

as provided for in Article 84, para. 1 (Establishment of Sea-Area Fisheries Adjustment Committee) of the Fishery Law (Law No. 267, of 1949), (or of the Sea-Area Fisheries Adjustment Committee concerned in case only one sea-area is established along the coasts of the To, Do Fu or Prefecture concerned); and the views of the Inland Fishing Grounds Administration Committee, if the Regulations to be prescribed pertain to inland waters as provided for in Article 127 (Licensing of 5th Class Cooperative Fishery in Inland Waters) of the said Law.

(Restrictions on Fishing Method)

Article 5. No aquatic animals or plants shall be caught or collected by using explosives; provided, however, that this provisions does not apply to the hunting of sea-mammals.

Article 6. No aquatic animals or plants shall be caught or collected by using a poisonous substance which paralyzes them or causes their death; provided, however, that this provision does not apply to the catching or collecting in the inland waters as provided for in Article 127 of the Fishery Law, which is conducted with the approval of the Minister of Agriculture and Forestry for the purpose of researches.

Article 7. No aquatic animals or plants which have been caught or collected in violation of the provisions of the preceding two Articles shall be sold or kept in possession.

(Water Surface Not Appropriated for Public Use)

Article 8. By a Cabinet Order, the provisions of Article 4 to the preceding Article and also the penal provisions in pursuance thereof may be made applicable to the water surface not appropriated for public use but connected with the one appropriated for public use or with a body of waters as mentioned in Article 3.

(Maximum Number of Authorized Fishing Boats)

Article 9. The Minister of Agriculture and Forestry, when he deems it necessary for conserving aquatic resources, may prescribe by a Ministerial Ordinance the maximum number of fishing boats (hereinafter referred to simply as the maximum number) which may be employed in each type of fishery in each area, in reference to the designated deep-sea fishery as mentioned in Article 52 (Designated Deep-Sea Fishery) of the Fishery law, or such line of fishery as are subject to the approval of the Minister

fishery as are subject to the approval of the Minister of Agriculture and Forestry under the provisions of the Ministerial Ordinances prescribed in pursuance of the provisions of Article 65, paragraph 1 (Ordinance concerning Coordination of Fishery) of the said law and Article 4 of this law.

2. The Minister of Agriculture and Forestry, in prescribing the maximum number as mentioned in the preceding paragraph, must take a general view of the current conditions of aquatic resources, the number of persons engaged in fishery, and other social and natural conditions.

3. The Minister of Agriculture and Forestry, when he is to prescribe the maximum number, must obtain the views of the Central Fisheries Adjustment Council.

(Revocation of and Alteration in AUTHORIZATION ON ACCOUNT
of the Maximum Number Exceeded)

Article 10. If, at the time of prescription of the maximum number as provided for in the preceding Article, the number of fishing boats, which have received the authorization to engage in fishery (including the approval to commence an enterprise in fishery; hereinafter the same) in the relative type of fishery in the relative aquatic area, exceeds such maximum number, the Minister of Agriculture and Forestry must designate, in reference to the fishing boats which are in excess, the date of revoking the authorization in regard to the relative fishing business, or the area of operation to be altered for such fishing business and the date of such alteration, in accordance with the standards to be established by a Ministerial Ordinance and in consideration of the matters mentioned in the following items.

- (1) Number of authorized fishing boats held by each operator of fishery in the relative type of fishery in the relative aquatic area;
- (2) Conditions of operation, such as the number of trips made by the fishing boats engaged in the relative fishing business, the location of main operating grounds, the number of operating days, the frequency of net-castings, etc.
- (3) Conditions of labor, such as wages and other allowances, etc.
- (4) Degree of economic dependence of each operator of fishery on the relative fishing business.

2. The Minister of Agriculture and Forestry, when he is to prescribe the standards as mentioned in the preceding paragraph, must obtain the views of the Central Fishery Coordination Council.

3. The Minister of Agriculture and Forestry, when he deems it necessary in making the designation as provided for in paragraph 1, may designate, in reference to fishing boats authorized in the relative type of fishery in the relative aquatic area but not designated under the provisions of the said paragraph, the area of operation to be altered for such fishing boats and the date of such alteration.

4. The designation in accordance with the provisions of paragraph 1 or the preceding paragraph shall be made by an Announcement.

5. When the Announcement as mentioned in the preceding paragraph has been made, the authorization in reference to the relative fishing business shall be regarded as having been revoked, or the authorized area of operation, as having been altered, as of the designated date, irrespective of the term of validity of the authorization.

(Compensation for Loss)

Article 11. The Government shall give compensation for a loss incurred by the revocation of authorization or the alteration of an operating area, as prescribed in paragraph 5 of the preceding Article, to the person who has been subjected to such a measure.

2. Losses compensable under the provision of the preceding paragraph shall be those incurred under normal conditions by

the measures mentioned in the said paragraph.

3. An amount of compensation payable under the provision of the preceding paragraph shall be determined and announced by the Minister of Agriculture and Forestry, after obtaining the views of the Central Fishery Coordination Council.

4. Methods of paying compensation shall be provided for by Cabinet Order.

5. Any person who is dissatisfied with an amount of compensation announced in accordance with the provisions of paragraph 3 may bring an action for the increase of such amount within a period of 90 days from the date of announcement.

6. The defendant in the action mentioned in the preceding paragraph shall be the State.

(Measure for Persons Engaged in Fishery)

Article 12. Any person who has been subjected to the revocation of authorization under the provision of Article 10, paragraph 5, must pay out of the compensation allowed him such amount as shall be determined by Ministerial Ordinance to the persons who were the crew of his authorized fishing boats, and those who were shore operators for such fishing boats, on the date of the announcement mentioned in paragraph 4 of the said Article.

(Limit to Catches)

Article 13. With regard to the designated deep-sea fishery mentioned in Article 52 of the Fishery Law or to those lines of fishery which are subject to the approval of the Minister of Agriculture and Forestry under the provisions of the Ministerial Ordinances prescribed pursuant to Article 65, paragraph 1,

of the said law and Article 4 of this law, the Minister of Agriculture and Forestry may, when he deems it necessary, set a maximum limit to yearly catches (hereinafter referred to as "a limit to catches") according to types of fishery or kinds of catches and divisions of aquatic areas, and advise the persons concerned or their organization to take measures not to fish beyond such limit.

2. The Minister of Agriculture and Forestry, when he is to set a limit to catches as mentioned in the preceding Article, must obtain the views of the Central Fishery Coordination Council.

Section 2. Protected Areas of Water Surface.

(Definition of Protected Area of Water Surface)

Article 14. A "protected area of the water surface" in this law shall mean an area of the water surface which is suitable for spawning by aquatic animals, the development of young fish, or the growth of seedlings of aquatic plants or animals, and which is designated by the Minister of Agriculture and Forestry as an area in which necessary measures must be taken for the conservation and nurture of aquatic animals or plants.

(Designation of Protected Area of Water Surface)

Article 15. A protected area of the water surface shall be designated by the Minister of Agriculture and Forestry in response to application from the Governor of a To, Do, Fu or Prefecture, according to the criteria established by the Minister and by obtaining the views of the Central Fisheries Adjustment Council.

2. The Governor of a To, Do, Fu or Prefecture, shall, when he applies for the designation mentioned in the preceding paragraph, file an application showing a particular area of the water surface and the reasons for which the designation thereof is required, together with a plan for the administration of such area as provided for in Article 17, para. 1.

3. The Governor of a To, Do, Fu or Prefecture, when he is to apply for the designation mentioned in para. 1, must obtain views, in regard to such application and the administration plan mentioned in the preceding paragraph, of the Sea-Area Fisheries Adjustment Committee formed for the sea area which embraces the area of the water surface proposable for designation, if such area of the water surface constitutes a part of the sea surface provided for in Article 84, para. 1, of the Fishery Law; and such views of the Inland Fishing Grounds Administration Committee, if such area of the water surface constitutes a part of the inland waters provided for in Article 127 of the said law.

4. The Minister of Agriculture and Forestry, in case he recognizes a special need, may designate a protected area of the water surface in the absence of the application from the Governor of a To, Do, Fu or Prefecture provided for in para. 1, according to the criteria prescribed in the said paragraph.

5. The Minister of Agriculture and Forestry, when he designates a protected area of the water surface under the provision of the preceding paragraph, must determine a plan for the administration of such area, as provided for in Article 17. para. 1.

6. The Minister of Agriculture and Forestry, when he is to designate a protected area of the water surface under the provision of para. 4, must obtain the views of the Governor of a To, Do, Fu or Prefecture who has

jurisdiction over the water surface which embraces such area in regard to such designation and the administration plan mentioned in the preceding paragraph.

7. The provision of para. 3 shall apply mutatis mutandis where the Governor of a To, Do, Fu or Prefecture is to submit his views to the Minister of Agriculture and Forestry under the provision of the preceding paragraph.

8. The designation of a protected area of the water surface as prescribed in para. 1 or 4 shall be made by the announcement of such area and the administrator thereof provided for in Article 16.

(Administrator of Protected Area of Water Surface)

Article 15. A protected area of the water surface shall be administered by the Governor of a To, Do, Fu or Prefecture who has jurisdiction over the water surface which embraces such area. However, in cases where the water surface embracing such area is under the jurisdiction of two or more Governors or where the jurisdiction thereover is ambiguous, the Minister of Agriculture and Forestry may designate a Governor who shall administer such area or he may administer himself.

(Plan for Administration of Protected Area of Water Surface)

Article 17. In a plan for the administration of a protected

area of the water surface, there shall be prescribed at least the following matters:

- (1) Kinds of aquatic animals or, plants which are to be increased, and the outline of methods and facilities for such increase;
- (2) Kinds of aquatic animals or plants of which the catching or collecting are to be restricted or prohibited, and details of such restriction or prohibition;
- (3) Fishing appliances or fishing boats the use of which are to be restricted or prohibited, and details of such restriction or prohibition.

2. The Governor of a To, Do, Fu or Prefecture may, with the approval of the Minister of Agriculture and Forestry, alter the plan for administration of such protected area of the water surface as is administered by him. In such case, the provision of Article 15, para. 3, shall apply *mutatis mutandis*.

3. The Minister of Agriculture and Forestry, in case he recognizes a special need, may order the Governor of a To, Do, Fu or Prefecture to alter the plan for the administration of such protected area of the water surface as is administered by the Governor. In such case, the provisions of Article 15, paras. 6 and 7, shall apply *mutatis mutandis*.

(Restrictions on Works)

Article 18. When, within a protected area of the water surface, a person is to do reclamation or dredging work or any

other kind of work which alters the quantity of the running water or the water-level in a waterway or river, he must obtain the permission of the Governor of a To, Do, Fu or Prefecture who administers such area or the Minister of Agriculture and Forestry, in accordance with the provisions of the Cabinet Order.

2. In case any works carried out without the permission mentioned in the preceding paragraph is considered to constitute a serious obstacle to the administration of a protected area of the water surface, the Governor of a To, Do, Fu or Prefecture or the Minister of Agriculture and Forestry may order the operator of such works to alter them or to restore such area to the original state.

