

**The Mysore Ancient And Historical Monuments And Archaeological
Sites And Remains Rules, 1965**

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NOTIFICATION

Bangalore dated the 7th June 1966.

G.S.R.1021.-In exercise of the powers conferred by Section 31 of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (Mysore Act 7 of 1962), the Government of Mysore hereby makes the following rules the draft of the same having been previously published as required by sub-section (1) of the said section in Notification No. ED 16 SAR 64, dated the 23rd/25th November 1965, as G.S.R. 752 in Part IV -2C (i) of the *Mysore Gazette*, dated the 9th December 1965, namely:-

The Mysore Ancient And Historical Monuments And Archaeological Sites And Remains Rules, 1965.

1. **Title** - These rules may be called the Mysore Ancient and Historical monuments and Archaeological Sites and Remains Rules, 1966.

2. **Definitions** - In these rules, unless the context otherwise requires -

(a) 'Act' means the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (Mysore Act 7 of 1962);

(b) 'construction' of any structure includes additions to or alterations of an existing building;

(c) 'copying', together with its grammatical variations and cognate expressions, means the preparation of copies by photography or by mould or by squeezing and includes the preparation of a cinematographic film with the aid of a hand camera which is capable of taking films of not more than eight millimeters and which does not require the use of a stand or involve any special previous arrangement;

(d) 'filming', together with its grammatical variations and cognate expressions, means the preparation of cinematographic film with the aid of camera which is capable of taking film with the aid of camera which is capable of taking films of more than eight millimetres and which requires the use of a stand or involves other special previous arrangements;

(e) 'form' means a form set out in the Schedule;

(f) 'mining operation' means any operation for the purpose of searching for or obtaining minerals and includes quarrying, excavating minerals and includes quarrying, excavating, blasting and any operation of the like nature;

(g) 'prohibited area' or 'regulated area' means an area near or adjoining a protected monument which the State Government has, by notification in the Official Gazette, declared to be a prohibited area, or, as the case may be, a regulated area, for purposes of mining operation or construction or both;

(h) 'schedule' means a Schedule appended to these rules; and

(i) 'section ' means a section of the Act.

CHAPTER II

Access to Protected Monuments

3. Monuments governed by agreement.

(1) Access to protected monuments in respect of which an agreement has been under Section 6, or in respect of which an order has been made by the Government under Section 9, shall be governed by the provisions of the agreement or, as the case may be, the order; and nothing in rules 4 or 5 shall be construed as affecting any such agreement or order.

(2) A copy of the relevant provisions of every such agreement or order shall be exhibited in a conspicuous part of the monument concerned.

4. Parts of Monuments not open

The Director may, by order, direct that any specified part of a protected monument shall not be open, permanently or for a specified period, to any person other than the Director, his agents, subordinates and workmen and any other Government servant on duty at such part.

5. Holding of meetings, etc., in monuments

(1) No protected monuments shall be used for the purpose of holding any meeting, reception, party, conference or entertainment except under and in accordance with a permission in writing granted by the Government.

6. Prohibition of certain acts within monuments

No person shall within a protected monument,-

(a) do any act which causes or is likely to cause damage or injury to any part of the monument; or

(b) discharge any fire –arms; or

(c) cook or; consume food except in areas, if any permitted to be used for that purpose; or

(d) hawk or sell any goods or wares or canvas any customer for such goods or wares or display any advertisement in any form or show a visitor round for monetary consideration except under the authority of, or under and in accordance with the conditions of a licence granted by the Director, or

(e) beg for alms; or

(f) violate any practice, usage or custom applicable to or observed in the monument; or

(g) bring, for any purpose other than the maintenance of the monument,--

(i) any animal, or

(ii) any vehicle except in areas reserved for the parking thereof.

7. Penalty

Whoever

(i) unlawfully enters any protected monument or part thereof at a time when, under these rules, it is not to be kept open, or

(ii) contravenes any of the provisions of rule 5 or rule 6, shall be punishable with fine which may extend to five hundred rupees.

CHAPTER III

MOVING OF ANTIQUITIES FROM CERTAIN AREAS

8. Application for moving antiquities

Every application for permission to move any antiquities or any class of antiquities in respect of which a notification has been issued under sub-section (1) of section 22 shall be made in Form I to the Director at least three months before the proposed date of the moving.

