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CONTENTS

Sr. No.	TITLE & NAME OF THE AUTHOR (S)	Page No.
1.	EFFICIENCY AND PERFORMANCE OF e-LEARNING PROJECTS IN INDIA SANGITA RAWAL, DR. SEEMA SHARMA & DR. U. S. PANDEY	1
2.	AN ADAPTIVE DECISION SUPPORT SYSTEM FOR PRODUCTION PLANNING: A CASE OF CD REPLICATOR SIMA SEDIGHADELI & REZA KACHOUIE	5
3.	CONSTRUCT THE TOURISM INTENTION MODEL OF CHINA TRAVELERS IN TAIWAN WEN-GOANG, YANG, CHIN-HSIANG, TSAI, JUI-YING HUNG, SU-SHIANG, LEE & HUI-HUI, LEE	9
4.	FINANCIAL PLANNING CHALLENGES AFFECTING IMPLEMENTATION OF THE ECONOMIC STIMULUS PROGRAMME IN EMBU COUNTY, KENYA PAUL NJOROGI THIGA, JUSTO MASINDE SIMIYU, ADOLPHUS WAGALA, NEBAT GALO MUGENDA & LEWIS KINYUA KATHUNI	15
5.	IMPACT OF ELECTRONIC COMMERCE PRACTICES ON CUSTOMER E-LOYALTY: A CASE STUDY OF PAKISTAN TAUSIF M. & RIAZ AHMAD	22
6.	SOCIAL NETWORKING IN VIRTUAL COMMUNITY CENTRES: USES AND PERCEPTION AMONG SELECTED NIGERIAN STUDENTS DR. SULEIMAN SALAU & NATHANIEL OGUCHE EMMANUEL	26
7.	EXPOSURE TO CLIMATE CHANGE RISKS: CROP INSURANCE DR. VENKATESH. J, DR. SEKAR. S, AARTHY.C & BALASUBRAMANIAN. M	32
8.	SCENARIO OF ENTERPRISE RESOURCE PLANNING IMPLEMENTATION IN SMALL AND MEDIUM SCALE ENTERPRISES DR. G. PANDURANGAN, R. MAGENDIRAN, L.S. SRIDHAR & R. RAJKOKILA	35
9.	BRAIN TUMOR SEGMENTATION USING ALGORITHMIC AND NON ALGORITHMIC APPROACH K.SELVANAYAKI & DR. P. KALUGASALAM	39
10.	EMERGING TRENDS AND OPPORTUNITIES OF GREEN MARKETING AMONG THE CORPORATE WORLD DR. MOHAN KUMAR. R, INITHA RINA.R & PREETHA LEENA .R	45
11.	DIFFUSION OF INNOVATIONS IN THE COLOUR TELEVISION INDUSTRY: A CASE STUDY OF LG INDIA DR. R. SATISH KUMAR, MIHIR DAS & DR. SAMIK SOME	51
12.	TOOLS OF CUSTOMER RELATIONSHIP MANAGEMENT – A GENERAL IDEA T. JOGA CHARY & CH. KARUNAKER	56
13.	LOGISTIC REGRESSION MODEL FOR PREDICTION OF BANKRUPTCY ISMAIL B & ASHWINI KUMARI	58
14.	INCLUSIVE GROWTH: REALTY OR MYTH IN INDIA DR. KALE RACHNA RAMESH	65
15.	A PRACTICAL TOKENIZER FOR PART-OF SPEECH TAGGING OF ENGLISH TEXT BHAIRAB SARMA & BIPUL SHYAM PURKAYASTHA	69
16.	KEY ANTECEDENTS OF FEMALE CONSUMER BUYING BEHAVIOR WITH SPECIAL REFERENCE TO COSMETICS PRODUCT DR. RAJAN	72
17.	MANAGING HUMAN ENCOUNTERS AT CLASSROOMS - A STUDY WITH SPECIAL REFERENCE TO ENGINEERING PROGRAMME, CHENNAI DR. B. PERCY BOSE	77
18.	THE IMPACT OF E-BANKING ON PERFORMANCE – A STUDY OF INDIAN NATIONALISED BANKS MOHD. SALEEM & MINAKSHI GARG	80
19.	UTILIZING FRACTAL STRUCTURES FOR THE INFORMATION ENCRYPTING PROCESS UDAI BHAN TRIVEDI & R C BHARTI	85
20.	IMPACT OF LIBERALISATION ON PRACTICES OF PUBLIC SECTOR BANKS IN INDIA DR. R. K. MOTWANI & SAURABH JAIN	89
21.	THE EFFECTIVENESS OF PERFORMANCE APPRAISAL ON ITES INDUSTRY AND ITS OUTCOME DR. V. SHANTHI & V. AGALYA	92
22.	CUSTOMERS ARE THE KING OF THE MARKET: A PRICING APPROACH BASED ON THEIR OPINION - TARGET COSTING SUSANTA KANRAR & DR. ASHISH KUMAR SANA	97
23.	WHAT DRIVE BSE AND NSE? MOCHI PANKAJKUMAR KANTILAL & DILIP R. VAHONIYA	101
24.	A CASE APPROACH TOWARDS VERTICAL INTEGRATION: DEVELOPING BUYER-SELLER RELATIONSHIPS SWATI GOYAL, SONU DUA & GURPREET KAUR	108
25.	ANALYSIS OF SOURCES OF FRUIT WASTAGES IN COLD STORAGE UNITS IN TAMILNADU ARIVAZHAGAN.R & GEETHA.P	113
26.	A NOVEL CONTRAST ENHANCEMENT METHOD BY ARBITRARILY SHAPED WAVELET TRANSFORM THROUGH HISTOGRAM EQUALIZATION SIBIMOL J	119
27.	SCOURGE OF THE INNOCENTS A. LINDA PRIMLYN	124
28.	BUILDING & TESTING MODEL IN MEASUREMENT OF INTERNAL SERVICE QUALITY IN TANCEM – A GAP ANALYSIS APPROACH DR. S. RAJARAM, V. P. SRIRAM & SHENBAGASURIYAN.R	128
29.	ORGANIZATIONAL CREATIVITY FOR COMPETITIVE EXCELLENCE REKHA K.A	133
30.	A STUDY OF STUDENT'S PERCEPTION FOR SELECTION OF ENGINEERING COLLEGE: A FACTOR ANALYSIS APPROACH SHWETA PANDIT & ASHIMA JOSHI	138
	REQUEST FOR FEEDBACK	146

