



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

THE DOCTRINE OF HARMONIOUS CONSTRUCTION:

PRESERVING CONSTITUTIONAL BALANCE THROUGH JUDICIAL INTERPRETATION

-Dr. Samina Nahid Baig*

* Assistant Professor, Karnataka Law Society's Raja Lakhamgouda Law College, Belagavi, Karnataka-India

Abstract: The doctrine of harmonious construction is one of the most significant principles of constitutional and statutory interpretation, enabling courts to reconcile apparently conflicting legal provisions without rendering any part of the law redundant or ineffective. Rooted in the presumption that the legislature intends every provision of a statute or the Constitution to operate meaningfully, the doctrine seeks to preserve legislative intent, maintain constitutional coherence, and promote the rule of law. In Indian constitutional jurisprudence, the Supreme Court has consistently employed this doctrine to resolve conflicts between Fundamental Rights and Directive Principles of State Policy, competing constitutional provisions, legislative privileges, religious freedoms, and the distribution of powers between the Union and the States. Through a series of landmark decisions, the Court has transformed harmonious construction from a traditional rule of statutory interpretation into an indispensable principle of constitutional adjudication. This article undertakes a doctrinal and analytical study of the doctrine of harmonious construction in the Indian constitutional framework. It examines the theoretical foundations of legal interpretation, traces the evolution of the doctrine through judicial precedents, and analyses its application in significant constitutional decisions delivered by the Supreme Court of India. The study further explores the relationship between harmonious construction and constitutional values such as the basic structure doctrine, constitutional supremacy, judicial review, and the preservation of legislative intent. While recognizing the doctrine as an essential interpretative tool for resolving constitutional conflicts, the article also critically evaluates its limitations, particularly the expanding role of judicial interpretation and the potential risk of judicial overreach under the guise of harmonization. It argues that the legitimacy of the doctrine depends upon its careful and restrained application, ensuring that judicial interpretation facilitates constitutional coherence without encroaching upon the legislative domain. The article concludes that harmonious construction continues to remain a vital instrument for preserving constitutional balance, promoting institutional harmony, and ensuring that the Constitution functions as an integrated and dynamic legal framework responsive to contemporary constitutional challenges.

Index Terms: Doctrine of Harmonious Construction; Constitutional Interpretation; Legislative Intent; Judicial Interpretation; Supreme Court of India; Constitutional Jurisprudence; Fundamental Rights; Directive Principles of State Policy; Basic Structure Doctrine; Rule of Law.

I. INTRODUCTION

The Constitution of India is a living document that has been designed to adapt to the changing needs of society while preserving the values of justice, liberty, equality, and fraternity. As the supreme law of the country, it distributes powers among different institutions, guarantees fundamental rights, and lays down the guiding principles for governance. However, in practice, courts often encounter situations

* Assistant Professor, Karnataka Law Society's Raja Lakhamgouda Law College, Belagavi, Karnataka- India - Cell: 9448149247; Email: baig@rlc.in

where two or more constitutional provisions appear to be in conflict. Such conflicts do not necessarily indicate contradictions within the Constitution; rather, they arise because different constitutional provisions are intended to achieve different objectives that must operate together in a democratic system. Resolving these apparent conflicts has therefore become one of the most important functions of constitutional interpretation.

One of the key principles used by courts to resolve such conflicts is the doctrine of harmonious construction. The doctrine is based on the idea that every provision of the Constitution or a statute should be interpreted in a manner that gives effect to all its parts. Instead of treating one provision as overriding another, courts attempt to interpret them together so that each provision retains its meaning and purpose. In this way, the doctrine helps preserve legislative intent, maintains consistency within the legal framework, and ensures that no constitutional provision becomes redundant or ineffective.

Over the years, the Supreme Court of India has applied the doctrine of harmonious construction in several important constitutional cases. It has been used to reconcile the relationship between Fundamental Rights and the Directive Principles of State Policy, balance religious freedom with social reform, resolve issues relating to legislative powers between the Union and the States, and interpret constitutional amendments in accordance with the basic structure of the Constitution. Through these decisions, the doctrine has evolved from a principle of statutory interpretation into an essential tool of constitutional adjudication.

At the same time, the growing use of harmonious construction has generated important debates. While the doctrine enables courts to preserve constitutional balance, critics argue that an overly broad interpretation may allow judges to move beyond interpretation and enter the realm of law-making. This raises important questions about the limits of judicial power, the protection of legislative intent, and the proper role of the judiciary in a constitutional democracy.

