

**Non-Official Translation**  
**The Law of Mongolia on The Constitutional Court (Tsets)**  
**(May 8, 1992, Ulaanbaatar)**  
**CHAPTER ONE Organizational basis of the Constitutional Court (Tsets) of Mongolia**

Article 1. The Constitutional Court (Tsets) of Mongolia

1. The Constitutional Court (Tsets) of Mongolia /hereinafter referred to as the Tsets/ is the body which has full powers to exercise supreme supervision over the implementation of the Constitution, to render decisions on the breaches of its provisions, to settle constitutional disputes, and is the guarantor for the Constitution to be strictly observed.

2. The principles, methods, forms and organization of the activity and the powers of the Tsets shall be determined by the Constitution and by this law.

3. Constitutional disputes shall be settled under the law on Constitutional Procedure

*/ This paragraph was amended by law of May 1, 1997/*

Article 2. Basic principles for the activity of the Tsets

1. The Tsets shall be governed by such basic principles as independence, adherence to the Constitution of Mongolia, collegiality, impartiality, and openness.

2. Any interference in the activity of the Tsets as well as any form of influence upon its members by any organization, public official or citizen shall be prohibited.

Article 3. Procedure for the establishment of the Tsets

1. The State Great Hural shall appoint nine members of the Tsets for a six- year term upon the nomination of three candidates by the State Great Hural, three candidates –by the President, and remaining three candidates - by the Supreme Court.

2. In nominating a person for appointment to the Tsets, the Chairman of the State Great Hural shall issue an order based on the opinions of the respective standing committees, the President shall issue an order, and the Supreme Court shall make a decision based upon a proposal agreed to by a majority of its justices.

3. If the State Great Hural has declined the appointment of the proposed candidate to the Tsets, the body or the official, which has nominated this candidate shall nominate another person according to the procedure provided in paragraph 2 of this Article.

4. In the event of accelerated withdrawal of a member of the Tsets, the body or the official, which had before nominated this member, shall nominate another person to the vacant position within 14 days. The State Great Hural shall accept or decline the nominee within 30 days.

5. A member of the Tsets may not be the President, a member of the State Great Hural, the Prime Minister, a member of the Government, and a justice of the Supreme Court. A member of the Tsets shall not carry out any administrative, political and trade activities, as well as be a part of the leadership of trade unions.

6. Where a member of the Tsets accepts a nomination for the post of the President of Mongolia or for the position of a member of the State Great Hural, the authorities of the member of the Tsets shall be suspended until the results of the election are announced.

*/This paragraph was amended by law of May 1, 1997/*

7. A member of the Tssets may not express in advance his or her personal opinions or conclusions to the media and public in any way on questions that could become a subject of consideration at the Tssets, or which is being studied or has been accepted for a consideration by the Tssets, until the adoption of a decision on that question.

*/This paragraph was amended by law of May 1, 1997/*

Article 4. A member of the Tssets

1. A citizen of Mongolia who has recognized high qualifications in the sphere of the law and politics, without a criminal record, and has reached 40 years of age, may be a member of the Tssets.

2. The authorities of a member of the Tssets shall commence on the day of appointment and shall continue until the expiration of their term of office as provided for in the Constitution.

A member of the Tssets whose term of authorities has expired shall continue to fulfill his/her obligations until the appointment of a new member to the post

3. The mandate of a member of the Tssets shall terminate upon the appointment of the next member by the State Great Hural.

4. A member of the Tssets may retire or be dismissed from the position of a member of the Tssets if he / she reaches the maximum civil service age specified in the Civil Service Law.

*/This paragraph was amended by law of May 26, 2005/*

*/This paragraph was amended by law of January 19, 2016/*

Article 5. Guarantees of the authorities of a member of the Tssets

1. A member of the Tssets may not be arrested, detained, or put into custody, criminal proceedings as well as administrative offence being with in the competence of a court may not be initiated against him/her, except the cases where he/she is captured in locus criminis with the evidence of a crime, and search or seizure in the residence or the office of a member, as well as personal examination or search, or seizure of things and documents belonging to a member may not take place otherwise than upon permit by the Tssets

2. In the event of involvement of a Member of the Tssets in a crime, the Tssets shall decide within 14 days whether his/her powers will be suspended after proposal on this respect were made by the competent bodies.

*/This paragraph was amended by law of May 1, 1997/*

3. If a court determined that member of the Tssets had committed a crime or breached a law, the State Great Hural may withdraw the mandate of the member on the basis of a proposal of the nominating body and the decision of the Tssets on removal of his membership

*./This paragraph has been amended by law of May 1, 1997/*

4. A member of the Tssets may not be dismissed or transferred to other post, or recalled before the term of his/her office expires unless granting the application for resignation by a member, recognition of a member as incapable due to poor health, or on the grounds other than those specified in the third clause of this article.

