



# The Function of the National Green Tribunal (NGT) in Climate Change Adaptation and Mitigation: An Analysis of the Recent Intervention in the Geleky Reserve Forest of Sivsagar and Charaideo Districts of Assam

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## Abstract:

National Green Tribunal (NGT) is an Indian legal and institutional response to climate change adaptation and mitigation. Even though its main agenda is environmental justice, its resolutions and supervisory procedures affect India's climate preparation and response. The NGT established by the National Green Tribunal Act of 2010 adjudicates environmental law cases, specifically those related to Schedule I of the Act, while protecting Article 21 of the Indian Constitution, which guarantees the right to a clean and safe environment, and protection from climate change. NGT, the quasi-judicial body, following the principles such as the Polluter Pays Principle, protecting ecologically sensitive regions and preserving wetlands and forests to mitigate climate change. The National Green Tribunal (NGT) has enacted stringent measures on the illegal diversion of 28 hectares of land in the Geleky Reserve Forest, in Sivasagar, Assam adjacent to Nagaland border. Assam government reportedly moved the property to construct a base for a commando squad. The diversion was allowed without approval from the Ministry of Environment, Forest, and Climate Change (MoEF&CC)<sup>1</sup>, resulting to a complaint alleging the Forest (Conservation) Act, 1980<sup>2</sup>. The NGT dismissed the Assam government's claim that the camp was for forest protection, ruling that

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it still needed central approval. The NGT functions as a regulatory authority for forest protection, emphasizing rigorous adherence to environmental legislation.

**Keywords:** Sustainability, Ecology, Adverse effects.

### **1. Introduction:**

The national green tribunal (NGT) was established according to national green tribunal act of 2010 as a specialist court in order to ensure environmental justice is delivered in a short period of time and environmental rights are observed. This was to be done through the formation of the National Green Tribunal (NGT). To amicably settle environmental issues, the National Green Tribunal (NGT), is a dedicated statutory authority that has been mandated to hear and adjudicate environmental issues. This organization has the mandate to enforce the ideas of the polluter pays principle, the precautionary principle, and sustainable development to provide environmental justice and solutions to the environmental issues that are multifaceted, such as climate change. The National Green Tribunal (NGT) has a key role to play in the fight against climate change owing to the fact that the organization is charged with the responsibility of enforcing pollution laws and reducing the emission of greenhouse gasses. The sources of greenhouse gases and the co-pollutants loads have also reduced as a result of the imposition of statutory environmental standards by the National Green Tribunal (NGT). At any given time that there occurs a situation whereby industrial action causes an immoderate portion of pollution or emissions, the National Green Tribunal can instruct close down, remediation or more stringent compliance. Moreover, the National Green Tribunal (NGT) is charged with the responsibility of interpreting and enforcing the environmental principles like a polluter pays and precaution in specific decisions. These directives promote the invention of cleaner technology and high energy consumption by redistributing the costs, which have been incurred by the polluters. To speed up national responses channels and enhance clarity on who should mitigate the emission, the National Green Tribunal (NGT) also generates jurisprudence that regulators, companies, and courts adhere to. This is done by the being of binding rulings and comprehensive arguments. The National Green Tribunal (NGT) is a quasi-legal institution, which is interested in the regulatory and remedial precedents. The

NGT being a quasi-judicial institution engages in regulatory and remedial precedents by creating binding orders and reasoning by way of generating jurisprudence upon which regulators, the industry, and the courts rely to accelerate national mitigation pathways as well as further to clarify the responsibility to emissions.

