

Observing the Role of Inspection Organization of Whole Country in the Organizations and Executive Unions on the Basis of Civil Liability

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Abstract

Regulatory agencies have been generated of the constitutional law of the states which the authority of the Regulatory agencies is different in various countries. Bureaucracy governed on the Judiciary and the long-term consideration has been lead to the point by which individuals are intended to take their complaints to the Regulatory agencies. The Regulatory agencies are not only forwarded to finding a criminal, but also they are forward to finding a connector between individuals and states which in this case the problems would be resolved. Problems of administrative law and procedure would be resolved as well. Supervising the administrative agencies is one the fundamental characteristics of the states acting on the base of democracy. In such a political systems, through various approaches - supervising the State acts are possible which from the various approaches, we could refer to the inspection by the political parties and associations' representatives, presses, the independent and civil unions, and also the judicial agencies. The present paper is accomplished to observe the role of Inspection Organization of whole country in the organizations and executive unions by which the civil liability and the attitude of the organization in the organization's performance advancement would be realized. In several principles from the constitutional law of Iran Islamic republic, various approaches to supervise the triple authority involving administrative authority and unions have been appointed which through these approaches the principles involving 173, 133, 91, 90, 76, 57 and 114 act for the constitutional law could be referred. According to act 174 of constitutional law, supervising the good enforcement of the affairs in the administrative agencies could be undertaken by Inspection Organization of whole country.

Keywords: The role of civil liability, organization, inspection, regulation, administrative agency.

Introduction

One of the most important issues mentioned in the civil liability is the injuries compensation. Personal injuries litigation is one of the most common points of contact which the general public has with the legal system and is integral to the public's perception of that system. It can be beneficial to compare the approaches taken in different jurisdictions to attaining the common goal of restoring the victim, so that, a comparative assessment of the approaches taken to several personal injuries issues will be undertaken with a view to demonstrating that none of the current approaches serve all the aims of accident compensation systems. Instead legislatures must decide on which aims they wish to focus on as no one approach will serve all aims and trade-offs will always have to be made¹.

The regulation provided for the Inspection Organization of whole country was issued in 1982 by which the administrative regulation for the law was also issued. According to the latest regulations issued by the inspection organization in 2008, it could be stated that the duties and authorities of the organization have been specified. On the base of civil liability, it could be stated that currently the civil liability has been accepted in all the countries. In our country particularly about the acts which

are exclusively on the orientation of the state activities, the civil liability has been defined in acts of our country which in cases of violation or negligence – the state is responsible which the state has to provide the responses for any violation or negligence. On the basis of the state liabilities, we could refer the citizens security, and the state civil liability provided for citizens, which all these liabilities - particularly in the particular domains could be observed obviously^{2,3}.

The word “liability” was not existed in law of Rome and France which in the literatures of *Doma and Grosio*, act 1382 for the France civil law was not used which it is observed in their literatures that the liability has been used instead of injury compensation. As a matter of fact, the “liability” “could not be observed neither in 1804 act nor in 1810 act of France. Furthermore, the word “liability” was get to be used from the late of 18th century in European languages which in 19th century, the law got prominent in all the European continents. Notwithstanding, the derivatives of the liability is more prominent in the morality and law domains which it is used by Siron in his responses. In Rome law, the word “Respondere” moreover involving the meaning of liability, is the response against any need or request, but this word does not involve the current meaning of liability which such a meaning has to be

found in the other words –“imputation” and “to inflict a retaliation”. From the late 13th century, in the circumstances which the law was subordinated to the religion and morality, the word “liability” was propounded in the morality and religion domains. Later, while the morality got into the non-religious domain, in this case the word “liability” was used in the morality involving the morale law adapting with the rationalism and nature, so that, this word could be used as the meaning for giving response to the results of acts, behavior and blames⁴. Notwithstanding, the jurist, Holmez believes that the purpose of civil liability is not only the injury compensation, but also it has another meaning by which the injured has to endure the injury.

