

नेपाल बीमा प्राधिकरण

कुपण्डोल, ललितपुर

सेवा : नेपाल बीमा प्राधिकरण
समूह : कानून
श्रेणी : अधिकृत द्वितीय
पद : उपनिर्देशक
परीक्षाको किसिम : खुला प्रतियोगितात्मक परीक्षा

पाठ्यक्रम योजनालाई निम्नानुसारका दुई चरणमा विभाजन गरिएको छ :

प्रथम चरण :- लिखित परीक्षा

पूर्णाङ्क :- ३००

द्वितीय चरण :- (क) मामिला प्रस्तुतीकरण

पूर्णाङ्क :- २०

(ख) अन्तर्वार्ता

पूर्णाङ्क :- ४०

परीक्षा योजना (Examination Scheme)

१. प्रथम चरण : लिखित परीक्षा(Written Examination)पूर्णाङ्क :- ३००

पत्र	विषय	पूर्णाङ्क	उत्तीर्णाङ्क	परीक्षाप्रणाली	प्रश्नसंख्या × अङ्क	समय
प्रथम	शासकीय प्रबन्ध, व्यवसायिकता, नैतिकता र व्यवस्थापन (Governance, Professionalism, Ethics and Management)	१००	४०	विषयगत	२ प्रश्न × १०अङ्क	३ घण्टा
				विषयगत- समस्या समाधान	४ प्रश्न × २० अङ्क	
द्वितीय	बीमा र सम्बन्धित कानून (Insurance and related Laws)	१००	४०	विषयगत	२ प्रश्न × १०अङ्क	३ घण्टा
				विषयगत- समस्या समाधान	४ प्रश्न × २० अङ्क	
तृतीय	समसामयिक कानून र अभ्यास (Contemporary Laws and Practices)	१००	४०	विषयगत	२ प्रश्न × १० अङ्क	३ घण्टा
				विषयगत- समस्या समाधान	४ प्रश्न × २० अङ्क	

२. द्वितीय चरण :

विषय	पूर्णाङ्क	परीक्षाप्रणाली	समय
(क) मामिला प्रस्तुतीकरण (Case Presentation)	२०	व्यक्तिगत प्रस्तुतीकरण	मामिला अध्ययन तयारीका लागि १ घण्टा १५ मिनेट प्रस्तुतीकरणका लागि ५० मिनेट
(ख) व्यक्तिगत अन्तर्वार्ता	४०	मौखिक	

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द्रष्टव्य :

१. लिखित परीक्षाको माध्यम भाषानेपाली वा अंग्रेजी अथवा नेपाली र अंग्रेजी दुबै हुनेछ ।
२. प्रथम, द्वितीय र तृतीय पत्रको लिखित परीक्षा छुट्टाछुट्टै हुनेछ ।
३. लिखित परीक्षामा सोधिने प्रश्नसंख्या र अङ्कभार यथासम्भव सम्बन्धित पत्र, विषयमा दिईए अनुसार हुनेछ ।
४. विषयगत प्रश्नहरूको हकमा एउटै प्रश्नका दुई वा दुई भन्दा बढी भाग (Two or more parts of a single question) वा एउटा प्रश्न अन्तर्गत दुई वा बढी टिप्पणीहरू (Short notes) सोध्न सकिने छ ।
५. विषयगत प्रश्नमा प्रत्येकपत्र/विषयका प्रत्येक खण्डका लागि छुट्टाछुट्टै उत्तरपुस्तिकाहरू हुनेछन् । परीक्षार्थीले प्रत्येक खण्डका प्रश्नहरूको उत्तर सोही खण्डका उत्तरपुस्तिकामा लेख्नुपर्नेछ ।
६. यस पाठ्यक्रम योजना अन्तर्गतका पत्र/विषयका विषयवस्तुमा जेसुकै लेखिएको भएतापनि पाठ्यक्रममा परेका कानून, ऐन, नियम, विनियम तथा नीतिहरू परीक्षाको मितिभन्दा ३ महिना अगाडि (संशोधन भएका वा संशोधन भई हटाईएका वा थप गरी संशोधन भई) कायम रहेकालाई यस पाठ्यक्रममा परेको सम्झनु पर्दछ ।
७. प्रथम चरणको परीक्षाबाट छनौट भएका उम्मेदवारहरूलाई मात्र द्वितीय चरणको परीक्षामा सम्मिलित गराइनेछ ।
८. **प्रस्तुतिकरण (Presentation) परीक्षा**को लागि उम्मेदवारलाई बीमासँग सम्बन्धित कुनै समसामयिक विषय/सवाल (Contemporary Issues) वा मामिला (Case) वा Topic उपलब्ध गराइनेछ । प्रत्येक उम्मेदवारले दिइएको Topic का विषयमा निर्दिष्ट समयभित्र व्यक्तिगत प्रस्तुति (Individual Presentation) गर्नु पर्नेछ । यसको मूल्याङ्कन विषयवस्तु (Content), प्रस्तुतिको सुगठन वा ढाँचा (Organization) र प्रस्तुतिको प्रभावकारिता (Delivery Effectiveness) आधारमा हुनेछ ।
९. पाठ्यक्रम लागु मिति : २०७९/०३/२९

