
AN ANALYSIS FREEDOM OF EXPRESSION AND HATE SPEECH - J. S. MILL'S ON LIBERTY

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ABSTRACT

In the research paper, the researcher has been analysis argument for the freedom of expression and hate speech concept under the John Stuart Mill's development on the liberty and pointing out the merits of problematical nature of utilitarianism theory. Further researcher has explored the J S Mill's principles and reasoning which applied to solve the doubt of pluralistic societies of the present scenario, therein such as the finding of the appropriate legal treatment for the hate speech and denial of Holocausts.

RESEARCH METHODOLOGY

The present research study is mainly focus on the analysis of freedom of expression and speech which followed the J S Mill's theory on liberty and this research paper is based on descriptive and analytical reasoning. And research study in the nature of primarily doctrinal collected from research materials and secondary sources such as statutes as well as prominent writer's books, websites, case law, etc. were utilized at their relevant places.

LITERATURE REVIEW

- (i) **The Richard John, In the digital age, Freedom of Expression, as a Historian perspective, (4 CHURCH COMMUN. CULT. 25–38 (2019)).**

Freedom of expression is contention which has the generalisation to declare that free expression norms in the present day that history of the unethical speech and expression always followed the precedent by the society. In fact, the past of the freedom of expression is the good deal more complex and less linear.

- (ii) **Onder Bakircioglu, Freedom of Expression and Hate Speech, 16 51.**

In this article has deals with the detailed concept of the hate speech and freedom of expression of the J.S. Mill with the certain limitations but not the absolute and in which form freedom of expression in the some democratic country impose the restrictions, and the British are strong to restrict the ethically motivated freedom of expression due to the colonial past concern to save the diverse population with the harmony.

- (iii) (The R. Cohen Almagor, John Stuart Mill's Boundaries of the Freedom of Expression, 2017)

In this research paper author analyse the background period of the J.S. Mills which discussed bout the concept of blasphemy conceded the high problematic, governmental power and infringement on the basic liberty, and also the mill's principles pertinent philosophy of the free speech, also the limitation boundaries of the freedom of expression ascertaining reasoning led to mill ignore the present harms.

- (iv) **“T. Bradshaw, J.S. Mill Freedom of Expression and harm in the Post Truth era, 2017”**

In this research paper author deals with the argument of the John Sturt Mill of free expression first available, contemporary issue of freedom of speech apart of this mills on liberty, condition's of mankind and freedom of speech restrictions, mills on liberty exploring the contemporary problems expounded freedom of expression and speech also about the intellectual debate on liberty.

- (v) **Stephanie Conway, Interpreting Mill's “On Liberty”, 1831-1900, 2019,**

In this research paper the author analyse political idea in the nineteenth century on liberty fail to consider reception of the J.S. Mill, due to cumulative effect J.S. Mill public image change, also analyse the positive liberty and negative liberty, and

analyse the Mac Callum negative freedom no uncontrol such as the freedom, Abraham ideology is not a natural resource of the negative liberty available all interest and movement.

(vi) **Robert F. and J.A. Corlett, The Foundation of Theory of the Hate Speech, Law Review (2002)**

In this research paper deals with the issue of the hate speech which received the attention of the philosophers and scholars, focus on the argument against the hate speech task of the conceptual analysing the term of the hate speech, distinctive analysis philosophy aim to explode the myth that emotions attitude of hate speech or feelings.

(vii) **D. J. Merritt, Review of the Book Freedom of Expression, A C. Analysis By the M. H. Redish, on the freedom of speech. 11.**

In this research book review the author discuss about the utilitarianism can not support the fundamental rights theory on the basis of the periodic conflict law and philosophy, utilitarian calculate consider the essential rights total welfare.

(viii) **M K Bhandari & Dr Mithilesh Narayan Bhatt, Hate Speech and Freedom of Expression: Balancing Social Good and Individual Liberty, PRACT. LAWYER 12 (2021).**

In this article the author analyse the relationship between the Hate Speech and freedom of expression, in the communication of law, action is the most complex, speech play a most important role in the communication belief, idea, and scheme of the action, and also analyse the notion of the hate speech apparent to the disparage based on the social and ethical group behaviour of the persons, and about the hate speech now become the short cut style for getting the publicity for the contemporary freedom of expression.

