

Mizoram Assembly As An Instrument Of Social Change.

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Far reaching changes in the tendencies, customs and the general set up of the society emanate from the Legislature. The society must be changed, not through violence, but by exchange of views and mutually agreed decisions in the legislature. 'An enactment, writes Herbert Finer,' is a stage in the process of government midway between the original desires of the people for social change and the government effectuation of those desires".¹

The essential functions of law is to bring about social change by influencing behaviour, beliefs and values. As an instrument of social change, law involves two inter-related processes. By means of new enactment there will be institutionalisation of a new behaviour manifesting social values. When this new pattern is incorporated in the legal code, deviance from this new pattern could be punished in the legal code, deviance from this new pattern could be punished according to law. But unless there is internalisation of this new pattern of behaviour in the individual the law cannot become an active social force. If the institutionalisation is successful it facilitates the internalisation of new values by bringing about a change in the attitude and beliefs of individuals through social upbringing in the individual families.² The term change implies that there is some differences through time in the object under study. Social change implies changes in social behaviour, social structure and cultural values.³

In this paper an attempt is made to find out far the Mizoram Excise, Act, 1973 passed by the Mizoram Legislative Assembly ushered in social change in Mizoram.

Mizo society is a tribal society where caste distinctions do not exist. There is no noticeable class structure. The villages of the Lushais had been under the control of the chiefs till 1954.

A village chief enjoyed hereditary rights and privileges over land. The Assam Lushai Hills District (Acquisition of Chief Rights) Act, 1954, abolished the systems of chiefs in all the villages in the Lushai

Hills in 1955. The Act also established village councils which had the power to regulate local affairs pertaining to each village.⁴ The Lushai Hills District Council which was established as per the provisions of the Sixth Schedule to the constitution of India has the power of supervision and control over the village Councils. In the Mizoram Legislative Assembly, no Act was passed so far which had the effect of bringing in structural changes in the Mizo society as was done by the above mentioned Act passed by Assam Assembly. Only a few Acts passed by the Mizoram Assembly had a bearing on the social norms and values of the Mizo people and the Mizoram Excise Act, 1973 was one of them.

The Mizoram Excise Act, 1973

From time immemorial, most of the Mizos had been brewing their own liquor, called 'zu', which was made from rice. The Mizos were in the habit of drinking 'zu' before the advent of Christianity to Mizoram. Drinking and danching formed an essential part in all the ceremonies, festivals and sacrifices among the Mizos. Though the Christian missionaries were teetotallers, they did not strictly prohibit drinking.⁵ The early Mizo church saw the evils of Lushai Church in 1904 that Christians should avoid 'zu'⁶ The church has never allowed habitual drinkers to take active part in its affairs. The church can even expel drunkars from the church.⁷ In spite of this, many Mizos have been drinking 'zu' and addiction to liquor has been a serious evil in the Mizo society.

Before the enforcement of the Excise Act in Mizoram, there had been virtually no brand of liquor available, other than the 'zu' which used to be sold almost everywhere in Mizoram without any permit. Beside the church, the voluntary organisations viz., the Young Mizo Association which has its branches in all the villages, the Village defence party and the Mizo Zirlai Pawl, (The Mizo students Association) has made efforts to do away with the practice of selling and drinking 'zu' in Mizoram by destroying the places where the 'zu' was manufactured.⁸ There were times when the manufacturers of 'zu' were socially boycotted in certain villages. The then underground Mizo National Front between 1966 and 1970 tried to stop the sale of the illicit distillation of 'zu'. But these measures did not succeed. The Deputy Commissioners in Mizoram also had made attempts from time

to time to prohibit the brewing and selling of liquor under Cr.P.C. 144.⁹ This also proved a failure. So, the first government of the Union Territory of Mizoram decided to bring in legislation which could prevent the manufacture and sale of 'zu' and regulate the sale of India made foreign liquor in Mizoram. The first Mizoram Legislative Assembly passed the Mizoram Excise Act, 1973. The government thought that the Act might lead to the reduction in the number of the people who were in the habit of drinking. The members of the Assembly also hoped that the number of persons moving about in a drunken condition in streets of Mizoram might be reduced. The main objective of the Act were to control the import, export, manufacture, sale and possession of alcoholic liquor and intoxicating drugs, and to provide imposition of excise duties in Mizoram.¹¹ The Act provided that no intoxicant could be imported, exported or transported without a valid pass issued by an authorised officer of the Excise department.¹² It further provided that no person shall manufacture, import, export, transport, pass or sell charas.¹³ The Act further provided for giving licences, permits, manufacture, sale of intoxicants on payments of duties and fees.¹⁴ The Excise Act passed in 1973 was not implemented immediately. It was enforced from October 1984 by the Congress government which came to power as a result of the 1984 election.

