



**Draft for the Amendment of
the Constitution of Japan**
(in contrast to the current Constitution)

The Liberal Democratic Party of Japan

April 27, 2012 (Settlement)

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Preamble

[Current]

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the

banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

[Draft]

Japan is a nation with a long history and unique culture, having the Emperor as the symbol of the unity of the people, governed based on the separation of the legislative, administrative and judicial powers subject to the sovereignty of the people.

Our nation has overcome and developed from the ruins of the last war and many great disasters, and now holds an important position in the international society, promoting amicable relations with foreign countries and contributing to the peace and prosperity of the world under a doctrine of peace.

We, the Japanese people, defend our country and territorial land with pride and strong spirit, and respecting fundamental human rights, do value harmony and do form a nation where families and the whole society support each other.

We hold freedom and discipline in high regard, and while defending this beautiful territory and natural environment, do promote education, science and technology and the growth of the country through vigorous economic activities.

We, the Japanese people, in order to pass on our good traditions and our nation to posterity for many years to come, do hereby establish this Constitution.

Chapter I: The Emperor

[Current]

Article 1. The Emperor shall be the symbol of the State and of the unity of the People, deriving his position from the will of the people with whom resides sovereign power.

[Draft]

(The Emperor)

Article 1. The Emperor is **the head of the State** and shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

[Current]

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

[Draft]

(Succession to the Imperial Throne)

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

[Current]

*(Deleted: **Article 3.** The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.)*

[Draft]

(National flag and national anthem)

Article 3. The national flag is the rising sun flag and the national anthem is *Kimigayo*. The Japanese people must respect the national flag and the national anthem.

[Draft (New)]

(Era name)

Article 4. The era name as provided by law shall be determined when the Imperial Throne is succeeded to.

[Current]

Article 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

(Deleted: The Emperor may delegate the performance of his acts in matters of state as may be provided by law.)

*(Deleted: **Article 5.** When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.)*

[Draft]

(Authority of the Emperor)

Article 5. The Emperor shall perform (*Omitted: “only”*) such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

[Current]

Article 6. The Emperor shall appoint the Prime Minister as designated by the Diet.
The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

Article 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

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.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article 4. (abbr.) The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

[Draft]

(Constitutional functions, etc. of the Emperor)

Article 6. The Emperor, on behalf of the people, shall appoint the Prime Minister as designated by the Diet and shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the Constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the House of Councillors and of regular election of members of the House of Representatives.

Attestation of the appointment and dismissal of Ministers of State and other public officials of the State as provided for by law.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of full powers and credentials of Ambassadors and Ministers, instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

The Emperor may delegate the performance of his acts in the preceding two paragraphs as may be provided by law.

The **suggestions** of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor. However, with regard to the dissolution of the House of Representatives, the Prime Minister shall decide the issue.

In addition to those listed in the first and second paragraphs, the Emperor shall attend ceremonies held by the State, local governments or other public entities, and shall perform other public activities.

[Current]

Article 5. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

[Draft]

(Regency)

Article 7. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name.

Article 5 and the provisions in the fourth paragraph of the preceding article shall apply to the Regency.

[Current]

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

[Draft]

(Restrictions to the Imperial House on the alienation of property, etc.)

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, except in cases provided by law, without Diet approval.

Chapter II: National Security

[Current]

Article 9. Aspiring sincerely to 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.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

[Draft]

(Pacifism)

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people (*Omitted: "forever"*) **renounce** war as a sovereign right of the nation and **will not employ** the threat and and use of force as a means of settling international disputes.

(Deleted: In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.)

The provisions in the preceding paragraph shall not prevent the exercise of the right to self-defense.

[Draft (New)]

(National Defense Military)

Article 9-2. In order to secure peace and independence for our nation as well as the safety of the State and the people, the National Defense Military shall be retained with the Prime Minister as the supreme commander.

The National Defense Military, when carrying out tasks prescribed in the preceding paragraph, shall be subject to Diet approval and other controls, as provided by law.

