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RESTRICTEDFEC-10127 December 1946FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
THE IMPERIAL HOUSE LAWNote by the Secretary General

The enclosure, a draft of the Imperial Household Law, one of the laws implementing the Japanese Constitution, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

NELSON P. JOHNSON
Secretary General

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E N C L O S U R EDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
THE IMPERIAL HOUSE LAW

THE IMPERIAL HOUSE LAW (DRAFT)

Chapter I. Succession to the Imperial Throne

Article 1. The Imperial Throne shall be succeeded to by a male offspring in the male line belonging to the Imperial Lineage.

Article 2. The Imperial Throne shall be passed to the members of the Imperial Family according to the following order:

1. The eldest son of the Emperor.
2. The eldest grandson of the Emperor.
3. Other descendants of the eldest son of the Emperor.
4. The second son of the Emperor, and his descendants.
5. Other descendants of the Emperor.
6. Brothers of the Emperor and their descendants.
7. Uncles of the Emperor and their descendants.

In case there is no member of the Imperial Family as under the numbers of the preceding paragraph, the Throne shall be passed to the member of the Imperial Family next nearest in lineage.

In the cases of the two preceding paragraphs, precedence shall be given to the senior line, and in the same degree, to the senior member.

Article 3. In case the Imperial Heir is affected with an incurable and serious disease, mentally or physically, or there is a serious hindrance, the order of succession may be changed by decision of the Imperial House Council and in accordance with the order stipulated in the preceding paragraph.

Article 4. Upon the demise of the Emperor the Imperial Heir shall immediately accede to the Throne.

Chapter II. The Imperial Family

Article 5. The Empress, the Grand Empress Dowager, the Empress Dowager, Shinnō, the consorts of Shinnō, Naishinnō, Ō, the consorts of Ō, and Jo-ō shall be the members of the Imperial Family.

Article 6. The legitimate children of the Emperor, and the legitimate grand children of the Emperor in the legitimate male line shall be Shinnō in the case of a male, and Naishinnō in the case of a female. The legitimate descendants of the Emperor in the third and later generations in the legitimate male line shall be Ō in the case of a male and Jo-ō in the case of a female.

Article 7. In case an Ō succeeds to the Throne, his brothers and sisters who are Ō and Jo-ō shall specially become Shinnō and Naishinnō.

Article 8. The son of the Emperor who is the Imperial Heir is called "kōtaishi" and in case there is no kōtaishi, the grandson of the Emperor, who is the Imperial Heir, is called "kōtaison".

Article 9. The Emperor and the members of the Imperial Family may not adopt children.

Article 10. The institution of Empress, and the marriage of any male member of the Imperial Family shall be passed by the Imperial House Council.

Article 11. A Naishinnō, Ō, or Jo-ō, of 15 years of age or more, shall leave the status of the Imperial Family member according to her or his own desire and by decision of the Imperial House Council.

Beside the case as mentioned in the preceding paragraph, a Shinnō (excepting the kōtaishi and the kōtaison), Naishinnō, Ō, or Jo-ō, shall, in case of special and unavoidable circumstances, leave the status of the Imperial Family member by decision of the Imperial House Council.

Article 12. In case a female of the Imperial Family marries a person other than the Emperor or the members of the Imperial Family, she shall lose the status of the Imperial Family member.

Article 13. The consorts of a Shinnō or Ō who leaves the status of the Imperial Family member, and his direct descendants and their consorts, excepting those who are married to other members of the Imperial Family and their direct descendants, shall lose simultaneously the status of the Imperial Family member. However, as regards his direct descendants and their consorts, it may be so decided by the Imperial House Council that they do not lose the status of the Imperial Family member.

Article 14. A female, not of the Imperial Family, who is married to a Shinnō or Ō, may, upon the loss of her husband, leave the status of the Imperial Family member according to her own desire.

When a female mentioned in the preceding paragraph has lost her husband, she shall, in case of special and unavoidable circumstances beside the case as under the same paragraph, leave the status of the Imperial Family member by decision of the Imperial House Council.

In case a female mentioned in the first paragraph is divorced, she shall lose the status of the Imperial Family.

The provisions of the first paragraph and the preceding paragraph shall apply to the females married to other members of the Imperial Family mentioned in the preceding article.

Article 15. Any person outside the Imperial Family and his or her descendants shall not become a member thereof except in the cases where a female becomes Empress and she marries a member of the Imperial Family.

Chapter III Regency

Article 16. In case the Emperor has not come of age, a Regency shall be established.

In case the Emperor is affected with a serious disease, mentally or physically, or there is a serious hindrance and is unable to perform his acts in matters of state, a Regency shall be instituted by decision of the Imperial House Council.

Article 17. The Regency shall be assumed by a member of the Imperial Family of age according to the following order:

1. The Kotsishi, or Kotsison.
2. A Shinnō or an Ō
3. The Empress
4. The Empress Dowager.
5. The Grand Empress Dowager.
6. A Nishinnō and a Jo-ō.

In the case of No. 2 in the preceding paragraph the order of succession to the Throne shall apply; and in the case of No. 6 in the same paragraph, the order of succession to the Throne shall apply *mutatis mutandis*.

Article 18. In case the Regent, or a person falling in the order of assumption of Regency, is affected with a serious disease, mentally or physically, or there is a serious hindrance, the Imperial House Council may decide to change the Regent or the order of assumption of Regency, according to the order stipulated in the preceding article.

Article 19. When, because of minority of the person falling in the order of assumption of Regency or because of the obstacles mentioned in the preceding paragraph, another member of the Imperial Family has become Regent, he shall not yield his post of Regent to the said member of the Imperial Family who has the precedence on the ground of his attainment to majority or the removal of those obstacles, except in the case such person happens to be the Kotsishi or Kotsison.

Article 20. In case the obstacles mentioned in Article 16, paragraph 16, paragraph 2 have been removed, the Regency shall be abolished by decision of the Imperial House Council.

Article 21. The Regent, while in office, shall not be subject to legal action. However, the right to take that action is not impaired hereby.

Chapter IV. Majority; Honorific Titles;
Ceremony of Accession; Imperial
Funeral; Record of Imperial
Lineage; and Imperial Mausoleums

Article 22. The majority age for the Emperor, the Kotsishi and the Kotsison shall be eighteen.

Article 23. The honorific title for the Emperor, the Empress, the Grand Empress Dowager and the Empress Dowager shall be "Heika".

The honorific title for the members of the Imperial Family other than those mentioned in the preceding paragraph shall be "Denka".

Article 24. When the Throne is succeeded to, the Ceremony of Accession shall be held.

Article 25. When the Emperor dies, the Rites of Imperial Funeral shall be held.

Article 26. The matters relating to the family status of the Emperor and the members of the Imperial Family shall be registered in the Record of Imperial Lineage.

Article 27. The graves of the Emperor, the Empress, the Grand Empress Dowager and the Empress Dowager, shall be called "Ryo", and those of all other members of the Imperial Family shall be called "Bo"; the matters relating to Ryō and Bo shall be entered respectively in the Ryō Register and the Bo Register.

Chapter V. The Imperial House Council

Article 28. The Imperial House Council shall be composed of ten members.

These members shall consist of two Imperial Family members, the President and Vice Presidents of the House of Representatives and of the House of Councillors, the Prime Minister, the head of the Imperial House Office, the Chief Judge and one other judge of the Supreme Court.

The members of the Imperial Family and the judge other than the Chief Judge of the Supreme Court, who are to become members of the Council, shall be chosen by mutual election respectively from among the members of the Imperial Family of age and from among the judges other than the Chief Judge of the Supreme Court.

Article 29. The member of the Imperial House Council, who is the Prime Minister, shall preside over its meeting.

Article 30. There shall be appointed ten reserve members in the Imperial House Council.

As regards the reserve members for the Imperial Family members and the judge of the Supreme Court in the Council, the provision of Article 28, paragraph 3, shall apply mutatis mutandis. The reserve members for the President and Vice Presidents of the House of Representatives and of the House of Councillors in the Council shall be selected by mutual election from among the members of the House of Representatives and of the House of Councillors.

The numbers of the reserve members mentioned in the two preceding paragraphs shall be the same as the numbers of the members in the Council, and the order of assuming their functions shall be determined at the time of the mutual election.

The reserve member for the Prime Minister in the Council shall be the Minister of State who has been designated as the one to perform temporarily the functions of Prime Minister under the provisions of the Cabinet Law.

The reserve member for the head of the Imperial House Office in the Council shall be designated by the Prime Minister from among the officials of the Imperial House Office

In case there is a hindrance with regard to a member of the Council, or he is missing, the reserve member for him shall perform his functions.

Article 31. As regards the President, the Vice-President and members of the House of Representatives mentioned in Article 28 and the preceding paragraph, they shall be, in case the house has been dissolved and pending the selection of the successors, those persons who were respectively the President, the Vice President and members of the House at the time of its dissolution.

Article 32. Term of office for the members of the Council, who are members of the Imperial Family and a judge other than the Chief Judge of the Supreme Court and their reserve members shall be four years.

Article 33. The Imperial House Council shall be convened by the President of the Council.

The Imperial House Council must be convoked, if demanded by four members or more, in the cases as under Article 3, Article 16, paragraph 2, Article 18 and Article 20.

Article 34. The Imperial House Council, unless attended by six members or more, may not open deliberations and make decisions.

Article 35. The deliberations of the Imperial House Council shall be decided by a majority vote of two thirds or more of the members present, in the cases of Article 3, Article 16, paragraph 2, Article 18 and Article 20; and by a majority vote in all other cases.

In case of a tie in the case of the latter clause of the preceding paragraph, the President shall make the decision.

Article 36. A member may not participate in the deliberation of any matter in which he has a special interest.

Article 37. The Imperial House Council shall exercise only those powers which are provided for by this and other laws.

Supplementary Rule

The present law shall come into force as from the day of the enforcement of the Constitution of Japan.

The present members of the Imperial Family shall be considered as the members of the Imperial Family under this law; and with regard to the application of the provisions of Article 6, they shall be considered the legitimate offspring in the legitimate male line.

The present Ryō and Bo shall be considered as the Ryō and Bo as under Article 27.

FEC-101/1RESTRICTEDFEC-101/127 December 1946FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION: THE
LAW FOR THE ELECTION OF THE MEMBERS OF THE HOUSE OF
COUNCILLORSNote by the Secretary General

The enclosure, a draft of the Law for the Election of the Members of the House of Councillors, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

NELSON T. JOHNSON
Secretary General

E N C L O S U R ETHE LAW FOR THE ELECTION OF MEMBERS
OF THE HOUSE OF COUNCILLORS
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LAW FOR THE ELECTION OF MEMBERS
OF THE HOUSE OF COUNCILLORS
(DRAFT)

Chapter I.

General Provisions

Article 1. The number of the members of the House of Councillors shall be two hundred and fifty (250), to be divided into 150 members from the prefectural constituency and 100 members from the national constituency.

Members from the prefectural constituency shall be elected in each of the election districts. The election districts and the number of members to be returned for each of such districts shall be stipulated in the annex.

Members from the national constituency shall be elected in a single constituency comprising the Metropolis the District (Dō) and all the Prefectures.

Article 2. The voting districts and the ballot-counting districts shall conform respectively to those districts for the election of members of the House of Representatives.

Chapter II.

Voting Right and Eligibility

Article 3. Any person who has the right to vote in the election of members of the House of Representatives shall have the same right in the election of members of the House of Councillors.

Article 4. Any Japanese national who is over thirty (30) years of age shall be eligible for election.

Article 5. Any person who has been declared incompetent or quasi-incompetent, or who has been condemned to penal servitude or confinement and whose term of punishment has not been completed or yet to be executed shall not be eligible for election.

Article 6. Commissioners for Overseeing the Election of members from the national constituency, Commissioners for Overseeing the Election of members of the Metropolitan Assembly, Commissioners for Overseeing the Election of members of the District and Prefectural assemblies, Commissioners for Overseeing the Election of members of the Municipal Town and Village Assemblies, secretaries of the Commission for Overseeing the Election of Members from the national constituency, Commission for Overseeing the Election of Members of the Metropolitan Assembly, Commissions for Overseeing the Election of members of the District and Prefectural Assemblies, Commissions for Overseeing the Election of members of the Municipal, Town and Village Assemblies, Voting Overseers, Ballot-Counting Overseers, Chairman of the Election Sub-meeting, Chairmen of Election and Government and public officials who are connected with affairs pertaining to election shall not be eligible for election within the respective districts with which they are concerned in such capacities.

Article 7. Judges, Public Procurators, Government Auditors, revenue officials and police officers in active service shall not be eligible for election.

Article 8. Any person who holds a post which shall not be held concurrently with membership in the House of Representatives shall not become concurrently a member of the House of Councillors.

CHAPTER III.

Election

Article 9. A regular election shall take place within thirty (30) days before the date of expiration of the term of office for the members.

When the period for a regular election to be held according to the preceding paragraph comes during the session of the House of Councillors or within thirty (30) days after its close, a regular election shall take place not earlier than thirty-first (31) days and not later than thirty-five (35) days after its close.

The date of a regular election shall be proclaimed not less than thirty (30) days in advance.

Article 10. Election shall be by ballot.

Article 11. The electoral lists for the election of members of the House of Representatives shall be used for the election of members of the House of Councillors

Article 12. Affairs pertaining to the election of Members from the prefectural constituency shall be taken charge of by the Commission for Overseeing the Election of Members of the Metropolitan Assembly and the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies. The Commission for Overseeing the Election of Members of the Metropolitan Assembly and the Commission for Overseeing the Election of Members of the District and Prefectural Assemblies shall direct and supervise the Commission for Overseeing the Election of Members of the Municipal, Town and Village Assemblies, with regard to affairs pertaining to the election of Members from the prefectural constituency.

Article 13. There shall be instituted a Commission for Overseeing the Election of Members from the national constituency to oversee affairs pertaining to the election of Members from the national constituency.

The Commission for Overseeing the Election of Members from the national constituency shall be placed under the jurisdiction of the Minister for Home Affairs and be composed of ten (10) Commissioners for Overseeing the Election of members from the national constituency.

Article 14. The Commissioners for Overseeing the Election of Members from the national constituency shall be elected by the House of Councillors from among the members of the House of Councillors.

The term of office of the Commissioners for Overseeing the Election of Members from the national constituency shall be three (3) years. However, the term of office of Commissioners who have replaced other Commissioners shall be the remaining period of the term of office of their predecessors.

Article 15. The Commission for Overseeing the Election of Members from the national constituency shall direct and supervise the Commission for the Election of Members of the Metropolitan Assembly and the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies, with regard to affairs pertaining to the election of Members from the national constituency.

