



2018

**கார்டீசுசா஁த லார்தால
செயலாற்றல் அறிக்கை
PERFORMANCE REPORT**

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Department of Public Trustee**

VISION

Pursuant to the provisions of the Public Trustee Ordinance No 1 of 1922 and the Trust Ordinance No 9 of 1917, efficient and effective execution of professional responsibilities and duties within the legal framework, in trustworthy, impartial and transparent way by The Public Trustee and the Department of Public Trustee of Sri Lanka.

MISSION

To discharge all powers, functions and duties of Public Trustee and the Department of Public Trustee of Sri Lanka within the legal framework in a transparent way, and to provide impartial, efficient and the best service to those who seek such service fully trusting the Department of Public Trustee, in order to gain a high goodwill and recognition to the Department of Public Trustee of Sri Lanka Nationally as well as Internationally.

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.

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. Where there are no specific provision made under this ordinance or any other written law, shall be determined by the Law 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 following names.

1. As an ordinary trustee
2. As a custodian trustee
3. As a collector of estates under an order to collect

4. As a curator of the estate of a minor, as the next friend or guardian of any minor (When entrusted by the District Court)
5. As a manager of the estate of a person of unsound mind (When entrusted by the District Court)
6. As a 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.)
7. As an attorney for persons absent from Sri Lanka for the purpose of receiving and paying money.
8. Under the Civil Procedure Code, the Public Trustee shall deemed to be a suitable person as a manager of an estate.
9. As an administrator of an intestate estate.
10. As a custodian trustee of properties of person who is serving a sentence in prison.
11. The Public Trustee may accept the custody for the purpose of safe keeping a Last will of any person.
12. 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.
- Implementation of Temple Compensation Ordinance No.28 of 1944
- Implementation of Activities vested under Buddhist Temporalities Ordinance No.19 of 1931 which was amended by the Act No. 42 of 1981.
- Under the Associated Newspapers of Ceylon Limited (Special Provisions) Law, No. 28 of 1973, hold the shares of the Associated Newspapers of Ceylon Limited on behalf of the Government of Sri Lanka.

SERVICES OF THE DEPARTMENT OF PUBLIC TRUSTEE.

The Department of 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.
- Providing medical assistance to needy patients for their essential medical treatments.
- Providing financial assistance to maintain and development of Religious Places according to the objectives of trusts and/or Last wills.
- Providing Charities for needy persons and/or institutions.
- Providing donations to persons who are in need due to various reasons and to such institutions.
- Management of the Trusts and Estate properties.
- Distribution of compensations under the Buddhist Temporalities Ordinance according to the directions of Commissioner General of Buddhist Affairs.
- Directing the functions of the Associated Newspapers of Ceylon Limited as the holder of shares on behalf of the Government of Sri Lanka.
- Distribution of Foreign Compensation to the dependents and Legal heirs.
- Remitting a percentage of the income earned as a Government institution to the General Treasury.

Number of Trusts and Estates managed by the Department of Public Trustee.

Number of Trusts and Estates managed by the Department of Public Trustee during the last five years are as follows.

Year	Number of Active Trusts	Number of Active Estates
2014	1034	134
2015	1044	137
2016	1067	140
2017	1081	141
2018	1097	143

Amount of money remitted to the General Treasury.

The Capital Fees, Investment Fees and other Fees charged from the Trusts and Estates according to the Public Trustee Ordinance are remitted to the General Treasury as follows.

Year	Contribution (Rs:)
2015	10,188,334.08
2016	14,986,797.37
2017	11,209,507.45
2018	16,609,742.32

Progress of the Government Allocations.

Object Code	Description	Total Allocation (Rs.)	Actual Expenditure up to 31.12.2018 (Rs)
1001	Salaries and Wages	23,270,000.00	22,568,180.00
1002	Over Time and Holiday Payments	350,000.00	256,959.00
1003	Other Allowance	9,800,000.00	9,321,476.00
1101	Travelling - Domestic	325,000.00	280,295.00
1102	Travelling - Foreign	200,000.00	199,263.00
1201	Stationery and office Requisites	1,300,000.00	1,292,974.00
1202	Fuel	1,945,000.00	1,931,757.00
1203	Diets and Uniforms	80,000.00	79,991.00
1301	Vehicle Maintenance	1,600,000.00	1,531,662.00
1302	Plant and Machinery Maintenance	700,000.00	668,605.00
1401	Transport	1,290,000.00	1,282,502.00
1402	Postal and Communication	1,350,000.00	1,317,950.00
1403	Electricity and Water	1,150,000.00	1,112,497.00
1404	Rents and Local Taxes	10,620,000.00	10,620,000.00
1409	Others	2,400,000.00	2,368,047.00
1506	Property Loan interest to Public Servant	600,000.00	478,197.00
Total Recurrent Expenditure		56,980,000.00	55,310,355.00
Capital Expenditure			
2001	Building and structures	500,000.00	492,827.00
2002	Plant, Machinery and Equipment	4,348,000.00	4,347,020.00
2003	Vehicles	2,500,000.00	2,446,945.00
2102	Furniture and Office Equipment	507,000.00	505,611.00
2103	Plant, Machinery and Equipment	2,200,000.00	2,187,303.00
2401	Staff Training	1,000,000.00	993,210.00
Total Capital Expenditure		11,055,000.00	10,972,916.00
Total Expenditure		68,035,000.00	66,283,271.00

