



**2015**

**காஃபாஹ லார்காவ  
செயலாற்றுகை அறிக்கை  
PERFORMANCE REPORT**

**ஹா ஹார்கார டெபார்தமேன்ருவ  
பொது நம்பிக்கை பொறுப்பு திணைக்களம்  
Department of Public Trustee**

## **VISION**

To ensure the trust extended to the Public Trustee by the Donors and/or Settlers of Charitable Trusts / Their Estates (Money and/or Property) with a view to uphold their final wishes and/or purposes within a legal framework for the utmost benefit of beneficiaries and/ or General Public.

## **MISSION**

Administration of Trusts and Estates of deceased persons which are entrusted to this Department so as to provide an excellent service through the resources and skills of the Department with a view to satisfy all the relevant parties subjected to those estates including the beneficiaries.

## **OFFICE OF PUBLIC TRUSTEE AND LEGAL STATUS.**

Office of the Public Trustee of Sri Lanka has been established as a corporate sole under that name, with perpetual succession and an official seal, and may sue and be sued under the above name like any other corporate sole under Ordinance No 01 of 1922 and has been amended by Ordinance No. 11 of 1931, 59 of 1938 and Law No.44 of 1973, 25 of 1975 and Act No. 41 of 1983, 61 of 1988.

Deputy Public Trustee or Deputies can be appointed to assist the Public Trustee, under the sec. 4 of the Act No.61 of 1988

The Public Trustee and Deputy Public Trustee should be Attorneys at law having twelve to Fifteen years experience. Most of the Functions and duties devolved under the ordinance are based on legal background and mostly to the civil law.

## **LEGAL BACKGROUND**

Office of Public Trustee of Sri Lanka has been incorporated under Ordinance No 01 of 1922 and has been amended by Ordinance No. 11 of 1931, 59 of 1938 and Law No.44 of 1973, 25 of 1975 and Act No. 41 of 1983, 61 of 1988 and The Public Trustee shall, subject to the provisions of this Ordinance and rules made hereunder, be capable of being appointed and of acting under that name.

Law of Trusts in Sri Lanka is been regulated under the Trust Ordinance, No. 09 of 1917 amended by Ordinance No. 04 of 1918, 01 of 1934 and Act No. 07 of 1968, 30 of 1971. And further according to the Sec. 02 of the Trusts Ordinance, where there are no specific provision made under this ordinance or any other written law, shall be determined by the principles of equity for the time being in force in the High Court of Justice in England.

### **GENERAL POWERS AND DUTIES OF THE PUBLIC TRUSTEE.**

The Public Trustee shall, subject to the provisions of Public Trustee Ordinance, Civil Procedure Code, Judicature Act and other enactments and rules made there under, be capable of being appointed and of acting under that name

1. As an ordinary trustee, as a custodian trustee,
2. As collector of estates under an order to collect,
3. As curator of the estate of a minor, as the next friend or guardian for the action under Chapter XXXV of the Civil Procedure Code of any minor or person of unsound mind,
4. As a manager of the estate of a person of unsound mind,( When entrusted by the District Court)
5. As manager of immovable property upon a contract on terms and conditions as may be mutually agreed upon. (Whereas the Public Trustee appointed as custodian trustee he is obligate to exercise of the powers of management or any other power of discretion vested in such board of Managing Trustees.)
6. As attorney for persons absent from Sri Lanka for the purpose of receiving and paying money.
7. Under the Civil Procedure Code the Public Trustee shall deemed to be a suitable person as a manager of an estate.
8. As an administrator of an intestate estate under the Civil Procedure Code.
9. As a custodian trustee of properties of person who is serving a sentence in prison.
10. The Public Trustee may accept the custody for the purpose of safe keeping a Last will of any living person.
11. Public Trustee as a trustee of the compensation given to the acquisition of temple property.