The Commission for Overseeing the Election of Members of the Metropolitan Assembly and the Commissions for Overseeing the Election of members of the District and Prefectural Assemblies shall direct and supervise the Commissions for Overseeing the Election of members of the Municipal, Town and Village Assemblies, with regard to affairs pertaining to the election of Members from the national constituency.

Article 16. The Commission for Overseeing the Election of Members from the national constituency shall elect one Chairman from among the Commissioners.

The Chairman shall superintend affairs pertaining to the Commission and represent it.

Article 17. The Commission for Overseeing the Election of Members from the national constituency shall not open its meeting without the attendance of not less than half of the Commissioners.

All matters at the meeting of the Commission shall be decided by a majority of those Commissioners who are present, and in case of a tie the Chairman shall decide the issue.

Article 18. There shall be instituted secretaries in the Commission for Overseeing the Election of Members from the national constituency, whom the Chairman superintends and whom shall be engaged in the business pertaining to the Commission.

The secretaries shall be appointed and dismissed by the Chairman.

Article 19. In addition to the provisions of this law and of ordinances to be issued in accordance therewith, necessary matters pertaining to the Commission for Overseeing the Election of Members from the national constituency shall be decided by the Commission.

Chapter IV.

Voting

Article 20. Each elector shall cast only one ballot in the election of Members from the prefectural constituency and in that of members from the national constituency respectively.

Article 21. Voting Overseers shall be selected and appointed by the Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies, from among those who have the right to vote in the election of members of the House of Councillors.

When the election of Members from the prefectural constituency and that of members from the national constituency take place at the same time the Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies may appoint the Voting Overseers for the election of Members from the prefectural constituency concurrently to the Voting Overseers for the election of Members from the national constituency.

Voting Overseers shall take charge of affairs pertaining to election.

Article 22. The Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies shall select and appoint five (5) to nine (9) Voting Witnesses from among those registered in the electoral list of each voting district, with the consent of the persons to be selected and appointed.

When the number of the Voting Witnesses provided for in the preceding paragraph has decreased to less than three (3), or when the number of the voting Witnesses who have attended at the polling-place has not reached three (3) by the time to open it or has decreased to less than three (3) after it has been opened, Voting Overseers shall select and appoint such number of Voting Witnesses as makes their total number three (3), from among those registered in the electoral list of the electoral district concerned and immediately notify those who have been selected and appointed, to witness voting.

When the election of Members from the prefectural constituency and that of Members from the national constituency take place at the same time, the Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies or the Voting Overseers may appoint the Voting Witnesses for the election of Members from the prefectural Constituency concurrently to the Voting Witnesses for the election of Members from the national constituency.

Voting Witnesses shall not resign their offices without proper reason.

Article 23. Every elector shall enter by himself the full name of one candidate in a ballot at a polling-place in the election of Members from the prefectural constituency or in the election of Members from the national constituency respectively and cast it in a ballot-box.

The name of an elector shall not be entered in a ballot.

Article 24. Denial of voting shall be decided by Voting Witnesses. In case of a tie, the Voting Overseer shall decide it.

When an elector whose voting has been subjected to the decision provided for in the preceding paragraph is not satisfied with it, the Voting Overseer shall provisionally allow him to cast a ballot.

The ballot mentioned in the preceding paragraph shall be sealed in an envelope by the elector, who shall cast it, writing by himself his full name on the envelope.

The preceding two paragraphs shall apply to an elector whose voting has been objected to by the Voting Overseer or Voting Witnesses.

Article 25. If, in the case of an island or any other place without adequate means of transportation, it is deemed impossible to send the ballot-box on the day of voting, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies may fix a convenient date for voting in the locality concerned and cause the ballot-box, minutes of the voting and the electoral list to be sent by the date for ballot-count.

Article 26. When, on account of natural calamity or other unavoidable circumstances, it is impossible to carry out the voting or it is necessary to have the voting again, the Voting Overseer shall so notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District and Prefectural Assemblies through the Chairman of Election (Chairman of the Election Sub-Meeting in the case of the election Members from the National constituency). In such a case the Commission concerned shall cause the voting to be carried out by fixing a new date, which shall be proclaimed not less than five days beforehand.

Article 27. When a regular election and the election provided for in Article 62 or Article 68 or Article 71 take place at the same time, they shall be absorbed into one election for Members from the prefectural constituency and for Members from the national constituency respectively.

Article 28. In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the voting for members of the House of Councillor shall conform to the voting for members of the House of Representatives.

Chapter V.

Counting of Ballots

Article 29. Ballot-Counting Overseers shall be selected and appointed by the Commissions for Overseeing the Election of Members of the Municipal, Town and Village Assemblies from among those who have the right to vote in the election of members of the House of Councillors.

When the election of Members from the prefectural constituency and that Members from the national constituency take place at the same time, the Commission for Overseeing the election of Members of the Municipal, Town and Village Assemblies may appoint the Ballot-Counting Overseers for the election of Members from the prefectural constituency concurrently to the Ballot-Counting Overseers for the election of Members from the national constituency.

Ballot-Counting Overseers shall take charge of affairs pertaining to the counting of ballots.

Article 30. The provisions of Article 22 shall apply mutatis mutandis to Ballot-Counting Witnesses.

Article 31. The counting of ballots shall be effected on the day of voting or on the following day (in case there are more than one voting district within one ballot-counting district, on the day when all the ballot-boxes are received or on the following day).

Article 32. Ballot-Counting Overseer shall, in the presence of Ballot-Counting Witnesses, open the ballot-box and examine the votes coming under the provisions of Article 24, paragraphs 2 and 4. It shall be decided by Ballot-Counting Witnesses whether or not these ballots are acceptable. In case of a tie it shall be decided by the Ballot-Counting Overseer.

The Ballot-Counting Overseer, together with Ballot-Counting Witnesses, shall examine the ballots for each city, town, or village or any other district specified by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies.

As soon as the examination of the ballots has been finished, the Ballot-Counting Overseer shall report the result to the Chairman of Election (Chairman of the Election Sub-Meeting in the case of the election of Members from the national constituency).

Article 33. The validity of ballots shall be decided by Ballot-Counting Witnesses. In case of a tie the Ballot-Counting Overseer shall decide it.

Article 34. Any of the following votes shall be invalid.

1. A vote for which a regular ballot-paper has not been used.
2. A vote on which name of a person who is not a candidate is entered.
3. A vote on which the names of two or more candidates have been entered.

4. A vote on which the name of a person who is not eligible has been entered.
5. A vote on which other matters in addition to the name of a candidate have been entered. But the profession, social status, address or a title of honour of the candidate may be written on.
6. A vote on which the name of a candidate has not been written by the voter himself.
7. A vote by which it is impossible to ascertain the name of the candidate entered.
8. A vote on which the name of a person who is a member of the House of Councillors has been entered.

The provisions of the item numbered 8 in the preceding paragraph shall apply to the election held in accordance with the provisions of Article 62 or Article 68 or Article 71.

The provision of the item numbered 8 in the preceding paragraph shall apply, in the case of a regular election also, to a vote on which the name of a Member of the House of Councillors who is either a Member from the prefectural constituency or a Member from the national constituency, with a longer term of office, has been entered.

Article 35. The Ballot-Counting Overseer shall keep minutes of the ballot-counting, in which shall be recorded all matters relating to the ballot-counting and affix his signature thereto together with Ballot-Counting Witnesses.

Article 36. Ballots shall be sorted into lots that are valid and those that are invalid and shall be preserved, together with the minutes of the voting and the minutes of the ballot-counting, by the Commissions for Overseeing the Election of the Municipal, Town and Village Assemblies during the term of office of the members elected.

Article 37. The provision of the principal sentence of Article 26 shall apply mutatis mutandis to the counting of ballots.

Article 38. In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the counting of ballots in the election of members of the House of Councillors shall conform to the counting of ballots in the election of Members of the House of Representatives.

Chapter VI

Election Meeting and Election Sub-Meeting

Section 1. Election Meeting for Members from the prefectural constituency

Article 39. The Chairman of Election shall be selected and appointed by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies from among those who have the right to vote in the election of members of the House of Councillors.

The Chairman of Election Meeting shall take charge of affairs pertaining to election meeting.

Article 40. The election meeting shall be held at the Metropolitan, District or Prefectural Office or a place designated by the Chairman of Election.

Article 41. The provisions of Article 22 shall apply mutatis mutandis to Election Witnesses.

Article 42. The Chairman of Election shall hold an election meeting on the day when the report provided for in Article 32, paragraph 3, is received from every Ballot-Counting Overseer or on the following day and shall examine such reports in the presence of Election Witnesses.

In case a part of an election has become invalid and a new election has been held, the Chairman of Election shall, upon receipt of the report provided for in Article 32, paragraph 3, examine such report anew together with the report concerning the other part of the election in accordance with the provisions of the preceding paragraph.

Article 43. The Chairman of Election shall keep minutes of the election, in which shall be recorded all matters relating to the election meeting and affix his signature thereto together with Election Witnesses.

The minutes of the election shall be preserved, together with documents relating to the report mentioned in Article 32, paragraph 3, by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies during the term of office of the members elected.

Article 44. The provisions of the principal sentence of Article 26 shall apply mutatis mutandis to the election meeting.

Article 45. In addition to the provisions of this law and of ordinances to be issued in accordance therewith, the election meeting in the election of Members of the House of Councillors shall conform to the election meeting in the election of members of the House of Representatives.

Section II. Election Sub-Meeting and Election Meeting for Members from the national constituency.

Sub-section I. Election Sub-Meeting

Article 46. The election sub-meeting shall be held at the Metropolitan, District or Prefectural Office or a place designated by the Chairman of the Election Sub-Meeting.

Article 47. As soon as the examination in accordance with the provisions of Article 42, which are applied mutatis mutandis in Article 48, has been finished, the Chairman of the Election Sub-Meeting shall submit a report of the result to the Chairman of Election, together with a copy of the minutes of the election.

Article 48. In addition to the provisions of the preceding two Articles, the provisions of the preceding Section shall be applied mutatis mutandis to the election sub-meeting.

Sub-Section II. Election Meeting

Article 49. The Chairman of Election shall be selected and appointed by the Commission for Overseeing the Election of

Members from the national constituency from among those who have the right to vote in the election of members of the House of Councillors.

The Chairman of Election shall take charge of affairs pertaining to election meeting.

Article 50. The election meeting shall be held at a place designated by the Chairman of Election.

Article 51. The Chairman of Election shall hold an election meeting on the day when the report provided for in Article 47 is received from every Chairman of the Election Sub-Meeting or on the following day and examine such reports in the presence of Election Witnesses.

In case a part of an election has become invalid and a new election has been held, the Chairman of Election shall, upon receipt of the report provided for in Article 47, examine such report anew, together with the report concerning the other part of the election in accordance with provisions of the preceding paragraph.

Article 52. The Chairman of Election shall make minutes of the election, in which shall be recorded all matters relating to the election meeting, and affix his signature thereto together with Election Witnesses.

The minutes of the election shall be preserved, together with documents concerning the report provided for in Article 47, by the Commission for Overseeing the Election of Members from the national constituency during the term of office of the members elected.

Article 53. The provisions of Articles 41, 44 and 45 shall apply mutatis mutandis to the election meeting.

Chapter VII

Candidates and Persons Elected

Section I. Candidates for and Persons Elected as Members from the prefectural constituency.

Article 54. A person who desires to become a candidate shall so notify the Chairman of Election between the day the date for election is proclaimed or given public notice and the twentieth (20th) day preceding the date for election.

When a person whose name is registered in the electoral list desires to name another person as a candidate, he may notify his recommendation with the consent of the person recommended during the period, stipulated in the preceding paragraph.

In case the number of candidates notified during the period stipulated in the preceding two paragraphs exceeds the number of members to be elected, and any of the candidates dies or withdraws his candidacy after the period has expired, notification of candidacy or recommendation of a candidacy or recommendation of a candidate may be made in conformity with the preceding two paragraphs up to the tenth (10th) day preceding the date for election.

A person who has become a candidate in one electoral district shall not notify his candidacy or approve the notification recommending him as a candidate in another electoral district.

A person who has become a candidate for a Member from the national constituency shall not notify his candidacy, or approve the notification recommending him as a candidate, for a Member from the prefectural constituency.

A candidate shall not withdraw his candidacy without having notified the Chairman of Election.

Upon receipt of the notification provided for in paragraph 1 to 3 and the preceding paragraph or information of the death of a candidate, the Chairman of Election shall immediately give public notice of the fact.

Article 55. A person who desires to notify his candidacy or who desires to notify recommendation of a candidate shall deposit five thousand (5,000) yen in cash or national loan bonds of the same face value for each candidate.

The deposit provided for in the preceding paragraph shall belong to the national treasury in case the total number of votes for a candidate for whom the deposit has been made does not reach one-tenth of the total number of valid votes in the electoral district concerned divided by the number of members to be returned for that district in a regular election.

The provision of the preceding paragraph shall apply mutatis mutandis in cases where a candidate has withdrawn his candidacy within ten (10) days before the date for election, unless such withdrawal is due to loss of eligibility.

Article 56. The candidate who has obtained the greatest number of valid votes shall be declared elected; provided, however, that the number of votes obtained shall be one-fourth or more of the total number of valid votes in the electoral district concerned divided by the number of members to be returned for that district in a regular election.

In case the elections for the Members of the different terms of office are combined, the candidates who obtained the necessary votes under the proviso of Paragraph I shall be determined in the order of the number of their respective votes as the elected, starting from the members with a longer term of office.

If there are persons who have obtained the same number of votes, the Chairman of Election shall determine the person elected by drawing lots at an election meeting.

In cases where the person elected can be determined without holding a new election in consequence of the litigation provided for in Article 73, such a person shall be determined at an election meeting.

When a person elected has declined election or has been dead, or when his election has become invalid in accordance with the provisions of Article 57, an election meeting shall be held immediately to determine the person elected from among those who have obtained such number of votes as mentioned in the proviso of paragraph 1 but have not been elected.

When any of the causes mentioned in Article 62, paragraph 1 items numbered 5 and 6, has occurred during the period stipulated in Article 61 and there are persons who have obtained such number of votes as mentioned in the proviso of paragraph 1, or

when such a cause has occurred after the expiration of that period and there are persons who have obtained votes and to whom the provisions of paragraph 3 are applicable, an election meeting shall be held to determine the person elected from among the above mentioned persons.

The provisions of paragraph 2 shall apply mutatis mutandis in case where the causes mentioned in the preceding three paragraphs have occurred simultaneously or consecutively with regard to the persons elected in the combined election of members with different terms of office.

In any of the cases mentioned in paragraphs 4 to 6 when a person who has obtained such number of votes as mentioned in the proviso of paragraph 1 but has not been elected, becomes ineligible for election after the date of the election, he shall not be determined as the person elected.

Article 57. When the person elected becomes ineligible for election after the date of the election, he shall forfeit election.

