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# COMPARATIVE EVALUATION OF RIGHT TO DIGNITY UNDER CONSTITUTION OF INDIA AND HUMAN RIGHTS AUTHORITY OF THE UNITED KINGDOM: PROPOUNDING A HYBRID FRAMEWORK FOR THE PRESERVATION OF RIGHTS

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## ABSTRACT

Human dignity occupies a core constitutional norm, notwithstanding remaining conceptually indeterminate. This research examines a key jurisprudential question: nevertheless, both jurisdictions share a common-law lineage, India acknowledges dignity as a rights-producing doctrine, whereas United Kingdom confines it to restrained interpretive framework. Employing a combined doctrinal and comparative methodology, the research interrogates core judgments of Indian Supreme Court, UK Supreme Court, and ECtHR to identify critical structural components, notably intensity of judicial review and scope of constitutional entrenchment. The evaluation demonstrates that this discrepancy is structurally inevitable, as strong-form constitutional architecture of India constitutionalizes dignity as a substantive “Basic Structure” element while weak-form architecture of United Kingdom treats it as an interpretive construct mediated through Human Rights Act 1998. To mitigate competing concerns of judicial excess and insufficient protection of rights, this research articulate a Hybrid Dignity Framework. The framework integrating substantive constitutional guarantees of India with democratic procedural constraints of United Kingdom, advances a principled trajectory for progression of worldwide dignity jurisprudence.

**Keywords:** Human Dignity, Basic Structure, Parliamentary Sovereignty, Human Rights Act 1998, Hybrid Framework

## I. INTRODUCTION

In constitutional law, human dignity assumes the form of an axiom, with the scope of its doctrine being constantly challenged by judges and scholars alike. Human dignity is frequently cited as underlying value of the doctrine of fundamental rights, although no exact meaning can be ascribed to it, nor any clear doctrine formulated for it. Dignity is frequently cited by courts as the doctrine of justification to protect rights related to life, liberty, equality, privacy, and freedom from indignity, without ever defining what precisely this means legally speaking. The absence of definition allows dignity to assume the role of a flexible doctrine of the constitution, responding to societal demands, but causing concerns about coherence and predictability in judicial decisions. The dignity of humans has emerged as an essential normative principle after World War II. The increasing reliance of human dignity on international norms and constitutional interpretation demonstrates that interpretation of human dignity is possible only through constitutionalism based on values where the individual rights, especially those of the underprivileged person, can be improved through judicial intervention. In other words, human dignity has moved from moral domain to the normative principle of significance, which plays an instrumental role in interpretation of life, personal freedom, and equality, notwithstanding absence of an explicit provision concerning human dignity in the constitution as a fundamental right. Human dignity has tremendous significance in the context of Indian constitution and is well-known for its interpretation through Article 21. In several instances, the Indian Supreme Court has held that right to life under Article 21 is not just a mere right to live but a dignified one. This wide interpretation has led to Article 21 being reinterpreted as the basic structure of Constitution itself. Human dignity has thus become a guiding principle of the Constitution.<sup>1</sup> On the other hand, unwritten constitution of United Kingdom approaches human dignity as a standalone right and not merely a doctrine, whose significance is mainly inspired by European Convention on Human Rights, and based on doctrines of parliamentary sovereignty and proportionality. Although both India and the United Kingdom are products of common law traditions and colonial experience, there is a marked difference in how human dignity has been approached in their respective constitutions. The majority of scholarship on human dignity concerns itself either with philosophical justifications or constitutional analysis of human

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<sup>1</sup> Paras Dargarh, 'Human Dignity Under Indian Constitution' (2020) (DESIKAANOON, 8 July, 2020) <<https://desikaanoon.in/human-dignity-under-indian-constitution/>> accessed 3 January 2026

dignity within certain constitutional systems. There is insufficient discussion regarding human dignity as a constitutional question and its implications in constitutional theory.<sup>2</sup>

To bridge this gap, this research comparatively engages in a comparative constitutional examination in which human dignity is positioned and operated under Indian Constitution and human rights regime of UK. The analysis posits that the two jurisdictions exemplify differing constitutional paradigms of dignity. India is anchored in a substantive and transformative norm through a codified constitution and robust judicial adjudication; on the other hand, United Kingdom adopts a limited and contextual principle within an uncoded constitutional structure. By undertaking this comparative constitutional analysis, this article assesses how these constitutional models determine the extent of protection of fundamental rights, the institutional role of courts, and influence democratic accountability. This research starts with constitutional development of dignity in India, then examining its interpretive function within the human rights framework of UK, and ultimately culminating in a normative and a structured comparative evaluation of both approaches.

## II. RESEARCH QUESTIONS

- A. To what degree does doctrine of “Basic Structure” in India and framework of “Democratic Dialogue” in United Kingdom effectuate their respective judicial treatments of human dignity as structurally inevitable?
- B. Does the deficiency of a constitutionally entrenched right to dignity within constitutional framework of United Kingdom shape conditions of “under-protection”, and, simultaneously, does the rights-productive approach of India risk generating a “Semantic Inflation” of dignity?
- C. Can a “Hybrid Dignity Framework,” merging substantive constitutional rights with procedural democratic reviews, competently surmount the “Justice Bottleneck” and reconcile the longstanding conflict between judicial supremacy and parliamentary sovereignty?

## III. RESEARCH METHODOLOGY

- A. **Research Design:** This research utilizes a doctrinal and analytical research strategy, augmented by a methodical comparative method. The doctrinal approach is adopted to investigate the constitutional architecture, statutory provisions, and judicial precedents

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<sup>2</sup> Erica Howard, ‘Human Dignity Principle’ GHDP <<https://wp.ufpel.edu.br/ghdp/files/2020/12/Human-DignityPrinciple-UK-Prof.-Erica.pdf>> accessed 3 January 2026

that delineate legal status of human dignity in India and United Kingdom. The decisions of the Supreme Court of India, UK Supreme Court, and European Court of Human Rights have been critically analysed to explain how each court conceptualizes, interprets, and implements human dignity in its jurisprudence. The analysis has focused on the ethical validity of the doctrine and the consequences of its implementation.

In addition, the use of comparative methods is employed to delineate the differences in constitution design, interpretation, structure, and rights protection process. The comparative analysis is critical in establishing the difference in constitutional paths taken for the advancement of dignity, largely through judicial activism in India but cautiously through interpretation methods in Human Rights Act 1998 in UK.

