

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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RULE OF HARMONIOUS CONSTRUCTION

AUTHORED BY - MR. SUSHANT RAI

(BA.LLB Student)

Kes Shri Jayantilal H Patel Law College, Mumbai

ABSTRACT:

The Rule of Harmonious Construction is a legal doctrine that addresses the conflicts between two statutes or provisions that may overlap or contradict each other. It ensures that both laws are interpreted in a way that gives effect to each without nullifying the other, promoting consistency in legislative application. This research explores how the rule functions, especially in scenarios where conflicting laws are vital for public welfare or constitutional mandates, providing an alternative to the dismissal or invalidation of one law over the other.

The paper analyses the doctrine's origins, including its judicial evolution in India, with landmark cases such as *Shankari Prasad v. Union of India* and *Sri Venkataramana Devaru v. State of Mysore*, where the courts balanced the Fundamental Rights and Directive Principles of State Policy. These cases highlight the Supreme Court's pivotal role in defining the scope of harmonious interpretation by laying down principles that emphasize consistency, effectiveness, and fairness in the interpretation of legal statutes.

KEY WORDS – HARMONIOUS, CONSTRUCTION, CASE STUDY, LEGISLATION.

RULE OF HARMONIOUS CONSTRUCTION-

The law changed with time, and so did the need for it. The laws are created for the people, by the people, it's a subjective speculation by a person that society often influences the laws. The need for laws is a mandatory compliance for a society that aims not to collapse, in such societies laws and ordinance usually collides with each other and the administration of any one law with an affected can't not be granted without limiting the interests of the other.

In such cases, the rule of Harmonious Construction comes forward. The denotation of doctrine is an alternative to two disputed laws colluding with each other for the existence or implementation. In layman's language, the doctrine works as an arbitrator between two laws

that existed or established for the same subject or issue. This paper will help to guide on how such harmonious interpretation works with light by some landmark judgments.

DOCTRINE OF HARMONIOUS CONSTRUCTION-

The Doctrine holds its formulation by interpretation of two laws where the subject matter involving are overlapping each other, the doctrine aims to give both laws equal importance by interpreting them in two independent ways and yet making them connected for a clear meaning of the law.

The lawmakers have their concerns about such laws where they overshadow each other but in reality, they both are equally vital for the application of law. The very basic example can be understood by relying on the Supreme Court judgment in the case of *Shankari Prasad v. UOI* - ¹where the Apex court stated that both the Fundamental principle and Directive principle of state policy (DPSP) are equally vital for the people seeking their protection of rights and liberties under the constitution of India. It upholds the very basic knowledge that when two provisions of laws are in question they both should be interpreted in such a way that both hold their Ground of application without nullifying each other.

The rule emphasizes reading the provisions as a whole and ascertaining the meaning of other provisions into consideration of the act in reference. Such a procedure nullifies the violability of each provision.

The outcome of such doctrine gives us a balanced approach between two viable interpretations of the provisions and getting both under a harmonious approach. The legal system reads it as a whole, and such doctrine guides us to follow the interpretation which makes the enactment consistent and the very principle tends to avoid those interpretations which cause the abnormality and absurdity.

ESTABLISHMENT OF DOCTRINE –

The origin of the doctrine of harmonious construction lies in the interpretation by the adjudicating authority in different cases. The doctrine is followed by the courts while seeking an address to the ambiguity it can potentially create. The case's facts and issues decided the

¹ AIR 1951 SC 458

approach of courts towards this harmonious interpretation of the enacted provisions. The very first amendment under the Indian constitution was made by *Shankari Prasad v. UOI*². The landmark case where the apex court drew a clear line between the DPSP and the Fundamental rights of the citizens of India highlighted a harmonious interpretation is indeed for both and both are the basic features of the Indian Constitution.

This theory arose from the law of negotiation, which was initially presented in the case of the *C. P. & Berar General Clauses Act of 1914*.³ By determining the scope of the relevant subjects, the Court applied this Rule of Interpretation to read entries 24 and 25 of the State List in a logical order and avoid any overlap or confusion between them.

