

**Explanatory Note**

(This does not form part of the notification, but is intended to achieve its general purport.)

The Honourable Supreme Court in their judgment dated 1st December, 2006 in Civil Appeal No. 5300 of 2006, have observed that the definition of toddy does not limit the extent of fermentation and that Government should justify the reasonableness of fixing the maximum alcohol content by deeper studies and experiments. Government, in consultation with the Chief Chemical Examiner to Government and other scientific experts and also relying on the Indian Standard Specifications in IS 8538:2004 of the Bureau of Indian Standards, have decided to redefine toddy and specify its standards. The maximum ethyl alcohol content has been specified to check adulteration of toddy with spirit or arrack. Freshly drawn coconut toddy contains about 12 to 17 per cent weight by volume of sucrose and accordingly the maximum self generation of alcohol achievable in coconut toddy will in no case exceed 8.1 per cent by volume. As acetic fermentation gradually advances, the alcoholic strength gradually falls down and hence alcoholic strength will never increase over 8.1 per cent with the time of storage of coconut toddy. Alcoholic strength exceeding 8.1 per cent by volume can only be due to addition of extraneous alcohol which for all purposes shall be treated as a foreign ingredient. Apart from extraneous alcohol, adulteration with other foreign substances such as colouring, flavouring, sweetening and other foreign matters, starch, chloral hydrate and paraldehyde, and sedatives, tranquilizers and other Narcotic Drugs or Psychotropic Substances, and any other ingredients injurious to health should also be prevented, and only natural toddy made offered to the consumers.

The notification is intended to achieve the above object.

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കേരള സർക്കാർ  
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**KERALA GAZETTE**  
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**GOVERNMENT OF KERALA**

Taxes (G) Department

NOTIFICATIONS

I

G.O. (P) No. 24/2007/TD. Dated, Thiruvananthapuram, 14th February, 2007.

S. R. O. No. 144/2007.—In exercise of the powers conferred by section 18A and 29 of the Abkari Act 1 of 1977, the Government of Kerala hereby make the following rules further to amend the Kerala Abkari Shops Disposal Rules, 2002, issued under G. O. (P) No. 24/2002/TD dated the 30th March, 2002 and published as S.R.O. No. 198/2002 in the Kerala Gazette Extraordinary No. 376 dated the 30th March, 2002, namely:—

**RULES**

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Abkari Shops Disposal (Amendment) Rules, 2007.

(2) They shall come in to force at once.

2. Amendment of the rules.—In the Kerala Abkari Shops Disposal Rules, 2002,—

(1) in rule 2, (a) for clause (ii), the following clause shall be substituted, namely:—

“(ii) ‘Toddy’ in these rules means fermented juice drawn from any Coconut, Palmyra, or Choondapana palms and conforming to such specifications and restrictions as may be notified by Government based on scientific studies and Indian Standard Specifications”;

(2) for sub-rule (2) of rule 9, the following sub-rule shall be substituted, namely:—

“(2) No toddy other than that drawn from Coconut, Palmyra, or Choondapana palms and on which trea-tax due under the Act has been paid shall be sold by the licensee. All toddy kept or offered for sale shall be natural and conforming to such specifications and complying to such restrictions as may be notified by Government under clause (ii) of rule 2. Nothing shall be added to it to increase its intoxicating quality or strength or to alter its natural composition or for any other purposes”.

By order of the Governor,

P. MARA PANDIYAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to achieve its general purport.)

The Honourable Supreme Court in their judgment dated 1st December, 2006 in Civil Appeal No. 5300 of 2006 struck down rule 9 (2) of Kerala Abkari Shops Disposal Rules, 2002 and also observed that the definition of toddy does not limit the extent of fermentation and that Government should justify the reasonableness of fixing the maximum alcohol content by deeper studies and experiments Government, in consultation with the Chief Chemical Examiner to Government and other scientific experts and also relying on the Indian Standard Specifications in IS 8538:2004 of the Bureau of Indian Standards, have decided to redefine ‘toddy’ and substitute rule 9 (2) and incorporate necessary amendments to that effect in the Kerala Abkari Shops Disposal Rules, 2002.

The notification is intended to achieve the above object.

II

G (P) No. 25/2007/TD. Dated, Thiruvananthapuram, 14th February, 2007.

S. R. O. No. 145/2007.—Under clause (ii) of rule 2 of the Kerala Abkari Shops Disposal Rules, 2002, issued under G. O. (P) No. 24/2002/TD dated the 30th March, 2002 and published as S.R.O. No. 198/2002 in the Kerala Gazette Extraordinary No. 376 dated the 30th March, 2002, the Government of Kerala, based on scientific studies and Indian Standard Specifications in IS: 8538:2004, hereby notify that fermented toddy tapped, stored, transported or offered for sale shall conform to the following specifications and comply to the following restrictions, namely:—

1. The ethyl alcohol content of coconut toddy shall not exceed 8.1 per cent, or Palmyrah toddy 5.2 per cent and Sago toddy 5.9 per cent by volume.
2. Toddy shall be un-pasteurized and natural and shall possess the characteristic flavour derived from the sap and fermentation, without addition of any extraneous alcohol.
3. If the ethyl alcohol content of toddy exceeds the limit prescribed above, it will be deemed that extraneous alcohol has been added to such toddy to increase its intoxicating quality or strength. For all purposes, such extraneous alcohol will be treated as a Foreign ingredient.
4. Toddy shall be free from any added colouring, flavouring, sweetening or other foreign matters; starch; chloral hydrate; paralytic; sedatives, tranquilizers and any other Narcotic Drugs or Psychotropic Substances; and any ingredients injurious to health. It shall be free from *Escherichia coli* also.
5. Total acid as tartaric acid (expressed in terms of 100 litres of absolute alcohol) shall not exceed 400 grams.
6. Volatile acid as acetic acid (expressed in terms of 100 litres of absolute alcohol) shall not exceed 100 grams.

By order of the Governor,

P. MARA PANDIYAN,

Secretary to Government.