**B. Sources of Data:** Sources of data used in this research include evaluation of the primary and secondary sources of data. The primary sources of data include Article 14, 19, and 21 of the Indian Constitution, Human Rights Act 1998, European Convention on Human Rights; landmark cases include *Maneka Gandhi v Union of India* (1978); *Francis Coralie Mullin v Union Territory of Delhi* (1981); *Bandhua Mukti Morcha v Union of India* (1984); *K.S. Puttaswamy v Union of India* (2017); *Navtej Singh Johar v Union of India* (2018), *Common Cause v Union of India* (2018), *M. Nagaraj v Union of India* (2006), *Pretty v United Kingdom* (2002), *A v Secretary of State for the Home Department* (2004), *R (Nicklinson) v Ministry of Justice* (2014), *R (Steinfeld) v Secretary of State for International Development* (2018).

Secondary Sources include academic books, peer-reviewed journal articles, commentaries, writings on the Constitution, and reports by national and international human rights organizations, along with interpretations provided by leading specialists in comparative constitutional law and human rights. Taken together, they provide the requisite doctrinal framework, theoretical perspectives, and critical insights needed to conduct an evaluation.

**C. Method of Data Collection:** Data has been collected through an exhaustive library search and comprehensive data base searches. This includes an exhaustive study of constitutions, legislation, judicial decisions, international human rights documents and scholarly literature. Online research platforms like DESIKAANOON, SCC Online, IJHRLR, IJLMH, IJRTI, IJIRL, GHDP, Strathprints, IJLR, IJALR, NDLR, Legal Bites, IAJMRR, JAAFR, ORA, Your Law Article, STELL LR, BCICLR were systematically employed to acquire an authoritative jurisprudence and peer-reviewed scholarly analysis.

Constitutional court decisions, reports from law reform bodies, and major human rights organizations' publications were also considered in order to maintain methodological rigor and contemporary relevance when examining dignity jurisprudence.

**D. Analytical Framework:** In conducting this study, a holistic approach that brings together constitutional interpretation, comparative study, and normative criticism is used. In the doctrinal analysis, the examination involves interpretive tools such as substantive due process, proportionality review, constitutional morality, and margin of appreciation. A comparative case study approach is adopted to establish the trend of development in the rights of human dignity and the underlying forces that influence judgment in these two jurisdictions.

This comparative study analyses the structural factors that shape the process of judicial reasoning, focusing on role of constitutional structure of India through its written constitution and the constraints imposed by parliamentary sovereignty within the United Kingdom. The combination of doctrine-based analysis and structural analysis highlights how differences in the constitutional structures shape the way in which dignity can be constructed and operationalized. The comparison sheds light on the essential constitutional difference between empowering courts to create rights and elevating legislative supremacy.

#### **IV. LITERATURE REVIEW**

The academic literature notes that human dignity forms a significant aspect of modern-day constitutional law, despite all the ambiguities contained within the idea itself. Academics in philosophy, international law, and constitutional studies recognize the idea of dignity as an essential value and a highly regarded standard. It is through this body of work that a theoretical framework for understanding the broad dignity jurisprudence in India and more limited approach in United Kingdom is formed.

Many academic texts have chronicled the progression of dignity as an integral pillar of the post-war era of human rights, emphasizing importance of Article 1 of UDHR as well as its implied significance in the International Covenants. Legal scholarship on European Court of Human Rights (ECtHR) observes that, despite deficiency of an explicit dignity provision in the Convention, the Court frequently incorporates dignity within its interpretations of Articles 2, 3, and 8. Analysts debate that this jurisprudence has discernibly influenced the advancement of dignity within the human rights regime of the United Kingdom.

Within comparative constitutional law, India is frequently portrayed as a benchmark jurisdiction of constitutional advancement impelled by steady judicial innovation. Scholars scrutinizing Article 21 identified the transformation initiated by *Maneka Gandhi v. Union of India* (1978), that redefined a substantive due process lens centred on dignity, liberty, and procedural fairness. Later decisions in *Francis Coralie Mullin v. Union Territory of Delhi* (1981), *Bandhua Mukti Morcha v. Union of India* (1984), *K.S. Puttaswamy v. Union of India* (2017), *Navtej Singh Johar v. Union of India* (2018), *Common Cause v. Union of India* (2018) illustrate steady pattern of Supreme Court of treating dignity as a foundational mechanism for rights creation. Scholars observe that Indian courts have broadened scope of dignity to cover socio-economic guarantees, privacy, sexual self-determination, ecological justice, and the right to die with dignity, therefore transforming dignity into a cross-cutting constitutional principle that associates liberty, equality, and identity.

On the other hand, literature analysing human rights regime of United Kingdom highlights constraints of the system through the theory of parliamentary sovereignty. Even though Human Rights Act 1998 incorporated convention rights into domestic law, academic research indicates that dignity primarily acts as an interpretative tool rather than a constitutional right per se. An evaluation of cases such as *Pretty v United Kingdom* (2002), *A v Secretary of State for the Home Department* (2004), *R (Nicklinson) v Ministry of Justice* (2014), and *R (Steinfeld) v Secretary of State for International Development* (2018) reveals that while the concept of dignity influences judicial interpretation, there are limits to the judiciary's ability to expand rights because of the structural constraints. Scholarly research indicates that the United Kingdom prefers procedural reasoning and proportionality testing as opposed to rights expansion.

From studies comparing the two countries' legal systems, it is evident that the differences in the jurisprudence of dignity arise from the fundamental nature of the constitutional systems in question. Research shows that the presence of judicial review alongside constitutional supremacy and a transformative constitutional approach in India enables courts to ensure that dignity becomes a practical legal concept. However, the combination of weak form rights review, parliamentary sovereignty, and prudence ensures that there is a unique UK system characterized by the limited role of judges in rights adjudication.

An emerging body of scholarship recognizes a lack of substantive comparative analysis of the institutional structure underpinning both constitutional structures of India and the UK.

Collectively, these sources show that an understanding of the meaning and implementation of dignity requires serious attention to be paid to the institutional structures and doctrinal development of both jurisdictions.

## **V. JURISPRUDENTIAL AND PHILOSOPHICAL EVOLUTION OF HUMAN DIGNITY**

Importance of human dignity from a juristic perspective arises due to the interaction between morality and law. While human dignity may be frequently mentioned in human rights and constitutional courts, it does not, indeed, mean something obvious in the language of the law; it means something else depending on the philosophical background. In order to determine place of human dignity as an integrative normative concept, it becomes essential to study the underlying layers of its meaning.