No one was given permission to manufacture 'zu' and India made foreign liquor (IMFL) was permitted to be sold in Mizoram. Licences were issued for the sale of IMFL in Aizawl and Lunglei only.

With the enforcement of the Mizoram Excise Act, the Mizoram Police has been trying hard to check the import, export, manufacture and sale of all types of liquor, including 'zu'. Though there was limited number of the enforcement staff, a good number of cases have been prosecuted by the court and awarded various penalties such as imprisonment, fines or both.¹⁵ The Excise Department seized a large quantity of liquor and narcotic drugs. The Excise police has been trying to prevent the illegal flow of dangerous drugs like heroin, ganja, mandrax and opium etc.. into Mizoram from the adjoining areas. But these measures have not been completely successful. Menacing increase in the number of deaths and the rate of drug addiction has been causing serious concern to the government of Mizoram.

The Excise Department issued retail licence to 10 persons in Aizawl and 3 persons in Lunglei town for selling India made Foreign-

Liquor,¹⁶ Within one year of the issue of Liquor Licence in Mizoram, various voluntary organisations and churches criticised the selling India-made Foreign Liquor. They argued that the availability of liquor at cheap rates had led to an increase in the rate of liquor drinking and in the number of its related crimes. The Young Mizo Association at its general conference held at Kolasib in October 1985, passed a resolution which urged the government to stop the sale of liquor.¹⁷ On 7 November 1985, the Mizoram Political Science Association organised a symposium on Mizoram Excise Act and Rules at Aizawl wherein representatives of various church denominations, voluntary organisations, all political parties viz, Congress, the People's Conference, Mizo Union and the Mizo Peace Forum, participated. Eight, out of ten speakers expressed the view that permits given for selling liquor should be withdrawn forthwith.¹⁸

The Presbyterian Church, which is the biggest church organisation in Mizoram also has been pressing the government for termination of liquor permits. The Mizo Presbyterian Synod held in Aizawl between 30 November and 8 December 1985 wanted the government to terminate licences for the sale of IMFL and to use to Excise Act for total prohibition.¹⁹ In Lunglei town. On 9 November 1987, a seminar on Excise Act was organised in Lunglei by the leaders of various church organisations which strongly urged the government to stop liquor licences. Rev. Hrangem told on a seminar that a sample survey was conducted in Lunglei by the Baptist church, in 1987, in which 11,481 respondents out of 11,605, believed that the sale of liquor promoted drinking and addiction and wanted that liquor Licences should be withdrawn immediately by the government of Mizoram. Only 101, out of 11,605 respondents (less than one percent), wanted to continue the sale of liquor in shops and 23 respondents had no opinion about it. 21 On 14 December 1987, a big procession against the sale of liquor was organised by the Lunglei District Church Leaders Joint Committee at Lunglei town.²²

The Mizo Hmeichhe Insuihkhawm Pawl (The Mizo Women Association) also pressed the government from time to time to stop the sale of liquor because they believed that crimes increased due to liquor addiction.

Thus the main idea of the legislators in passing the Act i.e. reducing drinking habits of the people did not succeed. In fact, it

had the opposite effect, increasing the number of persons habituated to drinking and the number of drunken persons arrested by the police also increased.²³ It was reported that more than 1.2 lakh bottles of hard liquor were consumed per month.²⁴ This is too high for a population of about 5 lakhs. Rev Lalsawma, the then Executive Secretary of the Presbyterian church said, "We are not against drinking. We are only worried that it is becoming a widespread malaise that is threatening to tear the social fabric apart."²⁵ Rev. Rokhuma, the then Moderator of the Mizo Synod also said, "the church was of the opinion that sale of liquor promoted drinking and addiction and as such is the most destructive force in Mizoram."²⁶

Due to strong public pressure, the Mizo National Front government led by Laldenga decided not to renew the liquor licences of retail outlets after the expiry in 30 March 1988 and all the liquor shops have been closed down since 1 April, 1988.²⁷ It was difficult for Laldenga, the chief Minister, to go against the church which has been pressing for the termination of liquor permits in Mizoram where almost all the people are Christian. The Presbyterian church have been continuing its pressure on government not to relent, but instead to institute a total ban on the sale of alcohol.