(Defrayment of Expenses)

Article 19. Expenses required for the administration of a protected area of the water surface by the Governor of a To, Do, Fu or Prefecture, on an administration plan, shall be defrayed by the State.

Section 3. Conservation and Nurture of
Anadromous Fish.

(Artificial Incubation and Stocking under State
Management)

Article 20. In order to effect propagation of salmon and trout out of anadromous fish, the Minister of Agriculture and Forestry shall execute the artificial incubation and stocking thereof.

2. The Minister of Agriculture and Forestry shall determine for every fiscal year a plan for execution of the artificial incubation and stocking prescribed in the preceding paragraph.

3. In the plan for the artificial incubation and stocking under the preceding paragraph, at least the following matters shall be determined.

(1) A river or rivers in which the artificial incubation or stocking is to be executed in the fiscal year concerned.

(2) A place or places where the artificial incubation or stocking is to be executed and the number of fish to be stocked in the fiscal year concerned.

4. The Minister of Agriculture and Forestry shall, when he wants to determine a plan for the artificial incubation or stocking under the paragraph 2, hear the opinion of the Central Fisheries Adjustment Council.

5. The Minister of Agriculture and Forestry may mandate part of the affairs prescribed in paragraph 1 to the Governor of To, Do, Fu or a Prefecture.

(Beneficiaries' Share of Expenses)

Article 21. When those engaged in fisheries, the object of which is to catch salmon or trout out of anadromous fish, obtain remarkable benefits from the artificial incubation or stocking to be executed in accordance with the provisions of paragraph 1 of the preceding Article, the

Minister of Agriculture and Forestry may cause them to share part of the expenses required for the execution thereof.

(Protection of the Passage of Anadromous Fish)

Article 22. The owner or occupant of a structure established in the waters where there is a passage of anadromous fish shall take care of such structure in such a way as it will not obstruct the anadromous passage of anadromous fish.

2. The Minister of Agriculture and Forestry or the Governor of To, Do, Fu or a Prefecture may, when he deems the owner or occupant of the structure under the preceding paragraph to be negligent in the care provided for in the same paragraph, order such person to take due care in accordance with the provisions of the same paragraph.

Article 23. The Minister of Agriculture and Forestry may restrict or prohibit the establishment of any structure within a fixed area of waters when he deems that the passage of anadromous fish is feared to be obstructed thereby.

2. The Minister of Agriculture and Forestry may, when he wants to carry out the restriction in accordance with the provisions of the preceding paragraph, effect the same even by ordering any person, who wants to establish the structure in question, to establish the

passage of anadromous fish or such facilities as will take the place of the passage in question, or, in case it is deemed considerably difficult to establish the passage of anadromous fish or such facilities as will take the place of the passage in question, to establish or to work out means for establishing such facilities as **are** necessary for the propagation of anadromous fish or other species of fish in the area concerned.

3. Any person who has received an order prescribed in the preceding paragraph shall work out a plan for the ordered matters and obtain authorization for the same from the Minister of Agriculture and Forestry as provided for by the Ministerial Ordinance.

Article 24. The Minister of Agriculture and Forestry may, when he deems that any structure hinder the passage of anadromous fish, order its owner or occupant to conduct works of eliminating obstacles.

2. The Minister of Agriculture and Forestry shall, when he has ordered the such works of eliminating obstacles in accordance with the provisions of the preceding paragraph, make a proper compensation to the person who has the right to such structure. However, in case works of eliminating obstacles are ordered to be conducted in accordance with the provisions of the preceding paragraph to the violator of the order provided for in Article 22, paragraph 2, the compensation shall not be made to him.

3. In case the order for works of eliminating obstacles under the provisions of the paragraph 1 is issued upon the application by any person interested therein, the said

applicant shall make compensation provided for in the provisions of the preceding paragraph, in accordance with what is prescribed by the Minister of Agriculture and Forestry.

4. Any person who is dissatisfied with the sum of compensation provided for in the preceding two (2) paragraphs, may request for its increase or reduction by a lawsuit within ninety (90) days as from the date on which he is notified with the determination of the sum of compensation money.

5. In the lawsuit provided for in the preceding paragraph, the state shall be made the defendant. However, in the case of the paragraph 3, the applicant or the person who has right to the structure shall be made the defendant.

6. If, in case where the order for the work of eliminating obstacles on structure is issued in accordance with the provisions of the paragraph 1, there exists preferential rights, pledge or mortgage on such structure, the Minister of Agriculture and Forestry shall deposit the compensation money provided for in the paragraphs 2 or 3 unless there is a suggestion made by the person having such preferential rights, pledgee or mortgagee to the effect that such deposit is dispensable.

7. The person having the preferential rights, pledgee or mortgagee mentioned in the preceding paragraph may exercise his rights on the compensation money deposited in accordance with the provisions of the preceding paragraph.

(Prohibition of catching and collecting salmon in the waters)

Article 25. In the waters provided for in Article 127 of the Fisheries Law, salmon out of anadromous fish is prohibited to be caught or collected. However, the same shall not apply ^{to} cases where those persons, who have licence for fishing, or are authorized for so doing by the Minister of Agriculture and Forestry or the governor of To, Do, Fu and Prefecture in accordance with the provisions of Article 65, paragraph 1 of the Fisheries Law and of the Ministerial Ordinance or Regulations based upon the provisions of Article 4 of this Law, catch or collect salmon in accordance with such licence or authorization.

(Water surface not appropriated for public use) Article 26

Article 26. The provisions from Article 22 to the preceding article and penal regulations relating thereto may be applied by order to the water surface which are not appropriated for public use, but running to the water surface which are appropriated for public use or to the water surface mentioned in the Article 3.

Section 4. Securing of seedlings of aquatic animals and plants.

(Duty of notification)

Article 27. Any person who wants to catch or collect, as a business, seeds or seedlings of aquatic animals and plants stipulated in the Ministerial Ordinance for the purpose of sale shall notify thereof to the Minister of Agriculture and Forestry. The same shall apply to the case of cessation of such business.

(Production and distribution)

Article 28. The Minister of Agriculture and Forestry may give necessary instructions as provided for by the Ministerial Ordinance to those persons in the preceding article, when he deems it necessary for securing the seedlings of aquatic animals and plants stipulated in the same article, regarding the production and distribution of such seedlings.

Chapter III Investigation of aquatic resources

(Investigation of aquatic resources)

Article 29. The Minister of Agriculture and Forestry shall conduct scientific investigations on the quantity of fisheries catches, conditions of operation and conditions of

seas with respect to such fisheries as are deemed to require such investigations for the conservation and cultivation of aquatic resources.

2. The Minister of Agriculture and Forestry may delegate part of the business prescribed in the preceding paragraph to the Governor of To, Do, Fu or Prefecture.

(Collection of reports)

Article 30. The Minister of Agriculture and Forestry or the Governor of To, Do, Fu or Prefecture may cause those who operate the fishing industry or those engaged in it to report on the quantity, the time and method of fisheries catches and other necessary matters when he deems it necessary to conduct the investigations prescribed in the preceding article.

Chapter IV Subsidy

Article 31. The State may grant a subsidy to those coming under any of the following items as part of the expenses mentioned therein.

- (1) The expenses needed by the owner or the occupant of the structure built the water where there is a passage of anadromous fish (excepting those who have received the order to conduct the works of eliminating obstacles under the provisions of Paragraph 1 of Article 23) when he installs or repairs the passage of anadromous fish

or such facilities as will take the place of the passage in question on the said water.

- (2) Expenses needed by a person other than the State for artificially incubating and stocking salmon and trout among anadromous fishes.

Chapter V. Miscellaneous Regulations

(Aquatic resources protection and guidance specialists and Aquatic resources protection and guidance clerk)

Article 32. The Minister of Agriculture and Forestry and the Governor of To, Do, Fu or Prefecture shall appoint aquatic resources protection and guidance specialists and aquatic resources protection and guidance clerks from among the personnel of the Agency or Division to give guidance to and diffuse the matters concerning the protection and nurturing of aquatic resources and administer the business relative to the enforcement of this law and orders based on this law.

(Cooperation concerning the protection and nurturing of aquatic resources)

Article 33. The Governor of To, Do, Fu and Prefecture may request the cooperation of fisheries Cooperative associations and others for the conservation and nurturing of aquatic resources when he deems it necessary to do so for the conservation and nurturing of aquatic resources.

(Aquatic Resources Protection Sectional Commission)

Article 34. The Aquatic Resources Protection Sectional Committee shall be established within the Central Fisheries Adjustment Council to share the business of important matters concerning the conservation and nurturing of aquatic resources.

(Appeal)

Article 35. Any person who is dissatisfied with the administrative measures made in compliance with the provisions of this law or the order based on this law may appeal to the Minister of Agriculture and Forestry.

Chapter VI Penal Provisions.

Article 36. Any person who has acted in violation of the provisions of Article 5 to Article 7 inclusive shall be subject to an imprisonment with hard labor for a period not exceeding three years, or a fine not exceeding two hundred thousand yen.

Article 37. Any person who comes under any of the following items shall be subject to an imprisonment with hard labor for a period not exceeding one year, a fine not exceeding fifty thousand yen, detention or a minor fine:

(1) Any person who has conducted the works of

construction as mentioned in Article 18
Paragraph 1 without obtaining permission as
mentioned in the same paragraph;

- (2) Any person who has acted in violation of the
restrictions or prohibitions as prescribed in
Article 23, Paragraph 1 or Paragraph 2;
- (3) Any person who has acted in violation of the
Order issued under the provisions of Article
24, Paragraph 1;
- (4) Any person who has acted in violation of the
provisions of Article 25.

Article 38. In the cases as mentioned in Article 36 or Item
4 of the preceding Article, any fish catch, fishing vessels
and fishing gears as owned or possessed by the offender
may be confiscated. However, in case where confiscation
of the whole or part of these articles owned by the
offender is impossible, an additional imposition equal
to the value thereof may be made upon him.

Article 39. Both an imprisonment with hard labor and a fine
may, according to circumstances, be imposed upon any person
who has committed the violations as mentioned in Article
36 or Article 37.

Article 40. Any person who comes under any of the following
items shall be subject to an imprisonment with hard labor
for a period not exceeding six months, a fine not exceeding

ten thousand yen, detention or a minor fine:

- (1) Any person who has acted in violation of the provision of Article 23, Paragraph 3;
- (2) Any person who has failed to give notice as prescribed in Article 27, or has given false notice;
- (3) Any person who has failed to submit the reports as prescribed in Article 30, or has made false reports.

Article 41. In case any representative of a juridical person, agent, employee or other worker of a juridical person or individual has, relevant to the business affairs or properties of that juridical person or individual, committed the violations as mentioned in Article 36, Article 37 or the preceding Article, not only shall such offender be punished, but that juridical person or individual shall also be fined in accordance with the provisions of any of these Articles. However, in case where there is proof that due care and supervision were exercised to those business affairs with a view to preventing the violations of such agent, employee or other worker of a juridical person or individual, the same shall not apply to such a juridical person or individual.