A prominent philosophy of human dignity has developed within Kant's moral theory; one wherein human dignity is an intrinsic quality inherent in all people simply because they are human. According to this philosophy, dignity originates from reason and self-responsibility, requiring thereby that law treat people as beings of intrinsic worth, not as tools for the accomplishment of goals of the State or of society. Indeed, this theory has greatly shaped constitutional law with the introduction of the idea that some rights are non-negotiable and cannot be overridden by considerations of practicality or of the common good. As regards practical application in the law, the Kantian concept of dignity provides the rationale for prohibition of torture and of all inhumane, degrading, and arbitrary forms of deprivation of life and freedom, whatever the purpose of the State. The result of this approach is that rights related to privacy, physical integrity, and personal choice have been bolstered by concept of human dignity.

Similar to autonomy-based theories of dignity, communitarian dignity theories also find applications in law by criticizing the individualistic nature of the dignity in liberal thought. In communitarianism, dignity is an individualistic notion and is regarded as an individual's relational worth derived from social connections. According to this view, dignity can be defined based on one's position as a political actor and the necessary social conditions for effective involvement as well as recognition. In such a case, dignity in the law can be expanded to include social justice and equality among other issues. Such an approach allows for dignity to include civil liberties as well as socio-economic guarantees including rights of workers and the necessary preconditions for dignified existence. The different perceptions of dignity in liberal

versus communitarian views are evident in constitutional jurisprudence where courts strive to protect individual liberty while balancing collective interests, public morals, as well as social solidarity.

These philosophical approaches have shaped how dignity has been incorporated into international human rights laws, where dignity functions as a normative principle and judicial principle guiding judicial decision-making processes. Dignity in the UDHR is understood to be a foundational stone upon which the entire international human rights system is built, where it holds that everyone is born free and equal in terms of dignity and rights. The deliberate avoidance of a restrictive definition of dignity has allowed dignity to be able to go beyond ideological and jurisdictional confines, creating bridges across different political, cultural, and legal systems. In subsequent treaties that carry the force of binding international agreements, such as ICCPR and ICESCR, the natural characteristic of human dignity is reinforced, and it becomes the normative foundation from which liberty-based rights and social rights derive their origin. These two recognitions enable dignity to be used as an integrating principle to bridge gap between negative and positive rights within human rights framework.

Within European framework of human rights, dignity functions as an exceptional and structurally significant purpose within the jurisprudential structure of application and interpretation of protected rights. Although European Convention on Human Rights did not explicitly mention dignity as a distinct right, it can be considered a guiding principle of interpretation for purposes of the application of the rights guaranteed by Convention. Dignity in context of European human rights law is viewed as a normative principle that is embodied in protective measures related to physical and mental integrity, personal autonomy, and protection from degrading and humiliating treatment. In such a case, dignity can be considered as a normative principle that guides the interpretation and scope of Convention rights, especially when there are instances where states inflict pain, situations where people are highly vulnerable, and power imbalances between individuals and state authorities.

All these traditions, however, highlight the fact that the concept of dignity is an interface which links both moral values and laws. The ethical aspects of dignity provide the theoretical underpinning required to accept certain interests as rights, whereas its legal aspects help translate ethical ideas into law. Dignity helps courts understand certain modes of treatment that are inherently unacceptable, even in situations where there is a lack of clarity in positive law. At the same time, the fluid nature of dignity allows it to adapt to new social contexts and to

account for new instances of harm in social structures or individuals. It is this dual aspect of dignity that renders the concept constitutionally relevant in the long term while at the same time generating concerns over vagueness and judicial discretion.<sup>3</sup>

An analysis of the history and development of idea of human dignity from its philosophical origins to its jurisprudence is indispensable for carrying out a proper comparative constitution anatomizing of the term. In other words, the term "dignity" must be seen not only as a moral discourse but rather as a legal concept connecting morality and law. It is precisely conceptualization of human dignity that provides us with the analytical lens needed to dissect legal concept of human dignity within the constitutions of countries such as India and the United Kingdom.

## **VI. LOCALE OF HUMAN DIGNITY WITHIN INDIAN CONSTITUTION: TEXTUAL FOUNDATIONS, FRAMEWORK AND JURISPRUDENTIAL ADVANCEMENT**

**A. Constitutional Foundation and Implied Recognition of Human Dignity:** Although human dignity is not clearly expressed by Indian Constitution as a standalone fundamental right, despite its conspicuous lack, dignity forms an intrinsic part of the constitution as implied in various clauses mentioned under Part III. As opposed to the apparent lack of recognition on account of the absence of clear textual articulation, dignity serves as a normative basis affecting the fundamental rights, particularly under Articles 14, 19, and 21. The deficiency of explicit constitutional articulation has facilitated the judiciary to cultivate dignity as a flexible constitutional norm adaptable to societal transformation.

Within the framework of Indian constitution, Article 21 guaranteeing right to life and personal liberty, has increasingly served as the central locus for courts to articulate doctrine of human dignity. Supreme Court has firmly refused a restrictive interpretation of life as biological survival, construing Article 21 as encompassing the vital conditions required for a meaningful existence. Within this constitutional context, dignity acts as foundational value that transforms the notion of life from biological survival to a life lived with autonomy, personal integrity, and meaningful liberty. Additionally, Articles 14 and 19 affirm this interpretation by linking human

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<sup>3</sup> Hamidreza Radvinmehr, 'The Concept of Human Dignity as a Cornerstone of Human Rights: Contemporary Dimensions Challenges' (2025) 4(3) IJHLRL <<https://humanrightlawreview.in/wpcontent/uploads/2025/06/The-Concept-of-Human-Dignity-as-a-Cornerstone-of-Human-Rights-ContemporaryDimensions-and-Challenges.pdf>> accessed 4 January 2026

dignity to the wider guarantees of equality, fairness in state action, and personal liberty. The constitutional promise of equality as per Article 14 becomes meaningless if the state tolerates the degradation or humiliation of individuals, while the liberties safeguarded under Article 19 gain genuine constitutional coherence only when they are exercised within a structure that affirm human dignity and personal agency.<sup>4</sup>

It is in this way that dignity does not stand alone, but acts as a hidden constitutional value which helps to consolidate and strengthen the regime of fundamental rights. Since it has no explicit place in the Indian constitutional scheme, it acts simultaneously as a source of rights generation, interpretative aid, and limit on state power, making it an important part of the Indian constitutional law doctrine.