Article 58. In case the number of candidates notified in accordance with the provisions of Article 54, paragraphs 1 to 3, does not exceed the number of members to be returned in the election, there shall be no election in the electoral district concerned.

When there is no voting in accordance with the provisions of the preceding paragraph, the Chairman of Election shall so notify the Voting Overseer immediately and at the same time give public notice of the fact and also report it to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned.

Upon receipt of the report mentioned in the preceding paragraph, the Voting Overseer shall immediately give public notice thereof.

In the case mentioned in paragraph 1, the Chairman of Election shall hold an election meeting within five (5) days from the date of the election and determine the candidates as elected.

In case there is a combined election for the Members with the different terms of office and the provision of paragraph 1 is applicable, the candidates shall be determined by lot as the elected for the members with a longer term of office.

In the cases mentioned in the preceding two paragraphs, it shall be decided by Election Witnesses whether or not the candidates are eligible for election. In case of a tie the Chairman of Election shall decide it.

Article 59. When the person elected has been determined, the Chairman of Election shall immediately notify him of his election and at the same time give public notice of his name and also report his name, the number of votes he has obtained, the total number of valid votes in the election and other minutes of the election to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned.

When there is no person elected or the number of the persons elected does not reach the number of members to be returned in the election the Chairman of Election shall immediately give public notice of the fact and also report it to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of members of the District or Prefectural Assembly concerned.

Article 60. Upon receipt of notification of election, the person elected shall notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned whether or not he accepts election.

Article 61. When a person elected has failed to notify his acceptance of election with ten (10) days from the day he received notification of election, he shall be considered to have declined election.

Article 62. When, in an election of members with the same term of office, any of the cases mentioned in the following numbered items has occurred, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies shall cause a new election to be held by fixing a date and giving public notice thereof not less than thirty (30) days preceding it, unless the person elected can be determined without holding a new election; provided, however, that this does not apply in cases where public notice of the date for election has been given with regard to the same person on account of causes other than the following or in accordance with the provisions of Article 71;

1. When there is no person elected or the number of persons elected does not reach the number of members to be returned in the election.
2. When the person elected has declined election or has been dead.
3. When the person elected has forfeited election in accordance with the provisions of Article 57.
4. When, in consequence of the litigation provided for in Article 73, there has ceased to exist a person elected or the number of persons elected has ceased **to reach the number** of members to be returned in the election.
5. When the election of a person has become invalid because of the fact that a person who has superintended the election campaign of the person elected has been sentenced to a punishment on account of a crime related to election.
6. When the election of a person has become invalid because of the fact that he has been sentenced to a punishment on account of a crime related to election.

The election provided for in the preceding paragraph shall not be held during the period allowed for filing the litigation provided for in Article 73. The same shall apply in cases where such a litigation has been filed and is still pending.

The date of election mentioned in paragraph 1 shall not be more than thirty-five (35) days after the date of expiration of the period allowed for filing the litigation provided for in Article 73, or the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Member of the District or Prefectural Assembly concerned has received the notification provided for in Article 75, when the litigation provided for in Article 73 is filed.

When any of the cases mentioned in the numbered items of paragraph 1 has occurred within six (6) months preceding the end of the term of office of members, the election provided for in paragraph 1 shall not be held.

Article 63. When the person elected has accepted election, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned shall immediately furnish him with a certificate of election and give public notice of his name and report it to the Minister of Home Affairs through the Governor of the Metropolis, District or Prefecture concerned.

Article 64. When the election in an electoral district or the election of a person has become invalid in consequence of the litigation provided for in Chapter IX or when the election of a person has become invalid because of the fact that he has been sentenced to a punishment on account of a crime related to election, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned shall immediately give public notice of [the fact]

Section II. Candidates for and Persons
Elected as Members from the
national constituency.

Article 65. A person who has become a candidate for a Member from the prefectural constituency shall not notify his candidacy, or approve the notification recommending him as a candidate for a Member from the national constituency.

Article 66. When the number of votes for a candidate does not reach one-tenth of the total number of valid votes divided by the number of the members to be returned in a regular election the deposit made for him in accordance with the provisions of Article 55, which are applied mutatis mutandis by Article 69, shall belong to the national treasury.

Article 67. A person who has obtained the greatest number of valid votes shall be declared elected provided, however, that the number of votes obtained shall be one-eighth or more of the total number of valid votes divided by the number of members to be returned in a regular election.

Article 68. When, in an election of members with the same term of office, any of the cases mentioned in the numbered items of Article 62, paragraph 1, has occurred, and if the person elected cannot be determined without holding a new election, or if, with the person elected having been determined without holding a new election, there still remain a number of vacancies of persons elected which, added by the number of the vacancies mentioned in Article 71, paragraph 1, exceeds one-fourth of the number of members to be returned in a regular election, the Commission for Overseeing the Election of Members from the national constituency shall cause a new election to be held by fixing a date and giving public notice thereof not less than

thirty (30) days preceding it: provided, however, that this does not apply in cases where public notice of the date for election has been given with regard to the same person on account of causes other than the above-mentioned.

When the number of vacancies of persons elected in an election of members with the same term of office, added by the number of the vacancies of members mentioned in Article 71, Paragraph 1, does not exceed one-fourth of the number of members to be returned in a regular election but an election of members with different terms of office has to be held, such election and a new election shall be held simultaneously, regardless of the provisions of paragraph 1; provided, however, that this does not apply in cases where public notice of the date for the election of members with different terms of office has been given.

The date for election mentioned in the preceding paragraph shall be the date for the election of members with different terms of office.

The provisions of Article 62, paragraphs 2 to 4, shall apply mutatis mutandis in the cases mentioned in paragraphs 1 and 2.

Article 69. The provisions of Article 54, paragraphs 1 to 3 and paragraphs 6 and 7, Article 55, paragraphs 1 and 3, Article 56, paragraphs 2 to 8, Article 57 to 61, Articles 63 and 64 shall apply mutatis mutandis to candidates for and persons elected as Members from the national constituency; provided, however, that "preceding paragraph" in Article 55, paragraph 3, shall read "Article 66", "the proviso of paragraph 1" in Article 56, paragraph 5, 6 and 8, shall read "the proviso of Article 67", "Article 62, paragraph 1, items numbered 5 and 6" in the same Article, paragraph 6, shall read "Article 68", and "Commission for Overseeing the Election of members of the Metropolitan Assembly or the Commission for Overseeing the Election of members of the District or Prefectural Assembly concerned" in Article 58, paragraph 2, Article 59, 60, 63 and 64 shall read "Commission for Overseeing the Election of Members from the national constituency."

Chapter VIII

Term of Office for Members and Filling Vacancies

Article 70. The term of office for the members shall be counted as from the date following the date of expiration of the term of office for the members elected in the previous regular election.

However, it shall be counted as from the date of a regular election in case the regular election is held after the date following the date of expiration of the term of office for the members elected in the previous election.

Article 71. In case vacancies of members with the same term of office have occurred, no by-election shall be held until the number of such vacancies (to be added by the number of the vacancies of persons elected mentioned in Article 68, Paragraph 1, in the case of Members from the National constituency) exceeds one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency). When a vacancy of membership has occurred, the Minister of Home Affairs shall, within five days after receipt of a communication to that effect from the President of the House of Councillors, so notify the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency) through the Governor of the Metropolitan, District or Prefecture concerned.

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of a Member from the national constituency) shall upon receipt of the notification provided for in the preceding paragraph, immediately notify the Chairman of Election that a vacancy has occurred, if the member, whose office has become vacant, vacated his office during the period mentioned in Article 61 and there is a candidate who has obtained such number of votes as provided for in the proviso of Article 56, paragraph 1 (the proviso of Article 67 in the case of a Member from the national constituency) but has not been elected, or if such a member vacated his office after the expiration of such period and there is a candidate to whom the provisions of Article 56, paragraph 3, have been applied but who has not been elected.

The Chairman of Election shall, within twenty (20) days after receipt of the notification provided for in the preceding paragraph, determine a person elected by applying mutatis mutandis the provisions of Article 56, paragraphs 3 and 5 to 8.

Upon receipt of the notification provided for in paragraph 2, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national Constituency shall unless the provisions of paragraph 3 are applicable or public notice of the date for a new election has been given with regard to the same person in accordance with the provisions of Article 62 (Article 68 in the case of a Member from the national constituency), wait until the number of vacancies of members with the same term of office (to be added by the number of vacancies of persons elected mentioned in Article 68, paragraph 1, in the case of Members from the national constituency) exceeds one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency) and then cause a by-election to be held within thirty-five (35) days from the day the notification provided for in paragraph 2 is last received.

When the number of vacancies of members with the same term of office (to be added by the number of the vacancies of persons elected mentioned in Article 68, Paragraph 1, in the case of Members from the national constituency) does not exceed one-fourth of the fixed number of members to be returned for the electoral district concerned in a regular election (one-fourth of the fixed number of members to be returned in a regular election in the case of Members from the national constituency) but an election of members with different terms of office (including here and hereinafter the election mentioned in Article 62 in the case of Members from the Prefectural constituency) has to be held, such an election and a by-election shall be held simultaneously, regardless of the provisions of paragraph 1 and the preceding paragraph, provided, however, that this shall not apply in cases where the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District or Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency) shall have received the notification provided for in paragraph 2 after public notice of the date for the election of members with different terms of office has been given.

The date of a by-election mentioned in the preceding paragraph shall be that of an election of members with different terms of office.

The date of a by-election shall be proclaimed not less than thirty days preceding it by the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency).

The provisions of Article 62, paragraph 2 to 4 (Article 68, paragraph 4, in the case of Members from the national constituency) shall apply mutatis mutandis to a by-election.

Article 72. A member filling a vacancy shall remain in office during the remaining period of the term of office of his predecessor.

Chapter IX Litigation

Article 73. A litigation may be filed on the validity of the election in an electoral district on the election of a person, in the same way as the litigation on such validity in the election of members of the House of Representatives; the proviso, with regards to an election for the Members from the national constituency, a person who files a litigation on the validity of an election or on the validity of the elected, on the ground that he obtained the necessary votes, according to the proviso, Article 67, or that the provisions of Article 56, Paragraph 8, or Article 57, which are applied mutatis mutandis by Article 69, are not applicable to him, or that the decision in Article 58, Paragraph 6 which is applied mutatis mutandis by Article 69, is illegal, shall have the chairman of the commission for Overseeing the Election of Members from the national constituency sue the accused.

Article 74. When a person who has superintended the election campaign of a candidate has been sentenced to a punishment in accordance with the penal provisions concerning the election of members of the House of Representatives to be applied mutatis mutandis and the election of the candidate concerned is considered to have become invalid, the Public Procurator shall institute incidentally to the public action, a litigation against the candidate elected.

Article 75. The litigations provided for in the preceding two Articles shall be conducted in the same way as the corresponding litigations concerning the election of members of the House of Representatives; provided, however that notification concerning these litigations shall be given to the Minister for Home Affairs as well as the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency.

Chapter X Election Campaign

Article 76. The persons who are listed in Article 6 shall not be engaged in the election campaign within the district with which they are concerned.

Article 77. Election campaign expenses in this chapter shall mean such election campaign expenses in connection with the election of members of the House of Councillors as correspond to the election campaign expenses provided for in the Law for the Election of members of the House of Representatives.

Incomes in connection with election campaigns shall in this Chapter mean such money or property interest as has been received and accepted in order to meet the expenses mentioned in the preceding paragraph.

The assessment of the property interest mentioned in the preceding paragraph shall conform to the assessment of property interest in connection with the election campaign expenses provided for in the Law for the Election of members of the House of Representatives.

Article 78. Any candidate or any person who has notified of his recommendation of a candidate shall appoint a person responsible for the disbursement of election campaign expenses (to be called hereinafter "responsible disburser"), in the same way as the person responsible for the disbursement of election campaign expenses in connection with the election of members of the House of Representatives.

The dismissal or resignation of the responsible disburser, the subrogation of his functions and notification concerning him and a person who subrogates his functions shall conform to the corresponding cases in the election of members of the House of Representatives, provided, however, that in the case of candidates for Members from the national constituency, notification concerning the responsible disburser or a person who subrogates his functions shall be given to the Commission for Overseeing the Election of Members from the national constituency.

Article 79. The responsible disburser shall, in accordance with the provisions of Ordinances, report the income in connection with election campaigns and expenses of such campaigns to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District and Prefectural Assembly concerned (the Commission for Overseeing the Election of Members from the national constituency in the case of Members from the national constituency).

Article 80. The leader of a political party or any other organization which recommends or supports candidates shall, in accordance with the provisions of ordinances, report the income in connection with election campaigns and expenses of such campaigns to the Minister of Home Affairs through the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly as the case may be according to the locality of its principal office, if it recommends or supports candidates in two or more Metropolitan, District or Prefectural areas or in an area outside of the Metropolis, District or Prefecture where its principal office is located, and, in other cases report to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly as the case may be according to the locality of its principal office.

The provisions of the preceding paragraphs shall apply mutatis mutandis to any local branch of a political party or any other organization which recommends or supports candidates.

Article 81. Upon receipt of the report provided for in the preceding two articles, the Minister of Home Affairs or the Commission for Overseeing the Election of Members of the Metropolitan Assembly, the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies,

or the Commission for Overseeing the Election of Members from the national constituency shall make public the main points of such reports in accordance with the provisions of ordinances.

Article 82. The Minister for Home Affairs, the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of the District and Prefectural Assemblies, or Commission for Overseeing the Election of Members from the national constituency shall preserve the reports/ for in Article 79 and 80 during the term of office of members elected.

Any person may demand inspection of such reports, in accordance with the provisions of ordinances, during the period mentioned in the preceding paragraph.

Article 83. The Minister of Home Affairs may restrict by ordinance literatures and pictures, to be posted or distributed for election campaigns, in the way of their form, number and the place where they are posted.

Chapter XI

Penal Provisions

Article 84. Any person who has violated the provisions of Article 76 shall be liable to imprisonment for not more than six (6) months or a fine of not more than three thousand (3000) yen.

Article 85. Any person who has neglected to submit the report provided for in Article 78, paragraph 2, shall be liable to a fine of not more than one thousand (1000) yen.

The preceding paragraph shall apply to persons who violate orders issued under the provisions of Article 83.

Article 86. Any person who has neglected to submit the report provided for in Articles 79 or 80, or made a false report shall be liable to imprisonment for not more than six (6) months or a fine of not more than three thousand (3000) yen.

Article 87. In addition to the provisions of the preceding three Articles, the penal provisions concerning the election of members of the House of Representatives shall apply mutatis mutandis to the election of members of the House of Councillors: provided, however, that the Chairman of the Election Sub-Meeting and the place of such meeting in the election of Members from national constituency are respectively considered as the Chairman of Election and the place of an election meeting.