9. Grant or refusal of permission

On receipt of an application under rule 8, the Director may, after making such enquiry as he may deem necessary, grant permission for the moving of all or any of the antiquities or, for reasons to be recorded, refuse such permission.

10. Appeal

Any person aggrieved by an order of the Director under rule 9, may prefer an appeal to the Government and the decision of the Government on such appeal shall be final.

CHAPTER IV

MINING OPERATION AND CONSTRUCTION NEAR PROTECTED MONUMENTS.

11. Notice of intention to declare a prohibited or regulated area

(1) before declaring an area near or adjoining a protected monument, to be a prohibited area or a regulated area for purposes of mining operation or construction or both, the Government shall, by notification in the Official Gazette, give one month's notice of its intention to do so, and a copy of such notification shall be affixed in a conspicuous place near the area.

(2) Every such notification shall specify the limit of the area which is to be so declared and shall also call for objections, if any, from interested persons.

12. Declaration of prohibited or regulated area

After the expiry of one month from the date of the notification under rule 11 and after considering the objections, if any, received within the said period, the Government may declare, by notification in the Official Gazette, the area specified in the Notification in the under rule 11 or any part, of such area, to be a prohibited area or, as the case may be, a regulated area for purposes of mining operation or construction or both.

13. Effect of declaration of prohibited or regulated area

No person other than the Director shall undertake any mining operation or any construction-

(a) in a prohibited area, or

(b) in a regulated area, except under and in accordance with the terms and conditions of licence granted by the Director.

14. Application for licence

Every person intending to undertake any mining operation or any construction in a regulated area shall apply to the Director in Form II at least three months before the date of commencement of such operation or construction.

15. Grant or refusal of licence

(1) On receipt of an application under rule 14, the Director may grant a licence or, if he is satisfied that the licence asked for should not be granted, may for reasons to be recorded, refuse to grant a licence.

(2) Every licence granted under sub-rule (1) shall be in form III and be subject to the following conditions, namely:-

- (a) the licence shall not be transferable
- (b) it shall be valid for the period specified therein; and
- (c) any other condition relating to the manner of carrying out the mining operation or the construction which the Director may specify in the licence for ensuring the safety and appearance of , and the maintenance of approach and access to , the protected monument.

16. Cancellation of licence

The Director may, by order, cancel a licence granted under rule 15, if he is satisfied that any of its conditions have been violated:

Provided that no licence shall be cancelled unless the licensee has been given an opportunity to make his objections.

17. Appeal

Any person aggrieved by an order of the Director made under rule 15 or rule 16, may prefer an appeal to the Government; and the decision of the Government on such appeal shall be final.

18. Removal of unauthorized buildings

(1) The Government may, by order, direct the owner or occupier of an unauthorized building in a prohibited area or in a regulated area or of a building or part thereof which has been constructed in contravention of any of the conditions of a licence granted under rule 15, to remove such building or part thereof within a period specified in that order.

(2) If the owner or occupier refuses or fails to comply with an order made under sub-rule (1), the Government may direct the District Magistrate to cause the building or part thereof to be removed, and the owner or occupier shall be liable to pay the cost of such removal.

19. Penalty

Whoever-

- (i) unlawfully undertakes any mining operation or construction in a prohibited area or in a regulated area, or
- (ii) contravenes any of the conditions of a licence, or
- (iii) fails or refuses to comply with an order made under sub-rule (1) of rule 18, shall be punishable with imprisonment which may extend to three months or with fine extend to two thousand rupees or with both.

CHAPTER V

COPYING AND FILMING OF PROTECTED MONUMENTS

20. Permission required for copying certain monuments

The Director may, by order, direct that no person other than an officer authorized by him in this behalf shall copy any specified monument or part thereof except under and in accordance with the terms and conditions of permission in writing granted by the Director.

21. Conditions of copying other monuments

(1) Any person may copy a protected monument in respect of which no order under rule 22 has been made.

