

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 4

2023

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Interpretation of Statute: Analysis of the Rule of Harmonious Construction

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ABSTRACT

Legislators take great care when drafting legislation, considering possible outcomes, and accounting for extraordinary events like pandemics and natural catastrophes. Legislators intentionally create loopholes in the law so that it may be expanded and precedents can be used to improve law enforcement. It is important to balance any discrepancies, redundancies, or abnormalities in the law, legislation, or statute through what is known as the "doctrine of harmonious construction" to reconcile the legislative disparities. This study examines the concept from several angles, including its development and evolution, its most defining characteristics, landmark cases, and a critical evaluation of the doctrine as a whole.

This study seeks to analyse the rule of Harmonious Construction and determine its applicability in order to better comprehend its presence and significance in the legal system. The best way to shed light on the theory behind a rule of harmonious construction is to look at how it has been applied in actual successful and unsuccessful cases and analyse the lessons learned from those cases. This will help you clearly understand how legal ambiguities have been resolved.

Keywords: *Harmonious construction, Ambiguities, Development, Abnormalities.*

I. INTRODUCTION

The law has an essential role in moulding and governing many elements of an individual's life. The legislation assures and safeguards the protection and enforcement of fundamental rights. The legal system gives people and organizations a structure for resolving conflicts calmly and equitably. The law is vital for protecting the rights of people, fostering justice and fairness, preserving social order, and offering a structure for settling conflicts.

A concept, idea, or attitude that is often used and endorsed¹ by the courts is known as a legal doctrine. Since the judiciary's views of the law changed throughout time, many judicial theories emerged in Indian Constitutional law. A fundamental rule of legislative interpretation that is essential to the judicial process is the Rule of Harmonious Construction. Where there are two

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or more provisions in statutes that seem to be in contradiction with one another, this rule directs how courts should interpret the statutes. The rule essentially compels courts to resolve contradictory provisions of the legislation in a way that maintains the act's overarching objective and meaning. In legal fields where many laws regulate a certain issue, it is crucial to make sure that the different provisions are interpreted consistently with one another. This concept is especially essential in these situations. This research paper will look at the meaning of the Rule of Harmonious Construction, following with its scope and objectives and its origin, and how it has evolved over the years. The research paper at last deals with the critical analysis of the rule and ends up with the conclusion.

(A) Research Design

a. Statement of the problem

The rule of harmonious construction is a principle of statutory interpretation that requires that apparently conflicting provisions in all of these should be given effect when interpreting a legislation. The problem with this rule is that it can be difficult to determine which provisions should be given priority, and it may not always be possible to reconcile apparently conflicting provisions in a way that gives effect to all of them. Additionally, some argue that the rule of harmonious construction can lead to an overly literal interpretation of statutory provisions, which may not always be the best approach.

b. Review of Literature

i. Articles

1. *Ipsita Rout (2020), Critical Study of the Doctrine of Harmonious Construction*²

The author here begins with a brief introduction to the doctrine and its origins, highlighting its importance in statutory interpretation and then proceeds to analyze the evolution of the doctrine of harmonious construction in Indian jurisprudence, tracing its development through various landmark cases.

This article provides a comprehensive and insightful review of the doctrine of harmonious construction in Indian jurisprudence, highlighting both its strengths and weaknesses.

² Ipsita Rout, *Critical Study of the Doctrine of Harmonious Construction*, Vol 1 Issue 1, JCLJ, pp 179 – 180 (2020)

2. Cathy Ruby Thomas (2021), *The Principle of Harmonious Interpretation: The Approach of Indian Court*³

This article is a significant contribution to the field of Indian jurisprudence. The author examines the principle of harmonious interpretation.

The author delves into the ways in which the Indian judiciary has applied this principle in practice, citing several landmark cases that have shaped the development of this approach.

The author analyses various factors that courts must consider when applying the principle of harmonious interpretation. These factors include the language of the statute, the purpose and object of the legislation, and the context in which the provision is being applied.

The article sheds light on the limitations of the principle of harmonious interpretation.

ii. Books

1. V.S. Datey (2019), *Taxman's Interpretation of Statutes*⁴

This is a well-regarded textbook on statutory interpretation in India. The book discusses numerous ideas and approaches utilised in statute interpretation, such as the rule of harmonious construction.

The author provides a detailed analysis of the rule of harmonious construction and its application in various legal contexts. He explains that the rule is based on the presumption that the legislature intended all provisions of the statute to be read together in a coherent and harmonious manner.

The author notes that the purpose of the statute should be kept in mind while applying the rule, and that the context in which the provisions are being interpreted should also be considered.