PRINCIPLES BY SUPREME COURT –

In numerous cases where the Supreme Court of India has sparked the doctrine and emphasized its importance, it has also laid down the principle and courts influence it. Now prominently Supreme Court of India has led down 5 principles for Harmonious construction which are propounded by them in different cases, highlighting the subjective approach in each case.

The apex court has also laid down the procedure of doctrine which is followed by other courts' guidance while determining the cases to have an effect –

- The pertinent provisions that contradict each other need to be read together, using the entire legislation in issue as a reference.
- The clause of one section won't be utilized to overturn the law elsewhere until the judiciary, without its best efforts, finds it impossible to find a common cause of their disparities.
- Reduce the shorter one out of the wider one; since the result is sensible and fits the scenario, no more investigation is required.
- The objective should be to maximize their effectiveness while minimizing conflict.

This procedure is to be followed by the court to determine the application of the doctrine in special cases. Further under judicial precedents the courts have been propounding the uses of doctrine and interpreting it into viable resources and using it for clear indication of law.

² AIR 1951 SC 458

³ Act 1 of 1914, Published on 1 January 1914, Commenced on 1 January 1914

In the case of *CIT v. HINDUSTAN BULK CARRIER*⁴, the court categorically mentioned that to settle any conflict between two laws or statutes, the court must prevent a 'head of clash' of provisions that are contradictory.

In *SULTANA BEGUM V. PRREMCHAN JAIN*⁵ the court emphasized laying the grounds that If it is impossible to eliminate the discrepancies between the contradictory provisions, the court shall interpret them such that, to the greatest degree feasible, both are given effect.

CASE STUDY –

1. *Sri Venkataramana Devaru v. State of Mysore (1958) AIR SC 255, 1958 SCR 895*

FACTS –

- a) Three villages, Mannampady, Bappanad, and Karnad, make up the Moolky Petah region in the District of South Kanara, which was formerly in the State of Madras and is currently in the State of Mysore. One of the area's most noteworthy religious institutions is an ancient temple dedicated to Sri Venkataramana in the village of Mannampady. The temple is known for its holy conduct and historical significance.
- b) Trustees overseeing the temple are all members of the Gowda Saraswath Brahmin (GSB) community, a historically unique sect. The GSBs are said to have originated in Kashmir and travelled southward. After travelling via Mithila and Bihar, the group ended up in the coastal portions of Goa, inhabiting over sixty villages. The GSBs conserved their cultural identity despite their migrations; they married inside their community and spoke their own language, Konkani. They also brought their idol-worship traditions with them, keeping their religious practices as they moved.
- c) To meet their religious demands, the chieftain constructed a temple for them and erected their idol, Tirumalaivaru or Venkataramana. Along with building the temple, the chieftain gifted the organization with land to ensure its survival. Gowda Saraswath Brahmin family relocated to the three villages that make up Moolky Petah, with the temple serving as the community's primary religious institution. The temple was eventually managed by GSB families from the surrounding area. As a

⁴ (2003)3 SCC 57

⁵ AIR 1997 SC 1006

result, the temple trusteeship became a community duty that was passed down through the GSBs of Moolky Petah through the years.

ISSUE –

- a) Did the temple trustees have any constitutional authority or rights to limit the worshippers' access.?
- b) Did Article 26 of the constitution of India grant any such rights to the Gowda Saraswath Brahmins to exclude any Non- Brahmins?
- c) And whether the extension of the Madras Temple Entry Authorization Act 1947 to the state of Mysore is applicable or not? Or do denominational institutions under Article 26(b) exempt the operation of the Madras Temple Entry Authorization Act 1947?

DETAILED ARGUMENTS-

OVERVIEW - This issue included a serious conflict between religious denominations' constitutional rights under Article 26(b) and the state's authority to regulate entrance to temples under Article 25(2)(b), which encourages temple entry for all Hindus. The arguments revolved around these constitutional clauses, with both parties presenting lengthy arguments about their interpretation and applicability.