The National Defense Military, in addition to the activities for performing the duties in the first paragraph, shall conduct international cooperative activities in order to secure the peace and safety of the international society and maintain public order, or conduct activities in order to defend the lives or freedoms of the people, as provided by law.

Other matters relating to the organization, regulation and security protection of the National Defense Military subject to the preceding two paragraphs shall be determined by law.

In order to conduct trials when crimes associated with official duties or confidential matters of the National Defense Military are committed by National Defense Military personnel or other public officials, a military tribunal shall be established in the National Defense Military, as provided by law. In this case, the defendant's right to appeal to the courts is guaranteed.

[Draft (*New*)]

(Territorial integrity, etc.)

Article 9-3. The State, in order to defend its sovereignty and independence, in cooperation with the people, shall maintain its territorial land, territorial waters and territorial airspace, and shall secure all resources therein.

Chapter III: Rights and Duties of the People

[Current]

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

[Draft]

(Japanese national)

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

[Current]

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

[Draft]

(Enjoyment of fundamental human rights)

Article 11. The people are entitled to enjoy all of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution are eternal and inviolate rights.

[Current]

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

[Draft]

(Duties of the people)

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people. The people shall refrain from any abuse of these freedoms and rights, **shall be aware of the fact that there are responsibilities and duties that accompany these freedoms and rights, and shall not infringe the public interest and public order.**

[Current]

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

[Draft]

(Respect, etc. for people **as persons**)

Article 13. All of the people shall be respected as **persons**. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the **public interest and public order**, be the supreme consideration in legislation and in other governmental affairs.

[Current]

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin. Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

[Draft]

(Equal protection under the law)

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, **disability**, social status or family origin.

Peers and peerage shall not be recognized.

(Omitted: "No privilege shall accompany") No award of honor, decoration or any distinction shall be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

[Current]

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof. Universal adult suffrage is guaranteed with regard to the election of public officials. In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

[Draft]

(Rights, etc. pertaining to the appointment and dismissal of public officials)

Article 15. The people, with whom sovereign power resides, have the right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

In the case that public officials are appointed through an election, the popular election shall be carried out by all adult people **who possess Japanese nationality**.

In (*Omitted: "all"*) elections, secrecy of the ballot shall not be violated. A voter shall not be questioned nor held responsible, publicly or privately, for the choice he has made.

[Current]

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

[Draft]

(Right to petition)

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters.

No person shall be in any way discriminated against for sponsoring a petition.

[Current]

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

[Draft]

(Compensation claims against the State, etc.)

Article 17. Every person may sue for redress as provided by law from the State, local governments or other public entities, in case he/she has suffered damage through illegal act of any public official.

[Current]

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

[Draft]

(Freedom from **bondage** and servitude)

Article 18. No person, irrespective of his will, shall be held in bondage in social or economic relations.

Involuntary servitude, except as punishment for crime, is prohibited.

[Current]

Article 19. Freedom of thought and conscience shall not be violated.

[Draft]

(Freedom of thought and conscience)

Article 19. Freedom of thought and conscience is guaranteed.

[Draft (*New*)]

(Prohibition on the wrongful acquisition of personal information, etc.)

Article 19-2. No person shall wrongfully acquire, possess or utilize any personal information.

[Current]

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

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

The State and its organs shall refrain from religious education or any other religious activity.

[Draft]

(Freedom of religion)

Article 20. Freedom of religion is guaranteed to all. The State shall not grant privileges to any religious organization. (*Omitted: "No religious organization shall exercise any political authority."*)

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

The State, local governments and other public entities shall refrain from particular religious education and other religious activities. However, this provision shall not apply to activities that do not exceed the scope of social rituals or customary practices.

[Current]

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

[Draft]

(Freedom of expression)

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

Notwithstanding the provisions of the preceding paragraph, engaging in activities with the purpose of harming the public interest and public order and forming associations to attain this objective shall not be recognized.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

[Draft (New)]

(Responsibility to provide an account on governmental affairs)

Article 21-2. The State is responsible for giving the people an account of governmental affairs.

