



2013

காஃபாஹ வார்தாவ
செயலாற்றுகை அறிக்கை
PERFORMANCE REPORT

ஹா ஹாரகார டெபார்தமேன்சூவ
பொது நம்பிக்கை பொறுப்பு திணைக்களம்
Department of Public Trustee



“The Independence of this country is Supreme. I shall not leave any space for seperatism. 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 eapectation 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 ones’ 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.

- 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 Ordinance No.42 of 1944.
- Perform duties vested under Buddhist Temporalities Ordinance No. 19 of 1931 amended by Act No. 42 of 1981.
- 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.6, 396,102.512 has been remitted to the General Treasury as statutory income charged by Public Trustee.)

NUMBER OF TRUST ESTATES

1019 Trusts and 130 Estates were administrated by the department as at 31.12.2013.

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
2011	981	119
2012	999	126
2013	1019	130

CONTRIBUTION TO THE TREASURY

Year	Contribution (Rs.)
2011	3,783,187.40
2012	6,543,360.52
2013	6,396,102.51

DETAILS OF APPROVED STAFF FOR THE DEPARTMENT TO 31.12.2013

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	01	01
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	06	01
09	Development officer	Development Officer	07	01	06
09	Government Management Assistant	Government Management service	28	24	04
10	Office Assistant service	Office Assistant service	13	13	-
11	Drivers	Driver service	04	03	01
12	Clerk	Department*	03	02	-
13	Stenographer	Department	01	01	-
Total			71	57	13

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

DISBURSEMENTS OF FUNDS IN THE YEAR 2013 IN ACCORDANCE WITH THE WISHES OF THE SETTLOR'S AND/OR DISEASED PERSONS OF THE TRUSTS AND ESTATES.

Description	Allocated Funds(000)	Activity
Education	3,690	680 scholarships of Rs. 300/- , Rs.500/-, Rs.1,000/- per month each, have been provided to children of low – income families.
Medical Donation for Patients	14,993	About 381 donations have been provided for helpless patients as mainly patients with sicknesses related to kidney, heart and cancer.
Maintenance and development of religious places	66,560	About 745 donations have been provided for the maintenance and development of religious places
Religious Affairs	11,224	About 211 donations have been provided for the maintenance and development of religious places
Relief Donations	817	101 donations have been provided to poor and/or helpless persons with financial difficulties and for religious activities at various temples having economic difficulties.
Other payments in accordance with Trust objective	94,520	About 107 donations have been provided for orphanage and elders homes
Foreign Compensation	184,095	Compensation paid to the 331 dependents and/or heirs of 123 persons who have died abroad, after conform their legal right.
Release of Compensations for Buddhist temples.	69,626	Compensations received by acquisitions of temple property has been distributed among those 44 temples.

DONATIONS TO TEMPLES FOR YEAR 2013

Estate/Trust	Amount Rs.	No. of temples
Late Mr. Wanigasooriya	626,712.00	16
Total	626,712.00	16

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
	<u>Recurrent expenditure</u>			
1001	Wages and Salaries	12,810,000.00	12,702,214.21	106,785.79
1002	Overtime and Salaries on holidays	600,000.00	599,445.03	554.97
1003	Other allowances	7,959,000	7,934,015.00	24,984.12
1101	Local	264,000	263,630.30	369.70
1102	Foreign	-	-	-
1201	Stationary and office requirements	1,000,000	997,850.08	2,149.92
1202	Fuel	1,677,000	1,656,307.10	20,692.90
1203	Food and uniform	20,000.00	20,000.00	00.00
1301	Vehicle	1,158,500.00	1,091,091.92	67,408.08
1302	Machinery and equipment	373,000.00	355,810.04	17,189.96
1401	Transport	200.00	200.00	-
1402	Postal and telecommunication	865,000.00	759,288.54	105,711.46
1403	Electricity and water	920,000.00	831,586.52	88,413.48
1404	Rentals and Provincial Institutions	5,400,000.00	5,400,000.00	-
1405	Other	1,490,500.00	1,362,292.86	127,711.46
1506	Property loan interest	294,500.00	294,438.03	61.97
	Total -Recurrent Expenditure	34,831,200.00	34,269,170.51	562,029.49
2001	Buildings and Constructions	300,000.00	42,549.84	257,450.16
2002	Machinery and equipment	300,000.00	20,600.00	279,400.00
2003	Vehicles	500,000.00	288,001.00	211,999.00
2102	Furniture and office equipment	755,800.00	392,049.30	363,750.70
2103	Machinery and equipment	1,635,000.00	966,858.25	668,141.75
2104	Training and development of employment	150,000.00	36,500.00	113,500.00
	Total - Capital	3,640,800.00	1,746,558.39	1,894,241.61
	Total	38,472,000.00	36,015,728.90	2,456,271.10

ALLOCATIONS FOR THE LAST 3 YEARS FROM GOVERNMENT ANNUAL BUDGET REPORT

Monitory Progress

	Gross Allocation	Expenditure
<u>2011</u>		
Recurrent	29,737,383.00	29,301,643.00
Capital	1,383,617.00	1,295,184.00
Sub Total	31,121,000.00	30,596,827.00
<u>2012</u>		
Recurrent	29,850,648.00	29,716,129.00
Capital	922,809.00	763,739.00
Sub Total	30,773,457.00	30,479,868.00
<u>2013</u>		
Recurrent	34,831,200.00	34,269,170.00
Capital	3,640,800.00	1,746,558.00
Sub Total	38,472,000.00	36,015,728.00

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

Public Trustee of Sri Lanka