## **POWERS AND DUTIES VESTED ON PUBLIC TRUSTEE UNDER WRITTEN LAWS AND AMENDMENTS TO THE PUBLIC TRUSTEE ORDINANCE.**

Under the provisions of other written laws and amendments made to the public trustee ordinance, following Powers and duties are being vested on Public Trustee.

- Under the Sec. 10 A of the Public Trustee Ordinance as amended by Act No. 61 of 1988, Public Trustee shall act as the body who distributes any compensation received upon their death while in overseas employment among their dependents and/or heirs. Further, any Sri Lankan citizen proceeding for employment outside Sri Lanka may register with the Public Trustee for the purpose of regulate and efficient distribution of any compensation which shall be payable in the event of their death while in employment.
- Payment of compensations related to Buddhist Temples under Act 61 of 1988.
- Under the Associated Newspapers of Ceylon Limited (Special Provisions) Law, No. 28 of 1973, the shares of the Associated Newspapers of Ceylon, Limited shall vest with the Public Trustee for the benefit of the Government.

## **SERVICES OF THE PUBLIC TRUSTEE.**

Public Trustee serves on public in accordance with objectives of Trusts and Last Wills or decisions and/or directions of Court.

- Awarding scholarships to skilled children who are facing financial difficulties in their studies.
- Provision of medical assistance to needy patients for their essential medical treatments.
- Provide with financial assistance to maintain and development of Religious Places according to the objectives of trusts and/or Last wills.
- Provide Charities for needy persons and/or institutions.
- Providing donations to persons who are in need due to various reasons and for their religious activities.
- Distribution of compensations under the Buddhist Temporalities Ordinance according to the directions of Commissioner General of Buddhist Affairs.

- Management of the Trust or Estate Properties.
- Awarding scholarships from the income gained by the trusts established with the view of encouraging skilled children with financial difficulties who are engaged in studies.
- Appointment of two Directors and Chairman of the Associated Newspapers Of Ceylon Limited.
- Distribution of Foreign Compensation.
- Distribution of compensation to Buddhist Temples.
- Transfer of funds charged as fees for the management of Private Trusts. (Rs.10,188,334.08 has been remitted to the General Treasury as statutory income charged by Public Trustee.)

<u>Year</u>	<u>Number of Active Trusts</u>	<u>Number of Active Estates</u>
2011	981	119
2012	999	126
2013	1019	130
2014	1034	134
2015	1044	137

**Contribution to the Treasury**

<u>Year</u>	<u>Contribution ( Rs: )</u>
2011	3,783,187.40
2012	6,543,360.52
2013	6,396,102.51
2014	6,675,487.77
2015	10,188,334.08

**From 01.01.2015 To 31.12.2015 Finance Advancement**

	Gross Allocation	Expenditure
Recurrent Expenditure	45,450,000	41,352,337
Capital Expenditure	2,905,000	2,727,038
Total	48,355,000	44,079,375

**DETAILS OF APPROVED STAFF FOR THE DEPARTMENT TO 31.12.2015**

Serial No	Designations	Relevant Service	Approved staff Number	Number That are employing	vacancies
01	Public trustee	Department	01	01	-
02	Deputy Public Trustee	Department	02	-	02
03	Chief Accountant	S.L. Accountant service (1 class)	01	01	-
04	Accountant	S.L. Accountant service (II/III class)	01	01	-
05	Chief Internal Auditor	S.L. Accountant service (I class)	01	01	-
06	Administration Officer	Management Service (special Grade)	01	-	01
07	Translator	Translator Service	01	01	-
08	Development Assistant	Related Officers	07	05	02
09	Development officer	Development Officer	07	00	07
10	Government Management Assistant	Government Management service	28	17	11
11	Office Assistant service	Office Assistant service	13	12	01
12	Drivers	Driver service	04	02	02
13	Clerk	Department*	03	02	-
14	Stenographer	Department	01	01	-
<b>Total</b>			<b>71</b>	<b>44</b>	<b>26</b>

❖ *Designation of Departmental Clerk cannot be re- recruited.*

