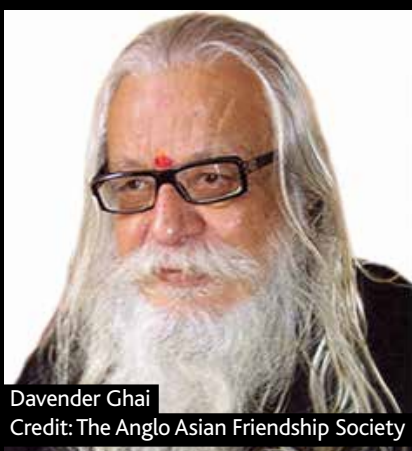


IS THE UK READY FOR **OPEN** **FUNERAL PYRES?**

BY NICK BRITTEN, WORDSMITH COMMUNICATION



THE BATTLE TO INTRODUCE OPEN-AIR FUNERAL PYRES IN THE UK IS HEATING UP AGAIN AFTER A COUNCIL WAS CHALLENGED TO PROVIDE A FACILITY TO MEET THE RELIGIOUS BELIEFS OF THE LOCAL PEOPLE.



Davender Ghai
Credit: The Anglo Asian Friendship Society

In 2010, the Court of Appeal ruled that open cremations were legal in England and Wales as long as they met a strict set of criteria.

Now a council in the north east of England is being challenged to provide a facility, or at least grant planning permission to allow one to be built.

In the latest round of a long-running battle with his local authority, Davender Ghai, a devout Hindu, said he would be stepping up his campaign, which first began in 2006. The 80-year-old believes there should be a dedicated site for open-air cremations for the Hindu community and anyone of any faith or background who would wish to use it.

He first hit the headlines when he carried out an open air funeral for a friend at the behest of the dead man's family, against the wishes of Newcastle City Council.

The police became involved but, while it was considered he was guilty of an offence, no prosecution followed because it was not deemed to be in the public interest.

It led Mr Ghai to court to seek clarification of the law and, in 2010, the Court of Appeal ruled that open pyres were legal and, as

long as they were carried out within an enclosed building, away from public view and met environmental regulations, they fell within existing legislation.

Because all Mr Ghai wanted was a traditional fire and for the sun to be able to fall on his body - and was happy to have the cremation in a building with no roof or one that was retractable - the Court ruled in his favour, saying that the Ministry of Justice's definition of a "structure", ie a building with walls and a roof, was "too narrow".

I first came across Mr Ghai when I was reporting on this case for the *Daily Telegraph*. A highly passionate man, he had argued that, under his religious beliefs, an open-air pyre was essential to "a good death" and the release of his spirit into the afterlife.

"This case was truly a matter of life and death for me and today's verdict has breathed new life into an old man's dreams," he said at the time. "I am overwhelmed by the general public's sympathy and also the number of landowners who have offered land to accommodate my natural cremation."

That was eight years ago. A period of ill health followed for Mr Ghai, who is the President of the Newcastle Anglo Asian Friendship Society, which meant he had to step back from campaigning. But back to better health, he is back on the shirt tail of Newcastle City Council in pursuit of his ambition.

“THIS CASE WAS TRULY A MATTER OF LIFE AND DEATH FOR ME AND TODAY'S VERDICT HAS BREATHED NEW LIFE INTO AN OLD MAN'S DREAMS”

Last month, a poll by the local newspaper, *The Chronicle*, showed the majority of readers who voted backed him.

