60 Years of Universal Declaration of Human Rights
In 2008, we commemorate the 60th anniversary of the proclamation of the Universal Declaration of Human Rights. It was on December 10, 1948 that the UDHR was adopted by the United Nations General Assembly. The immediate backdrop of the proclamation was the horrendous crimes committed by the Nazis against the Jewish community. Yet, the adoption of the UDHR was not without any controversy. The Soviet Union and the socialist bloc objected to the primacy given to civil and political rights over economic, social and cultural rights. The apartheid regime in South Africa did not favour the declaration that treated all races as equals. The religiously conservative Saudi Arabia had theological objections to certain clauses, including the one that recognized equality of men and women. The reservations of the Socialist bloc got resolved with the drafting of two subsequent Covenants on various rights. The apartheid regime collapsed in South Africa. But the opposition of Islamic states to UDHR continues. (We are planning to run an article on this in one of our forthcoming issues.)

In this issue, we publish an article by the eminent human rights activist and lawyer, Nandita Haksar, who looks critically at the role being played by the human rights movements today. She opines that though it was eminently successful in the earlier years, the human rights movement today has become a tool in the hands of imperialist and authoritarian states. We also publish in this issue the full text of the Universal Declaration of Human Rights.

Karnataka is in the heat of elections to the State Assembly and nobody is venturing to predict the outcome. It is in these unpredictable times that the fortune tellers thrive. Politicians of all hues have already approached astrologers and tantrics seeking their advice. Once the counting of the votes is done and the results are out, these diviners would come out in the open claiming that they had predicted such and such outcome. Isn't it a safe bet to "predict" something after the event!? It is in this context the Narendra Nayak, President of the Federation of Indian Rationalist Associations, has come out with an offer. In Mangalore, Prof. Nayak has given a press statement offering Rs.200,000/- to any diviners, who could correctly forecast the outcome. Let us hope the proponents of "scientific" astrology will accept the challenge and pocket the money!
The Universal Declaration of Human Rights (UDHR) was adopted and proclaimed by the UN General Assembly on December 10, 1948 and that is why December 10th is celebrated as International Human Rights Day. It is celebrated by both peoples’ movements and Governments of most repressive regimes.

This fact should make us stop and reflect on what is the meaning of human rights? The human rights movement in India (and abroad) has within it many streams and it is important to remember that there are serious ideological differences within the movement which are sometimes misunderstood as personal differences between individual activists. This misunderstanding has led to de-politicizing of struggles and movements by undermining their capacity to raise basic questions about the root causes of human rights violations.

The Early Years

The controversies within the human rights community began with the Declaration itself. Soviet Union and Eastern Bloc, Saudi Arabia and Apartheid South Africa did not vote for the Declaration. Saudi Arabia had objections to clauses recognizing men and women as equals in marriage while South Africa objected to all races being treated as equals.

The socialist bloc objected to the Declaration on the ground that it gave primacy to individual civil and political rights over the collective rights to economic, social, and cultural rights. It was this debate between the capitalist states and Eastern Bloc that prevented the Declaration from being converted into an enforceable law. It was in the 1966 that finally the controversy was resolved with the UN drafting two different Covenants, the Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights. But it was not enforceable till ten years later when the Covenants got the required number of ratifications. The USA did not ratify the Covenants till the 1990s.

Thus a large part of the debates within human rights took place between those who see individual rights (first generation) as primary and those who think economic-social-cultural rights (second generation) are more important. This was the division between the West and East throughout the Cold War era. However, after the Cold War the West has stated emphasizing the importance of economic, social, and cultural rights because these are the responsibility of the individual states. In a time when the World Bank and International Monetary Fund were imposing structural adjustment programmes (SAPs) and social welfare measures were rolled back, the emphasis on economic, social, and cultural rights was a means to undermine the sovereignty of Third World State.

When the UNDHR was passed in the General Assembly, there were only 58 independent countries, but by the 1970s the countries in Africa and Asia won their freedom from colonialism and their voices
could be heard in the UN. They soon found that their hard won political freedom was meaningless, since they did not have control over their natural resources. It was on their demand that the UN passed the Resolution recognizing the right of states to their natural resources in Resolution No. 1803 - “Permanent Sovereignty over Natural Resources”. It was from this resolution that the right to self-determination emerged in international human rights law.

The right to self-determination and the right to development emerged as the basic rights recognized by the UN in 1980s. These were right which emerged from struggles of national liberation against colonialism and imperialism and were called third generation human rights.

