration of time while they were in such status shall be included. Hereinafter, up to Article 21, the same.)" shall be deleted;and "on the day of enforcement of this Law (or the day mentioned under the competent items respectively in case of those persons

prescribed in one of the following items.--------)" shall be amended to read "on April 1, 1952 (or the day mentioned under the respective items in case of those persons prescribed in any one of the following items.-------); and in the same Paragraph, (1) and (2), and also in Par. 2 of the same Article, "on and after the day of enforcement of this Law" shall be amended to read "on and after April 1, 1952."

Article 11(3) shall be amended to read "Those who had been disabled in such a condition as stipulated in Article 7, par. 1, but thereafter has become to fallunder the provisions of Article 14, paragraph 1, item (2) prior to Mar. 31, 1952".

In Article 14 Par. 1, (2) and (3) shall be deleted, (4) shall be made (2), and (5) made (3); and in Par. 2 of the same Article, "-----the preceding paragraph item (5)" shall be amended to read"----the preceding paragraph item (3)".

In Article 15, Par. 1,"---to penal servitude or imprisonment without hard labour for a period not exceeding three years" shall be amended to read"---to a penalty of imprisonment without hard labor or heavier".

In Article 17, Par. 1 and in Article 21, Par. 1,"---disability in visual power, hearing---" shall be amended to read"---disability in visual power, hearing and speaking function".

In Article 25, "--- at the time of enforcement of this Law (or on the day of his death if he dies after enforcement of this Law)" shall be amended to read "--- on April 1, 1952, (or on the day of his death if he dies on and after April 2, 1952)".

In Article 27, Par. 2, "--- the total amount ------ Twenty-four Thousand Yen (¥24,000.00)" shall be amended to read "---- the total amount ------ the amount of the invalidity pension to be received by any ~~and~~ dead person ~~was receiving~~ at the time of his death", and "the Twenty-four Thousand Yen (¥24,000.00)" to read "the amount equivalent to the amount of the invalidity pension to be received by the dead person ~~was receiving~~ at the time of his death".

In the heading of Article 28, "surviving dependents" shall be amended to read "Persons Qualified for Surviving Dependents Pension".

In Article 29 item (2), "Article 31 items (2) to (4), or items (6) to (8)" shall be amended to read "Article 31 item (2), item (3) or items (5) to (7)"; "prior to enforcement of this Law""to read "prior to March 31, 1952"; and"after the death" to read "after the date of death".

In Article 30 paragraph 1, "after enforcement of this Law" shall be amended to read "after April 1, 1952".

In Article 31, item (2) shall be deleted, and item (3) shall be made item (2) and the rest shall be moved up by one item accordingly.

In Article 34 paragraph 1, "for condolence" shall be added next to "granted".

Article 35 paragraph 1 shall be amended as follows:

The scope of the surviving dependents qualified for the surviving dependent's lump-sum-allowance shall be limited to such spouse, child, father, mother, grandchild, grandfather, grandmother, brother and sister of the deceased as of the time of his death as had Japanese nationality at the time of the death of the said deceased.

Article 36 shall be amended as follows:

(Order of Precedence of Surviving Dependents)

Article 36. The precedence of a surviving dependent in respect of qualification for a surviving dependent's lump-sum-allowance shall be in the order as given below. However, of the fathers and mothers in the same order of precedence, father-in-law and mother-in-law shall precede real father and mother; and of the grandfathers and grandmothers in the same order of precedence, father and mother of father-in-law and mother-in-law shall precede father and mother of real father and mother, and father-in-law and mother-in-law of father and mother shall precede real father and mother of father and mother.

(1) A spouse (excepting the person mentioned in item (7)).

(2) Children (excepting the person mentioned in item (8)).

(3) Father and mother (excepting the person mentioned in item (9)).

(4) Grandchildren (excepting the person mentioned in item (10)).

(5) Grandparents (excepting the person mentioned in item (11)).

(6) Brothers and sisters (excepting the person mentioned in item (12)).

(7) A spouse who is married (except where such spouse continues to bear the same family name as that of the deceased) to a person other than the surviving dependents (meaning the persons provided for in paragraph 1 of the preceding Article; hereinafter the same in this Article), or is adopted into the family of a person other than the surviving dependents, on or after the day of death of the deceased and prior to March 31, 1952.

(8) A child who, on April 1, 1952 (or the date of death of the deceased if such date falls on April 2, 1952, or thereafter; hereinafter the same in this Article), does not bear the same family name as that of the deceased (excepting a child who is married to, or adopted into the family of, a surviving dependent or who bears

the same family name as that of the spouse who re-adopted the pre-marital family name), or a child who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(9) The father or mother who, on April 1, 1952, does not bear the same family name as that of the deceased (excepting the father or mother who is married to a surviving dependent), or the father or mother who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(10) A grandchild who, on April 1, 1952, does not bear the same family name as that of the deceased (excepting a grandchild who is married to, or adopted into the family of, a surviving dependent or who bears the same family name as that of a child who was reinstated to the pre-marital family of the spouse), or a grandchild who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(11) A grandparent who on April 1, 1952, does not bear the same family name as that of the deceased (excepting a grandparent who is married to a surviving dependent), or a grandparent who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(12) A brother or sister who, on April 1, 1952, does not bear the same family name as that of the deceased (excepting a brother or sister who is married to, or adopted into the family of, a surviving dependent), or a brother or sister who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

In Article 38 item (2), "prior to Mar. 31, 1952" shall be added next to "on or after the day of death of the deceased", and "Article 31, items (2) to (4) or (6) to (8) shall be amended as""Article 31, item (2) or (3); in item (3) of the same Article, "on April 1, 1952 (in case the day of death of the deceased is after April 2, 1952, the day of death" shall be added next to "the dependents who were".

The title of Article 43 shall be amended as "(Method for Grant of Pension and Due Month for Grant)"; in the same Article, "the surviving dependent's pension" and "respectively" shall be deleted; in the proviso of the same Article, "pension" shall be amended as "the invalidity pension" and the following three paragraphs shall be added in the same Article.

2. The surviving dependent's pension shall be granted in a lump sum as much as for up th the month as fixed in the following each item in the due month as provided for in the cabinet order every year, provided that the surviving dependent's pension which should have been granted in the due month or in case of item (2), the surviving dependent's pension under the same item when the month in which the granting of the surviving dependent's pension is commended (including the month in which the suspension of the granting is ceased to exist; hereafter, the same shall apply) is after the due month shall be granted even after the due month.

(1) For a person who will have the right to receive a surviving dependent's pension in April: as much as o for April to March, next year.

(2) For a person to whom the month in which the granting of the surviving dependent's pension is commenced is

after May; as much as for the month in which the surviving dependent's pension is commenced to Mar., next year (the same year in case the month in which the granting of the surviving dependent's pension ~~is~~ is commenced is after January, next year).

3. If, in the case of the preceding paragraph, any cause has arisen for the lapsing of the right to receive a surviving dependent's pension or for the suspension of payment of such pension, prior to the day on which the payment is receivable, the pension shall be paid, notwithstanding the provisions of the said paragraph, for the period up to and including the month to which the day belongs when the right to receive the surviving dependent's pension lapsed or the cause for the suspension of payment of such pension came into being.

4. The amount of repayment which shall be made in case, after a surviving dependent's pension has been paid under the provisions of paragraph 2, any cause has arisen for the lapsing of the right to receive the said pension, or for the suspension of payment of such pension, or for a change in the amount of the surviving dependent's pension payable to each person under the provisions of Article 27, paragraph 2, as well as such other matters as are relevent thereto shall be prescribed by Ministry of Welfare Ordinance.

In Article 44, paragraph 1, "as well as other relevant matters" shall be added next to "the condition of their disabilities."

The title of Article ~~48~~ 49 shall be amended as "(Payment of Pension and Principal and Interest of National loan Bond)" and the following one paragraph shall be added next to ~~paragraph shall be added next to~~ paragraph 2 of the same Article:

3. The business relating to the payment of the principal and interest of national loan bond as provided for in Article 37 may be handled by the Minister of Postal Services.

Paragraph 1 of the Supplementary Provisions shall be amended as follows:

This law shall come into force as from the day of its promulgation, and shall apply as from April 1, 1952.

In Paragraph 3 of the Supplementary Provisions, "at the time of enforcement of this Law" shall be amdnded as "on April 1, 1952" and "after enforcement of this Law" shall be amdnded "as from April 2, 1952."

In Paragraph 4 of the Supplementary Provisions, "Prior to enforcement of this Law" shall be amended as "prior to March 31, 1952".

In the Supplementary Provisions, paragraph 9 shall be made paragraph 11 and the rest shall be moved down by two paragraphs accordingly, and the following two paragraphs shall be added next to paragraph 8.

9. The interest within a term from April 1, 1952 till March 31, 1953, of the national bonds issued in accordance with the provision of Article 37 paragraph 2, may be paid in advance.

10. The person qualified to a surviving dependent pension within a term from April, 1952 to March, 1953 shall be, even when the cause for extinction of the right to receive a survhving dependent pension occured to him, granted so much surviving dependent pension as is attributable to a term from April, 1952 or the month of commencement of payment of surviving dependent pension to March, 1953, in accordance with the provisions of items (1) or (2) of Article 43 paragraph 2, notwithstanding the provisions of Article 30 paragraph 1 (limited to the provision concerning the time of termination of payment of a surviving dependent pension) and paragraphs 3 or 4 of Article 43.

The following one paragraph shall be added as paragraph 15 to the end of the Supplementary Provisions:

15. The Postal Transfer Savings Law (Law No.60 of 1948) shall be partially amended as follows:

Article 64 and Article 65 shall be amended as follows:

Article 64. (Payment of price of national loan bond) In case a post office has purchased the national loan bond or paid the principal and interest of bond for the account owner in accordance with the provision of Ministerial Ordinance, the transfer office shall pay-out from the deposit of account of the account owner the amount needed for the payment of price of purchase or principal and interest of bond.

Article 65. (Charges) The charges for the postal transfer savings for the paying-out under the preceding Article shall be fixed by the Minister of Postal Services within the following limit:

1. In case national loan bond has been purchased

   Amount corresponding to two thousandths to ten-thousandths of face value of national loan bond;

2. In case principal and interest of bond has been paid-out

   Amount corresponding to forty thousandths of amount paid.

House of Representatives

April 1st, 1952.

Supplementary Resolution to the Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc.

(Proposed by TAKAHASHI Hitoshi)

1. The Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. is a provisional measure. The Government, therefore, should hold the Special Measures System in Pension Law Council quickly, and immediately establish the national compensation system for the sake of the bereaved families of the war-dead, the sick and wounded of the war, etc.

2. The Government should, at the earliest possible chance, take the proper steps for those seamen, drafted workers, mobilized student workers etc. who are excluded from the application of this law, despite being drafted or mobilized and had to die in accordance with laws.

House of Representatives

April 3rd, 1952.

Additional Amendment to the proposed Amendment to the Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc.

(Proposed by TAKAHASHI Hiroshi)

The Proposed Amendment to the Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. shall be partially amended as follows:

The amendment to Article 43 shall be deleted.

