

## ***Indigenous Peoples in India and Canada: Issues in Inclusion***

by Kanchan Sarker PhD

The Irving K. Barber School of Arts and Sciences  
University of British Columbia

In both Canada and India, indigenous peoples have been the interest of discussion for many years to the academics, policymakers, and politicians. Numerically they constitute 8.2% of India's population and 3.8% of the Canadian population. Indigenous peoples are regarded as the oldest inhabitants of Canada as well as of India, but they are at the bottom of the socio-economic ladder of both countries. Their political representations at different power levels vary from very low to moderate. Thus, despite being original inhabitants, these people do not have much say in the policy-making of both of the countries. They are "socially excluded" as well as politically and economically. However, both the democracies have taken some measures for social, economic, and political upliftment of these "excluded" peoples so that they become part of the "mainstream" society. There are differences in

approaches and degrees of success in this regard between the two countries.

This paper is an attempt to find out the differences in approaches, the degree of successes, and whether the measures taken by these two countries are sufficient to bring justice to the people who are their original inhabitants and now reduced to the level of a marginal presence in both the countries.

## **DEFINING SOCIAL EXCLUSION:**

The concept of social exclusion in its general form was first developed by Lenoir in the mid -the 1970s. However, the concept of economic discrimination goes back to Gary Becker in 1965 (Thorat 2008). Lenoir categorized the 'excluded' as mentally, physically handicapped, suicidal individuals, aged invalids, abused children, substance abuse, delinquents, single parents, multi-problem households, marginal, asocial persons, and other social 'misfits' ( Sen 2000). Later literature added new categories to the group of excluded persons including those who have been denied "a livelihood, secure, permanent employment, earnings, property, credit or land, housing, consumptions levels, education, and cultural capital, the welfare state, citizenship and legal equality, democratic participation, public goods, nation or dominant race, family, and sociability, humanity, respect, fulfillment, and understanding" ( Ibid, 2000). Today, we recognize a wide range of domain being affected by the process of social exclusion. Buvinic (2005) summarizes the meaning of social exclusion as "the inability of an individual to participate in the basic

political, economic, and social functioning of the society”, and goes on to add that social exclusion is “the denial of equal access to opportunities imposed by certain groups of society upon others” ( Thorat 2008). This definition captures three distinguishable features of social exclusion- firstly, its effects on culturally defined ‘groups’; secondly, the fact that it is embedded in social relations (the process through which individuals or groups are wholly or partially excluded from full participation in the society in which they live); and finally, it delineates the consequences of exclusion ( Sen 2000). Thus the outcome of social exclusion in terms of low income and a high degree of poverty among the excluded groups depends crucially on the functioning of social and economic institutions through a network of social relations, and the degree to which they are exclusionary and discriminatory in their outcomes.

Amartya Sen draws attention to the various dimensions of the notion of social exclusion (Sen, 2000). The distinction is drawn between the situations wherein some people are being kept out (or at least left out) and wherein some people are being included (maybe even being forced to be included) - in deeply unfavourable terms. The former is described as ‘unfavourable exclusion’ and the latter as ‘unfavourable inclusion’. The latter, with unequal treatment, may carry the same adverse effects as the former. Sen has also differentiated between ‘active’ and ‘passive’ exclusion’. For casual analysis and policy response, Sen argues, “It is important to distinguish between ‘active exclusion’- fostering of exclusion through deliberate policy interventions by the government or by any other willful agents (to exclude some

people from some opportunities) and 'passive exclusion', which works through the social processes in which there are no deliberate attempts to exclude, but nevertheless, may result in exclusion from a set of circumstances." Sen further distinguishes the 'constitutive relevance' of exclusion from its 'instrumental importance'. In the former, exclusion or deprivation has intrinsic importance of its own. For instance, not being able to relate to others and to partake in community life can directly impoverish a person's life, in addition to the further deprivation that it may generate. This is different from the social exclusion of an 'instrumental importance', in which exclusion in itself is not impoverishing, but can lead to the impoverishment of human life.

## **THE INDIAN SCENARIO**

**Who are aboriginals:** Some anthropologists have described the phenomena of castes and tribes as colonial construction in the sense that the character of these groups was solidified by the British through a process of classification and enumeration. Prof. Andre Béteille argues that this is truer of tribes than it is of castes. However, that does not mean to convey the claim that the groups so identified did not have a distinct identity of their own. Indeed, not only did these groups see and identify themselves as being different but they were also seen as being different by others. However, the general category of 'tribe' was absent. According to Prof. Béteille, the distinction between tribe and caste must have been less clear in ancient times than it is today (Xaxa 2008).

Colonial administrators used the term tribe to describe people who were heterogeneous in physical and linguistic terms, demographic size, ecological size, ecological conditions of living, regions inhabited, stages of social interaction, and levels of acculturation and development. The need for such a category was necessitated by a concern to subsume the enormous diversity into neat and meaningful categories for both classificatory purposes and administrative convenience. Hence, the tribe as a category and as a point of reference may be treated as a colonial construction, however, the image and meaning underlying the category were far from being colonial construction. The term tribe since the 16<sup>th</sup> century has been referred to groups and/or communities living under primitive and barbarous conditions. Sanskrit and Hindu religious texts and traditions describe and depict tribes as dasyus, daityas, rakhasas, and nishads (Ibid 2008).

When the British began to write on India in the 18<sup>th</sup> century, they made no distinction between tribe and caste. Rather, the two terms were used synonymously or even cognately, even though the British did treat a segment of the population known later as tribes as different from the rest of India's population. The difference was conceived more in terms of ethnicity than in terms of caste and tribe. This can be inferred from the nature of the administrative set-ups. Laws meant for the general population were usually not applicable in the case of groups called tribes. More often, than not, special laws, that is, laws in consonance with the tribal system of administration, were framed for their governance. In colonial administration parlance, the nature of such administration was

described by terms such as non-regulation tracts, scheduled areas, excluded and partially excluded areas. This difference was invariably linked with different conceptions of the two sects of people.