[Current]

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

[Draft]

(Freedom to choose and change residence and choose occupation, etc.)

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation. (*Deleted: "to the extent that it does not interfere with the public welfare."*)

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

[Current]

Article 23. Academic freedom is guaranteed.

[Draft]

(Academic freedom)

Article 23. Academic freedom is guaranteed.

[Current]

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

[Draft]

(Fundamental principles concerning family, marriage, etc.)

Article 24. Family shall be respected as the natural and fundamental unit of society. Family members must support each other.

Marriage shall be based (*Deleted: "only"*) on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to family, maintenance, guardianship, marriage and divorce, property rights, inheritance and other matters pertaining to kinship, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

[Current]

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

[Draft]

(Right to life, etc.)

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of livelihoods of the people, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

[Draft (*New*)]

(Responsibility of environmental protection)

Article 25-2. The State, in cooperation with the people, shall use its endeavors to maintain the environment so that the people can enjoy a satisfactory environment.

[Draft (*New*)]

(Protection of nationals abroad)

Article 25-3. The State shall use its endeavors to protect its nationals abroad when an emergency occurs outside its territory.

[Draft (*New*)]

(Consideration toward victims of crime, etc.)

Article 25-4. The State shall give consideration to the human rights and treatment of victims of crime and their families.

[Current]

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

[Draft]

(Rights and duties, etc. concerning education)

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

The State, in view of the fact that education is indispensable in pioneering the future of the State, shall use its endeavors for developing an educational environment.

[Current]

Article 27. All people shall have the right and the obligation to work.
Standards for wages, hours, rest and other working conditions shall be fixed by law.
Children shall not be exploited.

[Draft]

(Rights and duties, etc. concerning labor)

Article 27. All people shall have the right and the obligation to work.
Standards for wages, hours, rest and other working conditions shall be fixed by law.
No person shall exploit children.

[Current]

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

[Draft]

(Right of workers to organize, etc.)

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.
With regard to public officials, in view of the fact that they are servants of the whole community, all or part of their rights in the preceding paragraph may be restricted, as provided by law. In this case, necessary measures shall be taken to improve the working conditions of public officials.

[Current]

Article 29. The right to own or to hold property is inviolable.
Property rights shall be defined by law, in conformity with the public welfare.
Private property may be taken for public use upon just compensation therefor.

[Draft]

(Property rights)

Article 29. The right to own or to hold property is inviolable.
Property rights shall be defined by law, in conformity with the **public interest and public order. In this case, with regard to intellectual property rights, consideration shall be given for contributing to the improvement of the intellectual creativity of the people.**
Private property may be taken for public use upon just compensation therefor.

[Current]

Article 30. The people shall be liable to taxation as provided by law.

[Draft]

(Tax liability)

Article 30. The people shall be liable to taxation as provided by law.

[Current]

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

[Draft]

(Guarantee of due process of law)

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to due process of law.

[Current]

Article 32. No person shall be denied the right of access to the courts.

[Draft]

(Right of access to the courts)

Article 32. No person shall be denied the right of access to the courts.

[Current]

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

[Draft]

(Guarantee of procedures relating to apprehension)

Article 33. No person shall be apprehended except upon warrant issued by a judge which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

[Current]

Article 34. 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.

[Draft]

(Guarantee of procedures relating to arrest and detainment)

Article 34. 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.

The detainee shall have the right to immediately show the cause in open court in his presence and the presence of his counsel.

[Current]

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

[Draft]

(Inviolability of residence, etc.)

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure under the provisions of the preceding paragraph shall be made upon separate warrant issued by a judge.

[Current]

Article 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

[Draft]

(Prohibition on torture and cruel punishments)

Article 36. The infliction of torture by any public officer and cruel punishments are (*Omitted: “absolutely”*) forbidden.

