

The Need to Move towards E-contracts for Sale of Goods: Drawbacks in the Legal System of Sri Lanka

J Jeyakala

Department of Private and Comparative Law, Faculty of Law, University of Colombo
jeyakala@law.cmb.ac.lk

Advancement of technology and globalization have accelerated the use of electronic contracts in today's world. When human beings were uneducated, business and transactions took place in the form of barter contract and then the changes in trade traditions introduced the face to face contracts. Revolution in the electronic and technology field influenced the human being to become e-literate. People were tired of spending more time standing in queues to buy goods and to get services. However, the advancement of technology has eased the day to day activity of the people. Although most of the e-consumers are not aware of the fact that for every click on the internet they enter their personal data and the standard of protection they get in the e-commerce. English common law principles are being used in commercial contracts in Sri Lanka. Sale of goods Ordinance 1896 of Sri Lanka is still in application over the traditional contracts for sale of goods and the same is being applied to the online contract for sale of goods in the 21st Century as well. Even though the Electronic Transactions Act No. 19 of 2006 and Computer Crimes Act No. 24 of 2007 are available to protect online transactions, there are some legal lacunae which can be identified. The main objectives of the research are to evaluate the existing legal framework of the law relating to e-contracts for the sale of goods in Sri Lanka and to examine the best possible ways to incorporate modern developments in e-contracts. This research is mainly qualitative research carried out by the reference of legislation, textbooks, case laws and data collected from electronic databases. This paper makes recommendations from the law relating to E-commerce in the UK and under the OECD guidelines. Consumer protection is much important in online contexts as it is available in traditional contracts for the sale of goods.

Keywords: E-Contracts, Sale of goods, Consumer protection, Technology advancement