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Sculpting Identity: The Impact of Gender Reassignment Surgery

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ABSTRACT

For transgender people, having gender reassignment surgery is a significant and transformative stage in their journey. It is essential for bringing a person's physical attributes into line with their firmly held gender identity, which lessens the painful impacts of gender dysphoria and improves mental health. This surgical procedure offers people the chance to live genuine lives and is a monument to the strength of self-actualization and self-determination. Even if there are many benefits, it's important to be aware of any potential drawbacks. Hormone therapy side effects and surgical problems can occur, requiring close medical supervision. Transgender people's post-transition experiences are significantly influenced by societal acceptance and discrimination, which still exist. We examine the complex nature of gender reassignment surgery in this extensive analysis. We underline its importance in promoting personal change and improving general wellbeing. Furthermore, we stress the significance of an accommodating healthcare system that recognizes the various requirements of transgender people at every stage of their transition. This investigation promotes better knowledge and empathy in the process of gender transition by offering insightful information to legislators, healthcare professionals, and the public.

Keywords: *Gender reassignment, gender dysphoria, mental health, societal acceptance, transgender healthcare.*

I. INTRODUCTION

A person's physical "sex" is assigned at birth, typically by their parents and a doctor, and is determined by their phenotype. Contrarily, the term "gender" describes a person's innate sense of being a man, woman, someone else, or somewhere in between. Physical sex and "gender" are typically congruent. In a small number of people, the difference between "sex" and "gender identity" is so obvious and pervasive that the people want to shed their primary and/or secondary sexual characteristics and take on the physical/phenotypic traits of a gender that is distinct from

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their birth sex.⁴

Gender reassignment, often known as gender affirming surgery or gender confirmation, is a profound and life-changing procedure that has a significant impact on the lives of transgender people. It essentially signifies the quest for physical qualities and one's strongly held gender identity to be in harmony. This quest involves a complicated, comprehensive exploration of identity, self-acceptance, societal acceptance, and medical intervention rather than just being a medical journey.

This overview provides a window into the complex world of gender reassignment by illuminating its historical roots, the changing landscape of medical developments, legal frameworks, and the significant psychological and emotional components that go along with this journey. We must traverse these various aspects of sex reassignment with understanding, tolerance, and a dedication to identifying the differences to understand it. aspects with empathy, respect, and a dedication to acknowledging the various experiences and narratives that shape transgender people's lives.

In this investigation, we'll delve into the sex reassignment's historical setting and look at how public perceptions and legal recognition have changed over time. We'll also look at the many medical techniques used in this process, like as hormone therapy and surgical interventions, and how these affect the lives of persons who choose this course of action.

We will also talk about the intricate web of psychological issues that surround sex reassignment, acknowledging the value of thorough medical treatment and mental health assistance in safeguarding the wellbeing of transgender people during their transformative journeys. The difficulties, victories, and tenacity of those who go through sex reassignment will be central to our discussion shedding blight on the diversity of experiences within this community.

In order to understand and support transgender people on their journeys to authenticity and self-acceptance, it is critical that we approach the subject of sex reassignment with an open heart as well as an open mind as we begin this investigation. With each step, we hope to advance the caring and knowledgeable conversation surrounding this incredibly intimate and profound procedure.

II. HISTORY OF GENDER REASSIGNMENT

Sex reassignment surgery dates back to the early twentieth century, when the first cases were

⁴ Gupta R, 'Gender Affirmation in India-the Current State of Knowledge, Management, Legal and Legislative Situation' (*Indian journal of plastic surgery: official publication of the Association of Plastic Surgeons of India*, 29 June 2022) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9398521/>> accessed 12 December 2023

documented. Gender-affirming procedures on transgender patients were first performed in Germany and the US by trailblazing surgeons like Harry Benjamin and Magnus Hirschfeld.

In 1952, American transwoman Christine Jorgensen underwent gender confirmation surgery in Denmark, garnering significant media attention and marking a turning point in the history of sex reassignment. Her account contributed to the public's awareness of the problem.

When the World Professional Association for Transgender Health (WPATH) was established in the middle of the 20th century, it set standards of care and recommendations for transgender patients seeking medical procedures, such as sex reassignment surgery.

In several nations, gender modifications on identification documents started to receive legal acknowledgment in the second part of the 20th century. For instance, legal fights were waged in the US to enable transgender people to modify their gender markers on official papers.

