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## IIPS Draft for Revising the Constitution

### Preamble

We, the Japanese people, inhabiting beautiful islands in East Asia washed by the Pacific waves, and holding the Emperor, who has lived in harmony with us for ages untold, as the symbol of the unity of the people, have developed a distinctive culture and characteristic national lifestyle.

We shall formulate a new state structure consistent with our long history and maintain our integrity and independence, and aspire to achieve the ideal of harmony among all humankind.

The Japanese state is a democracy in which sovereignty resides in the people. The national government is the responsibility of the people's representatives based upon popular trust and is intended to benefit the people.

We firmly adhere to a state structure based upon respect for freedom, democracy, human rights and peace.

We sincerely desire international peace based on justice and order and will serve in the international community to achieve this.

We will work to promote the development of Japanese society with freedom, fairness and vitality and to enhance the popular welfare. While placing special emphasis on education, we will strive to co-exist in harmony with nature and make every effort to preserve the global environment.

We will contribute proactively to the development not only of Japanese culture but of other world cultures as well, recognizing the importance of culture in fostering global harmony and solidarity.

We the Japanese people, cognizant of the historical significance of the Meiji Constitution of 1889 and the Showa Constitution of 1946, do hereby adopt, in the name of our people, this Constitution as the basic charter for the Japanese state in this new era.

(Status of the Emperor)

**Article 1.** The Emperor shall be the head of state of Japan wherein sovereignty resides in the people, and the symbol of their unity.

## Chapter I. Popular Sovereignty

(Popular sovereignty and the exercise thereof)

**Article 2.** Sovereignty resides in the people, and this sovereignty shall be exercised by electing representatives to the national Diet and voting in national referenda.

(Elections)

**Article 3.** The election and dismissal of public officials is a right reserved to and a responsibility of the people.

2. Universal adult suffrage, free and secret ballots, and equal weighting of all ballots shall be guaranteed in the election of public officials.

3. No voter shall be answerable, publicly or privately, for the choice he has made.

(Political parties)

**Article 4.** The people shall be able to form political parties freely.

2. Political parties shall respect the principle of popular sovereignty, cooperate in the creation of the popular political will, and work for the development of democratic government.

(Accountability)

**Article 5.** The state shall disclose information relating to affairs of state and be fully answerable to the people so as to contribute to the exercise of their sovereignty as provided by law.

## Chapter II. The Emperor

(The Imperial House Law)

**Article 6.** The Imperial Throne shall be dynastic and succeeded in accordance with the Imperial House Law passed by the Diet.

(The Emperor's authority)

**Article 7.** The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and shall have no powers related to government.

2. The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

3. The advice and approval of the Prime Minister shall be required for all acts of the Emperor in matters of state, and the Prime Minister shall be responsible therefor.

(Regency)

**Article 8.** Should a Regency be established in accordance with the Imperial House Law, the Regent shall perform his acts in matters of state in the Emperor's name. In such case, paragraph one of the preceding Article shall apply *mutatis mutandis*.

(The Emperor's appointive authority)

**Article 9.** The Emperor shall appoint the Prime Minister as designated by the House of Representatives.

2. The Emperor shall appoint the Chief Justice of the Constitutional Court as designated by the Diet.

3. The Emperor shall appoint the Chief Justice of the Supreme Court as designated by the Prime Minister.

(The Emperor's performance of acts of state)

**Article 10.** The Emperor shall perform the following acts in matters of state with the advice and approval of the Prime Minister on behalf of the people.

- a. Promulgation of amendments to the Constitution, laws, cabinet orders, and treaties.
- b. Issuance of promulgation convening the Diet.
- c. Issuance of promulgation dissolving the House of Representatives.
- d. Proclamation of general election of members of the House of Representatives and ordinary election of members of the House of Councillors.
- e. Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of ambassadors and ministers.
- f. Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.
- g. Awarding of honors.
- h. Attestation of instruments of ratification and other diplomatic documents as provided for by law.
- i. Receiving foreign ambassadors and ministers.
- j. Performance of ceremonial functions.

### Chapter III. National Security and International Cooperation

(Renunciation of war, security, defense force, participation in international peace-keeping and other activities, and civilian control)

**Article 11.** Aspiring sincerely to advocate an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force, as means of settling international disputes.

2. Japan shall possess a defense force to preserve its own peace and independence and to ensure the security of the state and of the people.