The attempt at delineating tribes with the need to provide detailed and classified information about people began in the census. Accordingly, a certain group of people was categorized as a tribe when the census began to be undertaken in the 19<sup>th</sup> century, though the criteria used were far from unambiguous. After 1901, however, a somewhat clearer criterion began to be used. Tribes were identified and described as those groups that practiced animism; later the phrase tribal religion was used in its place. The use of this criterion was continued in subsequent census enumerations, but some other dimensions were also added. Thus, the 1921 census report described them as hill and forest tribes, and in 1931, when J.H. Hutton, the anthropologist cum administrator was the Census Commissioner, tribes were also referred to as primitive and backward tribes, elements of geographical isolation and primitive living conditions were added to the distinction between tribes and non-tribes. These elements were, however, never explicitly employed in delineating tribes in census enumeration. What was employed was the aspect of religion. That is, tribes were those groups that did not adhere to religions such as Hinduism, Islam, and Christianity. If a group were shown to be animist, it was treated as a tribe. This distinction was not satisfactory for it is not difficult to show that caste practiced elements of animism (Ibid 2008). Subsequently, however, a list of tribes began to be drawn up to

give them certain political and administrative concessions.

After independence, greater attention was paid to the criteria for determining tribes. However, even today, there is no agreement among scholars on this subject. Tribes are seen as not yet contaminated by the influence of Hindu civilization, living in inaccessible places, speaking a tribal dialect, practicing animism, and engaging in primitive occupations. In addition, such groups were said to belong to Negrito, Australoid, or Mongoloid stock, with nomadic habits and a love for dance and music.

Tribes in India are thus defined not as much in terms of coherent and well-defined criteria but in terms of the administrative classification that divides the population into tribal and non-tribal. Tribes are called those groups enumerated in the Indian Constitution in the list of Scheduled Tribes.

### **Population and habitat:**

According to the 2001 Census, the population of Scheduled Tribes in the country is 843 million, which is 8.2% of the total population of the country, the world's largest tribal population. The population of Scheduled Tribes has been on the increase since 1961.

Tribal communities live in about 15% of the country's areas in various ecological and geo-climatic conditions ranging from plains to forests, hills and inaccessible areas. There are over 500

tribes (with many overlapping communities in more than one province ) as notified under article 342 of the Constitution of India, spread over different provinces and Union Territories of the country, the largest number of tribal communities being in the province of Orissa. The main concentration of tribal population is in central India and the northeastern provinces. However, they have their presence in almost all provinces and Union Territories except Haryana, Punjab, Delhi, Pondicherry and Chandigarh. The predominantly tribal populated provinces of the country (tribal population more than 50% of the total population) are Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Union Territories of Dadra & Nagar Haveli and Lakshadweep. Provinces with a sizeable tribal population and having areas of large tribal concentration are A.P. Assam, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan.

## **GOVERNMENT POLICIES**

### **Precursor**

After India became independent, formulating and implementing an appropriate policy for tribes assumed crucial importance. Even before independence, the nature of the policy to be adopted had become a matter of heated debate between two scholars, namely Verrier Elwin and G.S. Ghurey. Elwin, though once advocated for a policy of isolation, later argued that problems faced by the tribal population could not be considered apart from those faced by the general village population and thus he advocated the same policy for the majority of the tribal population as



the policy advocated for the general population (Ibid 2008).

As against this, Ghurey advocated the policy of assimilation. He advocated that tribes were Hindus, or, to put it more bluntly, backward Hindus. He thought of them as inferior and backward because they were cut off from the large mass of the Indian population. He also identified them as standing a step lower on the evolutionary ladder, and in fact, not being very different from the mass of India's population. He considered that tribes should be assimilated into the larger society so that they could be lifted out of the poverty and base living conditions. The view placed tribal at the lowest position of the tribe-caste-class continuum, a continuum paradigm used for understanding the process of change in tribal life. For Ghurey, this continuum suggested a movement of the tribals from the tradition to modernity, from pantheism to a higher form of religion, from the base and crude way of life to one morally and ethically superior. This was a way of tracing the assimilation-integration stage of the tribals into the national mainstream.

Neither of the two policies was thought adequate in independent India by the nationalist leadership. This is evident from the nature of the provisions laid down in the constitution for tribals. The provisions pointed to an approach that was quite different from those propagated by Elwin and Ghurey. The provisions included statutory recognition, proportional representation in the legislatures, the right to use their own language for education and other purposes, the right to profess with their own faith, and the right to pursue development according to their own genius.

The constitution also empowered the state to make provision for supervision for reservation in jobs and appointments in favour of tribal communities. In addition, the Directive Principles of State Policy of the Constitution required that the educational and economic interests of the weaker sections of society, including tribals, be specially promoted. Moreover, the constitution empowered the state to bring areas inhabited by the tribes under the Fifth and Sixth Schedules for the purpose of special treatment with respect to the administration of tribal people. These constitutional provisions thus aimed at safeguarding, protecting, and promoting the interest of tribal people. Thus the Indian constitution adopts a policy of integration rather than of isolation or assimilation, albeit without using the term and concept of integration even once.

In fact, the five principles mentioned by Pundit Jawaharlal Nehru in his forward to Elwin's A Philosophy for NEFA (North Eastern Frontier Province), which was proclaimed as the guide for tribal development, were no more than an enunciation of the principles underlying the constitutional provisions (Ibid 2008).

The principles are:

People should develop along the lines of their own genius, and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.

Tribal rights in land and forest should be respected.

We should try to train and build up a team of their own people to do the work of administration

and development. We should avoid introducing too many outsiders into tribal territory.

We should not over-administer these areas or overthrow them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.

We should judge results not by statistics of the amount of money spent, but by the quality of human character that is evolved.

### **The State Agenda for Tribals:**

The different measures taken for their upliftment can be divided broadly into three categories: namely protective, mobilization, and development.

**Protective safeguards:** Laws have been enacted in almost all the provinces with tribal populations to prevent the alienation of land from tribes to non-tribes.

**Mobilization Strategies:** Mobilization strategies refer to the reservation extended to tribals in fields such as education, employment, and politics. The Constitution of India ensures the political representation of Scheduled Tribes in the Parliament, in the State (Provincial) Legislative Assemblies, and in local self- government (municipality and panchayat) through reserved seats. Indian Constitution provides for the reservation of seats for Scheduled Tribes in educational institutions as well as in government

employment. Depending on the respective positions, posts reserved for members of 'Scheduled Tribes' are either in proportion to the tribal population of the state ( province) in question, or – in most cases – comprise 7.5% of the total number of government jobs.