In the amendment to the Supplementary Provisions, "Paragraph 9 of the supplementary provisions shall be made Paragraph 11 and the rest shall be moved down by two paragraphs accordingly, and the following two paragraphs shall be added next to Paragraph 8 of the supplementary provisions." shall be amended to read "Paragraph 9 of the supplementary provisions shall be made Paragraph 13 and the rest shall be moved down by four paragraphs accordingly, and the following four paragraphs shall be added next to Paragraph 8 of the supplementary provisions."; "The following one paragraph shall be added next to the end of the supplementary provisions as Paragraph 15" to read "the following one paragraph shall be added next to the end of the supplementary provisions as Paragraph 17"; "15" to read "17".

10. In case the cause for extinction of the right to receive a surviving dependent's pension occurs to the person qualified for the said pension within a term from April 1, 1952 till February 28, 1953, the time of termination of payment of the said pension shall be made March, 1953, notwithstanding the provision of Article 30 paragraph 1.

11. The Surviving Dependent's Pension may be paid only for the Fiscal Year 1952-53 in a lump sum for the monthly payments put together from the month, in which the grant of the Surviving Dependent's Pension begins, to March, 1953, in the due month decided upon by the Cabinet Order according to the provisions thereof inspite of the provisions of Article 43. (in case, however, the cause for the suspension of the grant of the Surviving Dependent's Pension occurs on the day previous to that on which the pension concerned is to be paid, the payment shall be up to that month in which the day, on which that cause occurred, falls.)

12. The repayment of the amount to be repaid and other necessary matters, in case, after the Surviving Dependent's Pension had been paid in accordance with the provisions of the preceding paragraph, the cause for the suspension of the Surviving Dependent's Pension occurred, or the cause necessitating a change in the amount of the Surviving Dependent's Pension to be paid to every dependent concerned in accordance with the provisions of Article 27, Par. 2 occurred, shall be provided for by an Ordinance of the Ministry of Welfare.

Amend. attached
to Bill: 03-1445

House of Representatives

April 1, 1952.

Proposed Amendments to the Bill for Relief
to the Invalid and Surviving Dependents of
the War-Dead, etc.
(Proposed by TAKAHASHI Hitoshi)

The Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. shall be partially amended as follows:

In Article 1, next to "to provide relief, through grants of pensions or lump-sum-grants, etc." shall be added "in accordance with the spirit of national compensation".

In Article 3, Par. 1 (1), next to" the period", shall be added "(including the period during which they were in the status of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy)."

In Article 7, Par. 1,"(In case of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy, the duration of time while they were in such status shall be included. Hereinafter, up to Article 21, the same.)" shall be deleted;and "on the day of enforcement of this Law (or the day mentioned under the competent items respectively in case of those persons

prescribed in one of the following items.--------)" shall be amended to read "on April 1, 1952 (or the day mentioned under the respective items in case of those persons prescribed in any one of the following items.-------); and in the same Paragraph, (1) and (2), and also in Par. 2 of the same Article, "on and after the day of enforcement of this Law" shall be amended to read "on and after April 1, 1952."

Article 11(3) shall be amended to read "Those who had been disabled in such a condition as stipulated in Article 7, par. 1, but thereafter has become to fallunder the provisions of Article 14, paragraph 1, item (2) prior to Mar. 31, 1952".

In Article 14 Par. 1, (2) and (3) shall be deleted, (4) shall be made (2), and (5) made (3); and in Par. 2 of the same Article, "-----the preceding paragraph item (5)" shall be amended to read"----the preceding paragraph item (3)".

In Article 15, Par. 1,"---to penal servitude or imprisonment without hard labour for a period not exceeding three years" shall be amended to read"---to a penalty of imprisonment without hard labor or heavier".

In Article 17, Par. 1 and in Article 21, Par. 1,"---disability in visual power, hearing---" shall be amended to read"---disability in visual power, hearing and speaking function".

In Article 25, "--- at the time of enforcement of this Law (or on the day of his death if he dies after enforcement of this Law)" shall be amended to read "--- on April 1, 1952, (or on the day of his death if he dies on and after April 2, 1952)".

In Article 27, Par. 2, "--- the total amount ------ Twenty-four Thousand Yen (¥24,000.00)" shall be amended to read "---- the total amount ------ the amount of the invalidity pension (to be received by any dead person ~~was receiving~~ at the time of his death", and "the Twenty-four Thousand Yen (¥24,000.00)" to read "the amount equivalent to the amount of the invalidity pension the dead person (to be received by ~~was receiving~~ at the time of his death".

In the heading of Article 28, "surviving dependents" shall be amended to read "Persons Qualified for Surviving Dependents Pension".

In Article 29 item (2), "Article 31 items (2) to (4), or items (6) to (8)" shall be amended to read "Article 31 item (2), item (3) or items (5) to (7)"; "prior to enforcement of this Law""to read "prior to March 31, 1952"; and"after the death" to read "after the date of death".

In Article 30 paragraph 1, "after enforcement of this Law" shall be amended to read "after April 1, 1952".

In Article 31, item (2) shall be deleted, and item (3) shall be made item (2) and the rest shall be moved up by one item accordingly.

In Article 34 paragraph 1, "for condolence" shall be added next to "granted".

Article 35 paragraph 1 shall be amended as follows:

The scope of the surviving dependents qualified for the surviving dependent's lump-sum-allowance shall be limited to such spouse, child, father, mother, grandchild, grandfather, grandmother, brother and sister of the deceased as of the time of his death as had Japanese nationality at the time of the death of the said deceased.

Article 36 shall be amended as follows:

(Order of Precedence of Surviving Dependents)

Article 36. The precedence of a surviving dependent in respect of qualification for a surviving dependent's lump-sum-allowance shall be in the order as given below. However, of the fathers and mothers in the same order of precedence, father-in-law and mother-in-law shall precede real father and mother; and of the grandfathers and grandmothers in the same order of precedence, father and mother of father-in-law and mother-in-law shall precede father and mother of real father and mother, and father-in-law and mother-in-law of father and mother shall precede real father and mother of father and mother.

(1) A spouse (excepting the person mentioned in item (7)).

(2) Children (excepting the person mentioned in item (8)).

(3) Father and mother (excepting the person mentioned in item (9)).

(4) Grandchildren (excepting the person mentioned in item (10)).

(5) Grandparents (excepting the person mentioned in item (11)).

(6) Brothers and sisters (excepting the person mentioned in item (12)).

(7) A spouse who is married (except where such spouse continues to bear the same family name as that of the deceased) to a person other than the surviving dependents (meaning the persons provided for in paragraph 1 of the preceding Article; hereinafter the same in this Article), or is adopted into the family of a person other than the surviving dependents, on or after the day of death of the deceased and prior to March 31, 1952.

(8) A child who, on April 1, 1952 (or the date of death of the deceased if such date falls on April 2, 1952, or thereafter; hereinafter the same in this Article), does not bear the same family name as that of the deceased (excepting a child who is married to, or adopted into the family of, a surviving dependent or who bears

the same family name as that of the spouse who re-adopted the pre-marital family name), or a child who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(9) The father or mother who, on April 1, 1952, does not bear the same family name as that of the deceased (excepting the father or mother who is married to a surviving dependent), or the father or mother who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(10) A grandchild who, on April 1, 1952, does not bear the same family name as that of the deceased (excepting a grandchild who is married to, or adopted into the family of, a surviving dependent or who bears the same family name as that of a child who was reinstated to the pre-marital family of the spouse), or a grandchild who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(11) A grandparent who on April 1, 1952, does not bear the same family name as that of the deceased (excepting a grandparent who is married to a surviving dependent), or a grandparent who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

(12) A brother or sister who, on April 1, 1952, does not bear the same family name as that of the deceased (excepting a brother or sister who is married to, or adopted into the family of, a surviving dependent), or a brother or sister who on such date bears the same family name as that of the deceased but has any cause other than kinship with the deceased for bearing that family name.

In Article 38 item (2), "prior to Mar. 31, 1952" shall be added next to "on or after the day of death of the deceased", and "Article 31, items (2) to (4) or (6) to (8) shall be amended as" Article 31, item (2) or (3); in item (3) of the same Article, "on April 1, 1952 (in case the day of death of the deceased is after April 2, 1952, the day of death" shall be added next to "the dependents who were".

The title of Article 43 shall be amended as "(Method for Grant of Pension and Due Month for Grant)"; in the same Article, "the surviving dependent's pension" and "respectively" shall be deleted; in the proviso of the same Article, "pension" shall be amended as "the invalidity pension" and the following three paragraphs shall be added in the same Article.

2. The surviving dependent's pension shall be granted in a lump sum as much as for up to the month as fixed in the following each item in the due month as provided for in the cabinet order every year, provided that the surviving dependent's pension which should have been granted in the due month or in case of item (2), the surviving dependent's pension under the same item when the month in which the granting of the surviving dependent's pension is commenced (including the month in which the suspension of the granting is ceased to exist; hereafter, the same shall apply) is after the due month shall be granted even after the due month.

(1) For a person who will have the right to receive a surviving dependent's pension in April: as much as for April to March, next year.

(2) For a person to whom the month in which the granting of the surviving dependent's pension is commenced is

after May; as much as for the month in which the surviving dependent's pension is commenced to Mar., next year (the same year in case the month in which the granting of the surviving dependent's pension ~~is~~ is commenced is after January, next year).

3. If, in the case of the preceding paragraph, any cause has arisen for the lapsing of the right to receive a surviving dependent's pension or for the suspension of payment of such pension, prior to the day on which the payment is receivable, the pension shall be paid, notwithstanding the provisions of the said paragraph, for the period up to and including the month to which the day belongs when the right to receive the surviving dependent's pension lapsed or the cause for the suspension of payment of such pension came into being.

4. The amount of repayment which shall be made in case, after a surviving dependent's pension has been paid under the provisions of paragraph 2, any cause has arisen for the lapsing of the right to receive the said pension, or for the suspension of payment of such pension, or for a change in the amount of the surviving dependent's pension payable to each person under the provisions of Article 27, paragraph 2, as well as such other matters as are relevent thereto shall be prescribed by Ministry of Welfare Ordinance.

In Article 44, paragraph 1, "as well as other relevant matters" shall be added next to "the condition of their disabilities."

The title of Article 49 shall be amended as "(Payment of Pension and Principal and Interest of National loan Bond)" and the following one paragraph shall be added next to ~~paragraph shall be added next to~~ paragraph 2 of the same Article:

3. The business relating to the payment of the principal and interest of national loan bond as provided for in Article 37 may be handled by the Minister of Postal Services.

Paragraph 1 of the Supplementary Provisions shall be amended as follows:

This law shall come into force as from the day of its promulgation, and shall apply as from April 1, 1952.

In Paragraph 3 of the Supplementary Provisions, "at the time of enforcement of this Law" shall be amended as "on April 1, 1952" and "after enforcement of this Law" shall be amended "as from April 2, 1952."

In Paragraph 4 of the Supplementary Provisions, "Prior to enforcement of this Law" shall be amended as "prior to March 31, 1952".

In the Supplementary Provisions, paragraph 9 shall be made paragraph 11 and the rest shall be moved down by two paragraphs accordingly, and the following two paragraphs shall be added next to paragraph 8.

add articles 10-11-12

13. The interest within a term from April 1, 1952 till March 31, 1953, of the national bonds issued in accordance with the provision of Article 37 paragraph 2, may be paid in advance.