SUPPLEMENTARY PROVISIONS

1. The day of enforcement of this Law shall be determined by Cabinet Order within a period not exceeding six months from the day of its promulgation.
2. Any person who, at the time of enforcement of this Law, is actually engaged in the business as prescribed in Article 27, shall report thereon to the Minister for Agriculture and Forestry as provided by Ministerial Ordinance within sixty days from the date of enforcement of this Law.
3. The Provisions of Article 40, Paragraph 2 and Article 41 shall apply with necessary modifications to the case of the preceding paragraph.
4. The Fisheries Law shall be partially amended as follows:

In Article 58, Paragraph 1, "Article 2, Paragraph 1 of the Law for Prevention of Exhaustion of Marine Resources (Law No.171, 1950)" shall be amended as "Article 9, Paragraph 1 of the Law for Protection of Marine Resources (Law No. ,)".

In Article 65, Paragraph 1, "propagation and protection of aquatic animals and plants" and Item (5) to Item (7) shall be deleted, and in Paragraph 4 of the same Article, "and fishing gears and the aquatic animals and plants as mentioned in Item (7) of the same paragraph" shall be amended as "and fishing gears".

Article 68 to Article 71 shall be amended as follows:

Article 68 to Article 71, inclusive shall be ~~deleted.~~ *deleted.*

In Article 73, "The provisions of Article 65 (Ordinances concerning Fisheries Adjustment), Article 68 to Article 71 inclusive (Restrictions on Fishing Methods and Protection of Anadromous Fish) and therefor" shall be amended as "The provisions of Article 65 (Ordinances concerning Fisheries Adjustment) and therefor".

In Article 113, Paragraph 3, Item (2), "5 persons" shall be amended as "10 persons".

Article 138, Item (6) and Article 139, Item (3) shall be deleted.

5. The Law for Prevention of Exhaustion of Marine Resources (Law No.171, 1950) shall be abolished.
6. With regard to application of any penal provisions for the acts committed prior to the enforcement of this Law, the former procedures shall still prevail thereupon.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No. 1	From: Govt Sec 1. Immediate introduction of the attached draft bill is proposed by House of Councillors. 2. Your prompt comment is requested. 1 Incl Proposed Amend to Bill for Partial Amend to Judicial Scrivener Law	To: IS/LAJ	Date: 2 June 1951 XXX
		F. R.	

P & P

Subject: Proposed Amend to Bill for Partial Amend
to Judicial Scrivener Law

From: LS

To: GS

Date: 4 June 1951
G.M.Koshi, 57-9345

2.

Subject proposal eliminates the objectionable feature pointed out
in check note of 26 May 1951 from LS to GS. This Section has no further
legal objections.

1 Incl
w/d

----- A.C.C. -----

Fri, 1. June, 1951

Proposed Amendment to the Bill for Partial Amendment
to the Judicial Scrivener Law.

Proposed by: ITO, Osamu

The Bill for Partial Amendment to the Judicial Scrivener Law shall be partially amended as follows:

"The following three articles shall be added next to Article 15." shall be amended to "The following four articles shall be added next to Article 15."

The following shall be added to the amending provision of Article 15-(2), paragraph 1.

The same shall ^{also apply} ~~be~~ in case of the alteration of the provisions concerning the fee for the judicial scrivener.

The amending provision of Article 15-(3) shall be made Article 15-(4), and the amending provision of Article 15-(4) shall be made Article 15-(5), and the following one article shall be added next to the amending provision of Article 15-(2).

Article 15-(3). The Attorney General may, in case he considers that the provisions concerning the fee ^{of} ~~for~~ the judicial scriveners ^{association} became markedly inadequate owing to the fluctuation of economic situation, order the judicial scriveners association concerned to alter the provisions concerning the fee and report them fixing the period of more than one month and indicating the contents of the alteration.

2 The Attorney-General shall, in case he intends to ^{give} ~~exercise~~ the order under the preceding paragraph, ^h bear in advance the opinion of the judicial scriveners association concerned.

3 In the case where the order under the provision of paragraph 1 has been ^{given} ~~exercised~~, if the judicial scriveners association concerned does not report the alteration of the provisions concerning the fee within the period fixed in the order concerned, it shall be regarded that the judicial scriveners association have altered the provisions

CS: LS/LJ

Recd GS
6/2/51

concerning

18

concerning the fee in accordance with the contents of the alteration indicated in the order concerned and reported them and also the approval therefor has been given on the day of the lapse of the said period.

The amending provision of Article 19 shall be amended as follows:

In Article 18, "as well as the procedure of the report and the approval with respect to the provisions concerning the fee of the judicial scriveners association" shall be added after "discharge of duties of judicial scriveners".

The amending provision of Article 20 shall be amended as follows:

In Article 20, "or Article 7 paragraph 2" shall be deleted, and "or who received fee in excess of the amount prescribed in the provisions concerning the fee of the judicial scriveners association in violation of the provision of Article 15-(5)" shall be added after "who violates the provisions of Article 6,".

The following one paragraph shall be added to **Supplementary Provisions**.

4 Concerning the application of the disciplinary provision against the offence committed prior to the enforcement of this Law, former examples shall still be followed notwithstanding the amending provisions of Article 7 and Article 20 of the Judicial Scrivener Law.

HOUSE OF COUNCILLORS

Fri. June 1st, 1951

Title

Proposed Amendments to the Bill for
Partial Amendment to the Judicial
Scrivener Law

I hereby certify that the above-mentioned amendments do not violate any directive issued by the Supreme Commander for the Allied Powers, the Constitution and any laws of Japan.

Kenichi Okuno

Kenichi, OKUNO
Director, Legislative Bureau,
House of Councillors

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Ref Guide

Note
No.

From: Govt Sec

To: LS/LAJ

Date: 23 May 1951

1

1. Immediate introduction of the attached draft bill in the Diet
is proposed by House of Representatives.

2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendment to the
Judicial Scrivner Law

F. R.

Subject: Bill for Partial Amendments to the
Judicial Scrivener Law

From: LS

To: GS

Date: 26 May 1951
G. M. Koshi, 57-8645

2.
 1. Subject bill eliminates the objectionable features of the original bill pointed out in the check note of 4 April 1951 from LS to GS.
 2. Present bill as well as the original bill proposes that the underlined clause be deleted from Article 19 of the basic law, which reads:

"Non-scriveners shall be prohibited to conduct the business prescribed in Article 1. However, this shall not apply to the cases separately provided for by other laws or the cases where the business is conducted incidental to proper business."

While on the surface this may appear harmless, Legal Section, after renewed consideration, believes that if the proposed deletion is enacted into law, there will exist a danger that lawyers, accountants, and others engaged in legal or quasi-legal profession or even private citizens may have difficulty in performing various acts incidental to their business such as preparation of an application for registration. Since Article 23 of the basic law imposes penal servitude not exceeding one year or a fine not exceeding ten thousand yen for violation of Article 19, the deletion proposed by subject bill appears to be objectionable.

1 Incl
w/d

----- A.C.C. -----

May 22, 1951.

Title of the Bill: Bill for Partial Amendment
to the Judicial Scrivener Law.
(Proposed by HANAMURA, Shiro)

I hereby certify that the above mentioned
Bill does not violate any Directive issued by
the Supreme Commander for the Allied Powers and
the Constitution of Japan, and that any provision
of this Bill, except those providing for exceptions,
does not contradict any other law.

Foshio Urie

Chief, Legislative Bureau,
House of Representatives.

Rec'd GS 5/23/51
CSA: LS/LYJ

House of Representatives

May 22, 1951.

Bill for Partial Amendment to the Judicial Scrivener Law.

(Presented by HANAMURA, Shiro)

The Judicial Scrivener Law (Law No. 197 of 1950)
shall be partially amended as follows:

Article 7 shall be amended as follow:

"Article 7 shall be deleted."

The following one item shall be added to Article 15.

"(6) Provisions concerning the fee of Judicial Scrivener."

The following three Article shall be added next to
Article 15.

"Fee of Judicial Scrivener"

Article 15-(2). In case the judicial scriveners as-
sociation has established the regulations relating to
the fee for the judicial scriveners in accordance with the
provision of item (6) of the preceding Article, it shall
report them to the Attorney-General through the head of
the Legal Affairs Bureau or the District Legal Affairs
Bureau under which jurisdiction it is located and shall
obtain the authorization of the Attorney-General.

2. In case the Attorney-General has received the
report mentioned in the preceding paragraph, he shall
make a decision to authorize ~~whether~~ it or not within
two months from the day when the judicial scriveners
association submitted the documents of such report to

the head of the Legal Affairs Bureau or the District Legal Affairs Bureau.

3. If the decision under the preceding paragraph is not made within the term stipulated in the same paragraph, the provisions relating to the fee under paragraph 1 shall be regarded as authorized with the lapse of such term.

Article 15-(3). The judicial scrivener who is not a member of the judicial scriveners association or who is in the area where the judicial scriveners association has not been established shall, with respect to their fee, observe the provisions relating to the fee of the judicial scriveners association in whose area his office is located or of the judicial scriveners association designated by the Attorney-General.

Article 15-(4). No judicial scrivener shall receive the fee concerning his business in violation of the provisions relating to the fee of the judicial scriveners association which he belongs to or which he shall observe in accordance with the provisions of the preceding Article "

In Article 19 paragraph 1" or the cases where the business is conducted incidental to proper business" shall be deleted.

In Article 20" or Article 7 paragraph 2" shall be deleted.

Supplementary Provisions

1. This Law shall be enforced as from July 1, 1951.
2. Any judicial scriveners association which is in existence at the time of enforcement of this Law shall stipulate without delay the provisions relating to the fee of judicial scrivener in the regulations of the judicial scriveners.
3. The precedents under the former provisions shall be followed with respect to the amount of the fee of the judicial scriveners in the area of the judicial scriveners association, until, the authorization of the attorney-General stipulated in Article 15-(2) of the Judicial Scrivener Law revised by this Law is granted on the provisions relating to the fee of the judicial scriveners under the preceding paragraph.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <u>LS/L&J</u> Date: <u>Capt Norris</u> <u>26-6076</u> <u>29 March 1951</u>
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <u>House of Representatives.</u></p> <p>2. Your prompt comment is requested.</p> <p>1 Incl <u>Bill for Partial Amend to</u> <u>Judicial Scrivener Law</u></p> <p style="text-align: right;">G. W.</p>

P & P

Subject: Bill for Partial Amendment to
Judicial Scrivener Law

From: LS

To: GS

Date: 4 April 1951
G. M. Koski, 57-8645

2.

