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DEPARTMENT OF CULTURE
MINISTRY OF HOME AND CULTURAL AFFAIRS

TA/ DCHS/ O/ 2021-2022/ 1113

30 June 2022

Dasho Dzongda (s)
Dzongkhag administration

Subject: Administration procedure for the clearances of the works related to heritage sites

Dasho,

This is a gentle reminder to the Dzongkhags that, similarly to the last financial year, all the applications for works related to heritage sites funded by the government must be submitted within July-September. The Department will not accept applications for the government-funded works after the specified deadline. As you are aware, this procedure has been put in place mainly to enhance the service delivery and ensure that the approved works are implemented within the set time frame of the financial year.

Further, starting from this financial year (2022-2023), the Department has instituted a decentralized approach for issuing the clearances on the works related to the heritage sites, whereby a certain level of authority will be delegated to the Dzongkhag Administration. However, there will be certain limitations, and the approach will be implemented in a phased manner, mainly considering the capacity of the Dzongkhag Administration and the risk associated with works on the heritage sites. The details on the level of authority and works to be approved by the Dzongkhag Administration are clearly stated in the guidelines, which are enclosed herewith for ready reference. Further, the Department will be carrying out periodic monitoring of the works approved at the Dzongkhag level, and accordingly, accountability will be fixed if the clearances are not given in line with the guideline.

Thanking you for your continued assistance and support.

Sincerely yours,

(Nagtsho Dorji)
Director

Cc.:

1. The Honorable Minister, Ministry of Home and Cultural Affairs, Thimphu.
2. Dasho Secretary, Ministry of Home and Cultural Affairs, Thimphu.
3. Head, Division for Conservation of Heritage Sites, Department of Culture.
4. All Cultural officers, Dzongkhag administration(s).

Page 1 of 1



GUIDELINES

Procedure of seeking clearances for the works
related to the protection and management of
heritage sites

Department of Culture

Ministry of Home and Cultural Affairs

Thimphu

JUNE 2022



Introduction

With the guidance and support from the Ministry of Home and Cultural Affairs, the Department of Culture has cautiously approached and prepared this framework for decentralizing the administrative authority. The framework aims to enhance service delivery while ensuring that our heritage sites are persevered, protected, and promoted following the principle of "value-based protection." This guideline explains the new framework for protecting and preserving our heritage buildings and guides the Dzongkhag administration to exercise and administer the approval system.

1. System for registration and designation of heritage sites

The Department of Culture under the Ministry of Home and Cultural Affairs is the central agency mandated to work towards managing and protecting heritage sites in the country. The Department has embarked on developing an inventory of the heritage sites and carrying out the registration and designation of heritage sites as one of the critical activities in the 12th five-year plan.

Registration and designation of heritage sites is an important strategy for effectively managing and protecting heritage sites in the country. There are nearly 3000 heritage sites in the country and it is next to impossible to have all the heritage sites in the country managed and protected at the same level all the time. Moreover, it is known that the importance and significance of all heritage sites are not at the same level. Thus, it is essential to identify and segregate the heritage sites according to their importance and significance. Registration and designation of heritage sites will be an important tool to identify and segregate the heritage sites as per their importance and significance. Heritages sites will be registered and designated based on a set of criteria developed by the Department through survey, documentation, and assessment of the sites.

The Department has registered 230 heritage sites and identified 503 heritage sites with the Potential for qualifying to be registered (Refer to Annexure 1). However, there is a need to update these data(s), as it requires more research and collaboration between the Dzongkhag administration, Department, and other relevant stakeholders.

