

From Dharma Yuddha to Modern Warfare: An Analysis of War Ethics and Human Rights in Legal Perspective**Dr. Anjali Verma****Assistant Professor , Department of Law, Maharshi Dayanand University****Abstract**

The ethical challenges of war are as ancient as war itself. Civilizations throughout history have grappled with the question: how can one engage in war justly? The Ramayana, a seminal epic in Indian culture, articulates the idea of Dharma Yuddha, or righteous war, governed by ethical codes. This framework emphasizes principles such as honor, non-violence against non-combatants, and moral restraint. In contrast, modern warfare is regulated through codified laws such as the Geneva Conventions, which seek to minimize human suffering and ensure accountability. This research paper analyses the metamorphosis in warfare ethics from Dharma Yuddha—which is derived from Indian Ancient philosophy and depicted in the Ramayana—to the modern international codification of conduct in war under International Humanitarian Law and International Human Rights Law. It tries to explore the historical, philosophical, and legal basis of how societies comprehend and regulate armed conflicts.

The study draws parallels and contrasts between ancient ethical codes and contemporary legal frameworks, examining the protection of human rights amidst the evolving nature of warfare.

1. Introduction

शान्तितुल्यं तपो नास्ति, तोषात्र परमं सुखम् ।

नास्ति तृष्णापरो व्याधिः, न च धर्मो दया परः ।।¹

War has long tested the ethical and legal limits of human behavior. From ancient religious epics to modern military doctrines, the quest to restrain violence has been central to legal and philosophical thought. The Ramayana, one of the two great Indian epics, introduces the concept of Dharma Yuddha—a righteous war fought according to moral principles. On the other hand, contemporary armed conflicts are governed by intricate systems of international law aimed at regulating warfare, protecting civilians, and holding perpetrators accountable.

2. Dharma Yuddha in the Ramayana: An Ethical Framework for War**2.1 The Moral Code of Warfare**

“Dharma-yuddha is a Sanskrit word made up of two roots: dharma meaning righteousness (Dharma is a "law of being" without which nothing exists), ²and” yuddha “ meaning warfare. In the Hindu Scriptures, dharma-yuddha refers to a holy war or battle that is fought while following several rules that make the war fair.”³

In the Ramayana, war is not merely a contest of power but a moral obligation undertaken only under righteous circumstances. Dharma Yuddha, or righteous warfare, in the Ramayana, refers to a code of

¹ विदुर नीति

² “Raj Kumar Garg , Akshita Manhas, AN ANALYSIS OF DHARMA FROM THE PERSPECTIVE OF INDIAN SOCIETY, Indian Journal of Integrated Research in Law Volume II Issue III ISSN: 2583-0538”

³ “Kaushik Roy. Hinduism and the Ethics of Warfare in South Asia: From Antiquity to the Present. Cambridge University. p. 28.”

conduct for war that emphasizes ethical principles and minimizes harm.⁴ “This framework, rooted in Hindu philosophical concepts of dharma, prescribes rules for engagement, the use of weapons, and the treatment of both combatants and non-combatants. While not always strictly adhered to in the epic's narrative⁵,” Dharma Yuddha serves as an ideal for just and honorable conflict, aiming to uphold justice and order while limiting the destruction of war. Dharma Yuddha prescribes strict ethical codes:

- War must be declared formally.
- Weapons should be used only against armed opponents.
- Combat should cease at sunset.
- Non-combatants, including women, children, and the elderly, must not be harmed.

These principles resonate with the idea of Ahimsa (non-violence) as a default norm, with war justified only when no alternative remains. Lord Rama's adherence to these codes underscores the elevation of moral discipline over strategic gain.

2.2 Women and Civilian Protection

Ravana's abduction of Sita is viewed as a fundamental violation of dharma. This act catalyzed a war framed not for conquest, but for justice and the restoration of dignity. Rama's respectful treatment of Sita and avoidance of unnecessary violence illustrate ethical restraint. So Dharma yuddha is a concept unique and integral to Hindu dharma. It is elaborated at length in numerous texts such as the Mahabharata, Ramayana, Bhagavad Gita, Sangam poetry, etc. It has been woven into the narratives of many an epic. Its key features are:

1. War brings about suffering. Hence it must be avoided as much as possible. Only when every other measure such as dialog or persuasion fails should war be resorted to as the inevitable last measure. Even then, its objective is to safeguard dharma.
2. Civilians, women, and Brahmins cannot be harmed in a war. Even Classical Greek chroniclers are amazed that peasants would watch the events of a battlefield without fearing personal harm. The notion of abducting or raping women of the conquered people was alien to Hindus.