**The human rights movements’ greatest contribution was to develop our understanding that the cause of human rights violations was the nature of the State and its repression. It exposed the fact that human rights violations could not be explained by reference only to individual acts or errant officers or non-enforcement of the law.**

**Aiming at Universal Freedom**

Human rights began with the French Revolution recognizing human rights only for propertied men and by 1980s international human rights law recognized the right of every man, woman, and child to inalienable, universal, and individual human rights. International human rights law recognized the rights of all men irrespective of colour of their skin; the rights of all women; the rights of slaves and those under foreign occupation and those who were in prisons and detention camps; and more recently of the elderly, the disabled and the migrant worker.

In India the human rights movement exposed the way the police did false encounters, killed people in custody and raped women in police lock-ups; the torture by Indian security forces, including Indian Army; and how police and politicians had a nexus with landlords and contractors. Abroad human rights activists exposed the use of death squads in Latin America and how they were financed by the CIA; the torture of Irish republicans by British security forces; the over representation of Blacks in death row in the USA.

Human rights movement documented the way violence and brute force was used by the State against its own people and also by covert actions by imperialist. In India we were able to file public interest litigation petitions focusing on these issues and at the
international level countries like Nicaragua suffering under a crippling blockade by the US went to the international court of justice and exposed how the CIA was responsible for wide scale human rights violations of the Nicaraguan people.

A Tool of Imperialism

It was the success of human rights movement that it was appropriated as a tool of imperialism. To begin with the USA adopted human rights to interfere in the internal affairs of Third World countries by making it a tool for their foreign policy. But today the so-called peace keeping mission and humanitarian interventions are an extension of the human rights movement was only condemning state violence but not violence by the non-state actors. The equation of the State with the non-state organizations was spurious because many of the so-called non-state organizations were actually sponsored secretly by the State.

Then millions of dollars was poured into promoting the ideal of non-violent conflict resolution. Thousands of NGOs sprang up funded by those states responsible for wars torture and then began to race for projects for reform of police, teaching human rights to security forces, training programmes for human rights defenders and courses on human rights in universities. All this helped to manufacture consent against “violent” forms of resistance thus delegitimizing of armed resistance.

Human rights is no longer a tool in the hands of those fighting against colonialism, racism, or discrimination. It is an instrument to destroy cultures and civilizations; colonize countries and justify wars. It did not happen over night. There was a long process, insidious and difficult to expose because it is carried out largely by those who seemed to have impeccable record in human rights work.

policy. Now human rights discourse is used to justify wars and regime changes in which the collateral damage could be the starving of one million people.

Human rights is no longer a tool in the hands of those fighting against colonialism, racism, or discrimination. It is an instrument to destroy cultures and civilizations; colonize countries and justify wars. How did this happen?

It did not happen over night. There was a long process, insidious and difficult to expose because it is carried out largely by those who seemed to have impeccable record in human rights work.

We could trace the process to the time when suddenly a debate was raised that

The argument against supporting armed resistance was not the same as the argument offered by those who have a political position against armed resistance as such as Gandhian or conscientious objectors who preferred going to jail than fighting an unjust was in Vietnam. These are political positions. However, these NGOs involved in promoting non-violent conflict resolution have a blanket, non-political position against “violence”.

Second, human rights organizations became bureaucratized with full time professionals earning fat salaries for making projects and research.

Third, co-option of a large section of the middleclass activists into the NGO world where human rights degrees substitute for
experience and individual are made into icons cut off from their reality.

All this had the effect of depoliticization of human rights. Human rights activists traveled from one end of the world to another in a globalized world, more accountable to their foreign funders than to the victims of human rights violations. Human rights conferences take place in the sanitized world of five star hotels instead of dusty villages; human rights activists because full time paid researchers and did not fear the discomfort of police raids or arrests.

Under these circumstances it is quite possible for a person to call himself/herself a human rights activist even thought they are funded by those states responsible for gross human rights violations in Iraq or Palestine. It is even possible to be a human rights activist without facing the discomfort of your phone being tapped, your mail being intercepted or being followed by shadows. This is a breed of human rights activists who visit the site of human rights violations in much the way politicians visit the site.

Fragmentation of the Movement

The real human rights activists still faced the terrifying reality of state violence; they face bombs thrown in their homes and midnight knocks and arrests. But the human rights movement is sadly fragmented and marginalized. It is totally incapable of taking up the new challenges of the growing authoritarianism of the State and unequal world order in a unipolar world.