1.- INTRODUCTION

The Freedom of Expression and speech are rightly welcomed as holy correct and fortification of the liberty. First Amendment of the US Constitution in the 1791 that was established new scenario of the freedom of speech and press on liberty of the people. Further it was recognised in inherently dignity and equal rights in entire humanoid household is the foundation of the words and expression and after in the year of 1948, The Universal Declaration of the Human

Rights (UDHR) that added the conscience of the mankind and the coming words for the freedom of speech as the highest inspiration in the common people. Thereafter, “the valued ideal has the long source of inspiration for the religious proponents of democratic and liberals self rule”.¹

The Freedom of expression is from time to time assumed to be contemporary with the increase of the Christianity. There are arguments as certain appearance. The Christians have been amongst its most keen protectors. The major generalisation to declare that the present environment of the free expression standards was long back history in the world. The past of the free expression is the more complex and good contract less lined.

The first near relationship among the free expression and the religious allowance that the relationship was dates back to the (17th) seventeenth century and had controlled to the principle defences of the pluralism as the public model. Second is the realisation for the previous numerous one hundred years of the free expression has succeeded the social control and political regulation. These restraints were at the once institutional and technical which facilitated the monitoring of the writers and speakers in the ways that were long taken for the decided but today which become progressively problematical.²

The main approach of J S Mill’s freedom of expression was not consistent through his life. In the 1823 when he was the seventeen year he published some letters in the press for the arguing for the free discussion but after a decade he showed some doubts in many letters which is published by the press related to the worth of promotion of the quantity of many discussion rather than the quality.

The free expression may be the topic to the few limitations but not absolute. On the certain form of freedom of expression some democratic countries impose the some restrictions, it is depend on the historical and political context. The British are stronger to restrict the ethnically motivated speech due to the colonial past and concern to save its diverse population in the harmony. The society respect to the freedom of expression is not restriction but there are limitations for the strong society development is to be measured by observing whether there is the open argument and public debate about requirement’s of the limit in particular cases. Certainly, the society does not fight against the seeds of its individual obliteration that cannot considered healthy.³

¹Richard John, "Freedom of expression in the digital age": "A historian perspective", 4 CHU. COMM. CULT. 25–38 (2019).

²*Id.*

³Onder Bakircioglu, *Freedom of Expression and Hate Speech*, 16 51.

1.1.- ARGUMENT - J.S. MILL FOR THE FREEDOM OF EXPRESSION

The J.S. Mill's ideologies in the support of the freedom of expression are well experienced in the literature. By the numerous scholars they were explored arguments and justified and it was reflecting the explanation on the Liberty as well as in the other literatures in command to set the scene for the argument on the John Stuart Mill's limitations of the freedom of expression. The John Stuart Mill's two very important principles directed on the freedom of expression, the Truth and Liberty. Regarding to this J.S. Mill as the lawful since they have approved, in his view, the utilitarian (useful) test, the Ultimate (Final) Principle of the Utility they are important because of their conduciveness.⁴ And they designed for bring happiness in the world to each individuals. Persistence that the "happiness is sole..... end of the human action," the J.S. Mill argued (contended) that the "Interpretation to the Greatest Happiness Principle the ultimate end is an existence exempted as far as the possible from the pain and as the rich as likely in the pleasures, both in point of quality and quantity."⁵

In the expressing his Principle of Liberty, J.S. Mill started by saying that the following our own good in our own way and that the only freedom (liberty) which deserves the name (designation), "so extensive as impede their efforts to obtain it or we do not effort to deprive others of theirs," or, in the other words, we do not harm to the others so long.⁶ The performances of whatsoever kind, which is deprived of the justifiable reason, may be, do injury to the any others, "and the absolutely require to be in the very important cases ", controlled by "adverse opinions, and when requiring, by the active interference of the mankind". The people should be obtain their appropriate share, that is, the part which concerns themselves, "that is very interested for the independence should belong the part of life in which it is primarily the individual in the society, the part which primarily welfares to the society", for " the liberty contains in responsibility what one desires".⁷

The J.S. Mill appreciated negative liberty and unrestricted spirit. The negative liberty is appreciated as the existence the condition for assertion and development of the unrestricted spirit. The understanding of the advanced potential of the separate theory as propounded by the

⁴RAPHAEL COHEN-ALMAGOR, *JS Mill's Boundaries of Freedom of Expression: A Critique* (2017), <https://papers.ssrn.com/abstract=2992211> (last visited Apr 2, 2021).

