

B. Length of Time in Disposition of Original Cases

1. Persons Disposed of during month (39874 persons reported)  
(exclusive of 2 persons retried)

(a) From receipt to Disposal in reporting Court

		1 month or less	1 - 3 months	3 - 6 months	6 mos. to 1 yr.	1 yr.- 2 yrs.	Over 2 yrs.	Total
1st Instance	Sum. Ct.	1,462 (33.3)	2,348 (53.5)	336 (7.6)	127 (2.9)	49 (1.1)	68 (1.6)	4,390
	S.P.	25,052 (96.1)	1,007 (3.9)	( )	( )	( )	( )	26,059
	Dist. Ct.	762 (12.2)	2,814 (45.3)	1,235 (19.8)	746 (12.0)	437 (7.0)	232 (3.7)	6,226
	High Ct.	( )	( )	( )	( )	( )	( )	
Total		27,276 (74.4)	6,169 (16.8)	1,571 (4.3)	873 (2.4)	486 (1.3)	300 (0.8)	36,675
Appeal Instance	Dist. Ct.	( )	6 (5.3)	2 (1.7)	2 (1.7)	54 (47.4)	50 (43.9)	114
	High Ct.	213 (7.5)	330 (11.6)	434 (15.2)	271 (9.5)	800 (28.1)	801 (28.1)	2,849
	Sup. Ct.	10 (4.2)	30 (12.7)	69 (29.2)	75 (31.8)	44 (17.7)	8 (3.4)	236
	Total	223 (7.0)	366 (11.4)	505 (15.8)	348 (10.9)	898 (28.1)	859 (26.8)	3,199
Grand Total		27,499 (68.9)	6,535 (16.4)	2,076 (5.2)	1,221 (3.1)	1,384 (3.5)	1,159 (2.9)	39,874

(b) From Original Filing to Disposal

		1 month or less	1 - 3 months	3 - 6 months	6 mos. to 1 yr.	1 yr.- 2 yrs.	Over 2 yrs.	Total
1st Instance	Sum. Ct.	1,414 (32.2)	2,379 (54.2)	347 (7.9)	113 (2.6)	68 (1.5)	69 (1.6)	4,390
	S.P.	25,052 (96.1)	1,006 (3.9)	1 (0.0)	( )	( )	( )	26,059
	Dist. Ct.	740 (11.9)	2,806 (45.1)	1,239 (19.9)	753 (12.1)	451 (7.2)	237 (3.8)	6,226
	High Ct.	( )	( )	( )	( )	( )	( )	
Total		27,206 (74.2)	6,191 (16.9)	1,587 (4.3)	866 (2.4)	519 (1.4)	306 (0.8)	36,675
Appeal Instance	Dist. Ct.	( )	( )	( )	( )	( )	114 (100)	114
	High Ct.	2 (0.1)	133 (4.7)	333 (11.9)	455 (15.9)	355 (12.5)	1,566 (49.9)	2,849
	Sup. Ct.	( )	( )	4 (1.7)	15 (6.4)	59 (25.0)	158 (66.9)	236
Total		2 (0.1)	133 (4.2)	342 (10.7)	470 (14.7)	414 (12.9)	1,838 (57.4)	3,199
Grand Total		27,208 (68.2)	6,324 (16.0)	1,929 (4.8)	1,336 (3.3)	933 (2.3)	2,144 (5.4)	39,874



2. Persons Pending at the End of Month:  
(96,306 persons reported)

(exclusive of 46 persons in retrials)

(a) Persons pending in reporting Court:

		1 month or less	1 - 3 months	3 - 6 months	6 Mos.- 1 yr.	1 - 2 yrs.	Over 2 yrs.	Total
1st Instance	Sum. Ct.	5,636 (96.2%)	223 (3.8%)					5,859
	O.P.	3,785 (32.0)	9,951 (33.4)	1,468 (12.4)	1,016 (8.6)	1,030 (8.8)	567 (4.8)	11,817
	Dist. Ct.	4,528 (9.6)	12,592 (26.8)	8,284 (17.6)	9,224 (19.7)	8,381 (17.8)	3,993 (8.5)	47,002
	High Ct.				3 (100)			3
Total		13,949 (21.6)	16,766 (26.0)	9,752 (15.1)	10,243 (15.8)	9,411 (14.5)	4,560 (7.0)	64,681
Appeal Instance	Dist. Ct.	7 (1.0)	30 (4.2)	10 (1.4)	130 (15.2)	128 (18.0)	402 (57.2)	713
	High Ct.	2,652 (10.1)	3,868 (14.9)	3,534 (13.5)	3,802 (14.5)	7,357 (28.1)	4,925 (18.9)	26,138
	Sup. Ct.	598 (12.5)	1,091 (22.9)	1,326 (27.8)	1,251 (26.2)	474 (9.9)	34 (0.7)	4,774
Total		3,257 (10.3)	4,989 (15.8)	4,870 (15.4)	5,183 (16.4)	7,959 (25.2)	5,367 (16.9)	31,625
Grand Total		17,206 (17.9)	21,755 (22.6)	14,622 (15.2)	15,426 (16.0)	17,370 (18.0)	9,927 (10.3)	96,306

(b) Persons pending since Original Filing

		1 month or less	1 - 3 months	3 - 6 months	6 mos.- 1 yr.	1 - 2 yrs.	Over 2 yrs.	Total
1st Instance	Sum. Ct.	5,636 (96.2%)	223 (3.8%)					5,859
	O.P.	3,510 (29.7)	4,065 (34.4)	1,531 (13.0)	1,052 (8.9)	1,074 (9.1)	585 (4.9)	11,817
	Dist. Ct.	4,453 (9.5)	12,486 (26.5)	8,262 (17.6)	9,224 (19.7)	8,557 (18.2)	4,020 (8.5)	47,002
	High Ct.				3 (100)			3
Total		13,599 (21.0)	16,774 (26.0)	9,793 (15.1)	10,279 (15.9)	9,631 (14.9)	4,605 (7.1)	64,681
Appeal Instance	Dist. Ct.						713 (100)	713
	High Ct.	3 (0.0)	652 (2.5)	2,515 (9.6)	5,111 (19.5)	5,523 (21.2)	12,334 (47.2)	26,138
	Sup. Ct.		3 (0.1)	16 (0.3)	456 (9.6)	2,795 (58.5)	1,504 (31.5)	4,774
Total		3 (0.0)	655 (2.1)	2,531 (0.0)	5,567 (17.6)	8,318 (26.3)	14,551 (46.0)	31,625
Grand Total		13,602 (14.1)	17,429 (18.1)	12,324 (12.8)	15,846 (16.4)	17,949 (18.6)	19,156 (20.0)	96,306



C. Length of Time in Disposition of Family Court Cases

1. Cases Disposed of during Month

(Length of Time From Receipt to Disposal)

		1 month or less	1 - 3 months	3 - 6 months	6 - 9 months	9 mos. to 1 yr.	Over 1 yr.	Total
Family Cases	Judge- ment	18,398 (76.9)	4,540 (19.0%)	652 (2.7)	142 (0.6)	87 (0.4)	118 (0.5%)	23,937
	Conci- liation	746 (28.0)	1,140 (42.7)	476 (17.8)	142 (5.3)	67 (2.5)	97 (3.6)	2,668
Total		19,144 (72.0)	5,680 (21.3)	1,128 (4.2)	284 (1.1)	154 (0.6)	215 (0.8)	26,605
Juvenile cases		3,094 (39.6)	2,991 (38.3)	1,053 (13.5)	526 (6.8)		144 (1.8)	7,808

2. Cases Pending at the End of the month:

(Length of Time pending)

		1 month or less	1 - 3 months	3 - 6 months	6 - 9 months	9 mos. to 1 yr.	Over 1 yr.	Total
Family Cases	Judge- ment	11,574 (60.0%)	3,984 (20.6)	1,613 (8.4)	807 (4.3)	527 (2.7)	796 (4.1)	19,301
	Conci- liation	2,268 (28.4)	2,373 (29.7)	1,487 (18.6)	686 (8.7)	391 (4.9)	775 (9.7)	7,960
Total		13,842 (50.7)	6,357 (23.3)	3,100 (11.4)	1,493 (5.5)	918 (3.4)	1,571 (5.8)	27,281
Juvenile cases		8,479 (39.4)	6,137 (28.5)	3,825 (17.8)	2,350 (10.9)		734 (3.4)	21,525

III CRIMINAL CASES--New Receipt, Disposition (Crimes and Penalties), Warrants, Bail and Detention

A. Number of Accused involved in Cases newly received

- (1) In first instance 32,805 persons  
(Summary Procedure 23,615)  
(Ordinary Procedure 9,190)
- (2) In Appeal instance 3,408 persons  
(District Court 13)  
(High Court 2,786)  
(Supreme Court 609)
- (3) Total Number 36,213 persons

B. Crimes, Penalties, etc. in Cases Disposed of in First Instance During the month of

1. Crimes

Major Crimes	385 persons (1.0%),	298 cases (0.9%)
Lesser Crimes	8,760 persons (23.9%),	7,382 cases (21.8%)
Minor Offenses	27,530 persons (75.1%),	26,148 cases (77.3%)
Total	36,675 persons (100%),	33,828 cases (100%)



2. Disposition of 36,675 persons was as follows:

Guilty: 34,642 (94.4%)  
 Among them: Penalty suspended 3,494 (10%)  
 Not Guilty 156 (0.4%)  
 Remission of  
 Penalty: 4 (0.0%)  
 Dismissal of Public  
 Action and Others: 1,873 (5.2%)  
 Total 36,675

3. Penalties Imposed on 24,642 guilty persons

Death	4:	( 0.01%)	
Penal servitude or Imprisonment	6,899:	(19.92%)	
life	8:	(0.1%)	
10 years to life	12:	(0.2%)	
5 - 10 years	152:	(2.2%)	Penalty suspended:
1 - 5 years	3,916:	(56.8%)	1,616 (46.2%)
6 mos. to 1 year	2,235:	(32.4%)	1,231 (35.4%)
less than 6 mos.	576:	(8.3%)	319 (11.1%)
Fine	19,426	(56.07%)	251 (7.2%)
Detention	46	(0.13%)	
Minor Fine	8,267	(23.87%)	
Total	34,642	(100.0%)	3,494 (100%)

C. Warrants:

Total Warrants issued

during the month of Jan.: compared to 62,639 in Dec.

