**Difference between Possession and Ownership**

Most of us often confuse the terms ‘ownership’ and ‘possession’ and use them as [synonyms](https://www.toppr.com/guides/english/vocabulary/synonyms-and-antonyms/). However, in law, both these terms have distinct legal definitions that are quite distinguished. Let us learn about ownership and possession in jurisprudence and the difference between the two.

**Ownership**



As per Salmond ownership can be described as the relation between a person and any said object which forms the subject matter of this said ownership. Ownership also consists of a complex web of many rights all of which are rights in rem, and not merely rights against persons.

So ownership is actually the sum total of the rights of possession, the right of disposition and even the right of destruction. There are six essential characteristics of ownership as per the law. They are as follows,

* The owner has the absolute right to possession. It is immaterial if the owner in actual possession of the object, as long as he has the right of possession.
* The owner has the liberty or the right to use and enjoy the benefits of the said object. No one can interfere with his right to use the object he owns.
* Ownership also means that the owner has the right to exhaust the object while using it.
* And he also has the right to destroy or alienate the object. This means he can destroy or dispose of the object during his lifetime or via his will. This right is sometimes restricted by law.
* Ownership is also for an indeterminate duration. Possession or the right to use is for a limited period, but the ownership of an object is for an indeterminate period of time.
* And finally, ownership is residuary in character. So for example, if the owner leases the object, or gives it for use, etc. he still remains the owner.

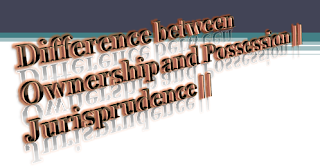
**Possession**

Salmond defines possession (in legal terms) as the continuous exercising of a claim, to the exclusive use of an object or a thing constitutes possession of the object. In simpler words, if a person has apparent control of an object and apparent power to exclude others from the use of the object, then we can say he has possession.

Now it is a de facto relation between a man and an object. So a man can possess a thing he doesn’t own. Say for example the possession of a property that he has leased from someone (who will be the owner). And the opposite is also true. One can own some object and not possess it.

# Difference between Ownership and Possession || Jurisprudence ||

## *DIFFERENCE BETWEEN OWNERSHIP AND POSSESSION IN JURISPRUDENCE.*

[](https://3.bp.blogspot.com/-u7AkYSCsSXQ/XMcZg_96iPI/AAAAAAAAARo/icmReTDkHpkOyjOt9sY4keb1c1BeUMcZgCLcBGAs/s1600/difference%2Bownership%2Band%2Bpossession.PNG)

                In this article, we are going to discuss the key difference between the ownership and possession in a table form and easy way, that can help you to better understand.

Let’s begin.

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| **Sr.**  **No.** | **Ownership** | **Possession** |
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| **1.** | Ownership is an **absolute**authority over the property. | Possession is **physical**control over the property. |
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| **2.** | It holds unlimited and uncontrolled rights over the property. | It is a limited concept of right. |
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| **3.** | It is a union of ownership and possession | It is a single concept giving no right of ownership. |
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| **4.** | It is a **de jure** concept. | It is a **de facto** concept. |
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| **5.** | Ownership right is a wider concept. | Possession is a right of consumption only. |
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| **6.** | It is a perfectly **legal right**. It shows legal situation. | It is a**possessory right**only. It shows real position. |
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| **7.** | Transfer of ownership is not an easy process, but it needs legal or formal procedures, prerequisites of registration. | Possession is a comparatively easy process and practically no need to register and such formalities like ownership. |
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| **8.** | It has no technical obstructions to transfer. | It faces the technical obstacles for transfer. |
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| **9.** | Ownership cannot be carried out practical use in the absence of possession. | Possession may be a ground for the ownership as well. |
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| **10.** | It consists the bundle of rights and all the rights are right in rem. | It is prima facie a proof or evidence of ownership. |
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| **11.** | It is a guarantee by the law. | It is a physical control over it. |
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