

PRINCIPLES OF LAW IN RAMAYANA – POSSESSION

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ABSTRACT

Ramayana is one of the texts having impact on Hinduism. It has set many of the customs of Hinduism. Custom is one of the prime sources of law where Mahakavyas like Ramayana and Mahabharata have prescribed many inputs. This research paper is an attempt to work on one of the principles of law in Ramayana i.e. law of possession involved in Vanavasa phase. The types of possessions discussed in this research paper are adverse possession and constructive possession. The object of this research is to convince the readers with the philosophy that Ramayana is not just a biography of Prince Rama but a juristic writing on laws of the time. The influence of Ramayana in the ancient law and its contribution in the present law in India is the theme of this research work. Possession is prima-facie evidence of ownership where adverse possession can give title of the property possessed after fulfilment of some conditions and nature of possession. Possession is also called as nine-points of ownership where the constructive possession is such a possession of a small thing giving possessor a control over the whole property. To discover those two and other types of possessions in Ramayana, particularly in Ayodhya Kanda, is the sincere effort of this research paper.

Keywords: Possession, Adverse Possession, Constructive Possession, Title, Property, Control

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INTRODUCTION

Ramayana, a tale of Shri Rama, is a highly prayed scripture of India's ancient history. This ancient text is in a form of *Mahakavya* i.e. a voluminous poem. It was the famous form of literature to write records of important elements of society including crowns, juristic writings, and many other records. The Mahakavyas like Ramayana and Mahabharata¹ have been observed as the source of law of the time. Those were not only the stories of crowns and set of biographies of the characters in them but also the prescription of law of the time. It has been observed that there are many principles of law in both these Mahakavyas. Ramayana being the earliest one has its more impact on Hinduism as Dharma i.e. law of Hindus. The principles of various present laws can be found in Ramayana. These principles can be found in present laws and categories of laws viz. jurisprudence, law of property, family law, law of torts, and criminal law. This research paper is throwing light on the principles of possession present particularly in jurisprudence, and law of property and its impact on family law.

Possession is prima-facie evidence of ownership. Therefore, the person who is not in possession of the property has to prove his ownership.² The burden of proof of ownership lies on a person who has lost his possession and not on a person in possession of the property.³ There are many types possessions based on variations in control of a person over the property. Where person may be corporal or incorporeal person and property may be movable or immovable. This research paper is concentrating on adverse possession, constructive possession and other types of possessions in Ramayana, specially Ayodhya Kanda.⁴ The phase of Ramayana here in the ambit of this research is of Prince Rama going to Vanavasa and developments in status of title of throne of Ayodhya after the meeting of Rama and Bharata in Vanavasa. The paper is covering the Ayodhya Kanda, the part of Ramayana which starts from

¹ Pandit A. M. Srinivasachariar, translated by Dr. V. Raghavan, *The Mahabharata – Condensed in the Poet's Own Words* (G. A. Natesan & Co., Madras, 3rd edn., 1935)

² The Indian Evidence Act, 1872, India Code, Digital Repository of all Central and State Acts, *available at:* https://www.indiacode.nic.in/show-data?actid=AC_CEN_3_20_00034_187201_1523268871700§ionId=38918§ionno=110&orderno=124 (last visited on December 30, 2022)

³ The Indian Evidence Act, 1872, India Code, Digital Repository of all Central and State Acts, *available at:* <https://www.indiacode.nic.in/bitstream/123456789/2188/1/A1872-1.pdf> 47 (last visited on December 30, 2022)

⁴ Valmiki (translated by Hari Prasad Shastri), *The Ramayana of Valmiki* 149-412 (the Burleigh Press Lewins Mead, Bristol, 1st edn., 1952)

the stage where King Dasharatha is ready and willing to resign his throne for coronation of Prince Rama⁵ to entry and blessings from *ashrama* of sage *Atri*.⁶

