

# **New article on ‘The prevalence of ‘jurisdiction’ in the recognition and enforcement of foreign civil and commercial judgments in India and South Africa: a comparative analysis’**

Published in the Oxford University Commonwealth Law Journal by Saloni Khanderia, Alexander von Humboldt Fellow (Experienced Researcher), Chair for Civil Law, International Private Law and Comparative Law, Ludwig Maximilian University, München and Professor of Law, OP Jindal Global University, Sonipat, India.

The article provides a comparative analysis of the mechanism to determine the ‘international jurisdiction’ of a court in the recognition and enforcement of foreign judgments in civil and commercial matters in Indian and South African private international law. It examines the theoretical bases for executing foreign judgments in these jurisdictions and the grounds on which a foreign court will be considered as ‘internationally competent’ under the private international laws of these BRICS jurisdictions. Accordingly, it demonstrates how the rules to ascertain the competency of the foreign forum in these jurisdictions are narrow and, consequently, impede the free movement of judgments and prevents access to justice. The article highlights some plausible ways to improve the free movement of judgments and access to justice in India and South Africa. In particular, it suggests the endorsement of the Hague Conventions on the Choice of Court Agreements and the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.

The full text of the article may be found [here](#).