3. Japan may have its defense force take part in activities under the auspices of international organizations and international cooperative frameworks so as to preserve international peace and security and to provide humanitarian assistance.

4. The authority to direct and supervise the defense force shall be invested in the Prime Minister. Prior approval or ex post facto approval as appropriate by the Diet shall be required should the Prime Minister direct the defense force to engage in actions involving use of force.

#### Chapter IV. Rights and Responsibilities of the People

(Qualifications for nationality)

**Article 12.** The conditions necessary for being a Japanese national shall be determined by law.

(Fundamental human rights)

**Article 13.** All people inherently possess all fundamental human rights. These fundamental human rights are guaranteed to the people of this and future generations as eternal and inviolate by this Constitution.

2. The rights in the preceding paragraph are equally guaranteed to non-Japanese as well, except when they are intrinsically limited to Japanese nationals.

(Freedoms and rights)

**Article 14.** The freedoms and rights guaranteed to the people under this Constitution shall be maintained by the constant endeavor of each and every person, who shall refrain from any abuse of these freedoms and rights.

2. All people shall respect each other's freedoms and rights.

(Respect for the individual and the right to life, liberty, and the pursuit of happiness)

**Article 15.** All people shall be respected as individuals. Their right to life, liberty, and

the pursuit of happiness shall be respected to the utmost in legislation and in other governmental affairs to the extent that such is compatible with the public welfare.

(Equality before the law)

**Article 16.** All people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, place of residence, or social status.

2. Peers and peerage shall not be recognized.

3. No privilege shall accompany any award of honor, decoration, or any distinction. The awarding of honors, decorations, or distinctions shall be as determined by law.

4. No award shall be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

(Public officials' essential status)

**Article 17.** All public officials are servants of the whole community and not of any part thereof. All public officials shall constantly endeavor to manifest the freedoms and rights guaranteed under this Constitution.

(Freedom of thought and conscience)

**Article 18.** Freedom of thought and conscience shall not be violated.

(Freedom of religion and prohibition of privileges from the state)

**Article 19.** Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State nor exercise any political authority.

2. No person shall be compelled to take part in any religious act, celebration, rite, or practice.

3. The State and its organs shall refrain from any activity that supports, assists, promotes, suppresses, or interferes with any specific religion.

(Freedom of expression)

**Article 20.** Freedom of speech, press, and all other forms of expression is guaranteed.

2. Censorship shall be prohibited.

3. The secrecy of any means of communication shall not be violated.

(Freedom of assembly and association)

**Article 21.** Freedom of assembly and association is guaranteed.

(Academic freedom and freedom of creative activity)

**Article 22.** Academic freedom is guaranteed.

2. Freedom of arts, scholarship, science and technology, and other creative pursuits is guaranteed. Intellectual property rights are protected as specified by law.

(Individual integrity)

**Article 23.** No person's good name, trustworthiness, or reputation shall be unjustly besmirched.

2. All people shall be protected from inappropriate interference with their private affairs and family affairs and shall have the right to refuse to disclose same.

(Freedom from servitude)

**Article 24.** No person shall be subject to involuntary servitude of any kind, except as punishment for crime.

(Freedom of residence and mobility)

**Article 25.** All people shall have the freedom to choose and change their residence.

2. All people shall have the freedom to move to a foreign country and to divest themselves of their nationality.

(Freedom of occupation and business)

**Article 26.** All people shall have the freedom to choose and pursue their occupation and business to the extent that such is not detrimental to the public interest.

(Property rights)

**Article 27.** The right to own or hold property is inviolable.

2. Property rights shall be defined by law, consistent with the public interest.

3. Private property may be taken for public use upon just compensation therefor.

(Individual dignity and equality of the sexes in the family)

**Article 28.** The household is the basic unit of society. All people shall endeavor to maintain and define the families of which they themselves are members.

2. Marriage shall be based on the mutual consent of the sexes and shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

3. The family, as premised upon individual dignity and the essential equality of the sexes, is defended by the state.

4. Laws shall be enacted regarding choice of spouse, property rights, inheritance, choice of residence, divorce, and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes.

(Right to life and state obligation)

**Article 29.** All people shall have the right to maintain the minimum standards of wholesome and cultured living.

2. In all spheres of life, the State shall endeavor to promote and extend social welfare, social security, and public health.