Issued upon Request: 53,384 (99%)

Issued ex Officio: 320 (1%)

Refused: 250 (0.5%) of those requested and those issued ex officio

1. Types of Courts:

Summary Court issued 33,061 (62%) and refused 148 (59%)  
 District Court issued 20,651 (38%) and refused 102 (41%)  
 High Court issued ( ) and refused ( )

2. Types of Warrants:

Search, Seizure and Inspection	8,229 (15.9%)	compared to 17.5% in Dec.
Arrest	24,720 (46.0%)	" 43.6% "
Detention	12,410 (23.1%)	" 25.9% "
Production & Exam. of persons	204 (0.4%)	" 0.4% "
Others	8,149 (15.2%)	" 12.6% "
Total	53,712	



D. Warrant, Non-penal fine and Penalties imposed upon witnesses

1. Number of witnesses produced by warrants

	Summary Court	District Court	High Court
New Code of Crim. Proc. §152		17	
New Code of Crim. Proc. §135			
Code of Civil Proc. §278		4	
Total		21	

2. Non-Penal Fine imposed upon Witnesses

	Summary Court		District Court		High Court	
	Persons	Amount of money	Persons	Amount of money	Persons	Amount of money
New Code of Crim. Proc. §150			4	3,500		
New Code of Crim. Proc. §160						
New Code of Crim. Proc. §133						
New Code of Crim. Proc. §137						
Code of Civil Proc. §277	1	1,000	25	29,600		
Code of Civil Proc. §284						
Total	1	1,000	29	33,100		

3. Penalties imposed in first Instance upon witnesses

	Summary Court				District Court			
	No. of Accused	Guilty Persons	Among them		No. of Accused	Guilty Persons	Among them	
			Fine	Deten- tion			Fine	Deten- tion
New Code of Crim. Proc. §151								
New Code of Crim. Proc. §161								
New Code of Crim. Proc. §134								
New Code of Crim. Proc. §138								
Code of Civil Proc. §277-2								
Code of Civil Proc. §284								
Total								



E. BAIL

1. Number of Persons Newly Released on Bail during Month

Released before Conviction in 1st Instance (B.C.)	1,561 (77%)
" pending Appeal (P.A.)	<u>461 (23%)</u>
Total	2,022

(a) AS compared to the last month

		Summary Courts	District Courts	High Courts	Supreme Court	Total
(A)	B.C.	421	1,140			1,561
	P.A.	83	267	104	2	461
	Total	509	1,407	104	2	2,022
(B)	B.C.	776	2,638			3,414
	P.A.	169	510	168	8	855
	Total	945	3,148	168	8	4,269
(A)-(B)	B.C.	-355	-1,498			-1,853
	P.A.	-81	-243	-64	-6	-394
	Total	-436	-1,741	-64	-6	-2,247

(b) As broken down by Classes of Crimes

		Summary Courts	District Courts	High Courts	Supreme Court	Total
Major Crimes	P.C.		59			59
	P.A.		27	10		37
	Sub-total		86	10		96
Lesser Crimes	B.C.	395	1,081			1,476
	P.A.	88	240	94	2	424
	Sub-total	483	1,321	94	2	2,900
Minor Offences	B.C.	26				26
	P.A. Sub-total	26				26
Total	B.C.	421	1,140			1,561
	P.A.	83	267	104	2	461
Grand Total		509	1,407	104	2	2,022



(c) Percentage of Release on Bail

	Summary Courts	District Courts	High Courts	Supreme Court	Total
(A) Persons newly released on Bail	509	1,407	104	2	2,022
(B) Persons under detention at the end of last month	3,990	9,658	1,799	228	15,675
A/B (%)	12.8	14.6	5.8	8.8	12.9

2. Total Number of Persons out on Bail at the end of Month

Before conviction (T.C.)	15,141	(48%)
Pending Appeal (P.A.P)	16,354	(52%)
Total	31,495	

(a) As compared to the last month

	Summary Courts	District Courts	High Courts	Supreme Court	Total
(A) T.C.	1,165	13,976			15,141
P.A.	159	860	13,248	2,087	16,354
Total	1,324	14,836	13,248	2,087	31,495
(b) T.C.	1,214	14,312			15,526
P.A.	208	1,309	13,378	2,024	16,919
Total	1,422	15,621	13,378	2,024	32,445
(A - B) T.C.	-49	-336			-385
P.A.	-49	-449	-130	+63	-565
Total	-98	-785	-130	+63	-950



(b) As broken down by Classes of Crime

		Summary Courts	District Courts	High Courts	Supreme Court	Total
Major Crimes	B.C.		593			593
	P.A.		57	981	280	1,318
	Sub- Total		650	981	280	1,911
Lesser Crimes	B.C.	1,142	13,303			14,525
	P.A.	155	787	12,257	1,806	15,005
	Sub- Total	1,297	14,170	12,257	1,806	29,530
Minor Offences	B.C.	23				23
	P.A.	4	16	10	1	31
	Sub- Total	27	16	10	1	54
Total	B.C.	1,165	13,976			15,141
	P.A.	159	860	13,248	2,087	16,354
Grand Total		1,324	14,836	13,248	2,087	31,495

3. Forfeiture of bail-money during Month

Total No. of Accused violating conditions of bail: 108 persons  
 Total amount of bail of above accused: ¥1,871,000  
 Total No. of accused whose bail confiscated: 99 persons  
 Total amount of bail confiscated: ¥1,661,200

4. Number of Missing Accused in Cases Pending at End of Month:

a) Escaped from detention 349  
 b) Free on bail 2,559  
 c) Released without bail 419  
 d) Never detained 1,287  
 Total 4,614

F. DETENTION (Including that before Indictment)

1. Total Number of Persons Newly Detained during month

Before Indictment (B.I.) 12,169  
 after Indictment (A.I.) 241  
 Total 12,410



(a) AS compared to the last month

	Detained by						Total	
	Summary Courts		District Courts		High Courts		B.I.	A.I.
	B.I.	A.I.	B.I.	A.I.	B.I.	A.I.		
Jan. (A)	5,658	113	6,511	128			12,169	241
Dec. (B)	7,294	196	8,490	290			15,784	486
(A)-(B)	-1,636	-83	-1,979	-162			-3,615	-245

(b) Indication Cases

Total Number of Indication Cases

Supreme Court	
High Court	
District Court	59
Summary Court	15
Total	74

(c) Habeas Corpus Cases

	Carried over	Newly filed	Disposed of	pending
Supreme Court	2	1	0	3
High Court	1	0	1	0
District Court	0	1	1	0
Total	3	2	2	3

2. Number of Persons Under Detention at the End of Month

Before Indictment (suspected persons)	4,588
After Indictment (accused persons)	14,227
Total	18,815

(a) AS compared to the last month

		Major Crimes	Lesser Crimes	Minor Offences	Total
		Before Indictment	267 (5.8%)	4,129 (90.0%)	192 (4.2%)
	Dec. (B)	185 (6.4%)	2,562 (88.5%)	147 (5.1%)	2,894
	(A)-(B)	+82	+1,567	+45	+1,694
After Indictment	Jan. (A)	1,716 (12.1%)	12,475 (87.7%)	36 (0.2%)	14,227
	Dec. (B)	1,746 (11.1%)	13,870 (85.5%)	59 (0.4%)	15,675
	(A)-(B)	-30	-1,395	-23	-1,448



(b) Accused Persons under detention as broken down by Courts and Periods of Procedure

		Summary Courts	District Courts	High Courts	Supreme Court	Total	%	
Before Trial in 1st Instance	Major Crime		348			348	78.0	100%
	Lesser Crime	1,660	2,435			4,095	91.5	
	Minor Offense	30				30	0.7	
During Trial in 1st Instance	Major Crime		763			763	14.0	100%
	Lesser Crime	1,122	3,580			4,702	86.0	
	Minor Offense	3				3	0.0	
Pending Appeal	Major Crime		179	337	89	605	14.0	100%
	Lesser Crime	903	1,009	1,589	177	3,678	86.0	
	Minor Offense	3				3	0.0	
Total	Major Crime		1,290	337	89	1,716	12.1	100%
	Lesser Crime	3,685	7,024	1,589	177	12,475	87.7	
	Minor Offense	36				36	0.2	
Grand Total		3,721	8,314	1,926	266	14,227		

(c) Percentage of Accused Persons under Detention to the Total Number of Persons involved in Pending Cases (both as of End of Month)

	Summary Courts	District Courts	High Courts	Supreme Court	Total
(A) Total Persons In Pending Cases	17,679	47,734	26,162	4,777	96,352
(B) Accused Persons under Detention *	3,721	8,314	1,926	266	14,227
$\frac{B}{A}$ %	21.0	17.4	7.4	5.6	14.8

\* This column involves persons involved in some Disposed-of-Cases such as arranged in Art. 97, of Code of Crim. Proc.



3. Treatment of All Accused Persons involved in Pending Cases at the End of Month

(a) In first Instance

		Under detention	Free under Bail	Execution of detention suspended	Never detained	Total
Summary Courts	LC	2,782	1,142	97	1,365	5,386
	MO	33	23	1	11,440	11,497
	Total	2,815	1,165	98	12,805	16,883
District Courts	MC	1,111	593	56	239	1,999
	LC	6,015	13,383	464	19,010	38,872
	MO					
	Total	7,126	13,976	520	19,249	40,871
High Courts	MC					
	LC				3	3
	MO					
	Total				3	3
Grand Total (a)		9,941	15,141	618	32,057	57,757
		17.2	26.2	1.1	55.5	100%

(b) In Appeal (Including, besides those pending appeal, cases on which the terms for recourse have not yet expired after the original convictions were given, and those the records of which are pending in the original instances after appealed.)

	Under detention	Free under Bail	Execution of detention suspended	Never detained	Total	
Summary Courts	906	159	261	3,661	4,987	
District Courts	1,188	860	251	1,211	3,510	
High Courts	1,926	13,248	631	10,457	26,262	
Supreme Court	266	2,087	548	1,863	4,764	
Total (b)	4,286 (10.8)	16,354 (41.4)	1,691 (4.3)	17,192 (43.5)	39,523 (100%)	
Among them	Major Crime	605	1,318	135	76	2,134
	Lesser Crime	3,678	15,005	1,533	11,931	32,147
	Minor Offense	3	31	23	5,185	5,242



(c) House of detention of all persons under detention

Detained Persons	In first Instance	9,941	70%
	In Appeal	4,286	30%
	Total	14,227	100%
Among them	In ordinary Prison*	11,892	84%
	In police detention house	2,335	16%

\* Reported from Prison Bureau, Attorney-General's Office

(IV)

PERSONNEL OF ALL COURTS

A. Personnel Situation as of End of

(1)

	Fixed by Law	Allocation No.	Actually employed*	Vacancies
Judges	1,089	1,079	980 (58)	99
Asst. Judges	444	438	380 (27)	58
Summary Ct. Judges	788	717	615 (13)	102
Total	2,261	2,234	1,975 (98)	259

\* Figures in parentheses indicate personnel assigned to duty with the General Secretariat, the Judicial Research and Training Institute and the Research and Training Institute for Courts, and the Secretariat of each High Court. (Among these those on duty in the Supreme Court are 67.)



(2)

	Fixed by law	Allocation No.	Actually employed	Vacancies
Court Officials				
Court Clerks	2,261	2,256	532	1,724
Asst. Ct. Clerks	2,089	1,968	3,143	1,175
Juvenile Investigator	232	224	122	102
Asst. Juvenile Investigator	334	326	274	54
Court Secretary	3,588	2,986	2,856	130
Marshals			217	
Others Ct. Officials	200	200	129	71
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Legal Apprentices			543	
Apprentices of the Research and Training Institute for Court Clerks			115	
All other Employees	11,595	10,830	10,255	575

B. Personnel Changes During

Remarks: In the following tables,

- (a) "Newly Appointed" includes not only personnel appointed newly as court officials, but also those who are now court officials and newly appointed to another position;
- (b) "Transferred in" means transfers from other courts with the same posts retained;
- (c) "Transferred to" means either transfers to other courts with the same official posts retained, or transfers to other official posts, irrespective of whether or not transfers to other courts were made.



