GLOBAL FINTECH PLATFORMS: REDEFINING REGULATORY BOUNDARIES IN MODERN ERA

Devanshi Sharma[1]

ABSTRACT

The rapid growth of globalization in financial industry has led to the rise of cross border fintech platforms which ensures instant payments, digital loan services and international investments across countries.[2] While these platforms enhance financial approach, efficiency and gateway to capital, on the other side they are hurdling the traditional banking regulations and raising concerns over the declining national regulatory sovereignty. In India, where the Reserve Bank of India (RBI) performs

central regulatory authority[3] over banking framework, the emergence of cross border fintech

platforms bring layered roadblocks which includes compliance gaps, consumer protection risks, data privacy concerns and potential threats to financial stability.

The paper critically examines the connection between cross border fintech innovations and India's regulatory framework while exploring how legal regimes such as the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949, and the Foreign Exchange Management Act, 1999[4] addresses the challenges of global digital financial services. The study includes analyses of non- compliance incidents with an enforcement actions and interventions by the judiciary to exemplify regulatory gaps and the practical outcome of fintech activities on national overview. Further the comparative analysis from various global regulatory practices including the United States, United Kingdom, Singapore and China are incorporated to identify effective policy approaches.

The Author concludes by suggesting a harmonized regulatory stratagem that cocoons India's financial sovereignty while ensuring the data security and how country can strengthen consumer protection concomitantly, fostering innovation in cross border fintech.

[1] Advocate, LLM, Corporate and Business Laws, GNLU.
[2] The World Bank, Global Findex Database 2024: Financial Inclusion, Digital Payments, And Resilience In The Global Economy, https://www.worldbank.org/en/publication/globalfindex.
[3] Reserve Bank of India Act, No. 2 of 1934 (Ind.).
[4] Banking Regulation Act, No. 10 of 1949 (Ind.); Foreign Exchange Management Act, No. 42 of 1999 (Ind.).

INTRODUCTION: NAVIGATING THE FINTECH REGULATORY ACROSS THE GLOBE

The erstwhile decades have witnessed a paradigm shift in the global financial framework driven by technological innovations that have redefined banking and financial services. The rise of cross border fintech platforms which enable individuals and businesses to conduct financial transactions across national boundaries smoothly is Among the most significant developments. Unlike traditional banks that operate within the limit of national borders and are subjected to the localised regulatory frameworks, the fintech platforms use technology to offer services that are instant, accessible and broadly borderless. Platforms such as PayPal, Wise, Revolut and Stripe have fundamentally altered the way international payments are processed while how lending is extended and investment opportunities are accessed.[5]

In India, the fintech revolution has gained exceptional momentum. The government emphasis on a digital economy mixed with initiatives such as Digital India and the development of Unified Payments Interface (UPI) has provided ground for fintech growth and development. Indian consumers are increasingly embracing digital wallets, payment apps and online lending platforms which indicates a gradual departure from traditional banking system. Simultaneously cross border fintech platforms have begun entering the Indian market by offering services that compete with local banks and fintech firms, sometimes bypassing the full spectrum of domestic regulatory management.

However, this global system integration of financial services poses unique challenges for Indian banking laws and regulatory authorities. The Reserve Bank of India (RBI),[6] assigned with guaranteeing financial stability and consumer protection often faces the complex task of regulating entities that operate across multiple jurisdictions, frequently beyond the direct reach of Indian law. Issues such as data privacy, cybersecurity, foreign exchange compliance under FEMA (1999) and licensing under the RBI Act (1934) have come to the vanguard.[7] Moreover, the rapid growth of fintech innovation has led to a regulatory lag, where existing laws struggle to accommodate novel business models such as cross border payment assembler, digital lending platforms and cryptocurrency exchanges.

The research goal of this paper is to critically examine the interplay between cross border fintech platforms and Indian banking laws with a core focus on the erosion of regulatory sovereignty. By analysing the legislative framework, including the Banking Regulation Act, 1949, Payment and

Settlement Systems Act, 2007[8] and recent RBI guidelines. This paper seeks to identify the

challenges presented by cross border fintech operations. Besides, it will explore comparative regulatory models in the United States, European Union and Singapore, to draw

[5] THE WORLD BANK, *supra* note 1
[6] Reserve Bank of India Act, No. 2 of 1934 (Ind.).
[7] Reserve Bank of India Act, No. 2 of 1934 (Ind.); Foreign Exchange Management Act, No. 42 of 1999 (Ind.).
[8] Banking Regulation Act, No. 10 of 1949 (Ind.); Payment and Settlement Systems Act, No. 51 of 2007 (Ind.).

lessons that can enhance India's approach to fintech governance. Through the inclusion of case studies like PayPal's entry into India, Pine Labs' international operations and recent cybersecurity incidents. This study provides practical insights into the real-world effects of regulatory gaps and potential pathways for harmonising innovation with legal oversight.

Concluding, the introduction of cross border fintech platforms represents both an avenue and a challenge for India. While they provide efficiency, diversity and expanded financial access they also test the limits of Indian banking regulatory regimes and frameworks. The basic question this paper observe is How can India employ the benefits of international fintech innovation with maintaining the integrity, stability and sovereignty of its banking system? The subsequent sections of this study delve in depth to explore the question offering a structured analysis grounded in law, policy and comparative international perspectives.

