

LAW IS REX: SUPREMACY OF LAW

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ABSTRACT:

True freedom requires the rule of law and justice, and a judicial system in which the rights of some are not secured by the denial of the rights of others. Law, as it is the command of the Sovereign which means that law has its source in sovereign authority, law is accompanied by sanctions, and the command to be a law should compel a course of conduct. The whole idea behind the research is to have a practical analysis of the different scopes and uses of law. Law has its reach in almost every sector. No one stands above law. Law is supreme as is equal for everyone. A legal professional has proper code, conduct and ethics which give Law the title of a noble profession. He has a proper code of conduct defined in the Advocate Act 1961. As far as the scopes are concerned, even the outer space is covered under it. From deep oceans to the high sky everything comes under law. That's why it is said 'LAW IS THE KING OF KINGS'. Law has the supreme power and stands above all irrespective of caste, creed, gender and financial status.

INTRODUCTION:

No man is above the law and no man is below it, nor we ask any man's permission when we ask him to obey it¹. When laws are made in any country they are obviously meant to be followed by all the citizens of that country. If this is true that, all citizens must follow all laws then, the truth is also that, all the punishments assigned for specific crimes should also be the same for all. A very rosy picture of the laws of a country is that, all are the same in front of law, no one, yes, no one is above the law, and all criminals should be treated alike. Supremacy of the law is a basic model in the western democratic order. This rule requires citizens and governments to be matter to known and standing law. This also calls for generality in the law. This principle of supremacy

¹ Quote by Theodore Roosevelt
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of law is a further establishment of this principle of equality previous to the law, means that laws should not be prepared in respect of particular individuals. The rule of law ensures that individuals have a secure area of autonomy and have settled expectations by having their rights and duties pre-established and enforced by law.

LAW AS A PROFESSION:

A career in the legal profession is intellectually challenging, personally fulfilling and financially rewarding². The legal industry is thriving and now is a great time to embark on a legal career. The delivery of legal services is a complex process that requires a team of skilled professionals to provide quality and cost-effective service. These complexities of our legal system have created hundreds of legal career options that serve a variety of core and non-core legal functions. In the last several years, the legal profession has experienced staggering growth. A steady rise in profits and revenues expanded headcounts and significant salary increases have provided plenty of job opportunities. It has emerged as one of the most lucrative industries in today's job market. Double-digit growth in recent years has produced healthy revenues and rising salaries. We are a proud, strong, and noble profession; we are sworn in as officers of the court, part of a legal system that our society relies on for justice and fairness³. At the heart of the legal professional's role is client service and the fundamental purpose of the legal professional is the help others resolve their legal problems. A lawyer with his briefcase can make more money than a burglar with a gun, if he has a sharp wit and intelligence⁴. Lawyers charge for their services; it's how we make a living, pay our employees, support our families, fund access to justice programs, and so on. That doesn't mean the law is just another business, nor should it be. Navigating an evolving legal system, advances in technology, vast bodies of case law and the demands of the legal profession creates a stimulating intellectual environment for the legal professional.

² www.thebalance.com/articlebyshallykane

³ Research paper by David P. Miranda (*president of the New York State Bar Association*) Vol.5 No.4

⁴ Marion Puzo in *The Godfather*

More firms and corporations are crossing international borders and expanding across the globe through mergers, acquisitions, consolidation and collaboration with foreign counsel. The aura of legal professionalism is accompanied by a continuous change and evolution, bringing new challenges and rewards. Legal professionals must be problem-solvers and innovators, willing to assume new responsibilities, tackle new challenges, master new techniques and navigate an ever-evolving legal system. This dynamic legal landscape makes each day unique and fosters an enjoyable, fulfilling work experience.

Law makes a very good wife but a poor mistress. You have to be married to it. You can't play with it. If you work hard and if you have the capabilities, you will be at the top. And at the top, law is the most rewarding profession. And there is no death of money provided you establish yourself in the profession.

DUTIES OF AN ADVOCATE UNDER ADVOCATE ACT 1961

When people hear the word lawyer being spoken, they usually think of an individual who goes to court everyday and stands before a judge defending the freedom of another individual. This is true in some cases; however, there are many different types of lawyers with a variety of job responsibilities and duties. No matter what type of lawyer one may be they ultimately have an extremely important role in the lives of others.

