

नेपाल राष्ट्र बैंक  
केन्द्रीय कार्यालय  
अधिकृत तृतीय (वाणिज्य कानून) पदको खुल्ला प्रतियोगितात्मक  
लिखित परीक्षा  
मिति : २०६७/०८/१४  
प्रथम पत्र

समय :- ४ घण्टा

पूर्णाङ्क :- १००

विषय : बैंकिङ्ग कानून तथा आन्तरिक व्यवस्थापन

कुनै दुई प्रश्नको अंग्रेजी र तीन प्रश्नको नेपाली भाषामा हुने गरी जम्मा पाँच प्रश्नको उत्तर दिनुहोस्। (५ × २० = १००)

1. How does Nepal Rastra Bank declare a Bank and Financial Institution Problematic? What are the procedures for liquidation of Banks and Financial Institution in Nepal? Describe in the context of Nepalese banking laws.
2. What is Blacklisting? Point out the conditions for Blacklisting for Bank borrowers? What is the procedure for the removal of such borrowers from blacklisting?
3. Explain the existing policy and law relating to the entry and operation of foreign investment in banking and financial sector of Nepal.
4. Express your understanding of the Brettonwoods Agreement 1944. Why this Agreement is considered so important particularly for the development of banking, money and finance in Nepal. Explain it in the light of relevant laws.
5. Write short notes on the followings:
  - (a) The procedure of licensing to Financial Mediators.
  - (b) Consortium Finance.
  - (c) Asian Development Bank (ADB)
  - (d) WTO
6. NRB, being the central bank of Nepal, has to play an important role regarding Financial Sector Stability (FSS) and for the regulation and supervision of bank and financial institution in the country. Discuss the authority and responsibility vested to NRB by NRB Act 2058 and BAFIA 2063.
7. What are the process and criteria fixed by NRB Employees By-laws, 2062 relating to recruitment, promotion and transfer of employees of NRB. How far the provisions prescribed by the By-laws, 2062 regarding recruitment is compatible with the basic guidelines of human resource i.e. 'how to attract, develop, utilize and retain best human talent in an organization'.

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पूर्णाङ्क :- १००

विषय : वाणिज्य कानून।

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1. Describe briefly the remedies for breach of contract and when can an aggrieved party file a suit for 'Injunction'? Explain with illustration.
2. Shortly describe the main features of Company Act, 2063 and give recommendations for necessary amendment.
3. Write short notes on:
  - a) ICC Arbitration rules
  - b) ICSID
4. What is 'Arbitration'? State the importance of UNCITRAL Model Law on International Commercial Arbitration, 1985 and its relevance in Nepal.
5. What is WTO? Discuss. And also highlight on the significance of obtaining membership of WTO by Nepal. What benefits will Nepal achieve after the membership is obtained? Explain the benefits that are available to Nepal comparing its liabilities as Nepal is a under developed country.
6. What is the nature of cyber crime? Discuss. Do you think Nepalese Electronic Transaction Act, 2063 has been failed to check cyber crime? Give arguments in support and against of this Act.
7. Define "Insider Dealing". What are the penalties and which authority can penalize in the insider Dealing offences?

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मिति : २०६७/०८/१६

तृतीय पत्र

समय :- ४ घण्टा

पूर्णाङ्क :- १००

विषय : समस्या र समाधान।

समूह "क" - बैकिङ्ग अपराध

कुनै एक समस्याको अंग्रेजी वा नेपाली भाषामा समाधान दिनुहोस्। (१ × ५० = ५०)

1. 'Y' is a board of director of 'X' Commercial Bank has granted Rs. 50 lakh loan without taking mortgage and security to his brother in Law 'Z'. The loanee 'Z' has not deposited the loan amount in due time. 'Z' has transferred all his property to 'M' with intention of avoiding any legal action to him by Bank. Now 'Z' has not any property in his name. Please provide legal opinion in following conditions;
  - i. Providing loan to relatives without taking mortgage and security and transfer of property to others name for showing not any property to own (loanee) name, are offences under which laws?
  - ii. In which offences 'Y', 'Z' and 'M' can be prosecuted under which Act?
  - iii. Which authority can carry out investigation and prosecution of above offences?
  - iv. Above mention case can be filed in which court and if court verdict is not acceptable to any party, where they can appeal?
  - v. Explain whether the loan provided by 'X' bank can be recovered. If recovery can be possible, what would be the procedures to follow?
2. Two Indian citizens on boarding in a Indian airlines from Dubai to Kathmandu, Nepal high jacked the aircraft and compelled to landing in a Simara Air port, Nepal. Then flew with Rs twenty million and came to Kathmandu with the intention of hiding themselves in the house of their relatives, doing business in Nepal. They handed over 10 million Rs to their relatives and said that this money is brought from India with the intention of making business in Nepal. After a year of this incident they were caught by the Nepal police from Jhose, Kathmandu. On the basis of the above case you have to suggest.
  - a) What crime they have committed?
  - b) What is the degree of the offence of the relative they were hiding out?
  - c) Which law is applicable to initiate the case?
  - d) What punishment do you suggest to the accused person caught in Kathmandu?
  - e) What punishment do you suggest to the relative of the person caught in Kathmandu?
  - f) Which International Convention is related with this case?

समूह "ख" - बैंक तथा बैकिङ्ग अपराध सम्बन्धी मुद्दामा न्यायालयको प्रवृत्ति

कुनै एक समस्याको अंग्रेजी र कुनै एक समस्याको नेपाली भाषामा समाधान दिनुहोस्। (२ x २५ = ५०)

1. State the facts in the issue, and comment on the decision by the Supreme Court in *Keshav Kisi et.al vs International Leasing and Finance Company Ltd. et.al* case (2058 B.S.), Some Important Precedents propounded by the Supreme Court on Commercial Law, 2007.
2. Krishna Gopal Tondon et-al vs. Nepal Rastra Bank et. al, NKP, 2060 Decision No7295 p.918
  - a) What is the fact of the case?
  - b) Was the decision of the court correct in your opinion?
  - c) What alternative you suggest the party losing the case?
3. Binaya Regmi vs. Labour court et. al, Collection of some important commercial cases precedent decided by the supreme court, 2063.
  - a) What is the fact of the case?
  - b) Was the decision of the court correct in your opinion?
  - c) What alternative you suggest the party losing the case?
  - d) What is the precedent established in this case by the Supreme Court?

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