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STATEMENT OF THE PROBLEM

OBJECTIVES

HYPOTHESES

RESEARCH METHODOLOGY

RESULTS & DISCUSSION

FINDINGS

RECOMMENDATIONS/SUGGESTIONS

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SCOURGE OF THE INNOCENTS

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ABSTRACT

It is being recognised now that the children are having a separate legal status and are entitled to various special rights. In reality, the practical implementation and realization of these rights is a debatable issue. Innocents are exposed to all forms of exploitation and blatant violations of their rights. They fall a prey to various forms of abuses and exploitations by the adults. In the real world, their scourge results in child labour, psychological ill-treatment, sexual abuse, physical injury, psychological trauma and even death. The need of the hour is to educate the near and dear ones to stop female infanticide and to bring awareness against the illegal and unlawful action. The paper foregrounds to look back and to review as to how far one has succeeded in the protection of the rights of the children who are the nation's most important asset. A study has been undertaken to show why the children are under bondage and how to make them aware of their rights and to bring them out of their bondage. The main objective of this paper is to make the public aware of the rights of the children, and the denial or violation of such rights implied by child labour. The paper also discusses the area how the Government interferes and takes enough steps for favouring the fullest development of very child. Also it tries to give some practical solutions for the protection of child rights.

KEYWORDS

Awareness, children, education, exploitation, freedom, scourge.

INTRODUCTION

Children are the most beautiful and precious flowers in the garden of life. They are the blessings of God to mankind. They need to grow in an environment that enables them to lead a life of freedom and dignity. They need every care and protection for their healthy development because of their special needs and vulnerability. Provisions are given for protection of child rights, and numerous legislations are there for the prevention of child rights violation. It is being recognised now that the child is having a separate legal status and is entitled to various special rights. In reality, the practical implementation and realization of these rights is a debatable issue.