For most of them are involved in issue-based struggles without a larger perspective or a vision of society. They spend more time in preaching non-violence to those who are resisting oppression than effectively challenging state’s increasing repression of peoples’ rights. It was this logic that prevented Amnesty International from adopting Nelson Mandela as a prisoner of conscience.

Human rights movements today are totally incapable of taking up the new challenges of the growing authoritarianism of the State and unequal world order in a unipolar world. For most of them are involved in issue-based struggles without a larger perspective or a vision of society. They spend more time in preaching non-violence to those who are resisting oppression than effectively challenging state’s increasing repression of peoples’ rights. It was this logic that prevented Amnesty International from adopting Nelson Mandela as a prisoner of conscience throughout his 27 years in jail.

And today we see that all manner of state violence is justified against “terrorists” even their right to fair trial and their right
against torture. In the name of fighting violence of the “terrorist”, the violence of the state is promoted through mass media. Bollywood is guilty of making violence and torture seem like nationalist acts, Dhoka being a notable exception. Human rights standards are now being lowered and gains of human rights movement wiped out, in India and internationally. The human rights movement is itself fragmented and marginalized, incapable of responding to the challenges thrown by the growing totalitarianism around the world.

If this sounds too abstract let me end with

**Binayak Sen** was involved in promoting the right to health and other socio-economic rights of the poorest citizens of our country who are being mercilessly exploited not only by the State but by transnational corporations. Unfortunately, in the de-politicized world we find ourselves debating on the question of ‘violence’ by resistance groups instead of the violence by the state and corporations. The issue of violence in the abstract is taken up by funded NGOs who are more interested in combating resistance and supporting global capital than fighting for human rights of fellow citizens.

an illustration. In the case of Binayak Sen’s arrest and continued detention we have those Gandhians who have shown their solidarity with Binayak by visiting him and even going on fast as an act of solidarity with him and the cause of the people of Chattisgarh and their struggle against destructive and anti-people policies. Whereas the NGO world has tried to portray the struggle of the people as a fight between the Government sponsored Salwa Judum and the Maoists or Naxalites. The fact is that whether one agrees with the Maoists and their methods or not, we must recognize that the struggle of the vast majority of tribal peoples is against the rapacious policy of the Government in promoting the mining and other development projects that has led to devastation and displacement of people instead of prosperity to the inhabitants of the area.

In a human rights perspective Binayak Sen was involved in promoting the right to health and other socio-economic rights of the poorest citizens of our country who are being mercilessly exploited not only by the State but by transnational corporations with an eye to the diamond mines. The corporations and state are hand in glove to deprive people of their right to development and self-determination.

Unfortunately, in the de-politicized world we find ourselves debating on the question of ‘violence’ by resistance groups instead of the violence by the state and corporation. Strangely, these issues have not been raised by those deeply committed to non-violent modes of struggle such as Gandhians or Christian groups who have come forward to support Binayak Sen, a product of premier Christian medical college, Vellore. The issue of violence in the abstract is taken up by funded NGOs who are more interested in combating resistance and supporting global capital than fighting for human rights of fellow citizens.

**Courtesy: The Movement of India, Vol.III, Issue.1**
Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust,
non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.
Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right to equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring
for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Source: http://www.unhchr.ch/udhr/index.htm
Opportunity for Forecasters with Supernatural Abilities

Narendra Nayak

As the Vidhan Sabha elections for Karnataka approach in May, 2008 approach we do get a number of forecasts of results. Some may base their findings on surveys and exit polls. But, there are many who make forecasts based on claims to supernatural powers, extra sensory perception, study of planetary configurations etc. We have provided an opportunity for those who have supernatural powers to showcase their talents and also win a sum of Rs.200,000 (Rupees two hundred thousand) by providing right answers (within specified limits) for 90% of the following queries.

1. The exact number of seats that each of the following parties will obtain ±5% (range is not acceptable)
   
a. Indian National Congress  
b. Bharathiya Janatha Party  
c. Janatha Dal (secular)  
d. Bahujan Samajwadi Party  
e. Janatha Dal (United)  
f. Communist Party of India(Marxist)  
g. Others (specify party and number)  

2. The name and party of the person who will become the next chief minister of Karnataka. (Only one name, more than one is not acceptable).

