

# **THE INDIAN ACT**

## **PAST AND PRESENT**

**A MANUAL ON REGISTRATION AND ENTITLEMENT LEGISLATION**

**INDIAN REGISTRATION AND BAND LISTS DIRECTORATE**

**1991**

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# 1. INTRODUCTION

Since 1850, the federal government has enacted legislation to define and determine Indian status and band membership. Over the years, amendments to this legislation, which became known as the *Indian Act*, have significantly changed the ways in which status and membership are determined.

On June 28, 1985, important changes were made to the *Indian Act* when Parliament passed Bill C-31. The intention of these changes was to bring the Act into accord with the *Charter of Rights and Freedoms* to assure equality of treatment to men and women. Other changes enabled Indian bands to control their own membership and abolished *enfranchisement*, a process by which Indians could apply to give up status and band membership. The result of Bill C-31 is that many Indians who had lost status and band membership under previous legislation are now entitled to reinstatement.

The 1985 *Indian Act* has resulted in the rapid growth of the Indian Registration and Band Lists Directorate whose role is to process applications for registration. In addition to the ongoing registration of Indians who qualified under earlier legislation, the Directorate has to process many applications from Indians who had lost status and are now entitled. To handle these applications, personnel in the Directorate must often refer to historical and current provisions of the *Indian Act* which deal with membership and entitlement.

This manual is for those who must refer to the provisions of the *Indian Act* regarding registration and membership or are interested in its evolution. The manual is not intended to be a comprehensive text of legislation (personnel should refer to the *Act* itself if necessary), but highlights those provisions which are relevant to registration and entitlement. In addition to a Glossary of Terms, the manual is divided into three sections:

- Historical Legislation: 1850 - 1970
- Current Legislation: 1985
- Cases of Special Interest

Each section is designed both for those who require an overview of legislation and those who wish to study the legislation in more depth. The format is as follows:

- **For a quick overview**, the manual provides headings which explain and summarize the changes and intent of specific provisions and legal opinions.
- **For more in-depth analysis**, the manual provides legislative and legal text.