14. The person qualified to a surviving dependent pension within a term from April, 1952 to March, 1953 shall be, even when the cause for extinction of the right to receive a surviving dependent pension occured to him, granted so much surviving dependent pension as is attributable to a term from April, 1952 or the month of commencement of payment of surviving dependent pension to March, 1953, in accordance with the provisions of items (1) or (2) of Article 43 paragraph 2, notwithstanding the provisions of Article 30 paragraph 1 (limited to the provision concerning the time of termination of payment of a surviving dependent pension) and paragraphs 3 or 4 of Article 43.

The following one paragraph shall be added as paragraph 15 to the end of the Supplementary Provisions:

16. The Postal Transfer Savings Law (Law No.60 of 1948) shall be partially amended as follows:

Article 64 and Article 65 shall be amended as follows:

Article 64. (Payment of price of national loan bond) In case a post office has purchased the national loan bond or paid the principal and interest of bond for the account owner in accordance with the provision of Ministerial Ordinance, the transfer office shall pay-out from the deposit of account of the account owner the amount needed for the payment of price of purchase or principal and interest of bond.

Article 65. (Charges) The charges for the postal transfer savings for the paying-out under the preceding Article shall be fixed by the Minister of Postal Services within the following limit:

1. In case national loan bond has been purchased
   Amount corresponding to two thousandths to ten-thousandths of face value of national loan bond;
2. In case principal and interest of bond has been paid-out
   Amount corresponding to forty thousandths of amount paid.

House of Representatives

April 1st, 1952.

Supplementary Resolution to the Bill for Relief to
the Invalid and Surviving Dependents of the War-Dead, etc.
(Proposed by TAKAHASHI Hitoshi)

1. The Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc. is a provisional measure. The Government, therefore, should hold the Special Measures System in Pension Law Council quickly, and immediately establish the national compensation system for the sake of the bereaved families of the war-dead, the sick and wounded of the war, etc.

2. The Government should, at the earliest possible chance, take the proper steps for those seamen, drafted workers, mobilized student workers etc. who are excluded from the application of this law, despite beihg drafted or mobilized and had to die in accordance with laws.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

File No: Capt. Ervin 26-6076

Note No.

From: Govt Section To: ESS Date: 2 April 1952

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives

2. ~~Your prompt comment is requested.~~

1 Incl Amendment re: Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc.

ESS
GS

- F. R. - - - - - - - - - - - - - - -

A.R.DeAngelo, 26-6148
WFM/MLP/ARD/ao

From: ESS To: Govt Sec Date: 4 APR 1952

2. No comment.

1 Incl
n/c

- - - - - - - - - - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attaches sheet)

Subject: Draft Legislation

File No: Maj Norris 26-6076

Note No.	From: Govt Sec To: ESS Date: 5 MAR 52
	1. Immediate introduction of the attached draft bill in the Diet is proposed by Ministry of Welfare
	2. Your prompt comment is requested.
	1. Incl Bill for Relief to the Invalid and Surviving Dependents of the War Dead, etc.

F. R. 1543

VERBAL CLEARANCE - 3/7

clear
3/8/52
gw

VVEL 69

— — — WAR DEAD

1.

W.R. Etter, 26-6155
WFM/HJP/WKE/ao

2. From: ESS To: Govt Sec Date: 11 MAR 1952

There is no objection to the immediate clearance of the attached draft Bill for Relief to the Invalid and Surviving Dependants of the War-Dead, etc.

1 Incl
n/c

- - - - - - - - - - - - - - - - - W. F. M. - - - - - - - - - - - - - - - - -

Subject: Draft Legislation

Maj Norris 26-6076

From: Govt Sec To: Med O Date: 6 Mar 52

1 1. Immediate introduction of the attached draft bill in the Diet is proposed by Minister of Welfare

2. Your prompt comment is requested.

1 Incl
Bill For Relief to the Invalid and
Surviving Dependents of the War Dead, etc.

- F. R. - - - - - - - - - - - - - - - - - -

Mr. Sullivan 26-6988

From: MS/PHW To: GS Date: 7 Mar 52

2. MS/PHW enters no objections to proposed legislation referred to in c/n #1, above.

1 Incl
w/d

- W. E. S. - - - - - - - - - - - - - - - -

Bill

Submitted to GS for Clearance
through Fourth Section, International
Cooperation Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Mar. 5, 1952

1. Number: FOM No. 69

2. Title: Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, etc.

3. Office in Charge: Repatriation Relief Agency, Ministry of Welfare.

4. Date of Cabinet Approval Mar. 4, 1952

5. SCAP Section concerned: Mr. Albert R. DeAmgelis, ESS.
Mr. Peter M. Sullivan, Medical Section

6. Remark (Reference): See attached paper.

7. GS Reviewers:

ESS
MED
GS/WM

Received by

Date 5 MAR 52

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 240(3 Mar 52)ESS/FIN
SCAPIN 7499-A

3 March 1952

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Pension and Benefits

1. Reference is Memorandum from Ministry of Finance dated 18 February 1952, subject: Request for Approval for Giving Relief to the War Injured, the War Invalid and the Bereaved Families of the War Dead, etc.

2. There is no objection to the payment of pension and benefits prohibited by SCAPIN 338 to the war injured, war invalid and bereaved families of the war dead.

3. The request contained in reference above is approved as an excertion to SCAPIN 338.

FOR THE SUPREME COMMANDER:

C C B Warden
C. C. B. WARDEN
Colonel, AGC
Adjutant General

FOM NO. 69

No. I4

Date: February 25, I952.

Title of draft Law ~~Cabinet Order~~

The Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, Etc.

The above draft Law ~~Cabinet Order~~ has been reviewed and approved by the Administrative Management Agency.

Katsuhiko Onogi

Katsuhiko ONOGI,
Deputy Director,
Administrative Management Agency.

Reference

FOMNO.69

REFERENCES

for

The Bill for Relief to the Invalid and Surviving Dependents of the War-Dead, Etc.

Table of Contents

Reference No.	Articles in this Law	Laws, Regulations, Cabinet Orders, etc. referred to	Articles in References
Ref. 1-a	Art. 2 item (1)	The Regulations regarding the Special Cases of the Pension Law made under Imperial Ordinance No.542 of 1945 (concerning the Orders to be issued in consequence of the acceptance of the Potsdam Declaration) (Imperial Ordinance No.68, February, 1946)	Article I
Ref. 1-b	Art. 2 item (1)	Regulations regarding the Enforcement of Imperial Ordinance No.68 of 1946 (Cabinet Ordinance No.4, February 2, 1946)	Article I
Ref. 1-c	Art. 2 item (1)	The Regulations regarding the Enforcement of the Pension Law (Imperial Ordinance No.367) (August 17, 1923)	Article XXIV
Ref. 2	Art. 3 item (1)	The Pension Law (Law No.48 of 1923)	Article 25
Ref. 3-a	Art. 4	The Pension Law (Law No.48 of 1923)	Article 48
Ref. 3-b	Art. 4	The Pension Law (Law No.48 of 1923)	Article 48 item (3)
Ref. 4	Art. 7	The Pension Law (Law No.48 of 1923)	Annexed Table No. 1-4
Ref. 5	Art. 12	The Regulations regarding the Special Cases of the Pension Law made under Imperial Ordi-	Article VI

References (cont'd.)

Reference No.	Articles in this Law	Laws, Regulations, Cabinet Orders, etc. referred to	Articles in References
Ref. 5 (contd)	Art. 12 par. 2 (contd)	nance No.542 of 1945 (concerning the Orders to be issued in consequence of the acceptance of the Potsdam Declaration) (Imperial Ordinance No.68, 1946)	Art. 6 (contd)
Ref. 6	Art. 12	Undemobilized Persons' Compensation Law (Law No.182 of 1947) Official Gazette (Eng. Edition) No.514 dated December 15, 1947	Art. 8-4 to 8-6
Ref. 7	Art. 19 par. 3	Social Insurance Medical Fee Payment Fund Law (Law No.129 of 1948) Official Gazette Extra, July 10, 1948	Art. 14 to 14-(6)
Ref. 8	Art. 23 item (2)	The Pension Law (Law No.48 of 1923)	Art. 46
Ref. 9	Art. 47	National Tax Collection Law (Law No.21 of 1896)	Art. 16
Ref. 10	Art. 50	The Law for Welfare of Disabled Persons (Law No.283 of 1949) Official Gazette (Eng. Ed.) Extra No.150, December 26, 1949.	Art. 12
Ref. 11 - a	Supl. Prov. 7	The Seamen's Insurance Law (Law No.73 of 1939)	Art. 40
Ref. 11-b	Supl. Prov. 7	The Seamen's Insurance Law (Law No.73 of 1939)	Art.50-(3)
Ref. 12	Supl. Prov. 8	The Seamen's Insurance Law (Law No.73 of 1939)	Art.50-(6) item (4)

REFERENCES (cont.)

Reference No.	Articles in this Law	Laws, Regulations, Cabinet Orders, etc. referred to	Articles in References
Ref. 13	Supl. Prov. 9.	Ministry of Welfare Establishment Law (Law No.151 of 1949) Official Gazette (English Edition) Extra No.59, May 31, 1949.	Art. 12 item (7)
Ref. 14	Supl. Prov. 10	Cabinet Order for Establishment of Repatriation Relief Agency (Cabinet Order No.124 of 1948) Official Gazette (English Edition) Extra, May 29, 1948.	Art. 2 item (2)
Ref. 15	Supl. Prov. 11	The Daily Life Security Law (Law No.444 of 1945) Official Gazette (Eng. Ed.) No.134, September 9, 1946) Amendment: Law No.168 of 1951 Official Gazette (Eng. Ed.) Extra, May 31, 1951.	Art. 53 item (3)
Ref. 16	Supl. Prov. 12	The Income Tax Law (Law No.27 of 1947) Official Gazette (Eng. Ed.) Extra (2) March 31, 1947.	Art. 8 item (4)

Reference 1-a

Article 2 item (1):

(1) Soldiers, quasi-soldiers and public officials or quasi-public-officials who served in the former Army or the Navy, excluding those as fixed by the Cabinet's Prime Minister (Ref.1-b .....) prescribed in the provisions of the Regulations regarding the Special Cases of the Pension Law (Imperial Ordinance No.68 of 1946) (Ref. 1-a) Article 1.

The Regulations regarding the Special Cases of the Pension Law Under Imperial Ordinance No.542 of 1945 (concerning the Orders to be issued in consequence of the acceptance of the Potsdam Declaration).

Imperial Ordinance No.68

February 1, 1946

(Amended by Imperial Ordinance No.304 of 1946)

Article I. In the case of soldiers, quasi-soldiers, public officials or quasi-public-officials who serve in the Army or the Navy, excluding those as fixed by the Cabinet's Prime Minister (hereinafter termed simply "soldiers and gunzokus", i.e., civilian employees attached to the Army or the Navy) or their surviving families, none of the following pensions shall be granted:

1. Ordinary pensions.

2. Additional pensions for the disability the degree of which is placed in Category 7 under the provisions of Article XXIV of the Unrevised Regulations regarding the Enforcement of the Pension Law (Imperial Ordinance No.367 of 1923: Ref. 1-c hereinafter termed "the Regulations").

3. Disease and injury pensions.

4. Lump-sum allowances.

5. Disease and injury allowances for the disability the degree of which is placed in Category 3 or 4 under the provisions of Article XXXI of the Regu-

lations ('Article XXXI of the Regulations', as used in this Cabinet Order, means 'Article XXXI of the Regulations not yet revised under Imperial Ordinance No.504 of 1946').

