



2012

கார்ட்டுபாடன வார்தாவ
செயலாற்றுகை அறிக்கை
PERFORMANCE REPORT

மஹா ஸாரகார டெபார்த்மென்டுவ
பொது நம்பிக்கை பொறுப்பு திணைக்களம்
Department of Public Trustee



“The Independence of this country is Supreme. I shall not leave any space for separatism. I shall not let anyone destroy the general acceptance of the public of our country. Our civilization was built through Metta, Muditha and Karuna. The foundation for it was ‘Meth Sita’ (loving kindness at mind) which spread not only towards humans but also towards animals, trees and the earth. My expectation is to bring together these minds shattered due to many a reason, towards one national objective once again. My hope is to create a new society that respects the national and religious identity of all, refrains from hurting others using one’s powers and secures individual as well as social freedom”

Mahinda Chintana, vision for the future.....

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.

Under the aforesaid ordinance there are two posts of Deputy Public Trustees appointed to assist the Public Trustee.

And further, required basic qualification for the appointment of the above posts are that they should be an Attorneys-at-Law with relevant experience due to involvement legal matters and responsibilities devolve to him under the ordinance.

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 the collector of an estate under the Judicature Act.
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 living person.
12. Public Trustee as a trustee 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.

1. 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.
2. Payment of compensations related to Buddhist Temples under Ordinance No.42 of 1944.

3. Perform duties vested under Buddhist Temporalities Ordinance No. 19 of 1931 amended by Act No. 42 of 1981.
4. 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.

1. Awarding scholarships to skilled children who are facing financial difficulties in their studies.
2. Provision of medical assistance to needy patients for their essential medical treatments.
3. Provide with financial assistance to maintain and development of Religious Places according to the objectives of trusts and/or Last wills.
4. Provide Charities for needy persons and/or institutions.
5. Providing donations to persons who are in need due to various reasons and for their religious activities.
6. Distribution of compensations under the Buddhist Temporalities Ordinance according to the directions of Commissioner General of Buddhist Affairs.
7. Management of the Trust or Estate Properties.
8. 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.
9. Appointment of two Directors and Chairman of The Associated Newspapers Of Ceylon Limited.
10. Distribution of Foreign Compensation.
11. Distribution of compensation to Buddhist Temples.
12. Transfer of funds charged as fees for the management of Private Trusts. (Rs.6,543,360.52 has been contributed to the treasury as income in year 2012.)

Number of Trust Estates

999 Trusts and 126 Estates were administrated by the department as at 31.12.2012.

The aforesaid trusts and estates were administrated in accordance with the objectives of the donors who have established the trusts.

Year	Number of Active Trusts	Number of Active Estates
2010	957	115
2011	981	119
2012	999	126

Contribution to the treasury

Year	Contribution (Rs.)
2010	4,237,608.18
2011	3,783,187.40
2012	6,543,360.52

Details of Approved Staff for the Department to 31.12.2012

Serial No	Designations	Relevant Service	Approved staff Number	Number That are employing	vacancies
01	Public trustee	Department	1	1	-
02	Deputy Public Trustee	Department	2	1	1
03	Chief Accountant	S .L. Accountant service (1 class)	1	1	-
04	Accountant	S .L. Accountant service (ii/iii class)	1	-	1
05	Internal Auditor	S .L. Accountant service (ii/iii class)	1	-	1
06	Administration Officer	Management Service (special Grade)	1	1	-
07	Development Assistant	Related Officers	7	7	-
08	Translator	Translator service	1	-	1
09	Government Management Assistant	Government Management service	28	27	1
10	Office Assistant service	Office Assistant service	13	8	5
11	Drivers	Driver service	4	1	3
12	Clerk	Department*	3	2	-
13	Stenographer	Department	1	1	-
Total			 <u>64</u>	 <u>50</u>	 <u>13</u>

* Designation of Departmental Clerk cannot be re- recruited.

Disbursements of Funds in the year 2012 in accordance with the wishes of the Settlor's and/or diseased persons of the trusts and estates.

