



# LAW MANTRA THINK BEYOND OTHERS

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## NETIZENS – CONCEPT AND RIGHTS\*

### Introduction

Thanks to the global connectivity that the Net makes possible, the lives of human beings has changed considerably. Net has “immeasurably increased the quality of...life.” The Net seems to open a new lease on life for people. Social connections which never before were possible, or relatively hard to achieve, are now facilitated by the Net. Geography and time are no longer boundaries. Social limitations and conventions no longer prevent potential friendships or partnerships. In this manner Netizens are meeting other Netizens from far away and close by that they might never have met without the Net.

Digitalization has radically transformed the ways of accessing and using information. Technical convergence has touched personal communications as well as the realm of trade and commerce.

Computer-literate inhabitants are craving out their own information domains .

The Internet has a public service value. People, communities, public authorities and private entities rely on the Internet for their activities and have a legitimate expectation that its services are accessible, provided without discrimination, affordable, secure, reliable and ongoing. The Internet plays an important role in people’s daily life and in all aspects of human society. It is continually evolving and providing citizens with possibilities to access information and services, to connect and to communicate, as well as to share ideas and knowledge globally. The impact of the Internet on social, economic and cultural activities is also growing.

Net society differs from off-line society by welcoming intellectual activity. People are encouraged to have things on their mind and to present those ideas to the Net. People are allowed to be intellectually interesting and interested. This intellectual activity forms a major part of the online information that is carried by the various computer networks. Netizens can interact with other people to help add to or alter that information. Brainstorming between varieties of people produces robust thinking. Information is no longer a fixed commodity or resource on the Nets. It is constantly being added to and improved collectively. The Net is a grand intellectual and social

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\* Miss Bhumika Sharma.

commune in the spirit of the collective nature present at the origins of human society. Netizens working together continually expand the store of information worldwide.

The world we are entering is not a world of perpetual freedom; or more precisely, the world we are entering is not a world where freedom is assured. Cyberspace has the potential to be the most fully, and extensively, regulated space that we have ever known — anywhere, at any time in our history. It has the potential to be the antithesis of a space of freedom. And unless we understand this potential, unless we see how this might be, we are likely to sleep through this transition from freedom into control.<sup>1</sup> Cyberspace is regulated by laws, but not just by law.<sup>2</sup>

## **1. CONCEPT OF NETIZENS**

The term Netizen has spread widely since it was first coined. The genesis comes from net culture based on the original newsgroup naming conventions. Network wide Usenet newsgroups included net.general for general discussion, net.auto for discussion of autos, net.bugs for discussion of Unix bug reports, and so on. People who used Usenet would prefix terms related to the online world with the word NET similar to the newsgroup terminology. So there would be references to net.gods, net.cops or net.citizens.

Netizen = Net + Citizen. It refers to a citizen of the Internet or someone who uses networked resources. While the original users of the Net were exclusively technical and scientific communities.

### **1.1 Coining of Term Netizens**

The world of the Netizen was envisioned by J. C. R. Licklider and Robert Taylor in 1968 . Licklider brought to his leadership of the Department of Defense's ARPA Information Processing Techniques Office (IPTO) a vision of "the intergalactic computer network." Whenever he would speak from ARPA, he would mention this vision. J. C. R. Licklider was a prophet of the Net. Their concept of the sharing of both computing and human resources together matches the modern Net.

Michael Huaben and Ronda Hauben in their work – Netizens- On the History and Impact of Usenet and the Internet in 1992 used Netizens.

### **1.2 Meaning of Netizens**

Two general uses of the term Netizen have developed.

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<sup>1</sup> Lessig, The Laws of Cyberspace April 3, 1998 3-4

<sup>2</sup> 16.

### **(a) Broad Conception**

The first is a broad usage to refer to anyone who uses the Net, for whatever purpose. Thus, the term netizen has been prefixed in some uses with the adjectives good or bad. The second usage is closer to my understanding. This definition is used to describe people who care about Usenet and the bigger Net and work toward building the cooperative and collective nature which benefits the larger world. These are people who work toward developing the Net. Here the term net is used as an adjective.