UNDERSTANDING CROSS-BORDER FINTECH PLATFORMS

Global fintech platforms are digital banking service providers that operate across national borders. They facilitate transactions such as payments, remittances, digital lending, investments and even cryptocurrency trading. Unlike traditional banks these platforms utilise technology to reduce reliance on physical infrastructure and intermediaries so that they can offer faster more cost-efficient and accessible services. The rise of these platforms has been fuelled by global digitalisation, smartphone access and evolving consumer expectations for real time financial services.

Kinds of trans border fintech systems-

1. Payments and Remittances-Platforms such as PayPal, Wise (formerly TransferWise) and Revolut promote cross countries money transfer with lower fees and faster settlement than traditional banking channels.it has transferred the way we send fund abroad though its not all smooth sailing.[9]
2. Digital Lending and Crowdfunding-Cross-border person to person financing and crowdfunding platforms allow individuals and businesses to raise capital from foreign investors. It bypasses traditional banking intermediaries. Examples include Funding Circle and Kiva.[10]
3. Investment portals-Fintech investment portals provide access to global stock markets, mutual funds and digital assets. It does not require users to have a local brokerage account. Companies like eToro and Zerodha (with international tie-ups) exemplify this model.[11] A retail investor can now buy shares listed in other country but with certain risks of market volatility and international regulatory regimes and laws.
4. Cryptocurrency and Blockchain-Based Platforms-Digital currencies and

[9] Paypal Holdings, Inc., Annual Report (2023); Wise Plc, Annual Report (2024).
[10] Funding Circle Holdings Plc, Annual Report And Accounts (2023); Kiva Microfunds, Impact Report (2023).
[11] Etoro Group Ltd., Global Financial Services Disclosure (2024); Zerodha Broking Ltd., Zerodha International Investment Framework (2024).

blockchain-based payment services operates globally by blueprint without centralised oversight. Exchanges like Binance and Coinbase have users across multiple jurisdictions oversees. It raises regulatory concerns regarding anti-money laundering (AML) compliance and taxation.[12]

5. Application Programming Interfaces (APIs)-APIs permits fintech platforms to seamlessly correlate with banks, payment networks and other financial systems across jurisdictions. This helps real time processing of international transactions and instant settlement of funds.

6. Artificial Intelligence and Machine Learning-AI-driven routines are used by fintech services for fraud detection, credit rating and personalised financial services. Allowing fintech companies to operate efficiently across different regulatory environments.

These technological providers have authorised fintech platforms to operate across borders with lower operational costs, faster transaction time and greater reach compared to traditional banks

Relevance to Indian Banking Law

When considering cross-border fintech in India it's immediately clear that the domain is far from elementary. Multiple statutes overlap here most notably the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949 and the Foreign Exchange Management Act (FEMA), 1999.[13] At initial glance it may look like the RBI's regulation is exhaustive and particularly with guidelines specifically for payment centralisers and cross-border operations. It emphasises licensing, KYC norms and data security.[14] Yet the reality is a bit jumbled. The decentralised and largely digital nature of fintech platforms lacunae where the enforcement becomes challenging. Even with these regulations in place the questions remain about how efficiently they can be monitored and enforced in practice.

The Indian fintech story is ultimately peculiar because the country combines high regulatory ambition and scrutiny with rapid technological adoption. For example, UPI alone processed over 9 billion transactions in August 2025.[15] To put that into perspective, that's almost a transaction per person per month in the country which suggests that fintech isn't just a niche market but it is a mainstream mode of economic interaction.

The RBI has tried to keep pace with evolving fintech system by regulating cross-border fintech

[12] Fin. Action Task Force, Updated Guidance For A Risk-Based Approach To Virtual Assets And Virtual Asset Service Providers (2021).
[13] Reserve Bank of India Act, No. 2 of 1934 (Ind.); Banking Regulation Act, No. 10 of 1949 (Ind.); Foreign Exchange Management Act, No. 42 of 1999 (Ind.).
[14] RESERVE BANK OF INDIA, GUIDELINES ON REGULATION OF PAYMENT AGGREGATORS AND PAYMENT GATEWAYS (2023).
[15] NAT'L PAYMENTS CORP. OF INDIA, UPI PRODUCT STATISTICS (Aug. 2025).

platforms under the Payment and Settlement Systems Act, 2007.[16] Foreign entities like PayPal,

World-line, and even smaller scale startups seeks Indian users need approval and must adhere to rigorous norms around data localization. The KYC, AML/CFT compliance and consumer protection.[17] So far, these rules may not fully anticipate the speed and innovation with which new business models emerge, leaving a problem between policy and practice.

Then there's another legislation FEMA. It governs cross-border funds transfer and foreign investments. This isn't just bureaucratic red tape or administrative obstacles but violations can carry penalties as in recent investigations into platforms like Paytm have shown.[18] It's a reminder that in India the fintech operation is not in a vacuum but it exists within a legal environment that takes foreign exchange and sovereignty seriously.

Cybersecurity and data privacy are another layer of concern. India's IT Act, 2000, coupled with RBI circulars, mandates robust protective measures.[19] Cross-border entities must invest hefty in cybersecurity. Reason not just for regulatory compliance but because reputation-based risk is prominent in a market where consumer trust can make or break a platform overnight.