1. Legal Section offers the following comments:

(a) This Section was very skeptical from the beginning about the continued existence of such a profession as scriveners, judicial or otherwise, and previously discouraged any attempt to strengthen their position. However, in view of the fact that innumerable laws require preparation and submission of complicated applications and papers which the general public find difficult without the aid of specialized advisors, and that the poorer class of people would not be able to pay the lawyers' fee, this time-honored type of activity has been considered as a necessary evil even by the Japanese bar. In spite of this tolerant attitude Legal Section prevented the establishment of scrivener associations along the line of the bar associations and strongly advised that a certain degree of government control be maintained over the profession, particularly with regard to fees. Under the proposed bill the determination is to be taken out of the hands of the Attorney General and entrusted completely to the scriveners associations. This arrangement is objectionable since the membership in the association is and should be on a voluntary basis, and the rules and regulations of the associations would have no binding power over the non-members. It has been reported that a majority of the scriveners do not belong to any association. Under these circumstances, it is feared that if the control of the Attorney General is removed, a confusing lack of uniformity may result with no limitation on the fees of the individual scrivener, and the general public would suffer greatly. This apprehension is all the more warranted since the subject bill proposes to remove the provision which penalizes the scrivener who receives a fee in excess of the amount set up by the Attorney General.

(Continued)

Bill for Partial Amendment to Judicial Scrivener

LS

GS

4April 1951
G.M.Koshi, 57-8645

2

Contd.

For these reasons, this Section objects to the deletion of Article 7, and of the words "or Article 7, paragraph 2" from Article 20. LS also objects to inclusion of "(6) Provisions concerning the remuneration for a judicial scrivener" in Article 15.

(b) The proposed insertion to Article 9 should be changed to read, "which should be handled by lawyers and other persons with specific qualification" to conform to the Japanese text.

(c) It may be noted that the Federation of Japan Bar Associations, the Attorney General's Office and the Supreme Court are opposed to the bill.

1 Incl.
w/d

----- A.C.C. -----

March 28, 1951.

Title of the Bill: Bill for Partial Amendment
to the Judicial Scrivener Law.
(Presented by ABE Shungo)

I hereby certify that the above mentioned
Bill does not violate any Directive issued by
the Supreme Commander for the Allied Powers and
the Constitution of Japan, and that any provision
of this Bill, except those providing for exceptions,
does not contradict any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

*Withdrawn 5/23/51
(Shunma)*

House of Representatives

March 28, 1951.

Bill for Partial Amendment to the Judicial Scrivener Law
(Presented by Shungo Abe)

The Judicial Scrivener Law (law No. 197, of 1950) shall be partially amended as follows:

Article 1, paragraph 2, shall be deleted.

Article 2 shall be amended as follows:

(Qualifications)

Article 2. A person who has passed the judicial scrivener's examination as provided for in Article 3- (2) shall have the qualifications for a judicial scrivener.

Article 4 shall be deleted; Article 3 shall be made Article 4; "license" in item (4) of the same Article shall be amended to read: "registration"; and the following two Articles shall be added next to Article 2:

(Eligibility for Judicial Scrivener's Examination)

Article 3. A person who come under any of the following items may take the judicial scrivener's examination:

- (1) Persons who have graduated from an upper secondary school as provided for in the School Education Law (Law No. 26, of 1947) and those provided for in Article 56, paragraph 1, of the same law.
- (2) Persons who have been in one or more of the positions of court secretary, court clerk, assistant court clerk, Attorney-General's Office secretary and procurator's office secretary, for an aggregate period of not less than three (3) years;
- (3) Persons who have been recognized, in accordance with the prescription of the Attorney-General, as being

CS: LS/LS.

Reed CS
3/29/51

equivalent or superior in education and training to those mentioned in the preceding item.

(Judicial Scrivener's Examination)

Article 3-(2) The Attorney-General must hold a judicial scrivener's examination not less than once a year.

2. The examination as mentioned in the preceding paragraph shall be held in regard to the knowledge and abilities which are required for the judicial scrivener's business.

3. A person who intends to take the examination as mentioned in paragraph 1 shall pay an examination fee in the amount as prescribed by the Cabinet Order.

4. The Attorney-General may entrust the affairs concerning the examination, in whole or in part, to the chief of a Legal Affairs Bureau or a District Legal Affairs Bureau.

The following three Articles shall be added next to Article 4:
(Registration)

Article 4-(2) In order that a qualified person becomes a judicial scrivener, he must have his name registered in the list of judicial scriveners kept by the Legal Affairs Bureau or the District Legal Affairs Bureau, which has jurisdiction over the district where the person concerned intends to establish his office.

(Application for Registration)

Article 4-(3) A person who intends to have his name registered as mentioned in the preceding Article must submit an application for the registration to the chief of the Legal Affairs Bureau or the District Legal Affairs Bureau

concerned, together with documents certifying that the applicant has the qualifications for a judicial scrivener.

2. In applying for the registration, the applicant must pay a registration fee as prescribed by the Cabinet Order.

(Cancellation of Registration)

Article 4-(4) In case ~~where~~ a judicial scrivener comes under any of the following items, the chief of the legal Affairs Bureau or the District Legal Affairs Bureau, which has jurisdiction over the district where the judicial scrivener's office is located, must cancel the relative registration:

- (1) In case the person concerned has discontinued his business;
- (2) In case of death of the person concerned;
- (3) In case it has been established that the person concerned lacks the qualifications for a judicial scrivener;
- (4) In case the person concerned has fallen under item (1), (2) or (4) of Article 4.

Article 7 shall be amended as follows:

Article 7: deleted.

In Article 9, "which belong to lawyers and other persons with specific qualifications," shall be inserted prior to "exceeding his duty."

Article 11 shall be amended as follows:

Article 11: deleted.

In Article 12, item (3), "license" shall be amended to read: "registration."

In Article 13, paragraph 1 and paragraph 3, "Article 11 or item

In Article 13, paragraph 1 and paragraph 3, "Article 11, or item (2) or (3) of the preceding Article" shall be amended to read: "item (2) or (3) of the preceding Article."

In Article 15, the following item shall be added:

(6) Provisions concerning the remuneration for a judicial scrivener.

Article 18 shall be amended as follows:

Article 18. Except for the provisions prescribed in this law, necessary matters concerning the judicial scrivener's examination, registration and the administration of affairs shall be prescribed by the Attorney-General's Order.

In Article 19, paragraph 1, "or the cases where the business is conducted incidental to proper business" shall be deleted.

In Article 20, "or Article 7, paragraph 2" shall be deleted.

SUPPLEMENTARY PROVISIONS

1. This law shall come into force as from July 1, 1951.
2. In this law, "the new law" shall mean the Judicial Scrivener Law as amended, and "the former law" the former Judicial Scrivener Law.
3. A person who is a judicial scrivener at the time of the enforcement of this Law shall be regarded to have qualifications for a judicial scrivener prescribed in the new law.
4. A person who has been regarded to have qualifications for a judicial scrivener under the provision of the preceding paragraph shall apply for registration within two months from the day of the enforcement of this Law, and be registered in the list of judicial scriveners kept by the Legal Affairs Bureau or the District Legal Affairs Bureau having jurisdiction over the area where the judicial scrivener's office is located. In such case, the provision of Article 3-(4) of the new law shall apply mutatis mutandis.
5. In case a person who must apply for registration under the provisions of the preceding paragraph does not make such application within the specified period, he shall lose the qualifications recognized under paragraph 3 of the Supplementary Provisions on the day when the said period will have elapsed.
6. A person who is a judicial Scrivener on the date of the enforcement of this Law may carry on his business under the name of judicial scrivener until his registration

is made in accordance with paragraph 4 of the Supplementary Provisions.

7. A person who has completed the course of a secondary school provided for by the former Secondary School Law (Imperial Ordinance No. 36 of 1943), or who has been recognized by the Minister of Education to have equal or higher scholastic attainment, may take the judicial scrivener's examination prescribed in Article 3-(2) of the new law for the time being, notwithstanding the provisions of Article 3 of the new law.

8. In applying the provision of Article 3, item(2), of the new law, the tenure of office of a court clerk shall be regarded as that of an assistant court clerk, and the tenure of office of a secretary of the Attorney-General's Office (Fomu-cho), a juridical secretary or a judicial clerk as that of a secretary of the Attorney-General's Office (Homu-fu).

9. A judicial scrivener's office shall not be held in 1951, notwithstanding the provision of Article 3-(2), paragraph 1, of the new law.

10. A judicial scriveners association which exists on the date of the enforcement of this Law shall enact in its regulations, without delay, provisions concerning the remuneration for a judicial scrivener in accordance with Article 15 of the new law.

11. The former instance shall be followed with regard to the amount of the remuneration for a judicial scrivener before a judicial scriveners association enacts provisions concerning the remuneration for a judicial scrivener in accordance with the preceding paragraph. This provision shall apply to the amount of the remuneration for a judicial scrivener in the area where no judicial scriveners association has been established, and for a judicial scrivener who is not a member of such association.

12. The Law for Establishment of the Attorney-General's Office (Law No.193 of 1947) shall be partially amended as follows:

In (Annexed Table) No.2,

Notaries Examination
Committee (Koshonin-
shinsakai)

To make decision concerning
disciplinary punishment to
the notary provided for by
the Notary Law (Law No.53 of
1908), etc.

shall be amended to read:

Notaries Examination
Committee (Koshonin-
shinsakai)

To make decision concerning
disciplinary punishment to
the notary provided for by
the Notary Law (Law No.53 of
1908), etc.

Judicial Scriveners
Examination Commit-
tee (Shihoshoshi-
shiken)

To take charge of affairs
concerning the examination
of judicial scriveners.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj Guido

26-6076

Note
No.

From: Govt Sec

To: LS/LAJ

Date: 5 June 1951

1

The attached bill, drafted by House of Representatives
has been cleared for immediate introduction into the Diet.

1 Incl:

Bill concerning Honorary
State Guest

F. R.

P & P

19

House of Representatives

June 5, 1951.

Bill concerning Honorary State Guest

(The Purpose of this Law)

Article 1. The purpose of this law shall be to long commemorate the meritorious services of foreigners who have made distinguished and conspicuous contributions to the building of Japan as a free, peaceful and democratic state by according them the treatment of a honorary state guest.

(Designation of a Honorary State Guest)

Article 2. The designation of the foreigners mentioned in the foregoing article as state guests shall be done by the resolution of the National Diet.

When the National Diet makes the designation as prescribed in the foregoing paragraph, the Cabinet shall make a public announcement thereof and notify the foreigner so designated.

(Treatment of a Honorary State Guest)

Article 3. The foreigner designated as a honorary state

*Rec'd & S 6/5/51
Cleared by JW
Info Copy to: LS/LVT*

guest shall be treated as the highest guest of the state.

SUPPLEMENTARY PROVISION

This law shall come into force on the day of its promulgation.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

8 May 1951

MEMO FOR DR. WILLIAMS:

Mr. Osmond informed undersigned that the president of the JNR is determined to proceed with his reorganization plan.

CTS cannot support recommendation to disapprove bill on basis of specific SCAP directive but believes effect of proposed bill will be to render JNR operations subject to bureaucratic and political control with probable harmful effect on JNR efficiency and budget necessitating subsidies as in the past.

Bill will be cleared but arrangement should be made for CTS to advise sponsors.

R
F.R.