Against this background, this article examines the doctrine of harmonious construction in Indian constitutional law. It explores its conceptual foundations, traces its development through judicial decisions, and analyses its role in resolving constitutional conflicts. The article also critically evaluates the strengths and limitations of the doctrine and argues that while harmonious construction is indispensable for maintaining constitutional harmony, it must be applied with judicial restraint so that the courts interpret the law without assuming the role of the legislature.

II. UNDERSTANDING LEGAL INTERPRETATION

In law, interpretation refers to the process of understanding the meaning and application of legal texts, such as statutes or contracts, by analysing the language, context, and surrounding circumstances. It involves determining the true intent and effect of the law, often requiring judges and legal professionals to apply various principles and rules to resolve ambiguities or uncertainties. Legal interpretation starts from certain input, such as legal texts and practices, actions and mental states of certain legal actors, and customs. And legal interpretation yields an output – “an interpretation.” The familiar debate concerns which method of getting from the input to the output is correct. But the more basic issue concerns what the output is supposed to be – what legal interpretation seeks?¹

The distinction between interpretation and construction often presents challenges, as highlighted by Salmond, who observed that: "By interpretation or construction is meant the process by which the courts seek to ascertain the meaning of the Legislature through the medium of authoritative forms in which it is expressed."²

Gray in his book refers to interpretation as "The process by which a Judge (or indeed any person, lawyer or layman, who has occasion to search for the meaning of a statute) constructs from the words of a statute-book a meaning which he either believes to be that of the Legislature, or which he proposes to attribute to it, is called by us 'Interpretation' and by the Germans 'Auslegung'."³

Although it is sometimes said that these two terms are distinct, Cooley attempts to differentiate them as follows: "Interpretation differs from construction in that the former is the art of discovering the true sense of any form of words—that is, the sense intended by the author—and enabling others to derive the same idea. Construction, on the other hand, involves drawing conclusions about matters that go beyond the direct expression of the text, based on elements found within the text itself—conclusions that align

¹ Greenberg, Mark, "Legal Interpretation", *The Stanford Encyclopaedia of Philosophy* (Fall 2021 Edition), Edward N. Zalta (ed.), Available at <<https://plato.stanford.edu/archives/fall2021/entries/legal-interpretation/>>. Visited on 12th April 2025

² Salmond, Jurisprudence, 11th ed. p 152.

³ Chipman Gray, J. (1997). *The Nature and Sources of the Law* by John Chipman Gray (D. Campbell, & P.A. Thomas, Eds.) (1st ed.). Routledge. <https://doi.org/10.4324/9780429243417>

with the spirit, if not the letter, of the law.”⁴ Despite this theoretical distinction, it has largely been confined to academic debate and has even been criticized as being “erroneous.” As Justice White observed, even if an abstract difference exists, in common usage the terms interpretation and construction are generally understood to have the same meaning.⁵ This paper adopts that common understanding and uses the two terms interchangeably.

“Interpretation” in law has different meanings.⁶ Indeed, the word “interpretation” itself must be interpreted.⁷ Legal interpretation is a rational activity that gives meaning to a legal text. Interpretation is an intellectual activity, concerned with determining the normative message that arises from the text.⁸ What the text is and whether it is valid are questions related to interpretation, but they are distinct from it. Interpretation in law is a rational process by which we understand a text. Through interpretation, we come to know the normative message of a text. It is a process that “extracts” the legal meaning of the text from its semantic meaning. Interpreters translate the “human” language into “legal” language. They turn “static law” into “dynamic law.” They carry out the legal norm in practice. Legal interpretation turns a semantic “text” into a legal norm—hence the distinction between the semantic meaning of a text and its legal (or normative) meaning.⁹

To interpret a text is to choose its legal meaning from among a number of semantic possibilities—to decide which of the text’s semantic meanings constitutes its proper legal meaning.¹⁰ The systems of interpretation in law determine the standards by which interpreters extract the legal meaning of a text from a variety of semantic meanings. Principles of interpretation, which are simply principles of “extraction” or “extrication,” thus derive from systems of interpretation. Principles of interpretation are partly principles of language that establish the range of semantic possibilities. They are also—and this is important for our purposes—principles that govern how to determine a text’s legal meaning. Interpretation in law determines the meaning of a legal text, and that meaning varies according to the system of interpretation.¹¹

A system of interpretation based on authorial intent produces a different meaning than a system that asks how a reasonable reader would understand the text. Each system of interpretation produces its own principles of interpretation.¹²

