War is recognised as one of the modes of settling disputes among the belligerent parties or states. According to *Encyclopedia of Religion and Ethics*, "The term 'war' is popularly applied to any conflict between nations, communities, or other large social groups in which violence is used for the settlement of a quarrel".¹ Defining war in legal words, T.J. Lawrence says, "War is a contest carried on by public force between states, or between states and communities having with regard to the contest the rights of states".²

The 'Laws of War' is not a new concept altogether. We can find such laws in ancient times. In Greece there was a 'religious association called Amphictyonic Council. The function of this Council was to arbitrate over the disputes amongst the states to avoid war and in case of war to mitigate its horrors by suggesting ways and means
for it, violation of which was forbidden. Peace at any price was preferred. "The chief elements of the code were the rights of the alien, the sacred immunity of the herald, pious treatment of the slain (whose corpse might not be mutilated and should not be left unburied), and merciful treatment of prisoners. Unconditional surrender, if voluntary, carried with it a right to mercy; conditional surrender, if confirmed by an oath, was to be respected; and a captive had a title to be liberated (though it was doubtful if the captor was compelled to accept it) on payment of a fixed sum".  

Rome took a solid measure by passing fetial law under which it was made obligatory that a demand for satisfaction from the enemy be made before the initiation of war. The prisoners of war were to be treated with compassion.

In India Manu suggested many such laws. Some of these are:

i. Not to use concealed weapons, arrows smeared with poison or the plants of which are blazing with fire.
ii. Anybody who had surrendered or fled was not to be killed.
iii. Disarmed or sleeping persons were not to be harmed.
iv. Wounded were not to be attacked.
In *Mahabharata* Bhishma asks Yudhishthira not to conquer any territory by unrighteous means:

"A king should never desire to subjugate the earth by unrightful means, even if such subjugation would make him the sovereign of the whole earth. Which king is there that would rejoice after obtaining victory by unfair means? A victory stained by unrighteousness is uncertain and never leads to heaven." The *Mahabharata* further holds that disarmed person and one who has surrendered should not be attacked but simply arrested. There should not be any general massacre. Women of the invaded area must not be attacked and the area should not be plundered.

In spite of all the above measures brutalities of war could not be lessened. The reason was that the above laws were rarely put into practice. With a few exceptions we can see in the history that the armies used to plunder the invaded areas. No distinction was made between civilian and military population, religious or non-religious places, etc. According to the *Encyclopaedia Britannica*, "Identifiable features of the present law can be traced back to ancient times in diverse paths of the world. As a rule, however, the mitigating features of law represented only an ideal, and so the law was actually applied only during wars between kindred people or like civilizations. Such were the conditions that persisted through ancient times into
Middle ages, until prompted by religion and ideas of chivalry on one hand and by the increase of rationalist and humanist sentiment on the other, a substantial body of law had come into being by the late Middle Ages. The brutalities of war can be seen everywhere in the history of mankind. In the Egyptian tradition battle of Megiddo is quoted as an example. In this battle, general massacre was ordered by the king and the invaded area was ransacked.

"The monuments of Assyria and Babylonia as well as the records of the Hebrews bear witness to the barbarity of the Assyrians and certain of the Babylonian monarchs in warfare. The bodies of the slain were often mutilated and rebel captives were impaled and subjected to the most horrible tortures. Those who escaped were chained and enslaved."

In India we cannot forget the destruction caused by Emperor Asoka's conquest of Kalinga which was the first major event of his reign. According to Romila Thapar, "The 13th Rock Edict states clearly that this event took place in the ninth year of Asoka's reign, i.e. 260 B.C. The tone of this edict, in which he mentions his regret and remorse at the suffering in Kalinga, is not the regret of a man moved by a passing emotion, but the meaningful
contrition of a man who was consciously aware of the sorrow he had caused. The 13th Edict reads, "The country of Kalinga was conquered when King Priyadrśsin, Beloved of the gods, had been anointed eight years. One hundred and fifty thousand were therefrom captured, one hundred thousand were there slain, and many times as many died. Thereafter, now when the country of Kalinga has been acquired... According to D.R. Shenderkar, "These are the figures for Kalinga only, and do not include the casualties in the king's army. We thus have to note that even in such a small province as Kalinga, as many as 1,80,000 were killed on the battle field, many times as many died as the result of burning and sacking, and, what is more, no less than 1,50,000 were seized as slaves. Surely, these are spelling figures for a tiny district like Kalinga, and indicate the extreme horrors of war in that ancient period when the weapons of destruction were not so diabolical and deadly as now.