RAMAYANA – THE MAKING OF MAHARISHI VALMIKI

Valmiki, a sage, a Maharishi was born in the family of sage Prachetasa whose name was Ratnakara. In this childhood he lost his way back home and reached in forest. Here one of the hunters in the forest found him and became his foster father. Later he got married to a girl of one of the forest families. As he was from a poor hunter family, he continued hunting but to feed his family he chosen the path of robbing. He used to rob person passing through the forest. Once sage Narada was passing by the forest. Sage Narada while praising Lord Rama was stopped by Ratnakara and asked for valuables with the intention of robbing. Sage Narada asked him that whether your family will share the sins you are doing by robbing of passer byes? Ratnakara went home to get the answer to the question and he received negation in reply. Sage Narada told him to meditate and chant the name of Lord Rama, one the Vishnu Avatar. After doing Tapasya i.e. meditation for years, he got totally covered by ant-hills. Sage Narada after seeing that cleared all ant-hill and told Ratnakara that his Tapasya is over and now he is paid of his Tapasya. Sage Narada told him that he has been reborn from Valmika i.e. the ant-hills and so he will be called Valmiki thereafter. Ratnakara's Tapasya made him rise to the status of Brahmarishi. Maharishi Valmiki constructed his Ashrama i.e. his residence and a school for knowledge by the bank of holly river Ganga. After having the Ashrama, Sage Narada narrated the story of Lord Rama to Maharishi Valmiki. Later Lord Brahma gave him vision instructing Valmiki to write Shlokas narrating life of Lord Rama. Maharishi Valmiki has become the author of the biography of Lord Rama called Valimiki Ramayana. This is his biggest gift to Hindus in the form of Sanskrit Shlokas in 24,000 verses and divided into seven Kandas. The seven *Kandas* or books are Bala Kanda (book of childhood), Ayodhya Kanda (book of Ayodhya), Aranya Kanda (book of the forest), Kishkindha Kanda (book of the money kingdom), Sundara Kanda (book of beauty), Yuddha Kanda (book of war), and Uttara Kanda (last book). This epic set of books is the arrangement of Sanskrit literature in the form of the then style of recordings of poems. Ramayana is therefore categorized as Mahakavya i.e. a

⁵ Valmiki (translated by Hari Prasad Shastri), The Ramayana of Valmiki 149 (the Burleigh Press Lewins Mead, Bristol, 1st edn., 1952)

⁶ Valmiki (translated by Hari Prasad Shastri), The Ramayana of Valmiki 412 (the Burleigh Press Lewins Mead, Bristol, 1st edn., 1952)

voluminous poem.⁷ Brahmarishi Valmiki is the beginner of poem form of literature for maintaining records of Hindu scriptures making him named as Adikavi i.e. the first poet. This creation of Maharishi Valmiki became a holy book for Hindus making Hindus to know Lord Rama. There are many versions of Ramayana in India, but this research has the references from the one created by Maharishi Valmiki because of it being the first.

RAMAYANA – THE LAW OF THE TIME

It has been observed that Ramayana is read and considered as biography of Lord Rama. But the researcher strongly advocates that Ramayana should be read and considered as juristic writing of the time. This is because there was a practice of recording the deeds of the King. Lord Rama was an ideal King and he had never compromised principles though his life has many ups and downs. This made King Rama to become Lord Rama. The principles of Rama thereby became an ideal way of living a life for Hindus. The record of Lord Rama in the Valmiki Ramayana became the first source of those principles for Hindus. The principles so laid down by Ramayana became binding for Hindus and thereby became code of conduct or set of ideals for a Hindu to live his life. Those principles were predominant or became customary practices for Hindus making Valmiki Ramayana a source of law for Hindus.

The life of Lord Rama with its ups and downs has laid down many principles of law. It has been observed that some of those principles are still in existence in present laws of India and many countries of the world. Though not in their original form but in their suitable forms of contemporary needs of the countries, the principles of law enumerated in Ramayana are much relevant. Some of the areas of law found in Valmiki Ramayana are jurisprudence, law of property, family law, law of torts, and criminal law. The subject jurisprudence today is divided into two parts viz. legal theory and legal concepts. Out of those legal concepts, it has been observed that the concepts like person⁸, property⁹, possession¹⁰, ownership¹¹, and title¹² are there in the Ramayana. Law of property in the form of belonging a kingdom and ruling it by getting its title by war or any other way is present in the Ramayana. Family law concepts of

⁷ Festivals of India, Life and Work of Maharishi Valmiki, available at <https://www.festivalsofindia.in/maharishi-valmiki-jayanti/valmiki/> (last visited on December 01, 2022)

⁸ V. D. Mahajan, Jurisprudence and Legal Theory 331-352, (Eastern Book Company, 5th edn., 1987 Reprint 2016)