Looking at the broader evolution of global fintech platforms in India very few patterns emerge. Firstly, the inclusion versus regulation emerging as a constant tension. Integration with systems like UPI can dramatically enhance financial inclusion but it also makes regulatory oversight tricky. It's one goal is to regulate domestic banks another goal is to monitor a foreign platform interacting with several users in real-time.

Secondly, a lesson has to be learned from global peers such as Singapore and the European Union. They have experimented with regulatory sandboxes and more standardised regulatory frameworks for cross-border fintech. India if compared seems to be playing catch up, though the country's context like sheer scale, diversity and informal financial networks makes direct comparison difficult.

Third, the pressure of innovation is real. Domestic banks and fintech startups are facing a constant push to upgrade services and integrate emerging technologies to stay competitive against foreign players. While this is good for consumers but it can create regulatory blind spots and operational risks.

Finally, sovereignty concerns subtly every regulatory choice. Foreign fintech platforms can bring efficiency and innovation but the Indian policymakers are acutely aware that unchecked operations could challenge India's financial sovereignty. It's a balancing act which is very delicate and one that rarely has a perfect solution.

---

[16] Payment and Settlement Systems Act, No. 51 of 2007 (Ind.).

[17] RESERVE BANK OF INDIA, MASTER DIRECTION – KNOW YOUR CUSTOMER (KYC) DIRECTION, 2016 (UPDATED 2023).

[18] Press release, Enforcement Directorate, Press Release on FEMA Investigation: Paytm Payments Bank Ltd. (2024).

[19] Information Technology Act, No. 21 of 2000 (Ind.).

INDIAN BANKING LAWS RELEVANT TO CROSS BORDER FINTECH

The rising expansion of cross-border fintech platforms has shown a spotlight on India's banking regulations. The system tries to harmonise few competing priorities such as encouraging innovation, ensuring financial inclusion and safeguarding regulatory autonomy. The legal backbone for transboundary fintech is provided by a mixture of statutes, guidelines and directives.

3.1 **Reserve Bank of India Act, 1934**

The RBI Act is often viewed as the starting point as it being the primary regulator. It establishes the central bank as the ultimate regulator which is having authority over banks, currency issuance and financial stability. Under this Act, the RBI can license institutions, regulate payment systems (including cross-border ones) and issue directives for both domestic and foreign fintech platforms.

For instance the platforms like PayPal cannot operate without RBI approval. While this framework seems exhaustive but it is likely that rapid technological innovation can outpace formal oversight and creating areas where regulation "may catch up" rather than lead. Nevertheless, the RBI's role has been very vital in ensuring that fintech development doesn't compromise consumer protection or the integrity of financial transactions.

3.2 **Banking Regulation Act, 1949**

The Banking Regulation Act complements with the RBI Act by supplementing more detailed operational guidelines for banks. Its relevance and applicability to fintech lies primarily in licensing, compliance and foreign investment rules. Fintech platforms might not be banks per se but they many of times relies on partnerships with licensed banks to settle transactions.

The Act also permits the RBI to issue directives covering KYC, risk management and fraud prevention. In practice, this means that even non-bank fintech firms must operate within a framework that mirrors the responsibilities of traditional banks which is a subtle but important point that sometimes goes unnoticed.

3.3 **Foreign Exchange Management Act, 1999 (FEMA)**

FEMA is crucial because trans-border fintech revolves around the movement of money across borders. Portals need to comply with FEMA's provisions when handling the foreign currency or facilitating remittances. Non-compliance isn't hypothetical and has happened like Paytm's 2025 investigation serves as a clear reminder. While FEMA helps protect financial autonomy it may also unwittingly create friction for smaller fintech startups that lack dedicated compliance teams.

3.4 **Payment and Settlement Systems Act, 2007**

The PSS Act governs payment systems with regimes like licensing of payment processors. It emphasises risk management, encryption and consumer protection. Importantly

it allows foreign fintech firms to blend with India's domestic payment infrastructure such as UPI, under regulatory oversight.

This integration is both a blessing and a challenge with its pro and con. It enables seamless transactions and financial inclusion but monitoring compliance becomes exponentially more complex as transaction volumes scale.

3.5 **RBI Guidelines for trans-Border Payment Aggregators**

The 2023 RBI guidelines specifically observed and gave directions for cross border payment aggregators-

- The Fintech Platforms should secure an in principle approval and formal authorisation from the regulator.
- The Two-factor authentication now is a mandatory rule.
- Risk based compliance checks must be implemented specifically for high-value or unusual transactions.
- Data of payment for Indian users must remain localised in India.

While these rules are clearly aimed at consumer protection and financial stability, they also raise questions about innovation bottlenecks and whether such mandates disproportionately affect smaller international players.

REGULATORY CHALLENGES

cross border fintech platform faces unique challenges from a banking law perspective. The platform has transformed the financial services in modern day. It is now faster, cheaper and importantly accessible for across nations transaction. On one way they offer better economic and sisal benefits but on the other way they also challenge the sovereign regulatory authority of India over its banking and financial system. Regulatory sovereignty refers to a nation's legal and institutional ability and autonomy to govern financial operations, enforce compliance and protect consumers within its jurisdiction. The entry of global fintech entities disrupts this sovereignty in several ways.