**B. Interpretation of Human Dignity as a Core Constitutional Principle:** Indian Supreme Court has successfully transformed human dignity from an abstract concept into a concrete constitutional principle through various landmark judgments. These cases demonstrate how human dignity was gradually established as an essential component in the interpretation of fundamental rights.<sup>5</sup>

In the landmark decision of *Maneka Gandhi v. Union of India* (1978)<sup>6</sup>, Indian Supreme Court gave a major turn to the doctrine of Article 21 by stating that any process impacting life or personal liberty of a person should satisfy criterion of being "just, fair and reasonable." This decision marked a clear break from legal formalism and laid down the doctrinal foundations of the principle of substantive due process. While the decision itself did not lay out the concept of dignity in a detailed fashion, it did recognize dignity indirectly through its association with autonomy and human dignity.

This connection between principle of doctrine was clearly made in case of *Francis Coralie Mullin v. Union Territory of Delhi* (1981)<sup>7</sup>, where Supreme Court recognized that Right to Life included Right to Dignified Life, which itself included availability of basic necessities such as food, clothes, and shelter. The judicial reasoning is remarkable for two distinct reasons: first of

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<sup>4</sup> SHATAKSHI JOHRI, 'Realization of Human Dignity under the Constitution of India: An Analysis' (2023) 6 (1) IJLMH <<https://ijlmh.com/paper/realization-of-human-dignity-under-the-constitution-of-india-an-analysis/>> accessed 7 January 2026

<sup>5</sup> L. Lalrinngathi Darlong, 'Social and Legal aspects regarding the Right to Live with Dignity under Article 21 of the Indian Constitution' (2025) 10 (2) IJRTI <<https://ijrti.org/papers/IJRTI2502033.pdf>> accessed 8 January 2026

<sup>6</sup> *Maneka Gandhi v. Union of India* (1978), 1978 SCR (2) 621

<sup>7</sup> *Francis Coralie Mullin v. Union Territory of Delhi* (1981), 1981 SCR (2) 516

all, it conceptualizes dignity as directly linked with the social and material realities, secondly, it affirms state's affirmative duty to secure minimum conditions essential for a humane life.

In *Bandhua Mukti Morcha v. Union of India (1984)*<sup>8</sup>, Supreme Court articulated concept of human dignity as a constitutional principle to dismantle systemic forms of exploitation. Court characterized bonded labour as an egregious violation of human dignity, stressing that freedom from economic coercion is a fundamental prerequisite for a life lived with dignity. The judgment reaffirmed that erosion of dignity is not confined to explicit governmental interference, but also from social and institutional conditions that commodify individuals as tools of economic utility.

In its recent constitutional development, the Supreme Court has articulated dignity as a guiding constitutional principle structuring interpretation of several fundamental rights. In *K.S. Puttaswamy v. Union of India (2017)*<sup>9</sup>, dignity was acknowledged as a crucial normative basis underpinning right to privacy. The Court treated privacy as indispensable to individual autonomy, freedom to make decisions, and self-determination, attributes that collectively form necessary elements of human dignity. The judgment represented a major doctrinal evolution by clearly acknowledging dignity as the constitutional principle that links liberty, equality, and individual autonomy.

Supreme Court in *Navtej Singh Johar v. Union of India (2018)*<sup>10</sup>, grounded its reasoning on constitutional value of dignity in invalidating criminal forbiddance of consensual same-sex intimacy. The judgment articulated dignity as the right of a person to be recognized as an equal moral agent, whose identity and autonomous decisions must be valued under constitutional law. Consequently, the Court affirmed dignity as a protective constitutional principle for minority identities and as a doctrinal instrument for challenging the influence of majoritarian moral perspectives.

Supreme Court in *Common Cause v. Union of India (2018)*<sup>11</sup>, acknowledged that a person's right to die with dignity constitutes an integral component within constitutional safeguard of life under Article 21. The judgment highlights the Court's inclination to confront intricate

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<sup>8</sup> *Bandhua Mukti Morcha v. Union of India (1984)*, 1984 SCR (2) 67

<sup>9</sup> *K.S. Puttaswamy v. Union of India (2017)*, IR 2018 SC (SUPP) 1841

<sup>10</sup> *Navtej Singh Johar v. Union of India (2018)*, AIR 2018 SC (CRI) 1169

<sup>11</sup> *Common Cause v. Union of India (2018)*, AIR 2018 SUPREME COURT 1665

ethical issues by positioning human dignity as the constitutional touchstone for judging state intrusion with personal decision-making.

Taken together, these judgments demonstrates that Indian judiciary have transformed dignity into a fundamental constitutional right, moving it beyond an auxiliary principle used for justifying other rights. Dignity functions simultaneously as an independent normative principle and also as an interpretive lens through which pre-existing rights are developed and articulated.

**C. Judicial Broadening of Dignity Jurisprudence into Socio-Economic and Identity-Oriented Rights:** A defining attribute of Indian constitutional approach to dignity is its vast doctrinal expansion into socio-economic matters along with identity-related claims. In contrast to constitutional frameworks that treat dignity as primarily associated with political and civil liberties, Indian courts have utilized dignity as a basis for accommodating welfare rights, environmental interests, and identity-based claims under the domain of fundamental rights.

The acknowledgement of sexual autonomy, privacy, and bodily integrity as rights of human dignity underscores the constitutional priority of individual personhood and moral self-determination. Simultaneously, the acknowledgment of dignity within the jurisprudence governing the custodial treatment and rights of prisoners exemplifies that constitutional safeguards are still applicable even within confines of the prison system. Court has consistently clarified that imprisonment does not result in the extinguishment of human dignity, therefore underscoring that constitutional personhood remains applicable even to people in custody.

Environmental dignity constitutes an important doctrinal evolution, whereby courts have begun to acknowledge that environmental deterioration undermines the fundamental conditions essential for the safeguarding of human dignity. A clean and sustainable environment has come to be widely regarded as an essential condition for living with human dignity, specifically for marginalized populations that experience a disproportionate impact of environmental destruction.<sup>12</sup>

Through these judicial developments, dignity has elevated into a unifying constitutional norm that links civil liberties, socio-economic justice, and the safeguard of identity rights. Indian judiciary have consequently reshaped dignity as a dynamic source of rights, that evolves with

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<sup>12</sup> Megha Kumari, 'HUMAN RIGHTS NORMS REFLECTED IN THE CONSTITUTION OF INDIA' (2024) IV(II) IJIRL <<https://ijirl.com/wp-content/uploads/2024/04/HUMAN-RIGHTS-NORMS-REFLECTED-IN-THE-CONSTITUTION-OF-INDIA.pdf>> accessed 8 January 2026

shifting societal conditions while retaining the structural coherence within the constitutional orderliness.

