

What is the Doctrine of Harmonious Construction?

April 12, 2024 • vajiramandravi.com



About Doctrine of Harmonious Construction

- It is an essential rule for **interpreting statutes**.
- It states that **when there's a conflict between two or more statutes or between different parts** or provisions of a statute, we should **interpret them in a way that harmonises them**.
- This means that when there are inconsistencies, we should try **to reconcile the conflicting parts** so that one part doesn't negate the purpose of another.
- It is rooted in the fundamental legal principle that **every statute is created with a specific purpose** and intent. Therefore, it **should be understood as a whole**.
- The intention of the legislature is that every provision should remain operative.
- But **when two provisions are contradictory**, it may **not be possible to effectuate both** of them, and as a result, one will be rendered futile as against the settled basic principle of 'ut res magis valeat quam pereat' (that a thing is better understood so that it may have an effect than that it should be made void).
- Therefore, the **court should interpret** the laws in a way that **removes the inconsistency** and **allows both provisions to remain in force**, working together **harmoniously**.
- The goal is **to give effect to all the provisions**. To avoid conflicts, the **interpretation** of the statute **should be consistent with all its parts**.
- **If it's impossible to harmoniously interpret** or reconcile the different parts or provisions, then it's the **responsibility of the judiciary to make the final decision** and give its judgment.

- In the landmark case of **Commissioner of Income Tax v. M/S Hindustan Bulk Carriers (2000)**, the Supreme Court **established five fundamental principles** governing the rule of harmonious construction:
 - Courts should make every effort to avoid conflicts between seemingly conflicting provisions and **should attempt to interpret these provisions in a way that harmonises them.**
 - A **provision in one section** of the law should **not be used to nullify a provision found in another section unless the court is unable to find a way to reconcile** their differences despite diligent effort.
 - In cases **where it's impossible to completely reconcile** inconsistencies between provisions, the **courts must interpret them in a manner that gives effect to both provisions to the greatest extent** possible.
 - Courts must consider that **an interpretation rendering one provision redundant** or useless goes against the essence of harmonious construction and **should be avoided.**
 - **Harmonizing** two contradictory provisions **means preserving and not destroying** any statutory provision or rendering it ineffective.
-

Q1: What is the Limitation Act, 1963?

The Limitation Act, 1963 is an Indian statute of limitations that sets out the time limits within which legal proceedings must be initiated in India. The Act establishes the maximum time period for which a lawsuit can be brought after the occurrence of a particular event. It provides a framework for determining the limitation period applicable to different types of legal actions, such as contracts, torts, and suits for possession of property.

Source: [‘Merits Of The Case Not Required To Be Considered In Condoning Delay’ : Supreme Court Explains Principles For Delay Condonation](#)

Source: <https://vajiramandravi.com/current-affairs/doctrine-of-harmonious-construction/>

© Vajiram & Ravi. For personal use only.