

# International Day of Persons with Disabilities Workshop

## Event Report on



## **Autonomy in Practice:**

Rethinking Decision-making for Persons with Intellectual Disabilities

# Introduction



Pacta hosted a *workshop on 3rd December*, marking the International Day of Persons with Disabilities, to reflect on how choice is understood and supported in everyday life, particularly for persons with disabilities. The workshop brought together over 15 participants, including persons with disabilities, lawyers, caregivers, NPO workers, therapists, and educators.

The session began with a learning circle on law and decision-making, grounding discussions in what autonomy is meant to look like in practice for persons with disabilities. This was followed by a read-aloud and reflective session on *Kimaya's Home*, a graphic novel inspired by *Pacta's 2024 study on legal guardianship*. The story follows Kimaya, a neurodiverse young woman, as she navigates decisions, routines, and independence in everyday life.

The workshop ended with a zine-making exercise in which participants reflected on a specific moment when they navigated constraints, how the decision-making process unfolded, the factors that helped them assert or regain their sense of autonomy, and the emotions they experienced throughout.



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# Emergent Themes of Insights



- **Legal Capacity<sup>1</sup> is Lived and Taken for Granted Until it is Denied**

Participants described everyday decision-making around housing, career shifts, parenting, marriage, and routines as expressions of their autonomy. Yet, legal capacity remained implicit and was rarely seen as a right until it was denied, especially for persons with intellectual and psychosocial disabilities. While the law formally recognises legal capacity, its operationalisation for persons with disabilities remains weak due to guardianship norms, substituted decision-making<sup>2</sup>, and entrenched institutional habits, shaping how autonomy is constrained in practice.

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<sup>1</sup> **Legal capacity** refers to a person's right to make decisions that have legal consequences for themselves. Legal capacity gives the right to access the legal system and provides legal independence to speak on one's behalf.

<sup>2</sup> **Substituted decision-making** is a legal process in which someone else is authorised to make decisions on behalf of a person who lacks the capacity to make those decisions themselves. This is often used when an individual is incapacitated or unable to make decisions due to a disability.

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- **Support is Mistaken for Substitution**

Discussions highlighted how families, caregivers, and educators often play a crucial role in enabling decision-making for persons with disabilities, yet institutions such as hospitals, banks, housing authorities, and courts continue to default engaging with caregivers instead of the individual. This reflects a lack of clarity between supported decision-making, as envisaged under the UNCRPD, and substituted decision-making<sup>3</sup>, which remains the dominant practice. Even after legal reforms like the Mental Healthcare Act, professionals frequently presume incapacity, bypass consent, and rely on diagnosis as a proxy for incompetence.

- **Profound Gaps in Legal and Policy Awareness**

Participants noted that they had never been given opportunities to understand legal capacity or their rights under disability, mental health, and social protection laws. Although legal protections exist, they are largely inaccessible in practice, as laws and policies are written for courts and professionals rather than for persons with disabilities or frontline actors. This gap significantly limits the meaningful exercise of legal capacity in everyday contexts.

- **Autonomy is Deeply Constrained by Material Conditions**

The discussions repeatedly underscored how medical expenses, housing costs, access to assistive devices and limited state support for families place a disproportionate burden on families, especially women caregivers. As a result, legal capacity without adequate economic and social support remains illusory, reflecting a legal framework that treats autonomy as an individual trait rather than a supported condition.

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**3 Supported decision-making** is a process in which individuals with disabilities are supported by one or more persons of their choosing to make decisions about their lives. The supporters help the individual understand the information relevant to the decision and communicate their decision.






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