Surgical methods and techniques have changed over time, resulting in better results and fewer complications. Gender affirming procedures are now safer and more widely available because to these developments. There have been difficulties and disputes throughout the history of sex reassignment. Discussions over the morality, necessity, and qualifying requirements for certain procedures have come up. Transgender people have also historically experienced stigma and discrimination.

Every nation and culture have a very different approach to sex reassignment. While some countries, such as Iran, have state-sponsored programs for gender-affirming surgery, others have restrictive laws or do not recognize transgender people legally.

In recent years, there has been growing awareness and acceptance of transgender rights and issues, leading to legal and societal changes in many parts of the world. The availability of gender-affirming care and surgeries has continued to expand.

It's important to note that the history of sex reassignment is ongoing, and it reflects broader changes in how society understands and supports transgender individuals. While progress has been made, there is still work to be done to ensure that transgender people have access to respectful and comprehensive healthcare, legal recognition, and societal acceptance.

III. TYPES OF GENDER REASSIGNMENT SURGERY

There are three major types of Gender Reassignment surgeries from male to female transitioning they are ; Penile Inversion Vaginoplasty, Sigmoid Colon Vaginoplasty and Peritoneal Pull through Vaginoplasty, these three techniques which are used by medical professional.

1. Penile Inversion Vaginoplasty: Penile inversion vaginoplasty is a surgical procedure that uses the penile skin and other tissues to create a neovagina. The penile skin is reversed to make the vaginal lining, and testicular tissue is frequently used to form the labia majora. The process also includes reductions and reshaping the genitalia, which includes the removal of the clitoris. The labia minora may be formed from Scrotal Tissue.

Pros: (a)Gender Affirmation: For transgender women, Penile Inversion Vaginoplasty is an important step towards gender affirmation. It can aid in the alignment of one's physical appearance with their gender identification. Aesthetic and (b)Functional Outcomes: When performed by experienced surgeons, this procedure can produce a neovagina that nearly mimics the appearance of a Cisgender Woman both visually and functionally. (c)Improved Quality of life: for many people, the operation can improve their quality of life by eliminating gender dysphoria and strengthening their mental health. (d)Sexual Function: Many people report having sexual satisfaction and being able to participate in sexual activity after surgery. Urinary Continence: The neovagina, in many cases, allows for urinating while sitting, which is congruent with gender identification.

Cons: (a) Surgical Risks: As with any surgery there is the possibility of problems such as infection, bleeding, scars or wounds healing concerns..(b)Limited Depth: The neovagina's depth may be limited, necessitating the use of dilators to maintain depth and width. For some people, achieving a sufficient depth can be difficult.(c)Penile Sensation Loss: The removal of the penis can lead to a loss of penile sensation, which can affect sexual satisfaction. Penile inversion vaginoplasty is a complex procedure that requires a lengthy recovery period. It might cause discomfort, agony and temporary activity limits and gender-reassignment procedures can be very costly and they may not be fully covered insurance hardship for some people to undergone gender-affirming surgery. The Psychological Effect: The decision to have gender-affirming surgery, including penile inversion vaginoplasty, is deeply personal and may have psychological and emotional consequences and to provide proper mental health support. And to make an informed decision regarding penile inversion vaginoplasty, individuals must carefully assess the pros and downsides and consult with qualified healthcare specialists, including therapists and surgeons.

2. Sigmoid Colon Vaginoplasty: When compared to penile inversion vaginoplasty, sigmoid colon vaginoplasty is a less prevalent gender-affirming procedure. To generate a neo-vagina, a part of the sigmoid colon, which is a segment of the large intestine, is used to create a neovagina.

Pros: (a) Vaginal Depth: When compared to other vaginoplasti treatments, sigmoid colon

vaginoplasti frequently allows for greater vaginal depth, potentially resulting in a more satisfying sexual experience..(b)Natural Lubrication: The sigmoid colon's mucus-producing cells can offer natural lubrication to the neovagina, eliminating the requirement for external lubricant.(c)Aesthetic outcomes: When done correctly, this surgery can produce aesthetically beautiful outcomes that closely resemble cisgender women's genitalia.Reduced Hair development: Sigmoid colon vaginoplasty, as opposed to penile inversion vaginoplasty, usually results in less hair development inside the neovagina.

3. Peritoneal pull: The outer part of the vagina is made from the scrotum and penile skin and the vaginal canal is made from the peritoneum is a connective tissue that is inside our body and it is folded to make the vaginal canal this is an extremely new technique, this method was used on a Lis gender women whose vaginal were really small or didn't exit.