APPELLANTS ARGUMENTS –

The appellant argued about the temple being made and belonging to the Gowda Saraswath Brahmin (GSB) community. The Rights according to Article 26(b) give a clear right to each religious institution to manage their own affairs and trustees argued that they had rights to control the management and affairs of the temple itself and rules and made accordingly to regulate.

The Temple exclusively established for the GSB community for centuries and all the practices and management have been managed by these community and trustees for centuries under Article 26(b) as per the Indian Constitution every Institution has the right to determine the practice of the temple which also includes Limiting the worships to their community.

The old community has its own traditions which have been followed for centuries and such customs and traditions should be preserved opening the temple to other Hindus will hamper

their religious customs and infringe upon their denominational autonomy. The Madras Temple Entry Authorization Act 1947, which allowed all Hindus to enter into premises of the temple for worship directly infringed the rights of the GSB community and was against the Article 26(b), and such an act was given an unconstitutional interference.

They claimed that the temple was originally administered and supported by the GSB community and that it did not serve the wider public. As a result, the Madras Temple Entry Authorization Act shouldn't apply to it, since the temple was not intended for the devotion of all Hindus.

RESPONDENT ARGUMENTS-

The State argued about Article 25(2)(b) of the Indian constitution which permits the state to make laws and provisions for social welfare and reforms for the general public and makes such permissible to establish such access to temples.

The state further stated that the Act was propounded to end caste-based discrimination and to promote and harmonize equality in places of worship. Irrespective of caste every Hindu is permissible for entry into the temple. Despite being a temple exclusively claimed by the GSB community a temple is a public temple for all Hindus claiming a temple as a private religious institution isn't viable and it is a public institution that falls under the watch of governmental laws.

The State of Mysore also highlighted the limitations of denominational rights, it categorically upheld that though denominational rights are safeguarded under the constitution of India under Article 26(b) these rights aren't absolute. Interpretation of Article 26(b) would result in the exclusion of huge groups of Hindus from the temple, prolonging the social discrimination and inequality that the Constitution aspires to address.

Article 25(2)(b) was specially created to solve such difficulties and ensure that temples are open to all Hindus without discrimination based on caste, sect, or community. The State highlighted that the greater societal goal of equality and the elimination of discrimination should take precedence over religious groupings' restricted rights to exclude people from public worship.

JUDGMENT SUMMARY –

The Supreme Court acknowledged that the case presented a conflict between two important constitutional rights: the denominational rights under Article 26(b) and the state's authority under Article 25(2)(b) to ensure access to temples for all Hindus.

The Court accepted the appellants' allegation that the Sri Venkataramana Temple was a denominational temple. The GSB community had run the temple for decades, and it was strongly ingrained in their religious customs and practices.

The Court concluded that, under Article 26(b), religious denominations have the right to administer their own religious affairs, including temple access and worship customs. This provision ensured the community's religious sovereignty in managing the temple.

Nevertheless, the Court determined that, while the religious institution was governed by the GSB group, it continued to function as a public temple. The temple received donations and support from the general public, and it was devoted to a Hindu deity, making it a public religious site. Since it was a public temple, it was governed by state regulations, especially those aimed at advancing equality and doing away with caste-based discrimination in temple admission.

The link between Article 25(2)(b) and Article 26(b), which is the main point of contention, was then addressed by the Supreme Court. The state is permitted to enact regulations under Article 25(2)(b) that promote temple admission for all Hindu classes and do away with discriminatory practices. Religious denominations are allowed to oversee their own religious affairs under Article 26(b), however, this right is constrained by other constitutional restrictions.

According to the Court, there are situations in which the denominational rights guaranteed by Article 26(b) may be superseded by Article 25(2)(b), which attempts to further social reform and equality. The writers of the Constitution aimed to strike a compromise between the protection of religious freedom and the more general objective of social change, especially about caste-based discrimination and untouchability. Therefore, when it comes to encouraging temple access for all Hindus, the rights under Article 26(b) are not unqualified and must cede to the state's authority under Article 25(2)(b). The Court concluded that religious freedom could not be used to support social injustice or prevent some groups of people from entering public

temples.