2. G.P. Singh (2021), *Principles of Statutory Interpretation*⁵

The book covers various aspects of statutory interpretation, including the rule of harmonious construction.

The author explains the rule of harmonious construction in detail in his book, providing examples from case law and statutory provisions. He emphasizes that the rule is a fundamental principle of statutory interpretation that is essential for ensuring the coherence and consistency of the law.

³ Cathy Ruby Thomas, *The Principle of Harmonious Interpretation: The Approach of Indian Court*, Vol 4 Issue 4, IJLMH (2021)

⁴ 2019th Edition, V.S. Datey, *Interpretation of Statutes*, pp 447 – 449, Taxman's Publication Pvt. Ltd., (2019)

⁵ 15th Edition, G.P. Singh, *Principles of Statutory Interpretation*, pp 390 – 395, Lexis Nexis (2021)

The author also notes that the rule of harmonious construction is not an absolute rule, and there may be situations where it cannot be applied.

3. Dr. Avtar Singh and Prof. (Dr.) Harpreet Kaur (2020), Introduction to Interpretation of Statues⁶

The author argues that the rule of harmonious construction is an essential tool for interpreting statutes in a way that promotes the legislative intent and avoids absurd or unreasonable results.

The author also discusses the various techniques that courts use to apply the rule of harmonious construction, such as the presumption of consistency, the presumption against implied repeal. He explains how these techniques are used to resolve conflicts between provisions of a statute and ensure that each provision is given its intended effect.

c. Research Objective

The purpose of this research is:

- To study the situation of the Rule of Harmonious Construction in India.
- To critically analyse the Rule of Harmonious Construction.
- To analyse the need and applicability of the rule in the Indian Judiciary system.
- To examine the use of the rule in different case laws

d. Method of Analysis

This research paper is based on doctrinal research and is based on the theory testing of existing aspects and provisions with the help of essential case laws for knowing the judicial response of the significance of the rule of harmonious construction. This content was gathered mostly from primary and secondary sources of information such as books and journals, with extensive use of e-sources.

II. ANALYSIS

(A) Meaning of Rule

The phrase harmonious construction describes an arrangement that achieves harmony or coherence among distinct sections of an act. Whenever there is more than one interpretation in the terms of the statutory provision, and it is unclear which interpretation should command, the connotation that best harmonizes with the subject matter and subject matter of the legislation should be accepted. One of the fundamental rules or principles of legislative interpretation in

⁶ 5th Edition, Dr. Avtar Singh and Prof. (Dr.) Harpreet Kaur, Introduction to Interpretation of Statues, pp 203 204, Lexis Nexis (2020)

the Indian System of Law is the Rule of Harmonious Construction. According to the idea, "every other endeavor must be taken to fully comply to all of an Act's contents by harmonizing any perceived disagreement between two or more of the act's sections."

The primary premise underlying this approach is that legislation has a lawful objective and ought to be studied as its whole before applying an interpretation that is compatible with all the sections of that act. When harmonization of all clauses is improbable, the court's ruling on the provision takes priority.

(B) Scope and Objective of Rule

The judiciary and courts seek to interpret the law, avoiding contradictions or inconsistencies between various sections or parts of the legislation. When two or more laws, or distinct clauses or sections of legislation, contradict one other, the concept of harmonious construction should be used. This approach is founded on the premise that every legislation has a legal function and should be interpreted as its whole, with an unwavering interpretation that incorporates all the provisions of the statute. If contradictory provisions, clauses, or parts of a statute cannot be reconciled, the court's ruling on the provision in issue will take precedence.

The rule of harmonious construction's major objective is to guarantee that all provisions of the law are granted complete effect and that no provision is made meaningless or superfluous. It tries to prevent any contradiction or discrepancy in the implementation of the law, as well as to preserve the legal system's coherence and uniformity.

(C) Origin of the Rule in India

The concept of harmonious construction in the Indian Constitution is rooted in the diverse interpretations provided by courts in various cases. Its development can be traced back to the initial amendment of the Constitution, which was introduced in the case of *Shankari Prasad v. Union of India*⁷. Parts III and IV of the Indian Constitution, which embody fundamental rights and Directive Principles of State Policy, were in conflict in this case. Both characteristics are fundamental components of the Indian Constitution. In this case, the court ruled that fundamental rights and DPSP are interconnected and should operate in harmony for the greater good of the public. The principle of harmonious construction was utilized to prioritize both aspects of the Constitution. The court further explained that fundamental rights are entitlements that citizens hold against the state, but may be restricted under certain circumstances such as during a national emergency.