5. The same or an equal position and / or salary shall be offered to the member of the Tsets whose term of authority has expired or terminated before the schedule on the grounds other than those specified in the third clause of this article. If there is no such possibility, reimbursement of not less than the amount of salary earned as a member of the Tsets, shall be granted for the period of 6 month until the member is employed, and a reimbursement that equals the amount of salary difference shall be awarded over the same period from the state budget if the member lost in salary.

*/This paragraph was amended by law of May 1, 1997/*

6. A member the Tsets who has been relieved from office upon serving at least 6 years as specified in the Constitution, after reaching a retirement age shall be paid a pension in the amount of sixty percent of the monetary remuneration of a working member of the Tsets.

*/This paragraph was amended by law of May 1, 1997/*

#### Article 6. Chairman of the Tsets, his/her competence

1. Members of the Tsets shall nominate from its composition a person (persons) for the post of a chairman, discuss candidates at a plenary session, and shall by secret vote elect a Chairman with a majority of the total number of votes.

2. If three or more candidates for the Chairmanship of the Tsets are introduced and after the first vote, none of the candidates has received a majority of votes, the second ballot will be conducted on two candidates who received the majority of votes during the first round, and the person who then receives a majority of the total number of votes shall be considered elected as a Chairman.

3. The term of office of the Chairman of the Tsets shall be 3 years. Upon the expiry of the term of his/her authorities, the Chairman may be elected to a new term once.

4. The Chairman of the Tsets shall ensure working conditions for the activities of the Tsets, ensure equal representation for each member of the Tsets, when determining the composition of the proceeding, allocate the functions of the members of Tsets, supervise their implementation, manage the budget, represent the Tsets in relations with other organizations and officials on administrative matters.

5. The Chairman of the Tsets issues directives and orders on matters within his/her competence.

6. The Chairman appoints the member with the greatest work experience as a member of the Tsets as a Deputy Chairman of the Tsets. If several members have equal work experience, the preference is to be given to the eldest member of the Tsets.

#### Article 7. Conditions for the activities of the Tsets

1. The Tsets shall be supported by its administration. The Chairman of the Tsets shall determine staff list of the administration within the budget adopted by the State Great Hural.

2. The Tsets shall have a seal, stamp, and letterhead. The Chairman of the Tsets shall hold the seal of the Tsets.

3. The State Great Hural shall adopt the budget of the Tsets, the salary fund, and the amount of salaries of members of the Tsets upon submission by the Chairman of the Tsets.

4. A member of the Tsets shall wear a gown (special robe) during the sessions. The State Great Hural shall approve the description and the sample of the gown as well as the rules of use thereof.

*/ This paragraph was added by law of May 1, 1997/*

## CHAPTER TWO

### FUNCTIONS AND THE COMPETENCE OF THE TSETS

#### Article 8. The Supreme supervision over the implementation of the Constitution

1. The Tsets shall exercise its supreme supervision over the implementation of the Constitution through rendering conclusions on the disputes specified in this Article and through settling disputes specified in the second clause of this Article.

2. The Tests shall consider the following disputes concerning the breach of the Constitution, render conclusions thereon and submit them to the State Great Hural; if the conclusion is rejected by the State Great Hural, the Tsets shall reconsider the grounds for the rejection and shall make a final decision in accordance with the provisions of the third clause of the Article 66 of the Constitution:

1/ the conformity to the Constitution of laws and other decision of the State Great Hural;

2/ the conformity to the Constitution of decrees and other decisions of the President;

3/ the conformity to the Constitution of resolutions and other decisions of the Government;

4/ the conformity to the Constitution of international treaties, concluded by Mongolia;

5/ the conformity to the Constitution of decisions of the central electoral body concerning referendum;

6/ the conformity to the Constitution of decisions of the central electoral body on elections of the State Great Hural, its members, and the President.

3. The Tsets shall consider the following disputes concerning the breach of the Constitution, make conclusions and submit them to the State Great Hural:

1/ whether the President has committed breach of the Constitution;

2/ whether the Chairperson and members of the State Great Hural have committed a breach of the Constitution;

3/ whether the Prime Minister and members of the Government have committed a breach of the Constitution;

4/ whether the Chief justice of the Supreme Court and the Prosecutor General have committed a breach of the Constitution;

5/ whether the legal grounds exist for the impeachment of the President, of the Chairman (Speaker) of the State Great Hural, of the Prime Minister, and for recalling members of the State Great Hural.

6/ whether Member of the State Great Hural has committed a breach of the oath and has committed a breach of the Constitution when he/her exercises his/her powers.