IV. MEDICAL TOURISM FOR GENDER REASSIGNMENT SURGERY

Patients traveling overseas for medical treatment have access to a wide choice of treatments because to medical tourism. In the last few years, it has seen tremendous change. Although it wasn't a typical therapy many years ago, the top destinations now offer sex reassignment surgery. Countries such as India, Thailand, etc. can offer their patients therapy at a lower cost than in the west. Sex reassignment surgery has increased by 33% in a private facility in Thailand. About one-third of what is charged in western countries is charged in India, the Middle East, and other regions.⁵

(A) The Popular Countries for Gender Reassignment Surgery

1. Thailand: Thailand, is regarded as the top destination for sex reassignment surgery and is a leader in the field of medical tourism. Thailand is the best place for a gender reassignment operation because of its skilled medical staff, advanced technology, and affordable rates. Patients can save around two thirds of the cost of treatment in the US by traveling to Thailand, where costs range from \$15,000 to \$30,000. There are over 31 JCI-accredited hospitals in this South Asian nation that provide the highest caliber of care. Due to the country's outstanding follow-up care procedures and permissive regulations, patients can seek gender reassignment without facing any barriers⁶.

⁵ 'Home' (*Sex Change Surgery Guide: Pros Cons, Side Effects, Scars and After Care*) <<https://www.medhalt.com/procedure/sex-change-surgery/3>> accessed 12 December 2023

⁶ 'Home' (*Sex Change Surgery Guide: Pros Cons, Side Effects, Scars and After Care*) <<https://www.medhalt.com/procedure/sex-change-surgery/3>> accessed 12 December 2023

2. India: India is quickly becoming the most popular medical tourism destination due to its affordable prices, individualized postoperative care, and highly qualified medical professionals. Medical tourists can receive the best and most reasonably priced care in the nation. Because of the wasted expenditures, patients from the US, Australia, and the UK are now traveling to India for treatment.

3. Singapore: Singapore attracts thousands of visitors annually due to its ability to offer medical tourism advanced, top-notch treatments. Over thirty percent of medical tourists who traveled overseas for treatment arrived in Singapore in 2011. The WHO has assessed Singapore as having one of the top health care systems, placing it at number six. In Singapore, the cost of a gender reassignment procedure ranges from \$8000 to \$15,000.

4. Taiwan: Taiwan is a developing medical tourism destination. It is an island nation. Medical professionals in Thailand are skilled at executing a sex change surgery because of legislation that compelled transgender people to undergo a sex reassignment procedure. Even though the rule has now been reversed, transgender surgeries for both male to female and female to male patients are still being accepted in the nation.

V. GENDER REASSIGNMENT SURGERY COST IN INDIA

Sex Reassignment Surgeries (SRS) at private clinics or hospitals can cost anywhere from Rs 2 to Rs 5 lakh for a male to female (MTF) transition and between Rs 4 and Rs 8 lakh for a female to male (FTM) transition.

Surgery Name	Minimum cost in India	Maximum cost in India
Male to female	416,272	832,544
Female to male	333,017	666,035
Breast augmentation	294,763	416,272
vaginoplasty	294,763	666,035
clitoroplasthy	83,254	166,509
mastectomy	166,509	333,017
phalloplasty	333,017	666,035
metoidioplasty	166,509	333,07

(A) Procedure:**1. Assessment of one's gender identity and self-exploration**

Usually, people start by examining their gender identification and accepting their emotions.

To better understand and embrace their gender identity, many people turn to therapists, counselors, or support groups for assistance. For some medical procedures and insurance coverage, a formal diagnosis of gender dysphoria by a mental health expert may be necessary.⁷

2. hormone treatment

Hormone treatment entails the use of drugs (such as estrogen for trans feminine people or testosterone for trans masculine people) to bring about bodily changes consistent with the person's gender identity. Changes brought on by hormone therapy may include facial hair growth, breast development, and voice deepening. Healthcare professionals customize the medications and dosages to the patient's need and keep track of them.

3. Voice modification:

To better reflect their gender identification, some people may decide to work with speech therapists to change the pitch and tone of their voices.

4. To remove hair:

To lessen face or body hair, trans feminine people may turn to hair removal techniques like electrolysis or laser hair removal.

5. Societal change:

To conform to one's gender identification, social transition entails changing one's name, pronouns, and outward appearance (dress, hairdo). This action supports people in living and being accepted as their real gender.