Interpretation is a ubiquitous feature of legal practice. Nevertheless, the relationship between law and interpretation is troubled.¹³ Simply put, legal actors find it difficult to acknowledge the centrality of interpretation given the manner in which the validity of the legal system is established. The traditional account of legal practice insists that lawyers read statutes and precedents to recover the meaning embedded in them and then apply these determinate meanings to the case at hand.¹⁴ Interpretation is inevitable because individual laws sometimes are opaque and not easily applied, but this interpretive activity is regarded as a regrettable necessity that exists on the fringes of law’s primary practice of unproblematic application.¹⁵

Legal interpretation is the process or activity of using legal materials, such as statutes, constitutions, contracts, wills, and the like, to ascertain legal obligations, powers, rights, privileges, and so on.¹⁶ That legal interpretation seeks to discover legal obligations (powers, rights, and so on) is partly intended to be a useful regimentation of ordinary usage. When lawyers and judges interpret statutes, regulations, contracts, wills, they are normally trying to determine what legal obligations there are. Conversely, when a judge makes a discretionary decision, such as determining a criminal sentence that is not specified by sentencing guidelines, or engages in fact-finding, we don’t describe the judge’s decision-

⁴ Cooley, *Constitutional Limitations*, Vol I, p 97; referred in *Re Sea Customs Act*, AIR 1963 SC 1760, p 1794 (Hidayatullah J) : 1964 (3) SCR 787.

⁵ *US v FW Keitel*, 211 US 370, p 386. Although there is some distinction between them, they are so hard to disentangle that they cannot afford a suitable basis for discussion. As referred in Justice G.P. Singh, “Principles of Statutory Interpretation (also including General Clauses Act, 1897 with Notes), Revised by Justice A. K. Patnaik, 14th ed. LexisNexis, 2020, pp-2-3

⁶ Barak, Aharon, and Sari Bashi. “What Is Legal Interpretation?” *Purposive Interpretation in Law*, Princeton University Press, 2005, pp. 3–60. JSTOR, <http://www.jstor.org/stable/j.ctt7pg5z.4>. Accessed 12 Apr. 2025.

⁷ Ibid

⁸ Supra Note 2

⁹ Supra Note 2

¹⁰ Supra Note 2

¹¹ Supra Note 2

¹² “Chapter One. What Is Legal Interpretation?”. *Purposive Interpretation in Law*, Princeton: Princeton University Press, 2005, pp. 3-60. <https://doi.org/10.1515/9781400841264-002>

¹³ Mootz, Francis J. “Interpretation.” *Law and the Humanities: An Introduction*. Ed. Austin Sarat, Matthew Anderson, and Cathrine O. Frank. Cambridge: Cambridge University Press, 2009. 339–376.

¹⁴ Ibid

¹⁵ Supra Note 8

¹⁶ Mark Greenberg, *Principles of Legal Interpretation*, at Part VI, pp. 34–38 (2016) (unpublished manuscript) Available at: <https://philosophy.ucla.edu/wp-content/uploads/2016/08/Principles-of-Legal-Interpretation>

making process as legal interpretation.¹⁷ That's not to say that nothing else ever gets mixed in under the term 'legal interpretation'. The Courts engage in a range of activities that are not always carefully distinguished from ascertaining what the law is. These activities include fashioning decision rules, finding a way to decide a case that is not covered by applicable law, creating law, deciding whether enforcing the law goes beyond the court's institutional capabilities, and so on, such activities, typically together with ascertaining what the law is, are sometimes included under the rubric of legal interpretation.¹⁸

William Baude and Stephen Sachs argue for the importance of the "law of interpretation" — legal standards that govern how statutes, constitutional provisions, and other legal materials are to be interpreted.¹⁹ The term "legal interpretation" is often used in a way that is ambiguous between ascertaining the meaning of legal texts and using the relevant texts to ascertain what the law is. Theorists often slip back and forth between these two usages. For example, it is ubiquitous in discussions of constitutional interpretation to talk about "the meaning" of the Constitution or of a constitutional provision. It is often left unclear whether the question is the meaning of the words of the provision or the provision's contribution to the content of the law.²⁰

Mark Greenberg observes that this tendency to conflate distinct concepts is likely both a result of and a contributor to what the author terms the Standard Picture.²¹ According to this view, a legal provision's role in determining the law is understood solely through its ordinary linguistic meaning. If the Standard Picture were correct, then interpreting legal texts would essentially be the same as identifying the law itself. However, as the Greenberg points out, this conflation—especially when the term "legal interpretation" is used ambiguously—can obscure the important distinction between the meaning of legal language and the actual content of the law. Greenberg challenges the validity of the Standard Picture, arguing that it is a substantive and controversial claim that demands careful justification. Moreover, multiple arguments are offered to demonstrate that this framework does not adequately capture the complexity of legal interpretation.²²