Though after the battle of Kalinga Ashoka did not fight any battle but war could not be stopped in the times to come. And we can see the horrors of war because of lack of laws of war, especially during medieval period,
of Indian history. We cannot forget the miseries caused by the invasions of Mahbub of Ghazni, Mohammad Ghori, Timur, Changiz Khan, Babur, Ahmad Shah Abdali and other invaders.

The ancient Indian tradition of ethics of war was further improved upon by the Sikh Gurus. Guru Nanak, the founder of the Sikh faith not only condemned the invasion of India by Babur and the killing of innocent men and women he even goes to the extent of accusing the invader for not following any ethics during his invasions of India. For Guru Nanak there must be some rules and regulations to be followed during war. We can find such indications in the Granth of Guru Nanak wherein he indirectly points to such laws. He tells us as to what should be done and what ought not to be done in the event of war. According to him one should attack only that person or party who has at least equal strength to that of the invader. One should not attack the weaker. To quote the Guru:

If the powerful deal with the powerful, I grieve not;
But if a ravenous lion falls upon a flock of sheep,
then the Master must answer.  

Actually Sikhism lays great emphasis on peace and war is considered only a last resort as Guru Gobind Singh says in this connection:
When all efforts to restore peace
Prove useless and no words avail
Lawful is the flash of steel then
And right it is the sword to hail.  

From this verse the purpose of war is very clear.
Sword or force should only be used against tyranny and
not for some personal gains. If we look at history, wars
have been fought mainly for two causes, one is woman
and other is property, it may be territory or any other kind.
Nearly all the wars fought, we read in history, have one
of these two causes directly or indirectly. But here we
see that the Sikh Gurus did not fight for any of these
two causes. They fought against tyranny or to save honour,
may be of oneself or of any other person. This is also
clear from the literal meaning of Kirpan (sword), one
of the five symbols of the Khalsa. Literally speaking
Kirpan is combination of two words, Kirpa (mercy, grace
or kindness) and Aan (honour) or we can say to 'protect
the honour' of any one, may be of oneself. Sword is not
to be used to frighten anyone as the ninth Guru says:

He, who fears no one, nor makes other afraid,
He alone is Wise, O mind he alone Knows his God.  

Therefore even if war has to be fought it is only to
establish peace and harmony and not for any personal benefits. It is to be fought for the welfare of the mankind and not for the welfare of a section of people alone. Sikhism stands for Sarbat Da Bhalla (welfare of the whole of humanity) and not for Sikh Da Bhalla (welfare of the Sikhs) only. The sixth Guru, Hargobind, and the tenth Guru, Gobind Singh, fought many wars but they did not make any personal gain. They fought against tyranny and to defend the rights of human beings. So they followed certain laws during the wars they fought and enjoined upon the Sikhs to follow those. The following laws can be mentioned:

1. **Not to attack the unarmed or the weak**

   War is to be fought for the sake of righteousness and not for oppression. So the Gurus made it a law not to attack any unarmed or weak person who is not fit to fight. This law was indicated by Guru Nanak himself. He said that the mighty person can attack the mighty person but if any mighty person attacks a weak person then it is to be condemned. In the Zafarnama Guru Gobind Singh advises Emperor Aurangzeb not to kill the weak, timid or humble. He says that one should not become cruel by doing so. He uses the word Ailz Kharaahi, a Persian word which
means, to commit atrocities on the feeble and the poor!
To quote him:

\[
\text{When with their cruel hands \(\text{Ulamgir} \)}
\]
\[
\text{You do torment the humble and low...} \quad 16
\]

Neither during the period of Guru Hargobind nor in
the times of Guru Gobind Singh any weak or unarmed person
was attacked. Not even a single instance can be found in
any of the battles. In the last battle Guru Hargobind
was attacked by Painde Khan but the Guru managed to save
himself. When the Guru attacked Painde Khan the latter's
horse was killed. In keeping with the ethics of war
the Guru also dismounted himself to fight at equal level.
Kaul Sohan depicts the situation in Gurbilas Patshahi-6,