In addition, there are constitutional provisions for tribal self-rule in tribal-dominated areas and the provincial government has the extensive power to prevent and amend any law enacted that could harm tribal interests.

**Development Measures:** It includes programmes and activities meant for the uplift and progress of tribal people. One of the most comprehensive strategies for the development of Scheduled Tribes is the introduction of Tribal Sub-Plan (TSP) in the Fifth 5 Year Plan (1973). It is in a way, the lifeline for the socio-economic development of tribal people.

Wide-ranging sector programs in tribal areas have been implemented since the launch of the TSP by the different line agencies, with both state and central government funds. The focus has thus far clearly been on the development of physical infrastructure and on establishing and improving service institutions.

In addition to that, the central (federal) government has a special Commission for Scheduled Castes and Scheduled Tribes which issues an annual report on illegal actions against SCs (Scheduled Castes) and STs (Scheduled Tribes) and make recommendations to improve their position.

## **CONDITIONS OF EXISTENCE:**

Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted a mainstream way of life at one end of the spectrum, there are 75 Primitive Tribal Groups (PTGs), at the other, who are characterized by (a) a pre-agriculture level of technology, (b) a stagnant or declining population, (c) extremely low literacy, and (d) a subsistence level of economy (Government of India 2005).

Despite the constitutional provisions and the special policies and programmes adopted by the state for the welfare and benefit of tribal people, the condition of the tribals continues to be deplorable. In a study on Development and Deprivation of Scheduled Tribes (2006), the authors calculated inflation adjustment HDI for all India and Scheduled Tribes; respectively the figures are 0.343 and 0.253, resulting in a 36% difference (Sarkar et al 2006).

The land and life support system of tribals continues to be passed from tribes to non-tribes through such means as fraudulent transfers, forcible eviction, mortgages, leases, and encroachments despite legislation restricting the alienation of lands from the tribes to non-tribes.

Displacement is another important factor accounting for the loss of control and ownership over land and forest by the tribals. Displacement has occurred primarily because of large-scale projects like industries, irrigation and hydraulic projects, and mining. The Scheduled Tribes

account for 55% of the total displaced population in India. It is reported that 8.5 million tribals have been displaced in the name of so-called development projects. Though over 3,000 dams are located in tribal areas, only 20% of tribal areas were irrigated in 1981 as compared to 46% of agricultural land overall. Tribal lands account for 56% of the total mineral revenue in India: 3,500 mines out of the 4,175 mines in India are in tribal areas. And yet they have not benefited from the extraction of minerals. Seventy-one percent of the total forest land in India is populated by tribal communities. But, different acts in the name of forest conservation sidelined the tribal population in their use of forests. However, the Forest Rights Act of 2006 has returned some of the basic rights the tribal communities used to enjoy in the past.

As compared to the sex ratio for the overall population in India (933 females per 1000 males), the sex ratio among Scheduled Tribes, as per the 2001 Census is more favourable, at 977 females per 1000 males (Census of India 2001).

Education: The literacy rate for the overall population has increased from 52.2% to 65.38% between 1991 and 2001. In the case of Scheduled Tribes, the increase in literacy has been from 29.62% to 47.10%. The female literacy rate among tribals during the same period increased significantly from 18.19% to 34.76% which is still lower by approximately 20% as compared to the literacy rate of the females of the general population. The Scheduled Tribe male literacy has increased from 40.65% to 59.17% (Census of India 1991 and 2001).

The drop out rate among Scheduled Tribe population is higher than the overall population of India in both rural (87.7% compared to 75.1%) and urban areas (67.9% compared to 51.2%) and much higher compared to other social groups like upper-caste Hindu (35.2% and 34.2% respectively for rural and urban areas). (Mohanty 2006).

The completion rates of higher secondary (HS) among Scheduled Tribes are roughly three-fourths the national average of 17.8%. Scheduled Tribe population comprises only 3.9% of the college arriving population of India (Hasan et al 2006).

Employment and Occupation: Almost 50% of tribal populations are engaged in either agriculture labour or other types of labour jobs and close to 40% are self-employed (Mohanty 2006). The remaining 10 % work in government, semi-government, private enterprises, banks, financial services, education services etc. Compared to the percentage of upper-caste Hindu population in these categories (13.4%), the representation of the Scheduled Tribe population is not much different.

However, sheer quantity does not tell everything. Despite reservation policies, the percentages of Scheduled Tribes among different categories of central (federal) government services are Group A (3.06%), Group B (3.02%), Group C (6.27%), Group D (6.71%), and Sweepers (8.26%); a total of 6.33 percent in 1997 (Louis 2003). Representation of Scheduled Tribes among employees in Public sector banks: Officers (3.65%); Clerks (4.71%), Sub-staff (including sweepers: 5.54%) in 1996 (Karade 2008). Among the school teachers, the percentage of tribal's

representation is 5.74%: Primary (7.64%), Upper Primary (6.44%), Secondary (3.57%), and Higher Secondary (2.37%) in 1997; the representation of Scheduled Tribes is only 1.5% (1992-93) among the university and college professors. These data clearly show that corresponding to their share in the Indian population, Scheduled Tribe populations do not hold many good jobs.

Income: In a country, where the organized sector can accommodate only 7% of its workforce, it is extremely difficult to calculate the average incomes of different social groups; the National Sample Survey Organization (NSSO) of India does surveys on consumption patterns. Based on that survey, the percentage of population below the poverty line in urban areas among the Scheduled Tribe population is 35.15% compared to 20.01% among others and 23.09% among all households in 2000. The corresponding figures for rural areas respectively are Scheduled Tribes (48.2%), others (23.23%), and all households (28.93%).

Housing: More than 90% of the Scheduled Tribe populations of India live in villages. In India, a typical village house is mud-built with a thatched roof. Most tribal people live in those houses. The condition of mud-built houses is not bad always depending on the affordability of the owners; however as the economic condition of the tribal people is worst, the condition of their homes is also not good: small, with no proper sanitation and inadequate maintenance.