⁵ J.M. Dent & Sons, *Utilitarianism, liberty & representative government by John Stuart mill* pdf, <https://library.um.edu.mo/ebooks/b32367181.pdf> (last visited Apr 2, 2021).

⁶*Id.*

⁷*Supra note. 5*

J.S. Mill which valued the freedom for its contribution for the independence. The liberty is the anticipated as the part of happiness and is consequently the constituent of that end, as well as the means to it. What we consider to be the good of the individuality which enables the chase. “This principle applied only to the human beings in adulthood of their abilities not to the barbarian or children explained by the J.S. Mill”.⁸

The John Stuart Mill highlighted that when the certain behaviour is envisioned to the impose harm (damage) upon the other person the society has the case for interference. The J.S. Mill advocated in his unequivocal phrasing, "that only purpose for which the control can be fairly exercised over the any member of cultured community, in contradiction of his will, for the avoid the harm to others." If behaviour to be discouraged is harmful to others than the interference, may be justified, if the end is self-protection , to put it differently. J.S. Mill also used the term is the injury, hurtful, damaging, and reason evil interchangeably.

1.2.- JOHN STUART MILL’S, ON LIBERTY

The John Stuart Mill’s on the Liberty is a amazing success in its defence of the pluralistic society where the disagreement and confrontation in the matters of ideology. The religion or morality are not taken as the threats which must be repressed and avoided, but as the valuable treasure which must be the encourage and preserved. According to the J.S. Mill the free flow of the contradictory opinions, is the less unsafe and useful, and it is consequently desirable. Regarding to this, On Liberty is very well suitable to the existing pluralistic civilisations on the every important topic which we are used to reading and hearing about the tremendous diverse points of view, and where the one can expect to find the written controversy on the virtually any issue. On Liberty assures us the value of our current practices of the broadmindedness with the diversity, and cautions about the appeal of the consensus and uniformity, which is also animated in the our civilisations. It is the exactly uncertainty of our own time which makes the On Liberty still explained and useful its place in the reading lists of the political andthe legal studies as well as in the historical and philosophical ones⁹.

The accept social diversity and the social value. we also desire social uniformity in the many ways and we are frequently ready to impose the our standard interpretations on whoever

⁸*Supra note. 5*

⁹On Liberty by John Stuart Mill : chapter two, , <https://www.utilitarianism.com/ol/two.html> (last visited Apr 1, 2021).

oppositions, even at the disbursement of the liberty of expression.¹⁰ We tolerate variety in the religious rituals and creeds but we are not keen on the people scorning the religious symbols or beliefs in the name of religion neither on the sects spreading alienating behaviour. We stand for the philosophical and political diversity but we would rather not have people arguing against the democracy or in favour of racial discrimination. Many of us admitted the moral pluralism and some even embrace the moral relativism, but we see fit to the forbid behaviours or speeches that we count immoral, obscene or the indecent. We promote inquiry and discussion to make sense of our empirical world but we are not sure whether we should allow people to spread unscientific accounts of the zodiac or of historical events. Our puzzlement on these matters is what makes John Stuart Mill's pledge on the Liberty still worth for the freedom of expression.¹¹