⁹ V. D. Mahajan, Jurisprudence and Legal Theory 399-409, (Eastern Book Company, 5th edn., 1987 Reprint 2016)

¹⁰ V. D. Mahajan, Jurisprudence and Legal Theory 308-326, (Eastern Book Company, 5th edn., 1987 Reprint 2016)

¹¹ V. D. Mahajan, Jurisprudence and Legal Theory 285-305, (Eastern Book Company, 5th edn., 1987 Reprint 2016)

¹² V. D. Mahajan, Jurisprudence and Legal Theory 357-362, (Eastern Book Company, 5th edn., 1987 Reprint 2016)

Hindu like marriage¹³, maintenance¹⁴, guardianship¹⁵, and succession¹⁶ are found in the Ramayana. Law of torts reflected in the Ramayana with the concepts of liability¹⁷, types of feaseance¹⁸, sovereign immunity¹⁹, conspiracy²⁰, trespass²¹, and defamation²². Some principles of criminal law found in the Ramayana are *mens rea*, conspiracy²³, common intention²⁴, private defense²⁵, abetment²⁶, grievous hurt²⁷, kidnaping²⁸, outraging modesty of women²⁹, and defamation³⁰. All the principles of law stated above are just the primary observations of the

¹³ The Hindu Marriage Act, 1955, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/handle/123456789/1560?sam_handle=123456789/1362 (last visited on December 30, 2022)

¹⁴ The Hindu Adoption and Maintenance Act, 1956, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/handle/123456789/1638?sam_handle=123456789/1362 (last visited on December 30, 2022)

¹⁵ The Hindu Minority and Guardianaship Act, 1956, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/handle/123456789/1649?view_type=search&sam_handle=123456789/1362 (last visited on December 30, 2022)

¹⁶ The Hindu Succession Act, 1956, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/handle/123456789/1713?sam_handle=123456789/1362 (last visited on December 30, 2022)

¹⁷ Ratanlal and Dhirajlal, *The Law of Torts* 23-25, (LexisNexis, 28th edn., 2019 Reprint 2021)

¹⁸ Ratanlal and Dhirajlal, *The Law of Torts, Malfeasance, Misfeasance, and Nonfeasance* 32, (LexisNexis, 28th edn., 2019 Reprint 2021)

¹⁹ Ratanlal and Dhirajlal, *The Law of Torts* 67, (LexisNexis, 28th edn., 2019 Reprint 2021)

²⁰ Ratanlal and Dhirajlal, *The Law of Torts* 394-401, (LexisNexis, 28th edn., 2019 Reprint 2021)

²¹ Ratanlal and Dhirajlal, *The Law of Torts* 405-425, (LexisNexis, 28th edn., 2019 Reprint 2021)

²² Ratanlal and Dhirajlal, *The Law of Torts* 293-354, (LexisNexis, 28th edn., 2019 Reprint 2021)

²³ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688§ionId=45856§ionno=120A&orderno=126 (last visited on December 30, 2022)

²⁴ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688§ionId=45765§ionno=34&orderno=35 (last visited on December 30, 2022)

²⁵ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362 (last visited on December 30, 2022)

²⁶ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362 (last visited on December 30, 2022)

²⁷ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688§ionId=46085§ionno=320&orderno=358 (last visited on December 30, 2022)

²⁸ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688§ionId=46131§ionno=360&orderno=404 (last visited on December 30, 2022)

²⁹ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688§ionId=46121§ionno=354&orderno=394 (last visited on December 30, 2022)

³⁰ The Indian Penal Code, 1860, India Code, Digital Repository of all Central and State Acts, *available at*: <https://www.indiacode.nic.in/show->

present laws in the Ramayana. There can be many research papers on every above-mentioned principle to correlate present principles of law and the principles in the Ramayana.