*Appendix to Japanese Natl Railway Law
(no 5)*

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: LS/LAJ	Date: 28 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed House of Representatives.		
	2. Your prompt comment is requested.		
	1 Incl Bill for Partial Amend to Japanese National Railways Law (No. 5)		

Capt Morris

26-6076

C. N.

Subject: Bill for Partial Amendment to Japanese
National Railways Law (No. 5)

From: LS

To: GS

Date: 31 March 1951
C.J.Smith, 57-8645

2.
 1. A necessarily hasty review of the bill discloses no legal objections. However, this Section considers as very unwise the proposed new item (6) under Article 55 (Penal Provisions) of the basic law (No. 256 of 1948), providing for the imposition of a criminal fine of ¥ 100,000 upon a Director of the Japanese National Railways who does not offer to express to the Minister of Transportation "his opinion on the results of the business management and the financial condition of the JNR" pursuant to proposed new paragraph 3 under Article 54 of the basic law.

2. Above comment was telephoned to GS at its request on 30 March 1951.

1 Incl.

w/d

-----A.C.C.-----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Norris

Note No.	From: Govt Sec	To: CTS	Date: 28 March 1951 ²⁶⁻⁶⁰⁷⁶
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.</p> <p>2. Your prompt comment is requested.</p>		
<p>1 Incl Bill for Partial Amend to Japanese National Railways Law (No. 5)</p>			
2	From: CTS	To: Govt Sec	Mr. Osmond 26-6017 Date: 3/31/51
<p>1. Subject Bill, if enacted into law, will undo much of the work which has been accomplished under SCAP guidance since June 1949 when the Japanese National Railways was divorced from the Ministry of Transportation and established as a public corporation.</p> <p>2. Since June 1949 the Japanese National Railways has reduced the number of its employees by approximately 125,000; it has consolidated its former 57 division or subdivision offices into 28 operating divisions; it has established a modern accounting system; and it has balanced its budget. In the process it has made some political enemies who were more interested in gaining or maintaining advantages for the special interests they represented than they were in the railroad being operated on a sound, business-like, basis. The efforts of those who have opposed the changes made by the Japanese National Railways have for the most part proved ineffectual because the President of the railroad, under whose direction the changes were made, was responsible to his Board of Directors and not to any political group.</p> <p>3. Subject Bill, if enacted, will eliminate the Board of Directors (deletion of Articles 9 to 17) and will delegate to not more than three "Directors" to be appointed by the Cabinet, the authority to "preside over the business of JNR" (Article 19).</p>			

Draft Legislation

GTS

Govt Sec

3
(Cont'd)

The President of the Japanese National Railways would be appointed not by the Board of Directors as is now the case, but by the Cabinet with the consent of both Houses of the Diet (Article 20). Under the provisions of Article 22, the Cabinet could remove the President with the consent of both Houses of the Diet when it deems that "he is unfit as president," and the Cabinet (without referring the matter to the Diet) could remove any "Director" or the Vice-President for the same cause.

4. The Chief, GTS, considers that subject Bill is inimical to established SCAP policy and recommends that it be withheld from consideration by the Diet.

1 Incl
w/d

----- H. T. H. -----

March 24, 1951.

Title of the Bill: Bill for Partial Amendment to the
Japanese National Railways Law.

(Presented by MAEDA, Iku and one other)

I hereby certify that the above mentioned Bill
does not violate any Directive issued by the Supreme
Commander for the Allied Powers and the Constitution
of Japan, and that any provision of this Bill, except
those providing for exceptions, does not contradict
any other law.

Sanes Sameshima

Chief, the Third Division,
Legislative Bureau,
House of Representatives.

*for the Chief of the
Legislative Bureau.*

House of Representatives

March 27, 1951.

Bill for Partial Amendment to the Japanese National
Railways Law.

(Presented by MAEDA Iku and one other)

The Japanese National Railways Law (Law No. 256 of 1948)
shall be partially amended as follows:

In the Contents, "Chapter II The Board of Directors
(Article 9-17)" shall be amended as "Chapter II Deleted".

"Chapter II Board of Directors" shall be amended as
"Chapter II Deleted".

Articles 9-17 inclusive shall be amended as follows:

Articles 9-17 inclusive Deleted.

Article 18 shall be amended as follows:

(Officers)

Article 18. The JNR shall have, as its officers, one
President, one Vice-President, Managers of not more than
fifteen persons and Directors of not more than three
persons.

In Article 19 paragraph 1, "the President shall be respon-
sible to the Board of which he shall be the ex-officio member
provided in Article 11." shall be deleted and the following
one paragraph shall be added next to paragraph 3 of the same
Article:

CS: OTS
LS/KJ

Recd 65
3/28/51

50

4. The Director shall preside over the business of the JNR.

Article 20 shall be amended as follows:

(Appointment of Officers and their Terms of Office)

Article 20. The President shall be appointed by the Cabinet with the consent of both Houses of the Diet.

2. The ~~Vice-President~~ shall be appointed by the Cabinet.

3. The Manager shall be appointed by the President with the authorization of the Minister of Transportation.

4. The Director shall be appointed by the Cabinet from among the persons who have wide experience and knowledge in transportation and finance.

5. The Cabinet may, in case it cannot obtain the consent of both Houses of the Diet for appointment of the President, in consequence of the closing of session of the Diet or the dissolution of the House of Representatives, when the term of office of the President has expired or a vacancy has occurred, appoint the President without the consent of both Houses of the Diet regardless of the provision of paragraph 1.

6. The Cabinet shall, in case it has appointed the President in accordance with the provision of the preceding paragraph, obtain the approval of both Houses of the Diet concerning the appointment of the President in the first session of the Diet to be convoked after the appointment. The Cabinet shall, in case the said

approval has not been obtained, remove, without delay, the said President regardless of the provision of Article 22 paragraph 1.

7. The terms of office of the President and Vice-President shall be four years, the Manager three years and the Director two years.

8. The officers shall be eligible for reappointment.

Article 21 shall be amended as follows:

Article 21. Any person who falls under the provision of any of the following items shall not be eligible to be an officer:

- (1) Any incompetent or quasi-incompetent, or any bankrupt who has not been rehabilitated;
- (2) Any person who has been sentenced to imprisonment or penal servitude;
- (3) Any member of the Cabinet, the National Diet, the National Government (excluding non-regular personnel designated by the National Personnel Authority) or any assembly of the local public bodies;
- (4) Officer of any political party (including those who have so served within one year before the date of appointment);
- (5) Any person who is the dealer of commodities or contractor to the JNR; or, in case of a juridical person, officers thereof; including any person, whatever his title may be, having

the same official or actual power, as an officer (including those who have been such officers within one year before the date of appointment);

- (6) Officers of associations of the enterprises listed in the preceding item; including any person, whatever his title may be, having the same official or actual power as an officer (including those who have been such officers within one year before the date of appointment).

Article 22. shall be amended as follows:

(Removal of Officers)

Article 22. The Cabinet may remove the President with the consent of both Houses of the Diet, when it deems that the President is unable to perform his duties owing to physical or mental disabilities or that he has acted against his duties or that he is unfit as president.

2. The Cabinet may remove the Vice-President or any of the Directors when it deems that the Vice-President or the said Director is unable to perform his duties owing to physical or mental disabilities or that the Vice-President or the said Director has acted against his duties or that the Vice-President or the said Director is unfit as vice-president or director.

3. The President may remove any of the Managers with the authorization of the Minister of Transportation, when he deems that the said Manager is unable to perform his duties owing to physical or mental disabilities or

that the said Manager has acted against his duties or that the said Manager is unfit as manager.

4. The Minister of Transportation may order the President to remove the Manager when he deems that the said Manager has the reasons as provided for in the preceding paragraph.

The latter part of Article 24 shall be amended as follows: In this case, the Manager shall represent the JNR.

Article () In Article 26 paragraph 2, "Article 12 paragraph 4" shall be amended as "Article 21".

In Article 34 paragraph 2, "The National Public Service Law" shall be amended as "The National Public Service Law (Law No.120 of 1947)".

In Article 53 item (1), "and taking over of other transportation enterprises" shall be deleted; in the same Article item (3) shall be made item (4); item (2) shall be made item (3); the following two items shall be added therein as item (2) and item (5):

- (2) Taking over of other transportation enterprises, leasing of transportation enterprises and entrusting of management of transportation enterprises;
- (5) Change of the basic system of business management.

Article 54 shall be amended as follows:

(Order, Report and Inspection)

Article 54. The Minister of Transportation may issue orders to the JNR on the following items, when he deems it necessary to do so for the promotion of public welfare.

- (1) Items for which the JNR is required to obtain the permission or authorization of the Minister of Transportation under the provisions of this Law;
- (2) Item for which the order, permission or authorization was given to the operator of a private railway or tramway in accordance with the Private Railways Law (Law No.52 of 1919) and the Tramways Law (Law No.76 of 1921) and those which have a connection with the JNR;
- (3) Other items necessary for supervision.

2. The Minister of Transportation may, if he deems it necessary for supervision, make the JNR submit a report or make his officials enter the offices and other places to have them inspect the condition of business, books and documents or other necessary articles.

3. The Minister of Transportation may, if he deems it necessary for supervision, ask the Director to express his opinion on the results of the business management and the financial condition of the JNR.

4. In case the official of the Ministry of Transportation makes the inspection as provided for in paragraph 2, he shall carry with him the identification card certifying to his status and shall show it when required to do so by the interested persons.

5. The hearing of the report and the power of the inspection as provided for in paragraph 2 shall not be construed to have been authorized for the criminal investigation.

In Article 55, "The President, Vice-President, Director or any manager" shall be amended as "The President, Vice-President, Managers or Directors"; in item (5) of the same Article, "or a false report is made" shall be amended as "or a false report is made, or the inspection is rejected, obstructed or evaded."; and the following one item shall be added next to the same item.

(6) In case the opinion under paragraph 3 of the preceding Article has not been offered.

SUPPLEMENTARY PROVISIONS

1. This Law shall come into force as from the day of its promulgation.

2. A person who holds the post of the President or the Manager of the JNR at the time of the enforcement of this Law, shall not lose his position regardless of the revised provisions of Article 20 of the Japanese National Railways Law.

3. The term of office of a person who holds the post of the Manager of the JNR at the time of the enforcement of this Law, shall be calculated from the day when he was appointed managership.

4. The Law Governing Japanese National Railways Fares and Charges (Law No. 112 of 1948) shall be partially amended as follows:

The following one article shall be added next to Article 9-(2):

(Order to change Fares and Charges)

Article 9 -(3). The Minister of Transportation may, if he deems it necessary for the promotion of public welfare, order to change the fares, rates and charges which were fixed in accordance with the provisions of Article 5, Article 7 paragraph 3 and from Article 8 to Article 9-(2).

5. The Ministry of Transportation Establishment Law (Law No. 157 of 1949) shall be partially amended as follows:

In Article 6 paragraph 1 item (1), "or order for change thereof" shall be added next to "permission therefor." and in item (9) of the same paragraph, "leasing of transportation enterprises, entrusting of management of transportation enterprises", shall be added next to "acquiring of any other transportation enterprises".

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note
No.

