

**NOTE
ON
LABOUR FOR PUBLIC UTILITY TO US INTRUCUCED IN SECTIONS
18 – 19 OF THE FENAL CODE**

Theory

Section is of the Penal Code Provides that

In default of payment of fine within fifteen days from the --- when the sentence became final, the payment may be levied by distress or the offender shall our for imprisonment in thereof

The form of imprisonment to which the payment of a fine in commuted shell be reckoned at the rate of -- -- a day, provided that in no care shall such imprisonment -- -- fear.

This policy is not without precedents and may be found in foreign Codes; --- in the French law.

The important point is that imprisonment in lion of fine ---- from the juridical point of view, the reform of a punishment. The punishment is the fine itself as has been ----- by the Court. To commute it (by the operation of the law) into imprisonment, does not mean that a punishment of fine in changed into a punishment of imprisonment. This is shown by the facts that:

Distress must be tried before fine is commuted into imprisonment:

Imprisonment censes at ---- when fine is pall (Seat. Is)

Consequently the nature of the imprisonment as a sentience of the unpaid fine is taken in the other legalizations, and must be taken in the Siamese legislation also, ----- which is used by the State in order to recuperate money due to it.

This has not merely a ----- importance's it has practical consequences as far as the Government consider the opportunity to replace imprisonment by compulsory labour when the fine is unpaid.

First, it may be said that to replace unpaid fine by imprisonment, even if as a deterrent only, is a has policy altogether because jail in jail with all its undesirable ----- upon the prisoner whatever is the person for detention. The system of jail as deferent is unjust, because it does not apply to rich people having no money at all cannot ---- imprisonment: a more ---- deferent should consequently be welcome and more ----- . At --- imprisonment, when finally is takes place because the convict has no money, ---- into that extracting result that the Government has to spend money because it cannot receive it:

Secondly, since imprisonment in lion of unpaid fine under Section it is not a payment, any other deterrent shine is ----- to imprisonment – especially compulsory labour for public utility – is not a punishment as well. There is no need to introduced compulsory labour for public utility in the enumeration of punishments when is made by section is of the Penal Code, and the said section will remain ----- . The only amendment concords Boot. 20 and 10 by introduction therein of the now ---- contemplated by the Government.

All this is ---- within the spirit and provisions of ---. 33 of the local Government Act B. K. 2470.

Conditions of compulsory labour should be rather detailed and can hardly take place in the Penal Code, where the provision in sect. 18 and 19 should be enough. Details of punishment are not necessarily found in Penal Codes for instance to have a special law for the organization and administration of Jails. The same could be made for compulsory labour. Penitentiary Populations could probably be sufficient if the power is given to the State Council for the Interior in the revised Sections 18 and 19.

Application of the new deterrent might be made, as the Ministry of the Interior will deem fit, to punishments in case of offences against excise, Fiscal, Gambling, opium laws. Probably also in all cases where the punishment provided by law is fine only (this includes "petty offences" clauses A and B), since the policy of the law in those cases is obviously that the offender does not deserve imprisonment even as a principal punishment. To extend or reduce the list at discretion could be granted to the State Council by a formal provision of the revised Sections 18 and 19. Such extensions could not be criticized because the new deterrent is better than the present one, and for the benefit of the offender.

To say that the new deterrent is sounder is unquestionable. The reform will be within the spirit of the modern penitentiary reform. Penitentiary questions have been very carefully treated by specialists since about fifty years, and a total reform of the old system is advocated. It is admitted that more discrimination is necessary and that the nature of the offence as well as the character of the offender should be taken into consideration. This is admitted open in ... of ... as a ... punishment.

Professor Vidal says : La peine doit être appropriée au criminel et non au son crime

18th March 1956