Health: Malnutrition, chronic diseases, morbidity are the common features of tribal health. Infant mortality and under-five mortality per thousand live births are as high as 83 and



126.6 among Scheduled Tribes population respectively compared to 61.8 and 82.6 for the general population. The child mortality rate among the Scheduled Tribes is much higher than that of the all- India population: 46.3 for STs as against 29.3% for all India. Eighty percent of tribal children are anemic and 50% percent are underweight. The incidence of anemia among tribal women is high as 65% compared to 48% of the general population.

Criminal justice: In 1871, the British Government of India "notified" certain tribes as "criminals" and passed the notorious "Criminal Tribes Act of 1871". Such people were notified, who, according to the British, were nomadic cattle grazers, wandering singers, acrobats, etc and also those who resisted the British aggression from time to time. The logic was simple. These people lived in forests or were nomads. Only the criminals would do this. As Indians follow caste professions, these mysterious (to the British) people too are hereditary criminals. Thus history's most heinous crime was perpetrated in this Act.

From 1871-1944 this Act was amended, new areas and new communities were roped in. In 1952, the Government of India officially "denotified" the stigmatized ones, without making any provisions for their livelihood. In 1959, the Government of India passed the "Habitual Offender's Act" which is not much different from the "Criminal Tribes Act, 1871". From 1961, the Government of India, through the state machinery is publishing state-wise lists of "Denotified and Nomadic Tribes". The police officers posted in any province face no difficulty in identifying the denotified groups. All over India, the denotified

communities are jailed, mob-lynched, tortured in police lock-ups. Worst of all, even India's other tribes treat the denotified tribes as “expendable ones”.

Language and Culture: Indian Constitution grants cultural and linguistic minorities the right to conserve their language and culture. There are more than 16 hundred languages in India: 29 languages are spoken by more than a million native speakers, 122 by more than 10,000.

In India, Hindi and English are used as the official languages of the union. In addition to that, 20 other languages are listed in the 8th schedule of the constitution for official uses in the provinces. The Indian constitution does not specify the official languages to be used by the states (province) for the conduct of their official functions and leaves each state (province) free through its legislature, adopt Hindi or any language used in its territory as its official language or languages. The language need not be one of those listed in the Eighth Schedule, and several states have adopted official languages which are not so listed. Examples include Kokborok in Tripura; Mizo in Mizoram; Khasi, Garo, and Jaintia in Meghalaya; and French in Pondicherry. In addition, a candidate appearing in an examination conducted for public service at a higher level is entitled to use any of these languages as the medium in which he/she answers the paper. Among the 22 languages listed in the 8<sup>th</sup> schedule of the constitution, 5-6 languages may be regarded as tribal languages.

However, there are hundreds of tribal languages/dialects in India. The infiltration of

non-tribal people in tribal areas indirectly endangered the tribal languages by setting up schools and imparting instructions through the language and culture of the dominant group in those areas. Another problem is the onus of responsibility to conserve the culture and language is on the group itself. How can the group that is socially, economically, and politically weak, can preserve its language and culture if there is no government support?

Still, Indian tribal people speak in their own languages and are able to retain their culture to a significant level notwithstanding the continuous pressure of dominant language and culture.

### **Political Rights and Representation:**

In the two houses of Parliament, the Lok Sabha (Lower House) and Rajya Sabha (Upper House), 7.5% (41) seats are reserved for Scheduled Tribes population and similar representation occurs in the provincial assemblies in proportion to the percentage of Scheduled Tribe population in the province. Besides some important union (federal) minister portfolios occupied by the members of Scheduled Tribe community, India had Scheduled Tribe President, Deputy Prime Minister, and currently the Speaker of Lok Sabha, Mrs. Meira Kumar is a Scheduled Tribe woman.

In 1951, the Fifth and Sixth Schedules under Article 244 of the Indian Constitution provided for self- governance in specified tribal majority areas. The government of India also established a Ministry of Tribal Affairs. It carved out the

provinces of Chhattisgarh and Jharkhand from Madhya Pradesh and Bihar in acknowledgment of tribal sentiment.

## **THE CANADIAN SCENARIO:**

Aboriginal identity refers to those persons who reported identifying with at least one Aboriginal group, that is, North American Indian, Métis or Inuit, and/or those who reported being a Treaty Indian or a Registered Indian, as defined by the Indian Act of Canada, and/or those who reported they were members of an Indian band or First Nation.

**Aboriginal ancestry** refers to the ethnic or cultural origin of a person's ancestors, an ancestor being usually more distant than a grandparent. In the census, if a person reports at least one Aboriginal ancestry response, the person is counted in the Aboriginal ancestry population.

### **Population and Habitat:**

In 2006, Aboriginal peoples accounted for 3.8% of the total population of Canada enumerated in the census, a total of 1,172,790 people identified themselves as Aboriginal persons, that is, North American Indian/ First Nations, Métis, or Inuit in the 2006 Census (Statistics Canada 2008).

Almost three-fourths (73.7%) of all Aboriginal peoples live off-reserve in Canada, and the rest of them live on-reserve. Eighty percent of Aboriginal peoples live in Ontario and four western provinces.

In Nunavut and North-West Territories, the concentration of Aboriginal population is highest, 85%, and followed by 25% in Yukon; among the provinces, Manitoba, and Saskatchewan, the percentages of Aboriginal populations are 15% each (Ibid 2008).

The Aboriginal population is becoming increasingly urban. In 2006, 54% lived in an urban centre, an increase from 50% in 1996. Urban areas include large cities, or census metropolitan areas, and smaller urban centres. In comparison, 81% of non-Aboriginal peoples were urban dwellers in 2006. The difference between the two proportions is due mainly to the large share of First Nations people who live on reserves (Ibid 2008).

## **GOVERNMENT POLICIES**

### **Precursor**

Treaties and acts are the best-regarded instruments that historically determine the relations between Aboriginals and Colonists. The first recorded treaty was the Great Peace of 1701. Since then, there are major and minor treaties and some very important acts like Royal Proclamation Act, 1763, British North American Act, 1867, The Indian Act, 1876, The Constitution Act, 1876 dictates the terms and conditions of aboriginals' existence. After the formation of the confederation of Canada in 1867, the Government of Canada has undertaken some measures for the upliftment of its original inhabitants, which are discussed below.