1. Regulatory Arbitrage

Foreign fintech portals can exploit other jurisdiction's differences in regulatory standards. To exemplify, a fintech entity licensed in any country with minimal oversight can offer services to Indian consumers without fully complying with RBI licensing requirements or prudential norms under the Banking Regulation Act, 1949.[20] This regulatory arbitrage effects the impact of Indian law and creates enforcement gaps. Indian regulatory regimes may have limited power to penalise foreign entities operating without local incorporation which could further allow non compliant operations to continue unchecked. The RBI has recognised this risk and hence introduced sandbox frameworks with guidelines regarding cross-border payment aggregators to ensure that foreign fintech platforms adhere to Indian regulatory standards while encouraging innovation respectively.

[20] RESERVE BANK OF INDIA, *supra* note 16, paras. 3–5

2. Data Privacy and Security Challenges

Global fintech inherently involves the transfer of sensitive financial data of consumers of this technology across borders. India mandates that all financial data generated within the country must be stored locally under RBI data localisation guidelines.[20] Foreign fintech platforms may transmit user data to servers outside India which eventually raises risks related to privacy infringement, cyber fraud and unauthorised access. The inability to directly control or audit data stored abroad weakens regulatory oversight and limits the RBI's ability to enforce compliance effectively.

3. Financial Stability Risks

Cross border fintech platforms can also be a threat to the domestic financial stability. High scale adoption of foreign digital wallets or payment systems may divert significant transaction volumes away from regulated banks. This may Affect liquidity management and the transmission of monetary policy. In addition to this, operational failures, cyberattacks or sudden exits by foreign fintech providers could trigger financial shocks which may be difficult to bifurcate given the cross-border nature of operations.

4. Consumer Protection and Legal Recourse

Indian banking legal system empowers regulators to safeguard consumers including provisions under the RBI Act and the Banking Regulation Act.[21] However, when foreign fintech entities operate without a registered presence in India the enforcement of consumer protection rules becomes challenging to the regulator. Cases of fraud or unauthorised charges or data misuse may leave Indian consumers with limited legal remedy emphasising erosion of regulatory effectiveness in protecting financial users.

5. Taxation and Revenue Concerns

The Cross-border fintech can also complicate taxation regime of a country. foreign entities facilitating Digital transactions may be or may not be adequately reported or taxed under Indian law. It potentially reduces government revenue and creates legal ambiguities in taxation. Enforcement of indirect taxes, Goods and Services Tax (GST) and digital levies is difficult when the service provider operates from abroad without a local presence.

6. Judicial Recognition of Sovereignty Challenges

Indian judiciary has increasingly acknowledged the necessity to assert regulatory sovereignty in the digital financial space. In Internet and Mobile Association of India v. Reserve Bank of India (2020)[22] the honorable Supreme Court of India struck down the Reserve Bank of India's (RBI) circular that with efficacy prohibited banks and financial institutions from granting services related to virtual currencies. The Court held that the RBI's decision was

---

[21] Reserve Bank of India Act, No. 2 of 1934, §§ 18–36 (Ind.); Banking Regulation Act, No. 10 of 1949, §§ 10–35 (Ind.).

[22] Internet & Mobile Ass'n of India v. Reserve Bank of India, (2020) 10 S.C.C. 274 (India).

imbalanced and violated the constitutional rights of individuals and businesses engaged in cryptocurrency transactions.

In PayPal Payments Private Limited v Financial Intelligence Unit India (2023)[23] The Delhi High Court observed that PayPal Payments Private Limited is a "payment system operator" under the Prevention of Money Laundering Act (PMLA), 2002 and hence a "reporting entity" required to oblige with the responsibilities specified under the Act. The Court quashed the monetary penalty imposed by the Financial Intelligence Unit India (FIU-IND) for non-compliance by the company but simultaneously upheld the requirement for PayPal to report obligations under the PMLA.

POLICY AND REGULATORY IMPLICATIONS

The erosion of regulatory autonomy due to cross border fintech needs a proactive legal and policy measures strengthening licensing requirements for foreign fintech platforms operating in India is a staircase towards Enhancing data localisation and cybersecurity enforcement mechanisms. By establishing trans-border regulatory cooperation to supervise and dispute resolution and Creating contingency frameworks to divert financial stability risks arising from foreign fintech failures can be vital step. By understanding distinguished dimensions in which cross border fintech challenges regulatory sovereignty the policymakers and regulators can design frameworks that can balance innovation with the imperatives of financial security, consumer protection and legal compliance.

CASE LAWS AND ENFORCEMENT

To the actual world implications of cross border fintech platforms on Indian banking laws the analyses of key examples like PayPal, Pine Labs, and a recent cybersecurity incident must be taken in account exemplifying how Indian laws and regulations are applied in practice. It is essential to examine case studies that demonstrate both innovation and regulatory challenges.

PayPal and India Licensing

A fintech company known as PayPal received RBI's in principle approval to operate as a cross border payment aggregator in India. The approval required PayPal to Store all kind of transactional data within India and Integrate with domestic payment networks like UPI but Complying with KYC and AML regulations was a mandate. This case demonstrates how Indian banking legislation and statutes are applied to regulate foreign fintech entities while enabling them to innovate within the domestic market. PayPal being a global leader in online payment technologies entered the Indian market as a trans-border payment ecosystem. The company facilitates transactions for Indian merchants, freelancers and businesses engaged in global trade. Its penetration represents a milestone in cross border fintech integration in India while demonstrating both opportunities and regulatory challenges.