6. Procedures for confirming gender:

Surgery is an optional and highly personalized process. Not every transgender person has surgery. Common operations performed to confirm gender include Top surgery for changing the chest, such as a mastectomy or breast augmentation. Genital alteration bottom surgery (vaginoplasty, phalloplasty, metoidioplasty). surgical procedures to feminize or masculinize the face. Specialized surgeons often carry out these operations who has knowledge about gender-

⁷ professional CC medical, 'Gender Affirmation Surgery: What Happens, Risks & Benefits' (*Cleveland Clinic*) <<https://my.clevelandclinic.org/health/treatments/21526-gender-affirmation-confirmation-or-sex-reassignment-surgery>> accessed 12 December 2023

affirming practices.

7. Legal changes:

Changing the person's name and gender marker on official documents including ID cards, passports, and birth certificates.

8. Ongoing Assistance:

access to continuing medical treatment and mental health services to meet any physical or psychological requirements. The fact that gender reassignment is a highly customized process and that not all transgender people will choose or have access to all of these operations must be emphasized. Additionally, based on unique circumstances and medical recommendations, the time and order of these phases can change. Transgender care experts in the medical field can offer individualized direction and support during the procedure.

(B) Causes:

They feel and identify as either a feminine, a male, or both depending on your gender identification. According to a societal construct of a binary system of two genders (male or female), gender is normally designated at birth based on a baby possessing the outward appearance (genital organs) of either a boy or a female.⁸

A person who identifies as both the gender they were assigned at birth and their gender identity is known as cisgender. You are a cisgender man, for example, if you identified as a man and were biologically a man from birth. A person is considered transgender if they identify as someone other than the biological gender that was assigned to them at birth. For example, if you are transgender but have a strong inner sense that you are male despite being physiologically assigned the gender of a woman and being born that way. Some people choose to express their gender in ways that defy social norms that classify people as male or female. Non-binary, gender non-conforming, genderqueer, or gender-expansive are terms used to describe this. The majority of transgender people don't consider themselves non-binary. It is crucial to note how distressing the anxiety transgender people may experience as a result of possessing the wrong gender's physique is. Because of this, there are more mental health issues and suicide attempts among the transgender population.

“The precise cause of gender dysphoria is unknown. According to some researchers, cultural and environmental factors, womb hormones, and genes may all play a part.”

⁸ Kendra Cherry Mses., ‘What Is Gender Dysphoria?’ (*Very well Mind*, 21 September 2022) <<https://www.verywellmind.com/gender-dysphoria-5085081>> accessed 12 December 2023

(C) Symptoms:

Both adults and children can suffer from gender dysphoria. Age-related symptoms can vary, but many people wish to live in a way that is consistent with their gender identity. They might have had these emotions even before they were an adult.⁹

1. Children:

assert that they are of a different gender, strongly desire to be a different gender, oppose wearing clothing connected with their biological gender and prefer to dress in clothing that is more commonly worn by another gender, prefer to portray the stereotypes of the other gender in fiction or drama, prefer games and activities that are typically associated with the other gender, strongly favor playing with kids of the opposite gender, Strongly loathe their genitalia, wishing to undergo a physical

2. Adults:

as desire to be of the opposite gender (or a gender other than the one they were given at birth), desire to possess the physical and sexual traits of the opposite gender, desire to have their own genitalia removed, want to be treated differently based on gender, Desire to be addressed by pronouns of the opposite gender, strongly identify with the other gender and act in ways that reflect that identity.

Gender dysphoria can cause emotional suffering and anguish, which can affect one's ability to perform well in school, at work, socially or in other spheres of life. People who have gender dysphoria may experience anxiety, depression, and in many cases, suicide thoughts.

(D) Positive Impact:

1. Better Mental Health: Gender-affirming surgery can often help people with gender dysphoria, a disorder marked by anxiety about the discrepancy between their gender identity and their assigned sex. This can result in better mental health, less anxiety, and less depression.¹⁰
2. Enhanced Quality of Life: By making people feel more at ease in their own skin, boosting self-esteem, and fostering greater confidence and self-acceptance, surgery can help people live better, generally.