### **The State Agenda for Tribals:**

Unlike India, the Government of Canada does not have any kind of reservation for the upliftment

of its Aboriginal populations; however, there are several government-assisted programmes for the aboriginal peoples. For example, housing on the reserve is fully funded by the government of Canada; in addition, Aboriginals on reserves and off-reserve get full financial support for the education of their children from kindergarten to Grade 12 and only status Indians receive some funding for post-secondary education. Regarding taxation, Indians who live on reserve are exempted from property tax for personal property; the act says that a 'Status Indian' working on a reserve is exempt from income taxes. However, there is a complicated formula involved here – the location of the duties and residence of the employee and employer must be taken into consideration. And Status Indians do not generally pay the federal goods and services tax or provincial sales tax if they buy something on a reserve or if it is destined for a reserve.

In addition to that, the federal government also funded the preservation of aboriginal languages and culture.

### **CONDITIONS OF EXISTENCE:**

Education: In 2006, those without a secondary school diploma are from 32% of the Aboriginal, more than double the rate of the rest of Canadians (15%). Thirty-six percent Aboriginal men and 27% of Aboriginal women had not completed high school compared to 17% non-Aboriginal men and 12% of non-Aboriginal women. Only 8% of Aboriginal peoples have a bachelor's degree or higher- and the rest of Canadians - 22%. The 28% of non-Aboriginal women who have a university degree or higher are double the rate of for

Aboriginal women. Among the Aboriginal men, where only 8% have a university degree or higher, which is less than a third of the 25% for non-Aboriginal men ( Wilson et al 2010). Despite the increased educational attainment for Aboriginal men and women, the disparity between non-Aboriginal populations is growing, not diminishing. The drop-out rate for Aboriginals before completion of grade 9 is about 20% and 40% before completion of grade 12, compared to 3% and 16% respectively for the non-aboriginal population (Macionis et al 2005).

Employment and Occupation: Canada's Aboriginal labour market segmentation occurs in four ways: between east and west, and on and off-reserve. In the east and off-reserve, the Aboriginal labour market is not too far different from the Canadian norm. On-reserve and in the west, the Aboriginal labour market is much worse than the Canadian norm.

Canada's Aboriginal people remain more than twice as likely to be unemployed as non-aboriginal people (respectively 14.8% and 6.3%). This finding comes even though unemployment rates are dropping more quickly among Aboriginal people than non-aboriginal people. The unemployment rate among core working-age Aboriginal people — those aged 25 to 54 — in 2006 was down by 4.2 percentage points to 13.2 % in 2006 from 17.4% in 2001 while the unemployment rate for non-Aboriginal people dropped only by 0.8 percentage points to 5.2 %. The labour force data showed that employment rates were up for Inuit, Métis, and First Nations groups. As a whole, the employment rate for Aboriginal Canadians in 2006 was 65.8%, an increase from 61.2% of five years earlier. The

growth (2001-2006) of self-employment for Aboriginals and non-Aboriginals respectively are 7% and 25% (Wilson et al 2010).

About 35% of the Aboriginal populations work in the primary sector (agriculture) compared to the national average of only 2%. Only 2.2 % of the white-collar jobs like administrative and foreign service, executive and operational, scientific professional, and technical jobs are occupied by Aboriginal peoples in 2009 ( Statistics Canada 2010). Aboriginals Canadians made up only 2% of all university teachers (CUTA 2010).

Income: Aboriginal peoples are among the poorest in Canada. The median income for Aboriginal peoples was \$18,962 compared to \$27,097 for the rest of the Canadians in 2006- a 30% difference (Wilson et al 2010). The difference is decreasing, but marginally.

Housing: The house ownership rate among aboriginals is 28.5%, compared to 67% for the Canadian population as a whole. The Indian Act prevents Aboriginals on-reserve from obtaining title to land. The Act also forbids the seizure of Indian lands under legal process, preventing legal recourse to enforce a mortgage. The Act thus prohibits the development of successful housing programs. Some bands have used innovative means to establish and maintain successful ownership programs despite the Act. The growing aboriginal population off-reserve is trapped, in many cases by inadequate income, in others by lack of housing supply, or a combination of both. Many Aboriginals migrate to larger cities where rents and house prices are very high. (Aboriginal Housing in Canada: Building on Promising Practices by



International Housing Coalition, Case Study: 3:  
2006)

The Assembly of First Nations (AFN) mentions there is a current urgent need for 80,000 new units across Canada, and 44 percent of the existing 88,750 houses are in critical need of repairs. As years pass without new building goals being met, the number of units urgently needed to house the aboriginal population increases exponentially. According to the 2001 census, 54% of houses on-reserve is in substandard condition. Eleven percent is overcrowded compared to one percent elsewhere in Canada.

The Congress of Aboriginal Peoples (CAP) represents Aboriginals off-reserve. It cites an unacceptably high degree of core housing need for Canadian Aboriginal families and individuals living off-reserve. In addition, many others do not qualify because they are living with family or friends, or have no housing at all. Homeless peoples are difficult to quantify since they have no stable location.

Aboriginal renter households live in lower quality dwellings than the rest of the population. More than 16% of rented dwellings need a major repair. Thirty-seven percent of Aboriginal households spend more than a third of their income on rent and 15% have a severe rent burden, paying more than half their income for shelter. The study says Aboriginal income is roughly 87% of non-Aboriginal income, meaning Aboriginal families and individuals have even less money to spend on rent and other necessary expenses (NAHA 2004).

Health: The life expectancy for Aboriginal people is approximately 6.5 yrs lower than that of non-Aboriginals.

Canada's overall suicide rate is typically about 14 per 100,000 people; suicide rates are five to seven times higher for First Nations youth than for non-Aboriginal youth. Suicide rates among Inuit youth are among the highest in the world, at 11 times the national average. Suicide rates in the Canadian Native population are more than twice the sex-specific rates, and three times the age-specific rates of non-Native Canadians (56.3 per year per 100,000 persons for Native males and 11.8 for Native Females). Among Aboriginal males, the rate for the 15-24 year age group was 90. This is more than double that for all Aboriginal males: 39. Suicide among northern Native youth has reached epidemic proportions.

