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TRIBUTE TO AKHO NTANJANA



Why should young and promising eagles suddenly perish and be taken away from us forever? I am gutted and unable to understand why.

Akho Ntanjana was on a meteoric rise – he was excelling in his career and slowly transforming into a trailblazer in his own unique way. He was a quiet, focused, forward looking young man and destined to reach great heights.

Akho worked tirelessly on the accreditation of this journal by the Department of Higher Education and Training – a long and arduous process. The receipt of the accreditation letter made him smile – he was relieved and fulfilled when he achieved his objective. He reminded us all that the real work was about to begin to maintain the accreditation.

Akho will be sorely missed by his SAJEI colleagues, the SAJEI Editorial Board members, the authors, the JUTA team and, more specifically, by his mother, wife, and siblings. May his soul rest in peace and rise in glory.

DR GOMOLEMO MOSHOEU

Production editor

Well done, Akho!

You have run your race; now, it is for us to take the baton
and continue on your well-defined route.

Thank you for being our guiding light.

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Enhancing Judicial Excellence

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Private Bag X10, Marshalltown, 2000

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Medico-legal Aspects of Cerebral Palsy – A Handbook for Legal and Healthcare Practitioners

by Ravin Kumar Ramdass

First edition. Juta. 2024

Cerebral palsy is a medical condition that has grown in prevalence over time. As the African population continues to increase at a rapid rate, the number of children who are afflicted by cerebral palsy will continue to rise. Presently, it is estimated that ‘the overall birth prevalence of CP is ~2/1 000 live births,¹ in terms of data collected worldwide. However, the prevalence of cerebral palsy in children in rural South Africa is ‘estimated to be as high as 10/1 000 live births’.² As a result of the high number of children suffering from cerebral palsy, Ramdass’s *Medico-legal Aspects of Cerebral Palsy – A Handbook for Legal and Healthcare Practitioners* becomes all the more pertinent for addressing what he refers to as the avalanche of claims that ensue.

This first edition of *Medico-legal Aspects of Cerebral Palsy – A Handbook for Legal and Healthcare Practitioners* by Dr Ravin Kumar Ramdass is an essential and insightful resource that will prove to be invaluable to medico-legal and medical practitioners in cerebral palsy claims. The author is a medical practitioner and admitted advocate with many years of experience in medico-legal matters. Moreover, Dr Ramdass’s legal experience encompasses representation on behalf of the applicants and defendants in these claims. His expertise, a combination of medical and legal experience, is evident throughout this book. As a result, he has become a preeminent expert in cerebral palsy claims. The book is especially valuable because of Dr Ramdass’s unbiased treatment of these cases. As such, the practical insights provided within the pages of this book will be beneficial for plaintiffs and defendants in cerebral palsy claims.

The book is comprised of five chapters. Chapter 1 introduces readers to the medico-legal aspects of cerebral palsy. Cerebral palsy is presented as a source of dual adversity due to the hardships that are experienced by families and medical practitioners. Dr Ramdass effectively frames cerebral palsy as a medical and legal challenge. He also illustrates the startling increase in medico-legal claims (specifically in the public sector) which has reached a financially unsustainable level. This chapter serves as a comprehensive overview of the

¹ TJ Katangwe, RS van Toorn, R Solomons, K Donald, S Steel, PE Springer, & M Kruger ‘A South African cerebral palsy registry is needed’ (2020) 110 *South African Medical Journal* 353 <https://scielo.org.za/pdf/samj/v110n5/14.pdf> (accessed 5 December 2024).

² Katangwe et al (note 1 above).

various aspects that will be addressed throughout the remaining chapters of the book. In Chapter 2, Dr Ramdass introduces readers to the sizeable volume of cerebral palsy claims in South Africa, as well as the monetary value of these claims. He uses the province of KwaZulu-Natal as the focal point to showcase the economic implications of these claims. Chapter 3 shifts to a purely medical exploration of cerebral palsy as an affliction. The topics covered in this chapter range from the medical definition of cerebral palsy, its causes, risk factors to more detailed medical aspects of cerebral palsy. Chapter 4 returns to the legal nature of cerebral palsy claims by addressing them through the lens of the South African Law of Delict. Cerebral palsy claims fall within the scope of this field of South African law due to their compensatory nature, ultimately requiring claimants to prove the elements of causation, wrongfulness, fault and harm. In Chapter 5, Dr Ramdass presents his recommendations for minimising the prospects of potential cerebral palsy claims. While he acknowledges that his recommendations are not completely scientifically validated, they are derived from the factual and practical issues that were encountered in the fifty cases that Dr Ramdass used as the contextual foundation for this book, with a goal of reducing the risk of children developing cerebral palsy as a result of inadequate intrapartum care of the mother or the postpartum care of the child. Moreover, these recommendations are also focused on improving the ability to defend against cerebral palsy claims in the future.

This first edition provides a comprehensive and thorough analysis of the multifaceted nature of cerebral palsy claims in South Africa. The combination of the medical and legal dimensions of cerebral palsy claims in this book offers a better understanding of cerebral palsy from intrapartum care through to legal claims. The book contains a list of cases that were used for reference and a detailed index. This first edition is insightful, to the point and indispensable for medico-legal practitioners and scholars whose research interests include medical jurisprudence.

MR DANIEL HUMPEL

*Faculty of Law
University of Fort Hare*