

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 6 | Issue 4

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2023

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# Cryptocurrency Regulations and Developments in India

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## ABSTRACT

*Cryptocurrency is a relatively new concept in India. Initially, there was apprehension among the Indian government and central bank about the use of cryptocurrencies that had no underlying legal framework and no physical form. However, over time, the Indian government and central bank started to recognize the potential for cryptocurrencies to revolutionize financial services. As of 2021, the Indian government has yet to decide on a regulatory framework for cryptocurrencies; however, they are exploring different regulatory options and some states have announced their own plans to regulate cryptocurrency transactions. This essay will discuss these regulations and analyze the current state of cryptocurrency regulations in India. We will evaluate the current situation and provide potential solutions that can benefit the Indian economy. Additionally, we will examine the implications of introducing a regulatory framework for cryptocurrencies in India and analyze the possible positive and negative impacts of such a framework. Finally, we will discuss potential alternatives and other considerations that should be taken into account when crafting a regulatory framework for cryptocurrency in India.*

**Keywords:** *Cryptocurrency, Reserve Bank of India.*

## I. INTRODUCTION

Cryptocurrency regulations in India have been a hot topic recently, with the Supreme Court lifting the RBI ban on financial institutions dealing with cryptocurrency in March 2020 and the new 2021 bill that intends to prohibit private cryptocurrencies in India. The Reserve Bank of India (RBI) is in favor of a total ban on cryptocurrencies and has warned of the clear danger of speculation without any underlying asset. The proposed bill is intended to protect investors by introducing certain measures such as crypto exchanges having to follow certain guidelines if they want to continue to operate in India and allowing investors to buy and sell cryptocurrencies on these exchanges. Additionally, any bill that will be included in the crypto bill is likely to be towards ensuring consumer protection. However, a state-backed digital currency may be issued by the RBI in order to propel the underlying technology of cryptocurrencies, such as blockchain and distributed ledger technology. The draft of this bill is currently under consideration in

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India's winter session and it seeks to prohibit all private cryptocurrencies in India, while allowing for certain exceptions, such as related to their underlying technology. This will provide investors with the understanding that they are investing in a legal and regulated industry and help to encourage the development of cryptocurrency in India.<sup>2</sup>

The Indian government's proposed Cryptocurrency and Regulation of Official Digital Currency Bill, 2021 is expected to impact the cryptocurrency industry in the country. The bill will seek to prohibit all private cryptocurrencies and allow only certain exceptions in order to promote the underlying technologies of the digital assets. The potential provisions of the bill include the creation of a facilitative framework for the launch of an official digital currency by the Reserve Bank of India, the imposition of certain criteria for cryptocurrency and stablecoins, and the recognition and regulation of virtual currencies. The primary objective of the bill is to protect investors and consumers while maintaining financial stability, transparency, and a level playing field for different market participants. This is a crucial step in regulating the crypto industry in India, as it will ensure better consumer protection and legal clarity with respect to the functioning of the market. Furthermore, this regulatory framework will help to impose restrictions on any malicious activities which can be used to manipulate the market. The bill is an important step in legitimizing the cryptocurrency industry in India while creating a safe and supportive economic environment for investors.<sup>3</sup>

Experts in the cryptocurrency industry in India hold varied opinions about the regulation and potential implications for innovation and investment. Supporters of strict regulation argue that having clear rules would be a significant step in gaining legitimacy within the global financial system, as well as protecting consumers from potential fraud and other criminal activity. Additionally, a well-defined regulatory framework could help mature the industry and encourage more people to invest in crypto assets<sup>4</sup>. On the other hand, opponents contend that the regulations should be more relaxed as the industry is still relatively new and subject to frequent change. They argue that the potential benefits could be outweighed by the costs of overregulation, which could create barriers to entry and prevent the creation of innovative financial products. Moreover, the prospect of extensive red tape and high compliance costs could discourage foreign investment. Finally, Indian investors and entrepreneurs worry that a lack of regulatory guidance may lead to uncertainty and confusion, making cryptocurrency

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<sup>2</sup> <https://cryptoknowmics.com/cryptocurrency-regulations-in-india-2021>

<sup>3</sup> *The evolution of ESG from CSR* (2021) Lexology. Available at: <https://www.lexology.com/library/detail.aspx?g=80bbe258-a1df-4d4c-88f0-6b7a2d2cbd6a> (Accessed: 12 July 2023).

<sup>4</sup> Hartmann, T. *et al.* (2023) *Cryptocurrency guides, news & reviews, CaptainAltcoin*. Available at: <https://captainaltcoin.com/cryptocurrency-regulations-in-india/> (Accessed: 12 July 2023).

investing too risky for many people. All of these arguments demonstrate the complexity surrounding cryptocurrency regulations in India, and it is clear that more research and discussion is needed in order to determine the best approach for the country.

## **II. RECENT DEVELOPMENTS IN INDIA REGARDING CRYPTOCURRENCY REGULATIONS**

The recent developments in India regarding cryptocurrency regulations have sparked a lively debate among experts and investors alike about the future of digital currencies in the country. This essay will explore three key areas of the debate: the scope and impact of India's proposed cryptocurrency regulations, the industry's response to the announcement, and the possibility of a thriving digital currency market in India. Despite the recent announcement, India is not alone in its decision to crack down on digital currency usage; worldwide, countries like France, the United States, and China have all taken steps to regulate the industry<sup>5</sup>. Though the specifics of India's regulations have yet to be revealed, it has become clear that the Indian government is serious about curbing activity related to cryptocurrencies. It is this very seriousness on the part of the government which has resulted in much of the industry's concern over the country's future with digital currencies. Industry experts anticipate a wide-ranging impact, such as a reduction in trading volume, increased transaction fees, and even the potential for more stringent capital controls. In response to the announcement, several exchanges and companies have already expressed their intention to leave the Indian market entirely. It remains to be seen how the industry will address the Indian government's measures. Despite this bleak outlook, there still exist a few paths to a successful digital currency market in the country. India's young, tech-savvy population is a major asset, and their enthusiasm for digital currency technology has the potential to generate a vibrant ecosystem. If the Indian government can implement the new regulations in a way that addresses the industry's concerns, there is a chance that digital currency usage can return to a healthy level in the country.

