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LAW OF THE HOUSES

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SECRETARIAT OF THE HOUSE OF
REPRESENTATIVES

TOKYO

1938

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LAW OF THE HOUSES

CHAPTER I.

Convocation, Organization and Opening of the Imperial Diet.

ARTICLE I.

An Imperial Proclamation for the convocation of the Imperial Diet, fixing the date of its assembling, shall be issued at least forty days beforehand.

ARTICLE II.

The Members shall assemble in the Hall of their respective Houses, upon the day specified in the Imperial Proclamation of convocation.

ARTICLE III.

The President and Vice-President of the House of Representatives shall both of them be nominated by the Emperor, from among three candidates respectively elected by the House for each of those offices.

Until the nomination of the President and Vice-President, the functions of President shall be discharged by the Chief Secretary.



ARTICLE IV.

Each House shall divide the whole number of its Members into several Sections by lot, and in each Section a Chief shall be elected by and from among the Members belonging thereto.

ARTICLE V.

Upon the organization of both Houses, the day for the opening of the Imperial Diet shall be fixed by Imperial Order, and the ceremony of opening shall be celebrated by the assembling of the Members of both Houses in the House of Peers.

ARTICLE VI.

On the occasion referred to in the preceding Article, the functions of President shall be exercised by the President of the House of Peers.

CHAPTER II.

President, Secretaries and Expenses.

ARTICLE VII.

There shall be in each House a President and a Vice-President.

ARTICLE VIII.

The term of office of the President and of the

Vice-President of the House of Representatives, shall be the same as that of the membership thereof.

ARTICLE IX.

When the office of President or of Vice-President of the House of Representatives, has become vacant by the resignation of the occupant thereof or for any other reason, the term of office of the successor shall be in correspondence with that of his predecessor.

ARTICLE X.

The President of each House shall maintain order therein, regulate the debates and represent the House outside thereof.

ARTICLE XI.

The President of each House shall continue to assume the direction of the business of the House, during the interval that the Diet is not in session.

ARTICLE XII.

The President shall be entitled to attend and take part in the debates of both the Standing and of the Special Committees, but he shall have no vote therein.

ARTICLE XIII.

In each House, in the event of the disability of

the President, he shall be represented in his functions by the Vice-President.

ARTICLE XIV.

In each House, in the event of the disability of both the President and of the Vice-President at the same time, a temporary President shall be elected to exercise the functions of President.

ARTICLE XV.

The President and the Vice-President of each House, shall, upon the expiration of their term of office, continue to exercise their functions, until their successors have been nominated by the Emperor.

ARTICLE XVI.

In each House there shall be appointed a Chief Secretary and several Secretaries.

The Chief Secretary shall be of the *Chokunin* rank and the Secretaries, of the *Sonin* rank.

ARTICLE XVII.

The Chief Secretary shall, under the direction of the President, supervise the business of the Secretaries and append his signature to official documents.

The Secretaries shall compile the records of debates, make drafts of other documents and manage business generally.

Such requisite functionaries, other than Secretaries, as are of the *Hannin* rank or below shall be appointed by the Chief Secretary (amended by Law No. 40, 1916).

ARTICLE XVIII.

The expenses of both Houses shall be defrayed out of the National Treasury.

CHAPTER III.

**The Annual Allowances to the President,
Vice-President and Members.**

ARTICLE XIX.

The Presidents of the respective Houses shall receive each an annual allowance of seven thousand five hundred *yen* and the Vice-Presidents, that of four thousand five hundred *yen* each; while such Members of the House of Peers as have been elected thereto, and such as have been nominated thereto by the Emperor, and the Members of the House of Representatives, shall each receive an annual allowance of three thousand *yen*. They shall also receive travelling expenses in accordance with regulations to be specially provided. Members, however, who do not comply with the summons of convocation, shall receive no annual allowance (amended by Law No. 100, 1899, and Law No. 8, 1920).

The Presidents, Vice-Presidents and Members may decline their respective annual allowances (amended by Law No. 100, 1899).

Members, who are in the service of the Government, shall receive no such annual allowances.

In the case mentioned in Article XXV, the Members concerned shall receive, in addition to the annual allowance mentioned in the first clause of the present Article, an allowance of not more than five *yen* per diem, in accordance with the schedule determined by the respective Houses.