(1) Judges:

Increased by a total of 21

	Judges	Asst. Judges	Summary Ct. Judges
Appointment (a)	1		1
Transferred in (b)	5	3	11
Decreased by a total of 20			
Death, Retirement or Resigned	1		
Transferred is (c)	6	4	9
Dismissal			

(2) Court Officials other than Judges:

Increased by a total of 161

	Court Clerks	Asst. Ct. Clerks	Juvenile Investigator	Asst. Juvenile Investigator	Court Secretaries	Marshal	Other Court Officials	Legal Apprentices	Apprentices of the Research & Training Institute for Court Clerks
Appointment (a)	33	34	1	5	33				
Transferred in (b)	6	25	2	4	17		1		

Decreased by a total of 168

Death or Resigned		22			28	3			
Transferred to (c)	8	55	2	3	39		1		
Dismissal		1			6				

(3) All Other Employees:

Increased by 149 (Appointment 126 Transference 23)

Decreased by 149 (Death or Retirement 99 Transference 43 Dismissal 7)

D. Total No. of Courts as of End of Jan.

Supreme Court	1
High Court	8
High Court Branch	6
District Court	49
District Court Branch	232
Summary Court	565
Family Court	49
Family Court Branch	232
Total	<u>1,142</u>



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Civil Affairs Section  
APO 500

337 ( )CAS-L

SUBJECT: Conference of Legal and Government Officers

TO: Chief, Chugoku Civil Affairs Region, APO 182  
Chief, Hokkaido Civil Affairs Region, APO 309  
Chief, Kanto Civil Affairs Region, APO 500  
Chief, Kinki Civil Affairs Region, APO 15  
Chief, Kyushu Civil Affairs Region, APO 1105  
Chief, Shikoku Civil Affairs Region, APO 1050  
Chief, Tohoku Civil Affairs Region, APO 547  
Chief, Tokai-Hokuriku Civil Affairs Region, APO 710

1. There will be a conference of the Legal and Government Officers of the eight Civil Affairs Regions at Headquarters, Civil Affairs Section, Tokyo, beginning at 0900 hours on March 8, 1951 and extending through until 1200 hours, March 10, 1951. It is desired that the Chief and his first assistant of the Legal and Government Section attend.

2. It is contemplated that representatives from Legal Section, Government Section, Diplomatic Section, and other SCAP sections will be present at the conference. It is desired that any pertinent questions that the Legal and Government Officers might like to have answered or matters they would like to have discussed should be put in writing and forwarded to reach this headquarters not later than February 19, 1951.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

J. A. O'BRIEN  
CSC USA  
Adm Off

Sent out 29 Jan  
Su File 6.



GENERAL HEADQUARTERS  
 SUPREME COMMANDER FOR THE ALLIED POWERS  
 Civil Affairs Section  
 APO 500

095 ( ) CAS-L

SUBJECT: Transmittal of Excerpts from Mr. Lester C. Hardwick's Speech

TO: Chief, Chugoku Civil Affairs Region, APO 182  
 Chief, Hokkaido Civil Affairs Region, APO 309  
 Chief, Kanto Civil Affairs Region, APO 500  
 Chief, Kinki Civil Affairs Region, APO 15  
 Chief, Kyushu Civil Affairs Region, APO 1105  
 Chief, Shikoku Civil Affairs Region, APO 1050  
 Chief, Tohoku Civil Affairs Region, APO 547  
 Chief, Tokai-Hokuriku Civil Affairs Region, APO 710

The attached, which is forwarded for your information, is an excerpt from a speech made by Lester C. Hardwick, Press and Publications Branch, Information Division, CAS, SCAP, before the Osaka-fu Shinbun Kyokai (Osaka Newspaper Association) on 14 December 1950.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

1 Incl.  
 a/s

J. A. O'BRIEN  
 CWO USA  
 Adm Off

*cut out before see  
 File #23*



GENERAL HEADQUARTERS  
 SUPREME COMMANDER FOR THE ALLIED POWERS  
 Civil Affairs Section  
 APO 500

095 ( ) CAS-L

SUBJECT: Transmittal of Translations of Letters from the Director  
 of the Local Autonomy Agency

TO: Chief, Chugoku Civil Affairs Region, APO 182  
 Chief, Hokkaido Civil Affairs Region, APO 309  
 Chief, Kanto Civil Affairs Region, APO 500  
 Chief, Kinki Civil Affairs Region, APO 15  
 Chief, Kyushu Civil Affairs Region, APO 1105  
 Chief, Shikoku Civil Affairs Region, APO 1050  
 Chief, Tohoku Civil Affairs Region, APO 547  
 Chief, Tokai-Hokuriku Civil Affairs Region, APO 710

The attached are translations of letters from the Director of the Local Autonomy Agency addressed to the Governors of Metropolis, District or Prefecture in connection with advice given by the Local Administration Investigation Committee concerning re-distribution of administrative affairs, and on the report on redistribution of administrative affairs and rationalization of scope of towns and villages. They are forwarded for information.

FOR THE CHIEF, CIVIL AFFAIRS SECTION:

2 Incls  
 1. Ltr, Chi Ji Otsu  
 Hatsu No. 14  
 2. Ltr, Chi Ji Ko  
 Hatsu No. 4

J. A. O'BRIEN  
 CWO USA  
 Adm Off

*sent out 30 Jan  
 See File 39*



省庁の権限にも至大の影響があり、従つて、実施に至るまでには多くの困難があることも予期し得られるので、勅告実施の線に沿つて各位の格別の御努力を煩わしたい。

町村の規模の合理化については、その気運も逐次醸成されていることは喜ばしいことであるが、既に現在においても多少脆弱な町村は、経費の増嵩に悩み事務の重圧に苦しんでいる状況であり、町村規模の合理適正化は、地方自治確立の途中における重要な問題であると思われ、いわんや本勅告の実施により、市町村の権能と責任とは大いに高まることか予想されるのであるから、これが受入態勢を整備しておく必要もあり、又、地方公共団体の長及び職員の総改選を明春に控えていることにもかんがみ、この際、町村の規模の合理化の實を挙げることは適切妥當な措置であると思われる。この事情にかんがみ、政府としては、関係市町村が、都道府県当局者の適切な助言により、自主的に右の措置を採られたことを最も望ましいと考へるのであるが、このためには、貴私主宰のもとに、市町村長、市町村議会、県議会等の代表者、学識経験者等により協議会を組織し、規模合理化の気運を促進し、これが実施を円滑化するにとり適当であると思料する次第である。



地自乙第百十四号

昭和二十六年一月十三日

地方自治庁次長

各都道府県知事殿

行政事務の再配分及び町村の規模の合理化に関する件通知

行政事務の再配分及び町村の適正規模の問題については、既に、着々と御研究中の

ことと思われ、去る十二月二十二日、地方行政調査委員会議の勧告（別紙一）が

内閣及び内閣を經由して国会に付してなされ、本日これに關して地方自治庁長官通知が發せられた。

事務の再配分に関しては、政府は、既に、勧告を慎重に検討中であり、勧告の実施

内容と関連して関係諸法令の改廃が行われなければならず、従つて、勧告の実施につ

いては、急ぐ、時日を要するものと思われ、費取におかれり、本勧告を

詳細に検討し、万全の準備を整えておかれたい。なお、本勧告の実施は、関係中央各



Chi ji Otsu Hatsu No. 14

To

13 January, 1951

The Governor of metropolis, District or Prefecture

Report on redistribution of administrative affairs  
and rationalization of scope of towns and villages.

We believe that you have already studied the question of redistribution of administrative affairs and the suitable scope of towns and villages. The Local Administration Investigation Committee 22 December submitted its advice (~~annexed paper~~) to the Cabinet and the Diet through the Cabinet. In this connection, the Director of the Local Autonomy Agency today sent out a report.

With respect to the redistribution of administrative affairs, the Government is now carefully studying the matter as various relevant laws and regulations are subject to revision or abolition with realization of the contents of the advice. Naturally, therefore, a fairly long time would be required before the advice gets into shape. We hope that you would carefully study the question in every detail and make thorough preliminary arrangements. Furthermore, the advice, when given effect



necessary measures in accordance with instructions to be given by the competent authorities of a metropolis, district or prefecture. To achieve this objective it is advisable that a city, town or village creates under your supervision a council which will be composed of mayor, assemblymen, representatives of the prefectural assembly and men of special knowledge and experience and thus precipitate the rationalization of the scope and its smooth execution.

Local Autonomy Agency  
Director



Chi Ji Otsu Hatsu no. 14

To

13 January, 1951

The Governor of metropolis, District or Prefecture:

Report on redistribution of administrative affairs  
and rationalization of scope of towns and villages.

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will seriously affect the authority of every ministry. From this viewpoint, we are afraid that we shall no doubt encounter various difficulties on the road for its realization. We hope, therefore, that all people concerned will do their best in line with the advice.

As for the rationalization of the scope of towns and village, we are glad to say that the time is getting ripe for its realization. Even at the present moment, those weak and small towns and villages are suffering from mounting heavy expenditures and heavy burden of business. Therefore, the rationalization of the scope of towns and villages is an urgent question for the establishment of local autonomy. As it is anticipated that with the realization of the advice, a city, town or village will rise in its position and will have to shoulder correspondingly much heavier obligations, it is most important to make every possible preparation to cope with the situation.

In view of the general election of the chief of local public body and assemblyman to be held in the spring next year, it is now high time to execute the rationalization of the scope of towns or villages. So, the Government hopes that all cities, towns and villages voluntarily take



necessary measures in accordance with instructions to be given by the competent authorities of a metropolis, district or prefecture. To achieve this objective it is advisable that a city, town or village creates under your supervision a council which will be composed of mayor, assemblymen, representatives of the prefectural assembly and men of special knowledge and experience and thus precipitate the rationalization of its scope and its smooth execution.

Local Autonomy Agency  
Director.



Chi Ji Ko Hatan no. 4  
13. January, 1951

To

The Governor of metropolis, District or Prefecture.

Re advice given by the Local Administration Investigation Committee concerning redistribution of administrative affairs. (report)

The recent advice given by the Local Administration Investigation Committee contains rational readjustment of distribution of administrative affairs throughout the central and the local governments. Every effort is now being made by the Government for investigation for its realization. When it has been realized, a city, town or village will rise in position. It is essential that at this time when local election will take place early spring this year, the realization of scope of a city, town or village will be effected by the dissolution, creation, division or union of a town or village and consolidation of fundamental system of the local public entity will be carried out. The best measures to be taken for attaining this objective are to create a committee in every metropolis, district or prefecture which will strive for its realization.



Furthermore, what we want to mention in addition to the above is a recently much discussed question of the full number of members of the local assembly. In this respect, no legislative measures seem to be taken for the present. However, there are some cities, towns or villages where the full number of assemblymen is to be changed due to the increase or decrease of population. From this standpoint, we consider it opportune to independently determine the full number of assemblymen prior to the election.

As the result of our talk with the local autonomy committee, we have come to the conclusion that the best way is to lay the question before each city, town or village for its thoughtful consideration. We hope, therefore, you will take up the matter with those concerned and do your best on the line laid down hereby

Local Autonomy Agency  
Director



なほ、又、この際特に附言したいことは、最近各種の論議が行われている地方議会の議員定数についてである。この点については、目下のところ、特に立法的措置が採られる模様はないようであるが、人口の増減により議員の定数に変動を生ずる市町村もあることであり、この際各市町村ごとに、諸般の情勢を勘案せられ、選挙にさき立って合理的な議員定数を自主的に決定せられることは、きわめて適切な措置であると考えられる次第である。

当庁においては、以上の事項に關して地方自治委員会に諮つた結果、各市町村の特別の御考慮を煩わすことが適當であると認めらるゝので、この旨を特に貴下に御連絡し、貴下の深甚な御配慮を期待する次第である。



自治甲第第四号

昭和二十六年一月十三日

地方自治庁長官

各都道府県知事殿

地方行政調査委員会議の行政事務再配分の勧告に関する件（通知）

今回行われた行政事務再配分に關する地方行政調査委員会議の勧告は、中央及び地方を通じて行政事務の配分の合理的な調整を圖ることを内容とするものであつて、政府としても目下その具体化方策につき鋭意研究中であるが、本勧告具体化の曉においては、市町村の地位と責任とが大いに高まることか予想されるので、地方選挙を今春に控えたこの際、町村の廢置合算等により市町村の規模を合理化し、強力な基礎的的地方公共団体の態勢を整備することか特に緊要であると考へられる。よつて、このためには、各都道府県ごとに委員会等を設け、できる限りその実現を圖られることか適当であると認められる次第である。



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
LEGAL SECTION

LEGAL COMMENTS

December, 1950

A recent decision of the Kyoto District Court in connection with the case of six college students who filed suit against Yoshitaka Katsu, President of Kyoto Prefectural Medical College, for cancellation of his official expulsion from school of the six students is of wide interest:

(a) because the Court in finding the expulsion an abuse of the discretionary power of the College President concludes that such abuse amounts to illegality; (b) because for the first time since the Administrative Litigation Law, Public Law 81 of 1948, came into effect, the Prime Minister made use of the power conferred upon him by Article 10 Paragraph 2 of this Law. According to this provision the Court may in order to prevent the irreparable damage which may be caused by the execution of an administration act, by a ruling suspend the execution of such act. However, this shall not apply in case there is apprehension that the execution of the act may essentially affect the public interest or in case the Prime Minister raises an objection.