(Environmental rights)

**Article 30.** All people shall have the right to enjoy a wholesome environment and shall be responsible for endeavoring to maintain same.

2. The State shall endeavor to maintain a wholesome natural environment.

(Right to education)

**Article 31.** All people shall have the right to receive an education correspondent to their abilities as provided by law.

2. All people shall be obligated to have all children under their protection receive at least minimum education as provided by law. Such compulsory education shall be free.

(Right and obligation to work)

**Article 32.** All people shall have the right and the obligation to work.

2. Standards for wages, hours, rest, and other working conditions shall be fixed by law.

3. Children shall not be exploited.

(Right to organize)

**Article 33.** The right of workers to organize and to bargain and act collectively is guaranteed.

(Duty to pay taxes)

**Article 34.** All people shall be liable to taxation as provided by law.

(Responsibility to defend peace and independence)

**Article 35.** All people shall be responsible for defending the peace and the independence of the State.

(Guarantee of due process)

**Article 36.** No person shall be deprived of life or liberty, nor shall any other criminal or administrative penalty be imposed, without due process of law.

(Right to trial)

**Article 37.** No person shall be denied the right of access to the courts.

(Conditions for arrest)

**Article 38.** No person shall be apprehended except upon warrant issued by a competent judge which specifies the offense with which the person is charged, unless he is apprehended in the act of committing the offense.

(Conditions for detention)

**Article 39.** No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

(Inviolability of the home)

**Article 40.** Except as provided in Article 38, no person shall be subject to entries, searches, and seizures of his residence, papers, or other belongings without due cause and, in the case of searches and seizures, the showing of a warrant.

2. Each search or seizure must be made upon separate warrant issued by a competent judge.

(Prohibition of torture and cruel punishment)

**Article 41.** The infliction of torture by any public official is absolutely forbidden, as is cruel punishment.

(Rights of the accused)

**Article 42.** In all criminal cases the accused shall have the right to a speedy and public trial by an impartial tribunal.

2. The accused shall be permitted full opportunity to examine all witnesses and shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

3. The accused, including while in custody, shall at all times have the assistance of competent counsel who shall, if the accused is unable to secure same by his own efforts, be assigned to him by the State.

(Defendant rights)

**Article 43.** No person shall be compelled to testify against himself.

2. No confession made under compulsion, torture or threat, or after prolonged arrest or detention shall be admitted in evidence.

3. No person shall be convicted or punished in cases where the only proof against him is his own confession.

(Prohibition of retroactive application and double jeopardy)

**Article 44.** No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

(Right to redress for unlawful detention)

**Article 45.** Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

(Right of peaceful petition)

**Article 46.** Every person shall have the right of peaceful petition for the redress of damages, for the removal of public officials, for the enactment, repeal, or amendment of laws, ordinances, or regulations, and for other matters, and no person shall be in any way discriminated against for sponsoring such a petition.

(Right to redress for illegal acts)

**Article 47.** Every person who has suffered as a result of any illegal act of any public official may sue the State or public entity for redress as provided by law.

## Chapter V. The Diet

(Legislative authority)

**Article 48.** The authority to enact laws shall reside in the Diet.

(Bicamerality)

**Article 49.** The Diet shall consist of two Houses: the House of Representatives and the House of Councillors.

(House structure)

**Article 50.** Both Houses shall consist of elected members, representative of all the people.

2. The number of members of each House shall be fixed by law.

(Diet members and electors' qualifications)

**Article 51.** The qualifications of members of both Houses and their electors shall be fixed by law. There shall be no discrimination because of race, creed, sex, place of residence, social status, education, property, or income.

(House of Representatives term)

**Article 52.** The term of office of members of the House of Representatives shall be four (4) years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

(House of Councillors term)

**Article 53.** The term of office of members of the House of Councillors shall be six (6) years, with election for one-half the members taking place every three (3) years.

(Elections)

**Article 54.** Electoral districts, method of voting, and other matters pertaining to the method of election of members of both Houses shall be fixed by law. Provided, however, that members of the House of Representatives shall be directly elected by the people.

(Prohibition of simultaneous membership)

**Article 55.** No person shall be permitted to be a member of both Houses simultaneously.

(Compensation of members)

**Article 56.** Members of both Houses shall receive appropriate annual compensation from the national treasury in accordance with law.