III. LEGAL INTERPRETATION AND THE POWER OF JUDICIARY

Legislatures lack time to resolve every problem. Usually, their understanding is shallow. Even when it is not, new cases arise that they did not or could not have foreseen. Yet lack of foresight does not authorize the reader to supply what the writer omitted, because in the legislative process lack of time is vital.²³

Judges interpret words. And words do not bind the interpreters; rather the interpreters give meaning to the words. The meaning of words is not the same as the "intent" of the writers. Often writers have no pertinent intent or have several intents. When they have an intent, it does not control, because words are mere instruments for conveying thoughts to others. The critical people are the users, not the writers, of words (of law).²⁴

Frank H. Easterbrook, in his article "Legal Interpretation and the Power of the Judiciary" believes that one key reason a legislature does not attempt to do everything is simply the lack of time. As someone who works with language and its implications, he says that he has come to see that words have meaning only to the extent that there's some shared understanding among those who use them. If writers and readers don't interpret a phrase or construction in the same way, the text either loses its purpose entirely or, in the manner of literary interpretation, opens the door for the reader to impose their own meaning or narrative. This creates a fundamental tension when people try to understand the appropriate role of courts. He opines that Judges, after all, are readers and users of legal language, yet their role is not to create legal rules. Still, they are often called upon to interpret language that lacks a singular, agreed-upon meaning.

In many cases, words do give rise to shared interpretations — and in such instances, the job of a judge is relatively straightforward. In fact, when statutory or constitutional language is truly clear,

¹⁷ Ibid

¹⁸ Supra Note 11

¹⁹ William Baude & Stephen E. Sachs, *The Law of Interpretation*, 130 HARV. L. REV. 1079 (2017).

²⁰ Mark Greenberg, *What Makes A Method Of Legal Interpretation Correct? Legal Standards Vs. Fundamental Determinants*, in response to: *The Law of Interpretation* By William Baude & Stephen E. Sachs, *The Harvard Law Review Association*, Volume 130 February 2017 Number 4, 2017, p.107.

²¹ Ibid p. 107

²² Ibid, p. no. 109

²³ Frank H. Easterbrook, "Legal Interpretation and the Power of the Judiciary, 7 *Harvard Journal of Law and Public Policy*, (1984), p. 87

²⁴ Frank H. Easterbrook, "Legal Interpretation and the Power of the Judiciary, 7 *Harvard Journal of Law and Public Policy*, (1984), pp-87-88.

litigation rarely arises. People don't usually invest time or resources into convincing a court that plain words mean something they clearly do not. But the real challenge lies in those cases that matter — the "interesting" ones — where even highly skilled readers and interpreters of language can reach opposing conclusions about what the text means. In these situations, there is no real community of understanding, no meeting of minds between those who wrote the words and those who must now apply them. And it is here, in this space of ambiguity and contested meaning, that judges are most often asked to step in — not as creators, but as interpreters of law, walking a fine line between clarification and invention.²⁵

IV. DO WE NEED TO OBEY JUDICIARY FOR LEGAL INTERPRETATION?

Frank H. Easterbrook observes that the Constitution (or a statute) is often assumed to embody what is wise, just, and good. Judges are empowered to interpret these legal texts, and their interpretations are binding on the other branches of government. Judges are also authorized to interpret contested government policies—policies which are, by the same assumption, wise, just, and good.

From this logic, it follows that a judge may rightly direct other branches of government, or even private individuals, to comply with such policies. Conversely, any judge who refuses to enforce a government policy must be seen as opposing its wisdom or justice. If we carry this reasoning further, then both the Constitution and government policy are presumed to be good.

Therefore, when a judge offers a different interpretation or refuses to uphold them, it implies—by that logic—that the judge is somehow "bad" or misguided. This raises a deeper question: if judicial decisions rest on such subjective interpretations, why are they imposed so authoritatively on the rest of society? A question which arises is that why do we obey judges, and why we must? The argument Chief Justice Marshall gave in *Marbury v. Madison*²⁶ was not an argument for judicial supremacy. Marshall never claimed for judges any superior wisdom or comparative advantage in deciding constitutional or other questions, and he did not argue that people owe allegiance to judges. The Court said in *Marbury*, rather, that certain decisions had been made long ago. The Framers decided what the scope of the Court's original jurisdiction was to be; the Court could ascertain what the limit was; and faced with a conflict between Constitution and statute, the Court had to follow the Constitution. The Justices had taken an oath that (like the Supremacy Clause) put the Constitution first. The oath and Supremacy Clause place the Constitution over the decision of a coordinate branch.

