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PREAMBLE

Movable Cultural Property forms a significant and a core component of Bhutan's immensely rich and ancient heritage. They are the material representations of the aspirations, achievements and expressions over many centuries of not only many renowned spiritual and historical figures but also of ordinary people like local artisans and craftspeople. The conservation and safeguarding of movable Cultural Property is thus imperative not just as representations of the past but also to ensure that the quality of life of the Bhutanese people is also as rich or even richer in the future.

This Act to conserve and protect the Movable Cultural Property of Bhutan is therefore enacted in the interest of the people of Bhutan and the World at large by the National Assembly of Bhutan, at its 84th Session, on the Twenty Eighth Day of the Ninth Month of the Wood Bird Year corresponding to the 29th of November 2005.

**CHAPTER I
PRELIMINARY PROVISIONS**

Title, Commencement and Extent:

1. (a) This Act shall be called “The Moveable Cultural Property Act of Bhutan, 2005”.
- (b) This Act shall come into force on the Twenty Eighth Day of the Ninth Month of the Wood Bird Year corresponding to the 29th of November 2005, as passed by the National Assembly of Bhutan as follows:
- (c) This Act shall apply to the whole of the Kingdom of Bhutan.

Overriding Effect:

2. From the date of passing of this Act, this Act shall have an overriding effect over all Government Circulars and *Kashos* relating to old *Ten-Sums* and Cultural Properties.

**CHAPTER II
VALUABLE CULTURAL PROPERTIES
OWNED BY ZHUNG DRATSHANG AND RABDEY**

Registration and Management:

3. (a) In accordance with Section 59 of Chapter VI of this Act, the representatives of the *Zhung Dratshang*, *Rabdey* and the Department of Culture shall jointly list and register *Thrams* of all the *Kusung Thukten* and Cultural Properties present in *Dzongs* and *Lhakhangs*. Photographs and documentation of these Cultural Properties shall also be maintained.
- (b) The original copy of a *Thram* shall be maintained by the *Zhung Dratshang* and the Department of Culture. A copy of this *Thram* shall also be kept with the *Lhakhang* concerned.

Handing over during the change of a Caretaker:

4. At the end of the tenure of an existing Caretaker or *Kangjupa*, the handing over of the Cultural Properties of *Dzongs*, *Lhakhangs* or *Goendeys* to a new Caretaker or *Kangjupa* by the outgoing Caretaker shall be done in the presence of representatives from the *Zhung Dratshang* and *Rabdey*.

Shortage in the number of Valuable Cultural Properties:

5. The representatives of the *Zhung Dratshang* and *Rabdey* shall investigate and handle any shortage in the number of Valuable Cultural Properties, at the time of the handing over process. Any matter which cannot be resolved shall be submitted to the Department of Culture which shall deal with it in accordance with Government rules. If necessary, the Department of Culture and the representatives from the *Zhung Dratshang* or *Rabdey* shall refer and justify the case along with the suspected offender to the Police and the Royal Court of Justice.

Shortage in the number of Non-Valuable Cultural Properties:

6. For any shortage in the number of Non-Valuable Cultural Properties during the handing over process, the representatives of *Zhung Dratshang* and *Rabdey* shall make the person responsible; replace the missing property within three to six months. This replacement must be of the same material, size, appearance and shape of the original object that is missing. After the replacement has been made, a report must be submitted to the *Zhung Dratshang* and the Department of Culture.

Handing over of damaged/defective Cultural Property:

7. If it has been stated in the *Thram* that any Cultural Property belonging to a *Lhakhang* is damaged or defective, it shall be handed over accordingly. Any unrecorded damages that have developed naturally due to age shall be examined and considered by the representatives. However, if there is new damage due to negligence, the object shall be repaired and replaced by the Caretaker in the same condition as that of the condition noted in the *Thram*.

Updating of a *Thram*:

8. The representatives of the handing over process shall make a detailed list of the properties and shall make additional *Thrams* for any newly acquired

property offered by devotees at the time of the handing over process. Copies of these *Thrams* shall be submitted to the *Zhung Dratshang*, *Rabdey* and the Department of Culture. However, if it is found that the Caretaker, for personal gains, has deliberately hidden and failed to reveal any new acquisitions that are required to be registered, the Caretaker shall be penalised accordingly.

