



ENVIRONMENT

REGULATORY

Rationalising Environmental Clearance Validity for Ports and Harbours: An Analysis of the Proposed Amendment to the EIA Notification, 2006

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The regulatory framework governing environmental governance in India has undergone significant evolution since the enactment of the Environment (Protection) Act, 1986. At the heart of this framework lies the Environment Impact Assessment Notification, 2006, issued by the erstwhile Ministry of Environment and Forests vide S.O. 1533(E) dated the 14th September 2006, which mandates prior Environmental Clearance for specified categories of projects and activities enumerated in its Schedule. The latest in this series of amendments is the draft notification dated the 20th May 2026, which proposes a significant rationalisation of the validity period of Environmental Clearances granted to ports, harbours, breakwaters and dredging projects under Item 7(e) of the Schedule.

The Environment Impact Assessment Notification, 2006 was promulgated under Section 3 of the Environment (Protection) Act, 1986, read with the Environment (Protection) Rules, 1986, and has since served as the principal instrument for regulating the environmental implications of development projects. The notification establishes a structured clearance mechanism involving Expert Appraisal Committees at both the central and state levels, and prescribes varying validity periods for Environmental Clearances depending upon the nature and scale of the project. Over the years, the Central Government has rationalised these validity periods, particularly for projects characterised by prolonged gestation periods attributable to factors beyond the control of the project proponent. Such rationalisation has been necessitated by the recognition that rigid timelines often fail to account for the complex realities of infrastructure development, thereby creating regulatory bottlenecks that impede both economic progress and effective environmental compliance.

The specific impetus for the present amendment arose from representations received by the Ministry of Environment, Forest and Climate Change seeking a revision of the validity period applicable to Environmental Clearances granted to ports and harbours. Under the existing regulatory framework, such clearances are valid for an initial period of ten years, with a provision for extension for a further period of one year, thereby capping the total validity at eleven years. Stakeholders in the maritime infrastructure sector have consistently contended that this duration is manifestly inadequate, given the unique characteristics of port and harbour projects. These projects are typically characterised by extended gestation periods, phased development strategies, and implementation timelines that are frequently disrupted by a multitude of extraneous factors including land acquisition challenges, funding constraints, contractual disputes, and macroeconomic fluctuations. The cumulative effect of these factors is that project proponents often find themselves in the untenable position of having their Environmental Clearances expire before the project reaches fruition, thereby necessitating either a fresh clearance application or a time-bound extension process that imposes avoidable administrative and financial burdens.

In response to these representations, the Ministry referred the matter to the sectoral Expert Appraisal Committee for detailed examination. The Committee, after due deliberation, recommended that the validity period of Environmental Clearances for ports and harbours be revised to an initial period of fifteen years, extendable for a further period of five years. This recommendation was subsequently forwarded to the Expert Advisory Committee for its examination and opinion. The Expert Advisory Committee, recognising the long gestation and phased development characteristics inherent to port and harbour projects, concurred with the sectoral Committee's assessment and endorsed the proposed revision. The Advisory Committee was of the considered view that the existing ten-plus-one-year validity framework appears insufficient when viewed against the realities of port infrastructure development, and that a more accommodative timeline would serve the dual objectives of regulatory efficiency and environmental stewardship.

Following the receipt of these recommendations, the Ministry undertook a comprehensive internal examination of the proposals advanced by both Committees. Based on this examination, the Ministry formed the opinion that rationalisation of the validity period for Environmental Clearances granted to ports and harbours is not only appropriate but necessary. Accordingly, the Central Government has proposed amendments to Paragraph 9 of the Environment Impact Assessment Notification, 2006, through the draft notification dated the 20th May 2026. The proposed amendments are threefold in nature and are designed to integrate ports, harbours, breakwaters and dredging projects into the same validity framework that currently applies to nuclear power projects and the processing of nuclear fuel. The first proposed amendment inserts the phrase into sub-paragraph (ii)(b) of Paragraph 9. The second amendment effects a similar insertion into sub-paragraph (ii)(c) of Paragraph 9, immediately following the existing reference to Nuclear power projects. The third amendment inserts the same phrase into the proviso to sub-paragraph (iii) of Paragraph 9, following the words Nuclear power projects and processing of nuclear fuel. The cumulative effect of these amendments is to elevate ports, harbours, breakwaters and dredging projects to the highest tier of Environmental Clearance validity under the notification, entitling them to an initial validity of fifteen years with a maximum extension of five years upon due examination and recommendation by the sectoral Expert Appraisal Committee or State Level Expert Appraisal

Committee.

The procedural framework governing the draft notification is consistent with the participatory mandate of environmental law. The notification has been published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), as required under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. The draft is open for public scrutiny and comment for a period of sixty days from the date on which copies of the Gazette containing the notification are made available to the public. Any person interested in making objections or suggestions on the proposal may forward the same in writing to the Secretary, Ministry of Environment, Forest and Climate Change, at the designated address in New Delhi, or transmit the same electronically. This consultative process ensures that the proposed amendments are subject to democratic oversight and that diverse stakeholder perspectives are incorporated into the final regulatory framework. It is noteworthy that the principal notification was last amended vide notification number S.O. 289(E) dated the 28th January 2026, indicating the continuing evolution of the regulatory landscape.

In conclusion, the proposed amendment to the Environment Impact Assessment Notification, 2006 represents a judicious and evidence-based rationalisation of the Environmental Clearance framework for ports, harbours, breakwaters and dredging projects. Grounded in the recommendations of expert committees and responsive to the practical challenges faced by the maritime infrastructure sector, the amendment extends the initial validity of clearances from ten to fifteen years and the maximum extension from one to five years. This places such projects on par with nuclear power projects, reflecting a nuanced understanding of their long gestation and phased development characteristics. As the notification proceeds through the mandatory public consultation process, it is anticipated that the final amendment will strike an appropriate equilibrium between environmental diligence and developmental necessity, thereby reinforcing the integrity of India's environmental governance architecture while fostering sustainable infrastructure growth.

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