Not until 1958, in *Cooper v. Aaron*,²⁷ did the Court explicitly say that the Constitution confided the ultimate powers of interpretation exclusively to judges, and the statement in *Cooper* was dictum because that case involved the application of the Supremacy Clause to the states rather than allocation of authority among branches of the national government. The Court implicitly had taken the *Cooper* position long before *Cooper*, however; the Court's position just confirmed what had been practice for a long, long time.

The power of judges to have the last word on the meaning of statutes and constitutions has carried the reason day only in the court of history, not in the court of logic. The judge gives about why obedience must be forthcoming usually will take the form of asserting that someone other than the judge really decided the issue. The question was settled by the Framers of the Constitution or the drafters of a statute. There is a rule, binding on judges and others alike, to which all must conform. The judge's authority to compel obedience comes from that external decision, not from the judge's own desires.²⁸

V. THE RULE OF HARMONIOUS CONSTRUCTION IN LEGAL INTERPRETATION

The doctrine of harmonious construction is a principle of statutory interpretation that aims to reconcile conflicting provisions within a law or between different laws. It ensures that all provisions are given effect, avoiding a head-on clash and fostering a cohesive legal framework. The doctrine of 'harmonious construction' in this context refers to resolving conflicts between two laws by interpreting them in a manner that preserves the core principles and purpose of both. This involves 'harmonising' the laws so they can coexist without undermining each other.

One approach the Supreme Court has adopted is narrowing the scope of a broader law to allow the more specific law to operate effectively. Additionally, the Court has examined the legislative intent behind each law to determine how they should be applied, ensuring their interpretation aligns with the purposes for which they were enacted. The key to this method of constitutional interpretation is that provisions of

²⁵ Ibid at Page 88

²⁶ *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803)

²⁷ *Cooper v. Aaron*, 358 U.S. 1 (1958).

²⁸ Frank H. Easterbrook, "Legal Interpretation and the Power of the Judiciary, 7 *Harvard Journal of Law and Public Policy*, (1984), pp-96-97

the Constitution should be harmoniously interpreted. "Constitutional provisions should not be construed in isolation from all other parts of the Constitution, but should be construed as to harmonize with those other parts." A provision of the constitution must be construed and considered as part of the Constitution and it should be given a meaning and an application which does not lead to conflict with other Articles and which confirms with the Constitution's general scheme. When there are two provisions in a statute, which are in apparent conflict with each other, they should be interpreted such that effect can be given to both and that construction which renders either of them inoperative and useless should not be adopted except in the last resort.

The doctrine of harmonious construction occupies a central place in the interpretative jurisprudence of constitutional and statutory law. It serves as a guiding principle for courts when faced with seemingly conflicting provisions within a statute, or between different statutes. The underlying objective of this doctrine is to preserve the integrity and coherence of the legal framework by interpreting provisions in a manner that upholds the essence and legislative intent of each, rather than allowing one to override or nullify the other.²⁹

Courts are duty-bound to avoid direct confrontations between contradictory provisions. Rather than allowing such provisions to cancel each other out, courts strive to reconcile them through a constructive interpretative approach. This means giving effect to both provisions, to the greatest extent possible, so that each retains meaning and application within the broader statutory scheme. The provision of one section cannot be construed in a way that defeats or renders redundant the purpose of another, unless the conflict is irreconcilable even after exhaustive judicial effort.

Crucially, a construction that reduces any statutory provision to a dead letter—making it superfluous, ineffective, or without practical application—cannot be deemed harmonious. To harmonize is not to override or eliminate any provision, but to give life and purpose to each part of the legislation, consistent with the legislative will. The significance of harmonious construction lies not only in its practical function of resolving legal ambiguities but also in its normative role of preserving legislative coherence and upholding the rule of law. It ensures that the judiciary respects the legislature's role as the primary law-making authority, while still fulfilling its interpretive function in a manner that sustains the unity and purpose of the legal system.

