

DOCTRINE OF HARMONIOUS CONSTRUCTION

- ❖ **Meaning**
- ❖ **Object**
- ❖ **Principles**
- ❖ **Case Law**

DOCTRINE OF HARMONIOUS CONSTRUCTION

Meaning :- when there is a **conflict between two or more statutes** and if **two or more than two provisions** of the same act are **inconsistent with each other** then it must be interpreted in such a manner that effect should be given to both.

The rule follows a very simple premise that every statute has a purpose and intent as per law and **should be read as whole**.

In the case in which it shall be impossible to harmonize both the provisions, **the Court's decision regarding the provision shall prevail**.

DOCTRINE OF HARMONIOUS CONSTRUCTION

Object :- The object of harmonious construction is **to avoid a conflict** between two enacting provision of the statute as far as possible and to construe the provision in a way so that they harmonize.

DOCTRINE OF HARMONIOUS CONSTRUCTION

Principles :- The Supreme Court laid down five principles of rule of Harmonious Construction in the landmark case of **CIT vs. Hindustan Bulk Carriers**.

1. The Courts must avoid a head-on clash of seemingly contradicting provisions and they must construe the contradictory provisions so as to harmonize them.
2. The provision of one section cannot be used to defeat the provision contained in another unless the Court, despite all its effort, is unable to find a way to reconcile their differences.

DOCTRINE OF HARMONIOUS CONSTRUCTION

3. When it is impossible to completely reconcile the differences in contradictory provisions, the court must interpret them in such a way so that effect is given to both the provision as much as possible.
4. Court must also keep in mind that interpretation that reduces one provision to a useless number or dead is not harmonious construction.
5. To harmonize is not to destroy any statutory provision or to render it fruitless.

DOCTRINE OF HARMONIOUS CONSTRUCTION

Case Law :- shankari Prasad vs. Union of India

The main controversy was whether **Article 13(2)** of the Constitution created a limitation on the power of parliament to amend the fundamental rights. Since **Article 368** did not provide any exception.

The Supreme Court held that the Constitution including fundamental rights, can be amended. But parliament cannot take away or abridge the fundamental rights by exercise it' legislative authority.

*Thank You
For
Watching*