Sale, Purchase and Transfer:

9. Cultural Property registered in a *Thram* shall not be sold, used for personal means, exchanged, gifted or damaged. The *Zhung Dratshang* and *Rabdey* in consultation with the community concerned shall decide on any exchange and grant among *Dzongs* and *Lhakhangs* of any *Tensum* and other Cultural Property. However, in the case of Valuable Cultural Properties, this shall be done in accordance with the approval of the *Dratshang Lhentshog*. Accordingly a copy of the order issued for the transfer of *Thram* shall be given to the Department of Culture.

Periodic Investigation:

10. Every three to five years, the *Zhung Dratshang*, *Rabdey* and the Department of Culture shall conduct a joint investigation of the condition of Valuable Cultural Properties to ascertain whether the conditions of these properties are still in accordance with their *Thrams*. A report of this investigation shall be submitted by the investigating team to the *Dratshang Lhentshog* and the Ministry of Home and Cultural Affairs.

Adhoc Investigation:

11. In the case where there are concerns that Cultural Properties in *Dzongs* and *Lhakhangs* have been stolen, exchanged or sold outside, the *Dratshang Lhentshog* and the Department of Culture shall conduct a joint investigation at any time.

Offer of Zung:

12. In the case where Cultural Property registered in a *Thram* has to be offered as *Zung* for *Ten*, it may be done in accordance with the approval of the *Dratshang Lhentshog*. The offering shall be made in the presence of the representatives from the Department of Culture. Accordingly, a notice shall

be given to the Department of Culture for the purpose of making subsequent changes in the *Thram*. Until the approval is received from the *Dratshang Lhentshog*, the personnel dealing with the Cultural Property at the *Zhung Dratshang, Rabdey* and the Department of Culture shall not change the *Thram*.

Reports:

13. A copy of all reports relating to Sections 5, 6, 7, 8, 9 and 12 under Chapter II shall be submitted to the Department of Culture.

Prohibition on photographing Cultural Properties:

14. Without prior permission from the *Dratshang Lhentshog*, photographing, permitting people to view and handle, filming or carrying out research on, etc. of Cultural Properties are prohibited.

Conservation and Security:

15. (a) All Cultural Property in *Lhakhangs*, even those which are damaged due to age, shall be conserved.
- (b) The Caretaker, *Kanjupa* or any other person shall not carry out any conservation works on Cultural Property in *Lhakhangs* without appropriate approval.
- (c) In order to prevent changes and damages to the original design, colour, etc. of Cultural Properties when undertaking conservation, the conservation works shall be carried out in accordance with the policies of the Royal Government and with the approval of the *Zhung Dratshang* and *Rabdey*. To facilitate this purpose, people from the *Zhung Dratshang* and *Rabdey* shall be trained in the conservation of Cultural Properties.
- (d) Due to the complexity of works, if there is likelihood of changes and damages to the original colour, appearance, etc. of Valuable Cultural Property, experts from the *Zhung Dratshang, Rabdey* and the Department of Culture shall jointly carry out the necessary conservation works.
- (e) After the completion of conservation works on an object, according to the process mentioned in Section 15(d), the *Dratshang Lhentshog*

and the Department of Culture shall accordingly make the necessary changes in the *Thram*.

- (f) In order to ensure that Cultural Property under the care of *Zhung Dratshang* and *Rabdey* are conserved effectively and safely, the Department of Culture shall propose plans and strategies and shall train and make provisions for entitlements for the Caretakers of these properties in appropriate methods of conservation, maintenance and protection of these objects.

Exhibition outside the Country:

- 16. (a) When Cultural Properties covered under Section 59 of Chapter VI are to be taken outside the country for an exhibition, the Ministry concerned shall inform the *Zhung Dratshang* and *Rabdey*.
- b) For these Cultural Properties, except for those very rare Cultural Properties which are automatically barred from being taken out of Bhutan, a list containing the description of the objects and the location from where they are to be collected for the exhibition must be discussed among the bodies concerned.
- c) The *Zhung Dratshang*, *Rabdey* and the Department of Culture shall jointly maintain detailed documentation, along with identification marks, value, source and photographs of each property.
- d) The person who is in charge of transferring Valuable Cultural Properties from their original locations for an exhibition shall take all necessary measures to prevent damages to the objects during the transfer.
- e) Similarly, the person who is in charge of transferring these Cultural Properties shall also appropriately insure each and every object.
- f) Since there are high risks involved with the transfer of valuable and sacred religious items for exhibitions, experts in performing *Soel-choeth* offerings from the *Zhung Dratshang* and *Rabdey* shall also accompany the representatives of the Government in order to take special care of objects that are sacred.