Chapter XII

Supplementary Provisions

Article 88. When a Commissioner for Overseeing the Election of Members from the national constituency, Voting Overseer, Ballot-Counting Overseer, Chairman of Election Sub-Meeting or Chairman of Election has become ineligible for election, he shall forfeit his office.

Article 89. Expenditures in connection with the execution of election shall be provided for by ordinance.

Article 90. Facilities of schools and other establishments to be designated by ordinances shall be permitted to be used for campaign speeches, in accordance with the provisions of ordinances.

The caretaker of the establishments mentioned in the preceding paragraph shall provide facilities necessary for making campaign speeches in accordance with the provisions of ordinances.

The Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commissions for Overseeing the Election of Members of the District and Prefectural Assemblies shall, in accordance with the provisions of ordinances, publish documents in which the names, careers, etc. of candidates are described.

The Commission for Overseeing the Election of the Municipal, Town and Village Assemblies shall post up a notice of the names, etc. of candidates in accordance with the provisions of ordinances.

Article 91. In this law the provisions concerning the Commission and Commissioners for Overseeing the Election of the members of the City Council shall apply to the Commission and Commissioners for Overseeing the Election of the Members of the Ward (City) Councils, or the Ward Commission and Ward Commissioners for the Overseeing the Election of the Members of the City Council, and also the provisions concerning cities shall apply to wards in cities, with regards to the ward areas in Tokyo To and the cities stipulated in Article 6 and Article 82, paragraph I, of the law of the Organization of Cities.

In the application of the provisions of this law, the Commission for Overseeing the Election of the Town or Village Headman and the Commissioners for the same in the towns and villages stipulated in Article 38 of the Law concerning the Organization of Towns and Villages shall be considered respectively as the Commission for Overseeing the Election of the member of the Town or Village Assemblies and the Commissioner for the same.

In the application of this law, such associations of towns or villages as collectively take charge of the whole affairs of the towns or villages or affairs of the town or village offices shall be considered as one town or village and the Commission for Overseeing the Election of members of the Assemblies of the Association of towns or villages and the Commissioners for the same shall be considered respectively as the Commission for Overseeing the Election of Members of the Town or Village Assembly and the Commissioners for the same.

In places where the Law concerning the Organization of Towns and villages has not yet been enforced, the provisions in this law concerning the Commission for Overseeing the Election of Members of the Town or Village Assembly shall apply to persons who hold a post corresponding to the town or village headman; the provisions relating to town or village shall apply to the body corresponding to town or village.

Article 92. With regard to matters to which the provisions of this law cannot be applied in an island or any other place without adequate means of transportation, special provisions may be enacted by ordinances.

Article 93. Provisions necessary for the enforcement of this law shall be enacted by ordinances.

Additional Provisions

Article 1. This law shall come into force as from the date of its promulgation.

Article 2. Any person who has been adjudicated bankrupt and has not been rehabilitated; any indigent person who is receiving official or private relief or allowances for livelihood; any person who has no fixed abode; and any person whose term of punishment has been completed or shall be executed no longer but who is still disqualified for voting in the election of members of the House of Representatives (excluding any person who has been sentenced to a punishment on account of a crime relating to election) shall have for the time being the right to vote in the election of members of the House of Councillors, regardless of the provisions of this law.

The head of a family belonging to the Imperial Family or a family of peerage shall have the right to vote, for the time being, regardless of the provisions of this law.

With regard to the electoral lists necessary for the persons mentioned in the preceding two paragraphs, provisions shall be enacted by ordinance.

Article 3. The President or judges of the Court of Administrative Litigation in active service shall, pending the enforcement of the Constitution, not be eligible for election, regardless of the provisions of this law.

Article 4. The words "the House of Councillors" in Article 14 shall read "House of Representatives", pending the establishment of the House of Councillors.

Article 5. With regard to the election of members from the prefectural constituency, the notification concerning the litigations provided for in Articles 73 and 74 shall for the time being be made to the Minister of Home Affairs and the Commission for Overseeing the Election of members of the Metropolitan Assembly or the Commission for Overseeing the Election of members of the District or Prefectural Assembly concerned through the Metropolitan, District or Prefectural Governor concerned.

In the case of candidates for the members from the prefectural constituency, a person who files a litigation on the validity of an election or on the validity of the elected provided for in Article 73, on the ground that he obtained the necessary votes, according to the proviso, Article 56, Paragraph I, or that Article 56, Paragraph 8 or Article 57 are not applicable to him, or that the decision in Article 58, Paragraph 6, is illegal, shall have the Chairman of the Commission for Overseeing the Election of Members of the Metropolitan Assembly, or the Chairman of the Commission for Overseeing the Election of members of the District or Prefecture concerned as the accused, for the time being, regardless of Article 73.

Article 6. In the case of candidates for Members from the prefectural constituency, the notification concerning the responsible disburser and a person who subrogates his functions provided for in Article 73, paragraph 2, shall for the time being be made to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned, regardless of the provisions of the above-mentioned paragraph.

Article 7. In cases where any elected person or any person who superintended election campaigns has been punished in accordance with the provisions of Article 87, the notification thereof shall for the time being be made through the Minister for Home Affairs and the Governor of the Metropolis or the District or Prefecture concerned to the Commission for Overseeing the Election of Members of the Metropolitan Assembly or the Commission for Overseeing the Election of Members of the District or Prefectural Assembly concerned, regardless of the provisions of the above-mentioned Article.

Article 8. In applying mutatis-mutandis the penal provisions concerning the election of members of the House of Representatives, the persons listed in Article 6 shall for the time being be considered as public officials.

Article 9. The right to vote and the eligibility of any person to whom the House Registration Law does not apply shall be suspended for the time being.

Article 10. In the first regular election of Members of the House of Councillors to be held under this law the election of six year term Members and that of three year term Members shall be held conjointly on the date to be fixed by an Imperial Rescript.

Article 11. With respect to the first regular election of Member of the House of Councillors to be held under this law, the phrase "the fixed number of members to be returned for the electoral district concerned in a regular election" in Article 55, Paragraph 2 and Article 56, Paragraph I, proviso, shall read "the fixed number of members in the electoral district concerned" and the phrase "the fixed number of members to be returned in a regular election" in Article 66, and Article 67, proviso, shall read "the fixed number of members".

Article 12. As regards the initial members of the House of Councillors, in case a regular election has taken place before the enforcement of the Constitution of Japan, they will become members of the House from the effective date of the Constitution, and their term of office shall be calculated as from that date; in case a regular election takes place after the enforcement of the Constitution, their term of office shall be calculated as from the date of the said regular election.

ANNEX

<u>Electoral District</u>	<u>Number of Members</u>
Tokyo Metropolis	8
Kyoto Prefecture	4
Osaka Prefecture	6
Kanagawa Prefecture	4
Hyogo Prefecture	6
Nagasaki Prefecture	2
Niigata Prefecture	4
Saitama Prefecture	4
Gumma Prefecture	4
Chiba Prefecture	4
Ibaragi Prefecture	4
Tochigi Prefecture	4
Nara Prefecture	2
Mie Prefecture	2
Aichi Prefecture	6
Shizuoka Prefecture	4
Yamanashi Prefecture	2
Shiga Prefecture	2
Gifu Prefecture	2
Nagano Prefecture	4
Miyagi Prefecture	2
Fukushima Prefecture	4
Iwate Prefecture	2
Aomori Prefecture	2
Yamagata Prefecture	2
Akita Prefecture	2
Fukui Prefecture	2
Ishikawa Prefecture	2
Toyama Prefecture	2
Tottori Prefecture	2
Shimane Prefecture	2
Okayama Prefecture	4
Hiroshima Prefecture	4
Yamaguchi Prefecture	2
Wakayama Prefecture	2
Iokushima Prefecture	2
Kagawa Prefecture	2
Ehime Prefecture	2
Kochi Prefecture	2
Fukuoka Prefecture	6
Oita Prefecture	2
Saga Prefecture	2
Kumamoto Prefecture	4
Miyazaki Prefecture	2
Kagoshima Prefecture	4
Hokkaido District	8

FEC-101/2RESTRICTEDFEC-101/230 December 1946FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE
CONSTITUTION: THE CABINET LAWNote by the Secretary General

The enclosure, a draft of the Cabinet Law, one of the laws implementing the Japanese Constitution, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3; CONSTITUTIONAL AND LEGAL REFORM.

NELSON T. JOHNSON
Secretary General

FEC-101/2

RESTRICTEDE N C L O S U R ETHE CABINET LAW

Article 1. The Cabinet shall perform functions provided for in Article 73 and other articles of the Constitution of Japan.

Article 2. The Cabinet shall be composed of the Prime Minister, who shall be its head, and Ministers of State of not more than sixteen in number.

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

Article 3. The Ministers shall divide among themselves administrative affairs and be in charge of their respective shares thereof each as a competent Minister, as provided for by law separately.

The provision of the preceding paragraph does not, however, preclude the existence of Ministers who have no specific share of administrative affairs to manage.

Article 4. The Cabinet shall perform its functions through Cabinet meetings.

The Prime Minister shall preside over Cabinet meetings.

Each Minister may submit to the Prime Minister any question or matter and ask for a Cabinet meeting thereon.

Article 5. The Prime Minister, representing the Cabinet, shall submit Cabinet bills, budgets and other proposals to the Diet, and shall report on general national affairs and foreign relations to the Diet.

Article 6. The Prime Minister shall exercise control and supervision over various administrative branches in accordance with the policies to be decided upon after consultation at Cabinet meetings.

Article 7. The Prime Minister shall, following consultation at Cabinet meetings, decide on any point of doubt relating to jurisdiction as between the competent Ministers.

Article 8. The Prime Minister may suspend the official act or order of any administration office, pending action by the Cabinet.

Article 9. In case the Prime Minister is prevented from discharging his functions or the post of Prime Minister is vacant, the Minister of State designated by him in advance shall perform temporarily the functions of Prime Minister.

Article 10. In case a competent Minister is prevented from discharging his functions or the post of such Minister is vacant, the Prime Minister, or a Minister of State designated by him, shall perform temporarily the functions of said competent Minister of State.

Article 11. No provision imposing obligations or restricting rights can be made in Cabinet orders unless authorized by law.

RESTRICTED

Article 12. There shall be set up under the Cabinet a Secretariat and a Legal Bureau.

The Cabinet Secretariat shall be in charge of preparing the agenda of Cabinet meetings and other miscellaneous affairs of the Cabinet.

The Legal Bureau shall be in charge of examining and drafting of Cabinet bills and cabinet orders, examining drafts of treaties, and other legal matters.

Beside the matters mentioned in the preceding two paragraphs, the Cabinet Secretariat and the Legal Bureau shall assist the work of the Cabinet as provided for by cabinet order.

The organization of the Cabinet Secretariat and the Legal Bureau shall be fixed by law separately.

Beside the Secretariat and the Legal Bureau there shall be set up in the Cabinet necessary offices which shall assist the work of the Cabinet, as provided for by law.

Supplementary Provision

The present law shall come into effect as from the day of the enforcement of the Constitution of Japan.

RESTRICTED31 December 1946FEC-101/3FEC-101/3FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
IMPERIAL HOUSE ECONOMY LAWNote by the Secretary General

The enclosure, a draft of the Imperial House Economy Law, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

NELSON T. JOHNSON
Secretary General

FEC-101/3

RESTRICTEDE N C L O S U R EDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
IMPERIAL HOUSE ECONOMY LAW

Article 1. State property which is assigned, or which has been determined to be assigned, to the official use of the Imperial House (called the Imperial House Use Property hereafter) shall be treated as government use property under the State Property Law, and matters pertaining to it will be handled by the Imperial House Office.

In case an item of state property is assigned, or is to be determined to be assigned to the official use of the Imperial House, the matter must be passed by the Imperial House Economy Council. So shall it be also in case the use of any Imperial House Use Property is discontinued or altered.

The Imperial House Use Property shall not be property intended for revenue.

The Imperial House Economy Council shall make the necessary survey concerning the Imperial House Use Property at an interval of not more than five years and make a report to the Cabinet.

When the report of the preceding paragraph has been made, the Cabinet shall report to the Diet the content thereof.

Article 2. In the cases of sale or purchase for reasonable price and of other ordinary private economic transactions, and in any of the cases specified below, a property may be alienated to, or received by, the Imperial House, or a gift can be made therefrom without authorization by the Diet each time:

1. Giving or receiving of properties not exceeding a certain amount in value as fixed by law separately.
2. Giving or receiving of properties exceeding the amount of the preceding sub-paragraph, but not exceeding a certain amount in value as fixed by law separately, which has been passed by the Imperial House Economy Council.

When the giving and receiving of property takes place more than once during one year between the same parties, the provisions of the sub-paragraphs of the preceding paragraph shall apply to the aggregate amount of such transactions.

In case the amount in value of the properties given by or to a member belonging to the Imperial House under the provisions of 1 or 2 of Paragraph 1 in a period less than one year has reached the amount as fixed separately by law, the above provisions do not apply to the giving or receiving of property by such member during the remainder of the year.

Article 3. The appropriation for the expenditures of the Imperial House to be made in the budget shall be divided into Inner Court Appropriation, the Imperial Court Appropriation and Imperial Family Appropriations.

RESTRICTED

Article 4. The Inner Court Appropriation shall apply to the daily expenditures of the Emperor and Empress, the Grand Empress Dowager, the Empress Dowager, the Kotaishi and his consort, the Kotoison and his consort, and other Imperial Family members belonging to the Inner Court, and to other miscellaneous expenditures of the Inner Court; a fixed sum shall be appropriated annually as is determined by law separately.

The sums provided as the Inner Court Appropriation shall constitute the Privy Purse and shall not be treated as public money to be administered by the Imperial House Office.

In case the Imperial House Economy Council deems it necessary to change the fixed sum of Paragraph 1, it must submit to the Cabinet its opinion thereon.

When the opinion of the Council has been submitted, as under the preceding paragraph, the Cabinet shall report to the Diet the content thereof at the earliest opportunity.

Article 5. The Imperial Court Appropriation shall apply to all the expenditures of the Imperial Court other than those of the Inner Court and shall be administered by the Imperial House Office.

Article 6. The Imperial Family Appropriations shall apply to the sums which are provided as annuities for the maintenance of the dignity of the members of the Imperial Family and those which are provided to the persons who leave the status of the Imperial Family member for the maintenance of dignity as persons who have been members of the Imperial Family, in one time payment to be made at the time when they leave their status. The sums of such annuities or one time payments shall be calculated on the basis of a fixed sum as will be determined by law separately.

The annuities shall be calculated according to the stipulations set forth under the following numbers and in Paragraphs 3 to 5; and they shall be paid annually to the members of the Imperial Family other than those specified in Article 4.

