

## ABSTRACT

This study investigates gaps and the inadequacy of provisions in the consumer protection legal framework in Sri Lanka; particularly the Consumer Affairs Authority Act (CAA Act) and the common law remedies available to hold the manufacturer liable for injuries caused by defective pharmaceutical drugs with the aim of identifying a proper legal mechanism to provide equitable and just solution to consumers in an event of harm or injury due to defective drugs.

The study mainly adopts a qualitative research methodology which entails a critical analysis of primary and secondary data. Firstly, statutes, regulations, and various judgments relevant for consumer protection in relation to pharmaceutical drugs in Sri Lanka were critically analysed. Then, a comparative analysis of these legal provisions with other selected jurisdictions of developed nations (Australia and New Zealand) was conducted to identify the gaps and propose recommendations based on the best practices. In the next stage, views of legal experts regarding these gaps in the legal provisions and possible means of redress were obtained through a focus group interview and questionnaire survey. Recommendations have been proposed in view of the information gleaned from the literature review, comparative legal analysis, and the experts' responses.

Findings mainly reveal that the lack of legal provisions and the existence of inconsistencies in available legal provisions make it difficult to hold the manufacturer strongly liable for injuries caused by defective drugs in Sri Lanka. Therefore, the researcher recommends legislative reform to impose statutory strict product liability for injuries caused by defective drugs through expressly recognizing consumer guarantees by a new statute or an amendment to existing statute. Further, the researcher suggests an alternative, equitable way of compensating the affected consumer in cases where liability cannot be imposed under statutory strict liability regime.

**Key words:** *defective pharmaceutical drugs, Strict product liability, manufacturer, consumer*