3. Evolution of Legal Norms in Modern Warfare

3.1 International Humanitarian Law (IHL)

The increasing number of asymmetric conflicts, advancements in technology, and the civilianization of conflict have all posed challenges to the implementation of IHL principles. ⁶However the codification of IHL rules in international treaties, like the Geneva Conventions and their protocols, and the integration of these laws into national legislations, have significantly advanced IHL's development and enforcement.

The Geneva Conventions (1949) and their Additional Protocols (1977) govern the conduct of armed conflict:

⁴ “Kumar, S., & Choudhury, S. (2020). Ancient Vedic Literature and Human Rights: Resonances and Dissonances. *Cogent Social Sciences*, 7(1). <https://doi.org/10.1080/23311886.2020.1858562>”

⁵ “Piyush Patel, , Dharmik Chauhan, Exploring Human Values in the Epic Ramayana, *Journal of General Education and Humanities*, Vol. 4, No. 2, May 2025, pp. 299 – 308, <https://doi.org/10.58421/gehu.v4i2.357> ISSN 2963-7147”

⁶ “Luigi Daniele, Incidentally of the civilian harm in international humanitarian law and its Contra Legem antonyms in recent discourses on the laws of war Open Access, *Journal of Conflict and Security Law*, Volume 29, Issue 1, Spring 2024, Pages 21–54, <https://doi.org/10.1093/jcsll/krae004>”

1. Principle of Distinction: Combatants vs. civilians
2. Proportionality: Prevent excessive force
3. Military Necessity: Legitimate objectives only
4. Humanity: Prohibit unnecessary suffering

Even in the absence of codified rules, customary IHL, based on long-standing practices and beliefs, has also played a role in shaping legal norms during armed conflicts.

Technological advancements, such as the use of drones and cyber warfare, present new challenges for applying IHL principles and require the development of specific guidelines and protocols. Modern warfare is regulated by IHL, “which aims to limit the effects of armed conflict. The Geneva Conventions (1949) and Additional Protocols (1977) codify these rules. In *Prosecutor v. Dusko Tadic*,⁷” court expanded the IHL’s reach to non-international conflicts and individual accountability.

3.2 International Human Rights Law (IHRL)

The very nature of just war and proper conduct in war was theorized from diverse philosophical, religious, and international-legal perspectives, which gave birth to international humanitarian law; hence from this background, some relations are perceived between human rights and armed conflict. In describing the linkage between human rights, war, and conflict, one may probably begin with conflict analysis because human rights violations may either cause conflicts or be a consequence of conflicts.⁸

To distinguish one from the other, one must understand that international humanitarian law has another origin than international human rights law.² Modern IHL, in fact, probably came into being during the second half of the nineteenth century, mainly in connection with the foundation of the Red Cross during the 1860s, while IHRL mainly evolved after World War II.

1. Triffterer, in Bruno Simma (ed.), *The Charter of the United Nations*,⁹
2. Lauterpacht, Hersch, *International Law in the Interests of Peace and Security*¹⁰

IHRL protects individuals at all times, including during war.

- “Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (1966)
- Landmark Case: *Al-Skeini v. United Kingdom* (2011)

⁷ 1995, IT-94-1-AR72

⁸ “Nayef Alakash, Haitham ,M. Altaany, Bassam Abuirmilah Enhancing the Implementation of International Humanitarian Law in Conflict Zones: A Comprehensive Review, *Pakistan Journal of Criminology*, DOI:10.62271/pjc.16.3.1365.1378”

⁹ 2nd edn (New York, Oxford University Press: 2002) 1011.

¹⁰ New York: Cambridge University Press, 1988, p. 95.

The European Court of Human Rights¹¹ ruled that human rights obligations extend extraterritorially, affirming protection even during military occupation.¹² Similarly Iraqi civilians were killed by British soldiers¹³

Treaties of United Nations and Some of the most material include the following:

- 1) "Convention on the Prevention and Punishment of the Crime of Genocide (CPCG) (adopted in 1948, and entered into legally enforceable force in 1951);"
- 2) "Convention relating to the Status of Refugees (CSR) (adopted in 1951, and entered into legally enforceable force in 1954));"
- 3) "Convention on the Elimination of All Forms of Racial Discrimination (CERD) (adopted in 1965, and entered into legally enforceable force in 1969);"
- 4) "Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (legally enforceable as of 1981);"
- 5) "United Nations Convention against Torture (CAT) (adopted in 1984, entered into legally enforceable force in 1987);"
- 6) "Convention on the Rights of the Child (CRC) (adopted in 1989, entered into legally enforceable force in 1990);"
- 7) "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (adopted in 1990 and entered into legally enforceable force in 2003);"
- 8) "Convention on the Rights of Persons with Disabilities (CRPD) entered into legally enforceable force on May 3, 2008);"
- 9) "International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (adopted in 2006 entered into legally enforceable force in 2010)."