1. Shinno shall receive

Married	The whole of the fixed sum.
Of age and unmarried	One half of the fixed sum.
Under age and unmarried	One half of the fixed sum.

2. The consort of a Shinno shall receive one half of the fixed sum.

3. Naishinno shall receive:

Of age	One half of the fixed sum.
Under age.	One quarter of the fixed sum.

4. O, the consort of an O, and Jo-o shall receive sums corresponding to 70 per cent of the amount of the annuities calculated respectively on the basis of Shinno, the consort of a Shinno, and Naishinno.

RESTRICTED

A married Shinnō or Ō, even after the cessation of marital relationship, shall receive the same amount as before.

A member of the Imperial Family who is the Regent, shall receive 5 times the fixed sum during the term of his office.

A person, possessing more than one status, shall be paid according to the status commanding the highest annuity.

A person who leaves the status of the member of the Imperial Family according to the provisions of the Imperial House Law shall receive a sum in one time payment, as determined by the Imperial House Economy Council, and within the limit of not exceeding the amount corresponding to 15 times the amount of the annuity due to the said person to be calculated according to the provisions of Paragraphs 2 and 3 and the preceding paragraph.

In calculating the sum for one time payment as under the preceding paragraph, an unmarried or under-age Shinnō or Ō shall be considered as a married Shinnō or Ō; and Naishinnō or Jo-ō under age as a Naishinnō, or Jo-ō, of age.

The provision of Article 4, paragraph 2 shall apply to the sums provided as the Imperial Family Appropriations.

The provisions of Article 4, paragraphs 3 and 4 shall apply to the fixed sum of Paragraph 1.

Article 7. The Imperial Heir upon his accession to the Throne shall receive such traditional properties as are to be handed down with the Throne.

Article 8. The Imperial House Economy Council shall be composed of 8 members.

These members shall be the presidents and Vice presidents of the House of Representatives and of the House of Councillors, the Prime Minister, the Minister of Finance, the head of the Imperial House Office and the head of the Board of Audit.

Article 9. There shall be appointed 8 reserve members in the Imperial House Economy Council.

Article 10. The Imperial House Economy Council, unless there are present 5 members or more, may not open deliberations and make decisions.

The deliberations shall be decided by a majority vote. In case of a tie, the chairman shall make the decision.

Article 11. The provisions of Article 29; Article 30; paragraphs 3-7; Article 31; Article 33, paragraph 1; Article 36 and Article 37 of the Imperial House Law shall apply to the Imperial House Economy Council mutatis mutandis.

The post of the reserve member for the Minister of Finance in the Council shall be filled by the Vice Minister of Finance; and that of the reserve member for the head of the Board of Audit by an official of the Board of Audit, who shall be designated by the Prime Minister.

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Supplementary provisions

The present law shall come into force as from the day of the enforcement of the Constitution of Japan.

Those items of the former Imperial Household property which are in the use of the Imperial House at the time of the enforcement of the present law and which have become state property under the State Property Law shall be considered, without a decision of the Imperial House Economy Council, as the Imperial House Use property, regardless of the provision of Article 1, paragraph 2.

The necessary matters relating to the transitional disposition of the rights and obligations which belong to the former Imperial House Account at the time of the enforcement of the present law, and which are to be carried over by the State, shall be provided for by cabinet order.

The Inner Court Appropriation and the sum of annuities under the Imperial Family Appropriations for the fiscal year in which the present law takes effect shall be provided for on the basis of monthly quotas.

FEC-101/4RESTRICTEDFEC-101/46 January 1947FAR EASTERN COMMISSIONAMENDMENTS TO THE IMPLEMENTING LEGISLATION
(References: FEC-101, FEC-101/1,
FEC-101/2, FEC-101/3)Note by the Secretary General

1. The enclosure, information relative to the implementing legislation as contained in a cable received 6 January 1947 from the Supreme Commander for the Allied Powers, submitted by the United States representative, is circulated herewith for the information of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The Draft House of Councillors Election Law (FEC-101/1), which was amended as per Paragraph 1 of the enclosure, was passed by the Diet on 25 December 1946.

NELSON T. JOHNSON
Secretary General

FEC-101/4

RESTRICTEDE N C L O S U R EAMENDMENTS TO THE IMPLEMENTING LEGISLATION

1. The Draft House of Councillors Election Law (FEC-101/1) has been revised to read:

a. Article 22, Paragraph 1: "Candidates for membership may each choose one person, who will be a voting witness from among those registered in the electoral list of each voting district, with his consent, and report the choice to the voting overseer not later than two days before the date of the election period.

"In case those reported as provided for in the preceding paragraph (excluding those reported by candidates for membership who have died or withdrawn their candidacy; the same applies hereinafter) do not exceed ten in number they shall at once be voting witnesses, and in case there are more than ten, ten voting witnesses shall be elected by mutual vote from among those reported."

Article 22, Paragraph 2: "When the number of voting witnesses provided for in the preceding paragraph does not reach three or has decreased to less than three" (remainder of paragraph is same).

Article 22, Paragraph 3 is deleted.

b. Article 24, Paragraph 4, "The preceding two paragraphs shall apply to an elector whose voting has been objected to by voting witnesses."

c. Article 32, Paragraph 1, "The ballot-counting overseer shall, in the presence of ballot-counting witnesses, open the ballot and examine the votes coming under the provisions of Article 24, paragraphs 2 and 4, and, after consultation with ballot-counting witnesses, decide whether or not these ballots are acceptable."

d. Article 33, The validity of ballots shall be decided by the ballot-counting overseer, after consultation with the ballot-counting witnesses.

e. Article 58, Paragraph 6, "In the cases mentioned in the preceding two paragraphs, it shall be decided by the Chairman of election, after consultation with election witnesses, whether or not the candidates are eligible for election."

2. The Imperial House Law (FEC-101), Imperial House Economy Law (FEC-101/3), and Cabinet Law (FEC-101/2) were passed by the Diet without amendment. The Diet Law was not passed.

FEC-101/5RESTRICTEDFEC-101/514 January 1947FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION: THE DIET LAWNote by the Secretary General

1. The enclosure, a draft of the Diet Law, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The draft of the Diet Law was introduced into the Japanese House of Representatives on 18 December 1946, passed on 21 December by the House of Representatives and submitted to the House of Peers. Consideration of the enclosure is expected to be resumed after the opening of the next Diet session, scheduled to convene on 20 January 1947.

NELSON T. JOHNSON
Secretary General

FEC-101/5

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E N C L O S U R E

DRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION: THE DIET LAW

DRAFT OF THE DIET LAW

Chapter 1. Convocation of the Diet and its
Opening Ceremony

Article 1. The Imperial rescript convoking the Diet shall be issued, setting the date for assembling.

The Imperial rescript of convoking regular session shall be issued at least twenty (20) days in advance.

The Imperial rescript convoking an Extraordinary Session or the session under Article 54 of the Constitution (which is called a Special Session) need not be bound by the provision of the preceding Paragraph.

Article 2. Regular session shall be convoked within the first ten days of December every year. However it must be so convoked that the term of office of the members of the Diet may not expire during regular session.

Article 3. The demand for convocation of an Extraordinary Session shall be submitted in writing to the Cabinet jointly by more than one-fourth of all members of either House, through the President of their House.

Article 4. The request for an urgent session of the House of Councillors shall be made to the President of the House by the Prime Minister, setting the date for assembling.

Article 5. The members of the Diet shall assemble at their respective Houses on the date designated by the Imperial rescript.

Article 6. On the date of assembling, each House shall elect both or either one of its President and Vice President if those posts are vacant.

Article 7. Pending the election of the President and Vice President, the Secretary General shall perform the functions of the President.

Article 8. The Opening Ceremony shall be held at the beginning of a session.

Article 9. The Opening Ceremony shall be presided over by the Speaker of the House of Representatives.

In case the Speaker of the House of Representatives is incapacitated, the President of the House of Councillors shall preside.

Chapter 2. Term of Session and Recess.

Article 10. The term of a Regular Session shall be one hundred and fifty (150) days.

RESTRICTED

Article 11. The term of an Extraordinary Session, or of a Special Session, shall be determined by a concurrent vote of both Houses.

Article 12. The term of a Diet session may be extended when both Houses agree by their concurrent vote.

Article 13. In case the two Houses fail to agree on the matter under the two preceding Articles, the decision of the House of Representatives shall prevail.

Article 14. The term of a session of the Diet shall be counted as from the date of convocation.

Article 15. Recess of the Diet shall require a concurrent vote of both Houses, but each House may vote for its own recess for a period not exceeding seven (7) days.

Even during the recess of the Diet or a House, a plenary session of a House may be called for when the president of the House deems it urgent, or when more than one-fourth of the total members of the House demands it.

Chapter 3. Officers and Expenditures.

Article 16. The officers of each House shall be as follows:

- (1) President
- (2) Vice President
- (3) President pro tem
- (4) Chairman of Standing Committees
- (5) Secretary General

Article 17. There shall be one President and one Vice President for each House.

Article 18. The term of office for the President and Vice President of each House shall coincide with their respective term of office as a Diet member.

Article 19. The President of each House shall maintain order in the House, adjust its proceedings, supervise the affairs of the House and represent the House.

Article 20. The President may attend and address Committee meetings.

Article 21. In case the President is incapacitated or the post is vacant in either House, the Vice President shall perform the functions of the President.

Article 22. In case both the President and the Vice President are incapacitated in either House, a President pro tem shall be elected to perform the functions of the President.

The House may entrust the President with the nomination of the President pro tem.

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Article 23. In case the post of the President or the Vice President becomes vacant or both posts are vacant in either House, it shall immediately conduct an election to fill the same.

Article 24. In case of the election of a President pro tem, and in case there is none to perform the functions of the President in the election mentioned in the preceding Article, the Secretary-General shall perform the functions of the President.

Article 25. Chairmen of the Standing Committees shall be elected in each House from among the members of each Standing Committee.

Article 26. Each House shall have one Secretary-General, secretaries and other necessary personnel.

Article 27. The Secretary-General shall be elected from among those other than members of the Diet. The secretaries and the other personnel shall be appointed or dismissed by the Secretary-General with the consent of the respective President.

Article 28. The Secretary-General shall, under the direction of the President, administer the affairs of the House, and sign official documents; the secretaries shall, under the order of the Secretary-General, dispatch business.

Article 29. In case the Secretary-General is incapacitated or the post is vacant the previously designated secretary shall perform the functions of the Secretary-General.

Article 30. The officers may resign with the permission of the House. During an adjournment the permission for resignation of the officers may be given by the President.

Article 31. The officers shall not hold concurrently a government official post.

Article 32. The expenditures of both Houses shall be appropriated independently in the national budget.

The above appropriation shall include a contingent fund.

Chapter 4. Diet Members

Article 33. Members of each House shall not be arrested without the consent of their respective Houses during the term of a session, unless they are apprehended while committing a crime outside the Diet.

Article 34. During an urgent session of the House of Councillors, members of the House of Councillors shall not be arrested without the consent of the House, unless they are apprehended while committing a crime outside the Diet.

Any members of the House of Councillors, arrested before the opening of an urgent session of the House of Councillors, shall be freed during the term of the session, upon demand of the House.

Article 35. The members of the Diet shall receive an annual allowance not less in amount than the highest pay for government officials in general.

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Article 36. Diet members shall be given retirement allowance, according to the provisions separately made.

Article 37. The Diet members may travel freely on the state railways during a session or on official business, according to the regulations separately made.

Article 38. The Diet members shall receive allowances as fixed separately for posting official documents or for communications of official character during the term of a session.

Article 39. Diet members shall not, during the term in which he is elected, be appointed to the officials of the Government or a local public entity.

Diet members shall not, during the term in which they are elected, be appointed to any members of committees, advisers, non-official staff (Shokutaku), or other similar occupations under the administrative departments of the Government, unless such an appointment is fixed by law or provided for by the Diet.

Chapter 5. Committees and Their Members.

Article 40. There shall be in each House members of Standing Committees and Special Committees.

Article 41. Standing Committee members shall be elected and appointed by each House at the beginning of a session and they shall serve, during the term of their office as Diet members.

Any members shall serve on at least one Standing Committee but can not become members of more than three Standing Committees at the same time.

Article 42. Standing Committees of each House shall be as follows, and they shall examine bills, petitions, representations, and others, which come under their respective spheres of work.

1. Standing Committee for foreign affairs.
2. Standing Committee for public safety and local government.
3. Standing Committee for national land planning.
4. Standing Committee for judicial affairs.
5. Standing Committee for educational affairs.
6. Standing Committee for culture.
7. Standing Committee for public welfare.
8. Standing Committee for labour.
9. Standing Committee for agriculture and forestry.
10. Standing Committee for fishery.
11. Standing Committee for commerce.
12. Standing Committee for mining and industry.

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13. Standing Committee for electricity.
14. Standing Committee for transportation.
15. Standing Committee for communications.
16. Standing Committee for finance.
17. Standing Committee for budgets.
18. Standing Committee for audit.
19. Standing Committee for Diet management.
20. Standing Committee for the library management.
21. Standing Committee for disciplinary measures.

Any other Standing Committee other than those mentioned above can be established when deemed necessary by each House.

Article 43. Each Standing Committee shall have at least two officials who are not the Diet members and have special knowledge (to be called qualified specialists), as well as adequate number of secretarial assistants. They will be permanent staff. However, any qualified specialists and secretarial assistants shall not be appointed in case the House deems them unnecessary.

The qualified specialists above mentioned, shall receive an adequate amount of allowance and shall not have any other occupations concurrently.

They cannot occupy any post in the administrative branches of the Government, during two (2) years after their resignation from the Committee.

Article 44. A Standing Committee of one House may hold a joint hearing with a Committee in the other House if they so resolve respectively.

Article 45. Members of a Special Committee shall be elected by each House in order to examine a specially designated matter which does not come under the Standing Committees jurisdiction and they shall serve until the matter they are entrusted with is decided upon by the House.

The Chairman of a Special Committee shall be elected by mutual vote of the Committee members.

Article 46. Members of Standing Committees and those of Special Committees shall be selected and appointed, being allotted to parties in proportion to the numbers of the members of the Diet belonging to them.

Parties may concede some of their allotment to other parties.

Article 47. Standing Committees and Special Committees shall examine the matters entrusted with only during the term of a session.

Standing Committees and Special Committees may examine the matters especially entrusted with by the decision of each House during adjournment.

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Article 48. The Chairman of each Committee shall adjust its proceedings and maintain order in the Committee.

Article 49. A Committee may not open deliberation and transact business unless attended by more than a half of the number of its members.

Article 50. The proceeding of a Committee shall be decided by a majority of the members present. In case of a tie, the Chairman shall make a decision.

Article 51. A Committee may conduct open hearings on important questions of popular concern or public interest, and hear the views of the interested parties, or persons of learning and experience.