This research is an attempt to find the concept of possession in Ramayana. The researcher strongly advocates that the writings like four Vedas³¹, Ramayana, Mahabharata³², Bhagwat Geeta³³ are not just Hindu mythological or ancient books but the juristic writings of the time and for the times to come. These books are compilation of legal concepts recorded by the sages or authorities created for future references. Four Vedas are giving Hindus a way of living an ideal life by prescribing norms, dos and don'ts, regulations, and prohibitions. In the light of present jurisprudence theory of Hans Kelson saying law is a set of norms prescribing the behavioral pattern for the countrymen while living under the rule of law.³⁴ The law as per Kelson and intention behind making of Vedas are though not same but similar in many instances. Ramayana and Mahabharata are juristic writings. The researcher observed that the Ashramas are nothing but the then Universities and the Maharishis running those Ashramas are their Vice-Chancellors. These Ashramas used to get funding from the crowns in whose empire it is located. Both Ramayana and Mahabharata are written by Adyakavi, Maharishi, and Brahmarishi Valimiki and Maharishi Veda Vyas respectively. These two, Ramayana and Mahabharata are Mahakavyas i.e. voluminous poems, the then literature system followed for creating record. As today there are patents and copyrights with the universities, similarly, there were inventions and juristic writings by the Ashramas under the control of Maharishis. Therefore, it is advocated that these Hindu literatures should be treated as the law of the time prescribing ideals of the then praiseworthy crowns and authorities whose events of life prescribed the norms for their subjects and followers. Lord Rama in Ramayana and Lord Krishna in Mahabharata became those crowns and thereafter ideals whose life became standard for others to live their life in a holistic way. Ramayana being the earlier one, has its impacts not only on Mahabharata but also on many other books and literature of Hindus. The Hindu literatures like Ramayana used to prescribe the behavioral patterns for Hindus in the form of a

data?actid=AC_CEN_5_23_00037_186045_1523266765688§ionId=46287§ionno=499&orderno=563
(last visited on December 30, 2022)

³¹ Four Vedas, English Translation, Rig Veda – RT Griffith, Yajur Veda – AB Keith, Hymns of Sama Veda – RT Griffith, Hymns of Atharva Veda – M Bloomfield, *available at*:
<https://ia801308.us.archive.org/25/items/FourVedasEnglishTranslation/Four-Vedas-English-Translation.pdf>
(last visited on December 31, 2022)

³² Pandit A. M. Srinivasachariar, translated by Dr. V. Raghavan, *The Mahabharata – Condensed in the Poet's Own Words*, 1-521 (G.A. Natesan & Co., 3rd edn., 1935)

³³ The Bhagavad Gita, translated by Lars Martin Fosse, *available at*:
<https://library.um.edu.mo/ebooks/b17771201.pdf> (last visited on December 30, 2022)

³⁴ Raymond Wacks, *Philosophy of Law* 32-37, (Oxford Press, 1st edn., 2006)

practice, usage, tenet, of custom. Today we have custom as one of the prominent sources of law along with legislation and custom. Many of the times it has been observed that in case of struggle or inconsistency between law and custom, the customs have prevailed. Therefore, the life events and reaction to those by Lord Rama became customs for his followers or subjects. Rather, one can find that those reactions of Rama made him Lord in the eyes of others. Lord Rama, the ideal son, the ideal elder brother, the ideal husband, the ideal friend, the ideal ally, the ideal warrior, the ideal king, and above all the ideal life itself. Maharishi Valmiki was referred as a contemporary of Lord Rama. Prince Luv and Prince Kush along with Devi Sita were there in the Ashram of Maharishi Valmiki. Maharishi Valmiki wrote the Ramayana and made it known to Luv and Kush, who later sang in front of Lord Rama. Maharishi Valmiki while writing the Ramayana has laid down the principles of law as like morals from the story of life events of Lord Rama.

Therefore, researcher strongly campaigns Ramayana a juristic writing and the law of the time.

POSSESSION

Possession is one of the rights in ownership. Ownership is considered as a bundle of rights. There are many rights included in ownership where the prominent are right to possess, right to enjoy, and right to dispose of. The first right in ownership is possession. Possession, therefore called as the prima-facie evidence of ownership. It means the person who possesses the property is presumed to be the owner of it. The possession is so important that if a person has a possession of any property, he is not required to prove his ownership of the it. The possession as a concept took centuries to develop and to have its present shape. Possession receives many shades, types, and rights involved. The test of possession of a property lies in the control of a person on that property. Possession is a separate right and can be transferred for consideration. The person possessing a property is called a possessor. Tenancy or licensing are the ways by which such transfer can be affected. There are two elements of possession viz. *corpus* of possession and *animus* of possession. In *corpus* of possession a person is in actual and physical possession of a property and in *animus* of possession a person is willing to have the power of possessing the property. Both are necessary elements for a complete possession. The person should have willingness and actual possession of a property for valid possession of it. Possession can be categorized as *de facto* possession i.e. possession in fact and *de jure* possession i.e. possession in law. In *de facto* possession, the possessor is in direct control and

is in actual or physical possession of the property and a de jure possession, a person has a possession in the eye of law. These two possessions can be separated. A servant holding a property on behalf of his master is the best example of the separation. Servant having a direct possession of the property will have de facto possession and the master will have de jure possession. The law will recognize and protect the right of possession of the master.³⁵