It is clear that legislatures and courts must take a realistic approach to tort reform and realize that each approach will prioritize certain goals at the expense of others. While it would be naive to expect the tort reform process to be totally uninfluenced by commercial and economic pressures, such influences should not be given undue weight. Moreover, the practical implications of reform proposals should be worked through as much as possible. While the idea of introducing a comprehensive no-fault compensation scheme seemed like the ideal remedy for the many faults of the common law system, in practice the scheme has created its own set of problems. The common law practice involves paying the plaintiff his damages in a once-off lump sum^{5,6}.

This means the assessment of losses, both past and future, must be carried out at the date of the trial. This can prove unsatisfactory as it offers the plaintiff no recourse if his condition deteriorates after the trial or if something unforeseen at the time of trial occurs which drastically alters his position. The multiplicand is the annual sum that represents the plaintiff's loss or earnings or expenses at the time of trial. This figure is then multiplied by the multiplier to calculate the total award^{7,4}.

In Iran, it is near to six decades which the inspection associations organized. Post constitutional revolution influenced of European countries like France, Soeda – the regulations about the issuance and also the ministries and organizations were organized which all the regulations were related to the inspection. Post the occurrence of constitutional matters in Iran, the formation of the state was changed by which the governmental organizations were influenced by the changes involving the public administration resulting the legal issues in the state. Moreover the Separation of powers, Checks and Balances, the issue “inspection” has been also mentioned as the fundamental elements in the constitutional laws in various countries and also in constitutional law of Iran Islamic republic. The Checks and Balances have been described as a cursory "sharing of powers." While it is certainly true that the executive, legislative, and judicial branches share the duties of government, this only describes half of the concept. Indeed, as this diagram illustrates, the arms of government all serve as watchmen of the other branches. For instance, the Supreme Court can declare laws passed by the legislature

"unconstitutional," and Congress can impeach and remove the president from office, given it has the proper number of votes. Division of the legislative, executive, and judicial functions of government among separate and independent bodies is possible. Such a separation limits the possibility of arbitrary excesses by government, since the sanction of all three branches is required for the making, executing, and administering of laws. Through this, it could be stated that the concept of inspection involves complexity, this is stated in such a way that the basis to implement it could be determined in the specialized studies provided for the regulations. But the massive challenge of inspection, the acts for the inspection are undertaken by state which it may be different from the personal freedom and citizen right, by which the public structures could not be changed.

Main body

Through the inspection principle, the advancement of human life quality could be realized. This principle is obvious in the humanity system – it is obvious that the best form of inspection is the divine inspection. Supervision of magnificent God on religious belief, state behaviors, economic and social issues are all prominent in Quranic verses. Along this, the necessity of supervision in divine religions particularly in Islam is prominent. Currently, one of the most important needs in the management system is the very supervision, because the existence of a supervision system could be effective in the realization of organizational purposes and the accomplishment of acts, avoid of obliquity and organizational injuries⁸⁻¹⁰. Hence, the necessity of supervision system in Iran Islamic republic is in a way that in the most important state administration system – the constitutional law and the supervision system has been mentioned. From the liabilities of Judiciary, the supervision on the legal implementation of laws in the administrative and judicial agencies could be mentioned. As a matter of fact, through various approaches - the liability in this system has been forecasted. Moreover the supreme court of state in which the supervision on the implementation of regulations in Judiciary realizes, also the establishment of the Inspection Organization of whole country under supervision of the Judiciary to supervise on the administrative system of the country in act 174 of constitutional law has been considered. According to this act, Judiciary is responsible to supervise the affairs implemented well in the administrative agencies by which an organization “Inspection Organization of whole country” under supervision of the Judiciary would be organized. The authorities and liabilities of the state could be determined by this organization. Civil liability is called to the Potential responsibility for payment of damages or other court-enforcement in a lawsuit, as distinguished from criminal liability, which means open to punishment for a crime. According to article 11 of civil liability regulation, the state employees and municipalities and the institutes working under these agencies supervision, in case of any damages or injuries for the ones working in these places, the injury compensation is undertaken by them. Through this article, the injury

