

The Indian Act

The Indian Act is a set of laws that defines the administrative relationship between First Nations and the Government of Canada (and by extension, all Canadians). Originally it put complete control of First Nations education, culture, politics and economics in the hands of the government. It is still in effect today, although its implementation is interpreted through Section 35(1) of the Constitution Act.

Sample Clauses from the Indian Act

Which of these clauses do you think are still in effect today?

1. The Act determines who has Indian Status and who does not, creating status and non-status Indians
2. Definitions: "person" means an individual other than an Indian.
3. Definitions: "school" includes a day school, technical school, high school and residential school.
4. Indians who attend university are automatically "enfranchised," that is, their Indian status is taken away.
5. Every Indian child between the ages of seven and fifteen years who is physically able shall attend such day, industrial or boarding school as may be designated by the Superintendent General for the full periods during which such school is open each year.
6. When a Status Indian dies, the government has complete power over his or her will and inheritance: 42. (1) Subject to this Act, all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indians, is vested exclusively in the Minister and shall be exercised subject to and in accordance with regulations of the Governor in Council.
7. The Minister may apply the moneys that would otherwise be payable to a child who is attending residential school to the maintenance of that child at that school.
8. Anti-Potlatch law: Section 114: Every Indian or person who engages in or assists in celebrating the Indian festival known as the "Potlatch" or the Indian dance known as the "Tamanawas," is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding six months and not less than two months.
9. Every person who gets money from an Indian for "raising a fund or providing money for the prosecution of any claim which the tribe or band of Indians to which such Indian belongs... shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars and not less than fifty dollars or to imprisonment for any term not exceeding two months.
10. The Minister may enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations.
11. The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer has the powers of a peace officer.
12. Indians are not allowed to vote in municipal, provincial or federal elections.
13. Whoever sells or supplies to any Indian any kind of intoxicant shall be liable to imprisonment for one month to six months, with or without hard labour, and be fined not less than fifty nor more than three hundred dollars.
14. Where it is proven in court that any Indian, by inordinate frequenting of a poolroom either on or off an Indian reserve, misspends or wastes his time to the detriment of himself, his family or household, shall be forbidden to enter such poolroom for one year.