ARTICLE XIX.-B.

The Presidents, Vice-Presidents and Members of the respective Houses may travel on State-owned Railways free of charge in accordance with regulations to be specially provided (amended by Law No. 32, 1925).

CHAPTER IV.

Committees.

ARTICLE XX.

Committees shall be of three kinds, a Committee of the Whole House, and Standing and Special Committees.

The Committee of the Whole House is composed of the whole number of the Members of the House.

The Standing Committee shall be divided into several branches according to the requirements of business; and in order to engage in the examination of matters falling within its province, the several Sections shall, from among the Members of the House, respectively elect an equal number of members to the Standing Committeeship. The term of the Standing Committeeship shall last during a single session only.

The Special Committees shall be chosen by the House and specially entrusted with the examination of a certain particular matter.

ARTICLE XXI.

The Chairman of the Committee of the Whole House, shall be elected for each session at the beginning of the same.

The Chairman of both the Standing and Special Committees shall be respectively elected at the meetings of the Committees, by and from among the members thereof.

ARTICLE XXII.

No debate can be opened nor can any resolution be passed by the Committee of the Whole House, unless more than one third of the entire number of the Members of the House is present, or by either the Standing or by the Special Committees unless more than one half of the members of the same is present.

ARTICLE XXIII.

No stranger, other than Members of the House, shall be admitted to the meetings of either the Standing or of the Special Committees. Members may also be excluded from such meetings by resolution of the respective Committees.

ARTICLE XXIV.

The Chairman of each Committee shall report to the House concerning the proceedings and results of the meetings of the Committee he presides.

ARTICLE XXV.

Each House may, at the request or with the concurrence of the Government, cause a Committee to continue the examination of Bills during the interval when the Diet is not sitting.

CHAPTER V.

Sittings.

ARTICLE XXVI.

The President of each House shall determine the orders of the day and report the same to the House he presides.

In the orders of the day, the Bills brought in by the Government shall have precedence, except when the concurrence of the Government has been obtained to the contrary, in case of urgent necessity for debates.

ARTICLE XXVII.

A Project of law shall be voted upon, after it has passed through three readings. But the process of three readings may be omitted, when such a course is demanded by the Government or by not less than ten Members, and agreed to by a majority of not less than two thirds of the Members present in the House.

ARTICLE XXVIII.

Bills brought in by the Government shall never be voted upon, without having been first submitted to the examination of a Committee. But it may happen otherwise, when it is so demanded by the Government, in cases of urgent necessity.

ARTICLE XXIX.

When a Member moves to introduce a Bill or to make an amendment of a Bill, such motion shall not be made the subject of debate, unless it is supported by not less than twenty Members.

ARTICLE XXX.

The Government shall be at liberty at any time to

either amend or withdraw any Bill which it has already brought in.

ARTICLE XXXI.

All Bills shall, through the medium of a Minister of State, be presented to the Emperor by the President of that House, in which the Bill has been last voted upon.

When, however, a Bill originating in either one of the Houses has been rejected in the other, the rule set forth in the second clause of Article LIV shall be followed.

ARTICLE XXXII.

Bill which, after having been passed by both Houses of the Diet and presented to the Emperor, may receive His Sanction, shall be promulgated before the next session of the Diet.

CHAPTER VI.

Prorogation and Closing.

ARTICLE XXXIII.

The Government may at any time order the prorogation of either House for a period of not more than fifteen days.

When either House again meets after the termination of the prorogation, the debates of the last meeting shall be continued.

ARTICLE XXXIV.

In case the House of Peers is ordered to prorogue on account of the dissolution of the House of Representatives, the rule set forth in the second clause of the preceding Article shall not apply.

ARTICLE XXXV.

Bills, representations and petitions, that have not been voted upon up to the time of the closing of the Imperial Diet, shall not be continued at the next session. It is, however, otherwise in the case mentioned in Article XXV.

ARTICLE XXXVI.

The closing of the Diet shall be effected in a joint meeting of both Houses, in accordance with Imperial Order.

CHAPTER VII.

Secret Sittings.

ARTICLE XXXVII.

In the following cases, the sittings of either House may be held with closed doors:—

1. Upon motion of either the President or of not less than ten Members and agreed to by the House.
2. Upon the demand of the Government.