One of the basic rules of interpretation is that 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 to make a consistent enactment of the whole statute. Such a construction has the merit of avoiding any inconsistency or repugnancy either within a section or between a section and other parts of the statute. It is the duty of the courts to avoid "a head on clash"³⁰ 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 harmonise"³¹

As stated by Justice Venkatarama Aiyar, "The rule of construction is well settled that when there are in an enactment two provisions which cannot be reconciled with each other, they should be so interpreted that, if possible, effect should be given to both. This is what is known as the rule of harmonious construction".³² That, effect should be given to both, is the very essence of the rule. Thus, a construction that reduces one of the provisions to a "useless lumber".³³ or "dead letter"³⁴ is not harmonious construction. To harmonise is not to destroy.³⁵

Therefore, this principle of harmonious construction is applied in the interpretation of the constitution, wherein two constitutional provisions conflict with each other or two provisions in the

²⁹ Reference - "Doctrine of Harmonious Construction." ukessays.com. 11 2018. UKEssays. 04 2025 <<https://www.ukessays.com/essays/law/the-doctrine-of-harmonious-law-essay.php?vref=1>>. Visited on 11/4/2025

³⁰ Justice G.P. Singh, "Principles of Statutory Interpretation (also including General Clauses Act, 1897 with Notes), Revised by Justice A. K. Patnaik, 14th ed. LexisNexis, 2020, p.159. Refer foot note no. 26. P. no. 159 for cases Raj Krushna v Binod Kanungo, AIR 1954 SC 202, p 203 : 1954 SCR 913; Sultana Begum v Premchand Jain, AIR 1997 SC 1006, pp 1009, 1010 : 1997 (1) SCC 373; Kailash Chandra v Mukundi Lal, AIR 2002 SC 829, p 834 : (2002) 2 SCC 678; CIT v Hindustan Bulk Carriers, (2003) 3 SCC 57, p 74 : AIR 2003 SC 3942.

³¹ Ibid, p. no.159

³² Justice G.P. Singh, "Principles of Statutory Interpretation (also including General Clauses Act, 1897 with Notes), Revised by Justice A. K. Patnaik, 14th ed. LexisNexis, 2020, pp 160-161. Venkataramana Devaru v State of Mysore, AIR 1958 SC 255, p 268 : 1958 SCR 895; Krishna Kumar v State of Rajasthan, AIR 1992 SC 1789, p. 1794 : 1991 (3) SCR 500 : (1991) 4 SCC 258; Sultana Begum v Premchand Jain, AIR 1997 SC 1006, pp 1009, 1010 : 1997 (1) SCC 373.

³³ Ibid pp. 160-161, also see Calcutta Gas Co Pty Ltd v State of WB, AIR 1962 SC 1044, p 1051 : 1962 Supp (3) SCR 1; Sultana Begum v Premchand Jain, supra; CIT v Hindustan Bulk Carriers, (2003) 3 SCC 57, p 74 : (2003) 159 ITR 449.

³⁴ Supra note 36 pp. 160-161, Also see JK Cotton Spinning & Weaving Mills v State of UP, AIR 1961 SC 1170, p. 1174 : 1962 (1) SCJ 417 : (1961) 3 SCR 185; Sultana Begum v Premchand Jain, supra; Anwar Hasan Khan v Mohammad Shaji, AIR 2001 SC 2984, p 2986 : (2001) 8 SCC 540; CIT v Hindustan Bulk Carriers.

³⁵ Supra note 36 pp. 160-161 JK Cotton Spinning & Weaving Mills v State of UP, AIR 1961 SC 1170, p 1174 : 1962 (1) SCJ 417 : (1961) 3 SCR 185; Chief Inspector of Mines v Karam Chand Thaper, AIR 1961 SC 838, p 843 (para 13) : 1962 (1) SCR 9.

Constitution added by two different Constitution Amendment Acts are repugnant to each other.³⁶ In *Ashoka Kumar Thakurs Case*³⁷ the constitutional bench opined on the On Conflict between Articles 15(4) and 15(5) that there is no conflict between the two provisions. Article 15(5) is wider in scope, as it specifically includes private unaided institutions (except minority institutions). Article 15(4), while enabling reservations, does not explicitly include or exclude private institutions. Thus, both provisions are complementary rather than contradictory.³⁸

VI. THE PRINCIPLE OF HARMONIOUS CONSTRUCTION IN INDIAN JUDICIAL LEGAL INTERPRETATION- SOME LANDMARK CASES

The Supreme Court of India plays a pivotal role in harmonising constitutional provisions to maintain coherence, unity, and effective governance. Through the doctrine of harmonious construction, it ensures that conflicting provisions are interpreted in a way that upholds the purpose of each, without rendering any redundant. It safeguards the basic structure of the Constitution, especially in landmark cases like *Kesavananda Bharati*³⁹ and *Minerva Mills*,⁴⁰ balancing Fundamental Rights and Directive Principles. The Court also reconciles competing rights—such as freedom of speech and the right to privacy—ensuring that no right dominates at the cost of another.