3. The number of votes that the following candidates will poll (can be rounded off to the nearest hundred, but range not acceptable).

   a. S. Bangarappa at Shikaripura  
b. Ycddyurappa at Shikaripura  
c. H.D. Kumaraswamy at Ramanagaram  
d. Mamatha Nichani at Ramangaram  
e. Mallikarjun Kharge at Chitapura  
f. Valmiki Naik at Chitapura  
g. Dharam Singh at Jewargi  
h. Doddappa Gowada Patil at Jewargi  
i. Siddaramiah at Varuna  
j. L. Revanasiddhiah at Varuna  
k. Yadava Shetty at Mangalore  
l. Yogish Bhat at Mangalore South  
m. Yashwanth Maroli at Mangalore South  
n. Vatal Nagaraj at Chamarajanagara  
o. Shakunthala Shetty at Puttur  
p. Ramanatha Rai at Bantwal  
q. Nagaraja Shetty at Bantwal

Terms and Conditions:

1. All entries must be sent by post or courier. Entries through email or sms or telephone are not valid.
2. Only entries received before the date for counting will be accepted.

3. Each entry shall have the name and address of the person sending the same and the system by which the predictions have been made should be clearly mentioned.

4. One person shall be eligible for one entry only.

5. The results will be published and handouts given to all newspapers. The organizer shall not bear any responsibility for getting the results published.

6. In case the right answers do not conform to the conditions set down, the prize money shall remain with the organizer.

7. All rights for awarding the prize shall remain with the organizer and in case more than one correct entry is received, up to 5 prizes of Rs.200,000 each will be awarded. If all correct entries beyond this number are received, the sum of Rs.1,000,000 (rupees one million) shall be equally divided among the winners.

8. The organizer shall not have any liability for entries not received, lost in post, delayed or in any manner not communicated.

9. No liability is accepted for refund of any expenses incurred for collection of data/casting horoscopes or any other activity for the predictions going to be made.

10. This contest shall be open for active participation of entrants by making actual predictions only. No debates, arguments, historical data or evidences/claims of past performances shall be entertained.

11. In the case of any dispute the jurisdiction shall be with the courts at Mangalore city only.

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"Skepticism or debunking often receives the bad rap reserved for activities - like garbage disposal - that absolutely must be done for a safe and sane life, but seem either unglamorous or unworthy of overt celebration"

- Stephen Jay Gould
(Evolutionary Biologist & Marxist)

(Forward to "Why People Believe Weird Things")
Tools for Skeptical Thinking

Carl Sagan

Carl Sagan's famous essay, *The Fine Art of Baloney Detection*, more or less encapsulates the basic tenets of Skeptical Thinking. The present article is an extract from the essay. The full text can be found in one of Sagan's best-sellers *The Demonhaunted World: Science as a Candle in the Dark*.

- Wherever possible there must be independent confirmation of the "facts."

- Encourage substantive debate on the evidence by knowledgeable proponents of all points of view.

- Arguments from authority carry little weight—"authorities" have made mistakes in the past. They will do so again in the future. Perhaps a better way to say it is that in science there are no authorities; at most, there are experts.

- Spin more than one hypothesis. If there's something to be explained, think of all the different ways in which it could be explained. Then think of tests by which you might systematically disprove each of the alternatives. What survives, the hypothesis that resists disproof in this Darwinian selection among "multiple working hypotheses," has a much better chance of being the right answer than if you had simply run with the first idea that caught your fancy.

- Quantify. If whatever it is you're explaining has some measure, some numerical quantity attached to it, you'll be much better able to discriminate among competing hypotheses. What is vague and qualitative is open to many explanations. Of course there are truths to be sought in the many qualitative issues we are obliged to confront, but finding them is more challenging.

- If there's a chain of argument, every link in the chain must work (including the premise) —not just most of them.

- Occam's Razor. This convenient rule-of-thumb urges us when faced with two hypotheses that explain the data equally well to choose the simpler.

- Always ask whether the hypothesis can be, at least in principle, falsified. Propositions that are untestable, unfalsifiable are not worth much. You must be able to check assertions out. Inveterate skeptics must be given the chance to follow your reasoning, to duplicate your experiments and see if they get the same result.
Believe nothing
Merely because you have been told it
Or because it is traditional
Or because you yourself have imagined it
Do not believe what your teacher tells you merely out of respect for the teacher
But whatever, after due examination and analysis
You find to be conducive to the good, the benefit,
The welfare of all beings
that doctrine believe and cling to
and take it as your guide.

- Buddha