ARTICLE XXXVIII.

When a motion to go into secret sitting is made either by the President or by not less than ten Members, the President shall cause the strangers to withdraw from the House, and shall then proceed, without debate, to take votes upon the motion.

ARTICLE XXXIX.

The proceedings of a secret sitting shall not be made public.

CHAPTER VIII.

The Passing of the Budget.

ARTICLE XL.

When the Budget is brought into the House of Representatives by the Government, the Committee on the Budget shall finish the examination of the same, within twenty-one days from the day on which it received it, and report thereon to the House (amended by Law No. 49, 1906).

When the Budget is transferred to the House of Peers, the Committee on the Budget shall finish the examination of the same, within twenty-one days from the day on which it received it, and report thereon to the House.

The respective Houses may, in case of unavoidable necessity, prolong by vote the above-mentioned re-

spective periods of examination, provided that such respective periods of prolongation shall not each exceed five days in all (amended by Law No. 53, 1927).

ARTICLE XLI.

No motion for an amendment to the Budget can be made the subject of debate at a sitting of the House, unless it is supported by not less than thirty Members.

CHAPTER IX.

The Ministers of State and the Delegates of the Government.

ARTICLE XLII.

The Ministers of State and the Delegates of the Government shall be allowed at any time to speak. But the speech of no Member shall be interrupted that they may do so.

ARTICLE XLIII.

When a Bill has been referred in either House to a Committee, the Ministers of State and the Delegates of the Government may attend the meetings of the Committee and there express their opinions.

ARTICLE XLIV.

A Committee in meeting may, through the Presi-

dent, demand explanations from the Delegates of the Government.

ARTICLE XLV.

The Ministers of State and the Delegates of the Government, except such of them as are Members of the House, shall have no vote in the House.

ARTICLE XLVI.

When a meeting of either a Standing or of a Special Committee is to be held, the Chairman thereof shall every time report the fact to the Ministers of State and to the Delegates of the Government concerned in the matter to be considered.

ARTICLE XLVII.

The orders of the day and the notices relating to debates shall, simultaneously with the distribution thereof among the Members, be transmitted to the Ministers of State and to the Delegates of the Government.

CHAPTER X.

Questions.

ARTICLE XLVIII.

When a Member in either House desires to put a question to the Government, he shall be required to obtain the support of not less than thirty Members.

In putting such question, the Member proposing it shall draw up a concise memorandum and present it to the President, after he shall have signed it conjointly with the supporters.

ARTICLE XLIX.

The President shall transmit the memorandum on questions to the Government. A Minister of State shall then either immediately answer the questions, or fix the date for making such answer, and when he does not do so, he shall explicitly state his reasons therefor.

ARTICLE L.

When an answer has been or has not been obtained from a Minister of State, any Member may move a representation concerning the affairs of the questions.

CHAPTER XI.

Addresses and Representations.

ARTICLE LI.

When either House desires to present and address to the Emperor, it shall be presented by it in writing; or the President may be directed, as the representative of the House, to ask an audience of the Emperor, and present the same to Him.

The representations of either House to the Government shall be presented in writing.

ARTICLE LII.

No motion for such address and representation shall in either House be made the subject of debate, unless not less than thirty Members support it.

CHAPTER XII.

The Relations of the Two Houses of the Diet to Each Other.

ARTICLE LIII.

With the exception of the Budget, the Bills of the Government may be brought in either one of the Houses first, according to the convenience of the case.

ARTICLE LIV.

When a Government Bill has been passed in either House with or without amendment, it shall then be carried into the other House. When the second House either concurs in or dissents from the vote of the first House, it shall, simultaneously with addressing the Emperor, report to the first House.

In case a Bill introduced by either House is rejected by the other House, the second House shall report the fact to the first House.

ARTICLE LV.

When either House makes amendments to a Bill carried into it from the other House, the Bill as amended shall be returned to the first House. When the first House agrees to the amendments, it shall, simultaneously with addressing the Emperor, report to the Second House.

When, on the other hand, the first House does not agree to such amendments, it may demand a conference of the two Houses.

When either House demands a conference, the other House can not refuse it.

ARTICLE LVI.