Advanced Accounts Activities

	Maximum Limit of Expenditure Rs.	Minimum Limits of Receipts Rs.	Maximum Limits of Debit Balance Rs.
Prescribed Limit	4,500,000.00	2,130,000.00	12,000,000.00
Actual Limit	4,441,911.00	2,134,110.00	8,859,221.41

Actual Physical and Finance Performance against Annual Action Plan Target

	Activity	Estimated Amount		Actual Value (2018)	
		No. of Beneficiaries	Value (Rs.)	No. of Beneficiaries	Value (Rs.)
1	Payment for the Scholarships.	687	6,199,205.00	479	4,948,145.60
2	Payment for the Medical Donation.	238	9,089,000.00	160	5,669,199.53
3	Payment for the Maintenance and Development of Religious places.	493	26,319,080.00	279	31,001,496.76
4	Payment for the Religious Affairs.	267	8,499,920.00	55	2,782,424.89
5	Payment for the Relief Donation.	211	4,017,000.00	155	2,458,175.49
6	Other Payment in accordance with Trust Objective	137	15,673,075.00	131	16,631,396.85
7	Release of compensation for Buddhist Temples.	-	-	49	132,787,268.38
8	Release of Foreign compensation	-	-	165	322,451,747.95
9	Trust and Estates Management (No. of Estates/Net Profit)	12	14,281,048.19	11	1,586,551.96

Management of trusts /estates

11 estates/paddy fields have been vested in Public Trustee under various estate property and it is expected to manage them formally and fulfill the expectations of the settler. Details of the property vested in this manner and the net profit earned up to 31.12.2018 from the said property are given below.

Name of the estate property	Name of the estate	Net profit/ loss
Estate of Harry Hapugoda	Suduwelipotha Estate	(1,101,658.01)
	Mattaka Estate	(266,201.48)
Estate of N.D.A. Silva Wijesingha	Richmond Park Estate	(737,590.76)
	Richmond Castle Home	(1,526,684.08)
	Irahadayawa Estate	3,583,356.55
Estate of A.A. De Silva	Maluwahena Estate	1,429.19
Estate of D.B. Jayathilake	Pitakanda Estate	1,539,230.59
Estate of N.D.S. Silva	Wanasgalla Estate **	-
	Labuhena Estate	(778,432.98)
Estate of Muhandiram Jayawickrama	Land /paddy land	63,708.85
Estate of Mendis Silva	Land /paddy land	761,615.62
Estate of H.A. De Silva	Thop Estate	47,778.47
Estate Sector /Net Profit		1,586,551.96

** Wanasgalla Estate, which is owned by the Estate of N.D.S. Silva was handed over to its Trust Board on 28.08.2018.

- Even though the Income Fees of 7% which should be charged from the income of the immovable properties according to the Extra ordinary Gazette No 944/7 were not charged from the Estates which are under the control of the Department up to now, in the year 2018 those Income Fees were charged from the income generated from the Estates and those amounts were taken into account when calculating the net profit/ loss of the Estates.

Department Of Public Trustee
Cadre Information as at 31.12.2018

Employee Category Level	Designation	Approved Staff Number			Number that are employing		
		Permanent	Casual	Contract	Permanent	Casual	Contract
Senior Level	Public Trustee	1	0	0	1	0	0
	Deputy Public Trustee	2	0	0	2	0	0
	Chief Accountant	1	0	0	1	0	0
	Accountant	1	0	0	1	0	0
	Chief Internal Auditor	1	0	0	1	0	0
	Legal Officer	1	0	0	-	0	0
Tertiary Level	Administration Officer	1	0	0	-	0	0
	Translator	1	0	0	-	0	0
Secondary Level	Development Officer	14	0	0	11	0	0
	Public Management Assistant	28	0	0	23	0	0
	Management Assistant (Non-Technical)	4	0	0	2	0	0
	Management Assistant (Non-Technical)	15	0	0		0	0
	House Officer iii		0	0	1	0	0
	Field Co-coordinator iii		0	0	1		
	Computer Clerk iii		0	0	12	0	0
	Receptionist iii		0	0	1	0	0
Primary Level	Drivers	4	0	0	3	0	0
	Office Assistant	13	0	0	9	0	0
		<u>87</u>	-		<u>69</u>		

W.G.S. WEERATNE
Public Trustee of Sri Lanka