

MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

The order of the day and reports are to be previously forwarded to the Ministers of State.

REGULATIONS FOR THE CONDUCT OF BUSINESS OF THE PRIVY COUNCIL

I. The Privy Council shall formulate its **opinions on matters** submitted to its deliberation by order of the Emperor.

II. The Privy Council cannot receive petitions, **representations**, or other communications from the Imperial Diet, from either House of the same, from any Government **Office**, or from any of His Majesty's private subjects whatever.

III. The Privy Council shall have official connection with the Cabinet and with the Ministers of State only, and officially shall not communicate or have any connection whatever with any of His Majesty's private subjects.

.....*
.....*

Japan Weekly Mail, 1888, pp. 444-445.

NOTICE: This material may be protected by copyright law (Title 17, U. S. Code).

V

THE CONSTITUTION OF THE EMPIRE OF JAPAN, 1889

A. Imperial proclamation on the Constitution of the Empire of Japan, February 11, 1889.

HAVING by virtue of the glories of Our Ancestors, ascended the throne of a lineal succession unbroken for ages eternal; desiring to promote the welfare of, and to give development to the moral and intellectual faculties of Our beloved subjects, the very same that have been favoured with the benevolent care and affectionate vigilance of Our Ancestors; and hoping to maintain the prosperity of the State, in concert with Our people and with their support, We hereby promulgate, in pursuance of Our Imperial Rescript of the **12th** day of the **10th** month of the **14th** year of Meiji, a fundamental law of State, to exhibit the principles, by which We are to be guided in Our conduct, and to point out to what Our descendants and Our subjects and their descendants are forever to conform.

The rights of sovereignty of the State, We have inherited from Our Ancestors, and We shall bequeath them to Our descendants. Neither We nor they **shall** in future fail to wield them in accordance with the provisions of the Constitution hereby granted.

We now declare to respect and protect the security of the rights and of the property of Our people, and to secure to them the complete enjoyment of the same within the extent of the provisions of the present Constitution and of the law.

MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

The Imperial Diet shall first be convoked for the **23rd** year of Meiji, and the time of its opening shall be the date when the present Constitution comes into force.

When in the future it may become necessary to amend any of the provisions of the present Constitution, We or Our successors shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no otherwise shall Our descendants or Our subjects be permitted to attempt any alteration thereof.

Our Ministers of State, on Our behalf, shall be held responsible for the carrying out of the present Constitution, and Our present and future subjects shall forever assume the duty of allegiance to the present Constitution.

[His Imperial Majesty's Sign-Manual.]
[Privy Seal.]

*The 11th day Of the 2nd month Of
the 22nd year Of Meiji.*

(Countersigned) Count Kuroda Kiyotaka,
Minister President of State.
Count Ito Hirobumi,
President of the Privy Council.
Count Okuma Shigenobu,
Minister of State for Foreign Affairs.
Count Saigo Tsukumichi,
Minister of State for the Navy.
Count Inouye Kaoru,
*Minister of State for Agriculture
and Commerce.*
Count Yamada Akiyoshi,
Minister of State for Justice.

THE CONSTITUTION OF THE EMPIRE OF JAPAN

Count Matsugata Masayoshi,
*Minister of State for Finance,
and Minister of State for
Home Affairs.*

Count Oyama Iwao,
Minister of State for War.

Viscount Mori Arinori,
Minister of State for Education.

Viscount Enomoto Takeaki,
Minister of State for Communications.

Official translation.

B. The Constitution of the Empire of Japan, February 11; 1889.

Chapter I. The Emperor

ARTICLE I. The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal.

ARTICLE II. The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of the Imperial House Law.

ARTICLE III. The Emperor is sacred and inviolable.

ARTICLE IV. The Emperor is the head of the Empire, combining in Himself the rights of sovereignty, and exercises them according to the provisions of the present Constitution.

ARTICLE V. The Emperor exercises the legislative power -with the consent of the Imperial Diet.

ARTICLE VI. The Emperor gives sanction to laws, and orders them to be promulgated and executed.

ARTICLE VII. The Emperor convokes the Imperial Diet, opens, closes, and prorogues it, and dissolves the House of Representatives.

MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

ARTICLE VIII. The Emperor, in consequence of an urgent necessity to maintain public safety or to avert public calamities, issues, when the Imperial Diet is not sitting, Imperial Ordinances, in the place of law.