Both Houses shall elect an equal number, not more than ten, of Managers to meet in conference. When the Bill in question has been adjusted in the conference, the adjusted Bill shall be discussed first in that House, which had either received it from the Government or had initiated it, and the Bill is then carried to the other House.

No motion for amendments can be made to a Bill that has been adjusted in a conference.

ARTICLE LVII.

The Ministers of State, the Delegates of the Government and the Presidents of both Houses, are at

liberty to attend a conference of the Houses and to express their opinions thereat.

ARTICLE LVIII.

No strangers are allowed to be present at a conference of the two Houses.

ARTICLE LIX.

At a conference of the two Houses, vote shall be taken by secret ballot. In the event of a tie vote, the Chairman shall have the casting vote.

ARTICLE LX.

The Managers from the two Houses shall separately elect one of themselves Chairman of the conference. The Chairman thus elected shall occupy the chair at alternate meetings of the conference. The Chairmanship of the first meeting shall be settled by the drawing of lots.

ARTICLE LXI.

All other regulations besides what is provided for in the present Chapter, as to any business in which both Houses are concerned, shall be determined by a conference of the two Houses.

CHAPTER XIII.

Petitions.

ARTICLE LXII.

All petitions addressed to either House by people shall be received through the medium of a Member.

ARTICLE LXIII.

Petitions shall be submitted, in either House, to the examination of the Committee on Petitions.

When the Committee on Petitions considers that a petition is not in conformity with the established rules, the President shall return it through the Member, through whose medium it was originally presented.

ARTICLE LXIV.

The Committee on Petitions shall compile a list, in which shall be noted the essential points of each petition, and shall report once a week to the House.

When it is asked for by a special report of the Committee on Petitions or by not less than thirty Members of the House, either House may proceed to debate on the matter of the petition in question.

ARTICLE LXV.

When either House passes a vote to entertain a petition, the petition shall then be sent to the Govern-

ment, together with a memorial of the House thereon, and the House may, according to circumstances, demand a report thereon of the Government.

ARTICLE LXVI.

Neither House can receive a petition presented by a proxy, excepting when such proxy is a party recognized by law as an artificial person.

ARTICLE LXVII.

Neither House can receive petitions for amending the Constitution.

ARTICLE LXVIII.

Petitions shall be in the form and style of a prayer. No petition, that is not entitled such, or that does not conform with the proper form and style, shall be received by either House.

ARTICLE LXIX.

Neither House can receive a petition that contains words of disrespect towards the Imperial Family or those of insult to the Government or the House.

ARTICLE LXX.

Neither House can receive petitions interfering with the administration of justice or with administrative litigation.

ARTICLE LXXI.

Both Houses shall separately receive petitions and shall not interfere each with the other in such matters.

CHAPTER XIV.

The Relations Between the Houses and the people, the Government offices and the Local Assemblies.

ARTICLE LXXII.

Neither House is allowed to issue notifications to the people.

ARTICLE LXXIII.

Neither House is allowed, for the prosecution of examinations, to summon persons or to direct a Member to repair outside the precincts of the House.

ARTICLE LXXIV.

When either House, for the purposes of examinations asks the Government for necessary reports or documents, the Government shall comply, provided such reports or documents do not relate to any secret matter.

ARTICLE LXXV.

Other than with the Ministers of State and the Delegates of the Government, neither House can hold

any correspondance with any Government Office or with any Local Assembly.

CHAPTER XV.

Retirement and Objections to the Qualification of Members.

ARTICLE LXXVI.

When a Member of the House of Representatives has been appointed a Member of the House of Peers, or has received an official appointment, which by law disables him from being a Member, he shall be considered as retired.

ARTICLE LXXVII.

When a Member of the House of Representatives has lost any of the qualifications of eligibility mentioned in the Law of Election, he shall be considered as retired.

ARTICLE LXXVIII.

When an objection is raised in the House of Representatives as to the qualifications of any of its Members, a Special Committee shall be appointed to examine into the matter, upon a specified day, and the resolution of the House shall be taken upon the receipt of the report of the said Committee.

ARTICLE LXXIX.

Whenever, in a Court of Law, legal proceedings pertinent to an election suit have been commenced, the House of Representatives cannot institute enquiries on the same matter.

ARTICLE LXXX.