Language and Culture: Retaining of mother tongues varies widely among 3 Aboriginal groups. There are 60 Aboriginal languages spoken by First Nation Peoples, grouped in distinct language families, which include Algonquian, Athapaskan, Siouan, Salish, Tsimshian, Wakashan, Iroquoian, Haida, Kutenai and Tlingit. Knowledge of an Aboriginal language among the First Nations population holds steady at 29 %, the same as in 2001. Cree is spoken by the largest number of First Nations speakers.

Michif is the traditional language spoken by the Métis people, which is evolved from the intermingling of Cree and French languages. However, the most commonly spoken aboriginal language among the Métis is Cree. Knowledge of an Aboriginal language among the Métis population is

down by 1% when compared to the 2001 census. Only about 4% of Métis said they spoke an Aboriginal language.

There are five primary distinct Inuit language dialects, collectively known as Inuktitut, spoken throughout Canada. Inuit were most likely to speak an Aboriginal language, according to the 2006 census. Just over 32,200 Inuit, or 64% of the total, said Inuktitut as their mother tongue. Knowledge of Inuktitut among the Inuit population is down by 3% when compared to the 2001 census (Census 2006).

According to Indian and Northern Affairs Canada, in a 2002 publication entitled *From Generation to Generation: Survival and Maintenance of Canada's Aboriginal Languages Within Families, Communities and Cities*, Aboriginal languages already extinct include Huron, Petun, Neutral in the Iroquoian family, Beothuk, Pentlatch and Comox in the Salish family, and Tsetsaut and Nicola in the Athabaskan family. And more than a dozen Aboriginal languages are near extinction, the 2002 report said.

The federal task force said Aboriginal languages range from “flourishing” to “critically endangered”. “Even languages with a large number of speakers may be flourishing in some regions and be in a critical state in others”, it reads. It concludes: “Some are spoken by only a few elders, others by tens of thousands. Large language groups like the Cree, Ojibwa and Inuktitut are viable, having at least 25,000 speakers, ranging from the young to the elderly. However, all languages, including those considered viable, are losing ground and are endangered”.

When language is critically endangered, culture can not be protected. The invasion of dominant European languages and culture along with the imposing of Christianity has jeopardized the Aboriginal culture to such an extent that the traces of Aboriginal culture could only be seen in museums or formal theatres.

Criminal justice: Aboriginal peoples accounted for 24% of those admitted to provincial or federal custody in 2006-2007 (Globe and Mail, Dec. 28, 2009). A high level of alcohol abuse is also found in Aboriginal communities, where one in five people are admitted to the hospital for an alcohol-related illness on an annual basis. Domestic violence is also common as 80% of Aboriginal women have stated that they have experienced some form of physical abuse at some point in their lives (Canadian Criminal Justice System 2000). Countrywide, a recent report estimated that 22% of all gang members in Canada are Aboriginals (The Forgotten People 2009).

## **Political Rights and Representations**

It is most often stated that Aboriginal people received the right to vote in 1960. This statement, however, is incorrect. While most Status Indians received the unconditional right to vote in 1960, the Inuit received the right to vote in 1950, and still, other Aboriginal people (such as the Métis and Non-Status Indians) received the vote alongside other Canadians.

However, the existing studies show that Aboriginal participation rates are, on average,

lower than their Canadian counterparts. Studies also show that turnout varies dramatically among Aboriginal peoples and across regions. According to the results of a public opinion poll, the participation rate of Aboriginal people on reserves was 52%, whereas the participation rate of those living off reserves was 67% (Elections Canada 2005).

The historical reasons, as Robert Milen (1991) has suggested, arose from the legacy of colonialism and, specifically, the federal government's assimilation-through-enfranchisement policy. Thus, Aboriginals view the electoral system with suspicion. However, Milen has noted that Aboriginal concerns regarding the franchise were not homogenous:

- Métis organizations consistently advanced proposals for guaranteed representation during the Constitutional conferences of the 1980s.
- Various treaty nations have rejected offers of Canadian citizenship and electoral participation on the grounds of sovereignty and nationhood.
- Many treaty nations choose to stay outside the Canadian electoral process because of their nation-to-nation relationship with the Crown.

Aboriginal representation in the Canadian Parliament is very low. There are only 5 Aboriginal MPs out of 308 MPs and 7 Aboriginal Senators in a total of 105 senators in the current parliament in Canada. None of them has any ministerial portfolio.

## **Self Determination**

Throughout history, Aboriginal people's civil and political rights have been restricted, which was another expression of the racist attitudes and policies that were directed at Aboriginal people. This includes the denial of the right to vote, which was only reinstated in 1960. Aboriginal people were not only denied many rights throughout history but were also denied the political system required to address the many issues that are a part of their reality.

In response to the many oppressive forces that Aboriginal peoples have faced and continue to deal with, they have long expressed their determination of returning to self-governance in line with their political traditions. Native traditions of governance and diplomacy such as the League of Six Nations were sophisticated systems that embodied highly democratic values. Decision-making by consensus, the liberty of the individual, and leadership by persuasion rather than coercion were the norm in most communities and are still important values. Aboriginal people were self-governing until the Indian Act imposed alien and seriously flawed forms of limited self-government in the form of the band council system.

In 2001, the then Minister of Indian and Northern Affairs Canada, Robert Nault, proposed Bill C-7. Bill C-7 was to be the First Nations Governance Act and would amend parts of the Indian Act that dealt with governance issues. Though it seemed as though someone in the government was finally addressing the need for self-governance, there was an outcry from

Aboriginal communities and peoples all across Canada. Many Aboriginal people thought that the FNGA "reflect(ed) the same mentality that produced the first Indian Act, the same old Indian Agent thinking". It was largely seen as just another attempt to assimilate Aboriginal people into mainstream society.

The Royal Commission on Aboriginal Peoples identified the need to negotiate and reconcile Aboriginal governments within Canada as one key step towards resolving the concerns of Aboriginal peoples and building a new relationship between Aboriginal and non-Aboriginal peoples based on mutual respect, recognition and sharing. Aboriginal people are now looking towards and fighting for a future that includes the right to have their beliefs and values at the core of a governing body.

