

लोक सेवा आयोग
नेपाल राष्ट्र बैंक, प्रशासन, बाणिज्य कानून, अधिकृत तृतीय, सहायक निर्देशक पदको
प्रतियोगितात्मक लिखित परीक्षा
२०७५।११।०२

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. Defining merger and acquisition, is it still necessary in Nepalese Banking Industry? Give reasons. Also, describe the legal framework of merger and acquisition as per prevailing Nepal Rastra Bank Act and Banks and Financial Institutions Act (BAFIA). 20
2. To what extent the regulatory and supervisory principles adopted by Nepal Rastra Bank have been effective? Discuss. Write down the role played by Nepal Rastra Bank in restructuring of financial sector of Nepal. 20
3. Differentiate between foreign currency and foreign exchange with suitable examples. Explain liabilities of an importer to pay foreign currency for an import and its process under the Foreign Exchange (Regulation) Act. 20

Section : B

40 Marks

4. Explain the current status of foreign investment and technology transfer in Nepalese banks with your comments. 20
5. Write short notes on the following: 2×10=20
 - (a) International Monetary fund with reference to monetary sector.
 - (b) Asian Development Bank with reference to infrastructure development of Nepal.

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प्रतियोगितात्मक लिखित परीक्षा
२०७५/१९/०३

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. Nepal Rastra Bank, being a central bank, is also a bank of banks. It has to play important role regarding financial sectors' stability and administer regulation and supervision of banks and financial institutions in Nepal. Discuss the authority and responsibility entrusted to Nepal Rastra Bank by Nepal Rastra Bank Act, 2058 and Banks and Financial Institutions Act, 2073 in this regard. 20
2. Who is competent to enter into a contract? Mention. Explain the valid elements of a contract and highlight on the situations where the parties to the contract need not discharge their liabilities. 20
3. Insider trading is an unethical act of corporate insiders which has negative impact in the securities market. Discuss on the situations where and how the insider trading exists? Explain the punishment prescribed by the Nepalese law in brief. 20

Section 'B'

40 Marks

4. Do you consider that Nepalese Arbitration Law meets the standards of a modern domestic commercial arbitration law? Logically justify your views in the light of existing Nepalese Arbitration Act, 2055, arbitration case laws and international instruments like UNCITRAL Model Law on International Commercial Arbitration 1985 and Convention on Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958). 20
5. What are general principles of the World Trade Organization (WTO)? What positive and negative consequences have been experienced by Nepal after it's membership? Present your views. 20

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प्रतियोगितात्मक लिखित परीक्षा
२०७५।११।०४

पत्र : तृतीय
समय : ४ घण्टा

पूर्णाङ्क : १००

विषय : Problems and Solutions

प्रत्येक प्रश्नको उत्तर छुट्टाछुट्टै उत्तरपुस्तिकामा लेख्नुपर्नेछ । अन्यथा उत्तरपुस्तिका रद्द हुनेछ । प्रश्न नं. २ को उत्तर नेपाली भाषामा र प्रश्न नं. ३ को उत्तर अंग्रेजी भाषामा लेख्नुपर्नेछ ।

1. A) 'A' is a Tax Officer of Inland Revenue Office of Kathmandu. His friend 'B' is a business person whom he was introduced in the Netherlands while they were travelling in Amsterdam. 'B' said 'A' to invest some money in his business so that they can earn large amount of money and become rich within few years. Without any further investigation 'A' provide some money to 'B' with a hope to be rich. Some year later 'B' was arrested by Nepal Police with some foreign currency and found his involvement with a terrorist organization.

On the basis of the above fact answer the following questions: 25

- (a) Identify the nature of the crime they have committed. Who will be prosecuted in this case? Justify your answer.
- (b) Which authority can carry out the investigation and prosecution of the above case?
- (c) How and in which court this case can be filed?
- (d) What will be the probable punishment in such offences? Write down.

- B) Mr. Ramnath is an accountant and an administration service provider regulated by Indian company, working in Nepal. Mr. Krishna Saran had employed one Compliance Officer (CO) who is a recently qualified accountant with limited work experience. Mr. Naidu from the India, who owns a used car dealership in India, approached Mr. Krishna Saran and requested for bank administration and accounting services. Mr. Krishna Saran sets up a company with the assistance of a registered licensed lawyer that purchased used cars from Mr. Naidu's Company and resold them in the

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local market. Mr. Krishna Saran approved and processed the payments of the purchases and members of his staff issued the sales invoices and deposited the receipts from the sale of the new cars and maintained proper accounting records. The business was very profitable and cash rich, as the used cars were bought at a very low price and resold at a significantly higher price in cash.

One employee of Mr. Krishna Saran expressed her concerns to the CO as she was worried that the majority of sales were made in cash and, in addition to this, in many instances the cars were registered to a different customer than the one paying for the sale. The CO dismissed her worries and explained that this is how business is done in Nepal and that many people still have cash at home after the deposit haircut in 2018.

Not long after, Mr. Naidu was convicted and imprisoned, since it emerged that he is a drug dealer who has set up used car sale businesses in a number of countries to launder the proceeds from drug sales. As a result, all used cars and cash were viewed by Nepal as criminal proceeds and were now the subject of confiscation proceedings. Mr. Krishna Saran was arrested and put on trial alongside the Compliance Officer. According to the prosecution, the set up and management of the company was intended to eliminate the trail that led back to Mr. Naidu and his illegitimate funds and they should have been suspicious of the transactions as the cars sold were almost obsolete but generated high income in cash.

The CO and Mr. Krishna Saran claimed they had no knowledge that the cars were in such a poor state and did not have grounds to suspect Nepali buyers using cash to settle their purchases.

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- a) What crime is committed by Mr. Krishna Saran? Logically answer.
- b) Which authority can carry out investigation and prosecution of above offences?
- c) In which offences Mr. Krishna Saran, Mr. Naidu prosecuted under which provision of which Act?

- d) How and in which court, above mentioned case can be filed?
2. State the fact in issue and comment on the decision (including Ratio decidendi and Obiter dicta) in "Madhav Prasad Timilsina vs HMG, Special Police Department (N.K.P. 2045, Decision No. 3419, P.336) 25
3. Review the case, "Rajendra Kumar Kuwar and et.al. vs Rastriya Banijya Bank, Kathmandu Branch and et.al. (N.K.P. 2058, Decision No. 6985, P.127) on the basis of the following questions. 25
- (a) Identify the issues and facts of the case.
- (b) Which laws were referred in the case?
- (c) What is the precedent established in the case?
- (d) What is your opinion on the Ratio decidendi of this case?
- (e) What alternative you suggest to the party losing the case?

- The End -