Regulatory Framework Applied to pay pal-

- Licensing by the regulator-PayPal obtained in principle approval from the RBI to work as a cross-border payment aggregator which is a requirement under the

[23] PayPal Payments (P) Ltd. v. Fin. Intelligence Unit–India, (2023) (Delhi High Court).

Payment and Settlement Systems Act, 2007.[24] This system of licensing ensures that all operations are subject to RBI oversight.

- Data Localisation-RBI mandated that every transactional data of Indian consumers must be stored in India complying with data privacy and security requirements.
- The compliance of KYC and AML-PayPal is required to implement stringent KYC (Know Your Customer) and AML (Anti-Money Laundering) provisions under the Banking Regulation Act, 1949 and RBI guidelines.[25]
- Integration with Domestic Systems-PayPal has integrated with Unified Payments Interface (UPI) and Indian bank networks to ensure the seamless transactions and remain in the ambit of compliance with domestic settlement protocols.

Though, PayPal's operations spotlights the strain between global business models and domestic regulatory frameworks still by facilitating international trade the platform must navigate RBI's strict licensing and compliance requirements, data localisation rules and FEMA regulations for foreign currency inflows. The case underscores the importance of regulatory oversight in preserving India's financial sovereignty.

Paytm FEMA Investigation

In 2025, the Enforcement Directorate investigated Paytm and alleged violations of FEMA, for improper reporting of foreign investments and unauthorised receipt of foreign currency.[26] This pinpoints the importance of compliance with Indian foreign exchange and banking regulation to maintain regulatory autonomy.

Union of India v Vodafone International Holdings Ltd. (2012)

Although it was Primarily a taxation matter, the honourable Supreme Court emphasised the application of Indian laws to cross-border transactions underscoring the essence of domestic legal authority in overseeing international financial operations.[27]

Unified Payments Interface (UPI) and Fintech Integration

The Unified Payments Interface (UPI) regulated through the National Payments Corporation of India (NPCI) under RBI oversight[28], has become the backbone of India's digital payments channel. The trans-national fintech platforms integrating with UPI must adhere to KYC and AML Compliance norms while ensuring that users are verified and transactions are monitored. RBI directives has specified caps for individual transactions and daily limits. Payments are routed through the Indian banks for final settlement of matter maintaining oversight. UPI integration ensures that foreign fintech platforms operate under domestic supervision, safeguarding consumer interests and financial stability.

[24] PayPal, Worldline Receive RBI In-Principle Approval, ECON. TIMES (India), May 15, 2025
[25] Banking Regulation Act, No. 10 of 1949, §§ 35A–35C (Ind.)
[26] Press release, Directorate of Enforcement, Issue of Show Cause Notice to Paytm and Others for FEMA Violations Amounting to ₹611 Crore (Mar. 3, 2025), official ED press release PDF
[27] Union of India v. Vodafone Int'l Holdings Ltd., (2012) 6 S.C.C. 613 (India)

Pine Labs and Cross-Border Expansion

Pine Labs is an Indian fintech company specialising in point of sale (POS) solutions and has expanded its services globally. They are partnering with banks and merchants in multiple countries. Their cross-border operations provide Discernment into how Indian fintech firms navigate foreign regulations while adhering to domestic banking laws.

Regulatory Framework Applied to pine labs were RBI and FEMA Compliance.[28] Pine Labs' cross border transactions are monitored under FEMA, 1999 which ensures the compliance with foreign exchange regulations when receiving international payments or investments. Pine Labs' IPO required adherence to SEBI regulations governing public companies and foreign investments. The company follows RBI cybersecurity directives to align with safety of cross-border financial data.[29]

The Pine Labs case exemplifies the dual compliance burden faced by Indian fintech firms operating internationally. The firm must meet foreign regulatory requirements while still adhering to Indian banking laws including AML/KYC protocols and FEMA reporting obligations. This highlights the need for harmonised global standards to accelerate cross border fintech operations.

Cybersecurity Incident: Hyderabad Fintech Breach

In 2025, a Hyderabad based fintech company reportedly named as Flexypay Solutions Private Limited experienced a cybersecurity breach.[30] It exposed sensitive user data and disrupted the cross border transactions. The incident highlighted the susceptibilities in digital financial infrastructure and the challenges of implementing Indian laws on platforms with international operations.

The RBI mandates that banks and fintech companies to implement robust risk management and cybersecurity frameworks. The breached fintech was required to follow RBI Circular on Cyber Resilience with reporting of the breach. The Information Technology Act, 2000[31] was also applied and the platform had to notify affected consumers, regulators and law enforcement agencies. Since some of the servers were located abroad the enforcement of data localization and regulatory compliance was challenging illustrating the limits of Indian jurisdiction in cross border fintech operations.

This incident points the importance of cybersecurity in trans-border fintech mechanisms. It demonstrates that although Indian banking laws provide guidance and oversight still enforcement challenges can be created by foreign based servers and global operational models. Strengthening regulatory mechanisms, international cooperation and mandatory compliance standards are essential to mitigate such risks.