6. Dependency pensions.

7. Lump-sum dependency allowances.

Reference 1-b:

Regulations regarding the Enforcement of

Imperial Ordinance No. 68 of 1946

Cabinet Ordinance No. 4,

February 2, 1946.

(Revisions: No.30 of 1946 and No.59 of 1946)

Article I. In accordance with the provisions of Article I of Imperial Ordinance No.68 of 1946 (hereinafter termed "The Imperial Ordinance"), "the persons to be fixed by the Cabinet's Prime Minister" shall be fixed as follows:

1. Persons of the hannin rank other than 'police-inspectors, chief jailers, keisha (policemen), policement, or jailers, who serve in the Army or the Navy.

2. Directors (rijikan), commissioners (jimukan), interpreters, or henshu (filer of documents) who serve in the Army or the Navy.

3. Persons treated as hannin-officials or higher officials other than keisa (policemen), policemen, keishu (guards), or jailers, who serve in the Army or the Navy.'

4. Persons who fall under Item 1 and who were made sōnin-officials under the Regulations regarding the Improvement of Government Employees or who were made sōnin-officials at the time of retirement or death.

Reference 1-c

The Regulations regarding the Enforcement of the Pension Law

Imperial Ordinance No. 367

August 17, 1923

Article XXIV. The degrees of disability shall be classified as follows in accordance with the provision of Paragraph 2 of Article XLIX of the Law.

Specific Category.

1. Disability necessitating constant living-in-bed and complicated nursing.
2. Disability necessitating constant watching and complicated nursing owing to severe mental disorder.
3. A person whose both eyes are unable to distinguish light from darkness.
4. A person whose physical defects, taken together, reach the degree of "Category 1 plus Category 1, 2, 3, 4, 5 or 6."

Category 1.

1. A person who though he does not need complicated nursing, needs constant living-in-bed.
2. A person who has lost his mental of physical working capacity and who can barely take care of himself.
3. Loss of chewing power and speech.
4. A person whose both eyes are unable to discern the 0.1 test-types at a distance of over 0.5 meter.
5. Loss of both upper limbs above elbow joints.
6. Loss of both lower limbs above knee joints.

Category 2.

1. Loss of most of mental or physical working capacity.
2. Loss of chewing power or speech.
3. A person whose both eyes are unable to discern the 0.1 test-types at a distance of over 1 meter.

Category 2 (contd)

4. Total deafness of both ears.

5. Loss of aneurysm of aorta, subclavicular aneurysm, aneurysm of common carotied, aneurysm of inominate bone, or iliac aneurysm.

6. Loss of both upper limbs above wrist joints.

7. Loss of both lower limbs above foot joints.

Category 3.

1. Loss of one upper limb above elbow joint.

2. Loss of one lower limb above knee joint.

Category 4.

1. Very severe impairment of mental or physical capacity.

2. Vary severe impairment of chewing power or speech.

3. A person whose both eyes are unable to discern the 0.1 test-types at a distance of over 2 meters.

4. A person whose both ears are unable to hear a lous voice at a distance of over 0.05 meter.

5. Very severe impairment of urinary organs.

6. Total loss of both testicles, the defect symptom of which is, however, not very remarkable.

7. Loss of one upper limb above wrist joint.

8. Loss of one lower limb above foot joint.

Category 5.

1. Severe disfigurement of head, face, etc.

2. A person whose one eye is unable to discern the 0.1 test-types at a distance of over 0.5 meter.

3. Total loss of all the fingers of one hand.

Category 6.

1. Severe impairment of mental or physical working capacity.

2. Very severe impairment of the movement of neck or trunk.

3. A person whose one eye is unable to discern the 0.1 test-types at a distance of over 1 meter.

4. Loss of spleen.

5. Total loss of thumb and forefinger of one hand.

Category 6 (contd)

6. Disablement of functions of all fingers of one hand.

Category 7.

1. A person whose one eye is unable to discern the 0.1 test-types at a distance of over 2 meters.

2. Total deafness of one ear, while the other ear is unable to hear an ordinary voice at a distance of over 1.5 meter.

3. Loss of one kidney.

4. Total loss of one hand.

5. Total loss of forefinger and little finger of one hand.

6. "Right-angle" ankylosis of one foot joint.

7. Total loss of all toes of one foot.

In deciding the degree of a disease and injury which is not included in any of the categories of the preceding paragraph, the provisions of the preceding paragraph shall apply correspondingly.

In measuring visual acuity, a correcting lens, in the case of a refractive error, and the "International Test-Types Table" shall be used.

Article XXIV-2. The degrees of disease and injury for which disease and injury pensions are to be allowed under Paragraph 1 of Article XL VI of the Law and paragraph 2 of Article XLIX of the Law shall be classified as follows:

Class 1.

1. A person whose eyes cannot discern the 0.1 test-types at a distance of over 2.5 meters.

2. Total deafness of one ear.

3. Disablement of one thumb.

4. Disablement of forefinger and little finger of one hand.

5. Disablement of all toes of one foot.

Class 2.

1. Slight impairment of mental or physical working capacity.

2. A person whose one eye cannot discern the 0.1 test-types at a distance of over 3.5 meters.

3. A person whose one ear cannot hear a loud voice at a distance of over 0.05 meter.

4. Total loss of one testicle.

5. Total loss of the first toe of one foot.

Class 3.

1. Disablement of one forefinger.

2. Total loss of one middle finger.

3. Disablement of the first toe of one foot.

4. Total loss of the second toe of one foot.

Class 4.

1. A person whose visual acuity of one eye does not reach 0.1

2. A person whose one ear cannot hear an ordinary voice at a distance of over 0.5 meter.

3. Disablement of one middle finger.

4. Total loss of one ring-finger.

5. Disablement of the second toe of one foot.

6. Total loss of two of the third, fourth, and fifth toes of one foot.

The provisions of paragraphs 2 and 3 of the preceding Article shall apply correspondingly in deciding the degree of disease and injury under the preceding paragraph.

Reference 2

Article 3.

(1) As for soldiers,'the period from the day when they were employed to the day when they retired' (including demobilization under the provisions of the Pension Law (Law No.48 of 1923) prior to the Law for Partial Amendment of the Pension Law (Law No.31 of 1946).

The Pension Law

Law No.48 of 1923

Article 25. 'To assume office (shūshoku)' shall mean in this Law that a person who is not in the official post of a public official is appointed to the official post of a public official.

In case a person who, just at the time of abolishment of a Government establishment, a school, or an official post, or at the time of renaming of an official post, held the official post affected by the above abolishment or renaming or a person who retired in consequence of the curtailment of a personnel is appointed to another official post on the very day or the following day, he shall be regarded as having been transferred to the said post in the application of the Law. This shall not, however, apply to the case which comes under the provisions of paragraph 2 of Article 26.

Article 26. 'To retire from office (taishoku)' shall mean in this Law to be relieved of one's official post (menshoku), to resign one's official post (taishoku), or to lost one's official post (shisshoku).

In case a police-and-prison official has been transferred to the post of a civil official, he shall be regarded as having retired from office.

Reference 3

Article 4. In the case of soldiers being injured or having got ill or, if the injury or the disease should be regarded as service-incurred injury or disease under the provisions of the Pension Law (Ref.3-a), it shall be deemed the service-incurred injury or disease in the application of this Law. In this case, if the competent injury or the disease was not subjected to the decision of the Pension Reviewing Committee, provided for under Pension Law Article 48, item (3) (Ref. 3-b), the recognition by the Minister of Welfare shall substitute the decision of the Pension Reviewing Committee.

Reference 3-a:

The Pension Law

(Law No.48 of 1923)

Article 48. A public official shall be regarded as having suffered an injury or become ill owing to public service in case he falls under one of the following items:

(1) Deleted.

(2) When he contracts one of the epidemics shown in Annexed Table No.1-(2) during his journey on official business;

Ref. 3-b (3) When he suffers an injury or becomes ill owing to a mishap in connection with some special circumstances as a public official and the Pension Reviewing Committee decides that the above injury or illness shall be regarded as similar to one attributable to public service.

Reference 4

Article 7. In case those persons who were in the status of 'soldiers or gunzokus' (In case of the probationary officer in the former Army or the probationer officer below an ensign in the former Navy, the duration of time while they were in such status shall be included; hereinafter the same up to Article 21.) suffer such disabilities resulting from service-incurred injuries or diseases, on the day of enforcement of this Law (or the day mentioned under the competent items respectively in case of those persons prescribed in either of the following items; hereinafter the same in this section) as correspond to the degrees of disabilities, from Special Category to Category 6, prescribed under the Pension Law, Annexed Table 1-4 (Ref. 4), they shall be granted the invalidity pension in conformity with the 'degree of disability' prescribed under the Pension Law, Annexed Table No.1-4.

Reference 4. The Pension Law

(Law No.48 of 1923)

Annexed Table No. 1-4

Degree of disability	State of disability
Specific Category	1. Disability necessitating constant lying-in-bed and complicated nursing.
	2. Disability necessitating constant watching and complicated nursing owing to severe mental disorder.
	3. A person whose both eyes are unable to distinguish light from darkness.
	4. A person whose physical defects, taken together, reach the degree of "Category 1 plus Category 1, 2, 3, 4, 5, or 6.
Category 1.	1. A person who, though he does not need complicated nursing, needs constant lying-in-bed.
	2. A person who has lost his mental or physical working capacity and who can barely take care of himself.

Reference 4 (contd)

The Pension Law, Annexed Table No.1-4

Category 1.
3. Loss of chewing power and speech.
4. A person whose both eyes are unable to discern the 0.1 test-types at a distance of over 0.5 meter.
5. Loss of both upper limbs above elbow joints.
6. Loss of both lower limbs above knee joints.

Category 2.
1. Loss of most of mental or physical working capacity.
2. Loss of chewing power or speech.
3. A person whose both eyes are unable to discern the 0.1 test-types at a distance of over 1 meter.
4. Total deafness of both ears.
5. Loss of aneurysm of aorta, subclavicular aneurysm, aneurysm of common carotied, aneurysm of innominate bone, or iliac aneurysm.
6. Loss of both upper limbe wrist joints.
7. Loss of both lower limbs above foot joints.

Category 3.
1. Loss of one upper limbs above elbow joint.
2. Loss of one lower limb above knee joint.

Category 4.
1. Very severe impairment of mental or physical capacity.
2. Very severe impairment of chewing power or speech.
3. A person whose both eyes are unable to discern the 0.1 test-types at a distance of over 2 meters.
4. A person whose both ears are unable to hear a loud voice at a distance of over 0.05 meter.
5. Very severe impairment of urinary organs.
6. Total loss of both testicles, the defective symptom of which is, however, not very remarkable.
7. Loss of one upper limb above wrist joint.
8. Loss of one lower limb above foot joint.

Category 5.
1. Severe disfigurement of head, face, etc.
2. A person whose one eye is unable to discern the 0.1 test-types at a distance of over 0.5 meter.

Reference 4.

The Pension Law, Annexed Table No.1-4

Category 5. 3. Total loss of all the fingers of one hand.

Category 6. 1. Severe impairment of mental or physical working capacity.

2. Very severe impairment of the movement of neck or trunk.

3. A person whose one eye is unable to discern the 0.1 test-types at a distance of over 1 meter.

4. Loss of spleen.

5. Total loss of thumb and forefinger of one hand.

6. Disablement of functions of all fingers of one hand.

Category 7. 1. A person whose one eye is unable to discern the 0.1 test-types at a distance of over 2 meters.