compensation is undertaken by these agencies. The concept of legal personality is not absolute. "Piercing the corporate veil" refers to looking at the individual natural persons acting as agents involved in a corporate action or decision; this may result in a legal decision in which the rights or duties of a corporation are treated as the rights or liabilities of that corporation's shareholders or directors. Generally, legal persons do not have all of the same rights—such as the right to freedom of speech—that natural persons have, although the Republic of Iran has become an exception in this regard. Civil liability is the area of law concerned with private responsibility between persons. An organization that is incorporated has a legal personality and can be sued. As well, the staff, volunteers and directors of an organization can be sued personally, whether or not the organization is incorporated. Some Organizations have directors' liability insurance, or otherwise indemnify the directors, to protect the personal assets of their directors from being used to pay legal fees, court costs and court-ordered monetary awards¹¹. According to act 11 of civil liability, while the proceedings provided for the social interests and cause the damages at this time, so that in this case the state is not responsible to pay the injuries. Abuses – forgery, corruption, embezzlement, and etc. in offices lead to the point by which public belief to the state system decrease, so that the government office use the supervision tools to organize the organizational purposes and plans; obviously through the supervision – the organizational purposes realize. According to act 174 of constitutional law and through the supreme supervision by Inspection Organization of whole country, all the principles are relevant with the purposes of Iran Islamic republic¹². As a matter of fact, through this act the affairs would be accomplished well which the abuses in the office would be prevented in this case. on the basis of civil liability, A particular attention would be paid on injured which in the contemporary law, it has been stated that the particular attention is paid on injured which on the basis of civil liability, jurists believe in supporting the right of injured and protecting him. Despite as assumed, injury compensation as paying an amount of money is not the only purpose of the civil liability related to injured. In fact, Prevention from the loss and damage in future and fix the compensation of aggression are the absolute purposes of civil liability. Individuals are entitled to request the court to prevent the illegal proceedings resulting the illegal loss and damages - through this the loss and damage would be prevented¹³.

Experience tends universally to show that the purely bureaucratic type of administrative organization—that is, the monocratic variety—is, from a purely technical point of view, capable of attaining the highest degree of efficiency and is in this sense formally the most rational known means of exercising authority over human beings. It is superior to any other form in precision, in stability, in the stringency of its discipline, and in its reliability. It thus makes possible a particularly high degree of calculability of results for the heads of the organization and for those acting in relating to it. It is finally superior both in intensive efficiency and in the scope of its operations, and is

formally capable of application to all kinds of administrative task.

Civil liability

In a case while all the requirements of civil liability are observed, in this case the injured is entitled to request for all the injuries compensation, so that the ones who brought about the loss and damage are responsible to compensate the injuries. Hence, the responsibility realizes at this time which the responsibility is the consequence of the relation between injured and injured inducers. Finally, the civil liability realizes which it could be observed and supervised¹⁴.

Supervision

The necessity of supervision: Supervision is the fundamental element in the organizations which it is mentioned as the influential instrumentations of the management. The authors about the liabilities of a manager believe that planning, organizing, coordination, supervision, bringing about motivations with the particular elements are the important liabilities of a director in the organization. Through this, the supervision is mentioned as a pertinent approach for being assured of the realization of purposes. Within the expansion of administrative agencies, the scope of activity and the authorities of supervision sector would be increased as well¹⁵. Within the supervision, the disadvantages for the advancement of activities and the occurrence of divergences would be identified. If any difficulty be observed in the supervision affair, in this case in an organization -the cruelty, bribery, embezzlement, abuse, disloyalty and etc would be emerged by which the achievement of purposes would be a difficulty. The purposes of supervision involving being assured of implementation of plans, the realization of purposes and the assessment of purposes, the assessment of advancement through supervision, being informed of the occupational position and feeling of employees, the clarity of strengths and weaknesses would not be realized ever. It is obvious that a supervision could be effective for the realization of organizational purpose, of course this is true permanency and the balance be considered in it. The role of supervision is particular in such a way that in the articles 174, 173, 161, 55 and 54 of constitutional law – the necessity of regulatory agencies like the High administrative court, supreme audit court, administrative justice court and Inspection Organization of whole country be stated¹⁶. It has to be stated that the injuries titled involve various reasons which the recognition of the injuries are essential to act against the injuries.