2. Administrative system and current practice for the protection of heritage sites

There is a system in place for seeking clearance for any work in the heritage sites of Bhutan. The Department of Culture is responsible for reviewing and providing approval for any works on heritage sites based on the applications submitted by the concerned proponent (caretakers) through the respective Gewog and Dzongkhag administrations. The Department is also responsible for providing technical support for preserving and promoting heritage sites. The following figure shows the set procedure for appraisal and approval system practice to date:



Figure 1: Procedure in practice for an approval system

3. Mode of Submission of applications:

The Department has developed and introduced an electronic submission system (e-form) for submitting applications in the FY 2020-21. Accordingly, we have sensitized the cultural officers of all 20 Dzongkhag(s) on the usage of the system. The other way of submission was through the email directed to the identified focal person(s) for each Dzongkhag from the Department. The Department doesn't accept any hardcopy applications.

S#	Name of the concerned officials	Designation	Dzongkhags		Contact details	Email id
1	Mr. Karma Tenzin	Executive Architect	Sarpang		17517165	karmatenzin@mohca.gov.bt
2	Mr. Pema	Executive Engineer	Wanguephodrang		17112039	pema_engineer@mohca.gov.bt
3	Mr. Tashi Wangchuk	Architect	Trashiyangtse	Mongar	17504219	twangchuk@mohca.gov.bt
4	Mr. Tempa Tshering	Asst. Archeologist	Gasa		17519529	ttshering@mohca.gov.bt
5	Ms. Phuntsho Wangmo	Dy. Exe. Engineer	Bumthang	Pemagatshel	17781605	pwangmo@mohca.gov.bt
6	Mr. Ugyen Dorji	Engineer	Paro	Samtse	17339739	ugyend@mohca.gov.bt
7	Mr. Tenzin Namgyal	Dy. Exe. Engineer	Lhuentse	Chhukha	17464497	tenzinnamgyel28@gmail.com
8	Mr. Pema Khandu	Engineer	Tashigang	Samdrup Jongkhar	17944966	khandupema123@gmail.com
9	Ms. Chosang Doma	Architect	Thimphu		77331517	chosangdoma92@gmail.com
10	Ms. Pem Choki	Architect	Haa	Punakha	17564709	pemchokiar15@gmail.com
11	Mr. Tashi Tshering	Architect	Dagana	Tsirang	17962631	shizin6@gmail.com
12	Mr. Sonam Gyeltshen	Sr. Archeology Technician	Zhemgang	Trongsa	77389397	sgyaltshen@mohca.gov.bt

Table 1: Details of the identified focal person for each Dzongkhag.

NOTE:

If you are using e-form, please ensure that required information and documents are made available based on the checklist (Refer section 9) prior to accessing it.

4. Classification of work on heritage sites

Regarding the nature and classification of work on heritage buildings, we can broadly classify the works into four categories, namely:

I. New Construction:

Construction of any new religious structures. It applies to all categories of heritage buildings.

II. Reconstruction:

Dismantling and rebuilding of the entire heritage structures. It applies to all categories of heritage buildings.

III. Renovation:

Works/ interventions may or may not impact the architectural form and structural integrity. Renovation work is further classified into two categories:

Minor renovation:

The following are the activities that fall under this category:

- Change of floorboards
- Replacement of roofing sheets
- Painting works (excluding *debri* work)
- Relocation/addition of timber partition walls
- Plinth protection work
- Re-electrification work
- Security and surveillance system (CCTV and fire alarm)

The aforementioned activities will not have any structural implications; rather, it is meant for the upkeep and sustenance of the heritage buildings.

Major renovation:

The following are the activities that fall under this category:

- Extension: Works related to an extension of the existing religious structures leading to an increase in the size of the heritage structures.
- Repair and replacement of timber components for the entire roof
- Partial dismantling and reconsolidation of structural walls
- Repair and consolidation of walls which relates to wall stitching works
- Replacement of rabsey/ window and door components
- Replacement of kachen, dung, cham.

The activities mentioned above will have structural implications; thus, it requires careful planning and expertise to execute the work. Please classify the work as major renovation if the proposal includes one of the abovementioned activities. Leaving unattended may lead to unnecessary and irreplaceable damage to the heritage buildings.