Description	Allocated Funds(000)	Activity
General Education	3,384	727 scholarships of Rs. 300/- each, have been provided to children of low – income families, up to their A/Levels.
Higher Education	1,212	About 295 scholarships of Rs. 500/- each, have been provided to children of low – income families for their University Education.
Medical Donation for Patients	3,289	About 180 donations have been provided for helpless patients as mainly patients with sicknesses related to kidney, heart and cancer.
Religious Affairs	1,305	About 504 donations have been provided for the maintenance and development of religious places and 342 Trusts and 9 Estates have been established/allocated by donors for this purpose.
Relief Donations	1,051	238 donations have been provided to poor and/or helpless persons with financial difficulties and for religious activities at various temples having economic difficulties.
Foreign Compensation	187487	Compensation paid to the dependents and/or heirs of persons who have died abroad.

Release of Compensations for Buddhist temples.	43,131	Compensations received by acquisitions of temple property has been distributed among those religious places for the Development activities.
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Donations to temples for year 2012

Estate/Trust	Amount Rs.	No. of temples
Late Sir. D. B. Jayatilake	765,000.00	06
Late Mr. Wanigasooriya	4,535,200.00	115
Total	5,298,200.00	121

Estate	Amount Rs.	No. of temples
Religious and Social Services General Trust Fund	4,905,000.00	41
Total	4,905,000.00	41

The Funds and relevant expenditure allocated by the Government through the Budget for year 2012 are as follows:

Subject No.	Description of subject	Permanent Funds	Total Expenses as at 31/12/2012	Balance Funds
	Recurrent expenditure			
1001	Wages and Salaries	12,000,000	11,918,792.81	81,207.19
1002	Overtime and Salaries on holidays	440,000	417,614.80	22,385.20
1003	Other allowances	5,200,000	6,698,456.91	(1,498,456.91)

1101	Local	250,000	249,923.63	76.37
1102	Foreign	-	-	-
1201	Stationary and office requirements	750,000	731,444.04	18,555.96
1202	Fuel	1,200,000	1,167,528.00	32,472.00
1203	Food and uniform	11,524	11,523.50	0.50
1301	Vehicle	245,820	245,819.63	0.37
1302	Machinery and equipment	124,143	124,142.40	0.60
1401	Transport	-	-	-
1402	Postal and telecommunication	850,000	839,215.03	10,784.97
1403	Electricity and water	600,000	583,921.91	16078.09
1404	Rentals and Provincial Institutions	5,400,000	5,400,000.00	-
1405	Other	830,500	823,223.48	7,276.52
1506	Property loan interest	218,052	218,051.24	0.76
1509	Losses and write offs	8,152	8,152.00	-
	Total -Recurrent Expenditure	28,128,191	29,437,809.38	188,838.53
2001	Buildings and Constructions	121,000	100,511.57	20,488.43
2002	Machinery and equipment	100,000	56,910.75	43,089.25
2003	Vehicles	200,000	183,775.55	16,224.45
2102	Furniture and office equipment	194,027	194,026.60	0.40
2103	Machinery and equipment	170,282	159,015.00	11267.00
2104	Training and development of employment	58,500	58,500.00	-
	Total - Capital	843,809	752,739.47	91,069.53
	Total	28,972,000	30,190,548.85	279,908.06

Allocations for the last 3 years from Government Annual Budget Report

Monitory Progress

	Gross Allocation	Expenditure
2010		
Recurrent	28,774,000	27,899,283
Capital	6,073,000	5,768,922

Sub Total	34,847,000	33,668,205
2011		
Recurrent	29,737,383	29,301,643
Capital	1,383,617	1,295,184
Sub Total	31,121,000	30,596,827
2012		
Recurrent	29,850,648	29,716,129
Capital	922,809	763,739
Sub Total	30,773,457	30,479,868

Funds for development projects – Funds are not allocated by the annual budget

Public Trustee of Sri Lanka.