## **2. The Role and Interventions of NGT in Adaptations of climate change:**

The National Green Tribunal (NGT), which is a quasi-judicial body, is in charge of adjudicating matters, which are connected to environmental conservation. The National Green Tribunal (NGT) is the body that makes decisions of pollution, deforestation, waste management, and industrial emissions. Besides this, it ensures that the businesses act within the law and prosecutes those that fail to do so. The National Green Tribunal (NGT) has the mandate of keeping an eye on the environmental issues which are related to compliance and ensuring close scrutiny of such issues. One of the mechanisms the National Green Tribunal (NGT) is armed with is the ability to have the members of the general population engage in participating and approaching the National Green Tribunal (NGT) with the aim of redressing grievances that are caused by environmental challenges. In the continuum of time within the scope of which this act has existed, the National Green Tribunal (NGT) has passed a plethora of opinions that are noteworthy. Such decisions encompass the ones that regulate the emissions of plywood dealing industries and the ones that combat pollution of the Godavari River. The pollution of the Godavari River is an example of one of the recent interventions that have been implemented by the National Green Tribunal (NGT). In the given case, the National Green Tribunal (NGT) has sent letters to the relevant authorities in the attempt to bring to their focus the dire pollution that has been brought about by industrial effluents and untreated sewage. Besides this, the National Green Tribunal (NGT) has also put into consideration the emissions which the plywood industry produces. The tribunal has therefore instructed the ministry of Environment to draw regulations specific to the plywood businesses as a result of the emissions which have not been controlled. Although it has proved successful in reaching its objectives, the National Government Tribunal (NGT) is troubled by these challenges which include a narrow scope of jurisdiction, scarcity of resources and the difficulty in implementing its recommendations. It can possibly enhance its success in resolving the

environmental crisis in India by making it more powerful and broadening its reach. This would be a move in the right direction. The National Green Tribunal (NGT) has proved several times that it can interfere in those situations when the situation with environmental degradation has become a crisis. This has prevailed in various situations. An example is the suo-motu cognizance in respect of media articles taken by the tribunal over the severe pollution in the Godavari River that was aggravated by industry effluents, untreated sewage discharge, and heavy metal contamination and agricultural run off and gave directions to the Central Pollution Control Board (CPCB) , Telangana State Pollution Control Board (TSPCB) and the Godavari River Management Board (GRMB) to provide their responses and action plans. Agricultural wastes, heavy metal contamination, and industrial effluents were other causes that led to the seriousness of the pollution. Because of the highly unstable state of the situation, the following directions were issued. This proactive stance, besides showing the will of the tribunal towards the conservation of valuable water resources and the living forms that it sustains, ensures that the corrective measures are promptly evaluated and implemented. This is a double-edged sword. The National Green Tribunal (NGT) has demonstrated the proactive actions that are being undertaken to terminate responsibility in industrial activities through hearing a variety of water pollution cases of high profile. These are cases that have been taken to the National Green Tribunal (NGT). Another aspect of interest is that the National Green Tribunal has played a significant role in the regulation of businesses which are not usually inspected on environmental issues. A case in point was an intervention that was conducted in the plywood industry in Haryana. The reason was that through uncontrolled emissions of several units, the impact on the environment in the geographical area had been enormous. With other economic industries already in place, like sand mining or the brick kilns, it was identified by the tribunal that there was a vacuum in terms of regulatory control and thus the Ministry of Environment, Forest, and Climate Change (MoEF&CC) was commissioned to come up with strict guidelines concerning the plywood industry. This was done so as to resolve the problem. This directive does not only assist in the immediate elimination of pollution by such units through the enactment of the polluter-pays principle, but it also assists in reinforcing the more universal idea of holding the polluters responsible of their actions in other words, making them liable to the effects of their actions. The activities of the National Green Tribunal (NGT) have transformed the

manner in which India is handling its environment in a grand scale. These measures are not merely the decisions of a particular court: a large change. The tribunal has developed a body of law that does not just address the current problems that we are experiencing today, but it also establishes a precedent of a reasonable manner of instituting future measures to deal with pollution. One of the means to achieve this objective is to act in the manner which is consistent with the internationally approved notions, including the precautionary principle and sustainable development. Its decisions discourage the industry to invest in cleaner technology and be more sustainable. It is also well accessible to the National Green Tribunal (NGT) and this facilitates a more democratic environmental justice. This is because it allows the injured individuals and the communities to proceed straight to the tribunal and reclaim their rights once their right to clean environment is breached. It is a giant stride towards achieving environmental justice.

**Climate Change: Policy Initiatives:** The efforts to reduce the impact of the climate change have been several in terms of policy. India has established a multi-tiered system of legislations and policies to address the environmental issues in the country. This system also attempts to balance between rapid economic development and environmental protection. This framework has been established due to a mixture of constitutional necessities, a large volume of statutory law, special courts as well as policy measures that are forward looking. The policy frameworks are quite significant, one of which is the National Action Plan on Climate Change (NAPCC) that was officially introduced by the Prime Minister of India on June 30, 2008. The NAPCC was established with the aim of establishing the integrated plan of climate changes in India in adaptation and mitigation and at the same time ensuring its high growth rates which aim at reducing poverty. It has developed a framework of eight missions which are centered on sustainable development and climate resilience. The following are its missions: (1) the National Solar Mission, which is concerned with solar energy capacity and implantation; (2) the National Mission on Enhanced Energy Efficiency, which is concerned with energy efficiency in industries and buildings; (3) the National Mission on Sustainable Habitat, which concerns itself with urban planning, transport and waste; (4) the National Water Mission, NAPCC one is characterized by Periodic Progress Reports which are issued after every two years by the Ministry of Environment, Forest, which is concerned with the issue of climate in India. During these evaluations, the indications,