1.2.1.- NEGATIVE LIBERTY

The absence of the restrictions upon the following one's own ends, On Liberty has been read as the text devoted to the negative liberty. According to J.S. Mill, the liberty contains in doing what one desires himself. The freedom or negative liberty have been categorised as the state where no one's liberty and life are secure, one which disaffects the subordinates and individual the collective to an unprogressively route. Determining the restrictions of interference and the means in which we may apply it has established to be heavily problematic for the both admirers and detractors. Even though, on Liberty has been unspoken as the text enthusiastic to the negative liberty, the one should be free to pursue one's own ends as dangerous of interference.¹² In this undesirable sense. it is the liberty from restraint or absence, or the absence of the human interference of coercion in the major sense. Whatsoever outcome of an action. . J.S. Mill's plea in on Liberty has been read from the primarily much of urgency of the 'libertarian' viewpoint, resulting in the Berlin's conclusions that 'the protection of the liberty consists in negative goal of the warding off interference'. The negative interpretation on Liberty provides for the growth of some of J.S. Mill's greatest valued characters, originality and developing the independent characters. The warning which J.S. Mill assumes is that if such the procedure of the liberty is overlooked, the pressure of the social view will result in the 'collective mediocrity'. As Berlin

¹⁰*Id.*

¹¹Tom Bradshaw, *John Stuart Mill: Freedom of expression and harm in the "post-truth" era*, 14 ETHICAL SPACE 15–25 (2017).

¹²Stephanie Conway, *Interpreting Mill's "On Liberty", 1831-1900*, 2019, [https://pure.royalholloway.ac.uk/portal/en/publications/interpreting-mills-on-liberty-18311900\(68b16036-e81e-4b5a-aa3b-ecce848111ad\).html](https://pure.royalholloway.ac.uk/portal/en/publications/interpreting-mills-on-liberty-18311900(68b16036-e81e-4b5a-aa3b-ecce848111ad).html) (last visited Apr 2, 2021).

has noted that the 'Millian freedom' with fending off interference has been associated with the negative liberty as J.S. Mill anxieties himself. The Maccallum added that the negative freedom should not be uncontrolled and that such freedom 'is therefore always of something, from the something, to do, not do, not become something or become something,' where the liberty 'is continuously and unavoidably from restraint'.¹³

1.2.2.- POSITIVE LIBERTY

In the difference, there are those who is in favour positive interpretation of the On Liberty. On Liberty negatively is counter-objective for the J.S. Mill. As Abraham noted that the reading as an ideology is not a neutral resource of the negative liberty, there are equally available to all movements or all interests.¹⁴ An apostle of the 'negative liberty', can no longer be seen alone' as the economic collaboration was 'the essential component in J.S. Mill's 'positive' idea of the liberty, where the liberty is explained in the terms of society serving to provide the preconditions for the self development of the individual'. The counteraction to the certain procedures of the oppression the positive form of J.S. Mill's liberty is the crucial constituent of the enunciation the principles of the justice'. Positive liberty permits support from others in pursuit of a rejects non-interference and common good.¹⁵ For example where the individual absences the will to engage in the virtuous activity, interfering may be useful as only 'the virtuous society could continue the free society'. Where 'in its place of any diminution, the J.S. Mill's reassurance for the discussion of the urges people to involve with the others and to promote the good of others there is the need of the great upsurge of fair-minded effort, eventually the carving itself into and maturity of society and the development ¹⁶.

2.- J.S. MILL'S HATE SPEECH

In the recent years very much has been written on the hate speech, concentrating mostly on the whether or not, in the context of the constitutional law of the U. S. Indeed, these discussions have occupied at least two important turns, as one to the hate speech in general and another to hate speech on the university campuses where each of them concentrating mainly, however, in on racist or sexist the hate speech. Many trust that the problem of hate speech is, amongst

¹³*Id.*

¹⁴David Abraham, *Liberty without Equality: The Property-Rights Connection in a "Negative Citizenship" Regime*, 21 LAW SOC. INQ. 1-65 (1996).

¹⁵Ian Carter, *Positive and Negative Liberty*, in THE STANFORD ENCYCLOPEDIA OF PHILOSOPHY (Edward N. Zalta ed., Winter 2019 ed. 2019), <https://plato.stanford.edu/archives/win2019/entries/liberty-positive-negative/> (last visited Apr 2, 2021).