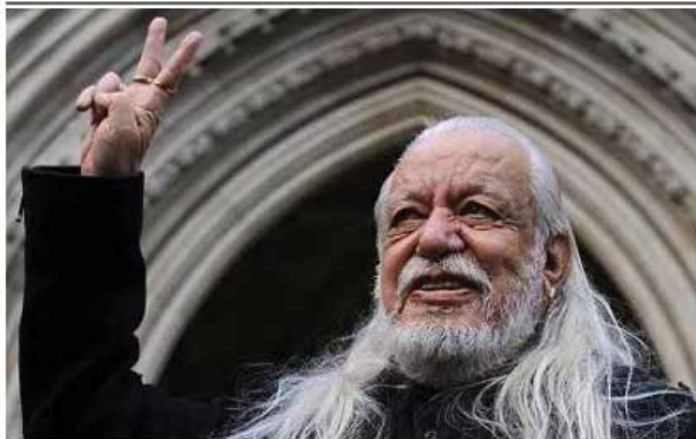
Mr Ghai, a recipient in 2007 of the Amnesty International Lifetime Achievement Award for his work in promoting peace and race relations, told *The Chronicle* recently: "I have been unwell for some time but I've 90% recovered now and I want to work on the campaign more. I believe it is down to Newcastle City Council to provide a site or land where funeral pyres can be organised.

The original Daily Telegraph article, by Nick Britten, from 2010.

HOME » NEWS » RELIGION

Hindu wins right to traditional cremation

A Hindu spiritual healer has won the right to be cremated on a funeral pyre, paving the way for thousands of fellow Hindus



Davender Ghai celebrates outside of Britain's High Court Photo: REUTERS



By Nick Britten

2:45PM GMT 10 Feb 2010

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Davender Ghai, 71, argued that under his religious beliefs, an open-air pyre is essential to "a good death" and the release of his spirit into the afterlife.

He was refused permission to be cremated as he wanted to by Newcastle City Council but the Appeal Court ruled yesterday that his wishes fell within existing legislation.

"When I wrote to them last, they suggested we would have to find the land ourselves and fund it ourselves. But it should be the council doing this, just as it provides other facilities for burials and cremations."

At the time of the Court of Appeal ruling, Newcastle City Council accused the Court of failing to take into account "difficulties which may be thrown up by planning and public health legislation should an application be submitted."

It has consistently raised concerns that the practice would have on air quality and the environment.

It has suggested two routes for Mr Ghai to try – one being to buy some land he deems suitable and make a planning application, and the second being to make a planning application without ownership which, if successful, could then lead to him buying the land.

A city council spokesman added: "Like in other cities, land in Newcastle is at a premium. We are unable to gift land to individuals or groups."

FUNERAL PYRES

The traditional Hindu funeral pyre dates back thousands of years, yet remains uncommon in the western world.

Held on open ground, to release the soul to the next world and ideally with the sun shining on the body, it is often a time for celebration as well as sadness.

The body, preferably dead for only a few hours, is placed in a shroud upon an Arthi (platform, to carry the body, made of bamboo and hay) and then onto a huge pyre as mourners chant nearby.

Traditionally, the fire must be started by the eldest son and heir, and traditionally only men were allowed to attend, although that practice has widely stopped.

During part of the ceremony, and as the body burns, the dead person's skull is cracked open three times using a large stick or bamboo pole, during a ritual known as Kapal Kriya, to release the soul from the confines of its earthly body. The ritual is performed for a number of reasons. Cracking the skull allows the body to burn more easily; it is said that the soul is most concentrated in the forehead so must be released from there, and it is also done to prevent the skull being used for any occult purposes. While graphic and traumatic, the ritual is an important part of the cremation process. Critically, it is done to help mourners come to terms with their loved one being gone.

Desh Kapoor, who wrote a blog about cremating his parents, said: "I can say that this one act breaks all the attachment to the deceased. Before doing it, you shiver – for this person was alive just a few hours back – but once you hit the skull, you know what burns in front of you is, after all, just a body. All attachments are gone."

Yet, while commonplace in India and elsewhere in the developing world, in Britain and America it is rare. There are major concerns about mercury and carbon emissions and pollutants and, while the major Hindu faith groups in the UK are not big supporters, the Hindu Academy even arguing they were against the core values of the religion. In America, there is only one formal open-air pyre in operation, in Crestone, Colorado.

Yet in the UK there is precedent. In 1934, just outside Brighton, an open-air cremation took place of 53 Hindu and Sikh soldiers who died fighting in the First World War.