(Immunity from arrest)

**Article 57.** Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any member apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

(Non-liability outside the House)

**Article 58.** Members of both Houses shall not be held liable outside the House for speeches, debates, or votes cast inside the House.

(Annual ordinary sessions)

**Article 59.** An ordinary session of the Diet shall be convened once per year.

(Convocation of extraordinary sessions)

**Article 60.** The Prime Minister may determine to convene extraordinary sessions of the Diet. Provided, however, that the Prime Minister must determine to convene such a session should one-fourth or more of the total members of either House so demand.

(Dissolution of the House of Representatives and emergency sessions of the House of Councillors)

**Article 61.** Should the House of Representatives be dissolved, there must be a general election of members of the House of Representatives within forty (40) days after the date of dissolution, and the Diet must be convened within thirty (30) days after the date of the election.

2. When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Prime Minister may convene the House of Councillors in emergency session in time of national emergency.

3. Measures taken at such session as provided in the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within ten (10) days after the opening of the next session of the Diet.

(Adjudication of member qualifications)

**Article 62.** Each House shall judge disputes related to qualifications of its members.

However, denying a seat to any member shall require a resolution passed by a majority of two-thirds or more of the members present.

(Quorum and voting)

**Article 63.** Votes cannot be held in either House unless one-third or more of the total membership is present.

2. All matters shall be decided, in each House, by a majority of those present, except as otherwise provided in this Constitution; and in case of a tie, the presiding officer shall decide the issue.

(Public and closed sessions, record to be kept)

**Article 64.** Deliberation in each House shall be open to the public. However, a closed session may be held should a majority of two-thirds or more of those members present pass a resolution therefor.

2. Each House shall keep a record of its proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of closed sessions as may be deemed to require secrecy.

3. Upon demand of one-fifth or more of the members present, the votes of the members on any matter shall be recorded in the minutes.

(Election of officers and establishment of rules)

**Article 65.** Each House shall select its own presiding officer and other officials.

2. Each House shall establish its rules pertaining to meetings, proceedings, and internal discipline and may discipline members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

(Passage of bills and primacy of the House of Representatives)

**Article 66.** A bill becomes a law upon passage by both Houses, except as otherwise provided by this Constitution.

2. A bill which is passed by the House of Representatives and upon which the House of Councillors makes a decision different from that of the House of Representatives becomes law when passed a second time by the House of Representatives.

3. The provision of the preceding paragraph does not preclude the House of Representatives from calling for a meeting of a joint committee of both Houses as provided for by law.

4. The second passage by the House of Representatives as provided for in paragraph two shall take place after sixty (60) days following the decision by the House of Councillors, time in recess excepted.

5. Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute rejection of said bill by the House of Councillors.

(House of Representatives to consider a budget bill first and to have primacy)

**Article 67.** A budget bill must be submitted first to the House of Representatives.

2. Upon consideration of a budget bill, should the House of Councillors make a decision different from that of the House of Representatives, and should no agreement be reached even through a joint committee of both Houses as provided for by law, or should the House of Councillors fail to take final action within thirty (30) days, time in recess excluded, after the receipt of the budget bill passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

(Treaty ratification and primacy of the House of Representatives)

**Article 68.** Paragraph two of Article 67 shall apply *mutatis muntandis* to the Diet approval required for the ratification of treaties.

(Consent on the appointment of public officials)

**Article 69.** The appointment of important public officials as designated by law shall require the consent of the House of Councillors.

(Investigative authority)

**Article 70.** Each House may conduct investigations in relation to government and may demand the presence and testimony of witnesses and the production of records. Such investigations must be conducted when they have the support of one-tenth or more of the members of each House.

2. Both Houses, in conducting investigations pursuant to the provisions of the preceding paragraph, shall keep a record of the results and shall disclose said record to the public, except in such cases as are deemed to require extraordinary secrecy.

(Cabinet members' obligation to answer questions and right to attend sessions)

**Article 71.** Both Houses shall be able to request the attendance of the Prime Minister and Ministers of State for the purpose of obtaining answers or explanations. Upon said request, the Prime Minister and Ministers of State shall attend the House session.

2. Regardless of whether they are members of a House or not, the Prime Minister and Ministers of State may speak at any time in either House to the issues before the House and their handling.

(Impeachment and removal)

**Article 72.** The House of Councillors shall empanel an impeachment court from among its members for the purpose of trying those judges against whom removal proceedings have been instituted.