Such Imperial Ordinances are to be laid before the Imperial Diet at its next session, and when the Diet does not approve the said Ordinances, the Government shall declare them to be invalid for the future.

ARTICLE IX. The Emperor issues or causes to be issued the Ordinances necessary for the carrying out of the laws, or for the maintenance of the public peace and order, and for the promotion of the welfare of the subjects. But no Ordinance shall in any way alter any of the existing laws.

ARTICLE X. The Emperor determines the organization of the different branches of the administration, and the salaries of all **civil** and military officers, and appoints and dismisses the same. Exceptions especially provided for in the present Constitution or in other laws shall be in accordance with the respective provisions (bearing thereon).

ARTICLE XI. The Emperor has the supreme command of the Army and Navy.

ARTICLE XII. The Emperor determines the organization and peace standing of the Army and Navy.

ARTICLE XIII. The Emperor declares war, makes peace, and concludes treaties.

ARTICLE XIV. The Emperor proclaims the law of siege. The conditions and effects of the law of siege shall be determined by law.

ARTICLE XV. The Emperor confers titles of nobility, rank, orders, and other marks of honour.

ARTICLE XVI. The Emperor orders amnesty, pardon, commutation of punishments, and rehabilitation.

THE CONSTITUTION OF THE EMPIRE OF JAPAN

ARTICLE XVII. A Regency shall be instituted in conformity with the provisions of the Imperial House Law.

The Regency shall exercise the powers appertaining to the Emperor in His name.

Chapter II. Rights and Duties of Subjects

ARTICLE XVIII. The conditions necessary for being a Japanese subject shall be determined by law.

ARTICLE XIX. Japanese subjects may, according to qualifications determined in laws or ordinances, be appointed to civil or military offices equally, and may fill any other public offices.

ARTICLE XX. Japanese subjects are amenable to service in the Army or Navy, according to the provisions of law.

ARTICLE XXI. Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law.

ARTICLE XXII. Japanese subjects shall have the liberty of abode and of changing the same within the limits of law.

ARTICLE XXIII. No Japanese subject shall be arrested, detained, tried, or punished, unless according to law.

ARTICLE XXIV. No Japanese subject shall be deprived of his right of being tried by the judges determined by law.

ARTICLE XXV. Except in the cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent.

ARTICLE XXVI. Except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolate.

ARTICLE XXVII. The right of property of every Japanese subject shall remain inviolate.

Measures necessary to be taken for the public benefit shall be provided for by law.

MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

ARTICLE XXVIII. Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.

ARTICLE XXIX. Japanese subjects shall within the limits of law enjoy the liberty of speech, writing, publication, public meetings, and associations.

ARTICLE XXX. Japanese subjects may present petitions, by observing the proper forms of respect and by complying with the rules specially provided for the same.

ARTICLE XXXI. The provisions contained in the present Chapter shall not affect the exercise of the powers appertaining to the Emperor, in times of war or in cases of a national emergency.

ARTICLE XXXII. Each and every one of the provisions contained in the preceding Articles of the present Chapter that are not in conflict with the laws or the rules and discipline of the Army and Navy shall apply to the officers and men of the Army and of the Navy.

Chapter III. The Imperial Diet

ARTICLE XXXIII. The Imperial Diet shall consist of two Houses, a House of Peers and a House of Representatives.

ARTICLE XXXIV. The House of Peers shall, in accordance with the Ordinance concerning the House of Peers, be composed of the members of the Imperial Family, of the orders of nobility, and of those persons who have been nominated thereto by the Emperor.

ARTICLE XXXV. The House of Representatives shall be composed of Members elected by the people, according to the provisions of the Law of Election.

ARTICLE XXXVI. No one can at one and the same time be

THE CONSTITUTION OF THE EMPIRE OF JAPAN

a Member of both Houses.

ARTICLE XXXVII. Every law requires the consent of the Imperial Diet.

ARTICLE XXXVIII. Both Houses shall vote upon projects of law submitted to it by the Government, and may respectively initiate projects of law.

ARTICLE XXXIX. A Bill which has been rejected by either the one or the other of the two Houses shall not be again brought in during the same session.