4. Interdisciplinary Analysis: Dharma vs. Law

4.1 Philosophical Foundations

Ancient Indian philosophy views dharma as an intrinsic moral order. Unlike modern laws, which rely on enforcement, Dharma Yuddha was grounded in self-regulation and internalized righteousness.¹⁴ The Western legal tradition, particularly post-World War II, turned to enforceable norms through treaties and tribunals. "When is violent force justified? This question, especially when concerned with the large-scale loss of human life, has rightly occupied religious discourse worldwide over the centuries. A Just War framework evolved from Roman and early Christian thinkers (e.g. Cicero and St. Augustine) and has played a key role in the formation of modern international law. It remains the dominant Western approach.¹⁵"

¹¹ "Karakaş, Işıl, and Hasan Bakırcı, 'Extraterritorial Application of the European Convention on Human Rights: Evolution of the Court's Jurisprudence on the Notions of Extraterritorial Jurisdiction and State Responsibility', in Anne van Aaken, and Iulia Motoc (eds), *The European Convention on Human Rights and General International Law* (Oxford, 2018; online edn, Oxford Academic, 22 Nov. 2018), <https://doi.org/10.1093/oso/9780198830009.003.0007>"

¹² "Mistale Taylor, Author Notes, *The EU's human rights obligations in relation to its data protection laws with extraterritorial effect*, *International Data Privacy Law*, Volume 5, Issue 4, November 2015, Pages 246–256, <https://doi.org/10.1093/idpl/ipv023>"

¹³ "European Court of Human Rights. (2011). *Al-Skeini and Others v. United Kingdom*, Application no. 55721/07"

¹⁴ "Anup Kumar Ghorai, *Dharma Darshan- Philosophy of Righteousness*, *IJRAR* March 2019, Volume 6, Issue 1 E-ISSN 2348-1269, P- ISSN 2349-5138, available at: <https://ijrar.org/papers/IJRAR19J5957.pdf>"

¹⁵ "Raj Balkaran and A. Walter Dorn, *Violence in the Vālmiki Rāmāyaṇa*:

4.2 Institutional Frameworks

The Ramayana lacks institutional enforcement mechanisms; righteousness was enforced through karma and divine justice. In contrast, international institutions like the ICC and ICJ aim to ensure compliance and accountability. Current armed conflicts, such as the ongoing wars in Ukraine, Sudan, and Myanmar, severely impact human rights and everyone thinks of winning.¹⁶ These conflicts often lead to widespread displacement, loss of life, and numerous other human rights violations. Organizations like the UN and Amnesty International document these violations, highlighting the urgent need for protection of civilians and the enforcement of international humanitarian law.

4.3 Justice and Accountability

While ancient systems offered moral redress, modern laws offer legal redress. Accountability for war crimes is a critical worldwide issue as conflicts continue to rage in different parts of the world.¹⁷ “Serious violations of international humanitarian law (IHL) that occur during armed conflict are known as war crimes. Among these are intentional assaults on civilians.”¹⁸

Akayesu’s conviction for genocide and rape illustrates accountability under IHL and IHRL in *Prosecutor v. Jean-Paul Akayesu*,¹⁹ “This judgment was rendered by Trial Chamber I of the International Tribunal for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory.”²⁰

5. Human Rights and the Reality of War

5.1 Civilian Harm

Civilian harm in war, a recurring tragedy, has been a consistent reality throughout history, from ancient epics like the Ramayana to modern conflicts. While the Ramayana, like the Mahabharata, contains narratives of war, they also illustrate, at times, attempts to adhere to principles of “just war” that would limit civilian suffering. Modern warfare, however, often sees a disregard for these principles, leading to widespread destruction and suffering for non-combatants. Shelling, landmines, and other forms of warfare have caused damage to homes, livestock, granaries, and farmlands, leading to economic hardship for civilians.

Despite legal prohibitions, modern warfare continues to devastate civilian populations, as seen in Iraq, Syria, and Gaza. Use of drones, cluster bombs, and chemical weapons raises serious concerns.²¹

Just War Criteria in an Ancient Indian Epic, *Journal of the American Academy of Religion*, Volume 80, Issue 3 (July 2012), pp.659–690, available at: https://www.researchgate.net/publication/273017050_Violence_in_the_Valmiki_Ramayana_Just_War_Criteria_in_an_Ancient_Indian_Epic”

¹⁶ “Swain, A.) ‘More Conflicts, More Deaths—Everyone Talks about Winning the War, but No One Talks About Achieving Peace’, *Social Development Issues* 46(2), 2024, doi: <https://doi.org/10.3998/sdi.5984>”

¹⁷ “Brendan Ciarán Browne. (2021) *Disrupting Settler-Colonialism or Enforcing the Liberal ‘Peace’? Transitional (In)justice in Palestine-Israel*. *Journal of Holy Land and Palestine Studies* 20:1, pages 1-27.”