Open hearings mentioned in the preceding paragraph must be held, with regards to budget and important revenue measures.

Article 52. A Committee may be attended by persons authorized by the Chairman, besides members of the Diet, but a Committee may hold secret meetings, if it so decides.

The Chairman of a committee may order the audience to leave the meeting, for the maintenance of order.

Article 53. The Chairman shall report the proceedings and results of his Committee to the House.

Article 54. A minority opinion that was rejected in a Committee may be reported to the House by those who are of the minority opinion after the Chairman's report.

The President may limit time for the report of the minority opinion.

When the minority presents to the President the adequate summary of their report, it shall be entered in the Record of Proceedings, together with the Committee's report.

Chapter 6. Plenary Sessions.

Article 55. The President of each House shall fix the calendar of proceedings and give an advance notice of the same to the House.

Article 56. Any member may introduce a bill or make a proposal.

When a bill is introduced or a proposal is made, the President shall entrust a Committee concerned with it, and after the examination of the Committee put it to the debate in the plenary session. However, when considered urgent, the examination of the Committee may be omitted by a decision of the House.

Bills or proposals which the Committee decided unnecessary to submit to the House shall be laid before a meeting of the House. However, when demanded by twenty or more Diet members in seven days (not counting the period of recess) from the date of a decision of the Committee, they must be submitted to a plenary session of the House.

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In case no such demand is made as provided for in the preceding paragraph, the bills or proposals become null and void.

Article 57. Motions for amendment, to any bill in order to be placed on the agenda, shall require the endorsement by more than 20 members.

Article 58. When the Cabinet submitted a Bill to one House, it must submit the same Bill to the other House for preliminary examination, on or after the following day.

Article 59. The Cabinet may not amend or withdraw a bill already on the agenda of a meeting of a House or a Committee unless consent is given by the House.

Article 60. With regards to bills submitted by one House, the Chairman (or his proxy) of a committee to which the bill is referred to, or a proposer may explain the bill in the other House.

Article 61. The President of each House may limit time for questioning, debate or other utterances except when decided specifically by the House.

The unfinished part of a member's speech owing to the time limit, may be entered in the Record of Proceedings to such an extent as may be considered suitable by the President, unless otherwise decided by the House.

Article 62. When a motion is made by the President, or by more than ten members, the proceedings of each House may be closed to the public according to a decision by more than two-thirds of the members present.

Article 63. Parts of the Record of Proceedings of a secret session which have been voted upon as specially requiring secrecy, by the House, may not be made public.

Article 64. In case the post of the Prime Minister has become vacant, or he has tendered his resignation, the Cabinet shall immediately notify both Houses.

Article 65. With regards to bills, when both Houses passed them or the decision of the House of Representatives became the final decision of the Diet, the bills which require promulgation shall be reported to the Throne through the Cabinet by the President of the House of Representatives and the other bills shall be sent to the Cabinet.

The nomination of a Prime Minister shall be communicated to the Throne by the President of the House of Representatives through the Cabinet.

Article 66. A law shall be promulgated within 30 days from the day of its submission to the Throne.

Article 67. Special laws applicable only to a single local public organization, in case they are approved finally by the Diet, shall be submitted to the vote of the people of the local public entity, according to the provisions of the law made separately, and when approved by the majority of the voters of the local public entity, they shall become laws as approved beforehand by the Diet.

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Article 68. Any matter which is not decided during a session shall not be continued to the subsequent session.

Chapter 7. Ministers of State and representatives of the Government.

Article 69. The Cabinet may, with the approval of the Presidents of the Houses, appoint representatives of the Government to assist Ministers of State in the Diet.

Article 70. A Minister of State and a representative of the Government, when desiring to speak at a meeting of the Houses or of a Committee, shall notify the President or the Chairman of a Committee concerned.

Article 71. A Committee may, via the President, request the presence of a Minister of State or a representative of the Government.

Article 72. A committee may, through the President, ask for the presence of the President of Board of Audit and auditors and hear their explanations.

Article 73. Reports concerning the proceedings of the Diet and those concerning Committee Meetings shall, simultaneously with their distribution to the Members, be delivered to Ministers of State and representatives of the Government.

Chapter 8. Interpellations and free discussions.

Article 74. When a member of each House wants to interpellate the Cabinet, he shall obtain the approval of the President.

A brief statement of the purport of an interpellation shall be presented to the President.

The President shall have entered in the Record of Proceedings a brief statement of the purport of a member's interpellation which the President or the House has disapproved, when demanded by that member.

When a member whose interpellation has been disapproved by the President, raises objection, the President must put it to deliberation of the House whether the House approves the interpellation or not.

Article 76. When an interpellation is urgent, it may orally be made when the House so decides.

Article 77. The Cabinet reply to an interpellation may be put to a debate by the member's motion and may likewise be put to the vote of the House.

Article 78. Either House of the Diet shall meet at least once in two weeks, in order to give an opportunity to the Members to conduct free discussions on national affairs.

A subject under free discussion may be put to the vote of the House in accordance with a motion of members.

A time-limit for a speech at free discussion shall be decided by the President, except when decided specifically by the House.

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Chapter 9. Petitions.

Article 79. Any person desiring to make a petition to either House shall present a written petition with the introduction of a Member.

Article 80. Adoption of a petition shall be decided upon by either House after examination by the Committee concerned.

A petition which the Committee decided unnecessary to submit to the House, shall not be laid before a meeting of the House. However, a petition requested by more than 20 members of the House to be placed for discussion shall be laid before a meeting of the House.

Article 81. Petitions which have been adopted by either House and which the House deems it appropriate for the Cabinet to deal with, shall be transmitted to the Cabinet.

The Cabinet shall, every year, report to the House concerned the particulars of the disposal of the petitions mentioned in the preceding paragraph.

Article 82. Either House shall separately receive petitions, and shall not interfere with the other House.

Chapter 10. Relations between Two Houses.

Article 83. When a matter requiring a decision of the Diet has been passed or amended by the House A, the said matter shall be transmitted to the House B, and when such matter has been rejected by the House A, the fact of rejection be notified to the House B.

When the House B has agreed to, or rejected, the matter transmitted from the House A, the fact of agreement or rejection shall be notified to the House A.

When the House B has amended the matter transmitted from the House A, the said matter shall be referred to the House A.

When the House A has agreed, or has not agreed, to the matter referred thereto by the House B, the fact of agreement or disagreement shall be notified to the House B.

Article 84. When the House of Representatives has not agreed to a legislative bill referred thereto by the House of Councillors, or when the House of Councillors has rejected a legislative bill transmitted thereto by the House of Representatives or has not agreed to a legislative bill referred thereto by the House of Representatives, the House of Representatives may request a meeting of the Joint Committee of Both Houses.

Article 85. In connection with the Budget Estimates or with treaties requiring prior consideration by the House of Representatives, when the House of Representatives has not agreed to a matter referred thereto by the House of Councillors, or when, the House of Councillors has rejected a matter transmitted thereto by the House of Representatives, the House of Representatives shall request a meeting of the Joint Committee of Both Houses.

In connection with treaties receiving prior consideration by the House of Councillors, when the House of Councillors has not agreed to a matter referred thereto by the House of Representatives, or when, the House of Representatives has rejected

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a matter transmitted thereto from the House of Councillors, the House of Councillors shall request a meeting of the Joint Committee of Both Houses.

Article 86. When either House decided upon the nomination of the Prime Minister, the fact shall be notified to the other House.

When the two Houses of the Diet do not agree in deciding upon the nomination of the Prime Minister, the House of Councillors shall request a meeting of the Joint Committee of Both Houses.

Article 87. With the exception of those provided for in the preceding three Articles, in connection with matters requiring to be decided upon by the Diet, when the House exercising posterior consideration does not agree to the decision of the House exercising prior consideration, the House exercising prior consideration may request a meeting of the Joint Committee of Both Houses.

Article 88. When either House has requested a meeting of the Joint Committee of Both Houses, the other House shall not refuse the meeting.

Article 89. The Joint Committee of Both Houses shall consist of twenty members, of whom each House shall respectively elect ten members.

Article 90. A meeting of the Joint Committee of Both Houses shall be presided over, by rotation for each different meeting, by a Chairman elected by, and from among, the Joint Committee-men of either House. The Chairman for the initial meeting shall be chosen by lottery.

Article 91. A meeting of the Joint Committee of Both Houses shall not open proceedings and make any decision unless more than two-thirds of the Joint Committee-men respectively of the two Houses are present.

Article 92. The Joint Committee of Both Houses shall decide upon a definitive draft only when an agreement of views has been reached at its meeting.

The proceedings of the Joint Committee of Both Houses shall, except as provided for in the preceding paragraph, be determined by a majority of the member of the Joint Committee present; and when the affirmative and the negative votes are the same in number, the decision shall be made by the Chairman.

Article 93. A definitive draft prepared by the Joint Committee of Both Houses shall first be considered by the House which requested its meeting, and then be transmitted to the other House.

No definitive draft shall be subject to any further amendment.

Article 94. When a definitive draft can not be concluded by the Joint Committee of Both Houses, the Chairman of the Joint Committee of each House shall so notify to his House.

Article 95. The President of either House may be present at a meeting of the Joint Committee of Both Houses and express his view.

RESTRICTED

Article 96. The Joint Committee of Both Houses may request the presence at its meeting of Ministers of State and Representatives of the Government.

Article 97. No outsider shall be permitted to attend a meeting of the Joint Committee of Both Houses.

Article 98. Rules concerning the Joint Committee of Both Houses other than those provided for in this law shall be prescribed by decision of the two Houses.

Chapter 11. Legislative Committee for Both Houses.

Article 99. The legislative Committee will make recommendations to the both Houses and the Cabinet with regards to the introduction of new legislations, existing laws and executive orders and regulations, and it will also investigate and research the Diet Law and other regulations of the Houses and will recommend to both Houses concerning their revisions.

Article 100. The legislative Committee shall consist of 15 members of whom the House of Representatives shall elect 10 and the House of Councilors elect 5. The Chairman of the Committee shall be elected among its members by mutual vote.

The term of the office for the Committee members shall be the same with that of the Members of the Houses.

Article 101. The Legislative Committee can not hold a meeting while the Diet is not in session, unless otherwise authorized by the Diet.

Article 102. Other provisions for the Legislative Committee, besides the preceding Articles, shall be decided by both Houses.

Chapter 12. The Relations between the Diet, and the general public and the public offices.

Article 103. Each House may despatch its members for the purpose of examination or investigation.

Article 104. The Cabinet, the government or public offices must comply with the request of each House for submitting the necessary reports or documents for the purpose of investigation.

Article 105. The Cabinet or Ministries shall send their publications to the Diet Library.

The Committee for Library Management may cause the Cabinet or Ministries send the publications to the Diet Members, when deemed necessary.

Article 106. Each House will provide a witness with travelling expenses and day allowance according to the regulations provided for separately when he is called up to the House for the purpose of examining bills and other matters or investigating national affairs.

RESTRICTED

Chapter 13. Resignation, Retirement, Filling Vacancies and Litigation for Qualifications.

Article 107. Each House can authorize the resignations of their Members. When the Houses are in adjournment, the President of the House can do it.

Article 108. A Member becomes retired when he becomes a Member of the different House or when he is appointed to a post which he can not occupy concurrently by law.

Article 109. A Member becomes retired when he loses the legal qualifications to be elected.

Article 110. When a vacancy occurs, the President of the House concerned, shall so notify the Minister for Home Affairs.

Article 111. When a litigation is brought up on a Member's qualifications, the House concerned will make a resolution after the committee's examination is finished.

The litigation above-mentioned shall be brought up to the President in written document by a Member of the House concerned.

Article 112. A member when a litigation for qualifications has been brought against him may employ one or two counsels. One of the two counsels is employed at the national expense.

Article 113. A Member will not lose his membership and authority connected with it in the House until he has been disqualified for membership.

However, a Member can defend himself but can not vote in a meeting where a litigation for his qualifications is pending.

Chapter 14. Discipline and the police

Article 114. In order to maintain discipline during a session, the President of each House exercises the police power within the Diet in accordance with this law and the regulations stipulated by each House.

The preceding paragraph shall be applied mutatis mutandis during the urgent session of the House of Councillors.

Article 115. The Cabinet shall dispatch upon the request of the President police officers necessary for the Diet, which will be superintended by the Presidents.

Article 116. When in a plenary session a member acts contrary to this Law or rules of proceedings, makes disorderly conducts or injures the dignity of the House, the President shall warn or restrain him or make him retract his words. The President may stop his speech, when he does not obey the order of the President, until the day's meeting is over, or make him leave the Assembly Hall.

Article 117. The President may order a meeting to recess, or adjourn it in case a meeting becomes too disordered to control.

Article 118. In case an auditor obstructs the progress of the business in the House, the President may make him leave the House or hand him over to the police if necessary.

The President may have all the audience leave the House in case the visitors' gallery becomes disordered.

RESTRICTED

Article 119. There shall not be used insulting language or a speech on others' private affairs in the House.

Article 120. A member who was insulted in a plenary session or in a committee by any other members may appeal to the House for an action against them.

Chapter 15. Disciplinary measures.

Article 121. When a case for disciplinary measures occurs in the House, the President will refer it to the disciplinary committee for examination and pronounce sentence passed by the House.

When a disciplinary case occurs in a committee, the Chairman will report it to the President for necessary action.

Members may move a motion for disciplinary measures with the support of more than twenty members. This motion shall be presented within three (3) days after a disciplinary case occurred.

Article 122. Disciplinary measures shall be as follows,

- (1) Admonition in a meeting open to the public.
- (2) Address of apology in a meeting open to the public.
- (3) Suspension of attendance to the House for a certain period.
- (4) Expulsion.

Article 123. Both Houses can not refuse the attendance of the Member who is reelected in spite of expulsion.

Article 124. The President shall refer to the disciplinary committee a case of a Member who does not attend the House without justification within seven (7) days after the Member received the invitation which the President specially sent because,

- (a) the Member did not attend the Diet without a justifiable reason within seven (7) days after the date of convocation,
- (b) the Member stayed away from a plenary session or a committee meeting without a justifiable reason,
- (c) the time of leave of absence expired.

Chapter 16. Court of Impeachment.

Article 125. Impeachment against Judges shall be conducted by the Court of Impeachment which is composed of the judges elected respectively in the same number by each House from among its members.

The Presiding Judge of the Court of Impeachment shall be elected by mutual vote.

Article 126. Removal proceedings against Judges shall be instituted by the Proceedings Committee composed of its members elected from among the members of the House of Representatives.

The Chairman of the Proceedings Committee shall be elected by mutual vote from among the Committee members.

RESTRICTED

Article 127. A Judge of the Court of Impeachment shall not become concurrently a member of the Proceedings Committee.