- g) On the return of an object from an exhibition, the object shall be transferred and restored to its relevant location only after the verification of its condition in correspondence to the previous record of its condition before the transfer of the object for the exhibition. A report of this verification shall then be submitted to the *Dratshang Lhentshog* and the Ministry concerned.

CHAPTER III

VALUABLE CULTURAL PROPERTIES OWNED BY THE GOVERNMENT

Registration and Management:

17. In accordance with Section 59 of Chapter VI of this Act, all Cultural Properties and other objects in a Museum shall be documented with photographs and registered by the Museum. A copy of this registration with the documentation shall be submitted to the Department of Culture.

Procurement of Cultural Properties:

18. A Committee which has been authorised by the Government for the procurement of Cultural Properties shall procure after careful verification and discussions on whether the object is valuable and thus a historically important *Kusung Thugten* and whether the price to be paid for this object has been set according to the value of the object. In accordance with the decision taken by this Procurement Committee, the Museum shall purchase the property and subsequently document and register them.

Research and taking Photographs:

19. Carrying out research on and taking photographs of Government owned Valuable Cultural Properties, are prohibited without prior approval from the Department of Culture. Research on and taking photographs solely for the purpose of dissemination of free information to educate the public can be done with approval from the Museum.

Conservation and Security:

20. Depending upon its condition, if a Valuable Cultural Property in a Museum has to be conserved, the conservation shall take place in accordance with Government policies and shall be allowed only after thorough verification by conservation experts as to whether it is necessary to carry out the proposed conservation works. In order to keep the properties in the museum safe and to protect them from damages after the conservation, the properties shall be managed under the guidance and supervision of conservation experts.

Exhibition outside the Country:

21. (a) To take any Cultural Property covered under Section 59 of Chapter VI outside the country for an exhibition, approval must be obtained from the Ministry concerned.
- (b) In accordance with the approval of the Ministry, the Museum shall make a list of the Cultural Properties to be taken outside and accordingly seek approval from the Department of Culture.
- (c) The Museum and the Department of Culture shall jointly maintain detailed documentation of each property, including identification marks, value, source and photographs of each object.
- (d) The person who is responsible for transferring Cultural Properties for an exhibition shall take appropriate measures to avoid damages to these objects during transportation.
- (e) Similarly, this person shall insure each object.
- (f) Since there is high risk involved with transfer of Cultural Properties, competent persons from the Government shall be sent with the objects to take care of them.
- (g) On the return of an object from an exhibition, the condition of the object shall be verified for damages in accordance with the previous record of its condition before the transfer of the object for the exhibition. A report of this verification shall then be submitted to the Ministry.

Handing Over:

22. During the change of the Head of a Museum, all properties as per the registered list shall be handed over accurately to the new Head.

**CHAPTER IV
VALUABLE CULTURAL PROPERTIES
OWNED BY *LATRUEL* OR A COMMUNITY**

Registration and Management:

23. (a) In accordance with Section 59 of Chapter VI of this Act, the Department of Culture, representatives from the respective village and the Head of the *Goendeys* shall jointly list and register *Thrams* of all *Kusung Thukten* and other Cultural Property, be it old or new, in *Lhakhangs* owned by *Latruel* or local Communities. Photographs and documentation of these Cultural Properties shall also be maintained.
- (b) A copy of the *Thram* shall be maintained by the relevant *Lhakhangs* and concerned Dzongkhag. The original copy shall be kept with the Department of Culture.

Handing Over during the change of Caretaker:

24. At the end of the tenure of a Caretaker of *Lhakhangs* or *Goendeys*, the handing over process of Cultural Properties shall be done in the presence of representatives from the village, the Head of the *Goendey* and representatives from the Dzongkhag. The copy of the handing over report shall be submitted to the Department of Culture.