2. Total deafness of one ear, while the other ear is unable to hear an ordinary voice at a distance of over 1.5 meter.

3. Loss of one kidney.

4. Total loss of thumb of one hand.

5. Total loss of forefinger and little finger of one hand.

6. "Right-angle" ankylosis of one foot joint.

7. Total loss of all toes of one foot.

In deciding the degree of a disease or injury which is not included in any of the categories shown above, the degree of the disease or injury shown above shall apply mutatis mutandis.

In measuring visual acuity, a correcting lens, in the case of a refractive error, and the "International Test-Types Table" shall be used.

Reference 5

Article 12.

2. In case a recipient of a ~~'disease and injury pension'~~ 'lump-sum disease & injury allowance' or a 'lump-sum grant for disability' under the provisions of the Regulations regarding the Special Cases of the Pension Law made under Imperial Ordinance No.542 (Ref.5) of 1945 or Undemobilized Persons' Compensation Law (Ref.6), receives grant of an invalidity pension provided for in this Law due to the same reason, the amount equivalent to the amount of the ~~'disease and injury pension'~~ 'lump-sum disease & injury allowance' or the 'lump-sum grant for disability' already received by the recipient may be totally or partially deducted from the amount of the invalidity pension to be granted to the recipient under this Law in conformity with the provisions of Cabinet Order.

Reference 5. The Regulations regarding the Special Cases of the Pension Law made under Imperial Ordinance No.542 of 1945 (concerning the Orders to be issued in consequence of the acceptance of the Potsdam Declaration). Imperial Ordinance No.68

February 1, 1946

Article 6. Regarding an additional pension for a soldier or a gunzoku whose degree of disability is placed in Category 7 under Article XXIV of the Regulations, or regarding a disease and injury pension granted or to have been granted to a soldier or a gunzoku, he shall be given a lump-sum disease and injury allowance the amount of which is equal to 500% of "the monthly sum of the salary shown in Annexed Table No.1" multiplied by "the number of months shown in Annexed Table No.3 determined by the degree of disability", notwithstanding the provisions of Article LXVI of the Law.

Regarding the sum of a lump-sum disease and injury allowance for a soldier or a gunzoku below the rank of non-commissioned officer whose degree of disability is placed in Category 1 or 2 under Article XXXI of the Regulations, an amount equal to 500% of "the sum of the salary shown in Annexed Table No.1" multiplied by "the number of months shown in Annexed Table No.3" shall be given, notwithstanding the provisions of Article LXVI of the Law.

The Regulation regarding the Special Cases of the Pension Law made under Imperial Ordinance No.542 of 1945 (Imperial Ordinance No.68 of 1946) (contd)

Article 6. (contd.)

The provisions of Article LXIV-2 of the Law shall apply correspondingly to the case in which a soldier or a gunzoku above the rank of quasi-officer (junshikan) becomes entitled to receive an additional pension after having received a lump-sum disease and injury allowance provided in paragraph 1.

Reference 6

(Article 12) Undemobilized Persons' Compensation Law

(Law No.182 of 1947)

Official Gazette [illegible]. No.514 dated December 15, 1947.

Article 8-4 to Article 8 -6

Reference 7

Article 19.

3. In determining the amount of the fees of medical care which the designated medical institution may claim in accordance with the provisions of paragraph 1, the Minister of Welfare shall ask the opinion of the Reviewing Commission provided for in the Social Insurance Medical Fee Payment Fund Law (Law No.129 of 1948) or other reviewing organs concerning medical care prescribed by Ministry of Welfare Ordinance.

Social Insurance Medical Fee Payment Fund Law (Law No.129 of 1948)

Article 14 to 14-(6) Official Gazette Extra No. July 10, 1948.

Reference 8:

Article 25

(2) The surviving family of the deceased soldiers or gunzokus or those who were soldiers or gunzokus who died of other reasons than such injuries or diseases that caused grant of the competent invalidity pension or additional pension under the provisions of the Pension Law, while they kept on holding the entitlement to an invalidity pension or an additional pension under the provisions of the Pension Law (Ref.8) (Ref.8) (the degrees of disability, due to the injury or disease that caused tne entitlement thereto, is limited only to such degrees as stipulated under the provisions of Article 7 paragraph 1.)

Reference 8 The Pension Law

(Law No. 48 of 1923)

Article 46. When a public official has retired, without any cause of disqualification, from office on account of "disability" fuguhaishitsu) caused by a disease or injury attributable to public service, he shall be granted an ordinary pension and an additional pension.

If a public official, who retired, without any cause of disqualification, from office on account of a disease or injury attributable to public service has become "disabled" owing to the above disease or injury, or that disease or injury has become worse within 5 years of retirement, and the said person makes his application within the abovementioned period, he shall be granted an ordinary pension together with an additional pension he is now receiving shall be revised so as to be proportionate to the degree of his "disability".

Even after the expiration of the period prescribed in the preceding paragraph, if the Deciding Office thinks proper to refer the matter to the Pension Reviewing Commission and then the said Commission decides that the disability is clearly attributable to public service, a proper pension shall be granted or the pension hitherto granted shall be revised from the month of the decision.

Even if a public official has become "disabled" on account of a disease

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Reference 8 (contd.)

The Pension Law Article 46 (contd)

or injury attributable to public service, in case he committed a grave blunder he shall not be granted a pension prescribed in the preceding 3 paragraphs.

Reference 9

(Refer to separate sheet, page 16)

DECLASSIFIED E.O. 12958 SEC. 3(E) AND 3(D) OR (E) NNDB # 775012

Reference 9

Article 47. The right to receive the invalidity pension, the survivor's pension or the survivor's lum-sum-grant and the national loan securities prescribed in Article 37 cannot be attached, except in the case governed by the National Tax Collection Law (Ref. 9) (Law No.21 of 1896) or similar other regulations relative to collection of national taxes.

Reference 9

National Tax Collection Law

Law No.21 of 1896

Article 16.

2. With respect to the compensation, salary, wage, annual allowance, annuity, pension, bonus and other allowances of similar nature receivable by a delinquent taxpayer, the part to corresponding to 75% of the amount of money receivable by him at the time of payment shall not be attached.

Reference 10

Article 50. The competence of the Minister of Welfare prescribed in this Law or the matters belonging to his competence, fixed by Cabinet Order, shall be executed, in conformity with the provisions of the Cabinet Order, by the governor of To, Do, Fu, or prefecture or by such administrative agency of relief as prescribed in the Law for Welfare of Disabled Persons (Ref. 10) (Law No.283 of 1949).

Reference 10. The Law for Welfare of Disabled Persons - Article 12

Law No.283 of 1949

Official Gazette (Eng. Edition) Extra No.150, December 26, 1949

Amendment: Law No.169 of 1951

Official Gazette (Eng. Edition) Extra, May 31, 1951.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 773012

Reference 11 (a and b)

Supplementary Provisions

(Ref. 11-a) (Ref. 11-b)

7. In case a recipient of an invalidity pension or a survivor's pension under the provisions of the Seamen's Insurance Law (Law No.73 of 1939) is qualified to receive an invalidity pension or a survivor's pension under the provisions of this Law, due to the same reason, the grant of the invalidity pension or the survivor's pension under the provisions of the Seamen's Insurance Law shall be suspended while he or she is qualified to receive the invalidity pension or the survivor's pension under this law, ...

****

Reference 11-a

The Seamen's Insurance Law
Law No.73 of 1939

Section 4:

Article 40. Upon the expiration of two years from the date upon which an insured person or a person formerly insured first consulted a doctor or dentist concerning a sickness or injury which originated while he was qualified as insured, or a sickness attributable to such sickness or injury, or upon the termination of medical treatment for such sickness or injury within such period, he shall be granted, according to the degree of his disability, an invalidity pension until his death, if such disability comes within the degrees stipulated in Separate Table No.5, or an invalidity allowance, if such disability comes within the degrees stipulated in Separate Table No.6.

Reference 11-b

Section 7:

Article 50-(3) If there is a child within the scope of survivors eligible for a survivor's pension (except one entitled to a survivor's pension), an amount equal to 10 times 4 or 5 of the preceding Article, the last daily standard remuneration} for each such child shall be granted in addition to the amount prescribed in either item of the preceding Article.

In a case coming within paragraph 1, items 4 or 5 of the preceding Article, the provisions of Article 49-(3) paragraph 2 and Article 49-(4) shall be applicable, regardless of the provisions of the preceding paragraph.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 713012

Reference 12

Supplementary Provisions

8. If there is nobodyelse eligible for the Survivor's Pension under the provisions of the Seamen's Insurance Law, in case the recipient of the survivor's pension loses its entitlement to the survivor's pension when the grant of the survivor's pension was or has been suspended under the provisions of the preceding paragraph, the provisions under the Seamen's Insurance Law, Article 50-(6), item (4) (Ref. 12) shall apply, the total amount of the invalidity pension and the survivor's pension, mentioned below, being regarded as the 'total amount of the invalidity pension and the survivor's pension already paid' prescribed in the provisions of the same Law, Article 50-(6), item (4): (Ref. 11)

Reference 12: The Seamen's Insurance Law

Law No.73 of 1939

Article 50-(6)

item (4) If a survivor's pension has been granted because of the death, from a non-occupational cause, of a person entitled to an invalidity pension for a disability resulting from a non-occupational cause and the total amount of the invalidity pension and the survivor's pension already paid is less than an amount equal to 6 items the annual amount of the invalidity pension, the balance;

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 715012

Reference 13

Supplementary Provisions

(Ref. 13)

9. Ministry of Welfare Establishment Law (Law No.151 of 1949) shall be partially amended as follows:

Reference 13 - Ministry of Welfare Establishment Law (Law No.151 of 1949)
Official gazette (English edition) Extra No.59,
May 31, 1949.

Reference 14

Supplementary Provisions

(Ref.14)

10. The Cabinet Order for Establishment of Repatriation Relief Agency (Cabinet Order No.124 of 1948) shall be partially amended as follows:

Official Gazette (English edition) Extra, May 29, 1948.

Reference 15

Supplementary Provisions

(Reference 7)

11. Social Insurance Medical Fee Payment Fund Law (Law No.129 of 1948) shall be partially amended as follows:

((Ref.7) Official Gazette (English Edition) Extra, July 10, 1948.)

Of Article 13 paragraph 2, the clause reading "or the law for Relief to Injured or Invalid Veterans and Survivors of the War-Dead, Etc. (Law No. _____ of 1952) Article 19 paragraph 3" shall be inserted next to the clause reading "Daily Life Security Law (Reference 15) (Law No.444 of 1945) Article 53 paragraph 3"

.....

The Daily Life Security Law

Reference 15 Law No. 444 of 1945

Official Gazette (English Edition) No.134,
September 9, 1946.

Amendment: Law No. 168 of 1951

Official Gazette (English Edition) Extra, May 31, 1951.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775012

Reference 16

Supplementary Provisions

(Ref. 16)

12. The Income Tax Law (Law No.27 of 1947) shall be partially amended as follows:

Reference 16 The Income Tax Law

Law No.27 of 1947

Official Gazette (English Edition) Extra (2),

March 31, 1947.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775012

FOMIN 69.

BILL FOR RELIEF TO THE INVALID AND SURVIVING DEPENDENTS OF THE WAR-DEAD, ETC.

I hereby promulgate the Law for Relief to the Invalid and Surviving Dependents of the War-dead, ETC.