⁹ 'Gender Dysphoria' (*Mount Sinai Health System*) <<https://www.mountsinai.org/health-library/diseases-conditions/gender-dysphoria>> accessed 12 December 2023

¹⁰ 'What Does the Scholarly Research Say about the Effect of Gender Transition on Transgender Well-Being?' (*What We Know*, 11 August 2021) <<https://whatwewknow.inequality.cornell.edu/topics/lgbt-equality/what-does-the-scholarly-research-say-about-the-well-being-of-transgender-people/>> accessed 12 December 2023

3. Greater Social Acceptance: Gender-affirming surgery can help people integrate into society by enabling them to live more genuinely and be accepted for who they really are. This can increase societal acceptance and support.¹¹
4. Gender dysphoria can be lessened with surgery, such as breast or chest augmentation, genital reconstruction, or face feminization/masculinization.
5. Alignment with Gender Identity: Gender-affirming surgery enables patients to completely express themselves and feel more at ease in their bodies by enabling them to align their outward appearance with their internal gender identity.

(B) Negative Impact:

1. Surgery Risks: Gender-affirming treatments come with inherent risks, such as infection, scars, anesthetic difficulties, and probable surgical issues, much like any other type of surgery. Depending on the procedure and the patient's health, these risks change¹².
2. Long Recovery phase: Some gender-affirming procedures need a protracted healing phase, during which patients may feel discomfort, pain, or restrictions on everyday activities.¹³
3. Cost and Accessibility: Financial limitations, insurance coverage, and geographic location may restrict access to gender-affirming surgery. Some transgender people cannot easily or affordably access these operations.
4. Potential Dissatisfaction: While many people have excellent results, some people might not get the look they want after surgery or they might be unhappy with the results. Disappointment and more psychological distress may result from this.¹⁴

Not all transgender people receive support from their families, friends, or communities. Social and familial rejection. Relationships can occasionally suffer after gender-affirming surgery, or it can result in rejection from family members.

Despite gender-affirming surgery, transgender people may still experience prejudice, stigma, and discrimination in a variety of spheres of their lives, such as job, healthcare, and social

¹¹ 'Apa PsycNet' (*American Psychological Association*) <<https://psycnet.apa.org/record/2019-56782-001>> accessed 12 December 2023

¹² Dreher PC;Edwards D;Hager S;Dennis M;Belkoff A;Mora J;Tarry S;Rumer KL,; 'Complications of the Neovagina in Male-to-Female Transgender Surgery: A Systematic Review and Meta-Analysis with Discussion of Management' (*Clinical anatomy (New York, N.Y.)*) <<https://pubmed.ncbi.nlm.nih.gov/29057562/>> accessed 12 December 2023

¹³ PMC E (*Europe PMC*) <<https://europepmc.org/article/MED/31659745>> accessed 12 December 2023

¹⁴ (*Journal of Gender Studies: Vol 32, no 8 (current issue)*) <<https://www.tandfonline.com/toc/cjgs20/current>> accessed 12 December 2023

interactions.

VI. BEST CANDIDATES FOR SURGERY TO CHANGE THEIR SEX

The patient's BMI needs to be in the healthy range. A figure between 20 and 25 should be obtained by dividing their weight by the square of their height. A person who is overweight may still be able to undergo surgery, but it is beneficial to be in a stable weight range because excess fat tissue in and around the patient's operating area makes the surgeon's job more difficult.

The patient cannot have severe allergies, lung and coronary illnesses, obesity, diabetes, high blood pressure, high cholesterol, bleeding disorders of any kind, or severe depression.

Since no surgery is perfect, the patient must have a positive attitude and reasonable expectations. For instance, many patients who have breast tissue surgeries begin to regret their decision a few weeks after the procedure when they see the swollen, red area, but they need to know that everything will pass eventually.

(A) Kind of Aftercare Is Provided for Sexual Change Surgery

a. Surgery Care For Males To Females:

After three days in the hospital for the surgery, the patient needs to recuperate for ten to twelve days in the area. The patient is able to perform light work after four to six weeks. It is possible to begin hard work and exercise after six to eight weeks. Following the surgeon's post-operative instructions, dilation, or periodically stretching the vaginal walls, should be done twice a week for a maximum of 13 weeks. Using a good, large dilator that fits comfortably inside the vagina is advised. The vagina should be douched (cleaned in a specific way) as instructed by the surgeon. According to the surgeon's prescription, painkillers should be administered at various healing phases after gender reassignment.¹⁵

b. Surgery Care For Females To Males:

After two days in the hospital, the patient will need to stay for approximately five to six days in the area. You can pick up small work again in two weeks. It's only after four to six weeks that you can start working out harder. When healing from an injury, it might be required to wear a compression binder for six weeks. It is primarily determined by the surgeon's recommendation. After the procedure, there might be mild to moderate pain for a few weeks, depending on how the surgery was done. This will be handled by the surgeon, who will also write prescriptions