The following reasons could be stated for the necessity of supervision: i. Due to the fact that leaders in the society are not innocent, so that it has been stated that their affairs have to be supervised as well which the divergence cases have to be identified, reported and finally reformed. ii. Some individuals are responsible to organize and direct the organizations and

administrative agencies, which due to the possibility of error in the individual's acts, the supervision on the activities of individuals is necessary. iii. The assumption of lack of divergence, error or even supervision – individual's presence in the politic demonstration would be effective which the consequences such as the stability of state bases and the facilitation in implementing justice realize. iv. The principle "supervision" is the fundamental principle. v. The artifacts are all supervised by which it is reported that the ones who are satisfied with the purposes of the society are not against the supervision. vi. Divergence or the violations in the supervision agency have not to be lead to the aggression in the supervision agency. vii. Believe in the fact that the situation goes bad in case of supervision, is the corrupted belief. Actually, something which leads to the worse situation is the lack of supervision, inaccuracy, and etc. viii. Supervision is needed for the fair, and accurate governing in the relations, and transactions.

Supervision on the basis of authorities: i. Approbative supervision: The guardian council interprets the term supervision in article 99 as Approbative supervision which implies the right for acceptance or rejection of elections legality and candidates' competency¹⁷. ii. Notification supervision: this interpretation is in contrast with the idea of Approbative supervision.

Supervision on the basis of legal authorities: In the authorities which the plans, standards and the obligations and related to the activities would be issued and appointed to the activities of administrators which is called external authority. This is due to fact that the implementation of the liabilities is possible out of the organization by which the general policies could be codified in such a way that the activities could be implemented and the domination would be undertaken which is called the internal authority¹⁸.

External Supervision

The policy makers, planners and codifiers are continuously concerned about the fact by which due to lack of paying attention to the obligations -they have to be informed of it. External supervision is a term which refers to the provision of support for the professional practice of workers through a qualified and experienced professional in the field. This specialist does not work within the organization and is therefore called an external supervisor. This belief was originally developed because of the frequency with which the author experienced agencies asking for external supervision for staff, without a clear idea of what specific functions this would cover. This led to problems such as an assumption that the external supervisor would deal with disciplinary issues or judge the person's work performance, without any direct involvement with their day-to-day work. Another assumption appeared to be that staff should wait 1 or 2 months before being able to debrief situations which affected them personally and was impacting on their work^{19,20}.

Internal Supervision

Internal supervision of the work environment shall consist of the following stages:

The planning of internal supervision of the work environment.

The evaluation of the work environment risk, including the evaluation of risk in work performed by pregnant women and women who have recently given birth.

The implementation of internal supervision of the work environment; and the inspection and improvement of internal supervision of the work environment. These Regulations shall not apply to those activities in emergency situations, which are performed in conformity with the Civil Defence Law and inevitably conflict with the requirements of these Regulations²¹.

The supervision on the basis of time authorities: The allocated time for supervision and adaptation of performances with the criteria and standards is very important. Various purposes from the supervision realize in different time intervals which the purposes would be mentioned in next sections. Generally, the supervision may be accomplished pre, during and post doing the affairs. Surely, various time intervals have been considered for the supervision²². i. Supervision before doing the affairs by which the adaptation of the performances with plans and standards may be accomplished pre, during or post doing the affairs. Surely, the supervision in various time intervals is possible. ii. Supervision during doing the affairs; the affairs of the agencies involve extensive dimensions which they are developed of the technical, administrative and financial sectors. Supervision during doing the affairs has to be involved of the supervision in all the sectors which it may be accomplished through the external authorities. But it has to be stated that supervision during doing the affairs is highly important for the internal authorities. This is due to the fact that through report, any divergence would be reformed –this leads to the occurrence of difficulty in this system²³. iii. Supervision post doing the affairs. Post termination of administrative acts, the weaknesses and strengths would be specified. The experiences could be gathered from the implementation of the projects and the analysis of the projects which these would be effective for future decision making. The reports provided by the supervisors involve the way of adaptation with the expected facts which this would bring about the pertinent experiences for administrators²⁴.

Supervision on the basis judicial authorities

The aim of representing this issue is the supervision on the basis judicial authorities on the administrative agencies to prevent the violations, and to realize doing the affairs in a best way. The expectation of law maker is to do the affairs in a sufficient way by which the satisfaction of individuals would be realized.