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प्रथम पत्र -शासकीय प्रबन्ध, व्यवसायिकता, नैतिकता र व्यवस्थापन
(Governance, Professionalism, Ethics and Management)

Section (A) : - 50 Marks

1. Governance

- 1.1 Concept, principles and dimensions of governance system
- 1.2 constitutionalism, constitutional development and present constitution of Nepal
- 1.3 Public policy: policy formulation, implementation, monitoring and evaluation
- 1.4 Law Making Process
- 1.5 Auditing and Budgeting-principles and its practices,
- 1.6 Public service design, delivery and its effectiveness
- 1.7 Public enterprises management and governance
- 1.8 Governance of Corporate entities

2. Ethics

- 2.1 Essence, determinants, consequences and dimensions of ethics
- 2.2 Human values and Principles of public life
- 2.3 Spiritualism in public affairs management, Spirituality at works
- 2.4 Ethical guidance, Ethical issues in public sector management
- 2.5 Challenges of corruption and corruption control strategies
- 2.6 Public accountability, transparency
- 2.7 Ethical issues in public service delivery and utilization of public funds

3. Professionalism

- 3.1 Understanding professional values,
- 3.2 The foundational values for public service - integrity, impartiality, dedication, empathy, tolerance and compassion
- 3.3 Professional standards, professionalism in workplace
- 3.4 Applications of public management for developing professionalism - Time management, Resource management, Change management, Technology management, Information management, Performance Management, Grievance management, Team management, Talent management, Conflict management, Crisis management, Stress management, Risk management, Participative management, Disaster Management and Work culture
- 3.5 Emotional intelligence and its relevance in public management and governance
- 3.6 Negotiation skills, method and significance of dispute settlement, organizational behavior and leadership

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Section (B) : - 50 Marks

4. Management

- 4.1 **Management System:** Emerging concepts of management, Managerial roles and skills; Contemporary issues of management in Nepal.
 - 4.2 **Strategic Management:** Nature and scope of strategic management, Process of strategic planning and implementation.
 - 4.3 **Leadership and communication:** Approaches and modern views with reference to transformational and transactional leadership; Ethical leadership approach, Communication structure - barriers and facilitators.
 - 4.4 **Supervision, Monitoring and Quality Control :** Total Quality management - TQM techniques, factors affecting quality, and managerial role in TQM; Benchmarking and quality assurance techniques; Managing change and development in organizations
 - 4.5 **Human Resource Management :** Concepts and dimensions of Human Resource management (HRM), Human resource Planning (HRP) and Human resource development (HRD), Emerging Trends in HRM: Competency Mapping, Business Process Outsourcing, Right Sizing of Workforce, Flexi time, Talent Management, Employee Engagement
 - 4.6 **Organizational Behavior and Design :** Organization behavior; personal values, attitude, perception and motivation, organizational culture, managing cultural diversity, organizational change and development; Networked and virtual organizations
5. **Insurance Management:** Structure of Insurance Regulatory Authority, management of Insurer, Prospectus and Challenges of Insurance Management, Role of insurance regulatory authority in the present context
6. **Project management and Financial analysis:**
- 6.1 Project Planning and Scheduling: Network models, CPM/PERT, Project preparation for implementation and justification
 - 6.2 Project monitoring and control: Feedback systems, Cash control, Management Information system
 - 6.3 Financial analysis: Methods of financial analysis - benefit cost ratio, internal rate of return, net present value, and payback period
 - 6.4 Logical Framework analysis and Project Proposal Writing

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द्वितीय पत्र - बीमा र सम्बन्धित कानून