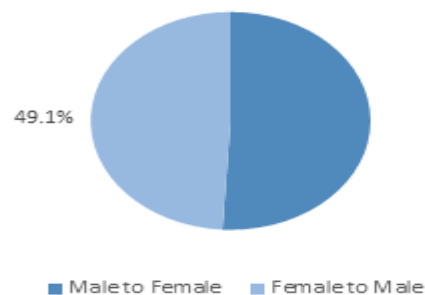
¹⁵ 'Home' (*Sex Change Surgery Guide: Pros Cons, Side Effects, Scars and After Care*) <<https://www.medhalt.com/procedure/sex-change-surgery>> accessed 12 December 2023

for any painkillers that are required. The sutures from the upper surgery will be removed in about a week.

(B) Chart

The market for sex reassignment surgery has grown as a result of several important variables, such as the availability and accessibility of gender reassignment surgical facilities and growing awareness of transgender issues. Similar to this, the desire of patients to alter their sex and the rise in gender reassignment surgery are some of the factors driving the market expansion. Government policies that are supportive of sex reassignment surgery and a global rise in awareness are driving the industry globally.¹⁶

Global Sex Reassignment Surgery Market Share, By Gender Transition, 2022(%)



Source: www.gminsights.com

The market for "Gender Reassignment" surgeries, which convert female to male gender roles, is anticipated to expand at a compound annual growth rate (CAGR) of 11.2% between 2023 and 2032. Anxiety and depression are two serious mental health conditions that transgender people commonly face. The necessity for female to male gender change surgery may increase as their population expands annually. For instance, approximately 9,000 transgender surgeries are carried out annually in the United States. The market for gender reassignment surgery is expected to reach a valuation of over USD 623 million by 2022, and it is expected to rise in the upcoming years.

(C) Cases:

1. With the help of psychotherapist John Money, David Reimer—who was born a biological man but suffered permanent damage to his penis as a child—underwent gender reassignment in the mid-1960s. Bruce Reimer was his birth name in 1965. During his early years, he had a botched circumcision that left his penis permanently ruined. With Money's encouragement,

¹⁶ 'Sex Reassignment Surgery Market: Trends Report, 2023-2032' (Global Market Insights Inc.) <<https://www.gminsights.com/industry-analysis/sex-reassignment-surgery-market>> accessed 12 December 2023

Reimer's parents chose to raise her as a girl. Reimer was surgically created with basic female genitalia as a newborn and was given female hormones during puberty. Reimer went to Money on a regular basis to have his gender status altered, but as a child he was never informed that he was male. Reimer was used as a test subject without realizing he was a part of Money's controversial investigation, which he called the John/Joan case. The case's outcomes were utilized to bolster the argument that thousands of sex reassignment surgeries are necessary for children with reproductive abnormalities. Reimer rejected his feminine identity as a young adolescent and started living as a man despite his upbringing. He died at the age of 38 from a lifelong battle with severe depression. With his public statements about the trauma of his transition, Reimer questioned the practice of sex reassignment for infants and young children and increased awareness of gender identity..¹⁷

2. Ms. T, a 24-year-old woman who was reared as a woman despite being born a girl, has always had a great yearning to be a guy. She prefers to dress like a man, and she and the other boys often play stereotypically "boyish" pastimes. Since he had no sons, her father approved of what she was doing. As she got older, she noticed that she was drawn to women, and she used to believe that this indicated that she was heterosexual. She used to always feel as though she was trapped in the wrong body. She was powerless since she couldn't lead a typical life like the other men could, but she was adamant that she felt emotions and responded similarly to them. She fell in love with a woman early in her twenties and they started living together. According to reports, she identified as the couple's male partner and believes that their relationship is straight. But recently, the patient could not stand it when the other woman began to show interest in men. For the last four to six months, she has been exhibiting symptoms including irritability, worthlessness, hopelessness, suicidal thoughts, and suicidal attempts. She says she wants to get surgery to change from a girl to a boy. She feels that her life is not worth living as she is compelled to live in a feminine body even though she is not a woman.

- National Legal Service Authority v/s Union of India
 - Issue:

It was up to the Court to decide whether or not people who don't fit into the male/female gender binary could legally be classified as "third gender" people. It discussed whether the fundamental liberties guaranteed by the Indian Constitution are violated by disregarding non-binary gender identities. It turned to the Ministry of Social Justice and Empowerment's "Expert Committee on

¹⁷ By and others, 'Dr. John Money Gender Experiment: Reimer Twins' (*Simply Psychology*, 23 June 2023) <<https://www.simplypsychology.org/david-reimer.html>> accessed 12 December 2023

Issues Relating to Transgender" to form its opinion. The Supreme Court considered "gender identity" in great detail and acknowledged legally transgender or "third gender" people for the first time in a landmark ruling. The Court recognized the fundamental rights that people of the third gender have under international and constitutional law. It also gave state governments instructions on how to develop "third party" rights gender" and transgender people.