[Current]

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

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

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

[Draft]

(Rights of the accused)

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted (*Omitted: “full”*) opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

[Current]

Article 38. No person shall be compelled to testify against himself.

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

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

[Draft]

(Confessions made in criminal cases, etc.)

Article 38. No person shall be compelled to testify against himself.

Confession made under torture, compulsion or other threats, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted (*Omitted: “or punished”*) in cases where the only proof against him is his own confession.

[Current]

Article 39. 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.

[Draft]

(Prohibition on retroactive punishment, etc.)

Article 39. No person shall be held criminally liable for an act which was not unlawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

[Current]

Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

[Draft]

(Right to seek indemnity)

Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

Chapter IV: The Diet

[Current]

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

[Draft]

(The Diet and legislative power)

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

[Current]

Article 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

[Draft]

(Two Houses)

Article 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

[Current]

Article 43. Both Houses shall consist of elected members, representative of all the people. The number of the members of each House shall be fixed by law.

[Draft]

(Organization of both Houses)

Article 43. Both Houses shall consist of elected members, representative of all the people. The number of the members of each House shall be fixed by law.

[Current]

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

[Draft]

(Qualifications of members of the Diet and voters)

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. In this case, there shall be no discrimination because of race, creed, sex, disability, social status, family origin, education, property or income.

[Current]

Article 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

[Draft]

(Term of office of members of the House of Representatives)

Article 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

[Current]

Article 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

[Draft]

(Term of office of members of the House of Councillors)

Article 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

[Current]

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

[Draft]

(Matters pertaining to elections)

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law. **In this case, each electoral district shall take into comprehensive consideration administrative subdivisions and topography with population as the basis.**

[Current]

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

[Draft]

(Prohibition on concurrent holding of positions)

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

[Current]

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

[Draft]

(Annual salary of members of the Diet)

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

[Current]

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

[Draft]

(Immunity of members of the Diet from arrest)

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

[Current]

Article 51. Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

[Draft]

(Diplomatic immunity of members of the Diet)

Article 51. Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

[Current]

Article 52. An ordinary session of the Diet shall be convoked once per year.

[Draft]

(Ordinary sessions of the Diet)

Article 52. An ordinary session of the Diet shall be convoked once per year.

The term of the ordinary session of the Diet shall be fixed by law.

[Current]

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation.

[Draft]

(Extraordinary sessions of the Diet)

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, extraordinary sessions of the Diet must be **convoked within twenty-one (21) days from the date of the demand.**

[Current]

Article 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

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

[Draft]

(Dissolution of the House of Representatives, general elections of members of the House of Representatives, special sessions of the Diet and emergency sessions of the House of Councillors)

Article 54. The dissolution of the House of Representatives shall be determined by the cabinet minister.

When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and a special session of the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

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

[Current]

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

[Draft]

(Review of the qualifications of members of the Diet)

Article 55. Each House shall **review and pass a resolution on** disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

[Current]

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

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

[Draft]

(Voting and quorum)

Article 56. All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

A resolution cannot be passed in either House unless one-third or more of total membership is present.

[Current]

Article 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor. Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

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

[Draft]

(Publicity, etc. of deliberations and record of proceedings)

Article 57. Deliberation in each House must be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor. Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

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

[Current]

Article 58. Each House shall select its own president and other officials. Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish 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.

[Draft]

(Appointment of officials and rules of the House and official reprimand)

Article 58. Each House shall select its own president and other officials. Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish 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.

[Current]

Article 59. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

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 a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

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

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 a rejection of the said bill by the House of Councillors.

[Draft]

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

Article 59. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

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 a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

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

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 a rejection of the said bill by the House of Councillors.

