

## **Foundations of Canadian Law – Practice Question and Answer**

**Session:** Fundamental Principles of the Canadian Legal System

**Topic:** Principles Underpinning Public Law

**Sub Topic:** Rule of Law

**Recommended time:** 40 Minutes

**Score:** 22 Marks

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### **Question**

Prophet Nahid, a self-proclaimed teacher who was charged under the Criminal Code of Canada with unlawful confinement of a devotee, is in your office for consultation in relation to the charge. He informs you that he is a practising Zoroastrian, one of the world's oldest religious faiths, and he does not accept the Criminal Code as the governing law of the trial but rather the *Avesta* scripture. According to him, the *Avesta* is directly descended from God and, therefore, must be followed as a series of laws and rules that should be used in all matters concerning every human, including his present charge. He asserts that human laws (including the Criminal Code) should not be adopted as the supreme law because they were made by humans. And since humans are not perfect, their laws cannot be perfect. But God is perfect; His laws to the world through the *Avesta* are perfect and supreme. Since Canada is part of the world, reference should not be made to a book written by man but to the *Avesta*.

Prophet Nahid concluded that he wants to file a motion to dismiss the charge against him on this ground and seeks your advice on its success.

With reference to materials in the current syllabus, advise Prophet Nahid.

*Notes:*

*This question may look like a fact-based question but it is not. It relates to discussions about Rule of Law as one of the fundamental principles of the Canadian Legal System. It requires you to discuss this principle and make references to the materials in the current syllabus in your answer, i.e., both articles and judgments.*