IMPACT OF JUDGMENT –

This ruling created a precedent for the importance of social change and equality over denominational autonomy in the context of temple access, making it a seminal decision in Indian constitutional law. It reaffirmed the idea that, in the name of social justice and reform, denominational rights are not unassailable and may be subject to state regulation. The case was crucial to the drive for temple access in India because it made it clear that, as houses of public worship, temples could not bar any particular group from entering, especially on the basis of caste or sectarian distinctions.

OTHER CASES HIGHLIGHTING –

New India Sugar Mills Ltd. V. Commissioner of Sales Tax Bihar,⁶ (MATHUR, 2024)

Justice Shah observed the recognized interpretation of the principle of the statutes should be in the ordinary sense and understood in its simple form and sense, in which the best harmonize with the objective of the statute and object of it shall be upheld.

CIT v. HCL Technologies Ltd.,⁷ (MATHUR, 2024)

It was held that the interpretation by the court is to be done in such a way that the intention of the legislature shall prevail and no injustice occurred with the parties. Further, an interpretation that makes the enactment a consistent whole, should be the aim of the courts, and a construction that avoids inconsistency or repugnancy between the various sections or parts of the statute should be adopted.

S. Nagraj (Dead) by LRs & Ors. Vs. B. R. Vasudeva Murthy & Ors,⁸,

The Supreme Court ruled that statutes that conflict with one another but deal with the same issue must be construed collectively.

Union of India & Ors. v. SBEC Sugar Ltd. & Anr.,⁹

It was decided that one of the fundamental construction principles is that the notification's terms

⁶ 1963 AIR 1207,

⁷ AIR 2018 SUPREME COURT 2865, 2018 (16) SCC 709, 2018

⁸ (2010) 3 SCC 353,

⁹ 2011 4 SCC 668

must be harmoniously interpreted to avoid conflicting with the statute's provisions.

*Sri Jagannath Temple Managing Committee v. Siddha Math and Others*¹⁰

Using the harmonious construction criterion, the Court concluded that the legislation could not be reconciled. It held that one law has to take precedence when these kinds of disagreements arise. The Court determined that the only portion of the OEA Act's Section 2(oo) proviso that conflicted with the Jagannath Temple Act was the first part. Important portions of the Temple Act would become useless if this clause were to be enforced.

MAXIMS –

The legal adage "**GENERALIA SPECIALIBUS NON-DEROGAT**" states that in the event of a dispute between a particular law and the general law, the latter will take precedence. It is used when there is a discrepancy between the two statutes and the later law needs to specifically mention the previous one. In essence, specific provisions take precedence over overall ones.

"**GENERALIA SPECIALIA DEROGANT**" is a maxim that states that particular provisions are derived from general ones. The Supreme Court's emphasis on the principle of harmonic construction—that is, that contradictory clauses should be interpreted in a way that gives effect to all without rendering any ineffective—in the *State of Rajasthan v. Gopi Kishan Sen* case lends weight to this. As a result, general laws on a certain subject are not applicable when a specific provision is provided for it.

CONCLUSION

In conclusion, the principle of harmonious construction plays a crucial role in resolving conflicts that arise due to ambiguities, contradictions, or inconsistencies within statutes. As laws are crafted by legislators who are part of the same society they regulate, it is inevitable that certain provisions may conflict. The judiciary, as the ultimate guardian of justice, is tasked with interpreting statutes in a way that upholds the intention of the legislature while ensuring fairness. By applying harmonious construction, courts strive to give effect to all statutory provisions whenever possible, thereby avoiding redundancy or rendering any part of the law inoperative. This doctrine not only clarifies complex legal issues but also promotes justice by ensuring that the law is applied in a balanced and consistent manner. Ultimately, the careful

¹⁰ AIR 2016 SUPREME COURT 564, 2015

and intelligent application of this principle is essential in achieving the broader goal of justice and maintaining the integrity of the legal system.

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