

Aptness of Consumer Protection Laws of Sri Lanka in the Modern Economy: A Comparative Analysis of Sri Lankan and Australian Laws

Liyanawatte U S¹, Wimalasiri J D, Liyanawatte C V²

¹Faculty of Management Studies and Commerce, University of Sri Jayawardhanapura

²Faculty of Law, General Sir John Kotelawala Defence University

jithwim@gmail.com

Consumer plays a vital role in a market driven economic system. A majority of the market system depends on consumer needs. Therefore, protecting consumer's rights has an immense impact on the smooth functioning of the economy of a State. Consumer interests in Sri Lanka are protected by legislations such as Sales of Goods Ordinance, Intellectual Property Act and Unfair Contract Terms Act guarantee consumer protection to a certain extent. Consumer Affairs Authority Act No. 9 of 2003 (as Amended) is the only Act of Parliament enacted for the sole purpose of consumer protection but issues such as those arising at online purchasing are not adequately covered by this Act. Furthermore, Sri Lankan consumers are disadvantaged due to the lack of awareness of protection offered to them. It is also observed that the lack of regional establishments to receive customer complaints has an adverse impact on consumers. Such circumstances justify the requirement of amendments to the existing law on the subject. The law on consumer protection in Australia pays attention to aspects such as consumer protection in online purchasing, placing an obligation on the trader to protect consumer's interest, consumer guarantees etc. Moreover, in Sri Lanka product safety laws are not adequate in comparison to Australian laws which comprise recalls of consumer goods, safety warning notice, product liability etc. Therefore, the primary objective of this paper is to evaluate the adequacy of existing consumer protection laws in Sri Lanka in comparison to that of Australia in order to propose legal measures to ensure consumer protection through standardizing recalls of consumer goods, safety warning notice and product liability. This research would employ a black letter approach, the comparative analysis method, and this would be a qualitative analysis of primary and secondary sources. Primary sources of this research would include questionnaires, case studies and legislations and secondary sources would include textbooks, journal articles and other electronic resources. In conclusion, this research is intended to propose amendments to the existing Sri Lankan legislation to regulate anti-competitive practices, recalls of consumer goods, safety warning notice and product liability thus ensuring protection of both online and traditional consumers.

Key words: *Australia, Consumer protection, Sri Lanka*