The Kyoto District Court decided in favor of the students in declaring their expulsion from school illegal. The defendant has appealed from this judgment to the High Court. Pending a decision on the appeal, the ousted students requested the Court to order a stay of their expulsion from the Medical School. It is against this injunction that the Prime Minister used his veto power on the basis of Article 10 Paragraph 2 of the Administrative Litigation Law.

*Quill & S. Reporio  
5 Feb 51*



## With the Tokyo Bar Associations

At recent meeting of the Tokyo Bar Association held in the Second Tokyo Bar Association Building the Chief, Court Affairs Branch, Legislation and Justice Division, Legal Section delivered an address on a Comparison of the Responsibility of the Trial Court, Prosecutors and Lawyers. The meeting was well attended by members of the Bar Associations in Tokyo. The following are excerpts from his address:

To one accustomed to Anglo-American trial court procedure this subject appears to be so well-established as to present no problem. However, an analysis of it placed alongside that of the Japanese procedure brings out a startling disparity based not only on custom but on attitude.

While there has been some criticism by the American bar that many judges are functioning as mere referees, and that they should assume more of the common-law responsibility and authority of a trial judge, the basic function of a judge still obtains, and that is "to hear and determine." When a case is tried without a jury the judge exercises plenary authority over both fact and law. When, however, a jury is present the functions of the judge and jury are distinctly defined. The jury is the sole trier of the facts, while the judge is the sole authority on the law. Neither can invade the province of the other.

The functions of prosecuting attorneys in criminal cases, and lawyers, in all cases, can be very simply summarized into that of "preparation and presentation." Actually, that responsibility is tremendous in practice and is grounded on the old axiom that "he who asserts must prove."

Preparation begins the moment an offense is committed or a cause of action arises. Whether it is the State or Government, plaintiff or defendant, the attendant responsibility of preparation involves the same critical inspection and examination: drafting and filing the charges on pleadings; gathering and sifting the evidence; interviewing witnesses and obtaining statements; preserving testimony by taking depositions; analyzing the order and method of proof or defense; arranging for the prompt appearance and availability of witnesses; and absolute readiness to proceed when the case is called for trial.

It should be noted at this point that, until the moment an indictment or the pleadings are handed to the court, the judge has had no official contact with, or interest in, the case. When the court is convened to try a case, here for the first time is felt the authority of the judge as the governor at all times of the trial in the sense of actively, and firmly when necessary, requiring that the proceedings be conducted with dignity, decorum and the avoidance of waste of time. A correlative of this authority is the duty of the judge to exercise the power of contempt for any obstruction of justice or act derogatory to the authority or dignity of the court.

Since "he who asserts must prove," it is self-evident that the responsibility of "going forward" with the presentation of evidence falls upon the one who has the burden of proof. In a criminal case, this burden is on the State or Government; in a civil case, it is on the plaintiff. In any case, the examination and cross-examination of witnesses, and the introduction of records, documents and exhibits, are all governed by definite rules of evidence. While he is not precluded from doing so, the judge generally does not participate directly in the examination except to rule on objections to the competency, relevancy and admissibility of evidence.

Here, an important point for subsequent comparison must be emphasized. At no time is the judge charged with the responsibility of maintaining a "record" or transcript of the testimony. That obligation falls solely on the litigants or their counsel. In general practice, however, every conscientious judge does frequently make notes on important points, not



for the purpose of their becoming an official part of the proceedings, but merely to better follow the development of testimony and to support his subsequent charge to the jury or, in the absence of a jury, to guide him in arriving at his decision. The responsibility of making and preserving a "record" falls on the parties, particularly when the one who loses desires to appeal. To state it simply, if counsel for one side, or both, may eventually wish to rely on a record of the trial for purposes of appeal, it is his duty to arrange for a qualified court reporter to be present during the entire trial and make a verbatim record of all testimony, objections and rulings, and all other developments during the trial. Some jurisdictions provide by law for official court reporters.

At the conclusion of all the testimony, when both sides have rested their case, it is then "submitted" to the court. In a jury case the judge now performs the very important and delicate function of "charging" the jury on the law that shall be applied by them in their finding of fact. In many state jurisdictions in the United States the judge sums up the evidence and instructs the jury that they are to determine for themselves the weight of the evidence and the credit to be given to witnesses. However, the federal court system has preserved the common law practice of giving the trial judge the power to comment on the evidence and the credibility of the witnesses, even to expressing an opinion. While seldom used it is a power reserved for that rare occasion when flagrant stratagem or trickery requires an immediate corrective in order to prevent a miscarriage or travesty of justice. In the exercise of this function the discretion of the judge is not arbitrary and uncontrolled, but judicial, and in conformity with the standards governing judicial office.

After retiring to their chambers for deliberation, the jury, if they arrive at one, return the "verdict" which is read in open court. In a criminal case it can be "guilty" or "not guilty," in a civil case it can be a finding for so many dollars or other relief "for the plaintiff" or a finding "for the defendant." The verdict is entered on the court journal, and in a criminal case a date is set for the pronouncement of sentence.

At the conclusion of a case tried to the court, without a jury, the case is submitted to the court for decision. This may be rendered immediately but in complicated civil cases, or where the evidence may be conflicting, the judge generally studies and reviews the case before arriving at a decision. Until entered on the court journal a decision is not a valid judgment for the reason that "a court can only speak through its journal." In some jurisdictions this responsibility is carried out by the proper court official. In many jurisdictions, however, this procedure is the responsibility of counsel particularly for the prevailing side. The lawyer draws up a "journal entry" which recites that the cause duly came on for trial upon the pleadings of the parties and the testimony of witnesses and other evidence, and that the finding of the court. This journal entry is then agreed upon by counsel for both sides, acknowledged, and presented to the trial judge for his signature. It is then filed and becomes a legal judgment of record.

Particular attention should be directed here to the fact that in all criminal cases and almost all civil cases the trial judge does not set forth his decision, or the reasons therefor, in a written opinion. In certain cases, where specifically requested by counsel, the judge makes a separate finding of fact and conclusion of law.

This concludes the function of the trial judge and, so far as he is concerned, the case is closed. After pronouncing sentence in a criminal case, the execution thereof is the responsibility of the proper government agency, not the courts. In a civil case, the execution of a judgment by way of satisfaction, settlement or other relief, becomes a matter of diligent pursuit by the attorney for the successful litigant, generally through the legally established procedure of attachment or garnishment.

In short, it is the lawyer who "carries the ball" in the Anglo-



American administration of justice and his success in advancing the cause or defence of his client rests and falls upon his preparation for, and presentation of, his case.

While the American judge is charged with the grave responsibility of his judicial office and bound by the highest principles of ethical conduct, the discharge of that responsibility is unfettered by administrative or procedural details and duties which, through long custom, have fallen on the shoulders of the Japanese judge. To understand this it is necessary, for the purpose of comparison, to keep in mind the historical background of the Japanese legal and judicial system, the fundamental feature of which was the principle of conciliation.

This principle, also prominent in Chinese justice and a result of the Confucian philosophy, has been deep-rooted in the Japanese people and still exists even under the new Constitution of Japan. Furthermore, the principle of family unity, in a society so tight and interknit as the Japanese, abhors seeking outside relief in private disagreements and favors the settlement of disputes. Use of the judicial and legal process is a last resort. It is one explanation why, in a nation of over eighty million people, there are not over two thousand judges and six thousand lawyers:

While the modern administration of justice in Japan, developed in the Meiji era, drew heavily from the Continental practice, the Japanese judges did not enjoy the independence of their French or German counterparts. By virtue of their education and sociological background they were primarily legal technicians - servants of the state rather than guardians of justice. Instead of exercising judicial independence and responsibility they tended to answer to their jurisdictional superior, the Ministry of Justice. In the administration of criminal law the judges were under the continuous observation and control of the public procurators who, though attached to the courts, reported to and followed the directives and needs of the Ministry of Justice.

The judges held the status of civil servants and were classified and remunerated on the same level as administrative officials. This was reflected in their pitifully inadequate salaries and the official indifference accorded them in the past. This is contrary to the Anglo-American concept where judges are never made comparable to ordinary government officials and their salaries are purposely put at a high level to insure that in the administration of justice the possibility of corruption, or physical and economic discomfort, is reduced to the minimum in the human equation.

When the new Constitution of Japan came into effect in May 1947 the Ministry of Justice was abolished and for the first time the judiciary in Japan was established as the third branch of government, together with the legislative and executive. Now the whole judicial power is vested in a Supreme Court and such inferior courts as are established by law which shall decide all legal disputes. Furthermore, the Constitution specifically provides that judges shall receive adequate compensation. Numerous implementing laws have been established in order to provide the machinery of justice with the necessary working parts. But customs and traditions cannot be changed overnight by the stroke of the pen or the vision of the constitutional architect. Continuous education and patient enlightenment will provide the most effective lubrication for this new machine.

With this passing historical comment, it will be readily seen that the Japanese concept of justice differs widely from the Anglo-American. In the American courts we have seen that the province of a judge is to hear testimony and determine from all the evidence. In Japan, however, the judges consider it their duty to assume responsibilities which in Anglo-American courts are those of the litigant and his lawyer. The Japanese judge has by custom and practice become a combination lawyer-prosecutor-investigator-clerk-reporter-recorder-assignment commissioner-conciliator-father counsellor - - and judge.



When a civil complaint is filed, the court clerk presents it to the judge in the appropriate division, sending a copy to the opposite party for written answer if necessary. The judge then sets the date for the first public trial (which may be two, three or more months later, depending on the circumstances.) The court clerk summons the parties on that date and, in the event one of the parties or counsel fails to appear, the judge (or collegiate body of judges depending on the gravity of the matter) receives the suggestion of the other party which is tantamount to a postponement (in Tokyo, from two to three months, or more.) This procedure goes on and on until witnesses finally appear, protocol is made and reviewed, and final decision arrived at.

Similar procedure occurs in a criminal case with the written indictment filed by the public procurator with the appropriate criminal division and assigned to a particular judge or collegiate body. Before the new Code of Criminal Procedure came into effect in January 1949, the charge was appropriately accompanied by all the papers, statements, report of investigation - and usually the most important document, the confession of the accused.

It will be seen, therefore, that the Japanese judge is "in" the case from its very inception and becomes responsible for the entire order of procedure. In this connection it becomes incumbent on him, if he deems it necessary for the purpose of justice, to view the premises or scene of the crime, conduct independent investigations, determine what testimony will be received, what witnesses will be heard and set the order of proof. His sense of rendering justice will even compel him to seek out, ex officio, an important missing witness. Trials are delayed over long periods of time, continuations and postponements are granted as a matter of course or upon the court's own motion, and the day of judgment is somewhere in the dim future.

A pertinent but reasonable question poses itself, and that is the function of the Japanese lawyer. And therein lies a strange paradox of attitude. The American lawyer owes his primary duty to his client and, as has been pointed out, is responsible for the proper and diligent preparation of his case or defense. This can only be done by preliminary investigation, interviewing witnesses, and searching out every detail essential to the support of his case. In this activity he is, of course, bound by the high ethics of his profession, and by the criminal laws which govern perjury, subornation of perjury, tampering with witnesses, and other acts obstructing justice. On the other hand, the Japanese lawyer labors under the apprehension that if he interviews witnesses, especially in a criminal case, he will be deemed to be aiding perjury and subject to criminal prosecution by the public procurator. As a result the lawyer appears to be unprepared to proceed with his defense until the actual appearance of the witness in the court room. This naturally results in further postponement and delays in proceedings.