Signed: HIROHITO, Seal of the Emperor

This day of the month of the twenty-seventh year of Showa (1952)

Prime Minister

YOSHIDA Shigeru

Law No.

Law for Relief to the Invalid and Surviving Dependents of the War-dead, ETC.

Contents

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Supplementary Provisions

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NND # 775012

Chapter I. General Provisions

(Purpose of this Law)

Article 1. The purpose of this Law is to provide relief, through grants of pensions or lump-sum-grants, etc. for invalidity or death resulting from personal injuries or diseases contracted or suffered in line of duty, to those who were 'soldiers or gunzokus' and their dependent survivors.

(Definition of 'Soldiers and Gunzokus', etc.)

Article 2. The terms 'soldiers and gunzokus' in this Law shall signify such persons as stated below:

(1) Soldiers, quasi-soldiers and public officials or quasi-public officials who served in the former Army or the Navy, excluding those as fixed by the Cabinet's Prime Minister (hereinafter termed simply as 'soldiers') prescribed in the provisions of the Regulations regarding the Special Cases of the Pension Law (Imperial Ordinance No. 68, 1946), Article 1.

(2) Paid non-regular-officials, junior clerks (koin), trades (yonin), mechanics (kōin) and miners (kōin) who were employed by the former Army or the Navy (excluding those who acquired, sometime after the time of death such status as herein stated, retroxpectivly to the time of death, hereinafter termed simply as 'gunzoku'.)

2. Those persons, mentioned in each item under the preceding paragraph, shall be regarded as 'soldiers or 'gunzokus' in the application of this Law so far as they are not demobilized as yet, after the abolition of the Army or the Navy.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDS # 779012

(Period of Tenure of Office)

Article 3. The "period of Tenure of Office" as used in this Law shall mean such period as stated below:

(1) As for Soldiers, 'the period from the day when they were employed to the day when they retired' (including demobilization) under the provisions of the Pension Law (Law No. 48, 1923) prior to the Law for Partial Amendment of the Pension Law (Law No. 31, 1946).

(2) As for Gunzoku, the period from the day when they were ordered to serve at the front on and after December 8, 1941 to the day when they were released from the competent servise, as well as the period for being overseas continuously on and after September 2, 1945 till they will be demobilized.

2 The areas of the front under the provisions of the preceding paragraph item (2) and the duration of time druing which the areas were the front shall be determined by cabinet order.

(Scope of Injuries or Diseases on Duty)

Article 4. In the case of soldiers being injured or having got ill if the injury or the disease should be regarded as injury or desease on duty in accordance with the provisions of the Pension Law or if they were injured or have got ill due to accident occured in connection with special circumstances of being soldiers and the said injury or disease is decided to be regarded as injury or disease on duty by the Pension Examiners' Committee, they shall be regarded as being injured or having got ill on duty, with respect to the application of this Law.

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2 In case the soldier or gunzoku has incurred an injury or disease due to a reason not attributable to his own misconduct while he has been overseas on and after September 2, 1943, till he will be demobilized, the injury or the disease shall be deemed 'injury or disease on duty'.

(Kinds of Relief)

Article 5. Kinds of relief under this Law shall be as follows:

(1) Grant of Invalidity Pension (shogai Nenkin)

(2) Benefit of Medical Care for Rehabilitation

(3) Issue of Prosthetic Appliances

(4) Reception into National Medical Asylum

(5) Grant of Surviving Dependent's Pension (Izoku Nenkin)

(6) Grant of Surviving Dependent's Lump-sum-allowance (Izoku Ichiji-kin)

(Judgment)

Article 6. The Minister of Welfare shall administer the matter pertaining to judgement of the qualification to receive the Invalidity Pension or the Surviving Dependent's Lump-sum-Allowance at the application of the person qualified to such relief.

Chapter II. Relief

Section 1. Relief to the Invalids, Etc.

(Grant of the Invalidity Pension)

Article 7. In case those persons who were in the status of 'soldiers or gunzokus' (In case of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy,. the duration of time while they were in such status shall be included. Hereinafter, up to Article 21, the same.) suffer such physical disabilities resulting from service-incurred injuries or diseases, on the day of enforcement of this Law (or the day mentioned under the competent items respectively in case of those persons prescribed in one of the following items. Hereinafter, in this section, the same.) as correspond to the degrees of Disabilities, from Special Category to Category 6, stipulated under the Pension Law, Annexed Table 1-4, they shall be granted the Invalidity Pension in conformity with the 'degree of disability' prescribed in the Pension Law, Annexed Table No. 1-4.

(1) As for those who will be demobilized on or after the day of enforcement of this Law, and who will have been recovered from the competent injury or disease the day when they will be demobilized.

(2) As for those persons entitled to receive the medical care under the provisions of the Undemobilized Person's Compensation Law (Law No. 182, 1947). Article 8-(2), the day when they have got recovered from the competent injury or the disease or the day when the period during which they were qualified to receive the medical care under the provisions of the same Article has expired though they had not got recovered therefrom.

2 In the case where these who were soldiers or gunzokus were injured or became ill during the time of services, if they become disabled as prescribed in the preceding paragraph on account of the said injury or disease after the enforcement of this Law (with respect to persons mentioned in each item of the preceding paragraph, after the day mentioned in each item concerned), they shall be qualified to receive invalidity pension by the decision made by the Relief Reviewing Commission, in accordance with the degree of disability.

Chapter II. Relief

Section 1. Relief to the Invalids, Etc.

(Grant of the Invalidity Pension)

Article 7. In case those persons who were in the status of 'soldiers or gunzokus' (In case of the probationary officer in the former Army or probationer or the probationary officer below an ensign in the former Navy,. the duration of time while they were in such status shall be included. Hereinafter, up to Article 21, the same.) suffer such physical disabilities resulting from service-incurred injuries or diseases, on the day of enforcement of this Law (or the day mentioned under the competent items respectively in case of those persons prescribed in one of the following items. Hereinafter, in this section, the same.) as correspond to the degrees of Disabilities, from Special Category to Category 6, stipulated under the Pension Law, Annexed Table 1-4, they shall be granted the Invalidity Pension in conformity with the 'degree of disability' prescribed in the Pension Law, Annexed Table No. 1-4.

(1) As for those who will be demobilized on or after the day of enforcement of this Law, and who will have been recovered from the competent injury or disease the day when they will be demobilized.

(2) As for those persons entitled to receive the medical care under the provisions of the Undemobilized Person's Compensation Law (Law No. 182, 1947), Article 8-(2), the day when they have got recovered from the competent injury or the disease or the day when the period during which they were qualified to receive the medical care under the provisions of the same Article has expired though they had not got recovered therefrom.

2 In the case where those who were soldiers or gunzokus were injured or became ill during the time of services, if they become disabled as prescribed in the preceding paragraph on account of the said injury or disease after the enforcement of this Law (with respect to persons mentioned in each item of the preceding paragraph, after the day mentioned in each item concerned), they shall be qualified to receive invalidity pension by the decision made by the Relief Reviewing Commission, in accordance with the degree of disability.

3 In case of preceding two paragraphs, an invalidity pension shall be granted to those who were gunzokus' with injury or disease incurred prior to September 2, 1945, only when the injury or the disease is due to the war calamities.

(Amount of the Invalidity Pension)

Article 8. The amount of the invalidity pension shall be prescribed in the following list:

Degree of Disability	Amount of Pension
Special Category	¥ 66,000.00
Category 1	¥ 54,000.00
Category 2	¥ 48,000.00
Category 3	¥ 42,000.00
Category 4	¥ 36,000.00
Category 5	¥ 30,000.00
Category 6	¥ 24,000.00

(Invalidity Pension with a time limit)

Article 9. If the Minister of Welfare, in making judgement regarding the qualification to the invalidity pension, recognizes that the disability may possibly get recovered or its degree may possibly be lessened in future, qualification to receive the competent invalidity pension may be limited to not more than five years.

2 In case the recipient of the invalidity pension has not got recovered from the disability during the time six months prior to the time of expiration of the limited time provided for in the preceding paragraph, and if the degree of disability is as bad as still the one mentioned in Article 7, paragraph 1, he shall continuously be granted the invalidity pension corresponding to the degree of his disability. In this case, the provisions of the preceding paragraph may be applicable.

(Revision of the amount of the Invalidity Pension)

Article 10. In case the degree of disability of the recipient of the Invalidity Pension is aggravated, or lowered, the amount of the competent invalidity pension shall be revised in conformity with the change of degree.

2 The revision of the amount of the invalidity pension due to the aggravation of the degree of the disability shall be made at the application of the recipient of the competent Invalidity Pension.

3 The revision of the amount of the invalidity pension should be made through the resolution of the Relief Reviewing Commission.

(Those who are disqualified to receive invalidity pension)

Article 11. An invalidity pension shall not be granted to those persons mentioned below:

(1) Those persons who have been disabled because of injury or disease incurred in line of duty due to their serious blunder;

(2) Those who have not Japanese nationality on the day when they were disabled in such a degree as stipulated under Article 7, paragraph 1;

(3) Those who had been disabled in such a condition as stipulated in Article 7, paragraph 1, but thereafter has become to fall under the provisions of Article 14, paragraph 1, items (2) & (3) prior to the enforcement of this Law.

(Discount or Deduction of Invalidity Pension)

Article 12. In case a recipient of an invalidity pension is received in the National Medical Asylum in accordance with the provisions of Article 22, the invalidity pension to be granted to the person may be partially discounted for the period while he is in the Asylum in accordance with the provisions of Cabinet Order.

2 In case a recipient of the 'Disease and Injury Allowance for Disability' or a "Lump-sum-grant for Disability" prescribed under the provisions of the Regulations regarding the Special Cases of the Pension Law and Undemobilized Persons' Compensation Law receives the invalidity pension provided for in this Law due to the same reason, the amount equivalent to the amount of the "Disease and Injury Allowance for Disability" or the "Lump-sum-grant for Disability" already received by the recipient may be totally or partially deducted from the amount of the invalidity pension to be granted to the recipient under this Law in accordance with the provisions of Cabinet Order.

2 The revision of the amount of the invalidity pension due to the aggravation of the degree of the disability shall be made at the application of the recipient of the competent Invalidity Pension.

3 The revision of the amount of the invalidity pension should be made through the resolution of the Relief Reviewing Commission.

(Those who are disqualified to receive invalidity pension)

Article 11. An invalidity pension shall not be granted to those persons mentioned below:

(1) Those persons who have been disabled because of injury or disease incurred in line of duty due to their serious blunder;

(2) Those who have not Japanese nationality on the day when they were disabled in such a degree as stipulated under Article 7, paragraph 1;

(3) Those who had been disabled in such a condition as stipulated in Article 7, paragraph 1, but thereafter has become to fall under the provisions of Article 14, paragraph 1, items (2) & (3) prior to the enforcement of this Law.

(Discount or Deduction of Invalidity Pension)

Article 12. In case a recipient of an invalidity pension is received in the National Medical Asylum in accordance with the provisions of Article 22, the invalidity pension to be granted to the person may be partially discounted for the period while he is in the Asylum in accordance with the provisions of Cabinet Order.

2 In case a recipient of the 'Disease and Injury Allowance for Disability' or a "Lump-sum-grant for Disability" prescribed under the provisions of the Regulations regarding the Special Cases of the Pension Law and Undemobilized Persons' Compensation Law receives the invalidity pension provided for in this Law due to the same reason, the amount equivalent to the amount of the "Disease and Injury Allowance for Disability" or the "Lump-sum-grant for Disability" already received by the recipient may be totally or partially deducted from the amount of the invalidity pension to be granted to the recipient under this Law in accordance with the provisions of Cabinet Order.