### **(b) Narrow conception**

In this second case, Netizen represents positive activity, and no adjective need be used. Both uses have spread from the online community, appearing in newspapers, magazines, television, books and other off-line media. As more and more people join the online community and contribute toward the nurturing of the Net and toward the development of a great shared social wealth, the ideas and values of Netizenship spread. With the increasing commercialization and privatization of the Net, Netizenship is being challenged.

These Netizens are working towards building the cooperative and collective nature. They are taking efforts and actions on each and everyone's part to make Net a VIBRANT and REGENERATIVE community and resource.

## **1.3 Various Phrases Used for Netizens**

“Netizens” in can also be called by following nomenclature :

- (a) Digital natives
- (b) Digital immigrants
- (c) Data subjects
- (d) Digital Persons
- (e) Netter

Netizens working together continually expand the store of information worldwide. One person called the Net an untapped resource because it provides an alternative to the normal channels and ways of doing things. The Net allows for the meeting of minds to form and develop ideas. It brings people's thinking processes out of isolation and into the open. Every user of the Net gains the role of being special and useful. The fact that every user has his or her own opinions and interests add to the general body of specialized knowledge on the Net. Each Netizen thus

becomes a special resource valuable to the Net. Each user contributes to the whole intellectual and social value and possibilities of the Net.

## 2.4 John Perry Barlow's A Declaration of the Independence of Cyberspace<sup>3</sup>

Cyberspace is an act of nature and it grows itself through our collective actions. Cyberspace consists of transactions, relationships, and thought itself, arrayed like a standing wave in the web of our communications. He declared as to cyberspace and cyber users the following-

- The global social space building to be naturally independent of the tyrannies of the sovereign States. We must declare our virtual selves immune to your sovereignty, even as we continue to consent to your rule over our bodies.
- Ours is a world that is both everywhere and nowhere, but it is not where bodies live.
- Our identities have no bodies, so, unlike you, we cannot obtain order by physical coercion.

## 2.5 Internet Users in the World

Table 1- Internet Users in World – 2001-2016 <sup>4</sup>

<i>Internet Users**</i>	<i>Penetration (% of Pop)</i>	<i>WorldPopulation</i>	<i>Non-Users(Internetless)</i>
2016*	<b>3,424,971,237</b>	46.1 %	7,432,663,275
2015*	<b>3,185,996,155</b>	43.4 %	7,349,472,099
2014	<b>2,956,385,569</b>	40.7 %	7,265,785,946
2013	<b>2,728,428,107</b>	38 %	7,181,715,139
2012	<b>2,494,736,248</b>	35.1 %	7,097,500,453
2011	<b>2,231,957,359</b>	31.8 %	7,013,427,052
2010	<b>2,023,202,974</b>	29.2 %	6,929,725,043
2009	<b>1,766,403,814</b>	25.8 %	6,846,479,521

<sup>3</sup> Davos, Switzerland February 8, 1996

<sup>4</sup> Sourced from [www.InternetLiveStats.com](http://www.InternetLiveStats.com).

<i>Internet Users**</i>	<i>Penetration (% of Pop)</i>	<i>WorldPopulation</i>	<i>Non-Users(Internetless)</i>
2008	<b>1,575,067,520</b>	23.3 %	6,763,732,879
2007	<b>1,373,226,988</b>	20.6 %	6,681,607,320
2006	<b>1,162,916,818</b>	17.6 %	6,600,220,247
2005	<b>1,030,101,289</b>	15.8 %	6,519,635,850
2004	<b>913,327,771</b>	14.2 %	6,439,842,408
2003	<b>781,435,983</b>	12.3 %	6,360,764,684
2002	<b>665,065,014</b>	10.6 %	6,282,301,767
2001	<b>502,292,245</b>	8.1 %	6,204,310,739

## 2. NETIQUETTES AND DUTIES OF NETIZENS

As the Internet includes a global community, students need to be aware of behavioral standards. Proper Internet etiquette is often referred to as Netiquette.