(Insurance and related Laws)

Section (A) : - 50 Marks

1. Overview of Insurance

- 1.1. Principles of insurance, significance of insurance principles in insurance regulation
- 1.2. Types Insurance: Life and nonlife, captive, mutual, commercial, demutualization of insurance, reinsurance, micro and social insurance
- 1.3. Role of Insurance Intermediaries: Insurance Broker, and Reinsurance Broker, third party administrator; and Risk Assessors, Loss Valuators, Insurance Surveyor, Web aggregators
- 1.4. Concept and importance of Insurance Management Information System
- 1.5. Concept of risk, types of risk, risk management techniques, risk and insurance, evolution of insurance, foundation of insurance economics
- 1.6. Roles of insurance to risk management, resource mobilization, economic development, and resilience to society

2. Global Insurance and Reinsurance

- 2.1. Global insurance: Emerging risks in global insurance market: Environmental risks, technological risks, geo-political risks, economic risks, legal risks; new products in international market, major insurance market: Lloyd's market, Bermuda insurance market; International organizations for insurance: AIRDC, AFIR, APRIA, ARIA, CEA
- 2.2. Global Reinsurance: Reinsurance as strategic partner for the risk mitigation and transfer, reinsurance regulation, alternative risk transfer, emerging issues of reinsurance, scope of the reinsurance broking and its importance, contribution of reinsurers to domestic market, challenges of reinsurance,

3. Insurance Regulation

- 3.1. Objectives and significance of insurance regulation, rate regulation, market regulation, capital regulation, prudential regulations, Regulating systematically important financial institutions, scope of regulation, cost of regulation and deregulations
- 3.2. Models of insurance regulations: centralized and decentralized insurance regulation, state and federal, single and multiple regulation, onsite and off-site regulations
- 3.3. Solvency regulation: Types of solvency regulations: minimum capital requirement, solvency capital requirement, solvency margin ratios, Risk Based Capital: concept and its application, importance of RBC in the insurance regulation
- 3.4. Insurance Core Principles: International Association for Insurance Supervisors and its objectives, roles of IAIS to domestic regulations, Insurance Core Principles, Objectives of ICPs, implementation framework of ICPs

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Section (B) : - 50 Marks

4. Nepalese Insurance Practices

- 4.1. **Nepal Insurance Authority (NIA) as a regulator:** Scope of the NIA, formation of Board, function of NIA, departments of NIA, major activities of the NIA, role of NIA in dispute settlement, strategic plan of NIA, initiatives of Corporate Directives issued by NIA, other regulatory documents issued by NIA.
- 4.2. **Insurance Practices in Nepal**
 - 4.2.1. History of Nepalese insurance market, insurance inclusion in Nepal, status of penetration and density, challenges of access to insurance.
 - 4.2.2. Life insurance market: Overview and status, insurance products, selling of products through agents, direct, and corporate agents, claims settlement practices, market potential of life insurance, challenges of life insurance
 - 4.2.3. General insurance market: Overview and status, growth and trend of overall market; products wise market share, growth, trend of nonlife insurance, opportunities and challenges
 - 4.2.4. Reinsurance market: Status of reinsurance market, growth and trend, reinsurance products in Nepal, role of foreign reinsurers and domestic reinsurers in Nepal, reinsurance broking status in Nepal, future of reinsurance and reinsurance broking, legal provisions; challenges of reinsurance companies;
 - 4.2.5. Microinsurance: Objectives and importance of microinsurance in Nepal, microinsurance products, microinsurance distribution channels, opportunities and challenges of microinsurance in Nepal, microinsurance and poverty reduction
 - 4.2.6. Social insurance: Importance of social insurance, difference between commercial and social insurance, feature of social insurance, social insurance in Nepal: agriculture insurance, health insurance, and microinsurance
 - 4.2.7. Insurance intermediaries: Status and growth of agents and brokers, legal provisions of getting license for the intermediaries, challenges of insurance intermediaries
 - 4.2.8. Surveyors: Status of the surveyors in Nepal, legal provisions of getting license, role of surveyors in insurance, limitations and challenges.
- 4.3. Evolution of reinsurance in Nepal, Insurance Pool and its conversion to Nepal, role of reinsurers in risk management, challenges of reinsurance, disaster risk financing and role of reinsurance.
- 4.4. Risk management related organization in Nepal, disaster risk management practices, role of insurers in disaster risk transfer
- 4.5. Corporate governance practices in insurance companies, major indicators of the corporate governance, challenges of compliance of the CG in insurance
- 4.6. Investment of insurance fund: Guidelines for the investment of insurance fund, investment opportunities, limitation, challenges, new avenues for the investment
- 4.7. Human Resources issues in insurance market, insurance market as an employment opportunities, and challenges of HRM.
- 4.8. Financial Management in insurance companies, challenges on implementation of the NFRS, preparation of the statements, role of Actuary in financial accounting
- 4.9. Reserving and valuation in insurance company, role and impacts of the valuation in bonus rate, issues and challenges