financial allocations, and results of each mission are taken into consideration. The National Action Plan on Climate Change (NAPCC, 2008) of India mandates the implementation of climate policies at the sub-national level, which are referred to as the State Action Plans on Climate Change (SAPCCs). As another name for these programs, the State Climate Change Action programs are another name for them. Each state and union territory in India works to address local climate threats while also aligning itself with national targets as part of the process of preparing its State Climate Change Commission (SAPCC).<sup>3</sup> It focusses on areas such as Water Resources, specifically Rainwater harvesting and aquifer recharge; Agriculture, specifically Crop diversification and micro-irrigation (for example, Punjab's Direct Seeding of Rice to curb stubble burning); Forests and Biodiversity, which includes Community-led afforestation and invasive species control; Energy, which includes Solar parks and biomass plants (for example, Gujarat's 30 GW solar target); Urban Resilience, which includes Flood-resilient infrastructure and waste-to-energy projects; Extended producer obligation, often known as EPR, is a policy strategy that places the responsibility for post-consumer waste management back on the shoulders of the organizations that produce the garbage. This approach to policymaking takes into account the entirety of the product's lifecycle, beginning with its design and concluding with its treatment once it has reached the end of its useful duration. An incentive for eco-design, reuse, recycling, and the correct disposal of waste is provided by EPR. This is accomplished by holding businesses financially and operationally accountable for the collection, treatment, and recycling of their products. As a result, the cost of end-of-life management is shifted away from governments and consumers and onto manufacturers and importers. This creates an incentive for ecologically responsible design and efficient use of resources. Additionally, it makes it obligatory for companies to take care of the garbage that is generated by the things that they sell. Electronics and Electronics Waste (Management) Rules, Plastic Waste Management Rules, Battery Waste Management Rules, and other rules are all included in the EPR framework in India. Additionally, the EPR framework includes other legislation. Environmental Impact Assessment (EIA) Notification, 2020<sup>4</sup>: The EIA Notification, 2020 was introduced on March 23, 2020, with the objective of amending the rules that were in place in India in 2006. This was for the purpose of ensuring that the environment is protected. The proposal not only made it possible to obtain approvals after the fact, but it

also suggested the creation of new types of environmental clearances and accelerated clearing procedures. During the period that has passed since then, it has remained a draft that is currently waiting to be finished.<sup>5</sup>

### **3. Jurisdiction and Powers the National Green Tribunal (NGT):**

The National Green Tribunal (NGT) is a specialized statutory tribunal created by the National Green Tribunal Act, 2010 to provide expeditious and effective disposal of cases involving environmental protection, conservation of forests and other natural resources, and enforcement of any legal right relating to the environment. The NGT deals with the civil cases involves with the matters relating to forest and natural resources. NGT can impose fine on the violators to fix the environmental damages.<sup>6</sup> The Act sets up a faster timeline and less formal procedure than regular courts, and it is based on the ideas of natural justice. The Tribunal is constituted with a chairperson, judicial members, and expert members to ensure a mix of legal and technical environmental expertise, who provide specialized, speedy adjudication of environmental disputes and enforcement of environmental laws and assess and direct compensation for damage to persons, property, and ecosystems and order remedial measures where required. The NGT supervise and direct public authorities to implement environmental statutes, notifications, and statutory safeguards. The NGT's jurisdiction is statutory and confined to matters covered by the NGT Act and listed enactments; it does not exercise general criminal jurisdiction beyond what the Act permits. People can challenge the decisions of the NGT before the Supreme Court. The presence of expert member in the chair gives technical and scientific aspects of environmental disputes.<sup>7</sup>

