

New article on Party Autonomy in the Choice of Law under Indian and Australian Private International Law

By Saloni Khanderia (Jindal Global Law School, India) and Sagi Peari (Faculty of Law, University of Western Australia) in the Commonwealth Law Bulletin, available for download [here](#)

The outbreak of the COVID-19 pandemic will affect the performance of several contracts and is likely to increase the number of disputes before the courts. In agreements with a foreign element, the adjudication of the rights and liabilities will depend on the applicable law. Most legal systems have embraced the doctrine of party autonomy and, accordingly, permit the parties to expressly select the law to govern the disputes that arise from international contracts. India and Australia are no exception to this trend. In general, the courts in both the commonwealth countries have reported being influenced by judicial practices of one another to develop their own law. Despite their common-law roots, the interpretations attached to the doctrine of party autonomy in the choice of law have varied in some respects in these countries. The paper analyses the judicial trends on the subject and demonstrates the role that party autonomy will play in resolving international disputes where the performance has been affected by the eventualities such as the COVID-19 pandemic in India and Australia. The paper delves into the manner in which the courts in India and Australia may offer reciprocal lessons to each another to revolutionise the interpretation of the doctrine of party autonomy in the choice of law.