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Rule of Harmonious Construction


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INTERPRETATION OF STATUTES

**RULE OF HARMONIOUS
CONSTRUCTION**

Rule of Harmonious Construction:-

- When there is a conflict between two or more statutes or two or more parts of a statute then the rule of harmonious construction needs to be adopted.
- A statute must be read as a whole and one provision of the Act should be construed with reference to other provisions in the same Act so as to make a consistent enactment of the whole.
- It is the duty of the Courts to avoid “a head on clash” between two sections of the same Act and whenever it is possible to do so to construe provisions which appear to conflict so that they harmonize.

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- It is a settled rule that an interpretation which results in hardship, injustice, inconvenience or anomaly should be avoided and that which supports the sense of justice should be adopted.
- The Court leans in favour of an interpretation which conforms to justice and fair play and prevents injustice (*Union of India vs. B.S. Aggarwal*)

Venkataramana Devaru Vs. State of Mysore

- In this case, the Supreme Court applied the rule in resolving a conflict between Articles 25 (2) (b) and 26 (b) of the Constitution.
- It was held that the right of every religious denomination or any section thereof to manage its own affairs in matter of religion [Article 26 (b)] is subject to a law made by a state providing for social welfare and reform or throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus [Article 25 (2) (b)].

Important Cases

- *K.M. Nanavati v. State of Bombay, AIR 1961 SC 112*
- *Sirsilk Ltd. v. Govt. of Andhra Pradesh, AIR 1964 SC 160*
- *Calcutta Gas Co. v. State of West Bengal, AIR 1962 SC 1044*
- *The Remington Rand of India Ltd. v. The Workmen, AIR 1968 SC 224*

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