The legal profession is one of the noblest and the brilliant professions of the world. Ethics is knowing the difference between what you have a right to do and what is right to do⁵. As in other professions, it has a code of morals technically called "Professional ethics". This aims at establishing the highest standards of dignity, honesty, character and moral excellence in the profession. This onerous responsibility is on the "Advocates" whose professional conduct should be in-keeping with the established "ethics" of the profession.⁶ Rules on the professional standards that an advocate needs to maintain are mentioned in Chapter II, Part VI of the BCI Rules. These rules have been placed there under section 49(1) (c) of the Advocates Act, 1961.

⁵ Quote by Potter Stewart

⁶ Chapter 3, Advocates Act- msr law books

"Standards of Professional Conduct and Etiquette"⁷ of the Bar Council of India Rules specifies the duties of an advocate towards the Court which states that an advocate shall, during the presentation of his case and while otherwise acting before a court, conduct himself with dignity and self-respect. An advocate shall not influence the decision of a court by any illegal or improper means. Private communications with a judge relating to a pending case are forbidden. Also an advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the court, opposing counsel or parties which the advocates himself ought not to do. There are several other major clauses and ethics, which are covered under this act and maintain the dignity of law being a noble profession. The list of duties also includes duties of a lawyer towards the clients, society and country as a large level in order to facilitate legal education and render legal aid to those in need.

LAW CONTRIBUTING FIELDS:

a. Marine Law:

Maritime law is a body of laws, conventions and treaties that governs international private business or other matters involving ships, shipping or crimes occurring on open water. Laws between nations governing such things as national versus international waters are considered public international law and are known as the Law of the Seas. Maritime law is also known as "admiralty law." Additionally, maritime law also regulates the registration, license, and inspection procedures for ships and shipping contracts, maritime insurance and the carriage of goods and passengers.

b. Corporate and Securities Law:

The corporate lawyer helps clients conduct their business affairs in a manner that is efficient and consistent with the law. The responsibilities of a corporate lawyer can range from preparing the initial articles of incorporation and bylaws for a new enterprise to handling a corporate reorganization under the provisions of federal bankruptcy law. Securities law is an extremely complex area that almost always requires the services of a specialist. Lawyers who acquire this specialty are involved with the formation,

⁷ Section I of Chapter-II, Part VI, Advocate Act 1961
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organization, and financing of corporations through securities such as stock, as well as mergers, acquisitions, and corporate takeovers.

c. Education Law:

An education law attorney may provide advice, counsel, and representation of a school district or other educational agency in matters pertinent to education law, such as student residency, governance issues, the principal and teacher selection and retention process, student discipline, special-education law, tuition fraud, and in the development of educational policies.

d. Industrial Law:

Industrial law is the branch of law that controls the legal aspects of industries. It deals with three different but inter-related areas: industries, labor and agencies. Under the umbrella of industrial law, labor law covers everything related to employment, starting from wages to benefits, from discrimination to harassment. This set of regulations decides how employees should comply and get protection from employment statutes. Therefore, “Employment law forms the large body of laws, administrative rulings and precedents which comprises all areas of the employer or employee relationship”⁸

e. International Law:

International law has grown significantly as a field of practice, reflecting the increasing interdependence of nations and economies. Immigration and refugee law also assumes increasing importance as more people move more frequently across national boundaries for business, tourism, or permanent resettlement. Public international law provides a limited range of job opportunities, particularly with national governments or international institutions or with public interest bodies.

This is a small glance of the scope of roots of law. The real picture is even more vast and no field is out of the reach of law. From up above the sky to the deep ocean law has its existence in the form of space and marine law. We all know that India is a diverse country with multiple religions residing under the same soul of nationality called ‘Indians’. We have certain personal laws

⁸ Haynes and Boone, 2002
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preserving the culture, ethics and traditions of every section of the society. Law binds people of different origin in a single string called as equality.

CONCLUSION:

Law and order are the medicines of the body politic and when the body politic gets sick, medicine must be administered. Law and justice are of supreme importance in any society, because, whatever the level of economic development, if there is no justice, fairness and rule of law, there will be dissatisfaction, oppression and anarchy. After analyzing all the aspects of law it can be concluded that law is supreme as covers the whole world. None stands above law and no subject is out of its reach. The existence of law can be observed not only in country's affair but also in space as well as marine area which is even out of human reach completely. So it is absolutely just to consider law as "The King of Kings"