The Guru aimed and gave a blow with the left hand
Painede Khan fell on the ground & began to cry
The Guru left the horse and came on foot
and challenged him. \(17\)

According to Guru Gobind Singh, an innocent person
should not be harmed. It was because of this that he
condemned the cruel deeds of Aurangzeb in killing Guru's
two younger sons who were not at all inimical to the
emperor. He called it a hateful deed. One should not
quench one's thirst of blood with the blood of some
helpless or harmless persons. Of course one can attack
the equal ones. To quote the Gurus

Thou art the voice of my beloved son
Thou has 0 king for ever stilled,
Of what avail is this hateful deed,
When I breathe alive fully filled. 18

2. To Challenge before Attack

It was observed as a law that any one should not be attacked without a prior challenge. Enemy is not to be taken unaware of. None is to be attacked from the back. In the Zafarnama Guru Gobind Singh condemned the act of Aurangzeb's army who attacked the Guru's army without any challenge. The Guru writes:

What more forty famished men can do
In a bloody combat of hellish hue
When a million armed foes pounce
Unawares upon them in moments few 19

From the Sikh chronicles we learn that Guru Hargobind attacked Painde Khan after challenging him properly. The Guru allowed Painde Khan to attack him thrice. Only after that the Guru attacked and killed him. Kavi Sohan thus depicts the situation:

'O Guru! Where is thy strength thou art remaining
in the back field
Now I am going to retaliate; stop my blow!'
Then Pain da thrust with his sword in anger, but the Guru stopped it with his stirrup.

The second blow the Guru stopped on his shield, Painda Khan got frustrated.

Painda Khan lost the privilege of his three blows in vain.

The Guru left the horse and challenged him thus:

'Face my blow O Khan! with all thy might!'

The Guru wielded his sword so swiftly as it was a light wire.

It went through him and the Almighty blessed the Guru with victory. 20

Similarly, in the battle of Bhangani Guru Gobind Singh allowed Raja Hari Chand to blow three times and after facing three blows the Guru hit back and killed him.

The Guru describes in the *Bachitra Natak* as under:

Hari Chand drew his bow in anger and shot an arrow at my horse first.

He gave a second shot with his arrow at me, God protected me and it flew past after grazing my ear.

The third one pierced through my belt.

The pointed edge touched my body without hurting me.

God only saved His servant's life.

When the arrow touched me my wrath aroused.

I shot him with my arrow and thus killed the warrior Hari Chand. 21
3. Not to plunder private property or the property of peaceful citizens.

The Sikh Gurus enforced this law in theory as well as in practice. As war is not fought for personal gains, so nothing should be done which is not right. It is not any individual but his unjust policies which are to be attacked. The person who is not committing any unjust act should be saved. The Sikhs under the Gurus never looted any private property or the property of peaceful citizens.

When the commander of Lahore's army, Husaini looted the Dron area, he looted the property of peaceful citizens even. In the Bachitras Natak, Guru Gobind Singh has condemned his act:

He plundered the Dron and none could challenge him
He divided the booty amongst his men and thus he did this nefarious act.

After the defeat in the battle of Handaun, the Nawab of Lahore sent troops to defeat Guru Gobind Singh but the latter defeated the royal armies. The defeated army took to heels but on way back, looted a village Dron out of frustration only. Guru Gobind Singh condemned this act of the defeated army. The Guru said that the royal army could not defeat him and in sheer frustration plundered Dron as a grocer can't eat meat but to quench his taste he satisfies
himself by eating a dish of stones. To quote him:

When he could not be effective here he plundered Barua
As a grocer, to quench his hunger for meat, eat
a dish of stones. 23

4. Due respect of ladies:

In Sikhism women are given a place of honour. Guru Nanak condemned the low status given to them amongst Hindus as well as Muslims. He says:

Why call women evil who gives birth to kings and all? 24
Not only this but the Gurus laid stress on the preservation of honour of the woman. Adultery is strictly prohibited.