The technique of trial in the Japanese courtroom follows the Chinese and Continental inquisitorial method - that is, the active participation by the trial judge in the examination of witnesses. While the new Code of Criminal Procedure established certain procedure in this regard the practice is still prevalent. For instance, the court may at the outset entertain the statement of the accused - often his confession in court. The result is that the public procurator and defense counsel, by custom and practice, lean and rely on the judge to elicit testimony.

Attention should be called to the fact that, in spite of its comprehensive declaration of civil rights, the new Constitution has no specific provision for right of trial by jury. Japan adopted the jury system in criminal cases in 1923. While the application of the law was suspended during the war, it was in itself so inadequate and left so many loopholes that it never enjoyed popularity and actually fell into disuse.

The record of testimony and proceedings or "protocol" - no matter how insignificant or important the case - presents a serious problem to the Japanese judges. The recording is done by court clerks and does not purport



to be a verbatim report of the testimony but merely the clerk's impression of that testimony. Since the judge is responsible for the "protocol" he must give it constant attention which means further postponements of proceedings in order for him to review the protocol and keep it up to date.

This responsibility becomes most important at the conclusion of the case. If the decision of the court is repugnant to, or inconsistent with, the protocol, the decision will be quashed by the reviewing court. The beneficiaries of this strange responsibility are the parties availing themselves of the protocol on appeal:

But an even more burdensome duty, established by custom and practice and relied on by the parties, requires the trial judge to make a written statement of his decision, with full reasons therefore, in every case. This laborious task, coming on the heels of all other time-consuming responsibilities, is alone enough to break the back of any administration of justice: While it is true that in modern reporting the decisions of high appellate tribunals are published for the purpose of establishing the law, seldom if any are the decisions of trial courts either written or reported.

The exercise of the power of contempt of court by the trial judges has already been referred to and recent cases in the American courts illustrate the great restraint and caution that is used in employing that powerful deterrent on persons flaunting the dignity and respect of the court and its proceedings. While most jurisdictions have laws giving the courts specific power in this respect, the Anglo-American concept is that this power to punish is "inherent" in the courts. The Japanese do not have that concept and entertain a reluctance to take a step (which they might often wish they could) that might put the court itself in disfavor. While the Japanese courts are given power to maintain order and met out punishment for interference with trials, such action requires the filing of charges by the public procurator. It is submitted that such delay is inconsistent with the effectiveness of an immediate corrective, convincing and complete - and on the spot:

This comparison of the Japanese with Anglo-American trial technique is offered with no purpose of reproof but as a critical observation that will enable the practitioners of either system to understand the other. In so doing, no claim to discovery is made for, as with the physician and the clergyman, originality is a doubtful virtue. One truth, however, is self-evident. The administration of justice in Japan is in a crucial state caused by an overload of work and serious backlog of cases. The need for modernization and improvement of court practice and procedure might well be the challenge to the bar associations and the individual responsibility of each Japanese lawyer to demonstrate to the legal world their capacity for leadership.

#### EXPEDITING TRIALS

The following text of recent joint press conference of Legal Section and Civil Information and Education Section, prepared by Chief, Criminal Affairs Branch, Legislation and Justice Division, Legal Section emphasizes the importance of streamlining court procedures so as to cope with the growing backlog of pending cases:

Since the war, there has been a startling increase in the number of civil and criminal cases to be disposed of by the Japanese courts, an increase completely disproportionate to the increase in the number of judges since pre-war days. This is especially true with regard to criminal cases. While the number of judges increased only 1.5 times,



the number of criminal cases, not including cases disposed of by summary procedure without trial, has increased five times or more since pre-war days. At present an average of more than 200 cases come to each judge during a year, while it was quite rare before the war for a judge to have 100 cases a year. Although the courts are disposing of about twice as many cases as they did before the war, they have not been able to keep pace with the growing volume of business. This has resulted in accumulation of a huge backlog of pending cases and a drop in the percentage of cases disposed of. Judges in charge of criminal cases are disposing of only 71% of the cases received each year whereas before the war they disposed of 82%. A similar situation exists with respect to civil cases, and the backlog is growing particularly fast in the Family Courts.

The Supreme Court has been conscious of the need to streamline court procedures to counteract the growing backlog of pending cases, and after prolonged study of the situation, it issued preliminary instructions to all Inferior Courts on 30 October of this year to expedite trials of both civil and criminal cases. The Supreme Court will soon issue new rules of procedure to supplement and reinforce these instructions, and has requested the Attorney General's Office and the Diet to enact legislation to expedite trials. Three bills were introduced in the Special Diet Session and were enacted into law by the Diet on 8 December 1950. Legislation covering seven other points is now being considered for introduction into the regular session of the Diet.

The importance of the above-mentioned instructions and rules of the Supreme Court and the legislation for expediting trials cannot be over-emphasized. Not only does the Japanese Constitution guarantee to the accused in all criminal cases the right to a speedy trial, but this is a fundamental right of all litigants in a democratic nation. Even in civil cases which do not affect the public interest directly, delays which stretch over many months and sometimes many years are inexcusable in any judicial system. The reason for the constitutional guarantee of a speedy trial in criminal cases is obvious. Prompt and certain trials are the most effective deterrent to the commission of crime. Wrong-doers will not be deterred if their punishment will be long postponed and there is a chance their cases will never be tried. On the other hand, innocent persons who are wrongfully accused should be cleared promptly.

Because of the great importance of this subject to the people of Japan, Legal Section believes that as much publicity as possible should be given to the action of the Japanese Government to expedite trials of civil and criminal cases. With this in mind, I wish to briefly summarize the main points of the instructions issued by the Supreme Court on 30 October of this year, the three bills already enacted into law by the Diet and the seven other bills for expediting trials now being considered by the Japanese Government.

Summary of Instructions for Expediting Trials  
Issued by the Supreme Court on 30 October  
1950 to all Inferior Courts in Japan

A. As to both civil and criminal cases:

1. As far as possible cases to be handled by a single judge rather than by a Collegiate Court.
2. More frequent use of preparatory procedures (pre-trial conferences) to simplify issues and expedite trials.
3. Continuous trials.
4. Postponements in trial dates only where unavoidable.



5. Both sides to be responsible for preparing the case before trial, by questioning witnesses, examining evidence, etc., and to take the initiative in presenting the case without relying on the court to act ex officio.

6. Prompt attendance of witnesses and others.

7. Temporary transfer of judges and redistribution of work of judges.

8. Special divisions within courts to concentrate on certain types of cases (such as old Code Criminal cases -- i.e., cases in which public action was instituted before enforcement of new Code of Criminal Procedure on 1 January 1949).

9. Court to limit the time of argument where appropriate and to stop irrelevant or unnecessarily repetitive questions or statements during the trial.

#### B. "Old Code" Criminal Cases:

1. The new Code of Criminal Procedure went into effect on 1 January 1949 but approximately 17,000 cases are still pending in which public action was instituted before enforcement of the New Code. The Court sets 30 June 1951 as the goal for completing second instance trials of these so-called "Old Code" criminal cases.

2. The first instance trial of these "Old Code" cases is to be concentrated as far as possible on issues contested by the accused, and protocols and judgments are to be simplified.

3. On koso appeal the appellant will be asked to state orally or in writing the matters of which he complains in the first instance judgment and the hearing is to be concentrated on those matters instead of trying the whole case over again.

#### C. Reports:

1. Wherever a particular court is discovered to be especially far behind, a special report is required to be made to the Supreme Court showing the number of continuances, intervals between trial dates, and intervals between final hearing and pronouncement of judgment.

2. Judges who fail to write their opinions within thirty days after the close of the trial are instructed to report their reasons for their failure to the Supreme Court.

### Summary of Laws for Expediting Trials Enacted During the Special Diet Session

#### A. Law for Amendment of Court Organization Law:

1. The law increases the jurisdiction of Summary Courts in civil cases from 5,000 yen to 30,000 yen.

2. It increases the jurisdiction of Summary Courts in criminal cases to include the following additional offenses or attempts: gambling, fraudulent appropriation, crimes relating to stolen goods, crime of trespass, and certain offenses mentioned in the Second Hand Business Law and Pawnbrokers' Business Law.

3. The obvious purpose of the first two points is to transfer some of the burden of first instance trials from the District Courts which are increasingly over-loaded to the Summary Courts which have the least case-load of any court in Japan at present. In general, the District Courts now have a case-load seven to eight times that in pre-war days, whereas the Summary Courts have just about the same case-loads



as the similar local courts in pre-war days.

4. Another point in this law is the authorization for temporary transfers or "substitution" of judges to courts excessively behind in their work, with greater latitude than under the present law. At present, such transfers can only be made within certain areas and between courts of certain levels. This law will modify these restrictions.

#### B. Law for Amendment to Code of Civil Procedure.

1. The main point of this law is to permit preliminary proceedings (pre-trial conferences) in any civil case. At present such conferences are only permitted in cases tried by Collegiate Courts.

2. The second point is to prohibit postponements in trial dates after preliminary hearings have been held except for unavoidable cause.

#### C. Law for Partial Amendment to the Law for Enforcement of the Code of Criminal Procedure.

1. This law requires all Wokoku appeals to the Supreme Court to be governed by the new Code of Criminal Procedure. As a result, most appeals to the Supreme Court will henceforth be limited to cases involving constitutional issues or cases where the judgment below is alleged to conflict with judicial precedents. In addition, the Supreme Court will have the power in its discretion to review many cases which it deems involve an important problem of construction of law.

2. This law should greatly reduce the number of appeals to the Supreme Court in these old code criminal cases, and considerably relieve the burden of the court. It will avoid a needless clog on the proper business of the Supreme Court under the new Constitution which would be caused if it tried Wokoku appeals in cases which have already been through two or three lower courts and are not of a nature calling for the judgment of the Supreme Court.

#### Summary of Legislation Being Considered

Other legislation is now being considered for introduction into the regular session of the Diet covering the following points:

1. To encourage recruitment of additional judicial personnel.
2. For an arraignment system.
3. For adult probation.
4. Contempt of court.
5. Default judgments in civil cases, where the party fails to appear.
6. Limiting use of conciliation in civil cases after initial stages of the trial are over.
7. Clarifying Administrative Litigation Law.

#### Purpose of the Supreme Court Rules for Expediting Trials Now Being Drafted

It is premature to attempt to summarize the contents of the Supreme Court rules which are now being drafted for the expediting of civil and criminal trials. However, it may be stated that these rules will be



issued in the near future and that their purpose will be to reinforce and supplement the instructions already issued. The most radical changes will be the requirement of continuous trials and the emphasis on greater responsibility for preparation of the case before trial by the parties themselves and through pre-trial conferences so that the trial itself will be simplified and more efficiently conducted. Special rules will be enacted to expedite koso and jokoku appeals of old Code criminal cases -- that is, cases in which public action was instituted before the enforcement of the new Code of Criminal Procedure on 1 January 1949. The most important change in the appeal procedure will be a requirement that the appellant state the reasons for his appeal so that the trial can be concentrated on contested issues. The appeal will be primarily a review of the first instance trial to determine whether any errors were committed in respect to matters concerning which the appellant complains. It will not be a complete re-trial of the case. The necessity for this streamlining of the appellate procedure will be apparent if the situations of the High Courts and the Supreme Courts are considered.