[28] NAT'L PAYMENTS CORP. OF INDIA, *supra* note 14
[29] Pine Labs Expands Cross-Border Operations While Ensuring RBI Compliance, ECON. TIMES (India), 2025
[30] Fintech Cybersecurity Breach Exposes Regulatory Challenges, TIMES OF INDIA (Hyderabad), 2025; RESERVE BANK OF INDIA, CYBERSECURITY FRAMEWORK FOR BANKS AND PAYMENT SYSTEMS (2023).
[31] TIMES OF INDIA, *supra* note 31

Crux of the Observations from Case Studies

1. The Regulatory Compliance is Mandatory-All cross-border fintech systems operating in India to be complying with the RBI, FEMA and other banking regulations.
2. Data Sovereignty Matters-Data localisation frameworks are critical for maintenance of regulatory oversight and consumer protection particularly in cross-border operations.
3. The existence of enforcement challenges-Platforms with international operations pose jurisdictional enforcement challenges emphasising the necessity for the international regulatory cooperation.
4. Innovation vs. Oversight: Indian banking laws aim to balance fintech innovation with regulatory control, ensuring stability without stifling technological progress.

COMPARATIVE ANALYSIS OF CROSS-BORDER FINTECH REGULATION

The across nations fintech sector has grown rapidly in recent years. According to the World Bank, global fund transfer facilitated via digital platforms reached over USD 700 billion in 2024 reflecting a significant increase in non-bank mediated financial flows.[32] Likewise, international digital lending portfolios have expanded into rising markets which includes India. It is driven by unmet demand for credit and the proliferation of mobile banking. The swift growth of cross-border fintech has prompted regulatory authorities worldwide to adopt diverse frameworks balancing innovation, consumer protection and financial stability. India's approach is robust in domestic regulation but faces challenges in enforcement due to jurisdictional limitations and the global nature of fintech. A comparative analysis with the United States, European Union and Singapore provides insights for strengthening India's regulatory sovereignty and innovation capacity.

United States

The US has a segmented, coordinated agency approach to fintech regulation-

- Federal Level: The Federal Reserve, Office of the Comptroller of the Currency (OCC) and Consumer Financial Protection Bureau (CFPB) oversee banking institutions, payments, and consumer protection.[33]
- State Level: Individual states have their own licensing regimes such as money transmitter licenses, creating complexity for cross-border fintech firms.

There is Rigorous enforcement of AML/KYC and cybersecurity standards. Agencies like the CFPB actively monitor consumer complaints and fraud but Fragmentation can lead to inconsistent compliance requirements for fintech platforms operating across states and borders.[34] The Limited centralised administration may delay enforcement in international transactions.

[32] The World Bank, Migration And Development Brief No. 40: Remittances In 2024 (Dec. 18, 2024), World Bank
[33] Bd. Of Governors Of The Fed. Rsrv. Sys., Supervision And Regulation Of Financial Institutions (2025).
[34] consumer Fin. Prot. Bureau, Fintech Compliance Guidelines (2024)

India can enhance its centralised monitoring of cross border fintech transactions while maintaining state-level coordination for localised enforcement.

European Union

The EU has established a harmonised regulatory framework under Payment Services Directive 2 (PSD2).[35] It Facilitates cross border payments within the EU. Mandates strong customer authentication, secure communication and consumer rights and provides standardised rules for licensing, reporting and dispute resolution. The Regulatory harmonisation reduces compliance complexity for cross border fintech platforms and furnishes Strong emphasis on consumer protection and transaction security. The Implementation across member states may vary slightly, creating minor enforcement gaps.

India can adopt harmonised cross border fintech regulations reducing ambiguity for foreign platforms while strengthening enforcement.

Singapore

The emergence of Singapore as a fintech hub due to its innovation friendly yet orderly governing approach. The Monetary Authority of Singapore (MAS)[36] regulates fintech, including the cross-border payment platforms. It provides a regulatory sandbox where firms can trial innovative products under governed conditions. Mandatory compliance with AML/CFT, cyber security and licensing requirements must be captured. It Encourages innovation while maintaining financial stability and consumer protection. The Sandbox approach allows controlled experimentation, reducing regulatory risks but the Smaller domestic market means lessons may need scaling for India's larger population.

India's RBI sandbox can be expanded for cross border fintech trials, including AI-driven compliance monitoring, phased transaction limits and data localisation compliance.

INDIA'S CURRENT APPROACH

India's regulatory regime is characterised as a Strong Domestic Oversight with RBI licensing, FEMA compliance, PSS Act regulations and cybersecurity guidelines. Data Localisation and Consumer Protection requirements for storing Indian user data within the country and KYC/AML compliance. The Regulatory Sandboxes Limited trials for fintech innovation under RBI supervision.

Challenges Compared to Other nations

- Unlike the EU, India cannot enforce laws on servers located abroad.
- India's fintech regulatory environment is evolving and integration between RBI, ED, SEBI and IT authorities can be strengthened.
- India is lagging behind the US and Singapore in international regulatory cooperation and real time monitoring of cross border fintech.

[35] Directive (EU) 2015/2366 on Payment Services (PSD2), 2015 O.J. (L 337)
[36] Monetary Auth. Of Sing., Fintech Regulatory Sandbox Guidelines (2024).