¹⁶*Supra note.* 12

other things, by the First Amendment of US Constitutions that balancing constitutional value of the free expression definite, and by the (14th) Fourteenth Amendment the value of equal protection guaranteed. The rule of the hate speech, forces to the lawful scheme to select between superior promises equality and liberty and yet the Constitution provides no the direction as to how that the choice should be complete. The correctly arguing by the Thomas Scanlon that the "freedom of expression is example of the more general problem about the status of right and nature, then the hate speech, as the example of freedom of expression, also concerns the status of rights and nature.¹⁷

The First or Fourteenth amendment in the US Constitution declared the protection of the theory of the justice and equality of individuals. This is not to deny moreover that the equality is a convincing interest of the state, or the answer to the problem of the hate speech and the freedom of expression and maintain the balance the opposing goods or interests for persons and community. Nor denial of the significance of concept of equality for general discussion over the freedom of expression and hate speech. We have no honourable way for resolution the conflict between the equality and liberty, then arguments between the critical race theorists and their detractors about whether or not deliberations of the equality trump those of the freedom may in the end beg questions on either side of discussion. Therefore, it is the very important, in which the equal protection and freedom of expression do not have contradiction of the one another.¹⁸

The utilitarianism can not recourse the theory of the fundamental (essential) rights is periodic basis of the struggle in the philosophy and law. Who follow the view argue that the utilitarian or consequentiality method cannot provide the unchanging, enduring explanation for the rights at the any time. The utilitarian theory might be accomplish that what it is measured the right and essentially decreases the total welfare and consequently is not the right today. Maybe no one has the away for further endeavouring to disprove this entitlement. The consequence, of the any effort endeavour to concept the consequentiality theory of the fundamental rights must be attraction at least partly on the J.S.Mill's work.¹⁹

¹⁷J. Angelo Corlett & Robert Francescotti, *Foundations of a Theory of Hate Speech*, 48 WAYNE LAW REV. 1071 (2002).

¹⁸*Id.*

¹⁹Deborah Jones Merritt, *Book Review: Freedom of Expression: A Critical Analysis*. by Martin H. Redish; *Nimmer on Freedom of Speech: A Treatise on the Theory of the First Amendment*. by Melville B. Nimmer. 11.

The J.S. Mill's theory of the liberty to concept the consequentiality contention for the control unethical speech and crimes, and supplementary behaviour where the individual activities are motivated by the ethnic, racial, political animosity or religious. The comparison the existing free speech doctrine with regulate the free speech recommended by J.S. Mill theory and Mill's theory delivers the more intelligible clarification of the prominent decisions in this part than by the first amendment scholars many versions of the free speech theory presently progressive. Though, the J.S. Mill's outline is unpredictable with the S. C. bombast in its very current hate speech pronouncement, in the case of *R.A.V. vs City's of the St. Paul*.²⁰ Eventually, J.S. Mill's theory suggests that it is the communally wanted to control the hate speech, but only if the speech disrupts current provision of the criminal code, there are such regulations governing the harassment (puzzlement). Therefore, in the J.S. Mill's theory regulating to the hate speech would include nothing more than the passing rules of disadvantage improvements for the hate interested speech and the behaviour.

2.1.- THE J.S. MILL'S HATE SPEECH REGULATION

I have described the J.S. Mill's theory of the speech and behaviour guideline and now apply that the theory to the specific case of the hate speech-related conduct and the hate speech. The First, assume that the movements can be positioned in one of the two categories non hate and the hate based on their consequence. In the hate base category for example of the conduct is murder, the threat is the example of speech in the hate category. This provided with sufficient trustworthiness it is started. Are an ethnic or the racial slur in the another form of the hate speech that is the straight meant to isolate and a specific goal of the humiliate. The speech included in the non hate category in the sense just described that is not intended to have the harmful effect. While one might argue the society has already made it for us that the distinction is the hard to defend, it would be impossible to list them all here even though we all know that what fighting words are. Then on hate speech against the state regulation secures by the J.S. Mill's Theory but it the obviously supports the regulation of hate behaviour. J.S. Mill's theory suggests around the part of the hate speech connected the behaviour it is less clear. Even though as assume that it is related to the speech, I will refer to it under as the "hate conduct".