¹⁸ “Chandra Lekha Sriram, ‘Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice’, *Global Society*, 21/4 (2007), 579–591.”

¹⁹ 1998, ICTR-96-4-T

²⁰ “UNHCR, *Prosecutor v. Jean-Paul Akayesu*, 1998, <https://www.refworld.org/jurisprudence/caselaw/ict/1998/en/19275>”

²¹ “Siddhant Saroj, *THE IMPACT OF ARMED DRONES ON HUMAN RIGHTS AND HUMANITARIAN LAW : AN ANALYSIS*, MANUPATRA, 14 MAY ,2024, available at: <https://articles.manupatra.com/article-details/THE-IMPACT-OF-ARMED-DRONES-ON-HUMAN-RIGHTS-AND-HUMANITARIAN-LAW-AN-ANALYSIS>”

5.2 Sexual and Gender-Based Violence

Ancient epics condemned acts like Sita's abduction. Modern law recognizes "sexual violence as a war crime."²² The right to life is frequently referred to as the "ultimate right". Certain abuses of the right to life are, in fact, deemed war crimes or crimes against humanity.²³ It was held that Rape and sexual slavery as crimes against humanity in *Prosecutor v. Kunarac*²⁴

5.3 Forced Migration and Refugees

Modern conflicts displace millions. The 1951 Refugee Convention offers legal protection to those fleeing persecution.

Some Examples are:

Russia-Ukraine War:

This ongoing conflict has resulted in massive displacement, civilian casualties, and widespread damage to infrastructure, leading to numerous human rights violations.

Sudanese Civil War:

The conflict in Sudan has resulted in displacement, loss of life, and reports of widespread human rights violations, including sexual violence and targeting of civilians.

Myanmar Conflict:

The conflict in Myanmar has led to displacement, violence against civilians, and reports of human rights abuses by the military, including mass killings and torture.

Other Conflicts:

Conflicts in other regions, such as the Israeli-Palestinian conflict and the Syrian civil war, also have devastating impacts on human rights, including displacement, loss of life, and widespread violations of international law.

6. Relevance of Dharma Yuddha in Modern Law

6.1 Ethical Augmentation of Legal Norms

While modern law is legalistic, ancient ethics add moral depth. For example, Dharma Yuddha's refusal to attack unarmed or retreating enemies can inspire humanitarian norms against the use of autonomous weapons and AI in warfare.

6.2 Integrating Moral Education into Military Training

Just as warriors in the Ramayana were educated in dharma, modern soldiers are trained strategically and with military training but lacks in ethical dimensions of warfare. Inculcating the dharma rules of warfare in modern wars can lead to less tyrannies.

²² Ibid.

²³ "Prosecutor v. Mrksic et al. (Appeal Judgment), International Criminal Tribunal for the former Yugoslavia, (IT-95-13/1)."

²⁴ ICTY, 2001

6.3 Curbing the Over-legalization of War

Legal formalism sometimes distances war from its moral impact. Ancient wisdom can serve as a reminder that the goal of war regulation is to uphold human dignity.²⁵ ustplans accounting to us places ultimately responsibility and accountability within ourselves. our social and geographical situatedness informs and shapes the way we negotiate our ethical engagement with the many faces of being concerned and being engaged. our borders shape the prefer response to various engagements but also shape our anxieties as to the meaning of action. war thinking updates our conversations about our ethical boundaries and motivations while being a mediator in how the relations are engaged.²⁶

7. Conclusion and Recommendations

War remains a grim reality, but the pursuit of ethical and legal limits to its conduct is a testament to humanity's commitment to justice. From Dharma Yuddha to Geneva, the impulse to protect non-combatants, uphold dignity, and ensure accountability remains strong. Ancient ethics and modern laws need not be viewed as opposing systems. Instead, integrating the moral depth of texts like the Ramayana into international legal discourse could bridge the gap between regulation and righteousness—offering a more compassionate and just model of conflict governance.

Following recommendations can change the tyranny during wars:

1. **Integration of Ethical Teachings in Military Training:** Introduce ethical case studies from ancient texts like the Ramayana in military curricula to enhance decision-making under duress.
2. **Legal Reform with Moral Anchors:** Strengthen legal provisions for civilian protection with culturally resonant ethical frameworks to improve compliance and legitimacy.
3. **Global Dialogue Platforms:** Establish intercultural forums to discuss ancient and modern concepts of just war and human rights to foster mutual respect and legal harmonization.
4. **Enhanced Accountability Mechanisms:** Invest in international and national legal bodies to ensure real-time monitoring and prosecution of war crimes.

²⁵ "Morkevičius V. Looking Inward Together: Just War Thinking and Our Shared Moral Emotions. *Ethics & International Affairs*. 2017;31(4):441-451. doi:10.1017/S0892679417000430"

²⁶ *ibid*