From: Govt Sec

To: **ESS**

Maj. Guide, 26-6076

Date: **19 May 1951**

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the House of Representatives.**

2. Your prompt comment is requested.

1 Incl

**Bill for Partial Amendment to the
Japanese National Railways Law**

(REVISED) (No. 6)

F. R.

2 From: BSS

To: Govt Sec

H. Gregory, 26-6148

WR/ML/BNL/RC of

Date: 5 JUN 1951

1. There is no objection to the immediate introduction of the attached Bill for Partial Amendment to the Japanese National Railways Law (Revised).

1 Incl
n/c

----- W. F. M. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Obj Guide

20-6075

16 May 1961

Note
No.

From: Govt Sec

To: LS/LAJ

Date:

1

1. Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives.**

2. Your prompt comment is requested.

1 Incl

Bill for Partial Amend to
Japanese National Railways
Law (Revised text)

F. R.

Subject: Bill for Partial Amend to
Japanese National Railways Law
(Revised Text)

From: LS

To: GS

Date: 25 May 1951
C. J. Smith, 57-8465

2. 1. This Section has no legal objections to the bill. However, attention is invited to the unwisdom of the proposed new item (8) under Article 55 (Penal Provisions) of the basic law (No. 256 of 1948), providing for the imposition of a criminal fine of ¥ 100,000 upon a Director of the Japanese National Railways who does not offer to express to the Minister of Transportation "his opinion on the results of the business management and the financial condition of the JNR" pursuant to proposed new paragraph 3 under Article 54 of the basic law.

1 Incl
w/d

----- A.C.C. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj Guida
26-6075

Note No.	From: Govt Sec	To: CTS	Date: 16 May 1951
1	1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives. 2. Your prompt comment is requested.		
	1 Incl Bill for Partial Amend to Japanese National Railways Law (Revised text)		
	F. R.		
2	From: CTS	To: Govt Sec	Mr. Osmond 26-6017 Date: 5/18
	1. Subject "Bill for Partial Amendment to the Japanese National Railway Law" is a revision of an earlier Bill which Government Section submitted to Civil Transportation Section for comment on 28 March 1951. 2. By Check Note 2 dated 31 March 1951, CTS submitted an adverse report on the earlier Bill. The revised Bill contains only minor changes which do not meet the objections which CTS raised to the earlier Bill. Inasmuch as the earlier Bill has been cleared for consideration by the Diet, CTS will interpose no objection to clearance of subject Bill.		
	1 Incl w/d ----- H. T. M. -----		

May 15, 1951.

Revised

Bill for Partial Amendment to the Japanese
National Railways Law.

(Presented by MAEDA Iku and one other)

The Japanese National Railways Law (Law No.256 of 1948)
shall be partially amended as follows:

In the Contents, "Chapter II The Board of Directors
(Articles 9-17)" shall be amended as "Chapter II Deleted".

"Chapter II Board of Directors" shall be amended as
"Chapter II Deleted".

Articles 9-17 inclusive shall be amended as follows:

Articles 9-17 inclusive Deleted.

Article 18 shall be amended as follows:

(Officers)

Article 18. The JNR shall have, as its officers, one
President, one Vice-President, Managers of not more than
fifteen persons and Directors of not more than three
persons.

In Article 19 paragraph 1, "the President shall be
responsible to the Board of which he shall be the ex-officio
member provided in Article 11." shall be deleted and the follow-
ing one paragraph shall be added next to paragraph 3 of the
same Article:

Rec'd CS 6/16/51

CS & : CTS
LS/LVJ

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4. The Director shall preside over the business of the JNR.

Article 20 shall be amended as follows:

(Appointment of Officers and their Terms of Office)

Article 20. The President shall be appointed by the Cabinet.

2. The Vice-President and the Manager shall be appointed by the President with the authorization of the Minister of Transportation.

3. The Director shall be appointed by the Cabinet from among the persons who have wide experience and knowledge in transportation and finance.

4. The terms of office of the President and Vice-President shall be four years, the Manager three years and the Director two years.

5. The officers shall be eligible for reappointment.

Article 21 shall be amended as follows:

(Qualification of Officers)

Article 21. Any person who falls under any of the following items shall be disqualified for officership:

- (1) Any incompetent or quasi-incompetent, or any bankrupt who has not been rehabilitated;
- (2) Any person who has been sentenced to imprisonment or penal servitude;

- (3) Any member of the Cabinet, the National Diet, the National Government (excluding non-regular personnel designated by the National Personnel Authority) or any assembly of the local public bodies;
- (4) Officer of any political party (including those who have so served within one year before the date of appointment);
- (5) Any person who is the dealer of commodities or contractor to the JNR; or, in case of a juridical person, officers thereof; including any person, whatever his title may be, having the same official or actual power as an officer (including those who have been such officers within one year before the date of appointment);
- (6) Officers of associations of the enterprises listed in the preceding item; including any person, whatever his title may be, having the same official or actual power as an officer (including those who have been such officers within one year before the date of appointment).

Article 22. shall be amended as follows:

(Removal of Officers)

Article 22. The Cabinet may remove the President with the consent of both Houses of the Diet, when it deems that the President of the Director is unable to perform his duties owing to physical or mental disabilities or that he has acted against his duties or that he is unfit as president or director.

2. The President may remove the Vice-President or any of the Managers with the authorization of the Minister of Transportation, when he deems that the Vice-President or the Manager is unable to perform his duties owing to physical or mental disabilities or that the Vice-President or the Manager has acted against his duties or that the Vice-President or the Manager is unfit as Vice-President or manager.

3. The Minister of Transportation may order the President to remove the Vice-President or the Manager when he deems that the Vice-President or the Manager has the reasons as provided for in the preceding paragraph.

The latter part of Article 24 shall be amended as follows:
In this case, the Director shall represent the JNR.

In Article 34 paragraph 2, "The National Public Service Law" shall be amended as "The National Public Service Law (Law No.120 of 1947)".

In Article 53 item (1), "and taking over of other transportation enterprises" shall be deleted; in the same Article item (3) shall be made item (4); item (2) shall be made item (3); and the following two items shall be added therein as item (2) and item (5):

- (2) Taking over of other transportation enterprises, leasing of transportation enterprises and entrusting of management of transportation enterprises;

(5) Change of the basic system of business management.

Article 54 shall be amended as follows:

(Order, Report and Inspection)

Article 54. The Minister of Transportation may issue orders to the JNR on the following matters, when he deems it necessary to do so for the promotion of public welfare.

- mut* (1) Matters mentioned in each item of the preceding Article;
- (2) Matters for which the order, permission or authorization was given to the operator of a private railway or tramway in accordance with the Private Railways Law (Law No.52 of 1919) and the Tramways Law (Law No.76 of 1921) and those which have a connection with the JNR;
- (3) Other matters necessary for supervision.

2. The Minister of Transportation may, if he deems it necessary for supervision, make the JNR submit a report or make his officials enter the offices and other places to have them inspect the condition of business, books and documents or other necessary articles.

3. The Minister of Transportation may, if he deems it necessary for supervision, ask the Director to express his opinion on the results of the business management and the financial condition of the JNR.

4. In case the official of the Ministry of Transportation makes the inspection as provided for in paragraph 2, he shall carry with him the identification card certifying to his status and shall show it when required to do so by the interested persons.

5. The hearing of the report and the power of the inspection as provided for in paragraph 2 shall not be construed to have been authorized for the criminal investigation.

In Article 55, "The President, Vice-President, Director or any manager" shall be amended as "The President, Vice-President, Managers or Directors"; in item (5) of the same Article, "or a false report is made" shall be amended as "or a false report is made, or the inspection is rejected, obstructed or evaded."; and the following one item shall be added next to the same item.

(6) In case the opinion under paragraph 3 of the preceding Article has not been offered.

SUPPLEMENTARY PROVISIONS

1. This Law shall come into force as from the day of its promulgation.

2. A person who holds the post of the President or the Manager of the JNR at the time of the enforcement of this Law, shall not lose his position regardless of the revised provisions of Article 20 of the Japanese National Railways Law.

3. The term of office of a person who holds the post of the Manager of the JNR at the time of the enforcement of this Law, shall be calculated from the day when he was appointed managership.

4. The precedents under the former provisions shall apply to the status and qualifications of employees of the JNR.

5. The Law Governing Japanese National Railways Fares and Charges (Law No. 112 of 1948) shall be partially amended as follows:

The following one article shall be added next to Article 9-(2):

(Order to change Fares and Charges)

Article 9-(3). The Minister of Transportation may, if he deems it necessary for the promotion of public welfare, order to change the fares, rates and charges which were fixed in accordance with the provisions of Article 5, Article 7 paragraph 3 and Article 8 to Article 9-(2) inclusive.

6. The Ministry of Transportation Establishment Law (Law No.157 of 1949) shall be partially amended as follows:

In Article 6 paragraph 1 item (1), "or order for change thereof" shall be added next to "permission therefor" and in item (9) of the same paragraph, "leasing of transportation enterprises, entrusting of management of transportation enterprises", shall be added next to "acquiring of any other transportation enterprises".

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

26-6076

Note No.

From: Govt Sec

To: SSS

Date: 23 January 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **House of Representatives.**

2. Your prompt comment is requested.

1 Incl

**Bill Concerning Disaster
Rehabilitation in Districts
of Ground Deformation Caused
by Nankai Earthquake**

C. N.

PPD

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

C
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P
Y

File No.: 010 (Jan 27 1951) ESS/PF Subject: Draft Legislation

WFM/EMR/ECH/JRM/da
Mr. Mossler, 26-6148

Note
No.

From: ESS

To: Govt Sect

Date: Jan 27, 1951

2

1. It is recommended that the attached draft bill, Bill Concerning Disaster Rehabilitation in Districts of Ground Deformation Caused by Nankai Earthquake, be withheld from introduction in the Diet.

2. Subject bill would establish in the Prime Minister's Office the Nankai District Earthquake Disaster Rehabilitation Countermeasures Council which would investigate and recommend measures necessary to insure an accelerated reconstruction program in the damaged areas. The council would consist of 15 regular members and a permanent secretariat of 20 persons.

3. The following comments on the bill are considered pertinent:

a. Although necessary administrative expenses of the council and its secretariat are not estimated to be large, no provision was made for them in the 1951-52 fiscal year budget.

b. It is considered unwise to establish another independent council under the jurisdiction of the Prime Minister at a time when steps are currently being taken by the Administrative Management Agency of the Japanese Government to reduce the large number of similar existing bodies.

c. The establishment of a council for Nankai Earthquake damage will set a precedent for the establishment of a council of this type for every major disaster that occurs in Japan, such as the Fukui earthquake, Jane typhoon, etc. An agency in the Japanese Government, the Economic Stabilization Agency, currently coordinates and screens all such projects on a priority basis. The establishment of other agencies will only tend to duplicate personnel and confuse administration.

d. Nothing positive could be accomplished by this council during the next fiscal year because funds budgeted for rehabilitation works have already been designated on a project basis by the Cabinet and included in the Public Works Appropriation.

e. All rehabilitation projects such as are necessitated by the Nankai earthquake are presently being subsidized by the central government at a rate in excess of that granted to general construction projects. It does not appear that any one disaster should be given preferential treatment with regard to such subsidies.

f. Article 4 of the attached bill states that the Council will maintain and manage facilities essential to the preservation of the original effects of the facilities damaged. This is currently the responsibility of the various Ministries under whose jurisdiction the project falls, roads under the Ministry of Construction, harbors under the Ministry of Transportation, etc.