²⁰“*R. and Nbsp A and Nbsp V vs St. Paul*”, 505 U.S. 377 (1992), Justia Law, <https://supreme.justia.com/cases/federal/us/505/377/> (last visited Apr 1, 2021).

Since the speech component includes the hate conduct it is assumed by me, if the state controls such conduct, the state will restrict the freedom of thought it generated the concern that in doing so. Though, the straightforward answer provided by the J.S. Mill's framework, the hate conduct regulated by the state. The important barrier crosses by the hate conduct it is the reason between the self-regarding movement that is the action that purposes at and touches oneself the recognized interests of the others and movement that primarily purposes at and the unfavourably affects. The question that anxieties representatives today is whether, based on the actor's determined and on the certain type of the conduct may be increased the penalty. If it were merely examining the matter of the wrong intent's this would be the trivial question. But the review emphasizes on the intent in the sense of determined to do the illegal act itself and the illegal law has permanently made differences on the intent based. ²¹

2.2.- HATE SPEECH REGULATED IN THE INDIA

Under the Article 19(1) (a)²²of the constitution of India given that the right to freedom of expression and speech. Though, in the article 19(2)²³ of the Indian constitution also given the reasonable restrictions against in contradiction of the freedom of speech in the welfares of India integrity and sovereignty, the friendly relations with the foreign States, Security of the State, and the public order, morality or the decency or in the relation to contempt of the court, incitement or defamation to an wrongdoing.

The Hate speech establishes the illegal charge in the Section 153A,²⁴of the Indian penal code 1860, which is the offence for the promoting between the different religious communal conflict or spirits of hate, racial, local groups or the language or societies or castes.

Under the Indian Penal Code (IPC) section 153B ²⁵categorises the crime for encouraging the linguistic, religious, civic racist, or the caste hate or provokes to the any religious, class or any other conflict or hostility within the India, through by the any language either in spoken or written form any individual or group of people. Under Indian penal code (IPC) Section 298²⁶, classifies the crime of the expressing arguments with the thoughtful determined to wound the religious spirits of the any other person. Similarly, Under the Section 505, of the Indian Penal

²¹Keith N. Haylton, "Implications of Mills Theory of Liberty for the Regulation of Hate Speech and Hate Crimes 25,".

²²INDIAN CONST. art. 19(1) (a)

²³*Id. Art. 19 (2)*

²⁴INDIAN PENAL CODE 1860-45, sec. 153a, pdf, , <https://legislative.gov.in/sites/default/files/A1860-45.pdf> (last visited Apr 3, 2021).

²⁵*Id. Sec. 153 (b)*

²⁶*Supra Note. 25, sec.298*

Code, criminalises the act of the bringing dialogs that provoke ferocity. Similar provision provides under the sections 295A and section 509A. The Public interest Litigation looking for the rules for the regulating the Hate Speech, addressing in the 2014, the Supreme Court made certain observation. On the free expression and speech the hate speech measured the reasonable limit.²⁷

3.- HATE SPEECH AND FREEDOM OF EXPRESSION

The Hate Speech is the discriminative adjective to defame others and insult on the base of their sexual orientation, gender, race, or the any other procedures of the group membership. The rule of the hate speech is justly provocative within the liberal tradition in part since of the arguments over the hate speech appear to have tormented separately egalitarian strands and libertarian. In the 1960 civil rights movements, democratic anxieties with the association and freedom of the drive and equivalent chance piercing in the similar way as the democratic anxieties with the social and economic inequalities that discrimination preserved and eradicating racial discrimination. But arguments on the hate speech give priority to the equality or to the liberty rules seem to force one. The democratic anxieties may appear to the necessitate restricting freedom of expression, on the one hand. The expression of the discriminatory behaviour by the hate speaker that have sometimes violent history and long, ugly. As such, for its victims and socially divisive the hate speech is deeply offensive. However, one might well be unwilling to restrict the speech, the right reply to the hate speech it might seem, as with the other procedures of the discrimination. On the another pointer, the democratic anxieties may appear to the constraint the chase of equality (fairness). Though the one may detest the hate speech and its effects. The treatment might seem at the smallest as the evil as the sickness. Our very most important fundamental liberties between the Freedom and Expression. One obligation pay to defend these constitutional rights it is the aggressive ideas are fragment of the worth. It might be seem being so, that the right and reply to the hate speech is the more speech seemingly democratic speech, reproachful hate speech is not the limit of the speech(language).²⁸

Furthermore, for the rule of the hate speech, the implications of J.S.Mill's principles are understated in the instructive and interesting ways. All the content specific restriction on the

²⁷Ujjaini Chatterji, *Why is free speech different from hate speech?*, THELEAFLET (2020), <https://www.theleaflet.in/why-is-free-speech-different-from-hate-speech/> (last visited Apr 3, 2021).