There are various types of possession. Mediate and immediate possession, where a possessor possessing a property right away is having immediate possession and a possessor who will receive the possession in coming times has a mediate possession. Immediate possession is a direct possession and mediate possession is an indirect possession. Corporeal and incorporeal possession, where a possessor of a material object has corporeal possession and possessor holding a non-material object has incorporeal possession. Possession of a vehicle or house is a corporeal possession and possession of patent or copyright is an incorporeal possession. Representative possession is another type where a possession is not by the possessor himself or herself but through someone else who represents him or her. A servant or agent holding a possession of a property on behalf of master or principal is representative possession of the master or principal. Concurrent possession is the one where two or more persons are the possessors of the property. Derivative possession is another type of possession. The possessor in this possession has a legal possession constituted by both physical and mental elements of possession. Duplicate possession is a possession of co-owners of a property. The possessors hold the possession mutually and not against each other. Constructive possession is one where a person by handing over a small property give possession of a big property. A person handing over a key of a vehicle, or a house gives possession of the vehicle and the house. Adverse possession is the possession where it a possession by invasion. The possessor is not real owner holding a title of the property. The possessor by holding, controlling and possessing the property without permission of the owner continuously, exclusively, adequately and known publicly for the prescribed time period by law gets the adverse possession. This act of adverse possession will give the possessor an opportunity to gain the title of the property.³⁶

After knowing possession and its elements and types of present law lets find their presence of them in Ramayana.

³⁵ V.D. Mahajan, Jurisprudence and Legal Theory 351-355 (Eastern Book Company, 5th edn., 1993)

³⁶ V.D. Mahajan, Jurisprudence and Legal Theory 365-369 (Eastern Book Company, 5th edn., 1993)

AYODHYA – A PROPERTY TO POSSESS

This research is about the possession and thereby title of *Ayodhya*, the capital city of Kosala kingdom, the property of *Raghukul*. The dynasty of *Raghukul* is the lineal descendance of King *Raghu*, a *Suryawanshi* crown. A crown of *Ayodhya* located in today's Uttar Pradesh State of India along the banks of holy river *Saryu*. *Ayodhya* is such a place which always remained in dispute right from the period of *Ramayana* till date. The possession and thereby ownership of *Ayodhya* is always in debates and disputes.

This research is finding the possession, a principle of law, present in the *Ayodhya Kanda*.³⁷ The *Kanda* is full of the disputes, frictions, greed, and possessing title of *Ayodhya*, a property of *Raghukul*. In autocracy, the crowns used to claim the territory as their private property and subjects residing in it at their mercy. The crown, king or queen, use to rule the territory by controlling it through making of law for the subjects, protecting the subjects and the territory from external aggression, collection of tax, and administration of justice. The King has his kingdom as his own property. Out of seven *Kandas*, *Ayodhya Kanda* has the whole drama of claiming the kingdom. This all begins with the inclination of King *Dasharatha* to resign the throne and handing it over to Prince Rama. He summoned the Council for the same. All the members of the Council and the elder advisors of the kingdom were happy and ready to coronate Prince Rama as the King of *Ayodhya*. The whole kingdom started preparation for coronation of Prince Rama and Princess Sita as the King and Queen of *Ayodhya*. Sage *Vasishtha* advices both the future king and queen to observe fast for the ceremony. The whole city of *Ayodhya* received decorations for the coronation ceremony. But a hunchback maid named *Mathara*, the maid of Queen *Kaikeyi*, informed the fact of coronation of Rama to *Kaikeyi* with the intention to create hurdle in the coronation. *Manthara* tried to persuade *Kaikeyi* that Prince Bharat, her own son, should be coronated and not Prince Rama. *Manthara* convinced *Kaikeyi* that for her life she always remained second wife of King *Dasharatha* as *Kausalya*, mother of Prince Ram, was the first wife and coronated Queen of *Ayodhya*. *Mathara* explained further the same secondary treatment will be given to Prince Bharata for his whole life and he has to be nothing but a slave of Prince Rama once becoming a King of *Ayodhya*. *Manthara* with her cunning mind informed and persuaded *Kaikeyi* to do something for coronation of Prince Bharata instead of Prince Rama as the King of *Ayodhya*. She made