Article 128. When the Judges are elected in each House and the Proceedings Committee members are elected in the House of the Representatives, the reserve members shall be elected respectively.

Article 129. Matters relating to the Court of Impeachment and the Proceedings Committee, other than those provided for in this law, shall be determined by law.

Chapter 17. Diet Library & Members' Club.

Article 130. In order to help Members for investigations and researches, the Diet Library will be established.

The Diet Library may be used by the public.

Article 131. In order to expedite the drafting of legal measures by the Members, each House will have a legal department

Article 132. In order to facilitate Members' business the Members' Club will be set up where office-rooms and one clerical assistant for each member will be provided for.

Supplementary Provisions

This law shall come into force from the day of the enforcement of the Japanese Constitution.

The present Diet Law shall be repealed.

Until an election for President and Vice President of the House of Representatives is held according to this law, the President and Vice President who hold office when this law comes into force, shall remain in their respective office.

Until an election for the Secretary-General of each House is held according to this law, the Chief-Secretaries of the House of Representatives and the House of Peers who hold office when this law comes into force, shall continue to hold their respective office, as the Secretary-General.

Until the House of Councillors decides its House regulations, the regulations for the House of Representatives shall be followed, in connection with the procedures or regulations for meetings or other matters in the first session of the House of Councillors.

FEC-101/6RESTRICTEDFEC-101/620 January 1947FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION: THE DIET LAWNote by the Secretary General

1. It has been noted that in the reproduction of the Diet Law, FEC-101/5, Article 75 was omitted.
2. It is requested that all members substitute the enclosed page for page 8 of FEC-101/5.

NELSON T. JOHNSON
Secretary General

FEC-101/6

RESTRICTED

Article 68. Any matter which is not decided during a session shall not be continued to the subsequent session.

Chapter 7. Ministers of State and representatives of the Government.

Article 69. The Cabinet may, with the approval of the Presidents of the Houses, appoint representatives of the Government to assist Ministers of State in the Diet.

Article 70. A minister of State and a representative of the Government, when desiring to speak at a meeting of the Houses or of a Committee, shall notify the President or the Chairman of a Committee concerned.

Article 71. A Committee may, via the President, ask for the presence of a minister of State or a representative of the Government.

Article 72. A committee may, through the President, ask for the presence of the President of Board of Audit and auditors and hear their explanations.

Article 73. Reports concerning the proceedings of the Diet and those concerning Committee Meetings shall, simultaneously with their distribution to the Members, be delivered to Ministers of State and representatives of the Government.

Chapter 8. Interpellations and free discussions.

Article 74. When a member of each House wants to interpellated the Cabinet, he shall obtain the approval of the President.

A brief statement of the purport of an interpellation shall be presented to the President.

The President shall have entered in the Record of Proceedings a brief statement of the purport of a member's interpellation which the President or the House has disapproved, when demanded by that member.

When a member whose interpellation has been disapproved by the President, raises objection, the President must put it to deliberation of the House whether the House approves the interpellation or not.

Article 75. The President of each House shall transmit to the Cabinet a brief statement of the purport of an interpellation which he or the House has approved.

The Cabinet shall make a reply within seven days after the date of receiving a statement of the purport of an interpellation. When a reply is not made within the specified period, the reason therefor shall be clearly stated.

Article 76. When an interpellation is urgent, it may orally be made when the House so decides.

Article 77. The Cabinet reply to an interpellation may be put to a debate by the member's motion and may likewise be put to the vote of the House.

Article 78. Either House of the Diet shall meet at least once in two weeks, in order to give an opportunity to the Members to conduct free discussions on national affairs.

A subject under free discussion may be put to the vote of the House in accordance with a motion of members.

A time limit for a speech at free discussion shall be decided by the President, except when decided specifically by the House.

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FEC-101/7

RESTRICTEDFEC-101/722 January 1947FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
THE JAPANESE TEXT OF THE DIET LAWNote by the Secretary General


1. The enclosure, the Japanese text of the Diet Law, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. The draft of the Diet Law was introduced into the Japanese House of Representatives on 18 December 1946, passed on 21 December by the House of Representatives and submitted to the House of Peers. Consideration of the enclosure is expected to be resumed after the opening of the next Diet session, scheduled to convene on 20 January 1947.

3. Due to the limited number of copies available only two copies of the enclosure can be furnished each delegation.

NELSON T. JOHNSON
Secretary General

FEC-101/7

Priority 

Diet Law Bill

昭和二十一年十二月十七日提出
衆法第二二號

國会议案

右成規により提出する。

昭和二十一年十二月十七日

提出者

- | | | | | |
|-------|------|-------|-------|--------|
| 鈴木彌五郎 | 田原春次 | 成島勇 | 葉梨新五郎 | 大野伴陸 |
| 鈴木憲一 | 佐竹晴記 | 井上知治 | 森幸太郎 | 芦田均 |
| 中野四郎 | 松本瀧藏 | 水谷長三郎 | 犬養健 | 大久保留次郎 |
| 徳田球一 | 宇田國榮 | 中村高一 | 田中萬逸 | 坂東幸太郎 |

Incl 5

Diet Law,

賛成者

石井光次郎	深津玉一郎	中島守利	北 吟 吉
村上 勇	松浦東介	加藤一雄	西村久之
田中実司	内海安吉	小澤國治	原 藤右門
有馬英二	馬越 晃	鈴木周次郎	長 井 源
原 夫次郎	日比野民平	保 利 茂	吉 田 安
加藤勘十	菊地養之輔	鈴木茂三郎	西尾末廣
平野力三	森戸辰男	米窪滿亮	米 山 久
三木武夫	伊東岩男	船田享二	松本六太郎
大島多藏	丸山修一郎	久保猛夫	井出一太郎
伊藤實雄	柏原義則	志賀義雄	高 倉 輝

國

會

法

案

國會法

第一章 國會の召集及び開會式

第一條 國會の召集詔書は、集會の期日を定めて、これを公布する。

常會の召集詔書は、少くとも二十日前にこれを公布しなければならない。

臨時會及び特別會（憲法第五十四條により召集された國會をいう）の召集詔書の公布は、

前項によることを要しない。

第二條 常會は、毎年十二月上旬にこれを召集する。但し、その會期中に議員の任期が満限に達しないようにこれを召集しなければならない。

第三條 臨時會の召集の決定を要求するには、いずれかの議院の總議員の四分の一以上の議員が連名で、議長を経由して内閣に要求書を提出しなければならない。

第四條 參議院の緊急集會を求めるときは、内閣總理大臣から、集會の期日を定めて、參議院議

長にこれを請求しなければならない。

第五條 議員は、召集詔書に指定された期日に、各議院に集会しなければならない。

第六條 各議院において、召集の当日に議長若しくは副議長がないとき、又は議長及び副議長が共にないときは、その選挙を行わなければならない。

第七條 議長及び副議長が選挙されるまでは、事務総長が、議長の職務を行う。

第八條 國會の開会式は、会期の始めにこれを行う。

第九條 開会式においては、衆議院議長が、議長の職務を行う。

衆議院議長に事故があるときは、参議院議長が、議長の職務を行う。

第二章 國會の会期及び休会

第十條 常会の会期は、百五十日間とする。

第十一條 臨時会及び特別会の会期は、兩議院一致の議決で、これを定める。

第十二條 國會の会期は、兩議院一致の議決で、これを延長することができる。

第十三條 前二條の場合において、兩議院一致の議決に至らないときは、衆議院の議決したところによる。

第十四條 國會の会期は、召集の当日からこれを起算する。

第十五條 國會の休会は、兩議院一致の議決を必要とする。

各議院は、七日以内においてその院の休会を議決することができる。

各議院は、議長において緊急の必要があると認めるとき、又は総議員の四分の一以上の議員から要求があつたときは、國會の休会中又はその院の休会中でも會議を開くことができる。

第三章 役員及び經費

第十六條 各議院の役員は、左の通りとする。

一 議長

二 副議長

三 仮議長

四 常任委員長

五 事務総長

第十七條 各議院の議長及び副議長は、各、一人とする。

第十八條 各議院の議長及び副議長の任期は、各、議員としての任期による。

第十九條 各議院の議長は、その議院の秩序を保持し、議事を整理し、議院の事務を監督し、議院を代表する。

第二十條 議長は、委員会に出席し発言することができる。

第二十一條 各議院において、議長に事故があるとき又は議長が欠けたときは、副議長が、議長の職務を行う。

第二十二條 各議院において、議長及び副議長に共に事故があるときは、仮議長を選挙し議長の職務を行わせる。

議院は、仮議長を選任を議長に委任することができる。

第二十三條 各議院において、議長若しくは副議長が欠けたとき、又は議長及び副議長が共に欠けたときは、直ちにその選挙を行う。

第二十四條 仮議長選挙の場合及び前條の選挙において議長職務を行う者がいない場合には、事務総長が、議長職務を行う。

第二十五條 常任委員長は、各議院において各、その常任委員の中からこれを選挙する。

第二十六條 各議院に、事務総長一人、参事その他必要な職員を置く。

第二十七條 事務総長は、各議院において国会議員以外の者からこれを選挙する。

参事その他の職員は、事務総長が、議長の同意を得てこれを任免する。

第二十八條 事務総長は、議長の監督の下に、議院の事務を統理し、公文に署名する。

参事は、事務総長の命を受け事務を掌理する。

第二十九條 事務総長に事故があるとき又は事務総長が欠けたときは、その予め指定する参事が、事務総長の職務を行う。

第三十條 役員は、議院の許可を得て辞任することができる。但し、閉会中は、議長において役員を辞任を許可することができる。

第三十一條 役員は、官吏と兼ねることができない。

第三十二條 両議院の経費は、独立して、國の予算にこれを計上しなければならない。

前項の経費中には、予備金を設けることを要する。

第四章 議員

第三十三條 各議院の議員は、院外における現行犯罪の場合を除いては、会期中その院の許諾

がなければ逮捕されない。

第三十四條 参議院の緊急集会中、参議院の議員は、院外における現行犯罪の場合を除いては、参議院の許諾がなければ逮捕されない。

参議院の緊急集会前に逮捕された参議院の議員は、参議院の要求があれば、緊急集会中これを釈放しなければならない。

第三十五條 議員は、一般官吏の最高の給料額より少くない歳費を受ける。

第三十六條 議員は、別に定めるところにより、退職金を受けることができる。

第三十七條 議員は、別に定める規則に従い、会期中及び公務のため自由に國有鉄道に乗車することができる。

第三十八條 議員は、会期中公の書類を郵送し及び公の性質を有する通信をなすため、別に定めるところにより手当を受ける。

第三十九條 議員は、その任期中別に法律で定めた場合を除いては、官吏又は地方公共団体の
吏員となることができない。

議員は、その任期中内閣行政各部における各種の委員、顧問、嘱託その他これに準ずる職
務に就くことができない。但し、法律で定めた場合又は国会の議決に基く場合は、この限り
でない。

第五章 委員及び委員会

第四十條 各議院の委員は、常任委員及び特別委員とする。

第四十一條 常任委員は、会期の始めに議院において選任し、議員の任期中その任にあるもの
とする。

議員は、少くとも一箇の常任委員となる。但し、同時に三箇を超える常任委員となること
ができない。

第四十二條 各議院の常任委員会は、左の通りとし、その部門に属する議案、請願、陳情書その他を審査する。

- 一 外務委員会
- 二 治安及び地方制度委員会
- 三 國土計画委員会
- 四 司法委員会
- 五 文教委員会
- 六 文化委員会
- 七 厚生委員会
- 八 労働委員会
- 九 農林委員会

- 十 水産委員会
- 十一 商業委員会
- 十二 鉱工業委員会
- 十三 電気委員会
- 十四 運輸及び交通委員会
- 十五 通信委員会
- 十六 財政及び金融委員会
- 十七 予算委員会
- 十八 決算委員会
- 十九 議院運営委員会
- 二十 図書館運営委員会

二十一 懲罰委員会

各議院において必要と認めたときは、前項各号以外の常任委員会を設けることができる。

第四十三條 各常任委員会には、少くとも二人の國會議員でない専門の知識を有する職員（これを専門的職員という）及び書記を常置する。但し、議院において不必要と認められたものについては、この限りでない。

専門的職員は、相当額の報酬を受け、他の職務を兼ねることができない。

専門的職員は、その職を辞した後二年間は、内閣行政各部における、いかなる職務にも就くことができない。

第四十四條 各議院の常任委員会は、他の議院の常任委員会と協議して合同審査会を開くことができる。

第四十五條 特別委員は、常任委員会の所管に属しない特定の事件を審査するため、議院にお

いて選任し、その委員会に付託された事件が、その院で議決されるまでその任にあるものとする。

特別委員長は、その委員がこれを互選する。

第四十六條 常任委員及び特別委員は、各派の所属議員数の比率により、これを各派に割当て選任する。

第四十七條 常任委員会及び特別委員会は、会期中に限り付託された事件を審査する。

常任委員会及び特別委員会は、各議院の議決で特に付託された事件については、閉会中も

なお、これを審査することができる。

第四十八條 委員長は、委員会の議事を整理し、秩序を保持する。

第四十九條 委員会は、その委員の半数以上の出席がなければ、議事を開き議決することができない。

第五十條 委員会の議事は、出席委員の過半数でこれを決し、可否同数のときは、委員長の決するところによる。

第五十一條 委員会は、一般的関心及び目的を有する重要な案件について、公聴会を開き、眞に利害関係を有する者又は学識経験者等から意見を聴くことができる。

予算及び重要な歳入法案については、前項の公聴会を開かなければならない。

第五十二條 委員会は、議員の外、委員長の許可を得た者が、これを傍聴することができる。但し、その委員会の決議により秘密会とすることができる。

委員長は、秩序保持のため、傍聴人の退場を命ずることができる。

第五十三條 委員長は、委員会の経過及び結果を議院に報告しなければならない。

第五十四條 委員会において廃棄された少数意見は、委員長の報告に次いで少数意見者がこれを議院に報告することができる。

議長は、少数意見の報告につき時間を制限することができる。

少数意見者が簡明な少数意見の報告書を議長に提出したときは、委員会の報告書と共にこれを会議録に掲載する。

第六章 会議

第五十五条 各議院の議長は、議事日程を定め、予めこれを議院に報告する。

第五十六条 すべて議員は、議案を發議することができる。

議案が發議又は提出されたときは、議長は、これを適當の委員会に付託し、その審査を経て會議に付する。但し、特に緊急を要するものは、議院の議決で委員会の審査を省略することができる。

十委員会において、議院の會議に付するを要しないと決定した議案は、これを會議に付さない。但し、委員会の決定の日から休會中の期間を除いて七日以内に議員二十人以上の要求