Shortage in the number of Valuable Cultural Properties:

25. During the time of the handing over process, if there are any shortages in the number of Valuable Cultural Properties, this shall be investigated and verified by the representative of the village, the Head of *Goendey* and the representative from the Dzongkhag. Accordingly as per the existing regulations, they shall then refer the case to the Royal Bhutan Police for further investigation. Further, the team must submit this information to the Department of Culture.

Shortage in the number of non-valuable Cultural Properties:

26. During the time of the handing over process, if there are any shortages in the number of Non- Valuable Cultural Properties, the representatives of the village, the *Goendey* and the *Dzongkhag* shall order whoever is responsible for the shortage to replace the missing property within three to six months. This replacement must be of the same material, size, appearance and shape of the original object that is missing. A report of this shall be submitted to the Department of Culture.

Handing over of defective Cultural Property:

27. If it has been stated in the *Thram* that a Cultural Property of a *Lhakhang* is defective, it shall be handed over accordingly. Any unrecorded defects that have developed naturally shall be examined and considered by the representatives. However, if there is new damage and deterioration, directly due to negligence, it shall be repaired and replaced in the same condition as that of the original by the person responsible.

Updating of *Thram*:

28. The representatives present during the handing over process shall make a detailed list of properties and make new *Thrams* for any newly acquired properties offered by devotees at the time of handing over. Copies of these new *Thrams* shall be submitted to the Department of Culture. However, if it is found that the Caretaker, for personal gains, has deliberately hidden and failed to reveal any new acquisitions that are required to be registered, the Caretaker shall be penalised accordingly.

Sale, Purchase and Transfer:

29. Any Cultural Property registered in a *Thram* shall not be sold, used for personal needs, exchanged, gifted or damaged. Any exchange and grant of *Tensum* and other properties among *Lhakhangs* shall be done with the approval of the Department of Culture. The application for the change of *Thram* shall be submitted for approval to the Department of Culture.

Periodic Investigation:

30. Every three to five years, the Department of Culture shall investigate all Valuable Cultural Properties and submit their report to the Ministry of Home and Cultural Affairs.

Adhoc Investigation:

31. In case there is concern that Cultural Property owned by a *Latruel* or public *Lhakhang* has been lost, exchanged or sold, the Department of Culture may conduct an investigation at any time.

Offer of Zung:

32. Where Cultural Property registered in a *Thram* has to be offered as *Zung* for *Ten*, this can be decided by the community concerned or the *Latruel*. However, the offering shall be made in the presence of representatives from the Department of Culture and/or the Dzongkhag. Accordingly, a report shall be sent to the Department of Culture for the purpose of updating or changing the corresponding *Thram*.

Photographing of Valuable Properties:

33. Without prior approval from the Department of Culture, photographing, filming, carrying out research on or permitting a person to view or handle Valuable Cultural Properties is prohibited.

Conservation and Security:

34. (a) The *Kongyer* and Caretakers shall conduct checks from time to time whether all Cultural Properties are in place. Similarly people living near the *Lhakhang* shall render help when necessary for safeguarding Cultural Properties.
- (b) Conservation works on Cultural Properties shall not be carried out without approval from the Department of Culture.
- (c) Conservation works shall not be approved until the identity and qualification of the conservator identified to carry out the work have been verified and the conservation proposal has been examined and found to be appropriate.

- (d) Valuable Cultural Property, belonging to any person, shall be conserved by the person with the help of the Department of Culture.
- (e) Regardless of who carries out conservation works on an object, the Department of Culture shall maintain a keep a record of this conservation.
- (f) In order to ensure that Cultural Property under the care of *Latruel* and Community *Lhakhangs* are conserved effectively and safely, the Department of Culture shall propose plans and strategies and shall train the Caretakers of these properties in appropriate methods of conservation, maintenance and safeguarding of these objects.