In clarifying legislative intent, as seen in *Ashoka Kumar Thakur v. UOI*⁴¹, it explained how Articles 15(4) and 15(5) operate in distinct but complementary spheres. Furthermore, the Court resolves federal disputes by delineating powers between the Union and the States, as in *State of West Bengal v. Union of India*.⁴² These harmonising functions help prevent legal conflicts, protect citizens' rights, and ensure the smooth functioning of the constitutional system. Furthermore, The Supreme Court applied the rule in resolving a conflict between Articles 25(2)(b) and 26(b) of the Constitution and 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)].⁴³

Harmonious construction was applied by the five judge constitution bench of the supreme court to resolve the conflict between Articles 19(1)(a) and 194(3) of the Constitution and it was held that the right of freedom of speech guaranteed under Article 19(1)(a) is to be read as subject to powers, privileges and immunities of a House of the Legislature which are those of the House of Commons of the United Kingdom as declared by latter part of Article 194(3).⁴⁴

By invoking the same rule, the Supreme Court held that the apparently absolute power of the Governor under Article 161 of the Constitution to grant pardon or to suspend a sentence passed on an accused person is not available during the period the matter becomes sub judice before the Supreme Court

³⁶ *Ashoka Kumar Thakur v UOI*, (2008) 6 SCC 1 para 126.

³⁷ *Ibid*, para 126

³⁸ The case challenged the constitutional validity of the Constitution (Ninety-Third Amendment) Act, 2005, which introduced Article 15(5) into the Constitution. This provision empowered the State to make special provisions for the advancement of socially and educationally backward classes (SEBCs), including their admission to educational institutions (both aided and unaided private institutions, except minority institutions under Article 30(1)). This amendment was challenged on grounds of conflict with Article 15(4), which had been introduced earlier by the First Amendment Act, 1951 and had already allowed the State to make special provisions for the advancement of SEBCs, Scheduled Castes (SCs), and Scheduled Tribes (STs).

³⁹ *Kesavananda Bharati v. State of Kerala*, Citation: (1973) 4 SCC 225, Bench: 13-Judge Constitution Bench, Key Holding: Established the Basic Structure Doctrine, ruling that Parliament cannot alter the basic structure of the Constitution even through constitutional amendments.

⁴⁰ *Minerva Mills Ltd. v. Union of India* Citation: (1980) 3 SCC 625 Bench: 5-Judge Constitution Bench Key Holding: Strengthened the Basic Structure Doctrine, declaring that limited amending power under Article 368 is itself a part of the basic structure, and struck down parts of the 42nd Amendment for violating this principle.

⁴¹ (2008) 6 SCC 1, See *Supra* note 42 for details.

⁴² *State of West Bengal v. Union of India*, AIR 1963 SC 1241, Constitution Bench (Five Judges), May 31, 1962, Key Holding: The Supreme Court held that the Union Government has the power to acquire property belonging to a State under its legislative competence, rejecting the idea that States have sovereign powers akin to those of the Union. This case reinforced the unitary bias of the Indian Constitution within a federal framework.

⁴³ *Venkataramana Devaru v State of Mysore*, AIR 1958 SC 255 : 1958 SCR 895. The Court harmonised Article 25(2)(b) and Article 26(b) using the doctrine of harmonious construction. It held that while a denomination has the right to manage religious affairs, this right does not extend to excluding other Hindus from worshipping in the temple. Denominational rights under Article 26 are subject to the overriding provision of Article 25(2)(b), which is aimed at social reform and abolishing caste-based discrimination.