(2) Nothing in sub-rule (1) shall be construed as authorizing any person other than the Director in this behalf, while copying any such monument, to--

(a) bring into or use within the precincts of such monument a camera-stand, stool, chair, table, large drawing-board, easel or any such appliance, or

(b) erect any scaffolding within such precincts, or

(c) use within such precincts any artificial light other than a flashlight synchronized with the exposure of a camera, or

(d) apply any extraneous matter, such as water, oil grease or any moulding material, on such monument or part thereof, or

(e) prepare a direct tracing or mould or squeeze of such monument or part thereof, except under and in accordance with the terms and conditions of permission in writing granted by the Director.

22. Licence required for filming

No person other than the Director or an officer authorized by him in this behalf shall undertake any filming operation at a protected monument or part thereof except under and in accordance with the terms and conditions of a licence granted under rule 24.

23. Application for licence

Every person intending to undertake any filming operation at a protected monument shall apply to the Director in Form IV at least three months before the proposed date of the commencement of such operation.

24. Grant or refusal of licence

(1) on receipt of an application under rule 23, the Director may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence:

Provided that the Director shall not grant any licence to film the interior of any protected monuments, That is it say such part if any protected monument as is covered by a roof of any description, except when the film is for the purpose of education or of publicizing the monument ;

(2) Every licence granted under sub-rule (1) shall be in form V and be subject to the following conditions, namely:-

(a) the licence shall not be transferable and shall be valid for the period specified therein;

(b) nothing shall be done by the licensee or any member of his party which has, or may have, the effect of exposing any part of the monument or attached lawn or garden to the risk of damage;

(c) the filming operation shall be restricted to that part of the monument in respect of which the licence has been granted;

(d) no extraneous matter, such as water, oil, grease or the like shall be applied on any part of the monument;

(e) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawns or garden;

(f) the filming operation shall not obstruct or hamper the movement of persons who may lawfully be within the precincts of the monument; and

(g) any other condition which the Director may specify in the licence.

25. Cancellation of licence

The Director, after giving notice to the licensee, may cancel a licence granted under rule 24 if he is satisfied that any if its conditions has been violated.

26. Appeal

Any person aggrieved by an order of the Director made under rule 24 or rule 25 may prefer an appeal to the Government and the decision of the Government on such appeal shall be final.

27. Certain rules not affected

Nothing in rule 21 and no provision of a permission granted under rule 20 or a licence granted under rule 24 shall affect the operation or rules 3,4,5 and 6 .

28. Penalty

Whoever copies or films any protected monument or does any other act in contravention of any provision of this chapter or of any permission or licence granted thereunder shall be punishable with fine which may extend to five hundred rupees.

CHAPTER VI

MISCELLANEOUS

29. Manner of preferring an appeal

(1) Every appeal to the Government under the Act, or under these rules shall be in writing and shall be preferred within one month of the date of receipt of the order appealed against.

(2) Every such appeal shall be accompanied by a copy of the order appealed against.

30. Service of order and notices

Every order or notice made or issued under the Act or these rules shall -

(a) in the case of any order or notice of a general nature or affecting a class of persons, be published in the Official Gazette ; and

(b) In the case if any order in notice affecting a corporation or firm, be served in the manner provided for the service or summons in rule 2 of order XXIX or rule 3 of order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908; and

(c) in the case of any order or notice of a general nature or affecting an individual person, be served on such person-

(i) by delivering or tendering it to the person concerned, or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such person or by affixing a copy thereof on the outer door or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or

(iii) by sending it by registered post, acknowledgment due.

31. Repeal and savings

Rules made under—

(i) The Ancient Monuments Preservation Act, 1904 (Central Act VII of 1964) as in force in the State of Mysore;

(ii) The Ancient Monuments Preservation Act, 1337F (Hyderabad Act VIII of 1337 Fasli) as in force in the Hyderabad Area; and

(iii) The Mysore Ancient Monuments Preservation Act, 1925 (Mysore Act 9 of 1925), as in force in the Mysore Area;

And any other rules in force in any area of the State in so far as such rules relate to matters covered by these rules are hereby repealed:

Provided that such repeal shall not affect—

(a) anything done or any action taken under the repealed rules; or

(b) any right privilege, obligation or liability acquired, accrued or incurred under the repealed rules ; or

(c) any penalty , forfeiture or punishment incurred in respect of any offence committed against any of the repealed rules; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the said rules had not been repealed.