Exhibition outside the country:

- 35. (a) For the transfer of Cultural Properties covered under Section 59 of Chapter VI for an exhibition, approval must be obtained from the Ministry concerned.
- (b) If the Department of Culture wishes to use Cultural Property owned by *Latruel* or community *Lhakhangs* for an exhibition in accordance with the approval of the Ministry, the Department shall make a list of Cultural Properties to be taken and obtain approval from the Ministry.
- (c) The Department of Culture shall maintain detailed documentation of each property to be used for an exhibition, including identification marks, value, source and photographs of each object.
- (d) The person who is responsible for transferring Cultural Properties for an exhibition shall take appropriate measures to avoid damages to these objects during transportation.
- (e) Further, the person shall insure each object.
- (f) Since there is high risk involved with exhibition items, competent people from the Department of Culture shall be sent with the properties to take care of them.
- (g) On the return of an object from an exhibition, the condition of the object shall be verified by the Department of Culture for damages in accordance with the previous record of its condition before the

transfer of the object for the exhibition. A report of this verification shall then be submitted to the concerned Ministry.

CHAPTER V PRIVATELY OWNED VALUABLE CULTURAL PROPERTIES

Registration and Management:

36. (a) In accordance with Section 59 of Chapter VI of this Act, the Department of Culture shall list and register *Thrams* of all Valuable Cultural Properties belonging to a private *Lhakhang*, altar or exhibition. Photographs and records of the Cultural Properties shall also be maintained.
- (b) A copy of the *Thram* shall be kept with the owner and the concerned Dzongkhag. The original *Thram* shall be kept with the Department of Culture.

Penalties for non-registration:

37. If the Government becomes aware of Cultural Properties that have been concealed to avoid registration of these objects during the time of registration, penalties shall be imposed.

Adhoc Investigation:

38. (a) For objects belonging to a private *Lhakhang*, altar or exhibition, as the handing over process does not take place, a representative from the village and the Dzongkhag Administration shall therefore conduct an investigation every three years on the condition of Valuable Cultural Properties against the corresponding *Thram*. A report of this investigation shall be submitted to the Department of Culture.
- (b) In case there is any concern that Cultural Property in a private *Lhakhang*, altar or exhibition hall has been lost, exchanged or sold outside, the representative of the village and the Dzongkhag Administration may conduct investigations at any time and report accordingly to the Department of Culture. The Department of

Culture may also conduct investigations on the instruction of the Ministry.

Shortage in the number of Valuable Cultural Properties:

39. If Valuable Cultural Properties are found to be missing during the investigation, the matter shall be forwarded to the Royal Bhutan Police for further investigation.

Sale, Purchase and Transfer:

40. (a) Any Cultural Property registered in the *Thram* may be sold, exchanged, inherited, gifted and transferred to other locations within the country. However, the matter shall be reported to the Department of Culture through the respective Dzongkhag within one month to update the corresponding *Thram*. The new owner shall obtain and maintain a copy of the new *Thram*.
- (b) When a person wants to sell a privately owned Valuable Cultural Property to the Government, he or she shall contact the Department of Culture. The Cultural Properties Procurement Committee shall purchase the object at the rate fixed by the Committee after verifying the value of the object. The property purchased shall then be handed over as per the decision of the Government. Subsequently the corresponding *Thram* shall be updated or changed accordingly.

Photographing Cultural Properties:

41. Except for the owners, without prior permission from the Department of Culture, photographing, filming and carrying out research on Cultural Properties are prohibited.

Offer of Zung:

42. A Valuable Cultural Property registered in the *Thram* may be offered as *Zung for Ten* as per the wishes of the owner. However, the offering shall be made in the presence of the representative from the village and Dzongkhag. Accordingly, a report shall be sent to the Department of Culture to update or change the corresponding *Thram*.

Conservation and Security:

43. (a) The owner and the Caretaker shall conduct regular checks to ensure that all Cultural Properties are secure and in place. People living near the *Lhakhang* shall render help when necessary for safeguarding the Cultural Properties.
- (b) Conservation works on Cultural Properties shall not be carried out without approval from the Department of Culture.
- (c) Conservation works shall not be approved until the identity and qualification of the conservator identified to carry out the work, have been verified and the conservation proposal has been examined and found to be appropriate.
- (d) If Cultural Property belonging to any person is a valuable one, he shall conserve it with the help of the Department of Culture.
- (e) Regardless of who carries out conservation works on an object, the Department of Culture shall maintain and keep a record of this conservation.
- (f) In order to ensure that Cultural Property are conserved effectively and safely, the Department of Culture shall propose plans and strategies and shall also train the Caretakers of these properties in appropriate methods of conservation, maintenance and safeguarding of these objects.