**D. Crucial Observation:** The Indian constitutional law demonstrates a transformative understanding of dignity jurisprudence, whereby courts have assumed a progressive role in articulating dignity as an enforceable constitutional standard. Instead of performing purely as a rhetorical invocation, dignity within Indian constitutional law produces lawfully implementable rights, mandates proactive state responsibilities, and operates as a normative curtailment on the exercise of executive and legislative power. In this process of judicial reform, India emerges as an extraordinary constitutional experiment in which dignity acts as the normative basis guiding the interpretation of rights within a socially heterogeneous and structurally unequal society.

## **VII. JURISPRUDENTIAL ROLE OF HUMAN DIGNITY WITHIN UNITED KINGDOM HUMAN RIGHTS REGIME**

### **A. Deficiency of Constitutional Codification and Authoritative Role of Human Rights Act**

**1998:** Moving away from the framework practiced by numerous contemporary constitutional democracies, the United Kingdom lacks a consolidated written constitution that expressly articulates fundamental rights or core constitutional principles. Therefore, the notion of human dignity is not expressly recognized as constitutional norm within domestic constitutional legal structure. Rather, the safeguarding of fundamental rights in United Kingdom is principally grounded in statutory legislation, common law evolution, and commitments undertaken through international human rights law. A pivotal constitutional advancement was the adoption of Human Rights Act 1998 (HRA), which guaranteed the rights articulated in European Convention on Human Rights (ECHR)<sup>13</sup> into the domestic legal framework of United Kingdom.

The enactment of Human Rights Act reconfigured linkage between national courts and international human rights standards by permitting litigants to directly depend upon Convention rights within the domestic courts. Within this legal structure, courts are expected to construe legislation, to the greatest extent practicable, in conformity with Convention rights while also taking into consideration the jurisprudential guidance of European Court of Human Rights when resolving human rights issues. Even though European Convention on Human

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<sup>13</sup> European Convention on Human Rights (adopted 4 November 1950, entered into force 1953) 213 UNTS 222 (ECHR)

Rights does not expressly articulate human dignity as an independent right, the Strasbourg Court has consistently emphasized that it is a core normative value underlying Convention's framework of human rights guarantees.<sup>14</sup>

Notwithstanding this advancement, constitutional order of United Kingdom persists in adhering to a principle of parliamentary sovereignty, under which supreme legislative power rests with Parliament. Consequently, courts within the domestic framework cannot annul primary legislation for being incompatible with fundamental rights. If legislation is found to be incompatible with Convention rights, courts are empowered to formally acknowledge by issuing a declaration of incompatibility instead of striking down statute. This constitutional configuration differentiates the UK structure from structures where courts hold expansive authority of constitutional review. In this constitutional structure, human dignity is articulated chiefly as a tool of interpretation as opposed to an explicit constitutional codification.

**B. Dignity as an Interpretive Norm Instead of an Autonomous Right:** Under the human rights regime of United Kingdom, dignity serves as an interpretive norm shaping the content and scope of Convention rights, instead of existing as a self-standing enforceable right. Courts frequently utilise dignity as a guiding norm to define rights linked to autonomy, bodily integrity, equality, and safeguard against degrading treatment. Judicial reliance on dignity is apparent across numerous judicial decisions concerning contested questions of personal autonomy and the reach of governmental authority.<sup>15</sup>

In *Pretty v United Kingdom*<sup>16</sup>, European Court of Human Rights determined compatibility of statutory ban on assisted suicide with rights of applicant ensured under the Convention. Although the Court eventually ratified the legitimacy of the prohibition, it conceded that matters relating to personal identity, bodily autonomy, and quality of life are intrinsically intertwined with principle of human dignity.

In same context, House of Lords in *A v Secretary of State for the Home Department*<sup>17</sup> analysed legality of indefinite detention of foreign terrorism suspects in light of human rights obligations

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<sup>14</sup> Dr Elaine Webster, 'The Underpinning Concept of 'Human Dignity'' (DPhil thesis, University of Strathclyde, 2020)

<sup>15</sup> Erica Howard, 'Human Dignity Principle' GHDP <<https://wp.ufpel.edu.br/ghdp/files/2020/12/Human-DignityPrinciple-UK-Prof.-Erica.pdf>> accessed 11th January 2026

<sup>16</sup> *Pretty v United Kingdom* App no 2346/02 (ECtHR, 29 July 2002)

<sup>17</sup> *A v Secretary of State for the Home Department* [2004] UKHL 56 (HL)

of United Kingdom. The judgment highlighted that fundamental rights safeguards in protecting human dignity and personal liberty are vital, especially in contexts where expansive state authority is deployed under the grounds of national security. Dignity has increasingly gained prominence in cases relating to individual autonomy and ethically contested decisions.

In *R (Nicklinson) v Ministry of Justice*<sup>18</sup>, Supreme Court evaluated constitutional ramifications of statutory ban on assisted suicide. Although the Court chose not to invalidate the statutory regime, multiple judges underscored that issues of human dignity and individual autonomy are foundational to the legal discourse on end-of-life decisions.

In *R (Steinfeld) v Secretary of State for International Development*<sup>19</sup>, Supreme Court scrutinized the legal denial of opposite-sex couples from acknowledgment of civil partnership. The Supreme Court concluded that this unequal treatment violated Convention rights regarding equality and family life. Although the decision was based on doctrine in terms of equality, its logic pointed towards more profound issues related to recognition of dignity and the equality of persons in the law that governs personal relationships.

Dignity is not a legal right on its own but rather as an interpretive doctrine that will determine how Convention rights, which have already been recognized, can be interpreted and enforced legally.

**C. Judicial Limitation and Respect for Institutional Competence:** One notable characteristic of the constitutional arrangement in the UK is reflected in judicial caution, which is exercised by courts in their review of legislative decisions pertaining to difficult social or ethical questions.