## **CONCLUSION**

"On the 26<sup>th</sup> January 1950, we are going to enter into a life of contradictions. In politics, we will have equality and in social and economic life we will have inequality. In politics, we will be recognizing the principal of one man, one vote, one value. In our social and economic life we shall by reason of our social and economic structure, continue to deny the principle of one man, one value, how long shall do so, only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment." *Babasaheb*

*Ambedkar, Father of the Indian Constitution and a Dalit leader. 1951*

“I am an Indian. I am proud to know who I am where I originated. I am proud to be a unique creation of the Great Spirit. We are part of Mother Earth..... We have survived, but survival by itself is not enough. A people must also grow and flourish.” (Chief John Snow 2005)

The above quotations are from two different persons from two different countries in two different periods. However, the reader must have seen the similarities (underlined) among those two sayings.

Despite the similarities, it is really difficult to compare the conditions of aboriginal peoples in two countries as the history, geography, colonialism, economy, and society of these two countries are different; in addition to that, types of available data are also different. So, instead of direct comparison, it is probably better to compare through Marshall’s conception of citizenship rights available to the aboriginal peoples of these two countries.

### **Marshall’s Citizenship Rights:**

Civil Rights are the protection of individual freedom like liberty of the person, freedom of speech, thought, and faith, right to own property, and right to justice.

Indian Aboriginals do enjoy more civil rights than their counterpart in Canada. Canadian



Aboriginals who live on reserve do not have any property right on reserve land or the houses they live on the reserve.

The Indian Act of 1876 is probably the most notorious act for the Aboriginals. According to this act, an Aboriginal woman married to a non-Aboriginal man will lose her Indian status. It had put many restrictions on Aboriginal civil rights such as aboriginals can only drink when they are on reserve, banned potlatch ceremony (1884); powwows (1925) was also banned; the act was so limiting that First Nations band members could not leave the reserve without a special pass.

However, when the Indian Act was revised in 1951, Indian status and enfranchisement clauses were retained. The law banning Indian ceremonies was repealed, and First Nations members were given the right to enter public bars.

Perhaps the most terrible aspect of this act probably was the setting up of residential schools in mid -19<sup>th</sup> century for Aboriginal children; they were forcefully taken away from their parents and placed in the residential boarding schools. These children were snatched of their own religion, language, culture. There were many incidents of physical, sexual, and psychological abuse in those residential schools. The last residential school was closed in 1996 leaving behind a dreadful story of forced assimilation.

In both countries, Aboriginal people were forced to convert to Christianity under several conditions. The process of conversion was much more forceful and coerced in Canada than in India.

Political Rights are the right to participate in the existence of political power as a member of a body invested with political authority or as an elector of the members of such a body.

It was not until 1960 that all Canadian Aboriginals were allowed to vote in federal elections. So, it took almost 100 years since the formation of the confederation that all Aboriginals got the voting right. Whereas Indian aboriginals (tribes) got the same right in 1951, the year Independent India's first general election was held. In both Canada and India aboriginals were given autonomy in some regions where they have a clear majority. However, regarding numerical representation in the law-making bodies, Canada does not have any reservation for its Aboriginal population at any level of the power structure. While in India, tribes (aboriginals) have proportional representation in all the 3 tiers of power structure i.e. local (municipality and panchayat), state (provincial) legislature, and the parliament.

Social Rights are compulsory education, health, and social services.

As a nation, while India is struggling for mass literacy, Canada is concerned with post-secondary education. While 68% of Canadian Aboriginals have a secondary school diploma compared to 85% of the rest of the Canadians (2006), the literacy rate of India's tribal population is 47% compared to 65% of overall literacy (2001). Both countries have a free secondary education system. In addition to that, India has a system of free mid-day meals at primary schools to attract poor students and reduce the rate of dropouts.

There is no doubt that the overall health care system in Canada is much more developed than that of India and it has a universal health care system; yet compared to the general population, conditions of Aboriginal health in Canada are deplorable. The same is true for India, despite its free health care system in government hospitals.

As discussed before, there are many social assistance programs in India for the socio-economic development of its tribal population, yet the tribes are the most disadvantaged group in the Indian population. In Canada, Aboriginals on reserve get free housing and education, but there are no other programs for their socio-economic upliftment. The condition of Aboriginals in Canada is also worst compared to other ethnic groups. In both countries, they are the poorest, most vulnerable, and socially excluded populations with some important differences.

In Canada, aboriginals are much more socially excluded than the tribes in India. Why?

Analyzing historically, India's first Prime Minister's forwarding note to Verrier Elwin's book (mentioned before) set the trend for tribal policy in India: integration. Whereas, in Canada, the path was forced assimilation. The rulers in Canada are outsiders: ethnically, culturally, linguistically, socially, religion-wise and politically they are different. A completely different system was brought from outside and was imposed on the Aboriginals of Canada. The norms, values, institutions in Canada were not developed from within the country. Thus Aboriginals in Canada do not find any similarities with either English Canada or French Canada. They are isolated,

alienated, and socially excluded. In India, the institutions are much more organic, except the political institution, which has a huge colonial impact. The dominant religion in India is Hinduism; it gradually evolved within the country after the Aryans came to India. But almost 70% of traits of the Hindu religion are indigenous. Tribes are at the bottom of the socio-economic ladder of Indian society, but they are integral parts of Indian society. Their culture is indented by the dominant cultures in India, but those are also Indian. Regarding language also, dominant as well as dominated both are Indian. Moreover, Canada does not have any reservation system for its Aboriginal people in education, job, and politics, which India does have. Though the Government of India's policy of reservation failed to bring expected success due to many reasons like corruption, political opportunism, etc. yet government initiatives, at least insert a kind of belief among the beneficiaries that 'sarkar' (government) is trying to do something for their good. There was massive exploitation of tribal people by the non-tribal people, there were atrocities against the tribals, there were killings of tribals in India, but there were no mass killings of tribal people at any point of history continuing for decades after decades like in Canada. These are some of the fundamental issues in the process of inclusion of Aboriginal peoples in India and Canada and these are the reasons why Aboriginals in Canada is much more excluded than their counterpart in India.

The process of inclusion is still an uphill task in India and Canada because of the various institutional resistance working against the process. But the governments concerned must

accept the challenges and work out strategies and plans taking lessons from the past and continue the process of inclusion till success is achieved.