[Current]

Article 60. The budget must first be submitted to the House of Representatives.
Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

[Draft]

(Authority of the House of Representatives relating to the approval, etc. of the draft budget)

Article 60. The draft budget must first be submitted to the House of Representatives.
Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the draft budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

[Current]

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

[Draft]

(Authority of the House of Representatives relating to the conclusion of treaties)

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

[Current]

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

[Draft]

(Investigation rights of the House)

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

[Current]

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

[Draft]

(Rights and duties of the Prime Minister, etc. regarding their presence in the House)

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills. (*Omitted: “regardless of whether they are members of the House or not.”*)

The Prime Minister and other Ministers of State must appear when their presence is required in order to give answers or explanations. **However, this requirement shall not apply to the performance of official duties as may be deemed necessary.**

[Current]

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted. Matters relating to impeachment shall be provided by law.

[Draft]

(Impeachment courts)

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted. Matters relating to impeachment shall be provided by law.

[Draft (*New*)]

(Political parties)

Article 64-2. The State, in view of the essential role of political parties in parliamentary democracy, shall use its endeavors for ensuring the fairness of the activity and its sound development.

Freedom of political activity is guaranteed.

Other matters relating to political parties subject to the preceding two paragraphs shall be determined by law.

Chapter V: The Cabinet

[Current]

Article 65. Executive power shall be vested in the Cabinet.

[Draft]

(The Cabinet and executive power)

Article 65. Executive power, **except as elsewhere provided in the Constitution**, shall be vested in the Cabinet.

[Current]

Article 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

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

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

[Draft]

(Organization of the Cabinet and responsibilities to the Diet)

Article 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State **must not be military personnel on active duty**.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

[Current]

Article 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

[Draft]

(Designation of the Prime Minister and the authority of the House of Representatives)

Article 67. The Prime Minister shall be designated by the Diet from among the members of the Diet. (*Omitted: "by a resolution of the Diet."*)

The designation of the Prime Minister by the Diet shall precede all other business.

If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

[Current]

Article 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet.
The Prime Minister may remove the Ministers of State as he chooses.

[Draft]

(Appointment and dismissal of the Ministers of State)

Article 68. The Prime Minister shall appoint the Ministers of State. In this case, a majority of their number must be appointed from among the members of the Diet.
The Prime Minister may remove the Ministers of State as he chooses.

[Current]

Article 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

[Draft]

(Non-confidence resolutions and mass resignation of the Cabinet)

Article 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

[Current]

Article 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

[Draft]

(Mass resignation, etc. of the Cabinet when in the vacancy in the post of Prime Minister, etc.)

Article 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

When there is a vacancy in the post of Prime Minister, or in cases determined by law as being equivalent thereto, the Minister of State designated by him in advance shall perform temporarily the functions of the Prime Minister.

[Current]

Article 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

[Draft]

(The Cabinet following mass resignation)

Article 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

[Current]

Article 72. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches.

[Draft]

(Official duties of the Prime Minister)

Article 72. The Prime Minister exercises control and supervision over various administrative branches, **and performs general coordination.**

The Prime Minister, representing the Cabinet, submits bills and reports on general national affairs and foreign relations to the Diet.

The Prime Minister, as the supreme commander, oversees the National Defense Military.

[Current]

Article 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service, in accordance with standards established by law.
Prepare the budget, and present it to the Diet.
Enact cabinet orders in order to execute the provisions of this Constitution and of the law.
However, it cannot include penal provisions in such cabinet orders unless authorized by such law.
Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

[Draft]

(Official duties of the Cabinet)

Article 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.
Manage foreign affairs.
Conclude treaties. However, it shall obtain prior or, in unavoidable circumstances, subsequent approval of the Diet.
Administer the civil service, in accordance with standards established by law.
Prepare the **draft budget and the bills**, and present them to the Diet.
Enact cabinet orders in accordance with the provisions of the law. (*Deleted: "in order to execute the provisions of this Constitution."*) However, it cannot include provisions in such cabinet orders **that impose obligations or restrict rights** unless authorized by such law.
Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

[Current]

Article 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

[Draft]

(Signatures of laws and cabinet orders)

Article 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

[Current]

Article 75. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired hereby.

[Draft]

(Legal immunity of Ministers of State)

Article 75. The Ministers of State, during their tenure of office, shall not be subject to prosecution without the consent of the Prime Minister. However, nothing herein contained shall prevent the prosecution of the Ministers of State following their removal from office.