- What Is the "Third Gender"?

The right of every person to self-identify their gender was maintained by the court. Additionally, it said that eunuchs and hijras might legally identify as the "third gender".

The Court explained that gender identity was "an innate perception of one's gender" rather than "a biological characteristic." Accordingly, it was decided that no third-gender individuals should be forced to undergo any kind of medical procedure or biological test that would violate their right to privacy.

- Fundamental Rights

The Court held that diversity in self-expression is a necessary component of "dignity" as defined by Article 21 of the Constitution, since it allows one to live in dignity. It brought gender identity within the bounds of the fundamental right to dignity guaranteed by Article 21.

It was also mentioned that the definitions of the rights to equality (Article 14 of the Constitution) and freedom of expression (Article 19(1)(a)) were written using gender-neutral language, "all persons"). Consequently, transgender individuals would be entitled to equality and freedom of speech. It highlighted the violation of transgender people's right to equality caused by "extreme discrimination in all spheres of society." The definition of freedom of expression was also widened to encompass the freedom to express one's gender "through dress, words, action, or behavior. "Articles 15 and 16 against discrimination on the grounds of "sex" specifically prohibit it. The Court decided that in addition to biological traits like chromosomes, genitalia, and secondary sexual characteristics, "sex" in this context also refers to "gender" (based on an individual's self-perception). Consequently, the Court determined that gender identity discrimination is included in the category of "sex" discrimination. The Court came to the conclusion that transgender persons were entitled to fundamental protection under the Constitution's Articles 14, 15, 16, 19(1)(a), and 21. The Court also cited significant international human rights treaties and the Yogyakarta Principles in order to recognize the human rights of transgender people.

(D) Current Scenario:

- a) The Mumbai High Court noted in the Bidhan Baruah Case (2012) that there is no Indian legislation that forbids sex reassignment surgery. A sex change procedure can be performed on an adult (over the age of eighteen) without parental permission.
- b) In the 2014 case National Legal Services Authority v. Union of India (NALSA), the Supreme Court (SC) recognized the third gender as having fundamental rights on par with those of men and women. The court recommended that civil and criminal statutes acknowledge the third gender as well. The court recommended "following the psyche" of the individual for gender recognition. It was considered unlawful to insist on gender positive interventions in order to legally change one's gender. Instructions were given regarding reservations, stigma, public awareness, and socioeconomic rights.
- c) Continuing the legal dispute that the Naz Foundation had started previously, a five-judge Supreme Court panel determined that a portion of Section 377 was unconstitutional and decriminalized adult homosexual consensual sex in the Navtej Singh Johar versus Union of India case (2018).
- d) The Madurai Bench of the Madras High Court extended the meaning of "bride" under the Hindu Marriage Act (1955) to include transwomen, intersex, and transgender people who identified as female in the case of Arun Kumar and Sreeja vs Inspector General of Registration and OR's (2019). In keeping with their right to make their own decisions as adults, the same ruling outlawed GAS on intersex individuals who were younger than the age of majority.

Sweden was the first nation in the world to legalize gender reassignment hormone treatments in 1972, but recently put restrictions on the practice for minors. Argentina has taken the lead in advancing transgender rights, enabling a straightforward declaration to change the gender on national ID cards since 2012. Several Latin American nations, including Bolivia, Chile, Colombia, Ecuador, Peru, and Uruguay, have adopted a similar policy.

VII. RECOMMENDATION

It's critical to accurately diagnose gender dysphoria in order to avoid making irreversible medical decisions or pursuing complicated treatments like surgery. Sometimes, after learning about the potential risks, complications, and side effects of the surgery, people with a diagnosis of gender dysphoria decide not to proceed with the treatment. In addition, in order to ascertain whether the chosen gender is a good fit for them, they must spend a specific amount of time

living as that gender or interacting with members of that gender. Furthermore, individuals need to be properly informed on how they can live a contented life in their assigned gender identity even in the absence of surgery. It is crucial to give them the ability to make informed judgments about whether they need more involved surgical treatments or only hormone medication. Prior to the procedure, they need to receive emotional and mental assistance. Additionally, family counseling and effective queer community participation are necessary.