KEY OBSERVATIONS FROM ANALYSIS

1. Brisk Emergence of Cross-Border Fintech: The study emphasises that the digital financial platforms are growing much quickly than the traditional regulatory frameworks can adapt which further creates gaps in oversight.
2. Regulatory Arbitrage Risks: The Cross-border fintech often exploits differences between jurisdictions and allows operations in India without full compliance with local financial regulations.
3. Challenges to Sovereignty: India's regulatory authority faces limitations in enforcement of rules on foreign fintech firms, revealing the tension between globalisation and national control.
4. Innovation vs. Compliance Dilemma: While fintech platforms enhance financial inclusion and efficiency, they also raise concerns regarding security, consumer protection, and data privacy.
5. Need for Coordinated Frameworks: The analysis underscores the necessity for harmonised international regulations and stronger domestic policies to manage cross-border fintech risks.
6. Policy Gaps Identified: The Current Indian regulatory regimes (like the RBI Act, PSS Act and IT regulations) are insufficiently capable to cover the rapidly growing fintech models and suggesting regulatory reform is critical.

Insights for India

- Harmonised Licensing: Streamline RBI approval processes for foreign fintech, reducing ambiguity while maintaining regulatory oversight.
- Regulatory Sandbox Expansion: Incorporate cross-border fintech trials with phased transactions, AI monitoring, and cybersecurity standards.
- International Cooperation: Establish MoUs and real-time reporting with foreign regulators to address jurisdictional enforcement challenges.
- Consumer Protection: Standardise dispute resolution frameworks and increase consumer awareness programs, similar to EU PSD2 mandates.
- Data & Cybersecurity: Enforce strict localisation and continuous monitoring using AI tools, drawing from Singapore and EU best practices.

RECOMMENDATIONS

The Detailed Recommendations to Strengthen Regulatory Sovereignty is very vital. The challenges posed the by cross border fintech platforms to India's regulatory sovereignty necessitate multi-pronged practical measures. These recommendations object to safeguard India's financial stability, enforce domestic laws and boost fintech innovation.

Strengthening International Regulatory Cooperation

The Global fintech systems usually operates from various jurisdictions and thus creating enforcement gaps. India alone cannot access servers, documents of corporate governance or transaction records located abroad. Countries should Enter into bilateral or multilateral agreements with huge fintech hubs such as Singapore, the US and the EU for sharing data, joint audits and enforcement cooperation. The establishment of Memorandums of Understanding (MoUs) for real time reporting of suspicious transactions, AML compliance and cybersecurity matters must be initiated. The Participation in Financial Action Task Force (FATF) initiatives can safeguard that India's regulatory regime is aligning with the international AML/CFT standards.

The Alignment with FEMA (1999) provisions ensures that the cross-border funds transfer comply with both Indian and foreign jurisdiction requirements. The RBI's licensing structure under the Payment and Settlement Systems Act, 2007 can mandate international cooperation as a condition for approval.

Such cooperation decreases enforcement gaps and ensures that cross-border fintech platforms cannot exploit regulatory market arbitrage and reinforces India's authority over international transactions affecting domestic consumers.

Expanding RBI Sandbox Mechanisms

The administrative sandboxes allow fintech firms to test innovative products under supervised conditions while monitoring risks. India's current sandbox initiatives are limited in scope for cross-border functions.

RBI should expand the sandbox structure to include cross-border payment platforms and digital lending entities. It requires them to operate with Indian based data storage for sandbox trials, submit real-time transaction monitoring reports and express compliance with AML/KYC, cybersecurity and FEMA regulations before full scale operations. Sandboxes should be phased starting with limited transaction volumes and gradually increasing as compliance is demonstrated.

According to RBI Act, 1934, the RBI has the authority to issue experimental licenses and monitor financial institutions' compliance of fintech platforms and The PSS Act, 2007 empowers the RBI to regulate payment systems encompassing sandbox based trial operations.

This approach harmonises innovation with regulatory oversight. It allows fintech platforms to introduce new technologies without compromising India's regulatory control.

Enhanced Transaction Monitoring Using Technology

Extensive volume of cross-border fintech transactions raise a challenge for human led regulatory administration. AI and machine learning can detect deviations and suspicious patterns in real time.

RBI as a regulator should mandate fintech platforms to implement AI-driven compliance monitoring which can include the Transaction anomaly detection, Fraud identification and automated alerts to regulators and Real-time reporting of large or suspicious cross border

transactions. It may Develop unified monitoring dashboards linking all authorised cross border fintech platforms to the RBI's central monitoring system. RBI guidelines for cross border payment consolidators already mandate reporting of suspicious transactions. AI monitoring enhances compliance with AML/CFT provisions under FEMA and RBI guidelines. Which can Reduces risk of financial fraud and money laundering and Strengthens RBI's ability to enforce regulatory compliance across foreign platforms.

Strengthening Data Localisation and Cybersecurity

The across nations fintech platforms often store data abroad which is limiting India's control over sensitive financial information and exposing consumers to cybersecurity risks. The data localisation be made mandatory for all Indian user transactions including backups and log files. The Enforcement of RBI Cybersecurity Framework compliance which includes Regular penetration testing and vulnerability assessments. Mandatory breach notification to RBI and consumers and Encryption standards aligned with international best practices. The penalties for non-compliance to ensure deterrence must be imposed.

RBI circulars on digital payment security and cyber resilience provide legal background for mandatory compliance. Data localisation Enhances FEMA provisions and IT Act, 2000 while ensuring effective enforcement. It Protects Indian consumers' financial data and Enhances RBI's regulatory reach over cross-border fintech transactions.