Margin of appreciation doctrine is also relevant in relation to the judicial approach to cases involving human dignity issues. The doctrine, according to European Court of Human Rights, means that some degree of discretion must be accorded to the national authorities in the application of the rights under the Convention in situations where there is not universal agreement among the Europeans on any particular issue.

Thus, in most cases, judges in matters relating to dignity will seek to strike a delicate balance in protecting individual rights while still respecting the supremacy of the legislative sphere.

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<sup>18</sup> *R (Nicklinson) v Ministry of Justice* [2014] UKSC 38

<sup>19</sup> *R (Steinfeld) v Secretary of State for International Development* [2018] UKSC 32

Although courts may acknowledge the importance of dignity, they will always be reluctant to extend rights for fear of infringing on the legislative sphere of Parliament.

The distinction lies in the fact that the model is not one where courts evolve rights using wide judicial interpretation. In the UK, the need for institutional balance leads to a system of jurisprudence characterized by evolutionary change and procedural guidance.

**D. The Key Finding:** The human rights system of the United Kingdom can be considered as a unique model in comparison to legal protection of human dignity. While dignity is supported as a normative basis within the rights system, it is usually used as an interpretive device and not as a separate constitutional right. Thus, the doctrinal analysis reveals that there is a framework that shows that while judicial consideration of human dignity is technically complex, it is limited by constitutional principles such as parliamentary sovereignty and judicial restraint.

## VIII. COMPARATIVE SCRUTINY OF DOCTRINAL, STRUCTURAL AND INSTITUTIONAL VARIATIONS

Upon conducting a comparison between India and the United Kingdom, one will find out that inequality in relation to manner in which human dignity is treated does not only depend on judicial perspectives but also comes from the very framework of their respective constitutions and laws. Such differences play a critical role in how dignity evolves in each jurisdiction.

**A. Institutional Framework of the Constitution:** In terms of structure, the single most important aspect in which the difference becomes clear is that of the constitutional position occupied by dignity. Within India, dignity is acknowledged as a substantive constitutional guarantee, anchored in Articles 14, 19, and 21, and affirmed through a broad practice of judicial interpretation.<sup>20</sup> Notwithstanding the absence of expressive articulation, dignity acts as a core constitutional principle that underpins enforceable rights and simultaneously imposes both affirmative and prohibitive duties on the state. Its structural incorporation within the constitutional structure authorizes courts to deploy dignity as a foundation for broadening rights and doctrinal reasoning.

Moreover, the Indian constitutional framework indicates that human dignity has been surpassed the domain of a normal fundamental right to attain acknowledgment as a foundational element within Constitution's Basic Structure. The decision of Supreme Court in *M. Nagaraj v. Union*

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<sup>20</sup> Constitution of India 1950 (IND)

of India (2006)<sup>21</sup> affirmed that dignity operates as an “overarching principle” and forms a basic structure constituent and thus insulated from constitutional amendment under Article 368. This evolves dignity into a constitutional value that safeguards it from both the legislature and the executive, cementing it as the normative bedrock that grounds the whole democratic republic.

On the other hand, within the UK, dignity is treated as an interpretive concept as opposed to a standalone legal right. The jurisdictional capacity for such a right can be enforced via Human Rights Act of 1998 which incorporates European Convention on Human Rights within legal system. As convention does not recognize dignity as a distinct legal right, it operates in an indirect fashion by affecting judicial interpretation of the rights that relate to privacy, freedom, and protection from degradation.

Yet another important source of difference arises from role played by judiciary. In case of India, the manner in which constitutional adjudication is carried out shows a more active judiciary. This involves an interpretation process which seeks to enlarge the scope of the fundamental rights by giving them a purposive and value-oriented interpretation. It is clear that the judiciary in India has always tended to interpret the constitution in such a way as to make dignity a means to fight social injustice and inequity as well as advance rights claims. In contrast, courts in the United Kingdom have adopted a much more deferential approach based on the concept of parliamentary sovereignty.

The very genesis of the rights further emphasizes the difference that exists beneath these structures. The rights under the Indian model originate from the supreme constitution which is a codified constitution and allows the courts to develop the rights through power of judicial review that is granted to them by Constitution. In contrast, rights under the UK model arise from the ECHR as implemented in Human Rights Act of 1998.

**B. Rights Expansion and its Democratic Justification:** Above structural differences in both regions have led to different perceptions about the relationship between rights expansion and democratic justification. The path followed is that of transformative justice where substantive justice takes centre stage, and it requires judicial supervision in dealing with long-existing social inequalities. In this approach, the courts have expanded the concept of dignity not just to cover traditional political and civic rights but socio-economic rights too.

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<sup>21</sup> *M. Nagaraj v. Union of India (2006)*, AIR 2007 SUPREME COURT 71

However, despite the fact that such extensive methodology for rights maximization has significantly enhanced the protection of individual rights, it raises significant issues concerning the limits of judicial activism and the potential conflict between judicial creativity and democratic responsibility. Indeed, the extensive use of dignity by courts as an interpretive technique confers on them a degree of discretion that may undermine the separation of judicial deliberations from policy making.

Conversely, the United Kingdom follows a democratic constitutionalist approach, in which safeguard of rights is continually reconciled with the overarching legislative role of Parliament. Courts acknowledge dignity as an interpretive tool but tend to stop short of employing it as a normative basis for articulating new rights or substantially enlarging the contours of already existing rights. Rather, constitutional arrangement of United Kingdom asserts primary accountability on Parliament, assigning the courts a judicial review to evaluate conformity with rights norms instead of exercising as a mechanism of constitutional supremacy.

Although the Indian framework demonstrates a jurisprudential orientation that raises judicial authority, the framework of United Kingdom is premised on a constitutional design of 'Democratic Dialogue'. A 'Declaration of Incompatibility' under section 4 of Human Rights Act 1998 does not nullify statute, instead, it serves primarily to prompt an institutional dialogue between the Parliament and Judiciary. Under this dialogic framework, dignity functions as a normative tool of interpretation, while ensuring that the decisive power for substantive societal reform stays with Parliament, thereby preserving the equilibrium between rights safeguard and the political-constitutional framework of the United Kingdom. This mechanism safeguards democratic accountability, yet it diminishes the capacity of courts to engage dynamically with shifting interpretations of dignity and emerging social vulnerabilities.<sup>22</sup>

**C. Influence on Vulnerable and Structurally Excluded Groups:** These contrasting constitutional frameworks of dignity yield significant consequences for communities and individuals that are socially disadvantaged or institutionally vulnerable. Within India, the wide-ranging deployment of dignity has facilitated courts to play a crucial role in strengthening rights of communities burdened by entrenched structural disadvantage. Illustratively, reliance of court on dignity has guided the doctrinal foundation for acknowledging rights concerning sexual orientation, individual identity and privacy, thus resulting in constitutional safeguards to LGBTQ+ communities. In a

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<sup>22</sup> Human Rights Act 1998, s 4.

similar vein, the judiciary has reinforced dignity safeguards for those in prison, insisting that incarceration does not negate fundamental rights and to economically susceptible groups by treating socio-economic rights as central to a dignified existence.

