

लोक सेवा आयोग  
नेपाल राष्ट्र बैंक, प्रशासन, वाणिज्य कानून, अधिकृत तृतीय, सहायक निर्देशक पदको खुला  
प्रतियोगितात्मक लिखित परीक्षा

२०७८/०५/१३

पत्र : प्रथम  
समय : ४ घण्टा

पूर्णाङ्क : १००

विषय : **Banking Laws and Internal Management**

प्रत्येक **Section** को उत्तर छुट्टाछुट्टै उत्तरपुस्तिकामा लेख्नुपर्नेछ । अन्यथा उत्तरपुस्तिका रद्द हुनेछ । **Section A** का प्रश्नको उत्तर नेपाली भाषामा र **Section B** का प्रश्नको उत्तर अंग्रेजी भाषामा लेख्नुपर्नेछ ।

**Section 'A'**

**60 Marks**

1. What are the major three Acts introduced by Nepal for modernizing and strengthening of banking sector? Mention. Highlight on the objectives of those Acts. 5+15=20
2. Discuss the current pattern of foreign investment in Nepalese banks and financial institutions in the light of existing rules and regulations. 20
3. One of the functions of Central Bank (Nepal Rastra Bank) is to act as custodian of foreign exchange reserve and regulator of foreign exchange. Does Nepal Rastra Bank have enough legal power to regulate the foreign exchange? Discuss in detail. How does Central Bank act as foreign currency reserve custodian? 15+5=20

**Section 'B'**

**40 Marks**

4. What is meant by the Main Legal Instrument formulated for the establishment and operation of International Monetary Fund (IMF)? What are the objectives of IMF? What are the obligations of the member countries regarding general exchange arrangements? 2+6+12=20
5. What are provisions of the Public Debt Act, 2002 with respect to right to raise public debt by issuing debt securities and management of public debt? 10+10=20

**:: The End ::**

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प्रतियोगितात्मक लिखित परीक्षा  
२०७८/०५/१४

पत्र : द्वितीय  
समय : ४ घण्टा

पूर्णाङ्क : १००

विषय : **Commercial Law**

प्रत्येक **Section** को उत्तर छुट्टाछुट्टै उत्तरपुस्तिकामा लेख्नुपर्नेछ । अन्यथा उत्तरपुस्तिका रद्द हुनेछ । **Section A** का प्रश्नको उत्तर नेपाली भाषामा र **Section B** का प्रश्नको उत्तर अंग्रेजी भाषामा लेख्नुपर्नेछ ।

**Section 'A'**

**60 Marks**

1. What are the general principles of contract? Describe Nepalese Legal provisions relating to contract. Do you think the prevailing contract law of Nepal is sufficient? Discuss how the prevailing contract law can be amended so as to meet the needs and requirements of today's generation. 6+4+3+7=20
2. Answer the following: 10+10=20
  - a) As per existing Company Act and Securities Act, what legal procedures are to be followed by Nepalese hydropower company for issuing its shares to general public?
  - b) Mention the legal procedures which are followed to take action of insolvency against a company according to the Insolvency Act, 2063.
3. Do you consider the Nepalese Arbitration Law meets the standards of modern domestic commercial arbitration law? Discuss it in the light of existing Nepalese Arbitration Act. Differentiate between Arbitration and Commercial Mediation. 7+6+7=20

**Section 'B'**

**40 Marks**

4. Mention the major principles of World Trade Organization (WTO). Being a Least Developed Country, what are the benefits that Nepal has been getting from WTO? Critically analyze the impact if Nepal upgrades as a developing country. 6+10+4=20
5. Answer the following questions in relation to Electronic Commerce: 7+5+8=20
  - a) How does the system of Electronic Commerce operate?
  - b) What is the existing legality of Electronic Transactions?
  - c) Write the importance of legal regulation of Electronic Commerce in Nepal.

**:: The End ::**

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प्रतियोगितात्मक लिखित परीक्षा

२०७८/०५/१५

पत्र : तृतीय  
समय : ४ घण्टा

पूर्णाङ्क : १००

विषय : Problems and Solutions

प्रत्येक Section को उत्तर छुट्टाछुट्टै उत्तरपुस्तिकामा लेख्नुपर्नेछ । अन्यथा उत्तरपुस्तिका रद्द हुनेछ । Section B को एउटा प्रश्नको उत्तर अंग्रेजी भाषामा र अर्को प्रश्नको उत्तर नेपाली भाषामा लेख्नुपर्नेछ ।

Section "A"

40 Marks

1. Since 1990s, we have been reading, hearing and discussing money laundering. Money laundering is a process of illegal transfer, convert or movement of money or assets to hide its original source.

Money laundering is also understood to mean any procedures used to veil the illegal origin of money or assets such that impression is made that they were acquired or earned legally or are of legal origin. The sum of the money laundering is considerable in international level.

In order to combat money laundering various legal as well as other measures have been adopted both in national and international level.

Financial Action Task Force (FATF), an independent anti-money laundering international body recommended to states to take necessary measures to combat acts of money laundering in national as well as international level. Nepal has enacted a separate Act on Prevention of Money Laundering in 2007. Nepal is also a party to the International Convention Financing Terrorism and UN Convention Against Corruption that require state parties to adopt appropriate legislative, administrative and judicial measures to combat money laundering. Government of Nepal has established Department of Prevention of Money Laundering. Similarly, a Financial Intelligence Unit (FIU) has been operating within Nepal Rastra Bank.

Nevertheless, it is general feelings that Nepal has to take some more measures to tackle this issue effectively.

Based on the above facts explain the followings:

10+15+15=40

- Mention the prevailing policies, plan and practices relating to combating with money laundering.
- Specify policy measures, legal measures, institutional and other measures that should be taken by the government of Nepal to combat money laundering more effectively in the country.
- Make a action plan to implement specified suggestions in point (b).

Contd....

**Section "B"**

**60 Marks**

2. You must be read the fact of the case of Keshav Keshi et al. Vs International Leasing and Finance Company Ltd. (N.K.P. 2058, Decision no. 6986, pp.139). Explain the following based on the case. 10+10+10=30
- Analyze the case in merit in reasons.
  - What are the rights and liabilities of a guarantor in respect of the bank loan?
  - State and evaluate the principles laid-down by the Supreme Court in this case.
3. You must be aware the fact of the case (Indira Jangam Vs Nepal Rastra Bank and others) (2058) that Ms. Indira Jangam, Chairperson, Supreme Fensus Pvt. Ltd., located in New Baneshwor, Kathmandu Municipality, Ward No. 10 has filed a petition before the Supreme Court to quash the act of enlisting as Blacklisted to the petitioner as a bank defaulter by Rastriya Banijya Bank under the circular of the Nepal Rastra Bank. Having heard the petition, the Supreme Court issued a writ of certiorari to quash such an act.
- Based on the above mentioned fact, explain the followings: 10+10+10=30
- How do you analyze the merit and order of the case? Explain with reasons.
  - Specify the ratio decidendi and stare decisis of the Supreme Court order.
  - What theory of precedent was laid down in this case?

**:: The End ::**