SCHEDULE

FORM I

Application for Moving of Antiquities.

(See Rule 8)

1. Name and address of applicant
(If the application is on behalf of an organization, the name thereof should be given)

2. Name of the place from which antiquities are to be moved
Locality
Taluk
District

3. Description of antiquities proposed to be moved. (Photographs showing details of the antiquities should be attached).

4. Approximate date of the moving.

5. Purpose of moving

6. Whether the antiquities or any of them are objects or worship.

I declare that the above information is correct.

Seal of the Organisation

Signature of the applicant.

(If the application is on behalf of
of an organization, the signature
should be that of the head of
that organisation)

Station
Date

FORM II

(See rule 14)

Application for Licence for Mining Operation /construction within a Regulated Area.

1. Name and address of applicant (If the application is on behalf of an organization, the name thereof should be given).
2. Name of the monument near or adjoining which the regulated area is situated.

Locality
Taluk
District

3. Nature and details of the reposed mining operation /Construction in respect of which permission is sought.

(In the case of mining operation, a site-plan in triplicate showing in red outline the extension of the operation in relation to the monument and the regulated area should be attached; and the details regarding the depth down to which the operations to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified).

(In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and depth down to which the soil will be excavated for the appurtenances of the building should be specified).

4. Purpose of proposed mining operation/construction.
5. Approximate duration and date of commencement of the proposed mining operation/construction.

I declare that the above information is correct. I also undertake to observe the provisions of the Mysore Ancient and Historical Monuments and Archeological Sites and Remains Act.1961, and the rules made thereunder.

Station
Seal of the organization
Date

Signature of the applicant.

(If the application is on behalf of an organization, the signature should be that of the head of that organization).

FORM III

[See Rule 15(2)]

Licence for Mining operation / Construction within a Regulated Area

Whereas _____ of _____ has applied for a licence for _____ in the regulated area near or adjoining _____ at Taluk

_____ District _____ and has undertaken to observe the provisions of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 and the Rules made thereunder.

I, _____ Director of Archaeology in Mysore do hereby grant this licence under sub-rule (2) of Rule 15 of the said Rules to the said _____ for _____ in the area indicated in red outline on the palm attached hereto.

This licence is granted subject to the provision of the said Act and Rules and is further subject to the following conditions, namely :-

The licence is not transferable. It shall be valid for _____ commencing with _____ day of _____ 19

Station.

Date.

Seal of the Department of Archaeology
of the Government of Mysore.

Signature of the Director of Archaeology in Mysore.

FORM IV

(See rule 28)

Application for licence for Filming Operation at a Protected Monument.

1. Name and address of applicant (If the application is on behalf of an organization, the name thereof should be given)

2. Name of the monument at which the proposed filming operation to be carried out

Locality

Taluk

District

3. Part of the monument proposed to be filmed

4. Nature and purpose of the proposed filming operation and the context in which the monument is proposed to be filmed (relevant extract of the script should be attached in triplicate and details of the scenes to be filmed should be furnished)

5. Number of persons in the cast

6. Approximate duration and sate of commencement of proposed filming operation

I declare that the above information is correct. I also undertake to observe the provisions of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961, and the Rules made thereunder.

Station

Date

Seal of the Organisation

Signature of the Applicant.

(If the application is on behalf of an organization, the signature should be that of the head of the organisation).

FORM V

(See Rule 24)

Licence for Filming Operation at a Protected Monument

Whereas _____ of _____ has applied for a licence for filming operation at the protected monument known as _____ located at _____ District _____ and has undertaken to observe the provisions of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961, and the Rules made hereunder.

I _____ Director of Archaeology in Mysore do hereby grant this licence under Rule 26 of the said Rules _____ for the carrying out of Filming operation, as per script and details of scenes attached hereto, to the following part of the monuments, namely :-

The licence is granted subject to the provisions of the said Act and Rules and is further subject to the following conditions, namely:-

It shall be valid for _____ commencing with _____ day of _____ 19

Station.

Date.

Seal of the department
of Archaeology,
Government of Mysore.

Signature of the Director of
Archaeology in Mysore.