

CANADA SCRAPS OLD INDIAN ACT

Old Paternalistic Indian Policies Being Replaced By Liberalized New Act

Special to the Tundra Times
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Old paternalistic policies

which characterized the Canadian Indian Act first passed in 1868 are being done away with in the new act now being drafted.

It will make many radical changes in the legal position of the Indian people but will continue to protect their land holdings from alienation.

Land will still be held in trust for future generations, but development for the benefit of the Indian people will be encouraged.

The National Indian Advisory Council of Canada has discussed the Act's working papers which have been prepared to guide the legislative drafting people in the Department of Justice.

When the final review by inter-Departmental committee is completed, the Act itself will be prepared and representatives of the Indian people will be consulted further, according to Indian Affairs Minister Arthur Laing.

"The Indian people have a right to examine the Act and to play a part in the formulation of the final version," the Minister said.

The new Act will provide Indian Bands (tribes) with much more scope for development. An outstanding feature of the suggested new Act will be provision so that Bands may incorporate and manage the affairs of their Reserve community independently.

"It will enable each Band to choose the level of management best suited to their needs and will permit them to progress at their own speed," the Minister said.

Provisions for devolution of responsibility and the assumption of management

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will enable the Bands who choose to do so to assume full management of their assets.

It is also proposed to delete the sections of the existing Act which cover questions of liquor as well as other discriminatory provisions which work against people.

There is some controversy among the Canadian Indian people about those parts of the Act which govern Band membership. Decisions are yet to be made on the question of membership and adopted children and those born out of wedlock.

The status of Indian women who marry non-Indians is also contentious. Now, Bands can contest membership for illegitimate children if they believe the child's father to be non-Indian.

The present law provides that Indian men who marry retain their membership and bring their wife, whether she was of Indian status or not, into full membership while an Indian woman while an Indian woman marrying a non-Indian automatically loses her status as an Indian.

These points are meeting with mixed views. Some Indian people believe that

men and women should be treated the same. Others hold that Band membership should be limited and that a distinction is necessary.

While some Bands accept all the children of their womenfolk as members, others have in the past protested the applications of unwed mothers as a matter of principle.

"Decisions on these and other points will have to be made after the Indian people have had a full opportunity to discuss the points at issue," Mr. Laing stated.

The Minister said that he believed the development provisions of the proposed new Act and the clauses covering the management of the proposed new Act and the management of Band assets were generally acceptable to the Indian people.

"This section of the Act appears to meet the needs as they have been represented to us," he said. "We want to make sure that there are no restrictive clauses which hold back the Indian people. It will be a completely new document which will meet the needs of today and the years immediately ahead. There will be no artificial barriers to the Indian people as they seek their place in the world of tomorrow."