### **4. Roles of the National Green Tribunal (NGT) in Climate Change Mitigation:**

The NGT plays a crucial role in climate change mitigation by issuing orders to stop, modify, or phase out polluting operations; mandates pollution control technology upgrades; compels remediation and closure where standards are repeatedly violated. It is essential for reducing local pollution sources lowers greenhouse gas emissions and co pollutants, improving air quality and public health while contributing to national mitigation targets. The NGT applies the polluter pays and precautionary principles in concrete remedies,

assigning liability for environmental harm and requiring preventive measures when risks are high, shifting costs to polluters creates economic incentives for cleaner production, energy efficiency, and lower carbon alternatives, accelerating sectoral decarbonization. The NGT crafts detailed reasoned judgments and binding directions that clarify regulatory obligations for agencies and industries and guide lower courts and regulators. It is essential for jurisprudential clarity reduces regulatory ambiguity, fills enforcement gaps, and catalyzes systemic change across sectors by creating enforceable norms for emissions management. The NGT has an effective implementation mechanisms as the NGT appoints expert committees for emissions assessment, GHG accounting, and technology feasibility, grants stay orders or operating restrictions to prevent ongoing emissions while cases proceed, prescribes phased reduction targets, third party audits, and public compliance reporting, levies fines, orders payment of environmental compensation, and channels funds into mitigation projects such as reforestation or clean energy transition. For tribunal orders to work, executive agencies must cooperate and have the resources to keep an eye on things. Abrupt closures or strict orders without transition planning can cause livelihoods disruption and invite resistance. NGT cannot substitute for national policy frameworks; systemic mitigation needs coordinated legislative and regulatory action.<sup>8</sup>

##### **5. Roles of the National Green Tribunal (NGT) in climate change adaptation:**

Protecting and restoring climate resilient ecosystems, the NGT issues orders to conserve, protect, and restore forests, wetlands, rivers, coastal buffers, and watersheds that provide natural climate buffering functions. Preserved and restored ecosystems would decrease the peaks of floods, stabilize the soils, capture carbon, control the local microclimates, and support livelihoods lowering the vulnerability of the community to shocks. Some of the rehabilitation measures required by the NGT are site specific and landscape scale such as afforestation using native plant species, stabilization of riverbank, rejuvenation of wetlands and management of soil and watershed. The NGT has ensured the access to remedy for vulnerable communities by providing fast tracks public interest petitions, grants interim relief to prevent imminent harm, and provides judicially enforceable directions that communities can rely on to secure adaptive measures. Vulnerable and marginal communities often face delayed or absent administrative responses; NGT intervention

provides a legal pathway to compel timely adaptation actions, compensation, and participation. Directive for community consultations, legal recognition of traditional resource rights in restoration plans, compensation where loss has occurred, and inclusion of local stakeholders in monitoring bodies.

## **6. Participation in the Reduction of Changes in the Climate:**

The National Green Tribunal (NGT) cuts down on local sources of greenhouse gases and co-pollutants by shutting down polluting companies and infrastructure projects, upgrading infrastructure technologies, or cleaning up polluting sectors. This is done to make sure that pollution and emissions rules are followed. It leads to the development of efficient mitigation consequences. By formulating regulations that adhere to the precautionary and polluter pays principles, the Tribunal can make the polluters pay the compliance costs and drive towards cleaner technologies and the energy efficiency. Such decisions are made by the Tribunal. This is made possible through the process of implementation of environmental ideas. The decisions made by the National Green Tribunal (NGT) are legally binding precedents. Such precedents influence the manner in which regulators, businesses, and judges reason with regards to emission and environmental compliance. The reason is that they are highly pressured by the regulatory authorities. In order to address climate change, all people should be involved. National Green Tribunal (NGT) asserts that forests, wetlands, rivers, beaches and watersheds are ecosystems and they need to be safeguarded and regenerated as they offer natural shield against climate change. On its own, these ecosystems protect against climatic change. This contributes to promoting flexibility on an ecosystem basis. The Tribunal may direct afforestation, restoration of habitats and rehabilitation activities which are further intended to ensure communities become more resilient and landscapes more stable over time. In this instance, the capability of rehabilitation and operation planning is encompassed. The National Government Tribunal (NGT) makes sure that there are adoptive measures in place in case administrative action is not taken promptly or is not taken at all. It achieves this by enabling affected groups to seek money and accelerating the already existing in the public interest lawsuits. This can be used to make sure that the poor have access to the services they require. The landmark decisions of National Green Tribunal (NGT) have played a key role in the process of India

in fighting and reducing the effects of climate change. This they have achieved through saving ecosystems, environmental regulations, and putting governments to more sustainable ways.