⁷ Shankari Prasad Singh Deo vs. Union of India, AIR 1951 SC 458

(D) Principles of Harmonious Construction

In the case of *Commissioner of Income Tax v. M/S Hindustan Bulk Carriers*⁸ (2003), the Supreme Court established a significant precedent by outlining five fundamental principles that dictate the application of the doctrine of harmonious construction⁹. These principles are as follows:

- Courts must avoid a direct conflict between provisions that may lead to confusion and instead strive to resolve any discrepancies between them.
- Unless the court fails to reconcile its disagreements despite best efforts, the provisions of one section can be used to circumvent the provisions of another.
- When gaps or inconsistencies in the conflicting clauses cannot be fully resolved, the courts must interpret them in a manner that gives the two clauses the maximum possible effect.
- Courts must keep in mind that a harmonious construction does not mean that a clause is reduced to a dead or meaningless set of numbers.
- Harmonization does not imply the negation or rendering ineffective of any constitutional provision.

(E) Applicability of Harmonious Construction

After considering several case laws, the Courts have established certain guidelines for the correct application of the concept. These are:

- To minimize any inconsistencies, giving equal weight to both conflicting provisions is important.
- The provisions of the law that are fundamentally different or at probability with each other must be read as a whole, and the whole law must be considered.
- In cases where two provisions are in conflict, the one with a wider scope should be prioritized.
- When comparing wide and narrow provisions, courts should carefully study the larger statute to see whether there are any other factors that should be taken into account. There is no need for further examination if the result is fair and reconciling the two provisions may be accomplished by giving each provision equal weight separately. This is because

8 *Commissioner of Income Tax vs. M/s Hindustan Bulk Carriers*, (2003) 3 SCC 57

9 Ipsita Rout, *Critical Study of the Doctrine of Harmonious Construction*, Vol 1 Issue 1, JCLJ, pp 179 – 180 (2020)

legislators were fully cognizant, as a consequence, all provisions should be accorded full impact, regardless of the scenario they were intending to solve when they enacted the provisions.

- If one provision of an act contradicts or overrides the authority provided by some other act, a non-obstante clause must be employed.
- It is important for the court to determine the extent to which the legislature intended to grant one provision precedence over¹⁰ another.

(F) Landmark Case Laws

Re Kerala Education Bill Case¹¹ (1957) - The concept of harmonious construction was expressed by the Supreme Court in this case. According to the court, the Fundamental Rights and the Directive Principles of the State Policy are not inherently in conflict with each other. Instead, they work together as a comprehensive program for a modernised democratic state.

The court referred to them as supplementary and complementary and recommended that they be interpreted in harmony to prevent any clashes between the two. Both are equally important and neither holds superiority over the other.

Venkatraman Devaru vs. State of Mysore¹² (1957) - The trustees of a temple in Sri Venkataraman filed a lawsuit in opposition to exclusion of Harijans preventing entry in Hindu temples after the Madras Temple Entry Authorization¹³ Act was passed. They argued that the Gowda Saraswath Brahmins had access to the temple, and¹³ thus not subject to the Act.

However, the government did not agree and decided that the temple was covered by the Act.

The appellants made an appeal to the Trial Court, but the court rendered a verdict against them.

The Madras High Court ruled in favor of the appellants, issuing a limited decree that acknowledged the general public's right to perform a temple service but affirmed the appellants' to keep the public out of particular rituals that were reserved for members of the Gowda Saraswath Brahmins. The court also addressed the controversy surrounding the Madras Temple Entry Authorization Act's Section 3, which was accused of violating Article 26(b)¹⁴ of the Indian Constitution. The court determined that denominational institutions are considered

10 Cathy Ruby Thomas, *The Principle of Harmonious Interpretation: The Approach of Indian Court*, Vol 4 Issue 4, IJLMH (2021)

11 *Re Kerala Education Bill vs Unknown*, (1959) 1 SCR 995

12 *Venkatraman Devaru vs. State of Mysore & Ors.*, AIR 1958 SC 255

13 *Madras Temple Entry Authorization Act, 1947*, No. 5, Act of Tamil Nadu State Legislature, 1947 (India)¹³ Cathy, *supra* note 4, at 5.

14 INDIA CONST. art. 25, cl. 2

public institutions, and therefore Article 25(2)(b) of the Constitution grants all classes of Hindus the right to worship at the temple.

The Supreme Court explained that Article 25(1)¹⁵ deals with individual rights, Article 26(b) with religious denominations' rights, and Article 25(2) controls both articles. When interpreting Section 2(2)¹⁶ and Section 3¹⁷ of the Madras Temple Entry Authorisation Act (V of 1947), the court clarified religious concepts and harmonized inconsistencies between Article 25(2)(b) and Article 26(b)¹⁸ of the Indian Constitution. Both the appeal and application for special leave to appeal¹⁹ were dismissed.