The fifth Guru says:

Let his eye not cast a glance at the women folk of others. 25

Dadi Gurbak, a Sikh theologian, says that a Sikh should treat other women either as mothers, sisters or daughters according to the age group:

When we/other men's wives beautiful, we should consider them as our mothers, sisters and daughters. 26

Again he says:

Men should be continent with his own wife and call others' women as daughter or sister.

To covet another's woman is forbidden to a Sikh
as the Swine is to the Muslim and the cow to the Hindu. 27
Guru Gobind Singh says:

Let no thought of other woman cross even thy dreams
And let the wedded spouse be the (exclusive) object of they Ever-increasing love.

This principle use to be followed in the war times also. In none of the battles the Sikhs ever misbehaved with women. Kavi Santokh Singh wrote in the Sural Pratap Granth that once some Sikhs asked Guru Gobind Singh that the Muslim soldiers took away the woman along with booty, why should not they capture the Muslim woman in retreat? But the Guru forbade them and told they have to be persons with higher values of life: The Sikhs told the Guru that Muslim soldiers raped the Hindus' women
Why not the Sikhs take revenge? Why does the holy Granth forbid this?
The Guru assured, 'I've to take you much higher
I don't want you to go downwards, that is why I forbid to commit sins.'

This law was strictly followed even after the demise of Guru Gobind Singh. The Sikhs saved many a woman during the invasions of Abdali and Durani. Among other things the invaders captured and carried with them a large number of women. It were the Sikhs who used to free those innocent women and restore them to their houses with due honour.
5. **To help the belligerent party for the cause of righteousness**

While dealing with the belligerent group the general policy was to attack and finish the enemy. But it was Guru Gobind Singh who set up a unique convention to help even a foe for the cause of righteousness. It was because Guru had no personal enmity with anyone. He was fighting only for the cause of righteousness:

> I am estranged with no one; not is any one a stranger unto me.

He had to fight the battle of Bhangani against the Hindu hill chiefs under Bhim Chand which he has described in the eighth chapter of the *Achitra Natak*. Since the Guru did not have any personal enmity with the hill chiefs with whom he fought during the battle of Bhangani, he had no hesitation in making a common cause with them during the attack from the Mughal forces which led to the battle of Nandaun which he has described in the eleventh chapter of the *Achitra Natak*.

6. **No violation of Treaty and Agreements**

This law has been included in modern International laws of the war but in previous times treaties were respected under compulsions and flouted at convenience. But the Sikh Gurus laid stress on unity of thought, word and deed. According to the Sikh thought once one has made some
commitment one should not run away from one’s word. This
is to be applied during war also. If one party makes some
promises or agreements; it should sincerely honour them.
When Aurangzeb promised Guru Gobind Singh that he would
not attack the Guru if the latter vacated the fort of
Anandpur however the Emperor went back from his promise and
his forces attacked the Guru. The Guru criticised this
policy in the Zafarnama addressed to the Emperor in
following words:

Keep in view thy solemn oaths O King,
And abide by them to thy level best
Stick to the positions once taken up
Within and without the same be you. 31

Guru Gobind Singh wrote that if he would have made any
agreement he would sincerely abide by the same.

Had I even in secret taken oath
On the holy Book as didst thou
I would never take a single step
Beyond the mark set by that vow. 32

Virtually the whole of the Zafarnama is addressed to
Aurangzeb because he had violated the agreement arrived at
with Guru Gobind Singh at Anandpur.
7. No Violation of Cease Fire Declaration

This declaration was not fully respected in ancient times; similarly we find a number of instances of violation in medieval India also. But Guru Gobind Singh made it clear that once an end to hostility had been declared, there should be no violation under any pretext. After that peaceful means should be adopted to reach at some settlement already agreed to in principle in such peace making declaration.

In the Zafarnama Guru Gobind Singh called upon Aurangzeb to follow this code. He blamed the Emperor that the latter had violated such a declaration. In the letter the Guru brings to the notice of the Emperor as to how the latter had agreed for an end to hostilities and promised to meet at Kangra after the evacuation of the Anandpur fort by the Guru and the latter broke the promise. Guru Gobind Singh refuses this offer in the Zafarnama.