Until the disqualification of a Member has been proved, he shall not lose either his seat or his vote in the House. In debates relating to enquiries into his own qualifications, a Member, though at liberty to offer explanations, cannot take part in voting thereon.

CHAPTER XVI.

Leave of Absence, Resignation and Substitutional Elections.

ARTICLE LXXXI.

The President of either House shall have the power to grant to Members a leave of absence for a period not exceeding a week. As to a leave of absence for a period of more than a week, permission may be given by the House. No permission shall be given for a leave of absence for an unlimited period of time.

ARTICLE LXXXII.

No Member of either House can absent himself

from the meetings of the House or of a Committee, without forwarding to the President a notice setting forth proper reasons therefor.

ARTICLE LXXXIII.

The House of Representatives shall have power to accept the resignation of a Member.

ARTICLE LXXXIV.

When, from any cause whatever, a vacancy occurs among the Members of the House of Representatives, the President shall report the fact to the Minister of State for Home Affairs, demanding a substitutional election.

CHAPTER XVII.

Discipline and Police.

ARTICLE LXXXV.

For the maintenance of discipline in either House during its session, the power of internal police shall be exercised by the President, in accordance with the present Law and such regulations as may be determined in the respective Houses.

ARTICLE LXXXVI.

Police officials required by either House, shall be

provided by the Government and put under the direction of the President.

ARTICLE LXXXVII.

When, during a meeting of the House, any Member infringes the present Law or the rules of debate, or in any way disturbs the order of the House, the President shall either warn him, stop him, or order him to retract his remarks. When he fails to obey the order of the President, the latter shall have the power either to prohibit him from speaking during the remainder of the meeting, or to order him to leave the Hall.

ARTICLE LXXXVIII.

When the House is in a state of excitement and it is found difficult to maintain order, the President shall have power either to suspend the meeting or close it for the day.

ARTICLE LXXXIX.

When any stranger disturbs the debate, the President may order him to leave the House and in case of necessity, may cause him to be handed over to a police office.

When the strangers' gallery is in a state of commotion, the President may order all strangers to leave the House.

ARTICLE XC.

When any person disturbs the order of the House, the Ministers of State, the Delegates of the Government and the Members, may call the attention of the President thereto.

ARTICLE XCI.

In neither House, shall the utterance of expressions or the making of speeches, implying disrespect to the Imperial House, be allowed.

ARTICLE XCII.

In neither House, shall the use of coarse language or personalities be allowed.

ARTICLE XCIII.

When any member has been vilified or insulted either in the House or at a meeting of a Committee, he shall appeal to the House and demand that proper measures be taken. There shall be no retaliation among Members.

CHAPTER XVIII.

Disciplinary Punishments.

ARTICLE XCIV.

Both Houses shall have the power to mete out disciplinary punishment, to the respective Members.

ARTICLE XCV.

In each House there shall be instituted a Committee on Disciplinary Punishment for making enquiries into cases of disciplinary punishment.

When a case for disciplinary punishment occurs, the President shall, in the first place, instruct the Committee to enquire into the matter, and shall deliver sentence after having submitted the case to the consideration of the House.

When a case for disciplinary punishment occurs at a meeting of a Committee or in a Section, the Chairman of the Committee or the Chief of the Section shall report the matter to the President and require measures to be taken thereon.

ARTICLE XCVI.

Disciplinary punishments shall be as follows:—

1. Reprimands at an open meeting of the House.
2. Expression by the offender of a proper apology at an open meeting of the House.
3. Suspension of the offender from presence in the House for a certain length of time.
4. Expulsion.

In the House of Representatives, expulsion shall be decided upon by a majority vote of more than two thirds of the Members present.

ARTICLE XCVII.

The House of Representatives shall have no power to deny a seat to a Member that has been expelled, when he shall have been re-elected.

ARTICLE XCVIII.