³⁷ Valmiki (translated by Hari Prasad Shastri), *The Ramayana of Valmiki* 149-412 (the Burleigh Press Lewins Mead, Bristol, 1st edn., 1952)

Kaikeyi remember of two boons or promises which King Dasharatha allowed her to ask anytime in his life and asking for anything she likes. Manthara while convincing has presented herself as the only well-wisher of and a maid from maternal house of Kaikeyi. Manthara succeeded in her convincing of Kaikeyi, at the result of which Kaikeyi asked for those blessings from King Dasharatha. First to send Prince Rama to Vanavasa i.e. exile from Ayodhya and second to coronate Prince Bharata as King of Ayodhya. *Raghukul* had a principle of keeping the promise, bound by the principle, King Dasharatha allowed the boons. Kaikeyi summoned Prince Rama. Prince Rama appeared in front of King Dasharatha. Kaikeyi made Prince Rama known of her acceptance of the boons by King Dasharatha and asked him to go to Vanavasa for 14 years and coronation of Prince Bharata. Prince Rama without any distress got ready to follow the promises of his father who was completely anguished and speechless. Prince Lakshmana declared that he would defeat anyone and everyone who will obstruct the coronation of Prince Rama. Prince Rama made Prince Lakshmana to calm down and his ready and willingness to go to Vanavasa as per the principle of *Raghukul* to keep the promise and order of King Dasharatha pronounced by Kaikeyi. Prince Rama thereby resolved to go to Vanavasa without any objection to what has been ordered to him. Prince Rama followed the order as it was given by his father. After all efforts of Prince Rama to dissuade, Princess Sita and Prince Lakshmana convinced Prince Rama that they will come along and join him in Vanavasa. The whole kingdom was in lamentation due to departure of Prince Rama from Ayodhya and not being their future king anymore. Prince Rama distributed his wealth and went to Vanavasa. Prince Bharata was at his maternal grandparents and had no knowledge of all this. After King Dasharatha yields up his life by overborne of grief, it was advised by elders to call back Prince Bharata to rule the kingdom. When he returned to Ayodhya, he came to know what happened with his beloved brother Prince Rama, Princess Sita, Prince Lakshmana, King Dasharatha, and Ayodhya. Prince Bharata reproaches his mother Kaikeyi and tried to console Kausalya. Now its Prince Bharata's turn to do something to convince Prince Rama to return to Ayodhya and be the king of it. Meanwhile Prince Ram, Princess Sita and Prince Lakshmana crossed the rivers Ganga and Yamuna. They reached to mountain Chitrakuta and created a place of residence of hermitage. Prince Bharata along with Shatrughna started his search for Prince Rama with army along. He visited all persons and places whom and where Prince Ram met them and rested his way to Vanavasa. Prince Lakshmana saw an army coming and conveyed Prince Rama about Prince Bharata coming with army and as their enemy. Prince Rama could not believe that status of Prince Bharata. And the meet happened with Prince Bharata falling on the feet of Prince Rama. All brothers greeted each other, and Prince Bharata

made Prince Rama known about the death of King Dasharatha making all of them fall in grief. Prince Rama requested Prince Bharata to ascend the throne. Prince Bharata denied the same and requested Prince Rama to return to Ayodhya and rule it. Prince Rama denied returning to Ayodhya and made Prince Bharata known that he must follow the principle of Raghukul and fulfill the promise made to King Dasharatha of his Vanavasa commanded by him. At the advice of the celestial sages Prince Bharata chose to be the Deputy of Prince Rama and will not get coronated as King of Ayodhya till the completion of the Vanavasa of Prince Rama. Prince Bharata took sandals of Prince Ram and said that he will not sit on the throne but will seat on the throne of Ayodhya but the sandals. Prince Bharata started return journey to Ayodhya, but he stayed back in Nandigram and started living like an exile in there and operated Kosala from there and made the sandals of Prince Rama in Ayodhya for the throne. Prince Rama, Princess Sita and Prince Lakshmana then started their journey to Ashrama of Sage Atri.³⁸

This whole Ayodhya Kanda, stated above in short, is the part of Ramayana in which the researcher found the concept of possession and title of the property i.e. of Ayodhya.