Legislative Reforms for Cross-Border Fintech

Current laws in India such as FEMA and PSS Act were not designed originally for global fintech models. Amendments are necessary to remove vagueness and clarify jurisdictional authority, compliance requirements and penalties. There should be an Amendment in FEMA to explicitly cover foreign controlled fintech platforms with obligations for reporting and liability. Update Banking Regulation Act, 1949 and PSS Act, 2007 to include inter country fintech governance, risk management and consumer protection measures. The act should Introduce clear legal provisions for digital dispute resolution in cross-border transactions. This way it will Reduces ambiguity in enforcement. Improves India's ability to exercise regulatory sovereignty over global fintech operations and provides legal certainty for domestic and foreign fintech firms operating in India.

Consumer Awareness and Financial Literacy Programs

Even with strong regulatory system consumers remain the weakest link in cross-border fintech ecosystems. Many are unaware of fraud risks, transaction limits and data security concerns. The Launch of government and RBI led consumer education campaigns which focus on use of cross-border fintech platforms with safety, risks of foreign-based data storage and Reporting mechanisms for disputes or fraud. The Regulator should be Encouraging fintech platforms to provide in app tutorials and alerts on transaction risks. It may Empowers consumers create informed decisions, reduces dependency on regulators for post transaction execution and Supports trust in India's financial system even with foreign fintech participation.

CONCLUSION

The evolution of cross-border fintech platforms has led to the transformation of global and Indian financial architecture. These platforms leveraging technology such as APIs, blockchain, and AI enabled seamless transactions on an international platform, digital lending and wealth management while challenging traditional banking systems and redefining the nature of financial services. In India, the swift adoption of digital payment systems including UPI, mobile wallets and cross-border payment aggregators has created various opportunities for innovation, financial inclusion and economic growth.

However, the proliferation of cross-border fintech has also exposed gaps in regulatory mechanism and sovereignty. The reach of Indian laws jurisdictionally including the Reserve Bank of India Act, Banking Regulation Act, FEMA and Payment and Settlement Systems Act is constrained by the global practices of fintech platforms. Cases such as PayPal's integration with Indian payment systems and the Paytm FEMA investigation exemplifies the practical implicational challenges faced by Indian regulators when platforms operate across multiple jurisdictions. Cybersecurity incidents further emphasise the importance of robust data protection and regulatory oversight.

A comparative analysis with the United States, European Union, and Singapore demonstrates that India has strong domestic regulations but faces challenges in harmonisation, international cooperation, and enforcement. While the US and EU have developed sophisticated mechanisms for cross-border compliance, and Singapore balances innovation with stringent oversight through sandbox frameworks, India must enhance its regulatory tools to effectively govern foreign fintech operations without stifling innovation.

In conclusion, India stands at a critical juncture. The country must strike a balance between fostering fintech innovation and preserving regulatory authority. By implementing the recommended measures, India can ensure that cross-border fintech platforms contribute to economic growth and financial inclusion while safeguarding its legal and regulatory sovereignty. The research underscores that strong laws, technological monitoring, and international cooperation are the pillars for achieving a robust, secure, and innovative cross-border fintech ecosystem in India.

Editorial Policy

NLUA Law & Policy Review is one of the flagship journals of National Law University and Judicial Academy, Assam. It has been established with the objective of becoming a formidable instrument in taking the standard of legal research in the country up by several notches. It is an Annual Peer reviewed Journal focusing on inter-disciplinary and multi-disciplinary approaches towards legal writing. The Journal is run and supervised by a Faculty Editorial Board. The Journal aims at giving the opportunity to legal academia, researchers, students, advocates working for enhancement of legal scholarship through research articles, case comments, book reviews with its foundational philosophical thoughts. Hence, the Journal will serve as the platform for innovative thought sharing and will aim towards contributing in dynamic growth of legal knowledge.

The Detailed Editorial Policy Regarding

- Guidelines for Author
- Guidelines for Submissions
- Ethical Policy
- Peer Review Policy
- Plagiarism Policy

are available on the website of National Law University and Judicial Academy, Assam (www.nluassam.ac.in)

The same may also be accessed at the journal website http://publications.nluassam.ac.in/nlualpr

FORM IV

Statement of ownership and other particulars about the journal

NLUA Law & Policy Review

1.	Place of Publication	:	Guwahati
2.	Periodicity of its publication	:	Annually
3.	Publisher's Name	:	Dr. Gunajit Roy Choudhury, ACS
	Nationality	:	Indian
	Address	:	Hajo Road, Amingaon, Guwahati – 781031
4.	Editor's Name	:	Dr. Diptimoni Boruah
	Nationality	:	Indian
	Address	:	Hajo Road, Amingaon, Guwahati – 781031
5.	Name of the owner	:	National Law University and Judicial Academy, Assam

I, Dr. Gunajit Roy Choudhury, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Dr. Gunajit Roy Choudhury, ACS
Registrar
National Law University and
Judicial Academy, Assam



For subscription enquiries write to:
The Registrar
National Law University and Judicial Academy, Assam
Hajo Road, Amingaon, Guwahati – 781031, Assam.
Tel: +91-361-2738891

Website: www.nluassam.ac.in

ISSN: 2455-8672