ARTICLE XL. Both Houses can make representations to the Government, as to laws or upon any other subject. When, however, such representations are not accepted, they cannot be made a second time during the same session.

ARTICLE XLI. The Imperial Diet shall be convoked every year.

ARTICLE XLII. A session of the Imperial Diet shall last during three months. In case of necessity, the duration of a session may be prolonged by Imperial Order.

ARTICLE XLIII. When urgent necessity arises, an extraordinary session may be convoked, in addition to the ordinary one.

The duration of an extraordinary session shall be determined by Imperial Order.

ARTICLE XLIV. The opening, closing, prolongation of session, and prorogation of the Imperial Diet shall be effected simultaneously for both Houses.

In case the House of Representatives has been ordered to dissolve, the House of Peers shall at the same time be prorogued.

ARTICLE XLV. When the House of Representatives has been ordered to dissolve, Members shall be caused by Imperial Order to be newly elected, and the new House shall be convoked within five months from the day of dissolution.

MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

ARTICLE XLVI. No debate can be opened and no vote can be taken in either House of the Imperial Diet, unless not less than one third of the whole number of the Members thereof is present.

ARTICLE XLVII. Votes shall be taken in both Houses by absolute majority. In the case of a tie vote, the President shall have the casting vote.

ARTICLE XLVIII. The deliberations of both Houses shall be held in public. The deliberations may, however, upon demand of the Government or by resolution of the House, be held in secret sitting.

ARTICLE XLIX. Both Houses of the Imperial Diet may respectively present address to the Emperor.

ARTICLE L. Both Houses may receive petitions presented by subjects.

ARTICLE LI. Both Houses may enact, besides what is provided for in the present Constitution and in the Law of the Houses, rules necessary for the management of their internal affairs.

ARTICLE LII. No Member of either House shall be held responsible outside the respective Houses, for any opinion uttered or for any vote given in the House. When, however, a Member himself has given publicity to his opinions by public speech, by documents in print or in writing, or by any other similar means, he shall in the matter be amenable to the general law.

ARTICLE LIII. The Members of both Houses shall, during the session, be free from arrest, unless with the consent of the House, except in cases of flagrant **delicts**, or of **offences** connected with a state of internal commotion or with a foreign trouble.

ARTICLE LIV. The Ministers of State and the Delegates of

THE CONSTITUTION OF THE EMPIRE OF JAPAN

the Government may at any time take seats and speak in either House.

Chapter IV. The Ministers of State and the Privy Council

ARTICLE LV. The respective Ministers of State shall give their advice to the Emperor and be responsible for it.

All laws, Imperial Ordinances and Imperial Rescripts of whatever kind, that relate to the affairs of State, require the counter-signature of a Minister of State.

ARTICLE LVI. The Privy Council shall, in accordance with the provisions for the organization of the Privy Council, deliberate upon important matters of State when they have been consulted by the Emperor.

Chapter V. The Judicature

ARTICLE LVII. The Judicature shall be exercised by the Courts of Law according to law, in the name of the Emperor.

The organization of the Courts of Law shall be determined by law.

ARTICLE LVIII. The judges shall be appointed from among those who possess proper qualifications according to law.

No judge shall be deprived of his position, unless by way of criminal sentence or disciplinary punishment.

Rules for disciplinary punishment shall be determined by law.

ARTICLE LIX. Trials and judgments of a Court shall be conducted publicly. When, however, there exists any fear that such publicity may be prejudicial to peace and order, or to the maintenance of public morality, the public trial may be suspended by provision of law or by the decision of the **Court** of Law.

MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

ARTICLE LX. All matters that fall within the competency of a special Court shall be specially provided for by law.

ARTICLE LXI. No suit at law, which relates to rights alleged to have been infringed by the illegal measures of the executive authorities, and which shall come within the competency of the Court of Administrative Litigation specially established by law, shall be taken cognizance of by a Court of Law.

Chapter VI. Finance

ARTICLE LXII. The imposition of a new tax or the modification of the rates (of an existing one) shall be determined by law.

However, all such administrative fees or other revenue having the nature of compensation shall not fall within the category of the above clause.

The raising of national loans and the contracting of other liabilities to the charge of the National Treasury, except those that are provided in the Budget, shall require the consent of the Imperial Diet.

ARTICLE LXIII. The taxes levied at present shall, in so far as are not remodelled by new law, be collected according to the old system.