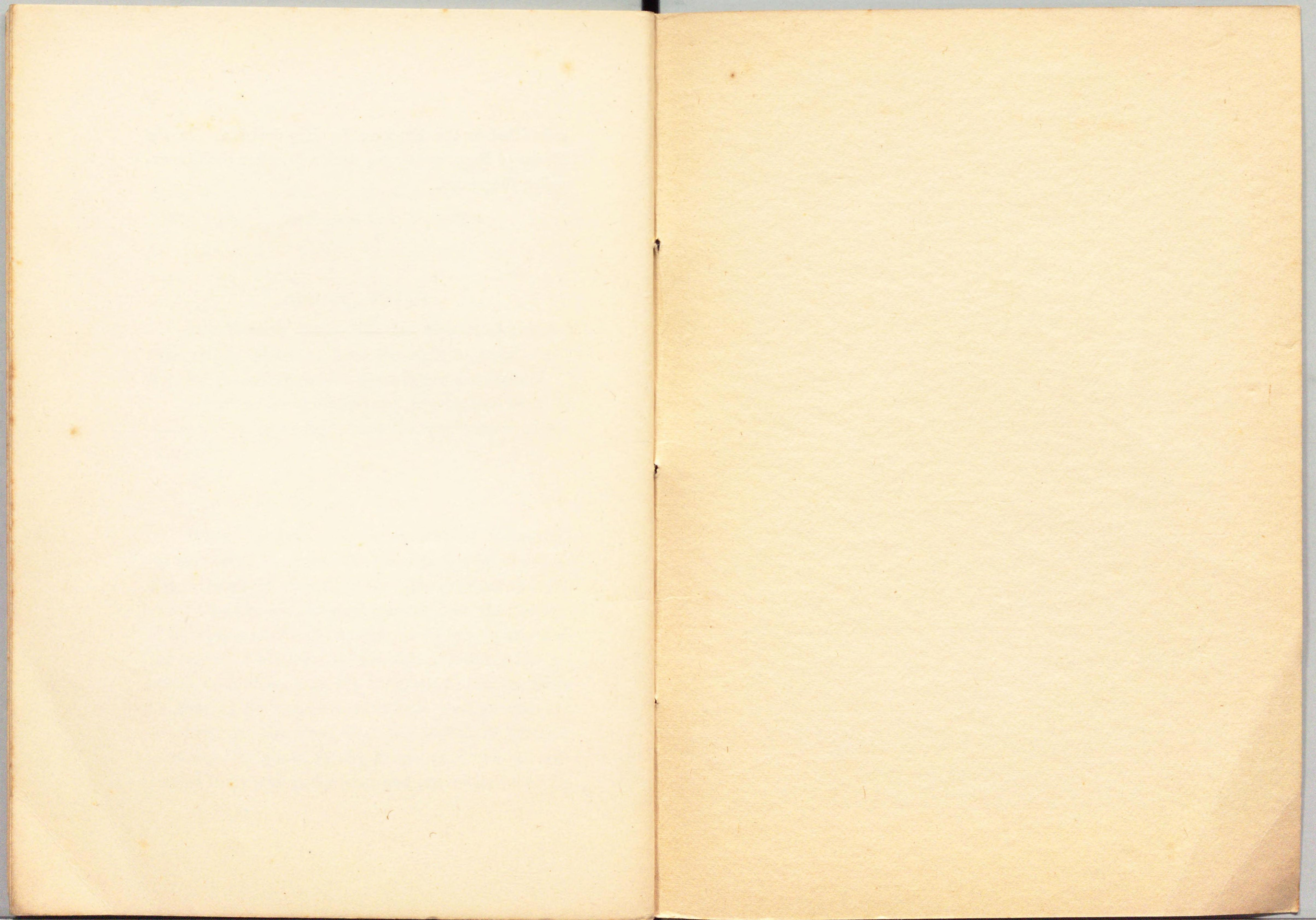
Any Member shall, with the support of not less than twenty Members, have the right to make a motion for the infliction of a disciplinary punishment.

A motion for a disciplinary punishment shall be made within three days from the commission of the offence.

ARTICLE XCIX.

When, for non compliance, without substantial reasons, with the Imperial Proclamation of convocation within one week from the date specified therein, or for absence, without good reasons, from the meeting of the House or of a Committee, or for having exceeded the period of his leave of absence, a Member has received a summons from the President and still persists in delaying his appearance without good grounds for so doing, for one week after the receipt of the said summons, he shall, in the House of Peers, be suspended from taking his seat, and the matter shall be

submitted to the Emperor for His decision. In the House of Representatives, such a Member shall be expelled therefrom.



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