Chapter VI: Judiciary

[Current]

Article 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

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

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

[Draft]

(Courts and jurisdiction)

Article 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

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

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

[Current]

Article 77. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

[Draft]

(Rule-making power of the Supreme Court)

Article 77. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators, attorneys and other individuals involved in the trial shall be subject to the

rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

[Current]

Article 78. Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

[Draft]

(Guarantee of tenure for judges)

Article 78. Judges shall be removed by trial in accordance with the provision of the first paragraph of Article 64, except in cases prescribed in the third paragraph of the next Article and unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

[Current]

Article 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.

(Deleted: "Matters pertaining to review shall be prescribed by law.")

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law. All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

[Draft]

(Judges of the Supreme Court)

Article 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

Where prescribed by law, the judges of the Supreme Court, following their appointment, must be reviewed by the people.

In the reviews mentioned in the foregoing paragraph, where the dismissal of a judge is warranted, he shall be dismissed.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law. All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office, **except with regard to changes in employment status or official reprimand and in cases of regular public officials.**

[Current]

Article 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

[Draft]

(Judges of inferior courts)

Article 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for **a limited term as fixed by law**, with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The fifth paragraph of the preceding article shall apply to the compensation of the judges of the inferior courts.

[Current]

Article 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

[Draft]

(Power to determine constitutionality and the Supreme Court)

Article 81. The Supreme Court is the final appellate court with power to determine the constitutionality of any law, order, regulation or official act.

[Current]

Article 82. Trials shall be conducted and judgment declared publicly.

Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights of people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.

[Draft]

(Publicity of trials)

Article 82. Oral proceedings and trial procedures shall be conducted and judgment declared publicly.

Where a court unanimously determines publicity to be dangerous to public order or morals, oral proceedings and trial procedures may be conducted privately. However, oral proceedings and trial procedures of political offenses, offenses involving the press or cases wherein the rights of people are guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.



Chapter VII: Finance

[Current]

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

[Draft]

(Fundamental principles of finance)

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

Fiscal soundness must be consolidated in accordance with law.

[Current]

Article 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

[Draft]

(Principles of taxation law)

Article 84. No new taxes shall be imposed or (*Deleted: "existing ones"*) modified except (*Deleted: "by law or under such conditions"*) as prescribed by law.

[Current]

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

[Draft]

(Expenditure of the national budget and debt burden of the State)

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

[Current]

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

[Draft]

(Budget)

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a draft budget for each fiscal year.

The Cabinet may submit a draft budget in order to correct a budget during each fiscal year.

When the Cabinet determines that there is no prospect for obtaining the authorization of the first paragraph, it must submit a tentative draft budget prior to the commencement of the relevant fiscal year.

The budget for each fiscal year, as provided for by law, with the passage of a resolution of the Diet, may be expended for the year following each year.

[Current]

Article 87. 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 Cabinet. The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

[Draft]

(Reserve funds)

Article 87. 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 Cabinet. The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

[Current]

Article 88. 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.

[Draft]

(Property and expenses of the Imperial Household)

Article 88. 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 draft budget.

[Current]

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

[Draft]

(Expenditure of public money and restrictions on appropriation)

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of **religious activities conducted by** any institution or association, **except for cases set forth in the proviso of the third paragraph of Article 20.**

No public money or other property shall be expended or appropriated for any charitable, educational or benevolent enterprises beyond the supervision of the State, local governments or other public entities.

[Current]

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered. The organization and competency of the Board of Audit shall be determined by law.

[Draft]

(Approval, etc. of final accounts)

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and, in accordance with law, submitted by the Cabinet to both Houses for approval, together with the statement of audit, during the fiscal year immediately following the period covered.

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

The Cabinet shall reflect on the draft budget the contents of the statement of audit mentioned in the first paragraph and must report to the Diet on the results thereof.