²⁸David O. Brink, *Millian Principles, Freedom of Expression and Hate Speech*, 7 LEG. THEORY 119–157 (2001).

speech of J.S Mill's argument in contradiction of the suppression may appear to imply that, counting the rule of the hate speech are not permissible. It is correct that to prevent harm others and J.S. Mill also admits the limitations on the liberty designed and this might appear to make the room for limits on the speech that forbid the usage of the aggressive descriptions. That the mere rudeness does not constitute the hermit is the very clear by the J.S. Mill,²⁹

The freedom of speech is typical for the upholding egalitarianism because it simplifies to the exchange of the miscellaneous sentiments. In the representative egalitarianism, the obtaining of diverse input into the political decision making and dialogue facilitates the challenging of the competing claims. To the pleasure of the individual autonomy, the Free speech is also an essential. Now become the style and short cut to get the publicity by the hate speech, for the modern constitutional (legitimate) rights to the freedom of expression poses the annoying and complex problems.³⁰

The notion of the hate speech is the speech apparent to the disparage based on their communal or ethnic group of a person or the group of the people such as the age, gender, race, civilisation, religion, nationality, gender identity, sexual orientation, disability, ideology, linguistic ability, occupation, communal class, appearance the (colour, skin, height, weight, etc.), the volume of the mind, and any other difference that might be measured by the similar as the liability. The period covers in the some procedures of the behaviour in the public scenery and written as well as the verbal communication. Under the all major global agreements on the human rights accepted the freedom of speech is to protected as the fundamental right since the end of the second World War. Against the hate speech a mainly strong stand, which comprises the order to the States to criminalise it is indorsed by the 1956 Article 4 of the International Convention on the Elimination of Racial Discrimination all forms.³¹

4 . - CONCLUSION

In this research project the researcher examines the argument of the John Stuart Mill's on freedom of speech and expression. John Stuart Mills had promoted the freedom because of the communal assistances that can be derived from the policy of the freedom and expression

²⁹*Id.*

³⁰Dr. M. Narayan Bhatt and M. K. Bhandari, " *Hate Speech and Freedom of Expression,* " " *Balancing Social Good and Individual Liberty*", PRACT. LAW. 12 (2021).

³¹*Id.*

and limitless admittance to the detection of freedom of expression and hate speech. For the J.S. Mill, the thoughts of progress and happiness were pervaded with in his thought of the separate independence. In the bright of the spirit of the time, his theory of liberty and utilitarianism focused on the particularly for the individuals act which is the society effect. Even society can or does exclude the personal mandate about the any point of view and there are the some difference between the liberty and authority wherein both are control the according to legislature, of the every nation as per their society culture.

As the John Stuart Mill's protection of the freedom of speech and expression being unlimited, but it depend upon the different contexts that is in different thoughts. The J.S. Mill wanted to be the winner for the free expression and the hate speech, but his treatment of the exclusionsto freedom of speech is incomplete and haphazard the scope open for the interpretations. Whilethe appreciative J.S. Mill's attainment in the manipulating many courts and scholars in the dissimilar angles of the world, at the similar time. I find that it is the unfortunate that the J.S. Mill did not intricate in his writings on the subject of suitable limitations to the freedom of expression in the *On the Liberty* or in his future literatures. But J.S. Mill required to open the continuing discussion in which numerous participants express the view, in the manner that J.S. Mill encouraged with the preparation of the Truth Principle for the reaching some truth and freedom of expression and also hate speech whether it would be under the control the legitimate rules to the society or individuals.

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