ARTICLE LXIV. The expenditure and revenue of the State require the consent of the Imperial Diet by means of an annual Budget.

Any and all expenditures overpassing the appropriations set forth in the Titles and Paragraphs of the Budget, or that are not provided for in the Budget, shall subsequently require the approbation of the Imperial Diet.

ARTICLE LXV. The Budget shall be first laid before the

THE CONSTITUTION OF THE EMPIRE OF JAPAN

House of Representatives,

ARTICLE LXVI. The expenditures of the Imperial House shall be defrayed every year out of the National Treasury, according to the present fixed amount for the same, and shall not require the consent thereto of the Imperial Diet, except in case an increase thereof is found necessary.

ARTICLE LXVII. Those already fixed expenditures based by the Constitution upon the powers appertaining to the Emperor, and such expenditures as may have arisen by the effect of law, or that appertain to the legal obligations of the Government, shall be neither rejected nor reduced by the Imperial Diet without the concurrence of the Government.

ARTICLE LXVIII. In order to meet special requirements, the Government may ask the consent of the Imperial Diet to a certain amount as a Continuing Expenditure Fund, for a previously fixed number of years.

ARTICLE LXIX. In order to supply deficiencies which are unavoidable in the Budget, and to meet requirements unprovided for in the same, a Reserve Fund shall be provided in the Budget.

ARTICLE LXX. When the Imperial Diet cannot be convoked owing to the external or internal condition of the country, in case of urgent need for the maintenance of public safety, the Government may take all necessary financial measures by means of an Imperial Ordinance.

In the case mentioned in the preceding clause, the matter shall be submitted to the Imperial Diet at its next session, and its approbation shall be obtained thereto.

ARTICLE LXXI. When the Imperial Diet has not voted on the Budget, or when the Budget has not been brought into actual existence, the Government shall carry out the Budget of the preceding year.

MEIJI JAPAN THROUGH CONTEMPORARY SOURCES

ARTICLE LXXII. The final account of the expenditures and revenue of the State shall be verified and confirmed by the Board of Audit, and it shall be submitted by the Government to the Imperial Diet, together with the report of verification of the said Board.

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

Chapter VII. Supplementary Rules

ARTICLE LXXIII. When it has become necessary in future to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Imperial Diet by the Imperial Order.

In the above case, neither House can open the debate unless not less than two thirds of the whole number of Members are present, and no amendment can be passed, unless a majority of not less than two thirds of the Members present is obtained.

ARTICLE LXXIV. No modification of the Imperial House Law shall be required to be submitted to the deliberation of the Imperial Diet.

No provision of the present Constitution can be modified by the Imperial House Law.

ARTICLE LXXV. No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

ARTICLE LXXVI. Existing legal enactments, such as laws, regulations, Ordinances, or by whatever names they may be called, shall, so far as they do not conflict with the present Constitution, continue in force.

All existing contracts or orders that entail obligations upon the Government and that are connected with expenditure shall

THE CONSTITUTION OF THE EMPIRE OF JAPAN

come within the scope of Article LXVII.)

Official translation.

C. The Imperial House Law, February 11, 1889.

THE Imperial Throne of Japan, enjoying the Grace of Heaven and everlasting from ages eternal in an unbroken line of succession, has been transmitted to Us through successive reigns. The fundamental rules of Our Family were established once for all at the time that Our Ancestors laid the foundations of the Empire, and are even at this day as bright as the celestial luminaries. We now desire to make the instructions of Our Ancestors **more** exact **and** express, and to establish for Our posterity a House Law, by which Our House shall be founded in **everlasting** strength, and its dignity be forever maintained, We hereby, with the advice of Our Privy Council, give Our Sanction to the present Imperial House Law, to serve as a standard by which **Our** descendants shall be guided.

Chapter I. Succession to the Imperial Throne

ARTICLE I. The Imperial Throne of Japan shall be **succeeded** to by male descendants in the male line of Imperial Ancestors.

ARTICLE II. The Imperial Throne shall be Succeeded to by **the** Imperial eldest son.

ARTICLE III. When there is no Imperial eldest son, the Imperial Throne shall be succeeded to by the Imperial eldest grandson. When there is neither Imperial eldest son nor any male descendant of his, it shall be succeeded to by the Imperial