***K.M. Nanavati vs. State of Maharashtra*²⁰ (1961)** - This particular case is widely recognized in the legal history of India and resulted in the discontinuation of jury trials in the country. K.M. Nanavati, a Navy Commander, was charged with the murder of his wife's lover, Prem Ahuja. He was convicted of the crime according to Section 302 of the Indian Penal Code.

He faced charges under Section 302²¹ and Section 304²² of the IPC and was tried by a Sessions Judge in Bombay with a special jury²³. The jury found him not guilty of both charges, but the Sessions Judge disagreed with their decision based on the evidence presented. The Sessions Judge referred the case to the High Court of Bombay under Section 307²⁴ of the Code of Criminal Procedure, 1973²⁵, giving justification for his position. The High Court agreed with the Sessions Judge's reasoning and held Nanavati guilty of murder, stating that the circumstances of the case did not allow for the offense to be reduced to culpable homicide not amounting to murder. Nanavati appealed this decision in the Supreme Court, while the Governor of Bombay suspended him from using the power granted by Article 161²⁶ of the Constitution of India.

The Governor's decision came under scrutiny as the suspension was²⁷ issued while the case was still pending in the Supreme Court. To resolve the dispute between the executive and the judiciary, the Supreme Court applied the principle of harmonious construction and concluded

15 INDIA CONST. art. 25, cl. 1

16 Madras Temple Entry Authorization Act, 1947, § 2(2), No. 5, Act of Tamil Nadu State Legislature, 1947 (India)

17 Madras Temple Entry Authorization Act, 1947, § 3, No. 5, Act of Tamil Nadu State Legislature, 1947 (India)

18 INDIA CONST. art. 26

19 Cathy, *supra* note 4, at 5.

20 K.M. Nanavati vs. State of Maharashtra, (1961) 1 SCR 497

21 Indian Penal Code, 1860, § 302, No. 45, Act of Parliament, 1860 (India)

22 Indian Penal Code, 1860, § 304, No. 45, Act of Parliament, 1860 (India)

23 Surya Prakash, Case Analysis on K.M. Nanavati, Vol. 1 Issue 3, DJNLJ (2021)

24 Code of Criminal Procedure, 1973, § 307, No. 2, Act of Parliament, 1973 (India)

25 Code of Criminal Procedure, 1973, No. 2, Act of Parliament, 1973 (India)

26 INDIA CONST. art. 161

27 Surya, *supra* note 18

that Article 161 and the Governor's suspension order were not applicable when the case was still being heard in court.

***Unni Krishnan, J.P., and Ors. vs. State of Andhra Pradesh and Ors.*²⁸ (1993)** - Unni Krishnan's case had significant implications for the Right to Education in India, as it challenged the interpretation of the "Right to life" outlined in Article 21²⁹ of the Constitution. Article 21 ensures that every citizen has the right to education. The Supreme Court was tasked with determining whether citizens have a Fundamental Right to pursue professional degrees in fields such as medicine and engineering and whether the Constitution guarantees the Right to Education to all citizens.

A petition was filed questioning if the "Right to life" guaranteed under Article 21 of the Indian Constitution also includes the right to education for all citizens, including professional education or degrees.

The Supreme Court ruled that the right to receive a fundamental education can be inferred from the Right to life guaranteed under Article 21 when read along with Article 41³⁰ of the Directive Principle on education. However, the Court stated that there is no fundamental right to pursue a professional degree under Article 21, as outlined in Article 45³¹.

Regarding the priority of Fundamental Rights versus Directive Principles of State Policy (DPSP), the Court opined that Part Three and Part Four of the Indian Constitution are complementary and should be interpreted in harmony with one another. The Court recognized that the Fundamental Rights and Directive Principles form the moral compass of the Indian Constitution.

***Shri Jagannath Temple Managing Committee vs. Siddha Math and Others*³² (2015)** - The Supreme Court recently examined the Sri Jagannath Temple Act³³, 1955 and the Orissa Estate Abolition Act³⁴, 1951, and found a conflict between Section 2(oo) of the latter and Sections 5 and 30 of the former. The Court stated that the two provisions could not coexist and that, when two statutes' provisions are irreconcilable, one must decide which provision to implement using the rule of harmonious construction.