India's relationship with cryptocurrency is a complex and ever-evolving one. Back in 2013, there was no special legislation for the regulation of virtual currencies and the government issued warnings rather than bringing in regulations. However, in 2021, amendments were made to the income tax laws to enable taxation of Virtual Digital Assets and the Cryptocurrency and Regulation of Official Digital Currency Bill, 2021 was introduced, which is similar in spirit to its previous versions, though it intends to ban private cryptocurrencies in India with certain

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<sup>5</sup> *CoinDesk: Bitcoin, Ethereum, crypto news and Price Data* (no date) *CoinDesk Latest Headlines RSS*. Available at: <https://www.coindesk.com/tag/regulations> (Accessed: 12 July 2023).

exceptions. Furthermore, in 2018, the Reserve Bank of India (RBI) imposed a ban on banks from facilitating cryptocurrency transactions which kept the Indian Cryptocurrency industry in turmoil, yet it was overturned by the Supreme Court of India in 2020. This has enabled cryptocurrency trading and investors are now allowed to buy and sell cryptocurrencies from exchange platforms that follow certain guidelines. India's approach towards cryptocurrencies seems to be protective in nature and any measures included in the crypto bill is likely to be towards ensuring the safety of investors. Overall, the regulatory framework for cryptocurrencies in India is becoming more and more established and is likely to be a hot topic of discussion in the upcoming winter session of the Parliament.

The recent developments in India regarding cryptocurrency regulations have had a major impact on the cryptocurrency market in the country. Investors, traders and cryptocurrency exchanges have all been affected by the Reserve Bank of India's (RBI) ban on all dealing in virtual currencies. This has sparked both excitement and confusion, as the ban on the use of cryptocurrencies by authorities and entities regulated by the RBI has left the use of cryptocurrencies unregulated. This lack of regulation has caused the value of cryptocurrencies to increase by over 44% in the last 16 months, leading to major disruption in the market. In addition, the ban has caused many investors to reconsider their investments and has led to a surge in the number of crypto users from 100 million to become the biggest in the world. Despite this, there have been some positive signs as the CEO of WazirX, one of India's largest cryptocurrency exchanges, welcomed the RBI's move as a positive sign. Nonetheless, with the legal status of cryptocurrency trading in India still uncertain, the ban of cryptocurrency trading in India has had a major impact on the economy, causing much disruption in the market and leaving investors worried about the future.<sup>6</sup>

The potential future of cryptocurrencies in India is a highly contested topic. While the government has proposed the Cryptocurrency and Regulation of Official Digital Currency Bill, 2021, in an effort to recognize and regulate private cryptocurrency, there are still many actions that have been taken to restrict and tax the digital assets. For instance, the finance minister proposed a 30% tax on income from cryptocurrencies and other digital assets. Furthermore, the proposed bill seeks to prohibit private cryptocurrencies and the Reserve Bank of India banned banks from dealing with virtual currencies and Bitcoin in any form. This ban was later nullified by the Supreme Court. Meanwhile, rumors abound of proposed tax liabilities on cryptocurrency

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<sup>6</sup> *Cryptocurrency regulations in India: Here is what can be allowed and what may not be* (2021) *India Today*. Available at: <https://www.indiatoday.in/technology/news/story/cryptocurrency-regulations-in-india-here-is-what-can-be-allowed-and-what-may-not-be-1878031-2021-11-18> (Accessed: 12 July 2023).

traders and India has still yet to devise a managerial framework to regulate the ecosystem. But with further efforts, including the drafting of a “New Regulatory Framework for Cryptocurrency” by the Department of Economic Affairs, the long-awaited regulations for the Indian cryptocurrency may be expected by the end of the year. As such, the government's long-term vision may yet prove to be an opportunity for innovation and growth in the industry.

### **III. CONCLUSION**

Cryptocurrency regulation in India is a complex issue as the government has yet to create a clear policy which would regulate the digital currency sector. Currently, there is no legal basis in India for the recognition of cryptocurrency as legal tender and no specific laws governing their use. Despite this, cryptocurrency is being widely used in India and there is a growing need for regulations that will facilitate the safe and secure adoption of virtual currency with confidence and trust. It is important that the Indian government adopts a balanced approach that can promote innovation while also protecting the interests of investors. This could include measures that would impose strong AML/CFT regulations, uphold consumer protection standards, and create a conducive environment for the growth of the Indian cryptocurrency market. Such an approach would help strengthen the Indian financial system, attract investments in new technologies, and build investor confidence within the industry.

The recent developments in India regarding cryptocurrency regulations are a complex issue that requires careful consideration of the regulatory framework, market impact, and future potential. The Indian government's stance on cryptocurrencies has been largely cautious. Regulations have been enacted to protect investors and ensure that tax obligations and other laws are followed, but the recent decision to ban cryptocurrency trading and to restrict the use of crypto-transactions has deep implications. There is a genuine need for policy makers and regulators to take a balanced view on the potential of blockchain technologies and digital currencies, while ensuring the safety of investors and providing an innovative platform for India's rapidly growing digital economy. At this time, there is no clear indication of how the future will unfold, but it is clear that the government of India is taking all necessary steps to ensure the proper protection of investors and the growth of the digital economy.

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