

Putney Vale Cemetery (Nos 2718, 2719 and 2720)

Let me first set out my understanding of the facts.

The petitioner is Mr Kiet Kham Hong. He is a Buddhist and all his family are Buddhists. Mr Hong's brother, Thuan Kiet Hong, died in an accident in 1991. His remains were cremated, but not interred at that time. Mr Hong's grandmother, Thuc-Bich Tran, died in 1993 and her body was buried in the consecrated part of Putney Vale Cemetery. Mr Hong's father, Vinh Hong, died on 28 June 2014 and, on 16 July 2014, his body was buried in a coffin in the plot where Thuc-Bich Tran had been interred. The ashes of Thuan Kiet Hong had previously been placed in Vinh Hong's coffin, so the interment on 16 July 2014 was, so to speak, a double funeral.

Mr Kiet Kham Hong's father was of Chinese origin and his mother of Vietnamese origin (or, it may be, his father was of Vietnamese origin and his mother of Chinese origin). Mr Hong asked Vietnamese Buddhist monks to make the arrangements for the funeral of his father and the interment of his brother's ashes. His family are now telling him that according to Chinese Buddhist tradition, these arrangements were inappropriate: they adversely affect the spirits of the deceased and, if not rectified, will bring misfortune ("bad karma"). Not surprisingly, the situation is causing Mr Hong great distress. What is required to rectify the situation according to the Chinese Buddhist tradition is for Vinh Hong's remains to be exhumed, cremated and interred in the (unconsecrated) Garden of Remembrance in Putney Vale Cemetery; for Thuan Kiet Hong's ashes to be exhumed and interred in the (unconsecrated) Garden of Remembrance; and for the remains of Thuc-Bich Tran to be exhumed, placed in a new container and then re-interred in the same grave. In a letter supplementary to his petition, dated 5 August 2014, Mr Kiet Kham Hong has explained that the Buddhist monks who are advising him will not know until after the exhumation of all the remains whether it is more propitious for Thuc-Bich Tran's remains to be re-interred in her existing grave or in a new grave.

Mr Kiet Kham Hong has confirmed to me that all the members of his family who might reasonably expect to be consulted, have been consulted and agree with the course proposed.

I have three petitions before me which seek to achieve this result.

It seems to me that Mr Kiet Kham Hong is seeking to rectify what is perceived by his family (and now by him) to be a mistake. I think that the discretion which I have to permit exhumation properly may extend to circumstances of this kind. I recognise, of course, that the mistake relied upon is of an unusual sort. My jurisdiction flows from the fact that the relevant part of the cemetery is consecrated ground. The relatives of those whose remains are interred in it must generally accept - or must reasonably be taken to accept - the restrictions that this imposes: chiefly, of course, that the interment of remains will be permanent. I have no reason to think that Buddhist beliefs as to interment of remains are any different in this regard, although it is possible that they are; however this may be, Mr Kiet Kham Hong is not seeking to assert as a reason for disinterring these remains a general divergence of Buddhist belief with the restrictions that normally obtain in respect of consecrated ground. Rather he is saying that particular reasons by reference to his and his family's Buddhist beliefs have arisen, which he did not foresee at the time of the relevant interments. It would, I suppose, be possible to take the line that Mr Kiet Kham Hong's family's beliefs are not consistent with Christian beliefs and, for that reason, are to be disregarded. It seems to me that this

would be extraordinarily harsh. In practice, it would involve saying that essentially it is inappropriate for Buddhists to be interred in consecrated ground and that, against the sort of problem that now arises, those who made the funeral arrangements for Thuc-Bich Tran should have ensured that her body was buried in unconsecrated ground. In a society in which many faiths are held, this seems to me to be unrealistic.

I am glad that I have felt able to grant these petitions. The faith of Church of England is very different to the Buddhist faith and its views about the appropriate treatment of the remains of those who have died evidently diverge but the views of Mr Khiet Kham Hong and his family are genuinely held and are appropriately treated with respect.

The faculty will permit the exhumation of the remains of Vinh Hong and Thuan Kiet Hong, subject to their re-interment in the unconsecrated Garden of Remembrance. As Mr Khiet Kham Hong knows, this will require a licence from the Ministry of Justice (which he has applied for). The faculty will also permit the exhumation of the remains of Thuc-Bich Tran. Within 6 months of the date of the faculty (or such extended period as may by order be permitted), her remains must be re-interred either in the existing grave or a new grave within Putney Vale Cemetery. This may require a Ministry of Justice licence.



PHILIP PETCHEY
Chancellor
6 August 2014