Exhibition outside the Country:

44. (a) Approval must be obtained from the Ministry concerned to take Cultural Properties covered under Section 59 of Chapter VI outside the country for an exhibition.
- (b) If the Department of Culture wishes to use a Cultural Property for an exhibition, they shall seek approval for this use from the owner of the property. Once approval is granted by the respective owners, the Department shall make a list of Cultural Properties to be taken for the exhibition and shall seek approval from the Ministry.

- (c) The Department of Culture shall maintain detailed documentation of each property to be used for an exhibition, including identification marks, value, source and photographs of each property.
- (d) Appropriate measures to avoid damages during transportation must be taken by the Department.
- (e) Similarly the person who takes these properties outside the country shall insure each property.
- (f) Since there is high risk involved with the transfer of exhibition items, competent people from the Department of Culture shall be sent with the objects to take care of them.
- (g) On the return of an object from an exhibition, the condition of the object shall be verified by the Department of Culture for damages in accordance with the previous record of its condition before the transfer of the object for the exhibition. A report of this verification shall then be submitted to the concerned Ministry.

CHAPTER VI GENERAL MANAGEMENT

Powers of Identifying Cultural Properties:

- 45. (a) The Department of Culture is the final authority to identify *Tensum* and Cultural Properties.
- (b) When the Department of Culture and the *Geduen Tensum* representatives are unable to make a decision, the Cultural Properties Verification Committee authorised by the Government shall make the decision.
- (c) In order to identify Valuable Cultural Property correctly, relevant research will be conducted, relevant documents shall be collected and appropriate trainings shall be given to those responsible for the documentation and identification of Cultural Properties.

Change and Deletion in a *Thram*:

- 46. (a) Except for those properties owned by the *Zhung Dratshang* and *Rabdey*, once the *Thram* has been prepared and certified, no one

shall have the authority to transfer, revise or change the contents of a *Thram* without the approval from the Department of Culture.

- (b) When Cultural Properties are not recoverable due to loss or theft and subsequently these objects need to be deleted from a *Thram*, this can be carried out only in accordance with a specific *Kasho* from the relevant Ministry or a decision of a Court of Law in Bhutan.

Report on Loss and Investigation:

- 47. (a) In the event of the loss of Cultural Property, depending on the distance of the location, this loss shall be reported to the Police, Dungkhag and Dzongkhag by the *Gup*, *Chimi*, *Mangmi*, *Tshogpa* or owner. The Police, Dungkhag and Dzongkhag shall not only send a copy of this report to the Department of Culture but shall also circulate information and letters to the Department of Revenue and Customs and the Ministry of Foreign Affairs to prevent the property from being taken outside the country.
- (b) During the investigation by the Police, the relevant *Thram* and the photographs of the stolen object shall be collected from the Department of Culture to aid in the search of this stolen Cultural Property and to ensure that a report is given to all concerned as soon as possible.
- (c) The Department of Culture in consultation with the Ministry of Foreign Affairs shall, in accordance with UNESCO and INTERPOL systems, seek help to search and return Cultural Properties taken outside the country without appropriate approval.

Reward for the recovery of stolen Valuable Cultural Property:

- 48. (a) A person whose report leads to the recovery of stolen Valuable Cultural Property shall be rewarded, as a token of appreciation by the police, with the amount equivalent to 25% of the value of the Cultural Property recovered.
- (b) The concerned authority shall not disclose the name of the informant.

Seizure of Cultural Properties:

49. The Department of Customs, the Royal Bhutan Police and any others shall immediately notify the concerned bodies and owners of any seizures made of stolen or lost Cultural Properties. Till the rightful owners come forward, the object shall be kept with the Department of Culture. After a lapse of one hundred and eight days, if the object is not claimed, the Cultural Property shall be taken over by the Government and the *Thram* shall be transferred accordingly. Where the owner comes forward, within the above-specified period, the Cultural Property shall be handed over to the owner after verification by the Department of Culture, the Royal Bhutan Police and the concerned Dzongkhag.