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- 4.10. Insurance fraud and its remedies, types of insurance fraud, impact of fraud in the market, fraud mitigation methods, Anti fraud organizations working in international level and domestic level.
- 4.11. **Emerging issues in insurance:** climate changes risk and its impacts on insurance market, parametric insurance, under insurance and over insurance, digitization of insurance marketing, cybersecurity insurance, mis selling, surrender, lapsation, etc. Cross border business of insurance and its impact on insurance market

5. Relevant Laws

- 5.1. Insurance Act, 2079 and Insurance Regulations, 1993
- 5.2. Rastriya Beema Sansthan Act, 1968
- 5.3. Income Tax Act, 2058 and Regulation, 2059
- 5.4. Value Added Act, 2052 and Rules, 2053
- 5.5. Bank & Financial Institutions Act, 2073
- 5.6. Company Act, 2063
- 5.7. Securities Transaction Act, 2063
- 5.8. Money Laundering Prevention Act, 2064
- 5.9. Health Insurance Act, 2017
- 5.10. Social Security Act, 2018
- 5.11. Corruption Prevention Act, 2059
- 5.12. Public Procurement Act, 2063
- 5.13. Right of Information Act, 2064
- 5.14. National Civil Code, 2074
- 5.15. National Civil Procedure Code, 2075
- 5.16. Cyber Law
- 5.17. Other insurance related acts and laws
- 5.18. Limitations of existing regulatory frameworks and rationale of the new Insurance Act.

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तृतीय पत्र - समसामयिक कानून र अभ्यास
(Contemporary Laws and Practices)

Section (A) : - 50 Marks

१. कानूनको परिचय र सामान्य सिद्धान्त
 - १.१ कानूनको अर्थ, महत्व र कानूनका स्रोतहरू
 - १.२ संविधानवाद सिद्धान्त र व्यवहार
 - १.३ कानूनको शासन
 - १.४ शक्ति पृथकीकरण र शक्ति सन्तुलन
 - १.५ प्राकृतिक न्यायको सिद्धान्त
 - १.६ मौलिक हक र सो को प्रचलन
२. कानून र न्यायका सैद्धान्तिक पक्षहरू
 - २.१ सारवान कानून र कार्यविधि कानूनको परिचय र भिन्नता
 - २.२ प्रमाण कानूनका आधारभूत सिद्धान्त
 - २.३ प्रमाण परीक्षण सम्बन्धी व्यवस्था
 - २.४ कानून व्याख्याका सिद्धान्त
 - २.५ दण्डका सिद्धान्त
 - २.६ नजीरका सिद्धान्त
 - २.७ पिडित राहत शास्त्रका सिद्धान्त
 - २.८ विलम्बको सिद्धान्त
 - २.९ फौजदारी न्यायका मान्य सिद्धान्त
 - २.१० फौजदारी न्याय प्रशासन र देवानी न्याय प्रशासनको आधारभूत भिन्नता
 - २.११ फौजदारी तथा देवानी संहिताका आधारभूत पक्षहरू
 - २.१२ देवानी र फौजदारी कार्यविधि
 - २.१३ विशेष र संक्षिप्त कार्यविधि
३. अदालतका काम कारवाही सम्बन्धी विषय
 - ३.१ म्याद, हदम्याद, प्राडन्याय, हकदैया र क्षेत्राधिकार
 - ३.२ रिट निवेदन, लिखित जवाफ र प्रतिरक्षा
 - ३.३ कानूनी राय र कानूनी रायको उपयोगिता
 - ३.४ लिखतको दर्ता र दरपिट
 - ३.५ कोर्टफि, धरौटी, जमानी
 - ३.६ वैयक्तिक गोपनियता तथा प्रतिष्ठा विरुद्धका कसुर
 - ३.७ वारेस, तारिख, आदेश सम्बन्धी व्यवस्था
 - ३.८ दावी वा फिरादपत्र, प्रतिउत्तर र प्रतिवादी, म्याद
 - ३.९ बयान, बकपत्र, वारेसनामा र मञ्जुरनामा सम्बन्धी व्यवस्था,
 - ३.१० बहसनोट, बहसकला र बहस व्यवस्थापन
 - ३.११ अल्पकालिन आदेश र अन्तरिम आदेश
 - ३.१२ ठेक्का पट्टा, सम्भौता, करारनामा, अन्तराष्ट्रिय ठेक्कापट्टा, सन्धि सम्भौता
 - ३.१३ मुद्दाको कारवाही, सुनुवाई र फैसला र फैसला कार्यान्वयन सम्बन्धी व्यवस्था
 - ३.१४ प्रहरी हिरासत र न्यायीक हिरासत सम्बन्धी व्यवस्था
 - ३.१५ फैसला लेखन तथा फैसला कार्यान्वयन सम्बन्धी कानूनी व्यवस्था