2. The House of Representatives shall empanel a removal proceedings committee from among its Members for the purposes of deciding whether or not to institute the removal proceedings of the preceding paragraph.

3. Matters relating to removal proceedings and impeachment shall be provided by law.

## Chapter VI. The Prime Minister

(Executive authority and responsibility to the Diet)

**Article 73.** Executive authority shall be vested in the Prime Minister.

2. In exercising executive authority, the Prime Minister shall be responsible to the Diet.

(Nomination of the Prime Minister)

**Article 74.** General elections shall be conducted to elect the members of the House of Representatives and to nominate the Prime Minister.

2. In general elections, each political party shall clearly indicate its candidate for Prime Minister.

(Designation of the Prime Minister)

**Article 75.** The Prime Minister shall be designated from among the members of the House of Representatives by a resolution of the House of Representatives. This designation shall precede all other business.

2. Should no candidate receive the endorsement of a majority of the votes cast in the designation in the preceding paragraph, a run-off vote shall be conducted between the two candidates who have received the largest numbers of votes and the candidate winning the larger number of votes shall be designated.

(Right to dissolve the House of Representatives and no-confidence motions)

**Article 76.** The Prime Minister shall be able to dissolve the House of Representatives.

2. The Prime Minister shall dissolve the House of Representatives if it passes a non-confidence resolution or rejects a confidence resolution.

(Composition of the Cabinet)

**Article 77.** The Cabinet shall consist of the Prime Minister and such supporting Ministers of State as provided for by law.

2. The Prime Minister and Ministers of State must be civilians.

(Appointment and removal of Ministers of State)

**Article 78.** The Prime Minister shall appoint the Ministers of State. Provided, however, that a majority of their number must be chosen from among the members of the Diet.

2. The Prime Minister may remove Ministers of State at his discretion.

(Resignation of the Cabinet)

**Article 79.** The Cabinet shall resign *en masse* upon the first convocation of the Diet after a general election of members of the House of Representatives.

2. In the event of resignation under the preceding paragraph, the Cabinet shall continue to perform its duties as stipulated under this Constitution until such time as a new Prime Minister is designated.

(Prime Minister *pro tempore*)

**Article 80.** Should the Prime Minister be incapacitated or the office of the Prime Minister be vacant, the pre-designated Minister of State shall perform the functions of Prime Minister *pro tempore*.

(Responsibilities of the Prime Minister)

**Article 81.** The Prime Minister shall be responsible for deciding the basic directions for important Cabinet policies.

2. The Prime Minister shall submit legislation, budget bills, and other motions to the Diet for deliberation and shall report to the Diet on general matters of state and foreign affairs.

3. The Prime Minister shall direct and supervise the executive branch.

(Responsibilities of Ministers of State)

**Article 82.** Ministers of State shall supervise the conduct of executive actions in their areas of portfolio as provided by law.

2. Ministers of State shall be responsible for conducting executive actions in their areas of portfolio in keeping with the basic directions set forth by the Prime Minister.

(Duties of the Prime Minister)

**Article 83.** The Prime Minister shall perform the following duties, in addition to other general executive functions, with the support and assistance of Ministers of State.

- a. Administer the law faithfully and conduct affairs of state.
- b. Manage foreign affairs.
- c. Conclude treaties. Provided, however, that this shall require obtaining the prior or, depending upon circumstances, subsequent approval of the Diet.
- d. Manage public officials in accordance with standards established by law.
- e. Prepare the budget bill.
- f. Issue cabinet orders in order to execute the provisions of this Constitution and of the law. However, such cabinet orders cannot include penal provisions unless authorized by such law.
- g. Decide on general amnesties, special amnesties, commutations of punishment, reprieves, and restorations of rights.

(National referenda)

**Article 84.** The Prime Minister shall be able to submit bills that he has submitted to the Diet to national referenda.

2. In the case of submitting a bill to a national referendum under the provisions of the preceding paragraph, the motion shall first have had to have gained the support of one-third or more of the members of each House of the Diet.

3. The Prime Minister shall have a duty to report and explain the results of the referendum to the Diet.

4. Should a bill be submitted to national referendum, the Diet shall be bound by the results of said referendum.

5. Provisions relating to the holding of national referenda shall be decided by law.

(Signing of laws and Cabinet orders)

**Article 85.** All laws and Cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

(Special privileges of Ministers of State)

**Article 86.** Ministers of State shall not be subject to legal action without the consent of the Prime Minister during their tenure of office. However, the right to institute such legal action is not impaired hereby.

