

The Role of Court of Appeal Judges Discussion

Questions

1. If you had been a Court of Appeal judge in 1914, what would you have decided in the Munshi Singh case? On what would you have based your decision?
2. How has the role of Court of Appeal judges changed since 1914?
3. Should judges comment on the political policy that underlies legislation?
4. Should judges be able to override constitutionally valid legislation with which they disagree?
5. Should judges be elected so that they, like legislators, will represent majority views?



Advanced optional question:

6. Would overtly discriminatory legislation be enforced today if Parliament chose to invoke s. 33, the Charter “override” clause? Why? Why not?

Find out more about the Charter

Your Guide to the Canadian Charter of Rights and Freedoms, from the Department of Canadian Heritage. Online: <http://www.pch.gc.ca/pgm/pdp-hrp/canada/guide/index-eng.cfm>