## REFERENCES:

- Thorat, Sukhdeo. 2008. "Social Exclusion in the Indian Context: Theoretical Basis of Inclusive Policies." *Indian Journal of Human Development* 2(1): Pp 165-181.
- Buvinic, Mayra. 2005. "Social Inclusion in Latin America. Pp 3-32 in Myra Buvinic and Jacqueline Mazza (eds), *Social inclusion and Economic Development*. Baltimore, MD. Johns Hopkins University Press.
- Sen, Amartya. 2000. "Social Exclusion: Concept, Application, and Scrutiny". *Social Development Paper No. 1*. Asian Development Bank. June. Pp 7.
- Ibid. Pp 7.
- Ibid. pp 4-5.
- Xaxa, Virginia. 2008. *State, Society, and Tribes*. Delhi. Pearson Longman. Pp 1-2
- Ibid. Pp 1-2
- Ibid. Pp 5-6
- Government of India. 2005. *Report of the National Commission for Scheduled Tribes*. Delhi. Pp 1.
- Sarkar, Sandip., Sunil Mishra, and Dev Nathan. 2006. "Development and Deprivation of Scheduled Tribes." *Economic and Political Weekly* 41( 46). Pp 4824-4827.
- Government of India. 2001. *Census of India*. New Delhi
- Hasan, Rana, and Aashish Mehta. 2006. "Under-representation of Disadvantaged Classes in Colleges:

What Do the Data Tell US?" Economic and Political Weekly 41(41): 3791-3796.

Mohnaty, Mritunjoy. 2006. "Social Inequality, Labour Market Dynamics and Reservation." Economic and Political Weekly 41(41): 3777-3789

Louis, Prakash. 2003. "Scheduled Castes and Tribes: The Reservation Debate." Economic and Political Weekly 38(21): 2475-2478

Karade, Jagan. 2008. "Development of Scheduled Castes and Scheduled Tribes in India." Newcastle. NE: Cambridge Scholars Publishing. Pp 114-132

Statistics Canada. 2008. "Aboriginal Peoples in Canada in 2006: Inuit, Métis and First nations, 2006 Census" Ottawa. ON.

Wilson Daniel and David Macdonald. 2010. The Income Gap between Aboriginal Peoples and the Rest of Canada. Canadian Centre For Policy Alternatives. Ottawa, ON. Pp 1-34

Macionis, John J. and Linda M. Gerber. 2005. Sociology. Toronto, ON. Pearson Prentice Hall. CAUT. 2010. Bulletin 57(2). Ottawa, ON.

CREA. 2006. Aboriginal Housing in Canada: Building on Promising Practices. IHC Case Study. Vancouver, BC. Pp 1-34

NAHA. 2004. A New Beginning: The National Non-Reserve Aboriginal Housing Strategy. Ottawa, ON. Pp 1-64

The Globe and Mail. 2010. Dec. 2

Canadian Criminal Justice Association. 2000. Aboriginal Peoples and the Criminal Justice System. May 15. Pp 1-3

The Forgotten People. 2009. The Voice of Off-reserve Indian and Métis Peoples throughout Canada. Winter. pp 10

Election Canada. 2005.

Milen, Robert A (ed.). 1991. Aboriginal Peoples and the Electoral Reforms in Canada. Vol. 9. Ministry of Supply and Services Canada. Toronto, ON.

Snow, Chief J. 2005. These Mountains Are Our Sacred Places. Fifth House. Calgary, AB.

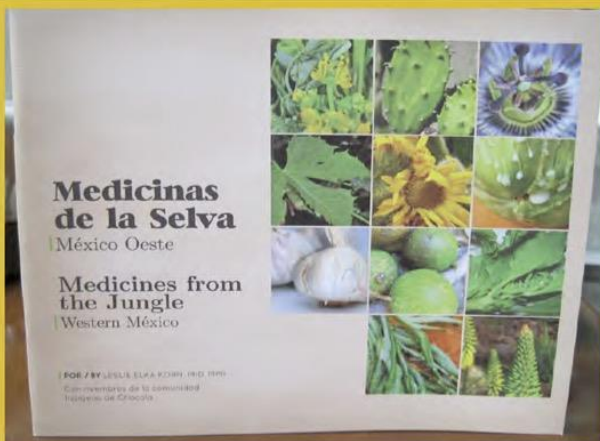
### **Acknowledgement:**

I wish to acknowledge my deep indebtedness to Dr. Virbinia Xaca, Professor of Sociology, University of Delhi, India for his outstanding book: State, society, and Tribes: Issues in Post-Colonial India. I also extend my gratitude to Dr. Gregory Younging of Indigenous Studies of the University of Columbia-Okanagan for his suggestion to submit this paper to the Fourth World Journal.



Adequiere la edición limitada aquí

Get your limited Edition Copy



**En Español and English**

"I loved this book. It honors our past, our natural resources and the thirst for remedies for common daily ailments that do not merit a trip to the doctor."

Antonia Lavender  
*Directora de Comercialización, Oficina de Convenciones y Visitantes de Puerto Vallarta, A.C.*

Leslie Korn shares her experience and the heritage and culture of the indigenous community of Chacala in her book, *Medicines of the Jungle*. The original edition of the book, published in Spring 2001 has been edited and redesigned with new photos, recipes and insights from Dr. Korn. The book is the result of a community project to preserve traditional healing practices with community healers, elders, and young people in a comunidad in western México.

Available at CWIS DayKeeper Press  
<http://store.cwis.org/>

**DIGITAL DOWNLOAD COPY**

3.65 EURO

\$5.00 USD

\$60 MexPeso

35.95 Rand

**DayKeeper Press**

Center for World Indigenous Studies

PMB 214 1001 Cooper Pt RD SW 140  
Olympia, Washington 98502 USA

**Payment in USD online**

**Subscribe to the**

# Fourth World Journal

Logon to: <http://cwis.org/publications/FWJ/>



~~~~~

**Respected**

**Trusted**

**Quoted**

**Peer Reviewed**

**Publishing twice a year  
(and an occasional Special Issues)**

The online Journal of the  
Center for World Indigenous Studies

~~~~~