

Impact of Commercial Laws on Nature, Quality and Existence of Lands in Land Contracts: A Critical Analysis of Sri Lankan Perspective

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The person or body who wishes to buy or supply goods or services can enter into business or commercial contracts. If there is a breach of term or there is an issue regarding the quality or availability of the goods or services in the contract; the Law of Contract provides provisions to question, sue or claim compensation on the matter. Similarly, Sales of Goods Ordinance No.11 of 1896 provides provisions to question sue or claim compensation on issues regarding the quality and existence of the goods or services. In Sri Lanka, presently, it can be seen people are ceaselessly entering into business contracts on conveyance of property through deeds. However, the land conveyed by a contract which has issues regarding quality, existence or facilities, is not covered by principles of Law of Contract or Sales of Goods Ordinance. Therefore, the question arises how to ascertain a mechanism to provide a concession to people who are affected by the quality and availability of the land after the conveyance. The objectives of this study are to critically analyse the existing system to overcome the arising issues on good quality and safety of a land in a land contract and finally to provide corrective recommendations in view of the drawbacks. Critical content analysis of this study underpinned by qualitative methodology allowed a mixed method of conceptual, analytical and empirical assessment. The study analytically illustrates that the enforcement of existing commercial law as Acts, Ordinance, rules and regulations, negatively impacts the issues that arise on quality, existence or facilities related to land after its' conveyance. Therefore, the study recommends that, the standing commercial or business laws should be amended to include in its scope land contracts, considering lands as goods to ensure the protection of the interests of parties to land contracts.

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