Sex hormones and other hormonal drugs are used in this therapy to change a patient's hormone levels to correspond with their gender identity. Their bodies would alter as a result of this. Some of the methods used in hormone therapy include pills, injections, implants that release hormones gradually into the body, and patches that can be applied to the skin.

The body is given female hormones like progesterone and estrogen. In addition, medications are administered to inhibit masculine hormones such as testosterone. This would help with breast enlargement and prevent the traits of masculine sex.

VIII. CONCLUSION

Our study found that SRS and gender reassignment were linked to better social support from the family, and that individuals who underwent gender reassignment experienced fewer anxieties about gender discrimination and victimization, improved relationships with the majority of their parents, siblings, relatives, friends, and partners, and improvements in their quality of life, occupation, and social rights. We draw the conclusion that gender reassignment is currently the best treatment option available for reducing gender dysphoria in light of all the psychological changes. Gender reassignment surgery previously known as sex reassignment surgery is an very important and complex medical procedure that helps transgender and gender non-conforming people to transit to their chosen self-identified gender this extensive and varied procedure includes a variety of other surgical procedure for achieving their self-identified gender. Because of societal stigmas and apprehension about discrimination, there are undoubtedly a lot more transgender people in India who have not come out as such. Third Gender was the official designation given to them.2014 saw. These people typically beg on trains while wandering the streets in sarees. They are denied access to basic medical treatment, putting them at risk for STIs and other dangerous illnesses worries for one's health. They are not expected to work for the government, which accounts for their abnormally low employment rate. or work in the private sector. They thus rely on singing, dancing, and begging for their survival. Most of them are belong to the group known as Scheduled Caste and Scheduled Tribe, which has been classified as backward .There is a class in India. In addition, they are involved

in sex work.

The Indian government has recently given them some thought, but it would take some time for society to accept them. Every person in this universe is a vital part of nature and genuinely unique. Therefore, criticizing and treating unfairly those who do not fit the stereotype—another artificial construct—would be unethical. India has long since acknowledged that everyone

In this country, every individual enjoys equal rights and benefits, and living under the motto "live and let live". Therefore, Article 14's Right to Equality is the fundamental right that transgender individuals are entitled to. Discrimination on the grounds of religion, caste, sexual orientation, or location is forbidden by Article 15. Of birth. According to Article 21, every citizen is entitled to their own space and dignity. However, as stated in Article 21 (A) of the Indian Constitution of 1950, education is a fundamental right. For each and every Indian. The constitution forbids discrimination and ensures fundamental rights to equality. Prejudice based on religion, caste, gender, or creed. Furthermore, the constitution guarantees that everyone is endowed with various rights, including political rights. The Indian constitution contains such provisions, however the other sex—transgender people—remains. In actuality, every living creature on Earth is unique and vital to the natural world. Therefore, it would be unethical to criticize and treat unfairly those who don't fit the stereotype—which is also a product of human creation. It is past time for the country to accept that this nation's residents have equal rights and advantages, and the administration has taken a "live and let live" stance. Therefore, the rights outlined in Article 14—namely, the right to equality—are fundamental. The real consequences that transsexual people demand must be acknowledged by society, and its enforcement must be given top priority. Discrimination on the grounds of religion, caste, sexual orientation, or place of residence is prohibited by Article 15. of birth. All citizens have the right to personal dignity and privacy, as stated in Article 21. The Indian Constitution of 1950 (A) places a strong emphasis on the fundamental right to education in Article 21. Even with these constitutional protections, transgender people continue to be marginalized. People who identify as transgender must leave their homes due to discrimination and harassment they experience at work, school, and in the community. A person may be harassed verbally, physically, or both.

Abuse on any level—physical, emotional, or sexual—can seriously affect a person's mental health. Although the courts have made great strides toward eliminating the shame attached to the third gender, Society needs to acknowledge the actual impact and give enforcement of the law top priority.

IX. REFERENCES

- <https://my.clevelandclinic.org/health/treatments/21526-gender-affirmation-confirmation-or-sex-reassignment-surgery>
- <https://www.simplypsychology.org/david-reimer.html#:~:text=The%20John%20Money%20Experiment%20involved,back%20to%20male%20in%20adolescence.>
- National Legal Service Authority v/s Union of India
- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9398521/>
- <https://www.gminsights.com/industry-analysis/sex-reassignment-surgery-market>
- <https://www.medhalt.com/procedure/sex-change-surgery>