STATEMENT OF THE PROBLEM

A large proportion of children are deprived of their basic rights. They are found working in various sectors of the economy particularly in the unorganized sectors. Children are exposed to all forms of exploitation and blatant violations of their rights. They fall a prey to various forms of abuses and exploitations by the adults. In the real world, they suffer violence resulting in child labour, psychological ill-treatment, sexual abuse, physical injury, psychological trauma and even death. Millions of children are employed in both hazardous and non-hazardous works. Parents beat their children and cause physical and psychological injuries. Street children are subjected to arbitrary detention and abuse by police. Teachers subject their students to severe beatings. Some of them are confined and reduced to slavery or denied freedom of movement, thus making child labour a human rights issue and a developmental issue. This situation will create many challenges to the future prosperity of any nation, especially the developing countries like India. So special instruments have to be drawn up to safeguard and enforce child rights.

OBJECTIVES

Children need special protection and attention by law. The main objective of this paper is to make the public aware of the rights of the children, and the denial or violation of such rights implied by child labour. A study of this nature is essential to know the rights of children and the impact of such violation and the wellbeing of the future of our nation. It foregrounds to look back and to review as to how far one has succeeded in the protection of the rights of the children who are the nation's most important asset. It points out how opportunities of education and training could be provided for them to grow into worthy citizens.

RIGHTS OF A CHILD

The UN Convention on the Rights of the Child (CRC) which were drawn up in 1989 has been ratified by almost all countries in the world. It lists out four sets of very important rights for every child. They are

- i) Right to Survival
- ii) Right to Development
- iii) Right to Protection
- iv) Right to Participation

Right to Survival: It includes right to life, highest attainable standard of health, nutrition, adequate standard of living, a name and a nationality.

Right to Development: It includes right to education, support for early childhood, care and development, social security, right to leisure, recreation and cultural activities.

Right to Protection: This right includes freedom from all forms of exploitation, abuse, inhuman or degrading treatment, neglect, special protection in special circumstances such as situations of emergency and armed conflicts, in case of disability, etc.

Right to Participation: It includes respect for the views of the child, freedom of expression, access to appropriate information, freedom of thought, conscience and religion.

All these rights are dependent on each other and are invisible. Violations of children's rights are not limited to the poor and downtrodden. Withdrawing them from work and ensuring their rehabilitation is a major challenge facing the country. Children in the age group of 6-14 years, who actually be in school but are out of school, are deemed to be actual or potential child labourers. They happen in middleclass and elite homes too.

CHILD RIGHTS VIOLATION

Rights are denied for the children by the elders. Violating the rights is common. Every day in one way or other the rights of a child is violated in the world. They are denied of their rights to survival, development, education, leisure and play, opportunity for developing their physical and mental talents, and protection from abuse and neglect. Child labour is a concrete manifestation of the denial of rights of children. The major forms of child rights violations can be grouped as female infanticide, foeticide, child labour, sale of children, child prostitution and trafficking, and child abuse.

FEMALE INFANTICIDE

It is regrettable that female infanticide is rapidly decreasing the female population throughout India. The main factors that are responsible for the increase in the incidence of female infanticide is the low status of women, son preference, and the practice of dowry across all caste groups. The birth of a female child is hardly

welcome in a male-dominated society and certain practices like murdering the girlchild either immediately after birth or within a year decrease the rate of girl children. It is a deliberate or intentional act of killing a female child either directly by using poisonous organic or inorganic chemicals or indirectly by neglecting deliberately to feed the infant by either one of the parents or other family members or neighbours or by the midwife. Kolloor (1990) defines infanticide as, "Killing of an elderly dependent child under 'one year of age' who is killed by mother, parents or other in whose care the child is entrusted." It is unfortunate that the parents also view her as a liability. It is to be understood that women are as worthy living as men are. When woman is created, why destroy her so brutally and mercilessly? The need of the hour is to educate the near and dear ones to stop female infanticide and to bring awareness against the illegal and unlawful action.

FOETICIDE

A further more outrageous form of elimination of girlchild is through the technique of foeticide. It is very unfortunate that the advancements in the field of science and medical technology have changed the fate of the unborn child and posed threat to its life, in particular to the life of female child in the womb. The Prohibition Act regarding the determination of sex of the foetus and the stated punishment for the violation of the provisions of the Act are as follows:

- It prohibits misuse and advertisements of prenatal diagnostic techniques for determination of sex of the foetus, leading to female foeticide.
- It regulates the use of prenatal diagnostic techniques for determination of specific genetic abnormalities or disorders and the use of such techniques are only under certain conditions and only by the registered institutions.
- It gives punishment for the violation of the provisions given in the act.
- The complaint made by any person will be taken for proper action within 30 days.
- It also provides for mandatory registration of genetic counselling centres, clinics, hospitals, nursing homes, etc.