Prohibition on taking Valuable Cultural Properties outside the country:

50. No person shall take any Valuable Cultural Property mentioned under Section 59 of Chapter VI of this Act outside the country without appropriate approval.

Sale and Export of Non-Valuable Cultural Property:

51. (a) Other than the Cultural Properties mentioned under Section 59 of Chapter VI, any other old *Tensum*, ritual objects and handicrafts may be sold or taken outside the country. The Department of Culture shall verify that these objects to be taken outside the country are not prohibited in accordance with Section 59 of Chapter VI, and shall accordingly certify these permissible objects with a written permit and a seal.
- (b) The Bhutan Border Check-Post, the Bhutan Customs and the Royal Bhutan Police shall permit those non valuable Cultural Properties to be taken out of the country only after thoroughly examining the written permit and seal issued by the Department of Culture against the object to be taken out.
- (c) In case there is no written permit and seal of the Department of Culture on the old object and/or the seal or permit are found to be fakes, the Cultural Property shall be seized by the Bhutan Border

Check-Post or the Bhutan Customs or Royal Bhutan Police. This object shall then be immediately sent to the Department of Culture.

- (d) During the investigation by the Department of Culture, if the property received from Customs or the Police is found to be protected under Section 59 of this Act, the case shall then be forwarded to the Royal Court of Justice. If the object is found to be an object not protected under this Act, it shall then be given back to the rightful owner after verification by the Department of Culture.

Bhutanese Cultural Properties outside the country:

52. (a) Should any Valuable Cultural Property reach foreign countries either through theft or sale or as a gift by irresponsible people, the Ministry of Foreign Affairs along with the Royal Bhutan Police and other relevant Ministries shall negotiate with those countries to recover these protected properties.
- (b) The lost Cultural Properties, when recovered from any other country, shall be verified in accordance with the *Lhakhang* and *Thram* and sent back to its rightful place.

Briefing by Guides to their foreign guests:

53. Considering that foreign visitors are often not familiar with the Cultural Property Act of Bhutan, it is the legal responsibility of the concerned agency/host/guide to brief the visitor on the Act where applicable.

Valuable Cultural properties discovered from below ground:

54. If any items considered to be Valuable Cultural Property, as mentioned under Section 59, are discovered during the construction of roads or buildings or any other related works, this discovery shall be immediately reported to the Department of Culture through the concerned Dzongkhag.

Fine and Penalties:

55. (a) In case of any violation of Sections 5, 8, 9, 12, 14 and 16 of Chapter II, Sections 19, 21 and 22 of Chapter III, Sections 25, 28, 29, 32, 33 and 35 of Chapter IV, Sections 37, 39, 41, 42 and 44 of Chapter V

and Sections 46, 47, 48, 50 and 51 of Chapter VI, penalties shall be imposed in accordance with the Penal Code of Bhutan 2004.

- (b) The violation of other Sections of this Act shall be dealt with in accordance with other relevant Acts.

Power to make rules and regulations:

56. The Ministry concerned shall have the power to make rules and regulations in accordance with this Act.

Authoritative Text:

57. In any instance where differences arise between the Dzongkhag and English texts, the Dzongkha text shall prevail.

Amendments:

58. The National Parliament of Bhutan may make any amendment to this Act if there is a need to do so.

Definitions:

59. (a) **“Valuable Cultural Properties”** means not only the objects used for religious offerings and worship but all movable objects which are the expressions and testimony of human creation or are of the evolution of nature which are of artistic, historical, cultural, religious, social, archaeological or technical value and interest as described below:
- (i) **“Kuten”** includes all images including images of Buddhas, Bodhisattvas and other deities made from medicinal clay, *zikhim*, bronze, gold, silver, brass or any other materials and also on items such as *Kuthangs*, wall paintings, *Thongdroels*, *Thangkas*, and needlework or embroidered tapestry.
- (ii) **“Sungten”** includes manuscripts such as *Kanjur*, *Tenjur*, *Sungbum*, *Namthar* and *Kabum* which are written in gold, silver, vermilion, ordinary ink or shell, or craved on stone. This also includes cloth wrappers, wooden plates (*lekshing*), belts (*lekthag*), belt hooks (*chabtse*), *dongdar*, scriptures in book form bound by *gotsem*

(Stitched hardbound), prayer flags (*dar-par*) and amulets (*sungwa tagdrol*).