があるものは、これを会議に付さなければならぬ。

前項但書の要求がないときは、その議案は廃案となる。

第五十七條 議案に対する修正の動議を議題とするには、二十人以上の賛成を要する。

第五十八條 内閣は、一の議院に議案を提出したときは、予備審査のため、その翌日以後他の

議院に同一の案を送付しなければならない。

第五十九條 内閣が、各議院の会議又は委員会において議題となつた議案を修正し又は撤回

するには、その院の承諾を要する。

第六十條 各議院が提出した議案については、その委員長（その代理者を含む）又は発議者

は、他の議院において、提案の理由を説明することができる。

第六十一條 各議院の議長は、質疑、討論その他の発言につき、特に議院の議決があつた場合

を除いて、時間を制限することができる。

議員が時間制限のため発言を終らなかつた部分につき特に議院の議決があつた場合を除

一六

いては、議長が認める範囲内において、これを会議録に掲載する。

第六十二條

各議院の会議は、議長又は議員十人以上の発議により、出席議員の三分の二以上の議決があつたときは、公開を停めることができる。

第六十三條 秘密会議の記録中、特に秘密を要するものとその院において議決した部分は、これを公表しないことができる。

第六十四條

内閣は、内閣総理大臣が欠けたとき、又は辞表を提出したときは、直ちにその旨を両議院に通知しなければならない。

第六十五條

両議院の議決を要する議案について、最後の議決があつた場合、及び衆議院の議決が国会の議決となつた場合には、衆議院議長から、その公布を要するものは、これを内閣を經由して奏上し、その他のものは、これを内閣に送付する。

内閣総理大臣の指名については、衆議院議長から、内閣を経由してこれを奏上する。

第六十六條 法律は、奏上の日から三十日以内にこれを公布しなければならない。

第六十七條 一の地方公共団体のみに適用される特別法については、国会において最後の可決があつた場合は、別に法律で定めるところにより、その地方公共団体の住民の投票に付し、その過半数の同意を得たときに、さきの国会の議決が、確定して法律となる。

第六十八條 会期中に議決に至らなかつた案件は、後会に継続しない。

第七章 國務大臣及び政府委員

第六十九條 内閣は、国会において國務大臣を補佐するため、両議院の議長の承認を得て政府委員を任命することができる。

第七十條 國務大臣及び政府委員が、議院の会議又は委員会において発言しようとするときは、議長又は委員長に通告しなければならない。

第七十一條 委員会は、議長を経由して國務大臣及び政府委員の出席を求めることができる。

第七十二條 委員会は、議長を経由して会計検査院の長及び検査官の出席説明を求めることができる。

第七十三條 議院の会議及び委員会に関する報告は、議員に配付すると同時に、これを國務大臣及び政府委員に送付する。

第八章 質問及び自由討議

第七十四條 各議院の議員が、内閣に質問しようとするときは、議長の承認を要する。

質問は、簡明な主意書を作り、これを議長に提出しなければならない。その議員から異議の申立があつたときは、議長は、議長の承認しなかつた質問について、その議員から異議の申立があつたときは、議長は、これを承認するかどうかを議院に諮らなければならない。

議長又は議院の承認しなかつた質問について、その議員から要求があつたときは、議長は、

その主意書を会議録に掲載する。

第七十五條 議長又は議院の承認した質問については、議長がその主意書を内閣に轉送する。

内閣は、質問主意書を受け取つた日から七日以内に答弁をしなければならない。その期間内に答弁をしないときは、理由を明示することを要する。

第七十六條 質問が、緊急を要するときは、議院の議決により口頭で質問することができる。

第七十七條 質問に対する内閣の答弁に関し、議員の動議により、討論又は表決に付することができる。

第七十八條 各議院は、國政に関し議員に自由討議の機会を與えるため、少くとも、二週間に一回その會議を開くことを要する。

自由討議の問題につき、議員の動議により、議院の表決に付することができる。

自由討議における発言の時間は、特に議院の議決があつた場合を除いては、議長がこれを

定める。

二〇

第九章 請願

第七十九條 各議院に請願しようとする者は、議員の紹介により請願書を提出しなければならない。

第八十條 請願は、各議院において委員会の審査を経た後これを議決する。

委員会において、議院の会議に付するを要しないと決定した請願は、これを会議に付さない。但し、議員二十人以上の要求があるものは、これを会議に付さなければならない。

第八十一條 各議院において採択した請願で、内閣において措置するを適當と認められたものは、これを内閣に送付する。

内閣は、前項の請願の処理の経過を毎年議院に報告しなければならない。

第八十二條 各議院は、各別に請願を受け互に干預しない。

第十章 両議院関係

第八十三條 國會の議決を要する議案を甲議院において可決し、又は修正したときは、これを

乙議院に送付し、否決したときは、その旨を乙議院に通知する。

乙議院において甲議院の送付案に同意し、又はこれを否決したときは、その旨を甲議院に通知する。

乙議院において甲議院の送付案を修正したときは、これを甲議院に回付する。

甲議院において乙議院の回付案に同意し、又は同意しなかつたときは、その旨を乙議院に通知する。

第八十四條 法律案について、衆議院において参議院の回付案に同意しなかつたとき、又は参議院において衆議院の送付案を否決し及び衆議院の回付案に同意しなかつたときは、衆議院は、両院協議会を求めることができる。

第八十五條 予算及び衆議院先議の條約について、衆議院において参議院の回付案に同意しなかつたとき、又は参議院において衆議院の送付案を否決したときは、衆議院は、両院協議會を求めなければならない。

参議院先議の條約について、参議院において衆議院の回付案に同意しなかつたとき、又は衆議院において参議院の送付案を否決したときは、参議院は、両院協議會を求めなければならない。

第八十六條 各議院において、内閣總理大臣の指名を議決したときは、これを他の議院に通知する。

内閣總理大臣の指名について、両議院の議決が一致しないときは、参議院は、両院協議會を求めなければならない。

第八十七條 前三條に規定したものを除いて、國會の議決を要する事件について、後議の議院

が先議の議院の議決に同意しないときは、先議の議院は、両院協議会を求めることができる。

第八十八條 一の議院から両院協議会を求められたときは、他の議院は、これを拒むことができない。

第八十九條 両院協議会は、各議院において選挙された各、十人の委員でこれを組織する。

第九十條 両院協議会の議長には、各議院の協議委員において夫々互選された議長が、毎会更代してこれに当る。その初会の議長は、くじでこれを定める。

第九十一條 両院協議会は、各議院の協議委員の各、三分の二以上の出席がなければ、議事を開き議決することができない。

第九十二條 両院協議会においては、その意見が一致したときに限り成案を議決する。

両院協議会の議事は、前項の場合を除いては、出席協議委員の過半数でこれを決し、可否同数のときは、議長の決するところによる。

第九十三條 兩院協議会の成案は、兩院協議会を求めた議院において先ずこれを議し、他の議院にこれを送付する。

成案については、更に修正することができない。

第九十四條 兩院協議会において、成案を得なかつたときは、各議院の協議委員議長は、各、その旨を議院に報告しなければならない。

第九十五條 各議院の議長は、兩院協議会に出席して意見を述べることができる。

第九十六條 兩院協議会は、國務大臣及び政府委員の出席を要求することができる。

第九十七條 兩院協議会は、傍聴を許さない。

第九十八條 この法律に定めるものの外、兩院協議会に関する規程は、兩議院の議決によりこれを定める。

第十一章 兩院法規委員会

第九十九條 兩院法規委員会は、兩議院及び内閣に対し、新立法の提案並びに現行の法律及び政令に関して勅告し、且つ、國會關係法規を調査研究して、兩議院に対し、その改正につき勅告する。

第一百條 兩院法規委員会は、衆議院から選挙された十人の委員及び参議院から選挙された五人の委員でこれを組織し、その委員長は、委員会でこれを互選する。

委員の任期は、議員としての任期による。

第一百一條 兩院法規委員会は、兩議院において特に議決のない限り閉会中は、これを開くことができない。

第一百二條 兩院法規委員会に関するその他の規定は、兩議院の議決によりこれを定める。

第十二章 議院と國民及び官廳との關係

第一百三條 各議院は、審査又は調査のため、議員を派遣することができる。

第二百四條

各議院から審査又は調査のため、内閣、官公署その他に対し、必要な報告又は記録の提出を求めたときは、その求めに應じなければならない。

第二百五條

内閣及び各省は、その刊行物を國會図書館に送付しなければならない。

図書館運営委員会において必要と認められたものについては、内閣及び各省をしてこれを各議員に配付させることができる。

第二百六條

各議院は、議案その他の審査又は國政に関する調査のため、証人の出頭を求めたときは、別に定めるところにより旅費及び日当を支給する。

第十三章

辭職、退職、補欠及び資格争訟

第二百七條

各議院は、その議員の辭職を許可することができる。但し、閉会中は、議長においてこれを許可することができる。

第二百八條

各議院の議員が、他の議院の議員となり、又は法律により議員たることのできない

職務に任ぜられたときは、退職者となる。

第百九條 各議院の議員が、法律に定めた被選の資格を失つたときは、退職者となる。

第百十條 各議院の議員に欠員が生じたときは、その院の議長は、内務大臣に通知しなければならぬ。

第百十一條 各議院において、その議員の資格につき争訟があるときは、委員会の審査を経た後これを議決する。

前項の争訟は、その院の議員から文書でこれを議長に提起しなければならぬ。

第百十二條 資格争訟を提起された議員は、二人以内の弁護人を依頼することができる。

前項の弁護人の中一人の費用は、國費でこれを支弁する。

第百十三條 議員は、その資格のないことが証明されるまで、議院において議員としての地位及び権能を失わない。但し、自己の資格争訟に関する会議において弁明はできるが、その表

決に加わることができない。

第十四章 紀律及び警察

第百十四條 國會の会期中各議院の紀律を保持するため、内部警察の権は、この法律及び各議院の定める規則に従い、議長が、これを行う。

參議院の緊急集会中は、前項の規定を準用する。

第百十五條 各議院において、必要とする警察官吏は、議長の要求により内閣がこれを派出し、議長の指揮を受ける。

第百十六條 會議中議員がこの法律又は議事規則に違ひその他議場の秩序をみだし又は議院の品位を傷けるときは、議長は、これを警戒し、又は制止し、又は発言を取り消させる。命に従わないときは、議長は、当日の會議を終るまで発言を禁止し、又は議場の外に退去させることができる。

第一百七十七條 議長は、議場を整理し難いときは、休憩を宣告し、又は散会することができる。

第一百十八條 傍聴人が議場の妨害をするときは、議長は、これを退場させ、必要な場合は、これを警察官廳に引渡すことができる。

傍聴席が騒がしいときは、議長は、すべての傍聴人を退場させることができる。

第一百十九條 各議院において、無礼の言を用い、又は他人の私生活にわたる言論をしてはならない。

第一百二十條 議院の会議又は委員会において、侮辱を被つた議員は、これを議院に訴えて処分を求めることができる。

第十五章 懲罰

第一百二十一條 各議院において懲罰事犯があるときは、議長は、先ずこれを懲罰委員会に付し審査させ、議院の議を経てこれを宣告する。

委員会において懲罰事犯があるときは、委員長は、これを議長に報告し処分を求めなければならぬ。

議員は、二十人以上の賛成で懲罰の動議を提出することができる。この動議は、事犯があつた日から三日以内にこれを提出しなければならない。

第二百二十二條 懲罰は、左の通りとする。

- 一 公開議場における戒告
- 二 公開議場における陳謝
- 三 一定期間の登院停止
- 四 除名

第二百二十三條 両議院は、除名された議員で再び当選した者を拒むことができない。

第二百二十四條 議員が正当な理由がなくて召集日から七日以内に召集に應じないため、又は

正当な理由がなくて会議又は委員会に欠席したため、若しくは請暇の期限を過ぎたため、議長が、特に招状を発し、その招状を受け取つた日から七日以内に、なお、故なく出席しない者は、議長が、これを懲罰委員会に付する。

第十六章 弾劾裁判所

第二百二十五條 裁判官の弾劾は、各議院においてその議員の中から選挙された同数の裁判員で組織する弾劾裁判所がこれを行う。

弾劾裁判所の裁判長は、裁判員がこれを互選する。

第二百二十六條 裁判官の罷免の訴追は、衆議院においてその議員の中から選挙された訴追委員で組織する訴追委員会がこれを行う。

訴追委員会の委員長は、その委員がこれを互選する。

第二百二十七條 弾劾裁判所の裁判員は、同時に訴追委員となることができない。

第二百二十八條 各議院において裁判員を選挙する際及び衆議院において訴追委員を選挙する際、その予備員を選挙する。

第二百二十九條 この法律に定めるものの外、弾劾裁判所及び訴追委員会に関する事項は、別に法律でこれを定める。

第十七章 国会図書館及び議員会館

第三百十條 議員の調査研究に資するため、国会に国会図書館を置く。

国会図書館は、一般にこれを利用させることができる。

第三百十一條 議員の法制に関する立案に資するため、各議院に法制部を置く。

第三百十二條 議員の職務遂行の便に供するため、議員会館を設け事務室を提供し、及び各議員に一人の事務補助員を付する。

附則

この法律は、日本國憲法施行の日から、これを施行する。

議院法は、これを廃止する。

この法律施行の際現に在職する衆議院の議長及び副議長は、この法律により衆議院の議長及び副議長が選挙されるまで、その地位にあるものとする。

この法律施行の際現に在職する衆議院及び貴族院の書記官長は、この法律により衆議院及び参議院の事務総長が選挙されるまで、夫々事務総長としての地位にあるものとする。

参議院成立当初における参議院の会議その他の手續及び内部の規律に関しては、参議院において規則を定めるまでは、衆議院規則の例による。

理由

日本國憲法制定に伴い、國會法を定める必要がある。これが、この法律案を提出する理由である。

FEC-101/8RESTRICTEDFEC-101/822 January 1947FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
THE JAPANESE TEXT OF THE IMPERIAL HOUSE ECONOMY LAWNote by the Secretary General

The enclosure, the Japanese Text of the Imperial House Economy Law, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

NELSON T. JOHNSON
Secretary General

FEC-101/8

FEC-101/9RESTRICTEDFEC-101/922 January 1947FAR EASTERN COMMISSIONDRAFT LAW IMPLEMENTING THE JAPANESE CONSTITUTION:
THE JAPANESE TEXT OF THE IMPERIAL HOUSE LAWNote by the Secretary General

1. The enclosure, the Japanese Text of the Imperial Household Law, one of the laws implementing the Japanese Constitution, received by the United States Representative from the Supreme Commander for the Allied Powers, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 3: CONSTITUTIONAL AND LEGAL REFORM.

2. Due to the limited number of copies available only two copies of the enclosure can be furnished each delegation.

NELSON T. JOHNSON
Secretary General

FEC-101/9

Priority = Imperial House Law

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Incl 1 Imperial House Law