⁴⁴ This case—often referred to as the First Searchlight Case—concerned a conflict between freedom of the press (Article 19(1)(a)) and legislative privileges (Article 194) of State Legislatures. M.S.M. Sharma, editor of the newspaper *Searchlight*, published parts of a speech made in the Bihar Legislative Assembly that had been expunged by the Speaker. The Bihar Legislative Assembly took this as a breach of privilege and summoned Sharma to explain his conduct. Sharma challenged the summons before the Supreme Court, claiming that the publication was protected under his fundamental right to freedom of speech and expression, specifically freedom of the press under Article 19(1)(a).

as otherwise it will conflict with the judicial power of that court provided under Article 142 of the Constitution.⁴⁵

Harmonious Construction principle was applied by the Supreme Court in construing the fundamental right under Article 22(1) and (2) of the Constitution; The Supreme Court applied the principle of harmonious construction while interpreting Article 22(1) and (2) of the Constitution. It ruled that these protections apply only to arrests made without a court warrant when a person is accused of a criminal or semi-criminal act. However, if someone is taken into custody under Section 4 of the Abducted Persons (Recovery and Restoration) Act, 1949, to be returned to a designated camp, this process does not count as arrest or detention under Article 22(1) and (2). Justice S.R. Das explained that when two interpretations are possible, the Court should choose the one that helps the Constitution work smoothly and logically, and avoid any interpretation that would lead to confusion, inconvenience, or make other legal provisions useless.⁴⁶

In *Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors.*,⁴⁷ the Supreme Court was tasked with determining whether the right to life under Article 21 of the Constitution also encompassed the right to education, including professional education. The Court applied the doctrine of harmonious construction by reading Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) of the Constitution together. It held that while Article 21 implicitly includes the right to basic education, this right is supported and enriched by Article 41 and Article 45 of the Directive Principles, which mandate the State to provide free and compulsory education for children up to the age of 14.

VII. CONCLUSION

The Doctrine of Harmonious Construction is a cornerstone of legal interpretation, crucial for resolving conflicts within and between laws. It guides courts in reconciling seemingly contradictory provisions to maintain a cohesive legal framework. This doctrine not only addresses legal ambiguities but also preserves the integrity of legislative intent and upholds the rule of law. The Supreme Court of India plays a crucial role in harmonizing the interpretation of the Constitution. Through its power of judicial review and the application of various doctrines like harmonious construction, pith and substance, and basic structure, the Court ensures that the different provisions of the Constitution are interpreted in a balanced and consistent manner. This not only resolves conflicts between various laws and governmental actions but also upholds the supremacy of the Constitution, safeguarding fundamental rights, preserving the federal structure, and promoting social justice.

The Court's role in evolving constitutional principles ensures that the Constitution remains a dynamic document, capable of adapting to changing societal needs while maintaining its core values. The Supreme Court has applied the principle of harmonious construction in landmark cases like *Re Kerala Education Bill, 1957* in determining the validity of fundamental rights, the directive principles of state policy should also be considered, and a harmonious construction should be adopted. It emphasized that there is no inherent conflict between them and they form an integrated scheme, in *Venkataramana Devaru v. State of Mysore (1958)*, where it applied the doctrine of harmonious construction to resolve a conflict between the fundamental rights guaranteed under Article 25 and Article 26 of the Constitution held that these articles should be harmoniously construed to give effect to both, ensuring religious freedom while also upholding the principles of equality and social justice and lastly, in the *Commissioner of Income Tax v. Hindustan Bulk Carriers (2003)*, where the Supreme Court laid down several principles of harmonious construction, emphasizing that the court should avoid interpreting a provision in a way that renders another provision redundant or useless. It stressed the importance of giving effect to all parts of the statute. These cases demonstrate the Supreme Court's commitment to ensuring that the Constitution is interpreted in a harmonious and balanced manner, promoting its objectives of justice, liberty, equality, and fraternity.

The doctrine of harmonious construction has evolved from a conventional rule of statutory interpretation into a constitutional philosophy that preserves institutional balance and constitutional coherence. Nevertheless, its increasing judicial use also raises concerns regarding the expanding interpretative role of the judiciary. The future legitimacy of the doctrine will therefore depend upon the Court's ability to balance constitutional pragmatism with judicial restraint. While harmonious construction

⁴⁵ *KM Nanawati v State of Bombay*, AIR 1961 SC 112, pp 122, 123, 124.

⁴⁶ *State of Punjab v Ajaib Singh*, AIR 1953 SC 10, p 14 : 1953 SCR 254; *Chandra Mohan v State of UP*, AIR 1966 SC 1987, p 1993: 1967 (1) SCR 77.

⁴⁷ *Unni Krishnan, J.P. & Others v. State of Andhra Pradesh & Others*, AIR 1993 SC 2178, 5-Judge Constitution Bench, Key Holding: The Supreme Court held that the right to education is implicit in the right to life under Article 21 of the Constitution. It laid down a scheme regulating the admission and fee structure of private educational institutions, especially professional colleges.

remains indispensable in resolving constitutional conflicts, it should function as a principle of reconciliation rather than a vehicle for judicial law-making.