The rules may vary for email, online chats, web forums, online gaming, and other social networking outlets. It may be smart to search for specific rules pertaining to the particular outlet being used.

### ➤ **Be respectful**

A good rule of thumb is not to communicate anything online that you would not be willing to say to a person's face.

### ➤ **Don't be too quick to take offense**

In online communication, the technology itself tends to make us less personable. Before taking the offensive, clarify a message with the sender.

### ➤ **Protect the privacy of others**

Before posting photos or videos of others online, permission should be asked.

### ➤ **Check on language**

Using offensive language online is unpleasant and can cause people to view user negatively.

On the Internet the duties of everyone to the community include:

#### 2.1 Respect for the rights of others

Everybody has the duty and responsibility to respect the rights of all individuals in the online environment.

#### 2.2 Responsibility of power holders

Power holders must exercise their power responsibly, refrain from violating human rights and respect, protect and fulfill them to the fullest extent possible.

### 3. RIGHTS OF NETIZENS

The Net is not a Service, it is a Right. Digital Rights are nothing other than our usual and common civil rights, but expressed and translated into the domain of the digital sphere. Civil rights are universal and must therefore be valid in the internet as well. The right to share, the right to protect one's privacy, freedom of expression, the right to learn, the right to access knowledge, the right to assembly, or consumer rights are amongst the common rights that apply in a digital world, hence they are Digital Rights. Several of these rights gather new importance because of the digital environment where they are placed. The right to access knowledge is strengthened as the possibilities of accessing it are enhanced due to technological advances. This fact confers a new importance to these rights.

The user's ability to manage their activities on the Internet (e.g. their identity, their personal data). They should be fully informed about the different choices they make on the Internet which may affect their rights and freedoms and the consequences of giving their consent to such choices. They should understand the limitations of their rights. They should be aware of the redress mechanisms available to them. Internet users should have the ability to acquire basic information, education, knowledge and skills in order to exercise their human rights and fundamental freedoms on the Internet.

#### 4.1 Right to access to the Internet and to use the Web

Every citizen should have an equal right to access to the Internet and to use the Web without any discrimination or limitation than those imposed by law only in those exceptional cases in which it, in a democratic society, is necessary. Access to and non discriminatory use are key preconditions for the exercise of all other rights and freedoms.<sup>5</sup>

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<sup>5</sup> [internetrightsandprinciples.org/wpcharter/archives/33](http://internetrightsandprinciples.org/wpcharter/archives/33)

Any restriction on the use of the Internet is a restriction on personal freedom because, in the information society, every human action has, as a necessary precondition, and for "electronic communication". Therefore such restriction should be in force only in case considered by the law, by an order of a judicial authority or as the outcome of a fair trial.

Although access to the Internet is not yet formally recognised as a human right (noting differences in national contexts including domestic law and policy), it is considered as a condition and an enabler for freedom of expression and other rights and freedoms<sup>13</sup>. Consequently, the disconnection of an Internet user could adversely affect the exercise of her/his rights and freedoms and could even amount to a restriction of the right to freedom of expression, including the right to receive and impart information. Positive action or measures taken by State authorities to ensure that everyone is connected to the Internet is another dimension of the issue of access to the Internet.

The right to access Internet content is linked to the right to receive and impart information on the Internet. Public authorities should make reasonable efforts to facilitate access to the Internet for specific categories of individuals such as those living in remote areas and people with disabilities.

From the technological standpoint, [JD Rucker on the Tech Blog](#) argues that outcomes are key, and elevating the internet to the status of an inalienable right will result in "increased opportunity, improved education, and the end of hostilities based upon ignorance".<sup>6</sup>

#### **4.2 Right to the protection of his Personal data**

Every person has the right to the protection of his personal data, in order to ensure the respect for his dignity, identity and privacy. The right to require the integral representation of the fragmented identity and the right to reject the reduction of the person only to its personal information as processed in an automated form by certain services.