(Commencement & End of Grant of the Invalidity Pension)

Article 13. Grant of an Invalidity Pension in conformity with the provision of Article 7, paragraph 1 shall commence in April 1952 (or in the month following the month to which the day mentioned in either of the competent items belongs in case of grant to those stipulated under one of the two items of the same paragraph) and the grant under the provisions of the same Article, paragraph 2, shall commence in the month following the month to which the day of such resolution as stipulated in the same paragraph belongs; and shall end in the month to which the day of lapse of the right thereof belongs.

2 In case the amount of invalidity pension has been revised under the provisions of Article 10, paragraph 1, the grant of the invalidity pension in the revised amount shall be commenced in the month following the month to which belongs the day of such resolution as stipulated under the same Article, paragraph 3.

(Reasons for loss of Qualification to the Invalidity Pension)

Article 14. A person qualified to an invalidity pension shall lose his right in one of the following cases:

(1) When he has died;

(2) When he has been sentenced to death, or to life or penal servitude or imprisonment without hard labour for a period not less than 3 years;

(3) When he has been sentenced to imprisonment without hard labour or heavier penalty on account of crime in connection with his service (excluding accidental infliction of injury), during the term of his office.

(4) When he has lost the Japanese Nationality;

(5) When the Minister of Welfare recognizes that the disability in such a degree as stipulated in Article 7, paragraph 1, has been removed.

2 In making judgement under the provisions of the preceding paragraph item (5), the Minister of Welfare should undergo the resolution of the Relief Reviewing Commission.

(Suspension of grant of the Invalidity Pension)

Article 15. In case a person qualified to an invalidity pension is sentenced to penal servitude or imprisonment without hard labour for a period not exceeding three years, grant of the invalidity pension shall be suspended from the month following the month to which the day when he was sentenced to such penalty belongs, till the month to which the day when he completes the execution of the penalty or when the execution has been remitted belongs. However, this shall not apply to the case when he is granted a stay of execution.

2 In the case of the provisory clause of the preceding paragraph, when the said grant of a stay of execution is annulled, grant of the invalidity pension shall be suspended from the month following the month to which the day when the said grant is annulled belongs till the month to which the day he completes the execution of the penalty or when the execution has been remitted belongs.

3 In case the person who was sentenced to imprisonment without hard labour or heavier penalty comes to be qualified to an invalidity pension prior to the time when the execution has been completed or he is exempted from execution of the sentence, the grant of the invalidity pension to the person shall be suspended until the month to which belongs the day when the execution has been completed or he is exempted from execution. However, this shall not apply to the case when the person who was granted a stay of execution.

4 The provisions of paragraph 2 shall be applied mutatis mutandis to the case of the provisory clause of the preceding paragraph.

(Succession of the Right to receive an Invalidity Pension)

Article 16.. In case a person qualified to an invalidity pension dies, the successor to the deceased may apply, in his name, for grant of the invalidity pension for the deceased which should have been granted and remained without being granted before the time of his death.

2 In the case of the preceding paragraph, if the deceased person had not applied for grant of an invalidity pension before the time of his death, his successor who is qualified to receive the invalidity pension may apply in his own name for grant of the invalidity pension.

3 In the case of the preceding two paragraphs, if there exist more than one successors in the same order, an application for an invalidity pension or/an application for grant thereof made by one of them shall be regarded as the application for the full amount on behalf of whole members of the group of the successors, and the judgement of the qualification to an invalidity pension or its grant to one person shall be regarded as that to the whole members.

(Benefit of Medical Care for Rehabilitation)

Article 17. In case the Minister of Welfare deems it necessary for the person with a disability in visual power, hearing in physical crippling or a functional disability in the central nerve at a degree heavier than that stipulated by cabinet order, resulting from his injury or disease on duty incurred while he was in the status of being a 'soldier or gunzoku', to have any such medical care as for further surgical operation for regaining his earning capacity or other rehabilitation, benefit of medical care for rehabilitation may be granted at his application.

2 The benefit of medical care for rehabilitation shall be as follows:

(1) Medical examination;

(2) Supply of medicines or materials for treatment;

(3) Medical aid, operation and other treatment;

(4) Reception into clinics or hospitals;

(5) Nursing;

(6) Transfer.

3 The benefit of medical care for rehabilitation shall be granted in the medical institution designated by the Minister of Welfare (hereinafter referred to as 'the designated medical institution').

(Policy and Fees of Medical Care)

Article 18. The policy and Fees of medical care of the designated medical institution shall be in accordance with the example of the policy and fees of medical care under the Health Insurance.

2 In case the policy and fees of medical care under the provisions of the preceding paragraph cannot be applied or are not appropriate to be applied, the policy and fees of medical care shall be decided by the Minister of Welfare.

(Reviewing of Medical Care Fees)

Article 19. The Minister of Welfare may, at any time, investigate the details of medical care and the demanded fees of medical care of the designated medical institution, and fix the amount of the fees of medical care which the designated medical institution may claim in accordance with the provisions of the preceding Article.

2 The designated medical institution shall abide by the determination made by the Minister of Welfare under the preceding paragraph.

3 In determining the amount of the fees of medical care which the designated medical institution may claim in accordance with the provisions of paragraph 1, the Minister of Welfare shall ask the opinion of the Reviewing Commission provided for in the Social Insurance Medical Fee Payment Fund Law (Law No. 129, 1948) or other reviewing organs concerning medical care prescribed by Ministry of Welfare Order.

(Request for Report and Inspection)

Article 20. The Minister of Welfare may, if necessary to review the matters stipulated under the preceding Article, paragraph 1, order the manager of the designated medical institution to submit a report on necessary matters, or cause the competent official to audit or inspect patients' record-books, or any other documents with consent of the manager.

2 In case the manager of the designated medical institution does not fulfil the request for report in the preceding paragraph without justifiable reason or makes a false report or refuses to fulfil the request stipulated in the same paragraph, the Minister of Welfare may suspend, for a time, to pay medical care fees to the said designated medical institution.

(Issue of Prosthetic Appliances)

Article 21. The Minister of Welfare may, when he deems it necessary, supply or repair a blindman's safety cane or prosthetic appliances, at their application, for those who were soldiers or gunzokus and who have disability in visual power, hearing, physical crippling or functional disability in the central nerve at such a degree as exceeds the degree stipulated by cabinet order, resulting from the injury or disease on duty during the tenure of office.

2 The Minister of Welfare may, under special circumstances, grant the expenses required for purchase or repair of the blindman's safety cane or prosthetic appliances in place of the supply or of such articles stipulated in the preceding paragraph.

Article 22. The Minister of Welfare may receive those qualified to the invalidity pension who are seriously disabled into a National Medical Asylum, at their application.

Section 2. Relief to Surviving Dependents of the War-Dead, etc.

(Grant of the Surviving Dependent's Pension)

Article 23. A Surviving Dependent's Pension shall be granted to such surviving dependents as proscribed below:

(1) The Surviving family of those who were soldiers or gunzokus who died during tenure of office or after lapse of time of tenure of office due to the injury or disease on duty during the time of tenure of office.

(2) The Surviving family of the deceased soldiers or gunzokus or those who were soldiers or gunzokus who died of other reasons than injuries or diseases that caused grant of the competent invalidity pension or Additional Pension, while they kept on holding the qualification to an invalidity pension or an additional pension under the provisions of the Pension Law (the degrees of disability due to the injury or disease that caused the qualification is limited only to such degrees as stipulated under the provisions of Article 7, paragraph 1).

3 As for the surviving families of Gunzokus' or those who were gunzokus', the surviving dependent's Pension shall be granted only when the competent injary or disease is attributable to the war calamities, if the injury or disease, stipulated in the preceding paragraph, item (1), had occurred prior to September 2, 1945.

(Scope of surviving dependents)

Article 24. The surviving dependents qualified to the surviving dependent's pension shall connote the spouse of the deceased at the time of his death (including a person who had not been formally married but has been in fact same as in the marital relationship;

hereinafter the same), the child, father, mother, grandchild, grandfather and grandmother who had with the Japanese nationality and were supported by or lived with the deceased at the time of his death (including those who would have been regarded as fall under such conditions if they had not serve as soldiers or gunzokus at the time of their death).

2 In case a child, who was an ambryo at the time of death of the deceased, is born and equires the Japanese Nationality, he or she shall be regarded as a child who was supported by, or lived with the latter at the time of his death in the application of the provisions of the preceding paragraph.

(Terms of grant of the Survivings Dependent's Pension to husband, child, father, mother, grandchild, grandfather and/ or grandmother)

Article 25. Regarding the husband, child, father, mother, grandchild, grandfather or grandmother, the servivings dependent's pension shall be granted when he or she falls under the purview of either of the following items at the time of enforcement of this Law (or on the day of his death if he dies after enforcement of this Law), or when he or she comes to fall under the conditions thereunder.

(1) Regarding the husband, only when he is disabled and has no earning capacity.

(2) Regarding the child, when he or she is below 18 years of age and has no spouse or when the child is disabled and has no earning capacity.

(3) Regarding the father and/or mother, when they or he/she are is not less then 60 years of age and have/has no earning capacity.

(4) Regarding the grandchild, when he/she is below 18 years of age and has no spouse or when he/she is disabled and has no earning capacity, provided that he/she has no direct-blood-relative to depend on.

(5) Regarding the grandfather and/or grandmother, when they or he/she are/is not less than 60 years of age or when they or he/she have/has no earning capacity provided that they or he/she have/has no direct-blood-relative to depend on.

(Amount of the Surviving Dependent's Pension)

Article 26. The amount of the surviving dependent's pension is Ten Thousand Yen (¥ 10,000,00) for the spouse; and Five Thousand Yen (¥ 5,000.00) per person for the child, father, mother, grandchild, grandfather and/or grandmother.

(Special cases of grant of the Surviving Dependent's Pension)

Article 27. Irrespective of the provisions in the preceding paragraph, the amout of the Surviving dependent's pension to be granted to the surviving dependents prescribed in Article 22 paragraph 1 item (2), shall be the amount equivalent to six-tenths (6/10) of the amount prescribed in the preceding Article.

2. In the case of grant of the surviving dependent's pension stipulated in the preceding paragraph, if the total amount of the pension to be granted to the whole members of the surviving family exceeds Twenty-four Thousand Yen (¥ 24,000-00), the amount of the surviving dependent's pension to be granted to each dependent shall, irrespective of the provisions of the same paragraph, be the amount obtained by dividing the Twenty-four Thousand Yen (¥ 24,000-00) proportionally at the ratio of the amount of the surviving dependent's pension to be granted to each dependent

under the provisions of the same paragraph.

(Application in case of Co-existence of Several surviving dependents)

Article 28. In the case where there are several persons qualified to the surviving dependent's pension, one of them as the representatives of the whole members should apply for the dependent's pension or the grant thereof, provided that this shall not apply if there exists any such inevitable circumstances as separation of house-holds from one another.