IV. Site Development works:

Developmental activities within the premises of the heritage structures. The following are the different activities under this work category:

- Construction of retaining wall,
- Construction of boundary wall,
- Construction of gates,
- Ground extension work,
- Laying of doleps.

V. Other development works:

Herein, clearances must be sought from the Department for any other infrastructure development in and around the heritage sites that are not covered in the above four work categories. e.g., farm road construction, electricity, telecom works, etc.

NOTE:

The works beyond the above lists should be referred to the Department of Culture.

5. Timeline for submission of applications

The window for submission of applications related to any work on heritage sites is open for three months, i.e., from 01 July to 30 September of the fiscal year, for any planned activities with the allocated budget from government funds. We accept the application throughout the year for the works proposed by a private entity. However, applications submitted during the three-month application window will receive priority over other applications submitted after the application window. The Department is working on allotting a definite Turn Around Time (TAT) allocated for completing the application process as per the category of work (Table 1).

Sl#	Work category	Turnaround time
1	New construction	30 days (1 month)
2	Reconstruction	30 days (1 month)
3	Renovation (Major)	30 days (1 month)
4	Renovation (Minor)	7 days (1 week)
5	Site Development works	7 days (1 week)

Table 2: Turnaround time for the application process

NOTE:

After submission of the application, the Cultural Officer(s) is requested to access and check the online e-form sheet to fulfill all the requirement to ensure smooth facilitation of the clearances. The Department will wait for additional documents for two weeks, only for applications of new construction and reconstruction works. Non fulfillment after two weeks, the application will be rejected or treated invalid.

6. The new administrative framework for the decentralized approach

From the upcoming fiscal year 2022-23, we will adopt a new administrative process, wherein there will be two pathways for appraisal, review, and approval of applications, as shown in the figure below:

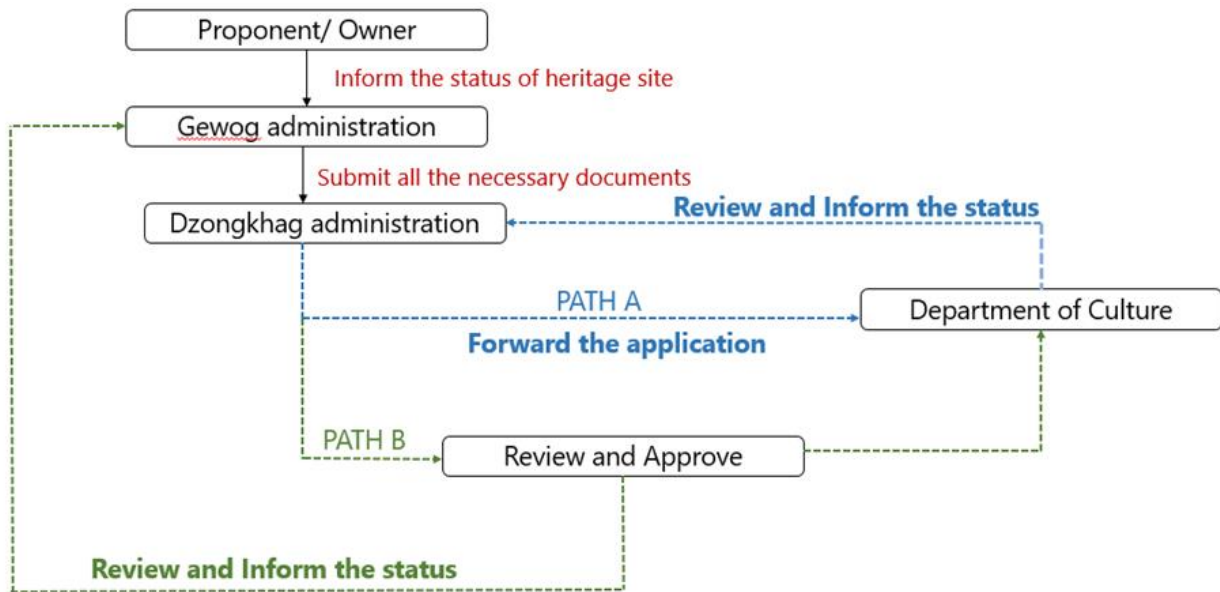


Figure 2: New administrative approach for an approval system

PATH A approach:

The Path- A approach applies to any application related to any works that fall under the following heritage sites:

- Registered Heritage Sites (HS)- 230 HS in number.
- Potential Heritage Sites (HS) for registration - 503 number.