CHILD PROSTITUTION AND CHILD TRAFFICKING

Child Prostitution and Child Trafficking are considered as the worst violations of human rights. Child prostitution is a form of commercial sexual exploitation of children in which a child performs the services of prostitution, for financial benefit. The term is often used to describe the prostitution of prepubescent or pubescent children. However, in legal definitions, the term usually refers to prostitution by a minor, or person under the local age of majority. People travel to foreign countries for the purpose of avoiding local laws to engage in child prostitution. Ketu Topi is of the view that "A customer may negotiate an exchange directly with a child prostitute in order to receive sexual gratification, or through an intermediary (pimp) who controls the prostitutes' activities for profit. The provision of children for sexual purposes may also be an object of exchange between adults." Also the child is exposed to the dangers of crimes, drugs, anti-social elements and infections like sexually transmitted diseases, HIV and AIDS. They are modern slavery; they damage health, psychological balance and confidence of the children. In many cases, the children are locked up, chained, beaten, raped and burnt with cigarettes.

Kaumudhi Challa says that "They are deprived of early childhood, care, home environment, health, nutrition and education and are subjected to a life of miseries and humiliation. Hence, the elimination of child prostitution is of utmost importance in order to achieve realization of protection of the rights of child and its development."

CHILD ABUSE

Child Abuse is the violation of basic human rights of a child. It is a very complex and dangerous set of problems that includes child neglect, and the physical, emotional and sexual abuse of children. The problem of Child abuse is one of the most critical matters on the International Human Rights agenda. It is meted out to a person below the age of 18 and is a globally prevalent phenomenon. However, in India, as in many other countries, there has been no understanding of the extent, magnitude and trends of the problem. The growing complexities of life and the dramatic changes brought about by socio-economic transitions in the country have played a major role in increasing the vulnerability of children to various and newer forms of abuse. Child abuse has serious physical and psycho-social consequences, which adversely affect the health and overall wellbeing of a child. According to WHO: "Child Abuse or maltreatment constitutes all forms of physical and emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development and dignity." In the Indian context, acceptance of child rights as primary inviolable rights, is fairly recent, as is the universal understanding of it. Child Abuse includes different forms of abuses like physical abuse, sexual abuse emotional abuse and neglect.

PHYSICAL ABUSE

Physical abuse is inflicting physical injury upon a child. This may include burning, hitting, pinching, shaking, kicking, beating or otherwise harming a child. The parent or caretaker may not have intended to hurt the child. It may however, be the result of over-discipline or physical punishment that is inappropriate to the child's age.

SEXUAL ABUSE

Sexual abuse is inappropriate sexual behaviour with a child. It includes fondling a child's genitals, making the child fondle the adult's genitals, intercourse, incest, rape and other sexual exploitation.

EMOTIONAL ABUSE

Emotional abuse is known as verbal abuse, mental abuse and psychological maltreatment. It includes acts of the parents or caretakers that have caused or could cause serious behavioural, cognitive, or emotional, or mental trauma. This can include parents/caretakers using extreme forms of punishments, such as confinement in a closet or darkroom or being tied to a chair for longer periods of time or threatening a child.

NEGLECT

Neglect is the failure to provide for the child's basic needs. It can be physical, educational or emotional. Physical neglect can include not providing adequate food or clothing, appropriate medical care, supervision or proper weather protection. It may include abandonment. Educational neglect can include failure to provide appropriate schooling or special educational needs. Psychological neglect includes lack of any emotional support and love, never attending to the child and hence the child allows himself in drugs.

CHILD LABOUR

Child Labour is defined as any work within or outside the family that involves time, energy, commitment, which affect the ability of a child to participate in leisure, play and educational activities. It has existed in one form or the other in all historical periods. It is a social problem and its being a matter of social concern. It is a cruel form of offence perpetuate on countless innocents in the country. A child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Childhood is required to be a period of 'evolving capacities,' developing the child's personality, talents and mental and physical abilities to their fullest potential, primarily through education.