High Courts today are receiving 20 to 30 times the number of criminal cases received by the Courts of Appeal in pre-war days. Since the number of High Court judges has only doubled, the case-load of each High Court judge has increased 10 times or more compared with pre-war days. High Courts are disposing of many more cases than the old Courts of Appeal in actual numbers, but the rate of disposition has fallen from 70 to 80% before the war to about 45% since the war. Obviously, the only hope is either a tremendous increase in the number of High Court judges, which is manifestly impossible under existing budgets, or a sincere attempt to make the new abbreviated procedure work. As far as the Supreme Court is concerned, the number of judges was reduced to 15 under the new Constitution because the Court was considered primarily a court for determining constitutional questions and other important questions of law and for maintaining uniformity between the various High Courts on matters of law. It was not intended to permit every question of law to be reviewed in the Supreme Court. Unfortunately, over a thousand appeals are now pending in the Supreme Court in old Code criminal cases, many of which do not fall within the proper business of the Supreme Court under the new Constitution. As a result, in 1949 the case-load of each Supreme Court judge was two to three times the case-load of Supreme Court judges before the war. However, this is a temporary situation. When the Law for Partial Amendment of the Enforcement Law of the Code of Criminal Procedure becomes effective on 28 December, no more appeals will be permitted under the old Code. As a result, the number of appeals to the Supreme Court in old Code cases now pending in the Inferior Courts will probably be only one-quarter the number which might otherwise have been expected. Instead of facing the prospect of about 3,000 more appeals in old Code cases, the Supreme Court will expect only about 750 such appeals to be filed. It should be able to dispose of these cases almost as fast as they are received and to rapidly reduce the present backlog of 1,000 such cases now pending. Unless new criminal or civil appeals to the Supreme Court increase at a faster rate than now seems likely, the long-range situation of the Supreme Court docket looks rather favorable.

In conclusion, let me add a note of caution. Opposition may be expected from some circles to the reforms described above for expediting trials, particularly from lawyers who mistakenly believe that delays in trials enable them to earn greater fees. The reforms will also require cooperation from Japanese citizens to insure that they are administered in the spirit with which they have been planned. Citizens who are asked to appear in court as witnesses or are summoned to appear as the accused in a criminal case or the party in a civil case must realize the importance of their duty to appear promptly. Parties and witnesses must cooperate with defense counsel, public procurators and the courts in preparing the cases before trial and in expediting the conduct of the trial itself, otherwise, the new instructions, rules and laws will be dead-letters or mere scraps of paper without any life or meaning.



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
LEGAL SECTION

COURT STATISTICS REPORT

(Prepared for Legal Section,  
Legislation and Justice Division, GEQ, SCAP  
by the Supreme Court Secretariat,  
the Attorney General's Office)

November 1950

*Smith & Rapine  
5 Feb 51*



COURT AND PROCURATOR STATISTICS REPORT

November 1950.

- note 1: For the purpose of this report only, crimes are defined as Major Crimes - crimes punishable by death, indeterminate or life imprisonment (or penal servitude) or over 15 years imprisonment (or penal servitude); Minor Offenses - offenses punishable by fine, minor fine or detention; Lesser Crimes - all crimes between the other two categories. Do not confuse minor offense in this report with minor offenses which are defined in the Minor Offense Law as offenses punishable by detention or minor fine.
2. The term "case" as used in these statistics is not limited to a single trial, either criminal or civil, but also embraces numerous types of applications and motions, such as application for bail or warrant, transfer of jurisdiction, challenges, etc.

Procurators.

I. PERSONS UNDER CRIMINAL INVESTIGATION

A. Number of Persons in Criminal Cases Awaiting Investigation:

(First figure in parentheses indicates number of procurators; second figure, number of assistant procurators actually employed.)

1 Jan. 1949	1 Jan. 1950	31 Oct. 1950	30 Nov. 1950	A decrease of 52.6% (119,680 persons) compared with the previous month.
117,959 (674)	168,604 (691)	227,417 (720)	107,737 (717)	
(301)	(632)	(677)	(726)	
(975)	(1,323)	(1,397)	(1,443)	

178 cases per proc. and asst. proc.	143 cases per proc. and asst. proc.	163 cases per proc. and asst. proc.	74 cases per proc. and asst. proc.
--	---	--	--

Of the 227,417 persons  
awaiting investigation  
on 31 October 1950:-

Of the 107,737 persons  
awaiting investigation  
on 30 November 1950:-

1.1% ( 2,555) -- suspected of Major Crimes	-- 1.7% ( 1,851)
57.5% (130,632) -- suspected of Lesser Crimes	-- 60.0% (64,674)
41.4% ( 94,230) -- suspected of Minor Offenses	-- 38.3% (41,212)

B. Number of Persons in New Cases Received During the Month of November:

165,611 (9,323 Persons or 5.3% decrease compared with October)

78.9% brand new:

21.1% received by transfer  
from one office to another;

Of the 132,357 persons  
(78.9%) involved in  
the new cases:

Of the 33,254 persons  
(21.1%) transferred from  
one office to another:

1,060 or 0.8% -- suspected of Major Crimes	-- 113 or 0.3%
56,117 or 43.0% -- suspected of Lesser Crimes	-- 8,035 or 24.2%
74,410 or 56.2% -- suspected of Minor Offenses	-- 25,106 or 75.5%



C. Persons Were Disposed of During the Month of November in the Following Manner:

Total Disposed of -- 285,291 persons or 72.6% of the cases received  
(including those pending from October and those received by transfer).  
(Increase of 100,449 persons or 54.3% over the month of October)

Disposition was as follows:

1. Indicted	66,022 persons or 23.1%
2. Not Indicted	148,669 persons or 52.1%
3. Transferred to Other Offices *	51,933 persons or 18.3%
4. Suspended	18,667 persons or 6.6%
	-----
	285,291 persons

\* The most part of the difference in the number of persons received by transfer and disposed by transfer represents the cases transferred not to the other procurator's office but to the family-court and never retransferred again to any procurator's office.

1. Indicted -- 66,022 persons or 23.1 % (Compared with 23.0% or 51,869 persons in October)

Of the 66,022 persons indicted:

616 or 0.9% suspected of Major Crimes  
13,579 or 20.6% suspected of Lesser Crimes  
51,827 or 78.5% suspected of Minor Offenses

Procurators demanded:

Public Trial 14,976 or 22.7% or persons indicted: compared with 13,343 or 25.7% in Oct. ;  
Summary Order for 51,046 or 77.3% compared with 38,526 or 74.3% in Oct.

Of the 14,976 persons (22.7%) for whom public trial demanded:

Of the 51,046 persons (77.3%) in whose cases Summary Order was used:

616 or 4.1% suspected of Major Crimes - y  
13,579 or 90.7% suspected of Lesser Crimes -  
781 or 5.2% suspected of Minor Offenses 51,046 or 100%

2. Not Indicted -- 148,669 persons or 52.1% compared with 52,047 or 44.4% in Oct.:

807 or 0.5% suspected of Major Crimes  
35,456 or 57.5% suspected of Lesser Crimes  
62,406 or 42.0% suspected of Minor Offenses

3. Transferred to Other Offices -- 51,933 persons or 18.2% compared with 42,985 or 23.3% in Oct.:

272 or 0.5% suspected of Major Crimes  
25,250 or 48.6% suspected of Lesser Crimes  
26,411 or 50.9% suspected of Minor Offenses

4. Suspended -- 18,667 persons or 6.6% compared with 7,941 or 4.3% in Oct.:

152 or 0.8% suspected of Major Crimes  
6,614 or 35.4% suspected of Lesser Crimes  
11,901 or 63.8% suspected of Minor Offenses



II. FINES:

A. Fines Collected During the Month of November:

1. The following includes both Fine (1000 yen or more) and Minor Fine (5 yen to 1000 yen):

2. The following table is a breakdown of Table 1 into Fines, Minor Fines, Etc.

Violation of Tax Law	¥ 7,272,658
Violation of Ec. Laws	63,315,537
Others	33,694,637
Confiscation	16,768,337
Non-Penal Fines	468,906
Sequestration	500,250
Grand Total	¥122,020,325

Total Fines	¥ 99,566,962
Total Minor Fines	4,715,350
Total Confiscation	16,768,337
Non-Penal Fines	468,906
Sequestration	500,250
Grand Total	¥122,020,325

The above represents an increase of ¥3,445,259 over the previous month. The largest increase was ¥8,126,300 collected in Violation of Ec. Law.

The largest gain was ¥10,943,653 collected in Fines.

B. Fines Fixed by Court Decisions Irrevocably Settled During the Month of November:

1. The following includes both Fine (1000 yen or more) and Minor Fine (5 yen to 1000 yen).

2. The following is a breakdown of Table 1 into Fines, Minor Fines, Etc.:

Violation of Tax Laws	¥ 25,762,206
Violation of Ec. Laws	64,530,299
Others	37,981,138
Confiscation	11,449,019
Non-Penal Fines	522,194
Grand Total	¥140,244,856

Total Fines	¥123,457,863
Total Minor Fines	4,815,780
Total Confiscation	11,449,019
Total Non-Penal Fine	522,194
Grand Total	¥140,244,856

The above represents an increase of ¥17,373,353 over the previous month. The largest increase was ¥13,836,091 levied in Violation of Tax Laws.

The main increase was ¥16,567,332 levied in Fines.

III. PERSONNEL:

A. Personnel Situation at the End of November:

	Fixed by Law	Alloted by AGO	Actual Number	VACANCIES ALL PPO
Procs	930	858	717(100)	141
Asst Procs	737	736	726	10
Sec.	5,292	5,073	4,910 *	163
Others	4,517	4,467	4,215	252
Total	11,476	11,134	10,568	566

\* Includes one confidential secretary to Procurator General who has a concurrent position as procurator. Number (100) in "actual number" of Procurators indicates the number of Procurators who are assigned to fill offices of officials of Attorney-General's Office concerned, in accordance with Article 17 of Attorney-General's Office Establishment Law.



B. Personnel changes During the month of November:

	Procuretors	Assistant Procuretors	Secretaries	Other Employees
(Newly appointed	1	0	9	32
(Promoted	0	0	70	16
Increase (Transfer from ( other title	0	52	7	3
(Total	1	52	86	101
(Death	0	0	2	1
(Retired	3	1	22	33
(Dismissed	0	1	5	0
Decrease (Promoted	0	0	0	36
(Transfer to ( other title	1	1	72	3
(Total	4	3	101	123

IV. Accused On Bail:

		% of (1)
1. Total accused on bail on 1 Nov.	33,035	(100.0)
2. Accused on Bail arrested during Nov. on new charges for new offenses committed since release on bail	329	( 0.9)
3. Accused newly indicted during Nov. on new charges for new offenses committed since release on bail	139	( 0.4)
4. Accused newly convicted during Nov. on new charges for new offenses committed since release on bail	126	( 0.3)

V. Detention Before Indictment: \*

1. Total suspects under detention on 1 Nov.	6,455
2. Suspects newly detained during Nov.	16,426
3. Suspects released during Nov. after detention	3,128
4. Total suspects under detention on 30 Nov.	5,306

\* The difference between the figures of (1) + (2) - (3) and (4) indicates approx. the number of suspects indicted under detention.



## Courts

(Note: Statistics are for period 1 - 30 November 1950)

### I. Case Statistics - All Courts

#### A. Cases Received, Disposed and Pending

1. There were a total of 440,867 cases on the docket of the courts in Nov. (A decrease of 8,599 cases or 1.9% compared to Oct.)

\* 233,449 cases were carried over from October  
207,418 cases were filed in November  
440,867 cases

\*Increase of two cases of those which were carried over from October is due to the fact that Pagano Summary Court and Kochi District Court corrected errors in their old tables of criminal cases.

