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and followed the code of practices laid down by AERB, based on nationally and internationally recognized safety methods - Disaster Management Plan (DMP) is already in place, so also the emergency preparedness plan, off site and on site and all programmes under Corporate Social Responsibility progressing in the right direction with co-operation and assistance of the district administration - NPCIL, also received necessary environmental clearance - No violation of Coastal Regulation Zone noticed - Desalination plant established after following rules and regulations - Justification for establishing KKNPP at Kudankulam, therefore, vindicated - Apprehension, however, legitimate, cannot override justification of the project - However, directions by Supreme Court in regard to safety of the plant, impact on environment, quality of various components and systems in the NPP plant - Atomic Energy (Safe Disposal of Radioactive Wastes) Rules 1987 - Hazardous Waste Management and Handling Rules 1989 - Environmental (Protection) Act, 1986 - Disaster Management Act, 2005 - Water (Prevention and Control of Pollution) Act, 1974 - Air (Prevention and Control of Pollution) Act, 1981. (Also See under: Policy Decision).

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(Also See under: Code of Criminal Procedure, 1973).

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CIVIL LIABILITY FOR NUCLEAR DAMAGE ACT, 2010:

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CODE OF CIVIL PROCEDURE, 1908:

s.100 - Second Appeal - Scope of - Held: Second appeal can be entertained even on the question of fact - Whether a particular question is a substantial question of law, depends on facts and circumstances of each case - Construction of a document of title or the document which is foundation of the rights of parties, raises a question of law.

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- Purpose of the provision is to meet the requirement of principles of natural justice-*audi alteram partem* - It is not a substantive piece of evidence - It cannot be a substitute for prosecution evidence - It cannot be treated as an evidence within the meaning of s.3 of Evidence Act - Statement under the provision cannot be made basis for conviction - Evidence Act, 1872 - s.3.

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(2) s. 437 - Bail - Charge-sheets against the accused - Bail application - Granted by courts below - Held: Bail was granted, taking into account irrelevant materials and keeping out relevant materials - Bail liable to be cancelled.

(Also See under: Bail).

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COMPANIES ACT, 1956:

ss. 621A(1) and (7) and 211(7) - Complaint for offence punishable u/s. 211(7) pending before criminal court - Compounding of the offence by Company Law Board - Permissibility - Held: In view of the nature of the offence, it can be compounded by Company Law Board before as well as after institution of prosecution - Company Law Board was not obliged to take permission of the court before compounding the offence.

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(Also See under: Will).

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effect to, for welfare of the people and the country's economic growth - Atomic Energy Act, 1962.

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PRACTICE AND PROCEDURE:

New Plea - Raising of - Before Supreme Court - Permissibility - Held: If the facts of the case give rise to pure question of law going to the root of the matter, Supreme Court has discretion to go into the new plea.

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(i) Examination of Will - Role of court - Held: Role of the court is limited to examining whether the instrument propounded as the last Will of the deceased is or is not that by testator, and whether it is product of free and sound disposing mind.

(ii) Proof of Will - Standard of evidence - Held: Will has to be proved like any other document, except that the evidence should additionally satisfy the

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requirements of s.63 of Succession Act and of s.68 of Evidence Act - Succession Act, 1925 - s.63 - Evidence Act, 1872 - s.68.

(Also See under: Evidence Act, 1872).

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