1 Incl

FEC AGO Form No 37a
(13 Dec 49)

-----W.F.M.-----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: Date: 26-6076 Capt Morris 12/10J 23 January 1951 1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives. 2. Your prompt comment is requested. 1 Incl Bill Concerning Disaster Rehabilitation in Districts of Ground Deformation Caused by Wankai Earthquake. C. N.
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P & P DIV

Subject: Bill Concerning Disaster Rehabilitation in Districts
of Ground Deformation Caused by Nankai Earthquake

From: LS

To: GS

Date: 27 January 1951
C. J. Smith, 57-9645

2.

1. The bill fails to provide any standards for guiding the Nankai District Earthquake Disasters Rehabilitation Counter Measures Council (consisting of fifteen members) and the Prime Minister whom it advises in the matters covered by Article 5 dealing with the formulation and execution of plans to rehabilitate the damaged areas.

2. As indicated on a map displayed by the sponsors of the bill, the Nankai earthquake of 1948 resulted in an upheaval of practically the entire shoreline of the island of Shikoku and the other regions contiguous to the Inland Sea. Numerous seaside villages remain to this day partially inundated for certain months of the year consequent upon the collapse of the land following the disaster. The proposed rehabilitation is one of extreme importance, and it is obvious that unlimited opportunities for favoritism and misuse of funds might attend the program if left entirely to the judgment of the Counter Measures Council pursuant to the present draft of the legislation. The inclusion of standards would certainly tend to effect a far more equitable treatment of applications for relief in connection with the items of destruction outlined in Article 2 of the bill and to establish a fairer basis for necessary priorities based on such considerations as jeopardy to health caused by water contamination; economic loss entailed by failure to repair facilities such as dry docks, etc.; and, in general, the best results to be accomplished at a minimum of expense. Inasmuch as under Article 41 of the Constitution the Diet is established as the sole law-making power of the state, it is admitted that the delegating of such far-reaching power to the Counter Measures Council and Prime Minister, as proposed in subject bill, violates the spirit of the Constitution.

(Continued)

Bill Concerning Disaster Rehabilitation in the
Districts of Ground Deformation caused by the
Hankai Earthquake

LS

GS

27 January 1961
C.J. Smith, 57-2645

2
Contd.

3. Attention is invited to the report on Japanese Taxation by the Shoup Mission wherein it is recommended (p. 26) "that rehabilitation following natural disasters should be made entirely a national government responsibility". Subject bill provides for only a partial contribution by the government, leaving the remainder to be furnished in certain instances by the local public entities involved (see Article 10 of the bill). This is a matter of policy for consideration by SCAP.

4. The bill is of primary concern to ESS/Finance.

1 Incl. w/d

-----A.C.C-----

January 20th, 1951.

Title of the Bill: Bill concerning Rehabilitation from Disaster in the Districts of Ground Deformation Caused by the Nankai Earthquake.

1. I, the undersigned, hereby certify that the above bill does not infringe any directive issued by the Supreme Commander for the Allied Powers or the Constitution of Japan, and that any article or clause in the bill is not in contravention of any other law except for the provisions stipulating for exception.

2. The expenses needed for the rehabilitation from the disaster following the enactment of this law are estimated, according to a study made by the bureaus and sections in charge of the Ministries of Finance, Welfare, Agriculture and Forestry, Transportation, and Construction, to total 3,000,000,000 yen for the 1951-1952 fiscal year (it was reportedly approved after negotiations by the Ministry of Finance that the expenditure will be appropriated for the purpose in the Budget for the same fiscal year) and approximately 7,000,000,000 yen in fiscal years to come. Expenses are needed in addition for the establishment of the Nankai District Earthquake Disaster Rehabilitation Counter-measures Council amounting estimatedly to about 5,000,000 yen every fiscal year.

Tadao Fukuhara.

Chief of the Second Division
of the Legislative Bureau,
House of Representatives.

*For the Chief of the Legislative
Bureau.*

House of Representatives

January 16, 1951.

Bill concerning Disaster Rehabilitation in
the Districts of Ground Deformation Caused
by the Nankai Earth-quake.

(Presented by Kikuichiro YAMAGUCHI
and 31 others)

(Objects)

Article 1. This law shall aim at ensuring stabilization of public welfare and striving for industrial recovery in the districts where ground has sunk or risen as a result of the earth-quake that occurred on December 21, 1946, and its after-shocks (hereinafter to be referred to as "Nankai Earthquake") by formulating and carrying out appropriate measures for rehabilitation from such disaster in said districts.

(Definition)

Article 2. "Disaster" in this law shall mean facilities destroyed or impaired or sustained injurious effects by reason^{of} sinking or rising of ground as a result of the Nankai Earthquake.

2. "Facilities" in this Law shall denote the following:

- (1) Rivers (including natural river banks)
- (2) Seashore embankments (including natural seashores)
- (3) Sand-control works (including places effective as sand-control works in their natural lay)

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Recd 65
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- (4) Roads (as referred to in Article 1 of the Road Law - Law No.58, 1919)
- (5) Harbors
- (6) Water-supply works (as referred to in Article 1. of the Water Supply Regulations - Law No.9, 1890)
- (7) Sewerage (as referred to in Article 1 of the Sewerage Law - Law No.32, 1900)
- (8) Farmland and agricultural facilities.
- (9) Forestral facilities.
- (10) Fishing port facilities
- (11) Salt-field (including condensing facilities and salt-field disaster prevention facilities)

3. In case a well hitherto used for drink in the whole or a sectional part of a city, town or village has become salty due to the sinking or rising of ground as a result of the Nankai Earthquake and a new installation of water-supply works is needed, the damage, so far as the application of this Law is concerned, shall be deemed as one caused on the water-supply works themselves.

4. "Countermeasures for rehabilitation from disaster" in this Law shall mean an consolidated basic plan for carrying out the projects of the State, local public entities and others with a view to restoring damaged facilities to their former conditions or installing new facilities to take their places in case its restoration is exceedingly difficult or inappropriate, and also to maintaining and ^{managing} ~~keeping in custody~~ the facilities essential to the preservation of the original effects of facilities damaged.

5. "Works based on countermeasures" for rehabilitation from disaster" in this Law shall mean ones falling under the works stipulated in the preceding paragraph and the standard for its enforcement is provided for in the countermeasures for rehabilitation from disaster.

(Operator of work)

Article 3. A work based on the countermeasures for rehabilitation from disaster shall be operated by the state, local public entity or others in accordance with the provisions of the law concerning the work concerned (including ordinance based thereon), in addition to the regulations stipulated in this Law.

(Establishment of the Nankai, District Earthquake Disasters Rehabilitation Countermeasures Council)

Article 4. In the Prime Minister's Office, there shall be set up the Nankai District Earthquake Disasters Rehabilitation Countermeasures Council (hereinafter referred to as "the Council.")

2. The Council shall be placed under the supervision of the Prime Minister.

(Duties and Authorities of the Council)

Article 5. The Council shall be consulted by the Prime Minister and take charge of investigation into or deliberation on the following matters:

- (1) Matters concerning the formulating of the counter measures for rehabilitation from disaster;

(2) Matters concerning the adjustment and pressing forward of businesses for works based on the counter-measures for rehabilitation from disaster;

2. In case it is deemed necessary, the Council may for itself effect investigation into or deliberation on the matters mentioned in the preceding paragraph, and make recommendation to the Prime Minister based on the result thereof, or subject to his approval thereon, give its advice to the administrative organ concerned, local public entity or others.

(Organization of the Council)

Article 6. The Council shall consist of fifteen (15) committees.

2. The committees shall be appointed by the Prime Minister from among the following persons:

- (1) Vice-Ministers of the Minister^{ries} for Finance, Welfare, Agriculture and Forestry, Transportation and Construction, and Vice-Director-General of the Economic Stabilization Board;
- (2) Those recommended jointly by an organization consisted of Governors of Prefectures concerned and that of Chairmen of Prefectural Assemblies concerned. (2 members)
- (3) Those recommended jointly by an organization consisted of Mayors of Cities concerned and that of Chairmen of City Assemblies concerned. (2 members)
- (4) Those recommended jointly by an organization

consisted of Chiefs of Towns or Villages concerned and that of Chairmen of Town or Village Assemblies concerned. (2 members)

(5). Men of learning and experience (3 members)

3. A Committee-man shall be of part-time service.

(President)

Article 7. The Council shall have a President. The President shall be elected by mutual vote from among the Committee-Members.

2. The President shall preside over the affairs of the Council. When the President is unable to attend to his duties, a committee member designated in advance by the president shall act for him in the performance of his duties.

(Secretariat)

Article 8. In order to have affairs of the council transacted, there shall be set up in the council a secretariat.

2. The secretariat shall appoint a chief of the secretariat and such other personnel as it may deem necessary. The full number of the personnel shall be provided for by law.

3. The chief of the secretariat shall, upon order of the president, take charge of affairs of the secretariat.

4. Appointment, promotion and discipline for the personnel of the secretariat and other matters concerning personnel management shall be in accordance with the provisions of the National Public Service Law (Law No. 120, of 1947).

(Request for Presentation of data, etc.)

Article 9. When it is necessary in connection with investigation and deliberation provided for in Article 5, the Council may require any appropriate agency of government, local public entity or others to present data or have them report.^{ed}

2. The Council may despatch Committee members and have them investigated into conditions concerning execution of works based on the counter-measures for rehabilitation from disaster.

(Aids for Expenses for the works based on the counter-measures for rehabilitation from disaster; etc.)

Article 10. With regard to the expenses for the works based on the counter-measures for rehabilitation from disaster which local public entity or other carries on, the State may give a subsidy for the operator within the limit of budgetary appropriations at the same rate as the work of the same kind, excepting what is provided for in Paragraph 2, when the State may give a subsidy to the expenses for the work of the same kind in accordance with the provisions of other laws or ordinances on the ground that those works were necessitated by the extraordinary natural phenomena such as storms, floods, tidal waves, earthquake, etc.

2. Of the works based on the counter-measures for rehabilitation from disaster which local public entity or other carries on, the State may give a subsidy to

the operators within budgetary appropriations for the following works with the amount calculated at the rate specified the under mentioned items according to the following classification:

- (1) What concerns with ^{- supply} water-works.

One half of the expenses for the works based on the counter-measures for rehabilitation from disaster concerned.

- (2) What concerns with ^{age} sewers.

Two-thirds of the expenses for the works based on the counter-measures for rehabilitation from disaster concerned.

- (3) What aims at maintaining and managing facilities under the necessity of preserving previous utilities of the facilities that suffered from a disaster.

One half of the expenses for the work based on the counter-measures for rehabilitation from disaster.