#### **4.3 Right to access Neutral Networks**

Consumers should have the right to access neutral networks. Consumers have the right to attach devices of their choice, the right to access or provide content, services and applications of their choice, and the right for this access to be free from discrimination according to source, destination, content and type of application.

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<sup>6</sup> [United Nations Human Rights Council report](#), January 2012.

In order to respect that technological neutrality, public organisations have to respect the principle of Open Standards and ensure interoperability.

#### **4.5 Freedom of Expression**

It is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. The exercise of the right to freedom of expression by Internet users’ must be balanced with the right to protection of reputation.

#### **4.6 Right to secure networks and services**

Consumer confidence in the security and reliability of the digital world is a decisive precondition for the intensive use of digital services. Ensuring such confidence requires the right to secure networks and services. Furthermore, measures for significantly increasing consumer awareness and competence in relation to data and system security should be provided.

Internet users have a legitimate interest to manage, operate and control their computer systems in an undisturbed and uninhibited manner.

#### **4.6 Right to Privacy and Data Protection**

In the digital world consumers are subject to far more intrusive data gathering by businesses and government than in the past. Moreover, as their personal information is collected, large organisations have become increasingly secretive. Personal information is also more often used for data-mining, behavioural targeting for marketing purposes, compiling personal name records and credit scoring. There is a risk that these developments undermine basic human rights of individuals to autonomy and control of their personal information. There is also a danger that security breaches and identity theft increase and new threats to trust and confidence in the digital marketplace emerge. Therefore, consumers should have the right to privacy and data protection.

Many activities of users will involve some form of automatic processing of personal data; examples include the use of browsers, e-mail, instant messages, voice-over Internet protocols, social networks and search engines as well as cloud data storage services. Convention 108 covers all operations carried out in the Internet, such as collection, storage, alteration, erasure and retrieval or dissemination of personal data.



There are principles and rules that should be respected by public authorities and private companies which are engaged in the processing of personal data. It is necessary that a user is aware of and understands what and how her/his data is processed and whether action can be taken in this regard, for example to request correction or erasure of data.

#### **4.7 Right to software interoperability**

For consumers software interoperability is important since interoperability facilitates, inter alia, access to better and more suitable software products and online services; it lowers switching costs; it safeguards data (such as documents, pictures or videos) over a long period of time; it makes more likely that hardware can be used for longer periods of time.

#### **4.8 Right to barrier-free access and equality**

They have a right to the free exchange of information and opinion and to individual integration in the world of work. The precondition for this is the right to barrier free access and equality. That means that access to digital services should be provided for all consumers irrespective of their personal and/or technical possibilities. Moreover the complexity of the digital world needs to be reduced and its legal and technical aspects need to be made more manageable for all consumers.

#### **4.9 Right to access knowledge: Open Knowledge**

The internet makes it possible for knowledge to become accessible to a huge number of people in a relatively cheap way. We want to close the global digital gap and make knowledge accessible to everyone in the world

Users have the right to receive and impart information on the Internet, in particular to create, reuse and distribute content using the Internet.

#### **4.10 Right to pluralistic media**

Consumers have the right to pluralistic media. It is vitally important for Internet users and governments to develop a better understanding of the challenge industry consolidations pose to the open Internet and specifically how dominant Internet firms are able to leverage their position in one market sector to discourage competition other market sectors.

### **5. Conclusion**

The Internet is a place where people communicate, meet and congregate and a basic utility for people, communities, organizations and institutions to accomplish all sorts of activities in all areas of human and society endeavour. The realization and upholding of all human rights in the digital

environment require that states as well as all other society actors fulfill their responsibilities in their respective capacities.

The force and pace of technological change over the next decade will present challenges and opportunities for individuals, societal organizations, businesses, and governments. One of the primary challenges facing government policymakers is how to balance massive technological change and simultaneously manage the new generation of risks to cybersecurity.

