

ශ්‍රී ලංකා විවෘත විශ්වවිද්‍යාලය
මානව ශාස්ත්‍ර හා සමාජ විද්‍යා පීඨය
නීති අධ්‍යයන දෙපාර්තමේන්තුව
නීතිවේදී උපාධි පාඨමාලාව - 6 වන මට්ටම
අඛණ්ඩ ඇගයීම් පරීක්ෂණය II - 2017/2018
LWU4324/LLU6716 - වාණිජ නීතිය
කාලය පැය 1 යි



දිනය: 2019 අගෝස්තු 13

වේලාව: ප.ව.3.30-ප.ව.4.30

අපහැදිලි අත්අකුරු සඳහා ලකුණු අඩු කරනු ලැබේ.

එක් (01) ප්‍රශ්නයකට පමණක් පිළිතුරු සපයන්න.

1. “මිල නොලත් විකුණුම්කරුට භාණ්ඩවලට එරෙහිව ඔහුගේ අයිතිය ක්‍රියාත්මක කළ හැකි වන්නේ ගැණුම්කරු ට භාණ්ඩවල තුක්තිය මාරු වී නොමැති විටදී පමණි.”

ඉහත ප්‍රකාශය මඟින් මිල නොලත් විකුණුම්කරුගේ අයිතිවාසිකම් පිළිබඳ නිවැරදි නෛතික තත්ත්වය නිරූපනය වන්නේ දැයි ඔබ අදහස් කරන්නේද?

අදාළ ව්‍යවස්ථාපිත ප්‍රතිපාදන සහ හඬුනීන්ද ඇසුරින් ඔබගේ පිළිතුර පැහැදිලි කරන්න.

(ලකුණු 20)

2. “එක් මාසික වැටුපකින් අත් කර ගැනීමට නොහැකි නිෂ්පාදන වෙත ප්‍රවේශ වීමට ණය මඟින් ඉඩ ලබා දෙන අතර, එය ඉහළ මට්ටමක සෘණ අගයක් සහ ණයගැතිභාවයක් ලබා කරවන අනතුරුදායක මෙවලමක් වීමට ද හැකිය. ණය වෙළඳපොළ යනු අවධානම්වලින් තොර එකක් නොවේ. පාරිභෝගිකයන් සහ ණය ලබාදෙන්නන් අතර බලය සැලකිය යුතු මට්ටමින් අසමතුලිත වීම, පාරිභෝගිකයන්ගේ අධ්‍යාපන මට්ටම බොහෝ සෙයින් අඩුවීම, පාරිභෝගිකයන් ඔවුන්ගේ අයිතිවාසිකම් සම්බන්ධයෙන් අවම මට්ටමින් දැනුවත් වී තිබීම සහ සාකච්ඡා කිරීම හෝ නඩු පැවරීම යන එක් ක්‍රමවේදයක් ඔස්සේ එම අයිතිවාසිකම් ක්‍රියාවට නැංවීමට අපොහොසත් වීම ඒ අතර වේ. තවද, කොමිස් මත ක්‍රියාකරන නියෝජිතවරු, කුඩා ව්‍යාපාරික පරිචයන් සහ දුර්වල අනාවරණය කිරීම් නිසා දැරිය නොහැකි ණය ගිවිසුම්වලට පහසුවෙන් පාරිභෝගිකයන්ව හසුකර ගත හැකිවේ.”

(Making Credit Markets Work: A Policy Framework for Consumer Credit, The Department of Trade and Industry South Africa)

ඉහත ප්‍රකාශය ඇසුරින් ශ්‍රී ලංකාවේ පාරිභෝගික ණය පනතේ වාසි සහ අවාසි විවේචනාත්මකව විමර්ශනය කරන්න.

අදාළ හඬුනීන්ද ඇසුරින් ඔබගේ පිළිතුර පැහැදිලි කරන්න.

(ලකුණු 20)

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B DEGREE PROGRAMME – LEVEL 6
CONTINUOUS ASSESSMENT TEST II – 2017/2018
LWU4324/LLU6716 – COMMERCIAL LAW
DURATION – ONE (01) HOUR



DATE: 13th August 2019

TIME: 3.30 a.m. – 4.30 p.m.

Illegible handwriting will be penalized.

Answer One (01) question only.

1. “The unpaid seller can execute his rights against the goods only when the possession of the goods has not been passed to the buyer.”

Do you think that above statement reflects the correct legal position of rights of an unpaid seller?

Explain your answer with relevant statutory provisions and case law.

(20 Marks)

2. “..Whilst credit allows access to products that cannot be acquired out of a single month’s income, it can also be a dangerous instrument that can lead to high levels of debt and indebtedness. The credit market is not a risk-free arena. There is a considerable imbalance of power between consumers and credit providers, consumer education levels are frequently low, consumers are poorly informed about their rights and unable to enforce such rights through either negotiation or legal action. Further, commission-driven agents, deceptive marketing practices and weak disclosure can easily cause consumers to enter into unaffordable credit contracts...”