The legal necessities in the law of supervision to implement the acts in a sufficient way: i. The important liability of jurist system is the protection from public law, implementation of the justice and divine origins which through issuing the verdict, the

punishment of criminal would be realized. The president judge of the court of common pleas of a judicial district shall exercise general supervision and administrative authority over magisterial district courts within the judicial district²⁵. As a matter of fact, the president judge's administrative authority over magisterial district courts within the judicial district includes but is not limited to, and shall be governed by, the following:

Records: The president judge may designate a person to maintain personnel and other records in such form as directed by the president judge or required by general or local rule; **Meetings with Magisterial District Judges—**The president judge may require the attendance of magisterial district judges in the judicial district, individually or collectively, at meetings with the president judge or his or her representative. Staff in the Magisterial District Courts.

Except where minimum job qualifications for staff in the magisterial district courts are prescribed by the Supreme Court of state, the president judge may prescribe minimum job qualifications for staff in the magisterial district courts in the judicial district. The president judge may establish a classification system and job descriptions for all authorized staff in the magisterial district courts in the judicial district. The president judge may establish general procedures regarding the hiring, firing, supervision, and discipline of all authorized staff in the magisterial district courts in the judicial district. The magisterial district courts shall be responsible for the management of authorized staff in their court. The magisterial district courts shall assign work among authorized staff in their court, and may select one authorized staff member as personal staff²⁶.

Additionally, In the interest of efficient administration of the judicial district, the president judge may transfer or reassign a staff member, other than personal staff who may be transferred or reassigned only with the consent of the magisterial district judge, from one magisterial district court in the judicial district to another, and hire and assign, as appropriate, temporary or floater staff²⁷.

The president judge may establish a system of performance evaluation for staff in the magisterial district courts in the judicial district. The president judge may prescribe initial and ongoing training for staff in the magisterial district courts in the judicial district. The president judge may coordinate leave for magisterial district judges in the judicial district to assure access to judicial resources.

On the basis of Office Hours—in consultation with the magisterial district judges, the president judge may designate the ordinary hours of magisterial district courts in the judicial district in accordance with Rule 103 of the Rules and Standards with Respect to Offices of Magisterial District Judges and the efficient administration of justice¹⁹.

Temporary Assignments; Transfer of Cases—In consultation with the affected magisterial district judges, the president judge may order temporary assignments of magisterial district judges or reassignment of cases or certain classes of cases to other magisterial districts within the judicial district or to central courts within the judicial district. **about Conduct of Magisterial District Judges—**When a complaint is received with respect to the conduct of a magisterial district judge, the president judge may in his or her discretion, review the matter with the affected magisterial district judge and may take any action that the president judge deems appropriate to assure the efficient administration of justice. Contemporaneous notice of any such action taken by the president judge resulting in reassignment of cases or otherwise affecting the duties of the magisterial district judge shall be given to the Supreme Court of state and the Court Administrator of state²⁸.

Procedural Audits—The president judge may direct that procedural audits of a magisterial district court be conducted to assure compliance with general and local rules, administrative policies and procedures, and the Magisterial District Judge Automated Office Clerical Procedures Manual. Such procedural audits shall be separate from the fiscal audits conducted by the county controller or state Auditor General, which shall be limited in scope to the accounts of the magisterial district judge. Such procedural audits may be conducted by the district court administrator, an outside independent auditor, or such other person as the president judge may designate.

Official Note is a Rule which is promulgated in order to secure the efficient and effective administration of the magisterial district courts²⁹. It recognizes that magisterial district judges are the judicial officials charged with the legal and administrative responsibilities within their respective magisterial districts. Designed to further the unified judicial system in each of the judicial districts, this Rule contemplates a cooperative approach to the administration of the magisterial district courts, acknowledging the independence of the judicial officers and the supervisory role of the president judges.

This Rule was amended in 2003 to more specifically outline the authority, powers, and responsibilities of the president judges with regard to management of the magisterial district judge system. In so doing, however, it was not intended that this be an exclusive list of powers and responsibilities, nor was it intended to limit the president judges' authority to the areas listed. Given the diverse needs of judicial districts throughout state, how president judges exercise this authority will recognizably be varied. In general, president judges have broad authority with regard to management of the magisterial district courts, but it seemed advisable that certain areas of authority and responsibility be specifically defined³⁰.