3. In case the Government may exempt wholly or partly of the charges for the local public entities on the same kinds of works as the Government works in accordance with the provisions of other laws or ordinances on the ground that those works were necessitated by the extraordinary natural phenomena such as storms, floods, tidal waves, earthquakes etc., the Government may exempt the charges for the local entities at the same rate as above as to the Government works based on the disasters rehabilitation counter-measures, the expenses of which are wholly or partly born by the local entities.

(Special Aids)

Article 11. In cases it is deemed necessary for the use of the works based on the disasters rehabilitation counter-measures, the Government may loan without compensation or assign its ordinary properties to the local entities who bear the expenses for such works, notwithstanding the provisions of Articles 20, 22, and 28 of the National Property Law (Law No. 73, 1948).

(Adjustment with the National Land Development Plan)

Article 12. The adjustment of the multiple purpose land development plan provided for in Article 2 of the Multiple Purpose Land Development Law (Law No.205, 1950) with the disasters rehabilitation counter-measures shall be executed by the Prime Minister after hearing the opinions of the Multiple Purpose Land Development Council and of the Nankai District Earthquake Disasters Rehabilitation Counter-measures Council.

(Enforcement Provisions)

Article 13. The procedures for the enforcement of this Law and other necessary matters for its execution shall be provided for by the Cabinet Order.

(Supplementary Provisions)

SUPPLEMENTARY PROVISIONS

1. This Law shall come into force as from thirty (30) days after its promulgation.

2. The Prime Minister's Office Establishment Law (Law No. 127, 1949) shall partly be amended as follows:

In the list attached to Article 15, a paragraph concerning the "Nankai District Earthquake Disasters Rehabilitation Counter-measures Council" shall be added next to the paragraph of the "Multiple Purpose Land Development Council" as follows:

"Nankai District Earthquake Disasters Rehabilitation Counter-measures Council"---- To carry out the matters under its jurisdiction in accordance with the provisions of the Law concerning Rehabilitation from Disaster in the Districts of Ground Deformation caused by the Nankai Earthquake (Law No. ---, 19--).

3. The Law for the Fixed Number of Personnel in the Administrative Organizations (Law No. 126, 1949) shall partly be amended as follows:

In the item of the Prime Minister's Office in table attached to Article 2, paragraph 1, "Office Proper -- 2,269" shall read as "Office Proper -- 2,289", "Total -- 6,3089" as "Total -- 6,3109", and the total amount of "875,833 persons" as "875,853 persons."

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Norris

Note No.

From: Govt Sec

To: ESS

Date:

26-6076
7 February 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.

2. Your prompt comment is requested.

1 Incl

Bill Concerning Prevention &
Elimination of Disasters by
Typhoons in Miyazaki Pref District.

C. W.

~~WFM/ESSR/JRM/em~~
Mr. Mossler 26-6148

File No: 010(7 Feb 51)ESS/PF

23 FEB 1951

From: ESS

To: Govt Sec

2

1. It is recommended that the attached draft bill, Bill Concerning Prevention and Elimination of Disasters by Typhoons in the Miyazaki Prefectural District, be withheld from introduction in the Diet.

2. Subject bill would establish in the Prime Minister's Office the Miyazaki Prefectural District Disaster Prevention and Elimination Council which would recommend measures necessary to rehabilitate areas damaged by past typhoons and to prevent the occurrence of further disasters in the future. The council would consist of 15 regular members and a permanent secretariat of 20 persons.

3. The attached bill is similar to a previous bill recently proposed by the Diet and objected to by this office, the Bill Concerning Disaster Rehabilitation in Districts of Ground Deformation Caused by Nankai Earthquake, in that it includes many of the same features.

4. The following proposals incorporated into the attached draft bill are considered objectionable:

010(7 Feb 51)ESS/PF

Draft Legislation

23 FEB 1951

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Govt Sec

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(cont'd)

- a. No provision was made in the budget for the 1951-52 fiscal year for covering the costs of the personnel and administrative expenses of the council and its secretariat.
- b. It is considered unwise to establish another independent council under the jurisdiction of the Prime Minister at a time when steps are currently being taken by the Administrative Management Agency of the Japanese Government to reduce the large number of similar existing bodies.
- c. The establishment of a council to prevent typhoon disaster in Miyazaki Prefecture will set a precedent for the establishment of a council of this type for every major disaster that occurs in Japan. An agency in the Japanese Government, the Economic Stabilization Agency, currently coordinates and screens all such projects on a priority basis. The establishment of other agencies will only tend to duplicate personnel and confuse administration.
- d. Article 13 of the proposed law would authorize Miyazaki Prefecture to cover its share of rehabilitation or new construction expenses by local loans. Present policy of this headquarters limits the total amount of loans to be made available to all local public bodies. It is considered highly undesirable to grant any one prefecture complete borrowing freedom when other public bodies are required to receive individual project approval from the Japanese Government within the limits of the total borrowing authorization. This local government loan policy is an integral part of overall financial plan for Japan's recovery. Exceptions to the present policy in regard to such loans would endanger the financial plan itself.
- e. The proposed law would also make exceptions to the State Property Law by authorizing transfer of state properties to this prefecture without compensation if such properties would assist in the plan to prevent typhoon disasters. It is considered that such an exception would be precedent setting and only tend to cause further demands for special benefits and exceptions to present policy governing national property administration.
- f. Subject bill would allow the national government to subsidize the construction of facilities in this area at a rate in excess of rates currently incorporated into various laws and regulations governing the financing of such facilities throughout Japan. Such exceptions to existing laws are considered most objectionable from both a financial and an administrative point of view.

Mr. Mossler 26-6148

010(7 Feb 51)ESS/PF

Draft Legislation

ESS

Govt Sec

23 FEB 1951

2
(cont'd)

g. Very little of a positive nature could be accomplished by this council during the next fiscal year because funds budgeted for construction and rehabilitation works have already been designated on a project basis by the Cabinet and included in the Public Works Appropriation.

1 Incl
n/o

-----W. F. M.-----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <u>IS/L&J</u> Date: <u>7 February 1951</u> <u>Capt Morris</u> 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by <u>House of Representatives.</u> 2. Your prompt comment is requested. 1 Incl <u>Bill Concerning Prevention & Elimination of Disasters by Typhoons in Miyasaki Pref District.</u> C. W.

P & P Div

Subject; Bill Concerning Prevention and Elimination
of Disasters by Typhoons in Miyazaki Pref
District

2. From: LS

To: GS

Date: 10 February 1951
C.J. Smith, 57-8645

1. The bill fails to provide any standards for guiding the Miyazaki Prefectural District Disaster Prevention and Elimination Council (consisting of fifteen members) and the Prime Minister whom it advises in the matters covered by Article 5 dealing with the formulation and execution of plans to rehabilitate the damaged areas.

2. In paragraph 3 of Supplementary Provisions the first mentioned figure of 875,873 in the English translation is erroneous. The Japanese text correctly states 875,853.

3. This bill closely follows the one reviewed in LS Check Note to GS, 27 January 1951, subject: Bill Concerning Disaster Rehabilitation in Districts of Ground Deformation Caused by Nankai Earthquake.

1 Incl. w/d

----- A. C. C. -----

February 5th, 1951.

Title of the Bill: Bill concerning Prevention and Elimination of Disasters by Typhoons in the Miyazaki Prefectural District.

1. I, hereby, certify that the above mentioned Bill does not violate any Directive issue by the Supreme Commander for the Allied Powers and the Constitution of Japan, and that any provision of this Bill, except those providing for exceptions, does not contradict any other law.

2. The expenditures necessary for carrying out the works of the prevention and elimination of disasters by typhoons in the Miyazaki Prefectural district in accordance with the provisions of this Law shall, when the results of the investigations made by the bureaus and sections concerned of the Ministries of Welfare, Agriculture and Forestry, Transportation, and Construction, and by the Miyazaki Prefectural Government are totaled, amount approximately to two (2) billion yen for the fiscal year 1951-52, and 1.3 billion yen of which is possibly be paid from the budget for the same year, and the remaining seven (7) hundred million yen has to be supplemented. Beside this, as the expenses for the establishment of the Miyazaki Prefectural District Disaster Prevention and Elimination Council yearly five (5) million yen is deemed to be necessary.

Tadao Fukuhara.

Chief, Second Division,
Legislative Bureau,
House of Representatives.

*For the Chief of the Legislative
Bureau.*

House of Representatives

February 5, 1951.

Bill concerning Prevention and Elimination of Disasters
by Typhoons in the Miyazaki Prefectural District.

(Presented by Sedoyama Mitsuo (L)
and 4 others)

(Object)

Article 1. In view of an extremely high frequency of typhonic visits to the Miyazaki Prefectural District because of its topographical features and of resultant disasters running to an enormous amount annually, this law shall aim at the maintenance of security in that district and also contribution to the development thereof by formulating special measures for prevention and elimination of such disasters.

(Definition)

Article 2. "The consolidated plan for disaster prevention and elimination in the Miyazaki Prefectural District" (hereinafter to be referred to as the consolidated plan) in this law shall mean the consolidated plan for all such works concerning prevention and elimination of disasters by typhoons in the Miyazaki Prefectural District as are necessary for the attainment of the object mentioned in the preceding Article.

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2. "The annual plan for disaster prevention and elimination in the Miyazaki Prefectural District" (hereinafter to be referred to as the annual plan) in this law shall mean that plan for works concerning prevention and elimination of disasters by typhoons in Miyazaki Prefectural District which is to be formulated with each year as its unit.

3. "The work based on the annual plan" in this law shall mean the work of which the criterion for execution is provided for in the annual plan.

(Execution of Works)

Article 3. The work based on the annual plan shall be executed by the State, Local Public Entities or others in accordance with the provisions of the law (including ordinances based thereon) relating to the work concerned besides the provisions of this law.

(Establishment of a Council)

Article 4. In the Prime Minister's Office, there shall be set up the Miyazaki Prefectural District Disaster Prevention and Elimination Council (hereinafter to be referred to as the Council).

2. The Council shall be placed under the supervision of the Prime Minister.

(Duties and Authorities of the Council)

Article 5. The Council shall, in accordance with the Prime Minister's inquiry, take charge of investigation into or

deliberation on the following matters:

- (1) Matters concerning the formulation of a consolidated plan and an annual plan;
- (2) Matters concerning the adjustment and pressing forward of businesses for the execution of works based on the annual plan.

2. In case it is deemed necessary, the Council may for itself effect investigation into or deliberation on the matters mentioned in the preceding paragraph, and make recommendation to the Prime Minister based on the result thereof or give its advice to any appropriate agency of government, a local public entity or others, after obtaining the consent of the Prime Minister.

(Organization of the Council)

Article 6. The Council shall consist of the following fifteen (15) members to be appointed by the Prime Minister.

- (1) Those designated by the House of Representatives from among the members of that House. (2 members)
- (2) Those designated by the House of Councillors from among the members of that House. (2 members)
- (3) Vice-Ministers of the Ministries for Finance, Welfare, Agriculture and Forestry, Transportation, and Construction; and Vice Director-General of the Economic Stabilization Board.
- (4) The Governor of Miyazaki Prefecture.
- (5) One designated by the Miyazaki Prefectural Assembly from among the Miyazaki Prefectural Assemblymen. (One member)