Within the United Kingdom, dignity plays a role in safeguarding of vulnerable populations, though its doctrinal reach is filtered through the specific Convention-based rights and the structural limitations. Courts have recognized in disputes related to personal autonomy, custodial treatment, and equality, yet its non-acknowledgment as an independent right constrains the ability of judiciary to effect meaningful transformation. For instance, concerns relating to prisoners or end-of-life decision-making individuals are mediated through implementation of discrete rights, like safeguards against degrading or inhuman treatment (Article 3) or the right to honour for private life (Article 8), instead of directly asserting dignity as a standalone constitutional right.<sup>23</sup>

This distinction is especially visible in disputes related to terminally ill persons, where India acknowledges a dignity-infused right to die with dignity, while the courts of United Kingdom for similar issues have adopted a more cautious approach, usually ceding such sensitive ethical issues to Parliament.

**D. Distinctive Doctrinal Contribution:** The distinction between the Indian and United Kingdom frameworks of dignity safeguard defies explanation through the established polarity between judicial activism and judicial restraint. Instead, it shows an underlying structure that is more fundamental in nature and stems from the constitution, institutions, and their normative base. The written constitutional framework of India combined with vigorous judicial review, enables dignity to evolve into a substantive and rights-producing constitutional doctrine. Conversely, the uncoded constitutional structure of United Kingdom anchored in parliamentary sovereignty and operated through Human Rights Act 1998 inherently restricts emergence of dignity as a self-sustaining juridical entitlement. Consequently, the divergent evolution of dignity jurisprudence across two jurisdictions arises from constitutional structures rooted in their respective constitutional architectures. This analysis illustrates that constitutional design dictates both the boundaries of rights safeguard and the ability of courts in articulating the normative contours of human dignity.

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<sup>23</sup> European Convention on Human Rights (adopted 4 November 1950, entered into force 1953) 213 UNTS 222 (ECHR) art 3 and 8

## IX. NORMATIVE ASSESSMENT AND DEVELOPMENT OF A HYBRIDISED CONSTITUTIONAL ARCHITECTURE

Foregoing assessment reveals that neither India's approach of broad judicial authority nor the United Kingdom's parliamentary sovereignty structure offers a flawless normative equilibrium. Each jurisdiction contends with its own systemic hazards. India grappling with the concerns associated with counter-majoritarian review, while United Kingdom faces potential insufficiency of a rights-protection deficit.<sup>24</sup>

### A. Evaluating Constitutional Benefits and Limitations (The Legitimacy Equilibrium)

1. **India (Hazard of Judicial Overreach and Semantic Inflation):** The principal advantage of the Indian constitutional structure is its establishment of an unwavering, non-derogable benchmark of rights, rooted in the Basic Structure doctrine.<sup>25</sup> By constitutionalizing dignity as an entrenched constitutional principle, the courts function as a counter-majoritarian force to majoritarian overreach. Nonetheless, such expansive authority inevitably raises apprehension regarding the judiciary's potential to venture into domains lying beyond their legitimate constitutional demarcations. When the Supreme Court deploys "dignity" as an all-encompassing justification for generating new socio-economic entitlements, it risks becoming "semantic inflation", in which the concept stretches so much that it ceases to retain a precise legal significance.<sup>26</sup> Moreover, the judicial reliance on dignity as the basis for resolving major policy questions, may risk displacing democratic procedures, resulting in a "bottleneck" in which judiciary effectively function as the policymaker of the legislature.<sup>27</sup>
2. **United Kingdom (Hazard of Under-Protection):** The Democratic-Dialogue framework of the United Kingdom performs effectively in preserving democratic

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<sup>24</sup> ISHA DEVESHWAR, 'PARLIAMENTARY SOVEREIGNTY VS. JUDICIAL SUPREMACY: ANALYSING THEIR IMPACT ON UPHOLDING PEOPLE'S RIGHTS IN COMPARATIVE CONSTITUTIONAL LAW' (2025) 5 (5) IJLR <<https://ijlr.iledu.in/wp-content/uploads/2025/04/V5I542.pdf>> accessed 20th January 2026 25 Shubham Pandey, 'PARLIAMENTARY SOVEREIGNTY VS. JUDICIAL REVIEW: A COMPARATIVE

<sup>25</sup> Shubham Pandey, 'PARLIAMENTARY SOVEREIGNTY VS. JUDICIAL REVIEW: A COMPARATIVE ANALYSIS OF THE UK AND INDIAN MODELS OF LEGISLATIVE SUPREMACY' (2024) 5 (2) IJALR <[https://ijalr.in/wp-content/uploads/2024/11/Parliamentary-Sovereignty-vs.-Judicial-Review\\_A-ComparativeAnalysis-of-the-UK-and-Indian-Models-of-Legislative-Supremacy-Edited.pdf](https://ijalr.in/wp-content/uploads/2024/11/Parliamentary-Sovereignty-vs.-Judicial-Review_A-ComparativeAnalysis-of-the-UK-and-Indian-Models-of-Legislative-Supremacy-Edited.pdf)> accessed 20th January 2026

<sup>26</sup> Neomi Rao, 'THREE CONCEPTS OF DIGNITY IN CONSTITUTIONAL LAW' (2011) 1 NDLR 183

<sup>27</sup> Arghya Sen, 'Parliamentary Sovereignty v. Judicial Supremacy: World and India' (*Legal Bites*, 16 March 2023) <<https://www.legalbites.in/topics/articles/parliamentary-sovereignty-v-judicial-supremacy-world-and-india895546>> accessed 20th January 2026

legitimacy. By vesting ultimate authority to Parliament over social policy, the model reinforces the democratic mandate made by the elected majority.<sup>28</sup> The limitation, however, is the possibility of insufficient safeguard. Since Human Rights Act, 1998 permits only “Declarations of Incompatibility”, meaningful shield of dignity effectively requires the voluntary action of Parliament. Where the government disregards a declaration, the affected individual may lack any effective domestic relief, producing a structural gap between the articulation of a right and its implementation.<sup>29</sup>