I here quote thy own words O King
Sworn and sent to me long before
Which were by thyself and thy men
Betray'd and relied upon no more
"To Kangra town repair please
We shall there welcome you
And avail of this opportunity
For a parley between us two."
The Guru said that once a person has declared an end to hostility and has sworn not to attack, must not attack again. Observing ceasefire was made obligatory. To quote the Guru again:

Uncever on his dealing O Alamgir
On his holy Book doth once swear
Must never imprison the innocent
Nor to shed their blood ever dare

8. No general massacre:

In ancient times during wars, blood of general public was shed mercilessly. Especially, the Muslim invaders massacred the general public in this way. We can find many examples of massacres. In 712 A.D. Mohd. Bin Qasim attacked Sind and killed a large number of Hindus. According to Tarikh-e-Sind, he killed 16000 Hindus in the siege of Hiran fort only. According to one estimate Timur alone killed 77000 Hrihains and 29000 women including infants and aged. But Guru Gobind Singh enjoined upon the Sikhs not to kill innocent people. When Aurangzeb was doing so, the Guru condemned his act. In the Zafarnama he wrote his not to kill the innocent people because God's Kal (death) will shed his blood. In verse 66 of the Zafarnama which is in Persian language, he used the word 'Bedarag' which means shedding the blood without looking (blind killings).
In the Oachitra Natak also, Guru Gobind Singh condemned the killing of innocent people of Barua by the son of Dilauer Khan, the Nawab of Lahore. Since Dilauer Khan could not cause any harm to Guru Gobind Singh at Anandpur Sahib, in sheer frustration he killed many innocent people. He writes:

When he could not be effective here he plundered Barua as a grocer, to quench his hunger for meat, eats a dish of stones. 23

In the Zafarnama Guru Gobind Singh asked Aurangzeb not to commit cruelties on the humble and poor general public who has committed no sin. To quote the Guru

When with thy cruel hand O Alamgir
You do torment the humble and low
You slash your own oaths one by one
With the dagger sharp blow by blow. 39

Much before Guru Gobind Singh, Bhai Gurdas, a Sikh theologian and a contemporary of Guru Arjan and Guru Hargobind, condemned the general killing in his first War. When he depicts the situation before the advent of Guru Nanak he tells us that the Muslim invaders and rulers killed innocent people and sin prevailed all over. To quote him:

They slaughter the faultless and the helpless;
Sin is prevailing on the earth. 40
There is no example of the Sikh Gurus punishing innocent populace.

9. **Not to damage the places of Worship**

The history of Muslim rule in India is full of examples of killing of Hindus, demolishing of their temples and erecting mosques in their place. This was because the Muslims took the Hindus as infidels and treated them as their slaves. The Hindus had no right to worship. But Sikhism gives right to worship to every being. Bhai Gurdas condemned demolishing of temples in his first *Var* while depicting the situation on the eve of Guru Nanak’s birth. To quote him:

> The (Hindu) temples are razed to the ground,
> And mosques are erected in their place
> The sin is prevailing.

Guru Gobind Singh saw no distinction between temple or mosque. He said that God lives everywhere. He is not only in the temple or in mosque but is all pervasive and immanent. Only man is under the wrong impression. Therefore these places should not be damaged at all. To quote him:

> The temple and the mosque are same;
> The Hindu worship and the Musalman prayer are the same;
> all men are the same;
> it is through error they appear different.
10. Not to harm persons who have surrendered.

Previously every person from the enemy side was killed even after their surrender. It was only in the
Geneva Convention of 1949 that such killings were prohibited. This convention prohibited the violence to life and person
of prisoners, taking of hostages and humiliating or degrading treatment. But much before the Geneva Convention the Sikh
Gurus laid down the rule that whoever surrenders must be protected because our Lord also does so:

Whoever seeks Lord’s Refuge, his He hugs to His bosom;
this is the innate nature of the Lord. 43

Similarly the third Guru, Amar das, says:

And he who seeks Thy Refuge him Thou Redeemest. 44

In the Zafarnama Guru Gobind Singh hints to this law
when he writes that whoever surrender before Him or takes
His refuge or protection, he takes him in His shelter and
protects him. 45

This rule was strictly followed by the Sikhs in wars during
the Guru period.

