

**NOTE OF THE LEGISLATIVE ADVISER  
RE: THE SAFEGUARDING CONSTITUTION MEDAL**

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1. It is usually admitted that there is a discrimination between decorations and medals. Decorations are permanent and attributed from time to time. Medals are commemorative of a special event and attributed to those who have taken part in that event, an occasion which will never happen again.

2. In matter of medals, a sub-discrimination is usually made between the medals having a character of general commemoration and being distributed to anybody present without special condition (such as Medals Commemorating the accession to the throne of a King) and medals distributed only to these who have personally taken a prominent part to the event (such as a war, a military expeditionary force, etc.). The first category of medals is given little importance, whilst the second is assimilated more or less to a decoration.

3. In the absence of any specification in the Act B.E. 2476 on the Safeguarding Constitution Medal, it must be admitted that it belongs to the category of medals and not decorations; but however to the second category of medals here above special.

4. Referring to the above fundamental principles, the questions submitted to the Krisdika are the following.

5. Must the medal be necessarily conferred:

a) if the beneficiary is dead? In foreign countries, decorations and medals assimilated to decorations are sometimes granted upon dead persons (especially when they did die in gallant occasions). But this is always provided by law (see for instance France after the war 1914-1918; Decrees 1<sup>st</sup>. October 1918, 14<sup>th</sup>. December 1918, 30<sup>th</sup>. August 1919, 24<sup>th</sup>. February 1922). Nothing seems to have been provided to introduce such policy in the Siamese legislation. It seems that an Amendment to the Act should be necessary especially because Section 4 says that the medal is to be granted to persons, and persons means in Siamese law individuals whose personality “ends with death” (C. C. C. Section 15).

b) if the beneficiary has retired? (this applies only to the case where the beneficiary is an official.) There is no reason not to grant the medal since the retirement does not modify the fact that the beneficiary has been in the conditions provided by Section 4 of the Act in connection with the insurrection.

c) if the beneficiary has been dismissed? (this also applies only to the case where the beneficiary is an official). The medal is conferred on account of assistance given by the beneficiary in the suppression of the insurrection, his dismissal can hardly be for bad conduct at the time of the insurrection. The right of the beneficiary to the Medal should not be impaired by his dismissal, the two cases having no connection.

d) if the beneficiary has been sentenced to imprisonment? (this must be understood: imprisonment by a final judgment of a Court). As a rule, beneficiaries of medals assimilated to decorations may, in foreign countries, be

deprived from them or from the right to receive them, when sentence for offences committed is against honour, or sometimes even when guilty of faults against honour without any criminal sentence. (Offences committed by negligence or petty offences should be excepted.) But a procedure is generally provided (see France Decree 16<sup>th</sup> March 1852 and Law 25<sup>th</sup>. July 1873, Decree 14<sup>th</sup>. April 1874). The medal for Safeguarding the Constitution being assimilated to a decoration by its nature, the rules need by the Government in cases of decorations should be followed by analogy, if any general rules (that is to say not enacted for a special order) exist.

6. If beneficiaries die or are sentenced to imprisonment, that the return of the medal be claimed? It is usual in Siam to specify the return of decorations at the time of death or other reason depriving the beneficiary from his right. It seems that the same can be done by analogy in the case of the Medal for Safeguarding the Constitution. If so admitted, only a Warrant, and not the Medal itself, should be delivered to the family, if posthumous medals are to be granted as explained here above No. 5 (a)

30<sup>th</sup>. February 1936.