ADVERSE POSSESSION IN AYODHYA KANDA

The part of Ramayana Ayodhya Kanda is concerned with the title of throne of Ayodhya, a property for the dynasty. The resigning of the throne by King Dasharatha started the Ayodhya Kanda and there came the point of transfer of title of Ayodhya. As per the rules of primogeniture Prince Rama was the lawful successor. The use of boons by Kaikeyi changed the pattern and made Prince Bharata to claim throne of Prince Rama. The title thereby received by Prince Bharata was against the then law of primogeniture.³⁹ To get the title clear the boon of Vanavasa i.e. exile of Prince Rama was used by Kaikeyi. The Vanavasa was for 14 years' time. The law of adverse possession came in picture by this boon where Prince Bharata will invade the throne. The possession of Prince Bharata would be continuous, exclusive, adequate, and known publicly. This would make Prince Bharata to complete all the essential conditions of adverse possession and claim the title of the throne of Ayodhya after completing the number of years of the then law. For crowns their throne is treated as private property. As per the present law of adverse possession of India, the period to possess the private property for the

³⁸ Ibid

³⁹ Primogeniture, Cornell Law School, Legal Information Institute, *available at*: <https://www.law.cornell.edu/wex/primogeniture> (last visited on December 30, 2022)

claim of title through adverse possession is 12 years.⁴⁰ So, we can find that Kaikeyi used the concept of adverse possession for Prince Bharata to lawfully reject the rule of primogeniture which might have made Prince Rama a rightful King of Ayodhya.

CONSTRUCTIVE POSSESSION IN AYODHYA KANDA

Prince Bharata started return journey to Ayodhya with sandals of Prince Rama. But he stopped before reaching Ayodhya in Nandigram to administer the kingdom from there and made the sandals Prince Rama to reach throne of Ayodhya. This act of Prince Bharata made Prince Rama to have constructive possession⁴¹ of throne of Ayodhya and Prince Bharata a deputy of crown of Prince Rama for Ayodhya. Prince Bharata promised Prince Rama that he and throne of Ayodhya will wait till his return from Vanavasa and if he fails to do so, he will make himself sacrificed in fire. This Promise of yet another Raghukul descendent made the throne of Ayodhya to receive its lawful claimant i.e. Prince Rama. This act of Prince Bharata made the use of concept of adverse possession by Kaikeyi does not reach its rightful end.

OTHER TYPES OF POSSESSION IN AYODHYA KANDA

Besides adverse possession and constructive possession there are a few other types of possession created by the Ayodhya Kanda, which are as follows:

1. Mediate possession⁴² – The of Ayodhya Kanda has created mediate possession of Prince Rama for the throne of Ayodhya;
2. Immediate possession⁴³ – Similarly, there is creation of immediate possession of Prince Bharata for the throne of Ayodhya till the return of Prince Rama to Ayodya;
3. Incorporeal possession⁴⁴ – Kaikeyi having two boons from King Dasharatha is the example of existence of incorporeal possession.

⁴⁰ N.V. Paranjape, Jurisprudence and Legal Theory 438-439 (Central Law Agency, 9th edn., 2019)

⁴¹ N.V. Paranjape, Jurisprudence and Legal Theory 438 (Central Law Agency, 9th edn., 2019)

⁴² N.V. Paranjape, Jurisprudence and Legal Theory 436 (Central Law Agency, 9th edn., 2019)

⁴³ Ibid

⁴⁴ Id

4. Corporeal possession⁴⁵ – The complete Ayodhya Kanda is about possession and thereby title of the throne of Ayodhya;
5. Representative possession – The possession of Prince Bharata of the throne of Ayodhya, till the return of Prince Rama, was a representative possession because Prince Bharata promised to hold the possession and running of throne of Ayodhya as a deputy of Prince Rama.

CONCLUSION

It has been observed that law of possession with its elements and types are present in Ramayana. This analysis of Ramayana proves presence of principles of the then law of possession in it. This research is not the end but should be the beginning of analysing Ramayan to find out many other principles of law enumerated in it. The Mahakavyas like Ramayana and Mahabharata should be treated as juristic writings of the time made by Maharishis. This research is an invitation for the researchers to think and write in its lines and explore the great books of Hinduism not just stories of the then heroes or crowns but the discussions and discourse of law.

⁴⁵ Id