- (iii) **“Thugten”** includes the Eight Buddha stupas (*Decheg Choeten Gyad*) and all other kinds of stupas made of any materials.
- (iv) **“Ritual objects and Choezes”** includes ritual objects made of gold, silver and copper or of any other materials.

The above mentioned *Ku Sung Thugten* and ritual objects that are 100 or over 100 years old are to be considered as Valuable Cultural Property. Those objects made and consecrated by renowned religious figures and those created by famous artisans and crafts people are also considered Valuable Cultural properties irrespective of age.

- (v) **“Ornaments”** includes ornaments for *Kusung Thugten* of *Lhakhangs* and jewellery made of gold, silver, copper, cats-eye, and coral, turquoise, pearl, precious stone, sapphire, diamond, oyster, etc, and such other ornaments of historic interest which are considered valuable irrespective of age.
- (vi) **“Ritual objects made from animal parts”** includes objects made from elephant tusk, rhino horn, animal skin and bones which are of historical significance are considered valuable irrespective of age.
- (vii) **“Weapons”** includes arrows, spears, fire lock guns, long swords, swords, shields, helmets, short guns, rifles and armour which are more than 100 years old. It also includes other weapons of historical significance that are considered valuable irrespective of age.
- (viii) **“Archaeological materials and fossils”** includes all movable items of archaeological interest that have already been excavated or discovered during excavations or explorations. This includes fossils and *namchag* (thunder bolt).
- (ix) **“Furniture, carpets and dress”** includes all furniture, carpets and costumes which are more than 100 years old and are of historic value.
- (x) **“Architectural heritage”** includes wood or other valuable objects resulting from the total dismemberment of architectural heritage that

are over 100 years old and are considered of historical and architectural value.

- (xi) **“General objects”** includes objects of *Zorig Chusum* (the 13 traditional arts and crafts), kitchen accessories, agricultural implements, musical instruments, coins and maps that are over 100 years old or are considered to have historical or artistic value.
 - (xii) **“Rare objects”** includes rare objects from within the country regardless of how old they may be.
 - (xiii) **“Objects obtained from outside the country”** includes objects obtained from outside the country which are over 100 years old and which after reaching the Country are to be considered to have historic value.
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- (b) **“Valuable Cultural Properties owned by the *Zhung Dratshang* and *Rabdey*”** refers to *Tensum* and other related objects which were made under the patronage of renowned spiritual and historical leaders such as *Zhabdrung* Ngawang Namgyel, Je Khenpos, succession of Monarchs, and other notable people. These are the objects contained in the *Dzongs*, *Goendeys* and *Lhakhangs* whose sanctity has been managed and preserved through the ages with religious rites and regular ritual offerings by the *Zhung Dratshang* and *Rabdeys*.
 - (c) **“Valuable Cultural Properties owned by the Government”** includes all Cultural Properties owned by the Government such as *Ku Sung Thugten*, ritual objects and articles, weapons, bronze artefacts, textiles, costumes and ornaments whether new or old, and general objects such as pots, utensils, and agricultural implements kept in Government Museums.
 - (d) **“Valuable Cultural Properties owned by *Latruel* or the Community”** includes *Tensum*, ritual objects and Cultural Properties in Community or *Latruel Lhakhangs* and *Goendeys* which were built by renowned religious leaders of *Latruel* lineages and/or by the general public and devotees with their own wealth and labour and which are being managed and preserved for religious rites and offerings.

- (e) **“Privately Owned Valuable Cultural Properties”** means *Tensum* and Cultural Properties owned by private individuals, in a private *Lhakhang* built by their forefathers through their own efforts and with their own wealth, or those kept in a private altar or exhibition hall.
- (f) **“UNESCO”** means United Nations Educational, Scientific and Cultural Organization.
- (g) **“INTERPOL”** means International Criminal Police Organization.
- (h) **“Kyner”** means caretaker of the Cultural Properties in the Temple.