The Path-A approach is also applicable for the following works:

- Reconstruction of heritage buildings.
- All four categories of work on "choetens".
- Construction of new religious structures.

Presently, for any application, there are three statuses applied, i.e., Approval, Rejected, and Deferred. The Deferred cases mainly pertain to missing documents and deter in providing efficient service delivery. Therefore, from FY 2022-23, the Department will reject the applications if the mandatory documents are missing; the concerned proponent will have to reapply for the application. Thereby, the application status will be either of Approval or Rejected.

PATH B approach:

The path- B approach applies to any other heritage sites other than the registered heritage sites and those with the Potential for registration (Refer to the list provided). The work category is as follows:

- Renovation work
- Site development work

This path applies to all categories of work for "**ancillary structures**" on heritage sites other than those registered or designated HS. Specifically, it applies to heritage buildings built after the 1960s without exceptional CHVs.

NOTE:

- The Dzongkhag administration should submit a copy of the approval letter or any administrative actions taken to the Department of Culture following PATH-B approach.
- If in case, the Dzongkhag administration recognizes heritage sites that has the potential for registration, you are requested to inform and update the Department accordingly.

7. Implementation of the decentralized approach

The Department will implement this new administrative framework strategically in a phase-wise manner due to the following reasons:

- Ensure no compromise exists in the Cultural Heritage Value (CHV) associated with the heritage sites.
- Avoid haphazard planning and development on the premises of heritage sites.
- Gradually build the technical capacity in the local government.
- Review/ check the efficiency of the Dzongkhag administration in scrutinizing and approving works on heritage sites.

The Department will review and further broaden and streamline the jurisdiction of administrative control by the Dzongkhag administration as intended in the path-B approach.

The first phase of implementation:

Under the path-B framework, the Dzongkhag administration has the authority to review and approve the new construction, reconstruction, and renovation of ancillary structures only, as specified below:

- Lamai zimchung (residence) of single occupancy.
- Toilets for a communal purpose.
- Kitchen and/or Kitchen with the attached store.
- Karmai khang (within 9 sqm. max)
- Mani Dungkor (2.5x 3 m) for proposal from a private entity on private land.

The construction material should be stone masonry, rammed earth, and timber. The number of the story is limited to one. Suppose the material is beyond the material mentioned above and the number of story is more than one. In that case, the application should be forwarded to the Department following the path A approach.

IMPORTANT NOTE:

- The Dzongkhag Administration should neither consider nor have the authority to give clearances for works proposed on the state land
- Any proposal on state land has to be referred to the Department of Culture.
- Apart from the other state-owned land, the land under the ownership of community lhakhang and Zhung Dratshang lhakhang, institutions (e.g. schools, hospitals etc.) are considered as “*State-owned land*”.

