MOEFCC

Environmental clearance for ports now valid for 20 years

MoEFCC's S.O. 5189(E) makes prior environmental clearance for ports, harbors, breakwaters and dredging valid for 20 years, with two possible 5-year extensions.

THE MINISTRY OF Environment, Forest and Climate Change (MoEFCC) issued notification S.O. 5189(E), dated September 21, 2026, published the same day in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 4983. It amends paragraph 9 of the Environment Impact Assessment Notification, 2006 (S.O. 1533(E) of September 14, 2006), the paragraph on how long a prior environmental clearance stays valid. It is made under section 3(1) and 3(2)(v) of the Environment (Protection) Act, 1986, read with rule 5(3) of the Environment (Protection) Rules, 1986. It is signed by Rajat Agarwal, Joint Secretary, under F. No. IA3-22/8/2026-IA.III.

KEY FACTS

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Notification S.O. 5189(E)



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A new sub-paragraph (iva) says the prior environmental clearance granted for "Ports, harbors, break waters and dredging" shall be valid for twenty years. It may be extended by another five years, beyond twenty years. The condition is that the concerned Expert Appraisal Committee (EAC) or State level Expert Appraisal Committee (SEAC) examines whether the safeguards in the existing clearance are adequate, so that any additional safeguards deemed necessary can be added to the Environmental Management Plan. In deserving cases where the project could not be made operational within this extended period, the EAC or SEAC may examine it and recommend a further five years, if deemed appropriate. The same condition applies: the committee examines the adequacy of the existing safeguards, and suitable safeguards may be included in the plan as deemed necessary.

Clause (c) of sub-paragraph (ii) sets a ten-year validity for "all other projects and activities other than the Mining projects and River Valley Projects and Nuclear power projects referred to in clauses (a) and (b)", as S.O. 1807(E) of April 12, 2022 worded it. The notification inserts "and Ports, harbors, break waters, dredging" after "Mining projects", which takes these projects out of the ten-year rule. In sub-paragraph (v), on applications for extension, the reference to sub-paragraphs (ii), (iii) and (iv) now includes (iva).

The recitals set out the history. Clearances for ports and harbors were valid for an initial ten years, extendable by one year. The sectoral EAC recommended fifteen years plus five. The Expert Advisory Committee found ten plus one insufficient for projects with a long gestation and phased development, and recommended fifteen years extendable by not more than five. The draft, S.O. 2593(E) of May 20, 2026, would have put these projects with nuclear power projects: fifteen years, extendable by up to five. At a stakeholder meeting on June 16, 2026, chaired by its Secretary, the Ministry of Ports, Shipping and Waterways asked for environment and Coastal Regulation Zone clearance valid for the project period or thirty years, whichever is more, in line with mining projects. The Expert Advisory Committee then recommended twenty years with the two five-year extensions.

The notification states no date from which it applies, and sub-paragraph (iva) does not say whether it covers clearances granted before September 21, 2026. It does not define "deserving

cases". Its amendments are to the EIA Notification, 2006 only, and it says nothing on the validity of Coastal Regulation Zone clearance, which the Ministry of Ports, Shipping and Waterways also asked about. The draft tied these projects to item 7(e) of the Schedule; the final text does not cite the item. Its note records that the EIA Notification was last amended by S.O. 3862(E), dated July 13, 2026.

Issued by	Ministry of Environment, Forest and Climate Change
Document	Notification S.O. 5189(E)
Dated	September 21, 2026
Published	Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 4983, September 21, 2026
Amends	Paragraph 9 of the Environment Impact Assessment Notification, 2006: sub-paragraphs (ii)(c) and (v) amended, sub-paragraph (iva) inserted
Applies to	Prior environmental clearance for ports, harbors, breakwaters and dredging
Validity	Twenty years
First extension	Five years, after the EAC or SEAC examines the adequacy of the existing safeguards
Further extension	Five years, in deserving cases where the project could not be made operational within the extended period, on the EAC's or SEAC's recommendation
Validity before	Ten years, extendable by one year
Draft	S.O. 2593(E), May 20, 2026: fifteen years, extendable by up to five
Takes effect	No date stated
Legal basis	Section 3(1) and 3(2)(v), Environment (Protection) Act, 1986, read with rule 5(3), Environment (Protection) Rules, 1986
Signed by	Rajat Agarwal, Joint Secretary
File number	F. No. IA3-22/8/2026-IA.III

Validity of environmental clearance for ports and harbors

Stage	Initial validity	Extension
Before this notification	10 years	1 year

Draft S.O. 2593(E), May 20, 2026	15 years	Up to 5 years
Ministry of Ports, Shipping and Waterways request, June 16, 2026	Project period or 30 years, whichever is more	Not stated
Final S.O. 5189(E), September 21, 2026	20 years	5 years after a review of safeguards; a further 5 years in deserving cases where the project could not be made operational

The notification (PDF, 632 KB)

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