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# MAJOR LEGISLATION

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## 1. Constitutional and Administrative Law

### a. Constitutional Law

#### The Era Act 1979

(Promulgated and put into force, June 12, 1979. Ch. 43, 1979. Made up of one article.)

The Act provides that 1) the name of an era shall be prescribed by cabinet order and 2) the era shall be changed only when succession to the throne occurs.

Both the Christian calendar and the traditional Japanese era system are used in this country. Following Japan's surrender in the Pacific theater of war in 1945, Japan made an about-face from the Meiji Constitution, based on the principle advocating the emperor as a sovereign, to the present constitution based on the principle that sovereignty resides with the people.

Immediately after the Meiji Restoration in 1868, the era was changed to Meiji by an administrative proclamation and a "one reign, one era" system, meaning that an era should not be changed throughout the lifetime of the reigning emperor, was established. Since the promulgation of the Meiji Constitution in 1889, the

Imperial Household Act and the Ordinance governing Accession to the Throne have become the legal basis for the era system. With the coming into force of the present Constitution in 1947, the two Acts above became invalid, and the legal authority for the era system is once again being questioned.

The present era name "Showa," which was established under the now-defunct Meiji Constitution, has continued in use in the postwar years as "established custom." The need to make the era system legally-founded has been voiced strongly by the government and the Liberal-Democratic Party in consideration of the advanced age of the present Emperor and in preparation for any emergency. As a result, the afore-mentioned Act was promulgated.

National opinions centering on legislation of the era system, however, were divided. Those in favor of the legislation also voiced various views. One sentimental opinion held that the era system was an embodiment of the long tradition of Japanese culture and should be maintained in the future as a reminder of the wisdom of our forefathers. Another "constitutional" view insisted that the era system was a most adequate bond linking the emperor to the people under the system holding the emperor as a symbol of the state under the present Constitution. In short, they all pressed for a reinstatement of the emperor system emphasizing the important role it plays in present-day Japan.

The antagonists, while admitting the importance of Japanese culture as a matter of course, stated that the "one reign, one era" system was not an old-established tradition but one that reflected the policy of the state since the Meiji Restoration, which held the Emperor as sovereign. They further argued that the proposed legislation of the era system closely linked with the sovereign emperor system was a political attempt to change the role of the emperor, who is now simply a symbol of the state under the present Constitution (§ 1), to defacto sovereign and that it would function to confuse the principle that sovereignty rests with the people.

Most scholars on constitutional law have also displayed serious

concern about the following points: that the question centering on legislation of the era system harbors a danger to contradict the principle of the present Constitution advocating the people's sovereignty; that there is a likelihood that compulsory use of the era in official documents, etc. violates freedom of speech and expression (Constitution, §21); that although "the name of an era shall be prescribed by cabinet order," the affairs entrusted to the cabinet order in this instance are rather ambiguous. There is no denying the fact that the view hostile to the proposed legislation entertained a sense of crisis vis-a-vis a series of "rightist-inclined" phenomena in Japan.

The present era name "Showa" was given a legal basis by the supplementary provisions to the Act above.

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## **b. Administrative Law**

### **1. The Drugs, Cosmetics & Medical Instruments (Amendment) Act 1979**

(Adopted, Sept. 7, 1979. Promulgated on Oct. 1, 1979. Ch. 56, 1979. Twelve articles amended.)

#### ***[Background of Amendment]***

Damage and disasters resulting from nuisances and medical and chemical products in Japan are known the world over today. In particular, injuries caused by medicines and chemicals, coupled with damage resulting from water and air pollution, have developed into a problem of utmost urgency calling for immediate attention. Against such a background, the current amendment is aimed at preventing damage and disasters due to medical and chemical products.