(Making Credit Markets Work: A Policy Framework for Consumer Credit, The Department of Trade and Industry South Africa)

Critically examine advantages and disadvantages of Consumer Credit Act of Sri Lanka in the light of above statement.

Support your answer with relevant cases.

(20 Marks)

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(Making Credit Markets Work: A Policy Framework for Consumer Credit, The Department of Trade and Industry South Africa)

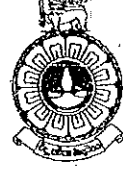
Critically examine advantages and disadvantages of Consumer Credit Act of Sri Lanka in the light of above statement.

Support your answer with relevant cases.

(20 Marks)

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இலங்கை திறந்த பல்கலைக்கழகம்
 மானுடவியல் மற்றும் சமூக விஞ்ஞானங்கள் பீடம்
 சட்டக்கற்கைகள் திணைக்களம்
 சட்டமாணி பட்டப்படிப்பு நிகழ்ச்சித் திட்டம் - மட்டம் 6
 தொடர் மதிப்பீட்டுப் பரீட்சை II - 2017/18
 LWU 4324 / LLU 6716 - வர்த்தகச் சட்டம்
 காலம் : ஒரு (01) மணித்தியாலம்



திகதி : 13.08.2019

நேரம் : பி.ப 03.30 - பி.ப 04.30

தெளிவற்ற கையெழுத்திற்கு புள்ளிகள் குறைக்கப்படும்.
 ஒரு (01) வினாவிற்கு மாத்திரம் விடையளிக்க.

1. “பணம் செலுத்தப்படாத விற்பனையாளர், கொள்வனவாளனுக்கு பொருளின் உடமை மாறாதிருக்கும் போது மட்டுமே பொருளிற்கு எதிரான தனது உரிமையினை நிறைவேற்ற முடியும்.”

மேலுள்ள கூற்று பணம் செலுத்தப்படாத விற்பனையாளர் ஒருவரின் உரிமை தொடர்பான சட்ட நிலையினை சரியாக பிரதிபலிக்கின்றது என நீர் கருதுகிறீரா?

உமது விடையினை பொருத்தமான நியதிச் சட்டப் பிரிவுகள் மற்றும் தீர்க்கப்பட்ட வழக்குகள் என்பவற்றுடன் விளக்குக.

(20 புள்ளிகள்)

2. “..தனியொரு மாத வருமானத்தினால் பெற்றுக் கொள்ள முடியாத உற்பத்திப் பொருட்களை அடைவதற்கு கடன் அனுமதிக்கின்ற போதிலும், அது உயர்மட்ட கடனிற்கும், கடன்பட்ட நிலைக்கும் இட்டுச் செல்லக்கூடிய ஆபத்தான ஒரு சாதனம் ஆகும். கடன் - சந்தை என்பது ஆபத்துக்கள் அற்ற ஒரு களம் அல்ல. கடன் கொடுப்பவர்களுக்கும் நுகர்வோர்களுக்கும் இடையே குறிப்பிடத்தக்க அதிகார சமநிலையற்ற தன்மை காணப்படுகிறது, நுகர்வோரின் கல்விநிலை பெரும்பாலும் குறைவாகும், நுகர்வோர்களுக்கு தமது உரிமைகள் தொடர்பாக குறைவாக அறிவிக்கப்படுவதுடன், அவ்வரிமைகளை பேச்சுவார்த்தைகள் மூலமாகவோ அல்லது சட்ட வழக்குகள் மூலமாகவோ செயற்படுத்த முடிவதில்லை. மேலும் தரகு பெறும் முகவர்கள், ஏமாற்றத்தக்க சந்தை வழக்கங்கள், குறைந்தளவான வெளிப்படுத்துகை என்பன மீளச்செலுத்தப்பட முடியாத கடன் ஒப்பந்தங்களினால் நுகர்வோர்கள் இலகுவாக நுழைவதற்கு காரணமாகின்றன.”

(Making Credit Markets Work: A Policy Framework for Consumer Credit, The Department of Trade and Industry South Africa)

மேலுள்ள கூற்றின் மீது இலங்கையின் நுகர்வோர் கடன் சட்டத்தின் அனுகூலங்கள் மற்றும் பிரதிகூலங்கள் என்பனவற்றை நுணுக்கமாக ஆராய்க.

உமது விடையினை பொருத்தமான தீர்ப்புச் சட்டங்களால் ஆதாரப்படுத்துக.

(20 புள்ளிகள்)

-பதிப்புரிமை பெற்றது -