



Working Effectively with Indigenous Peoples®

Blog

21 Things You May Not Have Known About The Indian Act

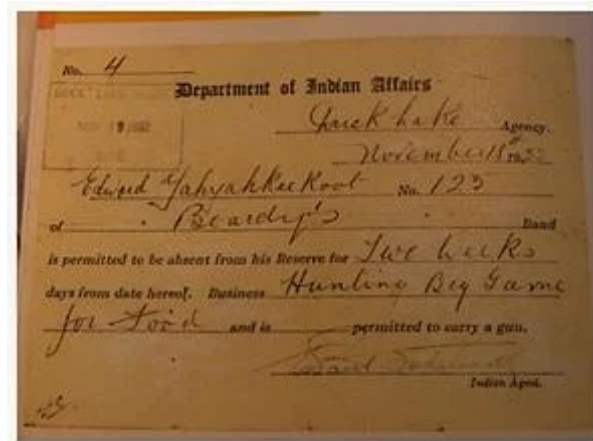
June 02, 2015

*"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change." - **John A Macdonald**, 1887*

- Since publication in June 2015, this article has had 380,000+ views. - September 2020

Many laws affecting Indigenous Peoples were combined in 1876 to become the *Indian Act*. The *Act* gave Canada a coordinated approach to Indian policy rather than the pre-Confederation piece-meal approach.

Here is a permission slip that would have been required to leave the reserve. Although specifically not a law or regulation under the *Indian Act*,



the *Indian Act* gave power to the federal government and its representatives, like the Indian Agent, to implement and enforce policies such as needing a pass to leave the reserve. It certainly is something that not many people would have known about the *Indian Act*.

The Indian agent, acting under the authority of the *Indian Act*, played a key role in the distribution of land, replacing traditional names for "easier" identification and altering traditional and hereditary forms of government, among other actions and restrictions.

The *Indian Act* has been a lightning rod for criticism and controversy over the years, widely attacked by First Nations people and communities for its regressive and paternalistic excesses. For example, Indians living on reserves don't own the land they live on; assets on reserve are not subject to seizure under legal process making it extremely difficult to borrow money to purchase assets; and, matrimonial property laws don't apply to assets on reserve. On the other hand, it has also been widely attacked by non-Indigenous people and

politicians as being too paternalistic and creating an unjust system with excessive costs that are considered uneconomical.

Here are some of the restrictions and impacts imposed on First Nations (some have since been removed in revisions of the *Act*).

The *Indian Act*:

1. denied **women status**;
2. introduced **residential schools**;
3. created **reserves**;
4. **renamed** individuals with European names
5. restricted First Nations from leaving reserve without **permission** from Indian Agent - see picture above (update: 18/04/16 - the pass system was a policy endorsed by the government; it was never an Order In Council or Regulation but was definitely designed to keep First Nations on the reserve)
6. enforced **enfranchisement** of any First Nation admitted to university [1];
7. could expropriate portions of reserves for roads, railways and other public works, as well as to move an entire reserve away from a municipality if it was deemed expedient;
8. could lease out uncultivated reserve lands to non-First Nations if the new leaseholder would use it for farming or pasture;
9. forbade First Nations from forming political organizations;
10. prohibited anyone, First Nation or non-First Nation, from soliciting funds for First Nation legal claims without special license from the Superintendent General. (this 1927 amendment granted the government control over the ability of First Nations to pursue land claims) [2];
11. prohibited the sale of **alcohol** to First Nations;
12. prohibited sale of ammunition to First Nations;

13. prohibited pool hall owners from allowing First Nations entrance;
14. imposed the "**band council**" system;
15. forbade First Nations from speaking their native language;
16. forbade First Nations from practicing their traditional religion;
17. forbade western First Nations from appearing in any public dance, show, exhibition, stampede or pageant wearing traditional regalia [3];
18. declared **potlatch** and other cultural ceremonies illegal [4];
19. denied First Nations the **right to vote**;
20. created **permit system** to control First Nations ability to sell products from farms;
21. is a piece of legislation created under the British rule for the purpose of subjugating one race - Aboriginal people.



Major amendments were made to the Act in 1951 and 1985. In the 1951 amendments, the banning of dances and ceremonies, and the pursuit of claims against the government were removed. In the 1985, Bill C-31 was introduced. For more on this Bill, please see: "**Indian Act and Women's Status - Discrimination via Bill C31 and Bill C3**".

The *Indian Act* imposed great personal and cultural tragedy on First Nations, many of which continue to affect communities, families and individuals today.

Listen to my dad, Chief Dr. Robert Joseph, talk about Anti-Potlatching here.

https://youtu.be/ge_pM9k1CPs

[1] Section 99 (1) of the *Indian Act* of 1880

[2] Section 141 of the *Indian Act* of 1927

[3] Section 140 of the *Indian Act* of 1927

[4] Section 3 of the *Indian Act* of 1880

Thanks for reading this blog article. Here are some of the references we used:

An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42. *[Assented to 22nd June, 1869.]*

CHAP. 18. - An Act to amend and consolidate the laws respecting Indians.

Aboriginal People: History of Discriminatory Laws

The above article has drawn so many readers (332,000+) since it was first published, Bob decided to write a book based on the article. The book was a national bestseller within the first week of its publication. Click the book cover image to read some reviews and/or order your copy.



Bob Joseph, founder and President of Indigenous Corporate Training Inc. (www.ictinc.ca), has provided training on Indigenous relations since 1994. Each year he assists thousands of individuals and organizations in building Indigenous relations. His Canadian clients include all levels of government, Fortune 500 companies, financial institutions, including the World Bank, small and medium-sized corporate enterprises, and Indigenous Peoples. Bob is the developer of a multi-layer suite of Indigenous relations training courses and the author of the national bestseller *21 Things You May Not Know About The Indian Act*

Topics: **Indian Act, First Nations, Reconciliation**