

It has not been disputed that the forest area inhabited by the members of the Jarawa tribe have been declared as reserved area and, therefore, no one is entitled to enter into the reserved area until and unless a pass is granted by the Deputy Commissioner or by such other officer authorized by him in this behalf.

To the mind of this Court, the maxim *generalia specialibus non derogant* would apply in the present case. The MV Act is the general law whereas the Regulation is the special law for these islands. The Regulation has been framed in exercise of power conferred on the President of India by clause (2) of Article 243 of the Constitution and in the event of repugnancy or inconsistency, the general law must yield to the special law and it is the special law that would prevail. Notwithstanding the fact that notification under Section 115 of the MV Act has not been issued, the petitioners cannot escape the rigours of Section 7 of the Regulation. One has to reach Baratang by road by traversing the reserved area inhabited by the members of the Jarawa tribe. Therefore, the petitioners must be held to be bound by the conditions of the pass that may be granted by the Deputy Commissioner or any officer authorized by him for the purpose of operating their tourist vehicles within the reserved area inhabited by the Jarawas.

The first contention raised by the petitioners, therefore, stands answered.

The second contention regarding discrimination no longer survives having regard to the decision taken by the STA in its meeting dated 29.3.2010. The decision contained therein, it has been submitted by Mr. Ray, is being strictly enforced and no motor vehicle, be it a bus or a tourist vehicle, is being allowed to leave Port

