

- (2) If a child fails in the examination referred to in sub-section (1) of Section 16 of RTE Act, 2009, he shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.
- (3) The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2) of Section 16:
- Provided that the appropriate Government may decide not to hold back a child in any class till the completion of elementary education.
- (4) No child shall be expelled from a school till the completion of elementary education.

As per section 2 (a) of the RTE Act, 2009 the appropriate Government means:—

- (i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union Territory having no legislature, the Central Government;
- (ii) in relation to a school, other than the school referred to in sub-clause(i), established within the territory of —
- (A) a State, the State Government;
- (B) a Union Territory having legislature, the Government of that Union Territory.

Space crunch in subordinate courts

2933. DR. R. LAKSHMANAN: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government is aware that many subordinate courts at district level are functioning in rented buildings and are also facing space crunch, which is adversely affecting their functioning;
- (b) if so, the details thereof;
- (c) whether Government has floated any scheme to construct buildings for court rooms to enable the subordinate courts to function in a spacial atmosphere;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):

(a) to (e) It is the primary responsibility of the State Governments to provide Judicial Infrastructure/Court Rooms for District and Subordinate Courts. To augment the resources of State Governments, Union Government has been administering a Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary by providing financial assistance to State Governments and Union Territory Administrations in the prescribed fund sharing pattern between Centre and States since the year 1993-94. It covers the construction of court halls and residential accommodations for Judicial Officers of District and Subordinate Courts.

Till 15.07.2019, Central Government has sanctioned ₹ 6,986.50 crore since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary in 1993-94. Out of this, ₹ 3,542.20 crore (50.70%) have been sanctioned to the States and Union Territory Administrations since April, 2014. The allocations are made subject to budget provision to the States and Union Territories.

As per information made available by State Governments/High Courts on the web-portal hosted on the web-site of Department of Justice, 19,186 court halls and 16,855 residential accommodations are available for Judicial Officers of District and Subordinate Courts as on date against the working strength of 17,987 Judicial Officers. In addition, 2,822 court halls and 1,856 residential units are under construction, at present.

Proposal from Delhi for FTCs

2934. SHRI VIJAY GOEL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Ministry has received any proposal from the State Government of the NCT of Delhi for setting up of Fast Track Courts (FTCs);

(b) if so, the details thereof;

(c) the response of the Ministry thereto; and

(d) the number of fast track courts operational in Delhi and the date of their establishment?

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):

(a) to (d) Setting up of subordinate courts including Fast Track Courts (FTCs) lies within the domain of the State and Union Territory Governments who set up such courts as per their need and resources, in consultation with the concerned High Courts. As a component of its Memorandum submitted to the 14th Finance Commission