Two expressions "supervision" and "inspection" are different from each other which two perceptions could be realized for these two expression ; actually these expressions are mentioned

as synonyms for each other which surely the same understanding for these synonyms has been realized. In contrary, the performances realized by these two expressions would not be same. As a matter of fact supervision is the procedure of acts which the performance of individuals, the purposes and the administrative approaches for the regulations would be involved. In the other word, it could be stated that supervision is a process which for its realization, the instrumentations are needed –also the fundamental purposes of it could be divided as following: i. Provide help for employees, organization and community in order to realize the purposes, ii. The recognition of weaknesses, strengths and divergences and provide guidance from the repetition, extra costs and achieve the favorable result by which the public interest would be realized.

The differences between supervision and inspection are involved of: i. Difference in purpose: In the inspection, the purpose is clear for the inspector. It means that the problems would be reported for the inspector at this time by which the approval and observation of the matter would be reported for the inspector. The presence of inspector is essential for the realization of the purpose, but in the supervision – the purpose is designed to resolve the problems. In this case, the matter may be reported previously or later which essentially the presence of inspector is not important. ii. Difference in approach: The approach of inspection is unexpected which the investigation may be realized at this time while it is totally different from the approach of supervision –actually in the approach of supervision, the cooperation is an essential fact. iii. Difference in skill: The dimension of inspection is general, statistical and physical –but the dimension of supervision is more qualitative and academic. iv. Difference in domain and breadth: Inspection involves limited domains which it may be accomplished through particular inspectors or legal agencies. As a matter of fact, supervision involves generality which it is reported that all the employees in the organization supervise all the facts and stages of doing affair, controlling and the realization of purposes which it is not allocated to a particular agency.

The role of Inspection Organization of whole country in the constitutional law of Iran Islamic republic Judiciary: The judiciary - judicial system is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution. Under the doctrine of the separation of powers, the judiciary generally does not make law or enforce law, but rather interprets law and applies it to the facts of each case. This branch of the state is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal -called the “Supreme court” or “Constitutional court”, together with lower courts. According to article 2 of act 156 in constitutional law, the aims of judicial system have been mentioned by which it is stated that an individual, his life and health, honor and dignity, inviolability and security shall be recognized in judicial system as the highest social value. Human rights and freedoms, and guarantees

thereof shall determine the essence and course of activities of the State. The State shall be responsible to the individual for its activities. Affirming and ensuring human rights and freedoms shall be the main duty of the State. Also, according to article 3 of act 156, it has been stated that the supervision of the well implementation of the rules through the judicial system has been forecasted – for this the existence of the organization is same as the role of constitutional law. Through this, act 174 has been issued. Therefore, according to article 3 of act 156 and article 174 of constitutional law, Supervising the proper enforcement of laws has been classified in the judicial system; This system - judicial system is responsible to implement its liabilities¹⁷.

According to act 76 and 90 of constitutional law, the affair “supervision” has been mentioned fundamental in the Islamic council association which the supervision of the Islamic council association states in this case is the very political supervision involving the parliamentary origin. It could be stated that the supervision in this case is totally different from the judicial considerations. It means that the parliamentary supervision involves the divine and political aspects more by which the mental impact would be influenced on the society which the consultative impact would be influenced on agencies. Notwithstanding, today the reasons for the lack of success in inspection in Iran Islamic republic have been stated which from them – the diversity of supervision unions, lack of coordination and relation among them could be mentioned. In our country, the pathology in the inspection and supervision system could be observed in the dispersion of authority which through the development of various inspection unions through the interorganizational and intraorganizational unions, the dispersion of authority could be developed. In the dispersion of authority, the same unions may be developed –consequently the liabilities, supervision and inspection authorities for individuals, organizations and inspection unions would not be specified¹⁴.