*/ This paragraph was added by law of 11 November, 2005/*

~~4. When submitting the conclusion specified in paragraphs 2 and 3 of this Article to the State Great Hural, the Tsets shall explain the grounds and consequences of the conclusion and answer questions related to the grounds.~~

*/ This paragraph was amended by law of 11 November, 2005/*

*/ This paragraph was repealed by law of 23 March, 2016/*

5. A final decision of the Tsets stating unconstitutionality of laws, decrees, decisions of the State Great Hural, other decisions of the President, decisions of the Government, international treaties of Mongolia, and decisions of the Central Electoral Body accepted by the Geat State Khural, or laws, decrees, approvals and decisions that the Constitutional Tsets shall decide to reconsider the disputed issues and declare them unconstitutional shall be invalid in their entirety or their contradictory articles, parts and provisions.

6. The decision of the Tsets shall become effective upon adoption.

*/ This paragraph was repealed by law of 23 March, 2016/*

#### Article 9. Review of petitions or informations from citizens

1. A citizen shall submit petitions or informations with the Tsets on matters concerning the breach of the Constitution.

*/This paragraph was amended by law of May 1, 1997/*

2. A citizen shall submit petition or information in writing which must indicate their names and addresses and a statement clearly describing what provision of the Constitution have been breached, by whom and in which way. The Tsets shall not accept any petition or information which does not indicate a name and an address of a petitioner.

3. A member of the Tsets shall study a petition or information within 14 days, and if the matter in question is not a constitutional dispute or does not fall within the jurisdiction the Tsets, then a notification stating the grounds for refusal to accept said petition or application shall be given to the petitioner.

4. A member of the Tsets, if consider appropriate, shall transfer a petition or application to the respective organizations for consideration and shall notify the petitioner about his/her decision.

#### Article 10. Submission of a request to the Tsets

1. The State Great Hural, the President, the Prime Minister, the Supreme Court, and the Prosecutor General shall make request to the Tsets to consider disputes concerning breach of the Constitution in writing indicating the following therein:

1/ the requester's address and official position;

2/ the address and official position of the person who allegedly has committed a breach of the Constitution or made a decision which is inconsistent with the Constitution;

3/ a statement describing which provision of the Constitution was allegedly breached by the activities, legal action, or decision of the respective bodies and officials;

4/ the demand filled in connection with the request, existing evidences and other circumstances which are significant in resolving the dispute.

~~2.The Supreme Court shall make its request based upon the opinion of the majority of the justices present at the session.~~

3. The Supreme Court shall make its request based upon the opinion of the majority of the justices present at the session.

*/This paragraph was amended by law of May 1, 1997/*

## CHAPTER THREE

### MISCELLANEOUS

*/The name of this chapter was substituted by law of May 1, 1997/*

Article 11. */This article was omitted by law of May 1, 1997/*

Article 12. The principles for resolving disputes.

1. In considering and deciding a dispute, the Tssets shall adhere to the following principles: openness of the proceedings, directness and continuity of court sessions, except for in cases specially provided for by law, adversarial nature and equality of parties, collegiality, objectivity of decisions made strictly in accordance with this law.

*/This paragraph was amended by law of January 19, 2016/*

*/ Article 13 through 21 of this law were omitted by law of May 1, 1997/*

Article 22. Consequences of rendering a decision on the inconsistency with the Constitution.

1.The laws, decrees, other decisions of the State Great Hural and the President, decisions of the Government, international treaties signed by Mongolia, decisions of the central electoral bodies, considered to be unconstitutional by the Tssets, as well as revocation by the Tssets of its previous decisions shall not be considered as a sufficient ground for deciding the matters concerning the damage and other negative consequences caused by these laws, decrees, and treaties. If the grounds for leniency of criminal or administrative offence have been established, the matter may be reconsidered in adherence to the decision of the Tssets and in accordance with the relevant law.

*/This paragraph was amended by law of December 4, 2015/*

2.The compensation for the damage and other negative consequences caused to the state, citizens, and organizations by the unconstitutional laws, decrees and decisions of the State Great Hural and the President, other decisions of the Government, international treaties signed by Mongolia, decisions of the central electoral bodies shall be considered and decided by the authority or the official who adopted those laws, decrees, decisions, or signed or ratified the treaty, or by a court in accordance with the relevant law at the given time.

Article 23. The liability for the obstruction of the activities of the Tssets

~~1. A person who disrupts order at the proceeding of the Tssets may be removed from the court session hall by the decision of the presiding member after a warning.~~

~~2. A person who intentionally gives false statement, submits a wrong conclusion, opinion or document during the examination and consideration a dispute, if not subject to criminal responsibility,~~

shall be fined; the citizen: from 1000 to 25000 tg, the official: from 300 to 30000 tg, the economic entity or organization: from 50000 to 75000 tg by the court.

*/This paragraph was amended by law of April 17, 1995/*

~~3. A person who offends or slanders with the purpose of obstructing or influencing the lawful activities of the Tssets, if not subject to criminal responsibility, shall be fined from 5000 to 50000 tg by the court.~~

*/This article was repealed by law of December 4, 2015/*

The Chairman of the State Baga Hural

R.Gonchigdorj

The Secretary of the State Baga Hural

B.Chimid