The entire Section 2(oo) of the OEA Act was not found to be in violation of the Sri Jagannath

28 Unni Krishnan, J.P., and Ors. vs. State of Andhra Pradesh and Ors., 1993 SCR (1) 594 ²⁹

²⁹ INDIA CONST. art. 21

³⁰ INDIA CONST. art. 41

³¹ INDIA CONST. art. 45

³² Shri Jagannath Temple Managing Committee vs. Siddha Math and Others, AIR 2016 SC 564

³³ Sri Jagannath Temple Act, 1955, No. 11, Act of Orissa Legislative Assembly, 1955 (India)

³⁴ Orissa Estate Abolition Act, 1951, No. 1, Act of Orissa Legislative Assembly, 1951 (India)

Temple Act. Only the first part of the proviso was found to be in contradiction with the Jagannath Temple Act. If that part of the proviso were to be enforced, then Sections 5³⁵ and 30³⁶ of the Jagannath Temple Act, which entrust the estates of the Jagannath temple in Puri to the temple committee, would lose their significance. The Court clarified that by striking down the Section 2(oo) proviso of the OEA Act, both provisions would be effective. Whenever a specific and general law need to be applied in the particular case, the scope of the case and the issues must be examined by the relevant court. However, if the two laws are in direct dispute, then the restrictions and exclusions imposed by the Legislature must be checked.

The Supreme Court ruled that the specific regulations stated in the Jagannath Temple Act will take priority in this case.

III. CRITICAL ANALYSIS

The Rule of Harmonious Construction is a statutory interpretation concept that aims to reconcile conflicting legal provisions and interpret them in a way that gives effect to all of the law's provisions. The rule is based on the idea that the legislature intended for the various provisions of the law to be in harmony with one another and that no provision should be understood in isolation from the other provisions of the statute.

The Rule of Harmonious Construction's principal goal is to prevent any conflict or disagreement between different provisions of a legislation. It aims to harmonise the statute's provisions so that they may be read together logically and coherently. This principle is important because laws are often complicated, and many portions of legislation may seem to contradict one another. If these laws are not harmonized, they may cause confusion and ambiguity in legal interpretation.

The Rule of Harmonious Construction, nevertheless, has restrictions.³⁷ For instance, it may be challenging to reconcile contradictory statutory requirements that are inherently irreconcilable. In such cases, the courts must prefer one provision over another, with the one that best represents legislative purpose taking precedence. The rule cannot be applied automatically, and judges must evaluate the statute's context, purpose, and history to establish legislative intent.

Nevertheless, the Rule of Harmonious Construction might often result in a narrow interpretation of statute. When a statutory provision is evaluated considering the other provisions of the

35 Sri Jagannath Temple Act, 1955, § 5, No. 11, Act of Orissa Legislative Assembly, 1955 (India)

36 Sri Jagannath Temple Act, 1955, § 30, No. 11, Act of Orissa Legislative Assembly, 1955 (India)

37 Gururaj D. Devarhubli and Bushra Sarfaraz Patel, *Doctrine of Harmonious Construction – A Critical Analysis*, Vol. 3 Issue 2, IJLLR, pp 8 – 9 (2022)

statute, it may be given a restricted interpretation. This approach may not fully implement the legislature's goal, particularly if the provision is capable of a wider interpretation that is compatible with the overall aim of the legislation.

Another drawback of the Harmonious Construction Rule is that it may be utilized to conceal ambiguities in statutes. Courts may cover inconsistencies in legal language by harmonizing contradictory provisions. This approach has the potential to result in a superficial interpretation of the legislation that fails to address the fundamental concerns that the legislature is meant to address.

Finally, the Rule of Harmonious Construction is a valuable statutory interpretation guideline that aims to harmonize conflicting provisions of legislation. Nonetheless, it has limits, and courts must use discretion when applying the rule. To identify legislative intent and avoid a restricted or superficial construction of the law, courts must also consider the context, purpose, and history of the act.

IV. CONCLUSION

The responsibility of creating laws falls on the legislature, but there is always a chance of issues like vagueness, inconsistency, repetition, irregularities, unreasonable outcomes, or contradiction arising during the drafting process. To address these potential problems, the enforcement of regulations associated with the statute can ensure that the provisions are applied to their fullest potential and that fairness is achieved in any conflicting situations.

The role of the rule is significant in ensuring the provision of settlements and handling many cases. Moreover, it makes the decision-making process easier for judges by simplifying complex issues and inquiries. Hence, the rule is an essential means of interpretation or construction and its significance is acknowledged by the judiciary on various occasions.

In addition, it is important for the judiciary to interpret laws accurately and thoughtfully so that justice can be delivered promptly. This statement emphasizes the need for the judiciary to carefully analyze and interpret statutes to ensure that they are applied correctly and efficiently in legal proceedings.

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