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Section (B) : - 50 Marks

४. कानून तथा न्याय सम्बन्धी समसामयिक विषय
- ४.१ मानव अधिकार र अन्तर्राष्ट्रिय कानूनको अवधारणा मानव अधिकारको संरक्षण र सम्बर्द्धनमा नेपालमा भएका कानूनी व्यवस्था
 - ४.२ सार्वजनिक सरोकारको विवाद र रिट
 - ४.३ न्यायीक सक्रियता र आत्मसंयम
 - ४.४ पीडित न्याय प्रणालीको अवधारणा र प्रयोग
 - ४.५ वातावरणीय न्यायको अवधारणा
 - ४.६ उपभोक्ता हित संरक्षण सम्बन्धी
 - ४.७ विवाद समाधानको बैकल्पिक उपाय (Alternative Dispute Resolution)
५. कानून तर्जुमा तथा कानूनका विविध पक्ष
- ५.१ ऐन, नियम, विनियम, कार्यविधि र गठन आदेशको परिचय
 - ५.२ कानून तर्जुमा सम्बन्धी सामान्य जानकारी (ढाँचा र संरचना)
 - ५.३ सन्धि सम्झौता निर्माण र कार्यान्वयन
 - ५.४ कानूनी लिखत सम्बन्धी ज्ञान र मस्यौदा सम्बन्धी सीप
 - ५.५ व्यवस्थापन विधि
 - ५.६ अधिकार प्रत्यायोजन
 - ५.७ प्रशासकिय कानून र प्रशासनिक निकायका न्यायिक अधिकार
- ६ अन्य कानूनहरु
- ६.१ वाणिज्य कानूनको अर्थ महत्व र क्षेत्र
 - ६.२ करारको सामान्य सिद्धान्त र नेपालको कानूनी व्यवस्था
 - ६.३ कम्पनी कानूनको अवधारणा र नेपालको कानूनी व्यवस्था
 - ६.४ धितोपत्र कारोवार सम्बन्धी कानून
 - ६.५ मध्यस्थता सम्बन्धी कानूनको अवधारणा, महत्व र नेपालको कानूनी व्यवस्था
 - ६.६ विद्युतीय कारोवार अर्थ, महत्व तथा विद्युतीय कारोवारका पद्धतिहरु,
 - ६.७ विद्युतीय कारोवार सम्बन्धी कानूनी व्यवस्था
 - ६.८ सम्पत्ति शुद्धीकरण तथा वित्तीय अपराध
 - ६.९ वित्तीय अपराध सम्बन्धी मुद्दामा न्यायालयको प्रवृत्ति

7 Contemporary Legal Developments

- 7.1 Concept of Jurisprudence
- 7.2 Natural Justice
- 7.3 Intellectual property rights—Concept, types/prospects
- 7.4 Information Technology Law including Cyber Laws— Concept, purpose/prospects
- 7.5 Competition Law — Concept, purpose /prospects
- 7.6 Concept of Tort Liability
- 7.7 Code of Conduct of Judges, Public Prosecutors, Lawyers and Civil Servants
- 7.8 Administration of Justice in Federal Structure
- 7.9 New trends in Law and Justice
- 7.10 General Introduction to International Law
- 7.11 Human Rights and Humanitarian Law
- 7.12 Domestication of International Law