**B. Recommendation (A Hybrid Constitutional Framework of Dignity):** To address this conflict, the paper outlines a Hybrid Dignity Framework that preserves the fundamental worth of the human person with the demands of democratic accountability.<sup>30</sup> This framework is anchored in three fundamental pillars:

- 1. Substantive Dignity Threshold:** Inspired by the constitutional trajectory of India, the framework establishes a “substantive threshold” for dignity. Essential attributes of dignity such as the prohibition of torture and respect for bodily autonomy, should be constitutionally acknowledged as integral traits of the doctrine of Basic Structure.<sup>31</sup> These rights are non-derogable and cannot be restricted by either legislative or judiciary, affirming that the state is never allowed to treat any human being as a mere instrument.
- 2. Procedural Democratic Defences:** In respect of rights positioned outside the “absolute core,” the framework adopts the dialogic approach of the United Kingdom. Rather than stepping into the policy-making role, the court should issue a calibrated “Remedial Mandate” obliging Parliament to initiate the crucial statutory response. In doing so, the courts recognize the infringement while ensuring that the resolution emanates through democratic processes and preventing institutional dysfunction.<sup>32</sup>

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<sup>28</sup> Dr. Goutam Banerjee, ‘Parliamentary Sovereignty and Constitutional Supremacy: A UK-India Comparative Perspective’ (2025) 9 (1) IAJMRR 35

<sup>29</sup> Mahika Shailesh Shirwadkar, ‘COMPARATIVE STUDY OF THE JUDICIARY: INDIA AND UNITED KINGDOM’ (2025) 3 (11) JAAFR 920

<sup>30</sup> Julius Yam, ‘CONSTITUTIONAL COURTS IN HYBRID REGIMES’ (DPhil thesis, University of Oxford 2021)

<sup>31</sup> Shrikant Vaijinath Chaugule and Sayalee Aniruddha Chormule, (*Your Law Article*, Aug 27 2025) <<https://www.yourlawarticle.com/post/judicial-supremacy-vs-parliamentary-supremacy-in-india>> accessed 25th January 2026

<sup>32</sup> Henk Botha, ‘HUMAN DIGNITY IN COMPARATIVE PERSPECTIVE’ (2009) 2 STELL LR 171

- 3. Structured Proportionality:** The framework adopts Structured Proportionality to calibrate clashes between dignity and countervailing public objectives.<sup>33</sup> Instead of relying on judicial impressionism, the court is mandated to evaluate whether the rights-limiting mechanism is genuinely “necessary in a democratic society” and whether the resulting encroachment on dignity is proportionate to the advantage sought.
- C. Comparative Touchstones (Germany and South Africa):** This blended framework is consistent with worldwide constitutional jurisprudence and practice. Under Article 1 of Basic Law of Germany, human dignity is designated as “inviolable,” affording it a substantive constitutional safeguard that it stays immune even to constitutional amendment. By contrast, Constitution of South Africa demonstrates a structure that embeds dignity as both a paramount value and an enforceable right, calibrated through a systematic limitations clause.<sup>34</sup>

By combining these strategies, the Hybrid Dignity Framework advances a remedy that safeguards the constitutional sanctity of the basic structure while promoting the norms of Democratic Dialogue. It guarantees that the “meta-right” of dignity is insulated from becoming a means of judicial overreach or legislative passivity, but rather the central pillar of a harmonized constitutional architecture.

## X. CONCLUSION

This research has examined the distinct constitutional approaches through which India and the United Kingdom articulate, shape, and give legal effect to concept of human dignity in their constitutional orders. By transcending judicial activism versus restraint narrative, the research demonstrates that the differences in dignity jurisprudence are anchored in the deeper structural imperatives. The codified and rights-focused design of the Indian Constitution enables a model of rights-formation in which dignity attains a substantive, implementable norm and constitutionally safeguarded doctrine of “Basic Structure”. Conversely, unwritten constitution of the United Kingdom, coupled with doctrine of Parliamentary Sovereignty, filtered through Human Rights Act 1998, produces a model whereby dignity acts as the lens through which proportionality and compatibility assessments are conducted without conferring dignity any status as a separate legal right. The consequences of such structural differences on doctrine are

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<sup>33</sup> Luís Roberto Barroso, ‘HERE, THERE, AND EVERYWHERE: HUMAN DIGNITY IN CONTEMPORARY LAW AND IN THE TRANSNATIONAL DISCOURSE’ (2012) 35 (1) BCICLR 331

<sup>34</sup> Henk Botha, ‘HUMAN DIGNITY IN COMPARATIVE PERSPECTIVE’ (2009) 2 STELL LR 171

significant. In India, dignity has been responsible for the gradual expansion of Article 21 to include privacy, sexual autonomy, and essential socio-economic rights. In the United Kingdom, dignity functions as an interpretative tool, often bound by parliamentary choice in cases where the courts face moral dilemmas. While the Indian model has provided marginalized groups with a voice, it may be vulnerable to "Semantic Inflation," whereby too much flexibility causes dignity to lose its doctrinal clarity. The United Kingdom model, which upholds democratic accountability through its "Democratic Dialogue," results in individuals receiving inadequate protection in substance where Parliament fails to act upon correcting rights incompatibility recognized by the judiciary.

In an effort to bring about harmony among the underlying constitutional anomalies, the current research proposes a Hybrid Dignity Framework. This framework involves a merger between the constitutional promise of India, which promises to protect essential elements of human dignity with proceduralism of United Kingdom that promotes development of emerging rights via parliamentary deliberations. This merger aims to alleviate the general problem of "Justice Bottleneck" through the principle of proportionality as a limitation, while at the same time enhancing the substance of dignity framework jurisprudence in United Kingdom via the inclusion of an intrinsic worth of human being. Lastly, human dignity is not an absolute ideal but rather a meta-value that depends on its institutional structure for its normative content. Hence, the research argues that a structural basis is needed for the diverging pathways and finds out that the development of dignity jurisprudence involves constitutional structures that guarantee substantive rights while maintaining democratic accountability. Whether this involves a binding constitution or democratic deliberation, the protection of human dignity remains the key metric for measuring constitutional legitimacy.