#### **7. The NGT's intervention on the Geleky Reserve Forest:**

An issue was raised regarding the Geleky Reserve Forest situated in the Sivsagar district of Assam-Nagaland border, where 28 hectares of forest land was converted for a construction of Assam commando Battalion Camp, without central government's approval, As the powerful procedural tools to advance adaptation and mitigation, the NGT is dealing with the question of statutory competence, whether a state can divert forest land and whether actions complied with the Forest (Conservation) Act, 1980 and required central clearance for change of forest land use.<sup>9</sup> The National Green Tribunal dealt with the environmental issues on three grounds- 1) Disruption of ecological functions: The conversion of reserve forest areas jeopardizes watershed protection, biodiversity habitats, carbon sequestration, and buffer functions in a sensitive border landscape. 2) Cumulative and transboundary impacts: localized diversion may compound landscape fragmentation and affect adjoining forest continuity and community resources. 3) Community dependence and rights: potential impacts on forest dependent livelihoods, customary access, and rights under forest related statutes and schemes. NGT interference is legally justified and strategically valuable as a corrective and fact-finding mechanism in the Geleky Reserve Forest matter. Its impact will depend on the Tribunal's ability to secure high quality technical evidence, impose precise and enforceable remedies, and compel coordination between state and central authorities while accounting for any genuine security imperatives. The NGT found sufficient prima facie concerns about unlawful diversion of about 28 hectares in Geleky Reserve Forest, treated the matter as raising substantial environmental questions, issued notices to state and central authorities, and ordered a technical fact-finding process to verify compliance and damages. The Tribunal ordered for creation of a expert team to inspect the site, map the diverted area, and report it on compliance under the Forest (Conservation) Act, 1980. The NGT asked the Assam government, the Assam Forest Department, the Union Ministry of Environment, Forest, and Climate Change, and other respondents to file counter affidavits and official responses

to make clear what approvals, if any, were given. The Union government informed the NGT that construction of the police battalion camp in Geleky was undertaken without prior central approval, thereby violating forest conservation norms.<sup>10</sup> The Tribunal observed that it is not for a state forest conservator alone to decide on the legality of such diversion when central clearances are required and when large security infrastructure is proposed in reserved forest land. The NGT exercised its fact finding and interim powers to restrain further irreversible activity in the disputed footprint pending the expert committee's report and directed strict monitoring of any remaining works until compliance is clarified. In a situation where the committee approves diversion without following the mandate or without following authorization the NGT has the power to cancel such approval to restore the area by imposing disciplinary proceedings and imposing fine. The technical study that the Tribunal has ordered will verify that any security claims do not violate environmental safeguards and will provide the evidence necessary to establish binding remedies. Currently the matter remains under NGT adjudication awaiting the technical committee's report and responses from the parties; the Tribunal's interim directions and the Centre's affidavit confirming lack of approval mark significant procedural victories for environmental accountability in this case.<sup>11</sup>

## **8. Conclusion:**

To summarize, India's legislative and regulatory frameworks have evolved throughout the course of time in order to address an environmental scenario that is becoming progressively more problematic. Most environmental policies focus on fixing problems after they happen, which means we need to move towards a more proactive approach. To solve these problems, we need updated regulations, more public involvement, and better cooperation between different government departments. This will be necessary in order to guarantee that India's legal framework will be able to deliver its promise. The constitutional safeguards under the constitution of India guarantees the right to healthy environment as fundamental right under Article 21 of the constitution of India and the Article 48A describes the safeguard and enhancement of the environment and the statutory setup like the National Green Tribunal Act, 2010 to address the environment issues promptly and proficiently are the commitment towards the environment protection and sustainable environment. Despite

the fact that it has achieved a great deal of success, the NGT is challenged by a number of obstacles. Advocates argue that in order to ensure that the tribunal will continue to carry out its mission in an appropriate manner, it is necessary to take a number of important steps, including expanding the jurisdiction of the tribunal, boosting the resources that are available to it, and strengthening the coordination between the various institutions. If the National Governance Tribunal (NGT) were reinforced, it would be possible to create an approach to environmental governance that is both more robust and preventative. In addition to assisting in the resolution of existing crises, this would make it possible to anticipate and make preparations for future problems.

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