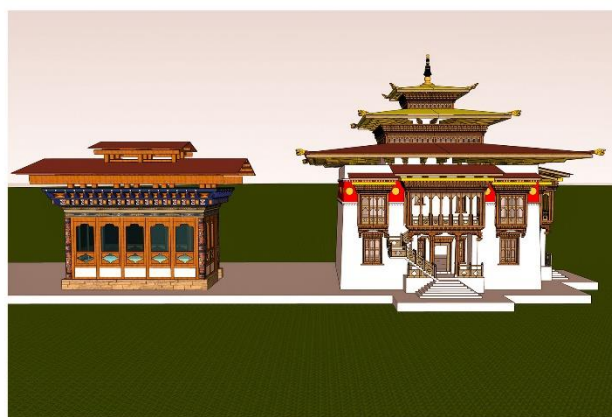
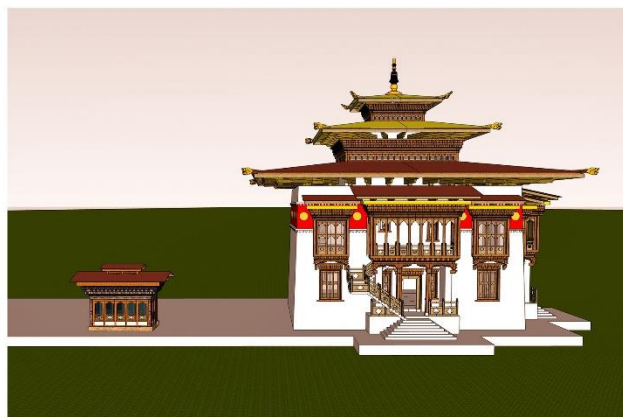
8. Guidance on what to look out for:

During the review of applications by the Dzongkhag administration, the following are important checklist:

1. **Visual integrity:** The proposed structure should not hinder or obstruct the visual integrity of the main lhakhang.



2. **Scale of the structure:** The proposed structure should be smaller than the main lhakhang. Eg. For mani dungkhor, the proposed size should be less than 2.5x 3.0 metres.



3. **Planning:** Ensure that the location is appropriately planned based on the existing structures. The proposed structure should support the daily functioning and enhance the living condition of the custodians.



Appropriate location of a new karmikhang (red roof).



Inappropriate location of a new karmikhang.



While the decentralized approach will happen phase-wise, we need a pragmatic "check and balance system." The check and balance system encapsulates:

- Increased awareness of the preservation and promotion of HS.
 - Distribute Infographic pamphlets for easy understanding to the general public.
- Monitoring and supervision.
 - Regular and annual monitoring by DoC
 - Adhoc site visits
- Fix and implement accountability measures

9. Requirement of documents:

The applicants must furnish the following details as part of the application.

I. New Construction:

Checklist Documents

- ☐ Lag thram/ Ownership transfer documents if the land is being transferred/ Letter of Undertaking if an entity offers the land.
- ☐ Location of the HS (google image with geo-ordinates)
- ☐ Work modality- who will implement the work?
- ☐ Community clearance (signed by all households of the community, endorsed by the Gewog administration)
- ☐ Financial information (Specify the source of funding):
 - For government-funded proposals: Fund utilization plan that mentions if the proposed activity will be spilled over or not.
 - For privately funded proposals, submit a "letter of surety." For new construction works, further assurance is required for both structure and other associated works- debri, nangtens.
- ☐ Need assessment clearly stating the reasons for the need for new structures, etc. You may submit the need assessment report in any written format.
- ☐ Site plan
- ☐ Drawings (Architectural, structural and electrical drawings). For ancillary structures, submit only architectural drawings- elevation.
- ☐ Detailed estimate. For ancillary structure, you may not submit the estimate.
- ☐ Management and ownership details. Here, specify who will be responsible for management after completion of the work, e.g., Private/community. The document needs endorsement from gewog/ Dzongkhag administration.

II. Reconstruction:

Checklist Documents

- ☐ Lag thram/ Ownership transfer documents if the land is being transferred/ Letter of Undertaking if an entity offers the land.
- ☐ Location of the HS (google image with geo-ordinates)
- ☐ Work modality- who will implement the work?
- ☐ Community clearance (signed by all households of the community, endorsed by the Gewog administration)
- ☐ Financial information (Specify the source of funding):
 - For government-funded proposals: Fund utilization plan that mentions if the proposed activity will be spilled over or not.
 - For privately funded proposals, submit a "letter of surety." For new construction works, further assurance is required for both structure and other associated works- debri, nangtens.
- ☐ Site plan
- ☐ Pictorial documentation of the existing state of the structure.
- ☐ Damage and structural assessment report
- ☐ History/ Chronology of works undertaken to date, including the source of funding
- ☐ Drawings (Architectural, structural and electrical drawings). For ancillary structures, submit only architectural drawings- elevation.
- ☐ Detailed estimate. For ancillary structure, you may not submit the estimate.