(Declaration of state of emergency and command authority)

**Article 87.** Should a situation arise that infringes upon or threatens to infringe upon the nation's independence or security or the people's lives, persons, and property, the Prime Minister shall, should he deem such necessary to deal with said situation, be able to declare a state of emergency in all or part of the nation as provided by law.

2. Should the Prime Minister declare a state of emergency, he shall assume direct command of not only the defense force but also the police, maritime safety agency, fire departments, and other executive organs, as well as the heads of local public entities.

(Need for Diet approval for and lifting of the state of emergency)

**Article 88.** Should the Prime Minister declare a state of emergency, he shall submit the action to the Diet within twenty (20) days for approval. Should the House of Representatives be dissolved, he shall seek the approval of the House of Councillors in extraordinary session.

2. Should the Diet not approve the Prime Minister's having declared a state of emergency or deem such to have been unnecessary, the state of emergency shall be promptly lifted.

(Respect for fundamental human rights and due process during a state of emergency)

**Article 89.** Should the Prime Minister declare a state of emergency, he shall be able to curtail the freedoms and rights guaranteed by this Constitution only to the minimum extent necessary as provided by law to protect the people's lives, their persons, and their property.

2. In taking such action under the provisions of the preceding paragraph, the Prime Minister shall nonetheless respect fundamental human rights.

3. The measures under paragraph one must be taken in accordance with fair and appropriate procedures, and measures must also be taken promptly to compensate the people for the abridgement of their rights and interests.

## Chapter VII. The Judiciary

(Judicial authority, prohibition of special tribunals, and independence of court officials)

**Article 90.** The whole judicial authority is vested in a Constitutional Court, a Supreme Court, and such lower courts as established by law.

2. No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial authority.

3. All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

(Constitutional Court to determine constitutionality)

**Article 91.** The Constitutional Court is the court of last resort with power to determine the constitutionality of any treaty, law, order, regulation, or official act.

(Constitutional Court's jurisdiction)

**Article 92.** The Constitutional Court shall have jurisdiction over the following.

a. Determining, in the event of a petition by the Cabinet or one-third or more of the members of either House of the Diet as provided by law, whether any treaty, law, order, regulation, or other act of government is compatible with this Constitution.

b. Determining in specific court cases whether or not a specific item is in accord with this Constitution when so requested by the Supreme Court or any lower court as provided by law.

c. Passing judgment on specific court cases when petition is filed contesting the verdict of the Supreme Court as provided by law.

(Force of Constitutional Court verdict of unconstitutionality)

**Article 93.** Should the Constitutional Court render a judgment that any **treaty**, law, order, regulation, or official act is unconstitutional, such judgment shall thereafter be binding on the State and all local public entities.

(Constitutional Court justices, terms, and compensation)

**Article 94.** The Constitutional Court shall consist of a Chief Justice and such number of

justices as may be determined by law, with all but the Chief Justice being appointed half each by the Diet and the Prime Minister.

2. The term of office of Constitutional Court justices shall be ten (10) years, without the possibility of reappointment.

3. Constitutional Court justices shall receive, at regular stated intervals, adequate compensation, which shall not be decreased during their term of office.

(Supreme Court justices, terms, and compensation)

**Article 95.** The Supreme Court shall consist of a Chief Justice and such number of justices as may be determined by law, with all but the Chief Justice being appointed by the Prime Minister.

2. The term of office of Supreme Court justices shall be ten (10) years, with the possibility of reappointment.

3. All Supreme Court justices shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

(Lower court judges, terms, retirement, and compensation)

**Article 96.** Lower court judges shall be appointed by the Prime Minister from a list of persons nominated by the Supreme Court. The term of office of lower court judges shall be ten (10) years, with the possibility of reappointment. They shall, however, be retired upon the attainment of the age as fixed by law.

2. Lower court judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

(Supreme Court and Constitutional Court rule-making authority)

**Article 97.** The Supreme Court shall be vested with the rule-making authority to determine the rules of court procedure, and of matters relating to attorneys, the internal discipline of the courts, and the administration of judicial affairs.