PROBLEM OF CHILD LABOUR

Child Labour is a menace and has a far reaching impact on the society. It denies a child the right to childhood. When children start working at a young age, they remain illiterate and are unable to avail better job opportunities and work conditions when they become adults. Such work impairs the health and development

of a child. They may remain poor and the vicious cycle of poverty, illiteracy and unemployment continues. It also affects their tender health and exposes them to risks of diseases like asthma, tuberculosis, skin disorders and nervous breakdown, and in grave cases, mutilation of body parts and even death.

GLOBAL SCENARIO

It is estimated that there are about 8.5 million children who are engaged in worst forms of Child labour. This includes trafficking—1.2 million, forced bonded labour—5.7 million, armed conflict—0.3 million, prostitution—1.8 million and illicit activities—0.6 million (Source: International Labour Organization, 2002).

CHILD LABOUR IN INDIA

India has the largest number of Child labourers in the world. It constitutes 16 per cent of the world's population, occupying 2.42 per cent of its land area. Child labour is much of a rural phenomenon than urban in India. 90.87 per cent of the working children are found to be in rural areas and 9.13 per cent are in the urban areas. Children face discrimination on the basis of caste, religion, and ethnicity.

CAUSES OF CHILD LABOUR

The major causes of Child labour are

- Ignorance of parents
- Traditions of making children learn family skills
- Absence of primary education, unemployment and low family income
- Migration to urban areas
- Non-availability and non-accessibility of schools
- Children supplement the income of the family
- Large family
- Exploitation of Children

QUALITIES OF CHILDREN

Employers believe that children have the requisite qualities best suited to their industry. They are

- quick learners, and pickup skills in doing minute work. Eg. Carpet weaving industry
- preferred for employment because of their nimble fingers.
- acceptable as they are ignorant about their rights.
- regular for work work.
- gullible and innocent, and they can be easily manipulated.
- unable to bargain or to determine their appropriate wages.
- inexpensive
- ignorant and they do not realize the hazards of the job they are doing.
- removed when their services are not required.

Because of these reasons children are engaged in various manufacturing processes of different home-based industries such as brassware lock, match and fireworks, glass and bangle industry, carpet making, stone quarries, brick kilns, beedi making, etc. In rural areas, children are engaged in agricultural and allied occupations as a part of their family labour or as individual workers.

HEALTH PROBLEMS

Children tend to develop health problems such as

- Respiratory problems such as asthma, tuberculosis
- General weaknesses such as stunted growth, body ache and joint pains
- Eye problems such as watering, irritation and reddening of eyes
- Loss of appetite
- Tumours and burns
- Disability by working on looms
- Susceptibility to arthritis as they grow older
- Mental disabilities

The National Human Rights Commission is deeply concerned about the employment of child labour in the country. The Commission has observed that even after 65 years of independence, child labour persists in the country. It has been monitoring the child labour situation in the country through the special rapporteurs, visits by Government officials, sensitization programmes and workshops, launching projects to ensure whether adequate steps are taken to eradicate child labour.

FINDING

A study has been undertaken to show that the children are still under bondage and how to make them aware of their rights and to bring them out of their bondage. Public should be aware of the rights of the children, and also the denial or violation of such rights implied by child labour. Government interferes and takes enough steps for favouring the fullest development of every child. It seeks to identify the major forms of child rights violation in India and the legal remedies available. Also it tries to give some practical solutions for the protection of child rights. Despite various constitutional provisions, passing of legislations and policies, the goal of eradicating child labour remains elusive.

SUGGESTIONS

Unless the reality of free and compulsory education for all up to the completion of the age of 14 years is realized, scourge of the innocents shall continue. The NGO sector in the non-formal education of child labourers should involve themselves more. A number of schools and training centres are to be functioned in the districts. There has to be a distinct improvement in the level of awareness among the general public about child labour issues.

CONCLUSION

It is true that the children of today are having a bundle of rights conferred upon them by these legal documents. In reality, enjoying the rights given to the children is beyond limits. Though children scourge due to poverty, illiteracy, unemployment and social and cultural practices, one cannot just ignore the existing rights. So any violation of right should be considered serious, and adequate punishment should be given. The society must also change its attitude towards the child.

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