Thus instead of reducing the drinking habits of the people in Mizoram the Excise Act had a negative impact by increasing the number of people habituated to drinking.

Therefore, in order to fulfil the hope and aspirations of the church and other voluntary organisations to make a small Christian state a dry land, the Mizoram Legislative Assmebly passed a new Act called 'Mizoram Liquor Prohibition Act, 1995, on 14 December 1995 and became Act No 10 of 1995. The Governor gave his assent on the Bill on 31, Jan 1996. The Mizoram Liquor Total Prohibition Rules was also laid on the Table of the house on 16 Sept 1996. Now the government of Mizoram is in a position to enforce the rule at any time²⁸ and the people of Mizoram would be happy to see that the new law passed by the Assmebly contributes towards the desired transformation.

Table 1. Number of persons arrested under drunken case in Aizawl Police Station.

Year		Number of persons arrested.
1981	-	505
1982	-	494
1983	-	9949
1984	-	0783
1985	-	703
1986	-	1176
1987	-	1280

Source: compiled form-

1. Police record in "Aizawl police station, Non FIR III U/S 290/510 I.P.C. Aizawl, 1981, 1988.
2. Prosecution Branch Aizawl, Mizoram, Non FIR Part III U/S 290/510 and 180 I.P.C. and 1980-1988.

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2. B.Kuppuswamy, *Social Change in India*, Delhi, Vikas Publishing House, (PVT)LTD., (second edition) 1979, pp.147-8
3. Promila Vasudeva, *Social Change: An Analysis of Attitudes of Attitudes and Personality*, New Delhi, Sterling Publishers (P) LTD 1976, p31.
4. Angimash Ray, *Mizoram Dynamics of Change*, Calcutta, Pearl Publishers, 1982, p.41.
5. Zairema, *Gods Miracle in Mizoram: A glimpse of Christian Among Head Hunters*, Aizawl, Synod Press, Book room, 1978, p.11.
6. Donna Strom, *Wind Through the Bamboo: the Glory of Transformed Mizo*, Madras, Evangelical Literature Service, 1983, P.63
7. Mizoram Presbyterian Kohhran, *Pastor Hand Book*, Aizwal, Synod Publication Bord, 1987, p.64.
8. C.Lalropia, *Y.M.A. Chanchin (History of Y.M.A.) (Y.M.A. Golden Jubilee 1935-1985)*, Aizawl, Central Young Mizo Association, 1985, p.79

9. Section 144 of the Cr.P.C. gives power to a magistrate to take action for immediate prevention of a public nuisance or for speedy remedy of an apprehended danger.
10. The Mizoram Legislative Assembly Proceedings, 10 October, 1973 pp.10-21.
11. The Mizoram Excise Act,1973, see a compilation of Acts passed by Mizoram Legislative Assembly and Rules made by Govt of Mizoram, Vol 1, Aizawl, 1975,p.44.
12. *Ibid*,Section 12,p.49.
13. *Ibid*,Section 14(i), p.50.
14. *Ibid*,Section 18(1), p.51.
15. Government of Mizoram, *Adiministration Report* 1985-86 Aizawl, nd., p.119.
16. *Ibid*, p.188.
17. Young Mizo Association General Conference, A resolution passed at Kolasib in 1985.
18. Symposium on the Mizoram am Excise Act ans Rules at Aizawl on 7 November, 1995,unpublished Report.
19. Resolution IV General, No.9 of the 61st Mizoram Presbyterian Synod held at Aizawl between 31 Nov ember and 8 December 1995.
20. Resolution No VI C (6) of the 28th Zoram Baptist Church Assembly held at Lunglei on 5 October 1986.
21. *Macedonia Weekly*, Vol.No. XVII (30),Lunglei, 15 November 1987mp.2.
22. *Ibid*, 13, December 1987, p.1.
23. Table No I:I.
24. Ramesh Menon, '*Liquor Policy: Tense Wait*' in *India Today*,30 June 1988, p. 67.
25. Quoted from By Ramesh Menon. *Ibid*.
26. MNF government asked not to issue New Vending Permits; ? *The Assam Tribune*, 30 June 1988.
27. *Mizo Aw* 13 April, 1988.
28. *Sakeibaknei*, Bi-Weekly News Magazine, 24 Sept, 1996, p.6.