[Current]

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

[Draft]

(Report on the state of national finances)

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet (*Omitted: “and the people”*) on the state of national finances.

Chapter VIII: Local Self-Government

[Draft (*New*)]

(Principle of local autonomy)

Article 92. Local autonomy, with the participation of residents as a basis, shall make it a principle to autonomously, independently and comprehensively implement an administration in the vicinity of residents.

Residents shall have the right to equally receive services offered by the local government to which they belong, and the obligation to fairly share the burden.

[Current]

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

[Draft]

(Categories of local governments, cooperation between the State and local governments, etc.)

Article 93. Local governments shall have as the foundation basic local governments, and wide-area local governments that comprise them, categories of which shall be fixed by law. Basic regulations concerning organization and operations of local governments shall be fixed by law in accordance with the principle of local autonomy.

The State and the local government shall cooperate based on the appropriate division of roles prescribed by law. Local governments shall mutually cooperate with one another.

[Current]

Article 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

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 within their several communities.

[Draft]

(Assemblies of local governments and direct election of public officials)

Article 94. Local governments shall establish assemblies as their deliberating organs for making decisions on regulations and other important matters, in accordance with law.

The chief executive officers of all local governments, the members of their assemblies, and such other public officials as may be determined by law shall be directly elected by persons whom reside within the said local governments and possess Japanese nationality.

[Current]

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

[Draft]

(Authority of local governments)

Article 95. Local governments shall have the right to manage their *(Omitted: "property,")* affairs *(Omitted: "and administration")* and to enact their own regulations within the law.

[Draft (New)]

(Finances of local governments and fiscal measures of the State)

Article 96. Local taxes imposed and other independent sources of revenue, pursuant to regulation, shall serve as a basis for the expenses of the local government.

The State shall take necessary fiscal measures when the local government cannot offer its services through the independent sources of revenue mentioned in the preceding paragraph alone, as provided by law.

The provision of the second paragraph of Article 83 shall apply to local autonomy.

[Current]

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

[Draft]

(Special law of local autonomy)

Article 97. A special law, which determines the organization, operations and authority of a particular local government differently from other local governments, or imposes obligations on and restricts the rights of residents within a particular local government, cannot be enacted without the consent of the qualified voters of the local government concerned, obtained in accordance with law.

Chapter IX: State of Emergency

[Draft (New)]

(Declaration of a state of emergency)

Article 98. The Prime Minister, in the event of armed attacks on our nation from abroad, disturbances of the social order due to internal strife, etc., large-scale natural disasters due to earthquakes, etc., or other states of emergency as determined by law, may, when deemed particularly necessary, issue a declaration of a state of emergency through a cabinet meeting, as provided by law.

For the declaration of a state of emergency, prior or subsequent approval of the Diet must be obtained, as provided by law.

The Prime Minister must cancel the declaration of a state of emergency through a cabinet meeting, as provided by law, when:

A resolution of disapproval has been made in cases mentioned in the preceding paragraph.

The Diet resolves to cancel the declaration of a state of emergency.

No longer deemed necessary to continue the said declaration of a state of emergency due to changes of the situation.

Moreover, when intending to continue a declaration of a state of emergency for more than one-hundred (100) days, prior approval of the Diet must be obtained for each one-hundred (100) days.

The provision of the second paragraph of Article 60 shall apply to the Diet approval mentioned in the second paragraph and the latter part of the third paragraph. In this case, “within thirty (30) days” in the said paragraph shall be read as “within fifty (50) days.”

[Draft (New)]

(Effects of the declaration of a state of emergency)

Article 99. When the declaration of a state of emergency has been issued, the Cabinet, as provided by law, may enact cabinet orders having an effect equivalent to that of law, and in addition, the Prime Minister may make necessary expenditures or other dispositions and

may issue necessary orders to chief executive officers of local governments.

For the cabinet orders and dispositions mentioned in the preceding paragraph, subsequent approval of the Diet must be obtained, as provided by law.