11. Legitimacy of Stratagems and not of deceit

The word stratagem literally means a plan for misleading
the enemy or gaining an advantage through some trick. Laying
down of ambushes and troops; concealing of military operations
through false marches; giving false impression to the enemy
about the location of army etc. are internationally recognised
means of stratagems. According to Laurence, “Stratagems are
ruses practised on the enemy in order to mislead him and
put him off his guard. According to Article 24 of the Hague
Regulations of the year 1907 the use of stratagems is
permitted.

But there is difference between stratagems and deceit.
"Halleck observes that Deceit is perfidy whereas 'Stratagems'
is not. According to him if any belligerent party violates
any promise or undertaking given to his opponent, it is a
perfidy and thus it is Deceit. So far as stratagems is
concerned, there is no promise or undertaking on the part of
any of the belligerent parties and there is only an attempt
to mislead the enemy by applying wits more sharply. It is
a moral obligation of the belligerent party to fulfil the
promise and never to back out from the commitment or the
undertaking once given to the opponent. If this moral obligati
is not kept, it would amount to deceit." For example when
Aurangzeb promised Guru Gobind Singh that he would not
attack the Guru in case the latter vacated the Anandpur
fort and promised to meet him at Kangar for parleys. But
when the Guru left the fort, a large royal force attacked
him all of a sudden. Guru Gobind Singh himself wrote in the
Zafarnama, that royal army consisted of one million soldiers
while there were only 40 men with the Guru. This is a clear
example of deceit. To quote Guru Gobind Singh:

I here quote thy own words 0 king
Which were by thyself and thy men
Betray'd and relied upon no more
"To Kangar town repair please
We shall there welcome you
And avail of this opportunity
For a parley between us two." 33

Aurangzeb gave the confidence that none will harm the
Sikh and the former will meet the Guru with a tribute of a
thousand pick horsemen. Guru Gobind Singh quotes

Aurangzeb
Accede to my request please
In person to confer with me

There we shall bestow in you

With a thousand pick horsemen 33

But the Guru was deceived. He writes that had he been
in the place of Aurangzeb he would not have deceived the
Emperor. To quote the Guru again:

Had I even in secret taken oath
On the holy book as didst thou
I would never take a single step
Beyond the mark set by that vow 32

Virtually in whole of the Zafarnama, Guru Gobind
Singh criticised bitterly the deceitful manners adopted by
Aurangzeb during war.
Stratagems were used by Guru Hargobind as well as Guru Gobind Singh in the wars. Use of them was permissible. For example Guru Gobind Singh left the fortress of Chamkaur, which was surrounded by the royal forces, in a moonlit night. He himself writes about it in the *Zafarnama*:

When at last sun, the light of world
Behind veil of darkness hid his face
And soon the glorious queen of nights
Went up the sky in her shining grace
Lord God the chastiser of proud arms
Rescued me safe from the fanatic foes
No harm was done not a hair was hurt
For grace divine full security bestowe.

It seems that the laws of war and other ethics and principles to be followed by the belligerent groups as evolved during the Guru period became precursor of the modern conventions of warfare. A careful perusal of the various conventions held in the nineteenth and twentieth centuries shows that some of the laws of war prevalent in ancient Indian Society as also during the Guru period were the basic features of these modern conventions held on warfare.
In nineteenth century many conventions were held. The most important amongst these are the Declaration of Paris of 1856, the Geneva Convention of 1864, the Declaration of St. Petersburg of 1864, the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Submarine Rules Protocol of 1936 and the four Geneva Red Cross Conventions of 1949. Some of the important existing laws of war passed by these conventions are not to kill the civilians; not to ill treat the prisoners of war; not to sink the merchant ships without securing the safety of the crew; not to use poisonous gases, due regard to be accorded to the women; free treatment to the injured; not to take vehicles and aircrafts, engaged in evacuation of the sick and the wounded target. The purpose of such laws of war is to minimise the suffering of the individuals and to circumscribe the area within which the savagery of armed conflict is permissible.

While it is not possible to enforce the laws of war fully in modern times especially in the view of growingutton warfare, nonetheless some sort of rules need to be followed while fighting wars. In spite of obvious difficulties and lack of resources compared to the super powers one can not minimise the role of U.N.O. Similarly the Red Cross Movement with all the limitations plays a vital role in minimising the sufferings caused by wars.
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