2. Provided, however, that the Constitutional Court shall be vested with the rule-making authority to determine such matters relating to the Constitutional Court.

3. Public prosecutors shall be subject to the rule-making authority of the Constitutional Court and the Supreme Court.

4. The Supreme Court may delegate the authority to make rules for lower courts to such courts.

(Judges not to be removed without due cause)

**Article 98.** Judges shall not be removed except by public impeachment unless legally declared mentally or physically incompetent to perform their official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

(Open and public trials)

**Article 99.** Trials shall be conducted and judgments declared publicly.

2. Should a court unanimously determine publicity to be dangerous to public order or morals, a trial may be conducted *in camera*, but trials for political offenses, offenses involving the press or cases wherein the rights of people as guaranteed in Chapter IV of this Constitution are in question shall always be conducted publicly.

## Chapter VIII. Finances

(Basic principle of financial management)

**Article 100.** The Prime Minister shall manage the nation's finances in keeping with the resolutions of the Diet.

2. The national government must endeavor to ensure sound financial management.

(Taxation)

**Article 101.** No new taxes shall be imposed or existing taxes modified except by law or under such conditions as law may prescribe.

(Expenditure of public moneys and assumption of public obligations)

**Article 102.** No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

(Budget bills and multiyear expenditures)

**Article 103.** The Prime Minister shall prepare and submit to the Diet for its consideration and decision a budget bill for each fiscal year.

2. When multiyear expenditures are approved, the number of years shall simultaneously be specified by the Diet.

(Reserve fund)

**Article 104.** In order to provide for unforeseen deficiencies in the budget, a reserve

fund may be authorized by the Diet to be expended upon the responsibility of the Prime Minister.

2. The Prime Minister must obtain *ex post facto* Diet approval for all expenditures from the reserve fund.

(Imperial Household finances)

**Article 105.** All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

(Restrictions on use of public moneys)

**Article 106.** No public moneys or other property shall be expended or appropriated for the use, benefit, or maintenance of any religious institution or association; nor shall such be expended or appropriated for any charitable, educational or benevolent enterprise not under the control of public authority, as specified by law.

(Settlement and audits)

**Article 107.** Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Prime Minister to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered.

2. The organization and competency of the Board of Audit shall be determined by law.

(Report on finances)

**Article 108.** The Prime Minister shall report to the Diet and the people on the state of national finances at regular intervals and at least annually.

## Chapter IX. Local Government

(Basic principle of local government)

**Article 109.** Local government shall in principle be conducted by local public entities and local residents of their own will and on their own responsibility to deal with matters directly affecting the daily lives of the people who live in the area.

2. Regulations concerning the organization, authority, and operation of local public entities shall be fixed by law respecting the principle set forth in the preceding paragraph.

(Assemblies and direct election of officials)

**Article 110.** Local public entities shall establish assemblies as their legislative organs in accordance with law.

2. The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote of area residents.

(Local government authority)

**Article 111.** Local public entities shall have the right to manage their property, affairs, and administration and to enact their own regulations within the scope provided by law.

2. Local public entities shall be able to enact regulations levying taxes as needed for the exercise of their authority. They must, however, endeavor to ensure sound financial management.

(Exceptional local referenda)

**Article 112.** No extraordinary law applicable to a local government may be enacted by the Diet without the consent of the majority of the voters of the local government jurisdiction concerned as expressed in referendum in accordance with law.

## Chapter X. Constitutional Revision

(Procedures and force of revision)

**Article 113.** Revision of the Constitution shall be initiated by the Diet through a concurring vote of a majority of all the members of each House and such proposed revisions shall thereupon be submitted to the people for ratification; such ratification shall require the affirmative vote of a majority of all votes cast thereon at a national referendum or at such election as the Diet shall specify.

2. The newly ratified articles shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

## Chapter XI. Supreme Law

(The Constitution's supremacy)

**Article 114.** This Constitution shall be the supreme law of the State and no treaty, law,

regulation, or other act of government, or part thereof, contrary to the provisions hereof shall have legal force or validity.

(Respect for international laws)

**Article 115.** The treaties concluded by Japan and established laws of nations shall be faithfully observed.

(Obligation to respect and uphold the Constitution)

**Article 116.** The Emperor or the Regent as well as the Prime Minister, Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

*N. B. In the above draft "he" is used as a non-gender pronoun.*