In the case that a declaration of a state of emergency has been issued, every person shall be subject to the orders of the State and other public organs issued to protect the lives, bodies and properties of the people, as provided by law. Even in this case, Article 14, Article 18, Article 19, Article 21 and other provisions relating to fundamental human rights shall be respected to the fullest extent.

In the case that a declaration of a state of emergency has been issued, the House of Representatives shall not be dissolved, and exceptions for the terms of office and election dates of members of both Houses shall be established, as provided by law.

Chapter X: Amendments

[Current]

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

[Draft]

(Amendments)

Article 100. Amendments to this Constitution shall be initiated by members of the House of Representatives or the House of Councillors, through a concurring vote of a majority of all the members of each House, and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all valid votes cast thereon, at a referendum as specified by law.

Amendments when so ratified shall immediately be promulgated by the Emperor. (*Omitted: "in the name of the people, as an integral part of this Constitution."*)

Chapter XI: Supreme Law

[Current]

(Deleted: Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.)

Article 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

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

[Draft]

(The nature, etc. of the Constitution as the supreme law)

Article 101. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

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

[Current]

Article 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

[Draft]

(Obligation to respect and uphold the Constitution)

Article 102. All people shall respect this Constitution.

(Omitted: "The Emperor or the Regent") Members of the Diet, Ministers of State, judges, and all other public officials have the obligation to respect and uphold this Constitution.

Supplementary Provisions

[Current]

Article 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

Article 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article 103. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution, they shall forfeit their positions as a matter of course.

[Draft (*New*)]

(Effective date)

1. These constitutional amendments shall become effective on MM/DD/YYYY. However, the following provisions shall become effective on the day of promulgation.

(Preparatory acts necessary for enforcement)

2. Enactment and reform of law needed to enforce this constitutional amendment, as well as other preparatory actions needed to enforce this constitutional amendment may be conducted prior to the effective date of this constitutional amendment.

(Applicable classes, etc.)

3. The provision of the latter part of the fifth paragraph of Article 79 of the amended Constitution of Japan (including cases where applied under the second paragraph of Article 80 of the amended Constitution of Japan) shall also apply to the remuneration of the judges of the Supreme Court and the inferior courts appointed under the provisions of the unrevised Constitution of Japan.
4. Judges of the inferior courts in office on the effective date of this constitutional amendment shall hold office for the remaining term, as prescribed by the first paragraph of Article 80 of the unrevised Constitution of Japan, with privilege of reappointment, in accordance with the provision of the first paragraph of Article 80 of the amended Constitution of Japan.
5. The provisions of the first, second and fourth paragraphs of Article 86 of the amended Constitution of Japan shall apply to the draft budget and the allocated budget submitted after the enforcement of this constitutional amendment; the provision of the third paragraph of the same Article shall apply to the tentative draft budget in the fiscal year pertaining to the draft budget of the first paragraph of the same Article submitted after the enforcement of this constitutional amendment; the allocated budget, as well as the tentative budget in the fiscal year pertaining to the relevant budget submitted prior to the

enforcement of this constitutional amendment shall be dealt in conformity with the former provisions.

6. The provisions of the first and third paragraphs of Article 90 of the amended Constitution of Japan shall apply to the final accounts submitted after the enforcement of this constitutional amendment. The final accounts submitted prior to the enforcement of this constitutional amendment shall be dealt in conformity with the former provisions.

Headquarters for the Promotion of Constitutional Amendment

As of December 20, 2011
(Established on December 4, 2009)

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December 22, 2011

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Correction: March 17, 2016

An earlier version of Article 9(ii) in this document referred incorrectly to the right to self-defense as the right to collective self-defense.

Correction: April 9, 2016

An earlier version of Article 9(i) in this document was revised to reflect the descriptive language of “will not employ,” as well as the change from “the threat or use of force” to “the threat and use of force.”

Correction: April 18, 2016

An earlier version of Article 9-2 and Article 72(iii) referred incorrectly to the National Defense Military as the National Defense Force.