(Those who are disqualified to receive a Surviving Dependent's Pension)

Article 29. The surviving dependent's pension shall not be granted to such survivors as mentioned below:

(1) Dependents of those who died of injury or disease on duty due to their serious blunder;

(2) Dependents who fell under the purview of one of the provisions under Article 31 items (2) to (4), or items (6) to (8) prior to enforcement of this Law or before the day when they became applicable to the terms and conditions prescribed in one of the items under Article 25, after the death of the deceased.

(Commencement and End of grant of Surviving Dependent's Pension)

Article 30. Grant of the Surviving dependent's pension shall commence in April 1952 (or in the month following the month to which belongs the day of the death if the death of the deceased occurs after enforcement of this Law), and shall end in the month to which the day of the lapse of the right thereof belongs.

2 As for the Surviving dependent's pension to be granted due to the fact that the surviving dependents have become to fall under any one of such terms and conditions as prescribed in each item under Article 25 in and after the month following the month to

which the day of the death of the deceased belongs, irrespective of the provisions in the preceding paragraph, grant thereof shall commence in the month to which belongs the day when they have become to fall under the provisions under any of the items in the same Article.

(Terminetion of right to receive Surviving Dependent's Pension)

Article 31. In case the dependent who is qualified to the surviving dependent's pension falls under one of the following items, the right to receive the competent surviving dependent's pension shall terminate:

(1) When he/she has died;

(2) When he/she has been sentenced to death, or to life or penal servitude or imprisonment without hard labour for a period not less than;

(3) When he/she has lost his/her Japanese nationality;

(4) When his/her kinship with the deceased has ended by divorce;

(5) As for husband, child, father, mother, grandchild, grandfather and grandmother, when he or she has come not to fall under the purview of such terms and conditions as prescribed in any of the items under Article 25.

(6) Regarding the spouse, when he/she has got married (including the case which is deemed same as in the marital relationship in fact, though it is not formally registered, hereinafter the same); or when he/she has been adopted by other persons than those prescribed in Article 24, paragraph 1, or brother or sister of the deceased who were supported by or lived with the person at the time of death of the deceased.

(7) Regarding the child and/or grandchild, when he/she has been adopted by other persons than those prescribed in Article 24, paragraph 1, or the brother or sister of the deceased who

where supported by or lived with the person at the time of death of the deceased.

(8) When the father, mother, grandfather or grandmother has got married.

(Prohibition of Co-grant)

Article 32. The person who is qualified to receive more than two surviving dependent's pensions shall be granted one of them in conformity with the following provisions:

(1) If the amounts very, the highest amount thereof.

(2) If the amounts are the same, what the person qualified to the competent surviving dependent's prefers.

(Application of Provisions with necessary Modifications)

Article 33. The provisions under Articles 15 and 16 shall be applied mutstis mutandis to the grant of the surviving dependent's pension.

(Grant of Surviving Dependent's Lump-Sum-Allowance)

Article 34. A surviving dependent's Lump-sum-allowance shall be granted to the dependents of soldiers or gunzokus, or those who were soldiers or gunzokus, who died during the period of tenure of office or after lapse of the tenure of office because of injuries or disease on duty during the tenure of office on and after December 8, 1941.

2. The provisions under Article 23, paragraph 2 shall apply mutatis mutandis to the case prescribed in the preceding paragraph.

(Scope of Surviving Dependents)

Article 35. The Scope of the surviving dependents qualified to the surviving dependent's lump-sum-allowance shall be the spouse, child, father, mother, grandchild, grandfather and grandmother of the deceased at the time of his death, who, with the Japanese nationality, were supported by, or lived with the deceased at the time of his death, provided that, in case of the husband, the child, and the grandchild, the scope is limited only when he/she falls under such terms and

conditions as prescribed respectively in Article 25, item (1), (2) or (4) at the time of enforcement of this Law (or the day of his death, if the decease occurs after enforcement of this Law)

(Order of Precedence of Surviving Dependents)

Article 36. The order of precedence of the surviving dependents qualified to a surviving dependent's Lump-sum-allowance shall be as the order of precedence stipulated in the main clause of Article 35, paraph 1. Regarding the father and the mother, father-in-law and mother-in-law shall precede real father and mother; and regarding grandfather and grandmother, father and mother of father-in-law and mother-in-law shall precede real father and mother, and father-in-law and mother-in-law of father and mother shall precede real father and mother of father and mother.

(Amount of the Surviving Dependent's Lump-sum-allowance and Issuance of Securities)

Article 37. The amount of the surviving dependent's Lump-sum-allowance shall be Fifty-Thousand Yen (¥ 50,000.00), which shall be granted in registered national loan securities with the face-value of Fifty Thousand Yen (¥ 50,000.00) to be redeemed within 10 years.

2. For the purpose of grant prescribed in the provisions of the preceding paragraph, the Government may issue securities within the maximum limit of necessary amount.

3. The rate of interest of the national loan securities to be issued in accordance with the provisions of the preceding paragraph shall be 6 % per annum.

4. Regarding the national loan securities prescribed in the previsions of paragraph 2, purchase or sale, transfer, establishment of mortgage and any other disposal thereof shall not be done, except in the case prescribed otherwise by cabinet order.

5. Besides the provisions under the preceding four paragraph, any such matters as necessary for the national loan securities to be issued under the provisions of paragraph 2 shall be fixed by the

Finance Ministry Order.

(Disqualification to receive grant of the Surviving Dependent's Lump-sum-allowance)

Article 38. The surviving dependent's lump-sum-allowance shall not be granted to such dependents as mentioned below:

(1) The dependents of those who died of injury or disease on duty due to a serious blunder;

(2) The dependents who fall under one of the provisions in Article 31, items (2) to (4) or (6) to (8) on or after the day of death of the deceased;

(3) The dependents who were sentenced to a penalty heavier than imprisonment without hard labour, and have not yet completed the execution of the penalty, or whose execution of the penalty has not yet been remitted (excluding those who were granted a stay of execution).

(Application of the Provisions with necessary Modifications)

Article 39. When there exist several dependents who are qualified to the surviving dependent's lum-sum-allowance in the same order of precedence, the provisions under Article 16, paragraph 3 shall apply mutatis mutandis to the case of making application for the surviving dependent's lump-sum-allowance or grant thereof, at the time of death of the person qualified to the surviving dependent's lump-sum-allowance.

Chapter III. Appeal

(Appeal)

Article 40. In case a person is dissatisfied with judgment of qualification to the invalidity pension, the surviving dependent's pension or the surviving dependent's lump-sum-allowance, he may appeal in writing to the Minister of Welfare within the course of one year after the day when he received a notice of the disposal.

2 The appeal for review stipulated in the preceding paragraph shall be deemed as claim in the judicial court in connection with the interruption of prescription.

3 The Minister of Welrare may, when he deems an appeal to have unavoidable reasons, accept it even after the expiration of the time limit for appeal stipulated in the preceding paragraph 1.

(Judgment)

Article 41. The Minister of Welfare should, when he has received an appeal, make a necessary review of it, make prompt judgment, and notify the judgment to the appellant

2 In making judgment of the appeal in accordance with the provisions of the preceding paragraph, the Minister of Welfare should consult with the Relief Reviewing Commission.

(Delegation to Cabinet Order)

Article 42. The procedures concerning the appeal, review and judgment, etc. shall be provided for by Cabinet order.

Chapter IV. Miscellaneous Provisions

(Due Month for Grant of Pension)

Article 43. The invalidity pension and the surviving dependent's pension shall be granted respectively as much as for up to the month preceding the due month fixed by cabinet order, provided that the pension which should have been granted in the former due month, or the pension for the term in case of loss of right to receive the pension, shall be granted any time other than the fixed due month.

(Survey of Qualification)

Article 44. The Minister of Welfare may, when he deems it necessary, order the recipients of the invalidity pension or the surviving dependent's pension to present necessary documents to certify the change of their personal status and the condition of their disabilities.

2 The Minister of Welfare may, when he deems it necessary, for investigation of the conditions of disabilities, order the recipients of the invalidity pension or the surviving dependent's pension to undergo the doctor's diagnosis.

3 The Minister of Welfare may suspend grant of the invalidity pension or the surviving dependent's pension to those who neglect to present such documents as stipulated under paragraph 1, without any justifiable reason, or refuse to undergo such diagnosis as mentioned in the preceding paragraph.

(Prescription)

Article 45. Right to receive an invalidity pension, a surviving dependent's pension or a surviving dependent's Lump-sum-allowance shall be ...

cancelled by prescription after the lapse of seven years.

(Prohibition of transfer or mortgage of right)

Article 46. The right to receive the invalidity pension, the surviving dependent's pension, or the surviving dependent's Lump-sum-allowance can neither be transferred nor mortgaged.

(Prohibition of Attachment)

Article 47. The right to receive the invalidity pension, the surviving dependent's pension or the surviving dependent's lump-sum-allowance and the national loan securities prescribed in Article 37 cannot be attached, except in the case governed by the 'Law Regarding Collection of National Taxes' (Law No. 21, 1896) or similar other regulations relative to collection of national taxes.

(Non-Taxation)

Article 48. No tax nor any public levies shall be imposed on the invalidity penison, money and goods supplied under the provisions of Article 17 or 21, the surviving dependent's lump-sum-allowance and the interests on the national loan securities to be received by the dependents or the successor as well as the income resulting from their transfer of the competent national loan securities.

2 No stamp tax shall be imposed on documents concerning relief.

(Payment of Pensions)

Article 49. Matters relating to payment of the invalidity pension and the surviving dependent's pension shal l be administered by the Minister of Postal Service.

2 The Minister of Welfare must, in accordance with the provisions of cabinet order, deliver necessary funds for payments of such pensions as prescribed in the preceding paragraph to the accounting official

designated by the Minister of Postal Services.

(Entrusting of Power or Business)

Article 50. The power of the Minister of Welfare prescribed in this Law or the business belonging to his power fixed by cabinet order shall, in conformity with the provisions of cabinet order, be executed by the governor of To, Do, Fur, or prefecture or by such administrative agency of relief as prescribed in the Law for Welfare of Disabled Persons (Law No. 283, 1949).

(Dilegation to Ministerial Ordinance)

Article 51. Procedures and other detailed rules necessary for enforcement of this Law, except those specially prescribed in this Law, shall be provided for by the Ministerial Ordinance.

Supplementary Provisions

1. This Law shall come into force as from April 1, 1952.

2. This Law shall not apply, for the time being, to those persons to whom the Family Registration Law does not apply.

3. With respect to the person who is judged qualified to an additional pension because he was a soldier, he shall be regarded as having been judged to be qualified to an invalidity pension corresponding to the degree of his disability. This shall apply to those who will receive the additional pension after enforcement of this Law because they were soldiers.

4. In the case of the preceding paragraph, if the duration of time of grant of the competent additional pension is limited as prescribed under the Pension Law, Article 50 paragraph 1, the duration of time of grant of the invalidity pension which has been regarded as having been judged under the provisions of the preceding paragraph, (if the duration of time had been partly elapsed, the remaining time) shall be deemed as being limited under the provisions of Article 9 paragraph 1.

5. The invalidity pension for the person qualified to the additional pension for the same reason, shall be granted only when judgment was made with regard to his qualification to the additional pension.

6. In the case of the provisions under paragraph 3, the additional pension and the invalidity pension shall not be granted both altogether, but either one: the invalidity pension shall be granted if the amount of the invalidity pension exceeds that of the additional pension, or the additional pension for other cases, provided that this shall not apply as far as the mortgage on the additional pension exists, in case the amount of the invalidity pension exceeds that of the additional pension. In this