51%(223,517) were criminal cases (224,743 cases or 50% in Oct.)  
30%(132,522) were civil cases (134,222 cases or 30% in Oct.)  
19%( 84,828) were family cases (90,500 cases or 20% in Oct.)

2. 46%(204,725 cases) of the above cases were disposed of in Nov.; compared to 216,019 cases or 48% of those on the docket in Oct.

65%(133,188) were criminal cases (139,319 cases or 64% in Oct.)  
17%( 35,725) were civil cases ( 37,479 cases or 17% in Oct.)  
18%( 35,812) were family cases ( 39,221 cases or 19% in Oct.)

3. The remainder or 54% (236,142) were pending on 30 Nov.; compared to a total of 52% or 233,447 on 31 Oct.

38%(90,329) are criminal cases (85,425 cases or 37% in Oct.)  
41%(96,797) are civil cases (96,743 cases or 41% in Oct.)  
21%(49,016) are family cases (51,279 cases or 22% in Oct.)

#### D. Case Load of Judges:

<u>440,867 cases on the docket</u>	=	<u>223 cases per each</u>
1,973 Total Number of Judges, Assistant Judges, and Summary Court Judges		<u>Judge, Assistant Judge and Supreme Court Judge for month of November</u>
		compared to 229 in Oct.

#### C. Criminal Cases:

1. On the Docket: 223,517 cases compared to 224,744 in Oct.  
38% (85,427 cases) carried over from Oct.  
62%(138,090 cases) filed in Nov.

Disposed of: 133,188 cases or 60% of those on the docket (compared to 139,319 cases or 62% of those cases on the docket in Oct.)

Pending: 90,329 cases or 40 of those on the docket (compared to 85,425 cases or 38% of those on the docket in Oct.)

(15,845 cases or 18% of the pending cases are to be tried under the old Code of Criminal Procedure, a decrease of 2% compared to Oct.)



D. Civil Cases

1. On the Docket in November

134,222 cases compared to 134,222 in October  
73% (96,743 cases) were carried over from October  
27% (35,779 cases) were filed in November

83% of the above cases or 110,430 cases were Civil Cases  
exclusive of civil conciliation  
17% of the above cases or 22,092 cases were Civil-  
Conciliation exclusive of domestic conciliation

Disposed of:

35,725 cases or 27% of those on the docket compared to 28% in Oct.  
Civil Cases - 30,691 cases or 86% of those disposed of  
Civil-Conciliation - 5,034 cases or 14% of those disposed of

Pending:

96,797 cases or 73% of those on the docket compared to 72% in Oct.  
Civil Cases - 79,739 cases or 82% of those pending  
Civil-Conciliation - 17,058 cases or 18% of those pending

E. Family Cases

1. On the Docket in November

84,828 cases compared to 90,500 cases in October  
60% (51,279 cases) carried over from October  
40% (33,549 cases) were filed in November

Domestic Matters - 40,191 cases or 47.4% of those on the docket  
Domestic Conciliation - 12,911 cases or 15.2% of those on the docket  
Juvenile Delinquency - 31,561 cases or 37.2% of those on the docket  
Crimes Against Juveniles - 165 cases or 0.2% of those on the docket

2. Disposed of:

35,812 cases or 42% of those on the docket compared to 43% in Oct.  
Domestic Matters - 22,545 cases or 63.0% of those disposed of  
Domestic Conciliation - 3,735 cases or 10.4% of those disposed of  
Juvenile Delinquency - 9,397 cases or 26.5% of those disposed of  
Crimes Against Juveniles - 35 cases or 0.1% of those disposed of

3. Pending:

49,016 cases or 58% of those on the docket compared to 57% in Oct.  
Domestic Matters - 17,646 cases or 36.0% of those pending  
Domestic Conciliation - 9,176 cases or 18.7% of those pending  
Juvenile Delinquency - 22,064 cases or 45% of those pending  
Crimes Against Juveniles - 130 cases or 0.3% of those pending



II. Criminal Cases - New Receipt, Disposition, Warrants, Bail, Detention and Penalties:

A. Number of Accused involved in Cases newly received

(1) First instance

Ordinary Procedure	16,309
Summary Procedure	<u>47,672</u>
	63,981

(2) Appeal (Joso) instance

District Court	14
High Court	2,104
Supreme Court	<u>587</u>
	2,705

Total 66,686

B. Length of Time in Disposition of Criminal Cases

1. Persons Disposed of during Month (61,981 persons reported)  
(exclusive of 3 persons retired)

(a) From Receipt to Disposal

		1 month or less	3 months or less	6 months or less	1 yr. or less	2 yrs. or less	Over 2 yrs.	Total
1st Instance	Sum .S.P.	41,093 (97.9%)	843 (2.0%)	2 (0.1%)				41,938
	Ct.	2,533	2,663	547	220	174	14	
	O.P.	(41.2)	(43.3)	(8.9)	(3.6)	(2.8)	(0.2)	6,151
	Dist. Ct.	1,360 (13.4)	4,208 (41.5)	2,289 (22.5)	1,437 (14.2)	703 (6.9)	151 (1.5)	10,148
Appeal Instance	High Ct.							
	Total	44,986 (77.2)	7,714 (13.2)	2,838 (5.0)	1,657 (2.8)	877 (1.5)	165 (0.3)	58,237
	Dist. Ct.		4 (2.4)	4 (2.4)	11 (6.8)	82 (50.0)	63 (38.4)	164
	High Ct.	137 (4.2)	418 (13.0)	761 (23.5)	747 (23.1)	606 (18.7)	565 (17.5)	3,234
Total	Sup. Ct.	9 (2.6)	26 (7.5)	164 (47.4)	118 (34.2)	19 (5.5)	10 (2.8)	346
	Total	146 (3.9)	448 (12.0)	929 (24.8)	876 (23.4)	707 (18.9)	638 (17.0)	3,744
	Grand Total	45,132 (72.8)	6,162 (13.2)	3,767 (6.1)	2,533 (4.0)	1,584 (2.6)	803 (1.3)	61,981



(b) From Original Filing to Disposal

		1 month or less	3 months or less	6 months or less	1 yr. or less	2 yrs or less	over 2 yrs.	Total
	Sum S.P.	41,093 (97.9%)	843 (2.0%)	2 (0.1%)				41,938
1st Instance	Ct.	2,495 (40.5)	2,655 (43.1)	575 (9.3)	237 (4.0)	170 (2.8)	19 (0.3)	6,151
	O.P.	1,330 (13.1)	4,183 (41.2)	2,312 (22.5)	1,449 (14.3)	723 (7.1)	151 (1.5)	10,148
	Dist.Ct.							
	High Ct.							
	Total	44,918 (77.1)	7,681 (13.2)	2,889 (5.0)	1,686 (2.9)	893 (1.5)	170 (0.3)	58,237
	Dist. Ct.					62 (37.8)	102 (62.2)	164
Appeal Instance	High Ct.	1 (0.0)	95 (2.9)	345 (10.7)	925 (28.6)	909 (28.1)	959 (29.7)	3,234
	Sup. Ct.			2 (0.6)	20 (5.8)	119 (34.4)	205 (59.2)	346
	Total	1 (0.0)	95 (2.5)	347 (9.3)	945 (25.2)	1,090 (29.2)	1,266 (33.8)	3,744
	Grand Total	44,919 (72.5)	7,776 (12.5)	3,236 (5.2)	2,631 (4.3)	1,983 (3.2)	1,436 (2.3)	61,981

2. Persons Pending at the End of the month  
(111,054 persons reported)  
(exclusive of 49 persons in retrial)

(a) Persons pending in reporting Court:

		1 month or less	3 months or less	6 months or less	1 yr. or less	2 yrs. or less	over 2 yrs.	Total
	Sum S.F.	13,576 (99.9%)	81 (0.1%)	1 (0.0%)				13,658
1st Instance	Ct.	5,092 (40.9)	3,104 (24.9)	1,600 (12.9)	1,144 (9.2)	1,235 (9.9)	254 (2.2)	12,429
	Dist. Ct.	9,433 (18.3)	11,424 (22.2)	9,130 (17.7)	9,801 (18.9)	8,032 (15.5)	3,812 (7.4)	51,632
	High Ct.			3 (100)				3
	Total	28,101 (36.2)	14,609 (18.8)	10,734 (13.8)	10,945 (14.1)	9,267 (11.9)	4,066 (5.2)	77,722
	Dist. Ct.	14 (1.3)	14 (1.3)	34 (3.2)	142 (13.6)	344 (32.9)	499 (47.7)	1,047
Appeal Instance	High Ct.	2,024 (7.3)	3,456 (12.3)	3,568 (12.7)	4,227 (15.1)	10,204 (36.8)	4,430 (15.8)	27,989
	Sup. Ct.	578 (13.5)	1,133 (26.4)	1,174 (27.3)	1,011 (23.5)	380 (8.8)	20 (0.5)	4,296
	Total	2,616 (7.8)	4,603 (13.8)	4,776 (14.3)	5,380 (16.2)	11,008 (33.1)	4,949 (14.8)	33,332
	Grand Total	30,717 (27.7)	19,212 (17.3)	15,510 (13.9)	16,325 (14.7)	20,275 (18.3)	9,015 (8.1)	111,054



(b) Persons pending since Original Filing

		1 month or less	3 months or less	6 months or less	1 yrs or less	2 yrs. or less	over 2 yrs.	Total
	Sum	13,576	81	1				
	S.P.	(99.9%)	(0.1%)	(0.0%)				13,658
1st Instance	Ct.	4,904	3,186	1,675	1,141	1,062	461	12,429
	O.F.	(39.5)	(25.6)	(13.5)	(9.2)	(7.5)	(3.7)	
	Dist. Ct.	9,309	11,321	9,125	9,716	8,235	3,626	51,632
		(18.0)	(21.9)	(17.7)	(19.0)	(15.9)	(7.5)	
	High Ct.			3				3
				(100)				
	Total	27,789	14,588	10,804	10,957	9,297	4,287	77,722
		(35.8)	(18.8)	(13.9)	(14.1)	(11.9)	(5.5)	
	Dist. Ct.					100	867	1,047
						(17.2)	(82.8)	
Appeal Instance	High Ct.		568	2,312	5,040	7,490	12,579	27,989
			(2.0)	(8.3)	(18.0)	(26.7)	(44.9)	
	Sup. Ct.		5	20	507	2,229	1,535	4,296
			(0.1)	(0.5)	(11.8)	(51.9)	(35.7)	
	Total		573	2,332	5,547	9,899	14,981	33,332
			(1.7)	(7.0)	(16.6)	(29.7)	(45.0)	
Grand Total		27,789	15,161	13,136	16,504	19,196	19,268	111,054
		(25.0)	(12.7)	(11.8)	(14.9)	(17.2)	(17.4)	

C. Warrants:

Total Warrants issued during the month of Nov.: 64,827 compared to 74,412 in Oct.

