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Bharat Patel

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Bharat Patel Bharatkumar Patel is a Zimbabwean legal practitioner who is former Acting Attorney General. Patel is currently a Supreme Court Judge.

Justice

Bharat Patel

Born

Bharatkumar Patel

16 April 1952

Salisbury (Harare)

Known for

Former Acting Attorney General

Predecessor

[Sobuza Gula-Ndebele](#)

Background

Bharat Patel was born 16 April 1952 in Salisbury, Rhodesia (now Harare, Zimbabwe)), he completed his primary education at Louis Mountbatten School and Secondary Education at Peterhouse Boys' School and St. Georges College. He completed his legal training at the University of Rhodesia in 1975 and departed for England where he qualified as a barrister at Inner Temple and obtained his master's degree in law with University College London.

Career

Patel began his working career in 1978 in the London para-legal sector, with the Greater London Citizens Advice Bureaux Service, focusing on civil rights, employment, and social welfare law. In 1982 he returned to Zimbabwe and joined government service as legal counsel performing advisory and representative duties in matters of public law and International law. From 1993 he headed the Division of Legal Advice in the Attorney-General's Office of Zimbabwe until he was appointed to the position of Deputy Attorney General of Zimbabwe in August 2000. In April 2003 he assumed the post of Acting Attorney-General after the resignation of Andrew Chigovera and May 2008.

In December 2004 he was appointed to the Bench, in the [High Court](#) of Zimbabwe, and assumed judicial duties in January 2005. From December 2007 to December 2008 he was temporarily re-appointed to the post of Acting Attorney-General, following the suspension and removal from office of the previous incumbent, Sobuza Gula-Ndebele.

In May 2013 he was appointed to the [Supreme Court of Zimbabwe](#) as Judge of Appeal. He was



simultaneously appointed to the [Constitutional Court of Zimbabwe](#) by virtue of certain transitional provisions in the new Constitution of Zimbabwe which came into operation in May 2013.

Notable Cases

Justice Patel ordered the State to compensate rape victim

The applicant told the court that on April 4, 2006, she was attacked and raped by robbers at her home and immediately reported the matter to police. She also said she requested that she be taken to a doctor to be given medication to prevent pregnancy and any sexually transmitted infection. The court heard that she was later taken to a hospital and attended to by a Dr. Kazembe to whom she repeated her request to prevent pregnancy, but the doctor only treated her injured knee. She said the doctor told her he could only attend to her request for preventive medication in the presence of a police officer and further indicated the medication had to be administered within 72 hours of the sex attack had occurred. Efforts to get assistance from the police and the hospital proved futile resulting the victim giving birth in December of the same year. In 2012, a woman made a High Court application seeking an order to compel the State to pay damages and maintain her child, but the matter was dismissed.

On March 2014, Justice Patel ruled that the Ministry of Home Affairs and their counterparts in the then Health and Child Welfare ministry acted negligently by delaying to terminate the pregnancy after the victim reported that she had been raped. The victim told the court that on April 4 2006, she was attacked and raped by robbers at her home and immediately reported the matter to police. She also said she requested that she be taken to a doctor to be given medication to prevent pregnancy and any sexually transmitted infection.

Justice Patel upheld the dismissal of her maintenance claim against the State, saying the liability of a third party outside any familial relationship was traditionally confined to one who would have deprived a dependant of support by wrongfully causing the death or incapacitation of the person supporting the claimant. Justice Patel's judgment was passed with the concurrence of Justices Paddington Garwe and Anne-Mary Gowora.^[1]

Goodliving Real Estate

In October 2013 in the case GOODLIVING REAL ESTATE (PVT) LTD & ANOTHER v ZHONGMIN Judge of Appeal Justice Bharat Patel ruled:

It is illegal to charge any deposits or other fees which is non-refundable apart from rent itself and this is inclusive of charging goodwill. Requesting tenants for such payments is prohibited and criminalized by the law.

Justice Patel said such charges were in violation of section 19 of the Commercial Premises Rent Regulations of 1983.^[2]

Mercenaries Coup Group

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A group of the 64 detained men which consisted of about 20 South Africans, and Angolans, Namibians, Congolese and one Zimbabwean national, were arrested in Harare when their plane was seized. The group was alleged to have planned a coup on Equatorial Guinea. The company which chartered their plane had reportedly said they had stopped in Harare en route to Burundi and DR Congo where they were due to provide security services for an internationally run mine. The then Foreign Minister [Stan Mudenge](#) had reportedly indicated that the group may face capital punishment, however, Justice Patel the then Attorney General indicated that the group was likely going to be charged for contravening the Aviation Act". ^[3]

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References

1. ? [Court orders State to compensate rape victim](#), , *Published: 26 March 2014, Retrieved: 13 February 2018*
2. ? ["Rent relief for tenants".](#) *Newsday*. 15 October 2013. Retrieved 12 December 2016.
3. ? ['Mercenaries' face Zimbabwe court](#), , *Published: 11 March 2004, Retrieved: 13 February 2018*