- ☐ Management and ownership details. Here, specify who will be responsible for management after completion of the work, e.g., Private/community. The document needs endorsement from gewog/ Dzongkhag administration.
- ☐ Management of Nangtens during the reconstruction (Please submit a signed document indicating who will manage and look after them?)

III. Renovation:

Checklist Documents

- ☐ Lag thram/ Ownership transfer documents if the land is being transferred/ Letter of Undertaking if an entity offers the land.
- ☐ Location of the HS (google image with geo-ordinates)
- ☐ Work modality- who will implement the work?
- ☐ Community clearance (signed by all households of the community, endorsed by the Gewog administration)
- ☐ Financial information (Specify the source of funding):
 - For government-funded proposals: Fund utilization plan that mentions if the proposed activity will be spilled over or not.
 - For privately funded proposals, submit a "letter of surety." For new construction works, further assurance is required for both structure and other associated works- debri, nangtens.
- ☐ Nature of work (specify the proposed activity)
- ☐ Pictorial documentation of the existing state of the structure.
- ☐ Damage and conditional assessment report (including the nature of work undertaken to date). This applies to only Major renovation works.
- ☐ Architectural drawings for major renovation works. Other drawings should also be submitted according to the site situation.
- ☐ Detailed estimate for major renovation works.
- ☐ Management and ownership details. Here, specify who will be responsible for management after completion of the work, e.g., Private/community. The document needs endorsement from gewog/ Dzongkhag administration.

- ☐ Management of Nangtens during the reconstruction (Please submit a signed document indicating who will manage and look after them?)

IV. Site development work:

Checklist Documents

- ☐ Lag thram/ Ownership transfer documents if the land is being transferred/ Letter of Undertaking if an entity offers the land.
- ☐ Location of the HS (google image with geo-ordinates)
- ☐ Work modality- who will implement the work?
- ☐ Community clearance (signed by all households of the community, endorsed by the Gewog administration)
- ☐ Financial information (Specify the source of funding):
 - For government-funded proposals: Fund utilization plan that mentions if the proposed activity will be spilled over or not.
 - For privately funded proposals, submit a "letter of surety." For new construction works, further assurance is required for both structure and other associated works- debri, nangtens.
- ☐ Nature of work (specify the proposed activity)
- ☐ Need assessment (State and justify why the proposal is necessary, referring to the existing state of the site)
- ☐ Pictorial documentation of the site
- ☐ Drawings (applicable for works with structural implications- e.g., retaining wall).
- ☐ Site plan

Annexure 01:

List showing the number of heritage sites (Registered and the Potential for registration) in the twenty Dzongkhags.

Sl.no	Dzongkhags	Registered sites	Sites having Potential for registration
1	Bumthang	42	84
2.	Chukha	3	27
3.	Dagana	5	17
4.	Gasa	7	29
5.	Haa	8	13
6.	Lhuentse	10	49
7.	Mongar	10	35
8.	Paro	40	0
9.	Pema Gatshel	3	3
10.	Punakha	14	21
11.	Samtse	2	3
12.	Sarpang	1	0
13.	Samdrup Jongkhar	2	4
14.	Thimphu	30	19
15.	Trashigang	7	90
16.	Trashiyangtse	9	4
17.	Trongsa	15	49
18.	Tsirang	1	1
19.	Wangdue Phodrang	16	48
20.	Zhemgang	5	7
	Total	230	503