The relation between the supervision of inspection organization and the separation of powers: Generally, here the matter has been mentioned by which it is stated that “whether the supervision of judicial system through inspection organization in the country is different from the principle “separation of powers” or not?” In other word, is the act 174 of constitutional law for Iran Islamic republic different from the principle “separation of powers” in act 57 of the same law? According to constitutional law of Iran Islamic republic in act 57, it is stated that the authorities dominating in Iran Islamic republic are the Legislature's Authority, Administrative authority and judicial system which based on the upcoming principles – it is stated that the affairs of these authorities are totally different from each other – they are independent from each other. In act 174, it has been stated which based on the supervision law of judicial system in the administrative agencies – the inspection organization is developed. It seems that supervision by the inspection organization in administrative agencies of different authorities is different from the principle “separation of powers”. As a matter of fact, this perception from

the separation of powers is wrong, which this is due to the fact that the separation of powers is represented for the avoidance of strength concentration in the individuals by which the autocracy would be prevented. Any authority involves two types of authorities, and liabilities which some of these authorities are fundamental which in this case the fundamental criterion for the recognition of the authority would be specified. Settling *Lawsuit, judgment and punishment, implementation of the rules are the liabilities of* Legislature's Authority, judicial authority and administrative authority, respectively³¹. *In this relation, it has been stated that no authority has the right to intervene in other authorities' affairs, so that the affairs of judicial authority and administrative authority are independent from each other* which these two authorities could not settle lawsuit. Generally, it could be concluded that, however, the development of inspection organization in whole country under supervision of director would lead to the increase of authorities and proceedings of the organization – consequently the consequences and decisions of the organization would be easily implemented. This would lead to the denial of the innovation from inspection union in all the authorities which the great inspection organization for the guardians would lead to the intervention of the guardianship in administrative matters. Through this the determination of policies would be avoided – consequently it seems that policies may not be in accordance with the liabilities mentioned in act 110. There is an exception as well by which it is assumed that appointing the director of inspection organization in whole the country is one of the authorities of the guardianship. This is due to the fact that appointing the dominators was from the liabilities of prophets and Amir Almomenin which the inspectors were responsible in this case. In the public right domain, the supervision and inspection act on the administrative agencies would be determined through the supervision organizations and unions in the constitutional law which all these mentioned as the governing acts. Consideration of academic principles in supervision and inspection acts involve the good enforcement of affairs in the administrative agencies. Accordingly, the fundamental purposes of Legislature's Authority is the fact that the administration of rules could be guaranteed by this authority. According to article 2 of Islamic punishment law issued in 1991 – it has been stated that if punishment determines for the actions, so that the crime would be realized. Criminal law enforcement by executive officials, such as police officers and military commanders, is mentioned only occasionally in the law books. These officials had wide, nearly unlimited powers in dealing with crime. Criminal code is so important than other legal code, because its relevance to people life, honor and property. So I think if you want scrutiny develop of society you must note to its criminal law and penal procedure.

Conclusion

According to article 174 of constitutional law, in case of offence- the inspector has to act based on the Islamic regulations, otherwise the loss would be compensated through

the state. According to article 953 of civil law, offense is the abuse and the waste is leaving out the action which is unnecessary for keeping the finance safe. Accordingly, due to the fact that inspection is one of the cases of the governing, so that in this case the loss would not be paid and in the cases while the offense is definite, in this case the inspector has to act against the offenses, actually the offenses may be the violation in the offices. If the offense be acclaimed by inspector, in this case the issue would be propagated to the justice supervision authorities and all the acts would be issued in this case. In a case while the inspector works in the Inspection Organization of whole country or any other administrative office, in this case the acts have to be issued by these organizations in order to act against the offenses. Inspectors are the members working in inspection committee. The inspector is a human which the probability of any offense and error is from the confined. Hence, the inspection committee may undertake the offenses while doing the inspection or representing the report. Due to the fact that the inspection is an affair which is nearly similar to investigation, so that the inspector has not to use any records to inspect and codify the report. Along this, the inspector has to refer to the realities and facts, and he has not to refer to the previous perceptions and his memory. But, the training for the director of inspection committee before the inspection is not using his memory. Also, in cases the inspector knows that latest function of the agency as the basis for assessing and making decision about the agency. For instance, the inspector may face the absence of employees while referring to the administrative agencies. This matter is the basis for the annual assessment, it would be the error as well. Because, it would be probable that the functions of the agency be favorable whereas some employees be absent.

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