Issued upon Request: 63,977 (99%)

Issued Ex Officio: 850 (1%)

Refused: 280 (0.4%) of those requested and those issued ex officio

1. Types of Courts:

Summary Court issued 38,055 (59%) and refused 126 (45%)  
 District Court issued 26,769 (41%) and refused 154 (55%)  
 High Court issued 3 (0%) and refused 0 (0%)

2. Types of Warrants:

Search, Seizure and Inspection	10,287 (15.9%)	compared to 16.4% in Oct.
Arrest	30,107 (46.4%)	" 47.4% "
Detention	17,870 (27.6%)	" 29.1% "
Production & Exam. of Person	430 (0.7%)	" 0.3% "
Others	6,133 (9.4%)	" 9.1% "
Total	64,827	



D. FAIL

1. Number of Persons Newly Released on Fail during Month

Total Number 3,590  
 Released before Conviction in 1st Instance (I.C.) 2,854 (79%)  
 " pending Appeal (P.A.) 736 (21%)

(a) As compared to the last month

		Summary Courts	District Courts	High Courts	Supreme Court	Total
Nov. (A)	E.C.	652	2,202			2,854
	P.A.	141	452	140	3	736
	Total	793	2,654	140	3	3,590
Oct (B)	E.C.	665	2,298			2,963
	P.A.	145	403	139	5	692
	Total	810	2,701	139	5	3,655
(A)-(B)	E.C.	-13	-96			-109
	P.A.	-4	49	1	-2	44
	Total	-17	-47	1	-2	-65

(b) As broken down by Classes of Crimes

		Summary Courts	District Courts	High Courts	Supreme Court	Total
Major Crimes	E.C.		101			101
	P.A.		35	11		46
	Sub- Total		136	11		147
Lesser Crimes	E.C.	634	2,101			2,735
	P.A.	140	417	129	3	689
	Sub- Total	774	2,518	129	3	3,424
Minor Offences	E.C.	18				18
	P.A.	1				1
	Sub- Total	19				19
Total	E.C.	652	2,202			2,854
	P.A.	141	452	140	3	736
Grand Total		793	2,654	140	3	3,590



(c) Percentage of Release on Bail

	Summary Courts	District Courts	High Courts	Supreme Court	Total
(A) Persons newly released on Bail	793	2,654	140	3	3,590
(B) Persons under detention at the End of last month	4,557	12,183	1,927	219	18,886
(A/B)	17.4	21.8	7.3	1.4	19.0

2. Total Number of Persons out on Bail at the End of Month

Total Number	33,676	
Before conviction (E.C.)	15,875	(47%)
Pending Appeal (P.A.)	17,801	(53%)
Total	33,676	(100%)

(a) As compared to the last month

	Summary Courts	District Courts	High Courts	Supreme Court	Total
Nov. (A) E.C.	1,232	14,643			15,875
(A) P.A.	157	1,003	14,602	2,039	17,801
Total	1,389	15,646	14,602	2,039	33,676
Oct. (D) E.C.	1,276	14,861			16,137
(D) P.A.	162	1,475	15,252	2,009	18,898
Total	1,438	16,336	15,252	2,009	35,035
E.C.	-44	-218			-262
(A)-(D) P.A.	-5	-472	-650	30	-1,097
Total	-49	-690	-650	30	-1,359



(b) As broken down by Classes of Crime

		Summary Courts	District Courts	High Courts	Supreme Court	Total
Major Crimes	P.C.		675			675
	P.A.		42	940	276	1,258
	<b>Sub-Total</b>		<b>717</b>	<b>940</b>	<b>276</b>	<b>1,933</b>
Lesser Crimes	P.C.	1,208	13,968			15,176
	P.A.	157	946	13,650	1,762	16,515
	<b>Sub-Total</b>	<b>1,365</b>	<b>14,914</b>	<b>13,650</b>	<b>1,762</b>	<b>31,691</b>
Minor Offences	P.C.	24				24
	P.A.		15	12	1	28
	<b>Sub-Total</b>	<b>24</b>	<b>15</b>	<b>12</b>	<b>1</b>	<b>52</b>
Total	P.C.	1,232	14,643			15,875
	P.A.	157	1,003	14,602	2,039	17,801
<b>Grand Total</b>		<b>1,389</b>	<b>15,646</b>	<b>14,602</b>	<b>2,039</b>	<b>33,676</b>

F. DETENTION (including that before Indictment)

1. Total Number of Persons Newly Detained during month

Total Number	17,870		
Before Indictment	(P.I.)	17,387	
After Indictment	(A.I.)	483	
Total		17,870	

(a) As compared to the last month

	Detained by							
	Summary Courts		District Courts		High Courts		Total	
	P.I.	A.I.	P.I.	A.I.	P.I.	A.I.	P.I.	A.I.
Nov. (A)	7,599	176	9,788	307			17,387	483
Oct. (B)	8,760	147	10,961	335			19,721	482
(A-B)	-1,161	29	-1,173	-28			-2,334	1



2. Number of Persons Under Detention at the End of Month

Total Number	22,689
Before indictment (suspected persons)	5,306
After indictment (accused persons)	17,383
Total	22,689

(a) As compared to the last month

		Major Crimes	Lesser Crimes	Minor Offences	Total
Before Indictment	Nov. (A)	292 (5.5%)	4,809 (90.6%)	205 (3.9%)	5,306
	Oct. (E)	359 (5.6%)	5,783 (89.6%)	313 (4.8%)	6,455
	(A)-(E)	-67	-974	-108	-1,149
After Indictment	Nov. (A)	1,866 (10.7%)	15,451 (88.9%)	66 (0.4%)	17,383
	Oct. (E)	1,901 (10.0%)	16,953 (89.8%)	32 (0.2%)	18,886
	(A)-(E)	-35	-1,502	34	-1,503

(b) Accused Persons under detention as broken down by Courts and Periods of Procedure

		Summary Courts	District Courts	High Courts	Supreme Court	Total	%
Before Trial in 1st Instance	Major Crime		381			381	6.2
	Lesser Crime	2,042	3,718			5,760	93.3
	Minor Offence	30				30	0.5
During Trial in 1st Instance	Major Crime		908			908	13.6
	Lesser Crime	1,212	4,558			5,770	86.2
	Minor Offence	13				13	0.2
Pending Appeal	Major Crime		165	343	69	577	12.8
	Lesser Crime	918	1,334	1,510	159	3,921	86.7
	Minor Offence	23				23	0.5
Total	Major Crime		1,454	343	69	1,866	10.7
	Lesser Crime	4,172	9,610	1,510	159	15,451	88.9
	Minor Offence	66				66	0.4
Grand Total		4,238	11,064	1,853	228	17,383	



(c) Percentage of Accused Persons under Detention to the Total Number of Persons involved in Pending Cases (both as of End of Month)

	Summary Courts	District Courts	High Courts	Supreme Court	Total
(A) Total Persons in Pending Cases	26,091	52,702	28,011	4,299	111,103
(B) Accused Persons under Detention*	4,238	11,064	1,853	228	17,383
$\frac{B}{A}$ %	16.2	20.9	6.6	5.3	15.6

\*This column involves persons involved in some Disposed-of-Cases such as arranged in Art. 97, of Code of Crim. Proc.

3. Treatment of All Accused Persons involved in Pending Cases at the End of Month

(a) In first Instance

	Under detention	Free under bail	Execution of detention suspended	Never detained	Total
Summary Courts LC	3,254	1,208	78	1,410	5,950
MO	43	24	11	19,101	19,179
Total	3,297	1,232	89	20,511	25,129
District Courts MC	1,289	675	51	242	2,257
LC	8,276	13,968	457	19,942	42,643
MO					
Total	9,565	14,643	508	20,184	44,900
High Courts MC					
LC				3	3
MO					
Total				3	3
Grand Total	12,862	15,875	597	40,698	70,032
%	18.4	22.7	0.9	58.0	100



(b) In Appeal  
(in volving cases after Conviction in first instance and  
before the term first of Appeal)

	Under detention	Free under bail	Execution of detention suspended	Never detained	Total
Summary Courts	941	157	254	6,650	8,002
District Courts	1,499	1,003	352	1,533	4,387
High Courts	1,853	14,602	544	10,954	27,953
Supreme Court	228	2,039	414	1,604	4,285
Total	4,521	17,801	1,564	20,741	44,627
%	10.1	39.9	3.5	46.5	100
Among Major Crime them	577	1,258	114	68	2,017
Lesser Crime	3,921	16,515	1,435	12,505	34,376
Minor Offence	23	28	15	8,168	8,234

(c) House of detention of all persons under detention

Detained Persons	In First Instance	12,862	74%
	In Appeal	4,521	26%
	Total	17,383	100
Among them	In ordinary Prison *	14,280	82%
	In police detention house	3,103	18%

\* Reported from Prison Bureau,  
Attorney-General's Office

F. Crimes Penalties, etc. in Cases Disposed of in First Instance  
During the month of November

1. Crimes:

53,739 cases Involved in: 58,237 persons (including those sen-  
tenced not guilty, acquittal or remission of penalties, etc.)  
420 cases ( 0.8%) Major Crimes 515 persons ( 0.9%)  
11,911 cases (22.2%) Lesser Crimes 14,080 persons (24.2%)  
41,408 cases (77.0%) Minor Offenses 43,642 persons (74.9%)



2. Penalties were Imposed on 58,237 persons as follows:

Guilty:	55,462 (95.23%)
Not Guilty:	276 ( 0.49%)
Remission of Penalty:	14 (0.02%)
Dismissal of Public Action and Others:	2,483 ( 4.26%)
Total	58,237

3. Penalties Imposed on Guilty Person: 55,462 persons

Death	4: ( 0.007%)
Penal Servitude or Imprisonment	11,328: (20.425%)
life	15 :
10 years to life	31 :
5 - 10 years	233 :
1 - 5 years	6,223 :
6 Mos. to 1 year	3,782 :
less than 6 mos.	1,044 :
Fine	27,620 : (49.799%)
Detention	59 : ( 0.106%)
Minor Fine	16,451 : (29.663%)
Total	55,462

Remark: Among above persons: Suspension of execution of  
 Penal servitude 5,367 (93%)  
 Fine 435 ( 7%)  
 Total 5,802

A. Personnel Situation as of End of November

1. All Judges

	Fixed by Law	Allocation No.	Actually employed	Vacancies
Judges	1,089	1,079	983 (40*)	96
Asst. Judges	444	438	383 (26*)	55
Summary Ct. Judges	728	717	607 (11*)	110
Total	2,261	2,234	1,973	261

\* Indicates member assigned to Supreme Court for administrative duties.



(2) Court Officials and Others

	Fixed by Law	Allocation No.	Actually employed	Vacancies
Court Officials				
Court Clerks	2,290	2,256	509	1,747
Asst. Court Clerks	2,089	1,968	3,121	41,153
Juvenile Investigator	232	224	120	104
Asst. Juvenile Investigator	334	328	264	64
Court Secretary	3,588	2,959	2,881	78
Marshals			218	
Others Court Officials	199	199	129	70
Legal Apprentices			554	
Apprentices of the Research and Training Institute for Court Clerks			115	
All other Employees	11,595	10,822	10,268	554

B. Personnel Changes During November

(1) Judges

Judges: Increased by a total of

	Judges	Asst. Judges	Summary Ct. Judges
Appointment	3	2	4
Transference	7	2	6

Decreased by a total of

	Judges	Asst. Judges	Summary Ct. Judges
Death or Retirement	1		
Transference	4	1	11
Dismissal			



(2) Court Officials other than Judges

Court Officials other than judges: Increased by a total of

	Court Clerks	Asst. Court Clerks	Juvenile Investigator	Asst. Juvenile Investigator	Court Secretaries	Marshals	Other Court Officials	Judicial Apprentices	Apprentices of the Research and Training Institute for Court Clerks
Appointment	1	46	1	8	66	2	1		
Transference	9	78	1	2	33				

Decreased by a total of

Death or Retirement		6		1	7				
Transference	6	74	1		91			2	
Dismissal		2		1	5				

(3) All Other Employees

Increased by 169 (Appointment 131 Transference 38)  
 Decreased by 160 (Death or Retirement 73 Transference 82  
 Dismissal 5)

C. Total No. of Courts as of end of November.

Supreme Court	1
High Court	8
High Court Branch	6
District Court	49
District Court Branch	230
Summary Court	565
Family Court	49
Family Court Branch	230
Total	1,138



IV Habeas Corous Cases

Court	Classifi- cation	Carried over	Newly filed	Disposed of	Pending
Supreme Court		4	0	0	4
High Court		0	2	2	0
District Court		1	3	3	1
Total		5	5	5	5

Remark: One case of those newly filed in High Court should have been filed in "newly filed" as of October; it was not reported in time.