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## Pathology of the Islamic Councils in the Islamic Republic of Iran

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### Abstract:

One of the Millennium Development Goals of the United Nations General Assembly for Governments is to move towards decentralized local governments, which are the most important mechanism for achieving a lasting improvement in service provision. Accordingly, the establishment of local institutions in Iran, such as Islamic councils, including local inclination and administrative decentralization are considered and discussed in the form of public participation. Due to the formation of local councils in Iran in 1998, paying attention to the various dimensions of the councils is of particular importance. The present article intends to criticize the pathological factors that have caused inefficiency in the performance of Islamic councils in Iran. In this regard, this hypothesis was tested that in addition to the weakness of the performance of the councils in attracting people's participation, organizational; administrative; and executive weaknesses and the politicization of the councils have also been harmful to the performance of city councils. It should be noted that testing the hypothesis was conducted descriptively-analytically and the hypothesis was confirmed.

**Keywords:** Pathology of Islamic Councils, Local Governments, Politicization of Councils, Weaknesses of Councils

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### Introduction

The formation of the City Islamic Councils is a brilliant point in the workbook of the Islamic Republic of Iran; a brilliant point that ideally can move a significant part of decision making and planning from top layers of management to the middle and even lower levels of the community, and this is a huge step forward in moving towards a democratic society. The City Islamic Council, which is

currently undergoing a turbulent youthful life, has many shortcomings in addition to the many services it has provided to the community.

Councils represent the distribution of power in the religious democratic Iranian society, and their formation with such an extent and importance in the history of this country is unprecedented. However, this new and emerging public institution, both inside

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and outside of Iran, faces a number of problems that should be solved patiently and expediently by the scientific strategies, so that the management of the council based on religious teachings gradually be institutionalized and Iranian people can benefit from its works and blessings.

The aim of the formation of Islamic councils is to encourage people to participate in the management of local affairs. Nowadays the councils play a decisive role as decision-makers and supervisors in local affairs and in the development of urban and citizenship rights. People's participation in the administration of affairs and the transfer of powers to the councils are rooted in individual rights. Regarding the emergence of the idea of democracy in various political, economic and social fields, and the transfer of affairs and determination of their own destinies by the people and locals in most of the world, local government has flourished.

Islamic councils are established as the most participatory institution for the prompt promotion of social, economic, cultural, educational and other welfare services. Since they are fully aware of the conditions and needs of a local community, they can meet the needs and requirements better and more than any other institutions. In the constitution of the Islamic Republic of Iran, Islamic councils (including county, village, district, and city and province Islamic councils) are foreseen and play the role of guidance, reinforcement, supervision and legislative approval, and consequently with their executive authorities, they carry out different affairs. Accordingly, Islamic councils act as an administrative advantage.

Islamic councils are clear indications of the system of decentralization in Iran, where

members of these councils are elected through direct people's votes. In addition, the councils have duties, within the framework of the culture of society that they belong to in order that they provide people with the opportunity to grow and achieve their presence as well as their effective participation. However, to be able to use their capacities, they must first identify the city's shortcomings, imperfections and cultural needs, and then prepare suitable schemes for deficiencies and respond to deficiencies and needs and provide them with executive agencies. The present article seeks to help the management of the council in Iran.

In modern political culture, councils are the manifestation of people's will and authority, and their members are directly elected by the people to govern cities, organize the affairs and aristocracy, monitor the performance of the executives, and supervise good performance of programs and plans on the behalf of the citizens. Therefore, the councils are the manifestation of citizens' will and votes.

Local governments in Iran have been at the center of its policy makers for about a century ago. Comprehensive laws have been prepared for them, but there was no possibility of real formation of these institutions for various reasons. During that time, their laws were subject to various developments. With the victory of the Islamic Revolution, local governments entered a new stage. Despite the formation of these institutions in the early years of the revolution, various issues caused them to be ineffective and they were eventually forgotten (Moghimi, 2007: 137). Until the first experience of local government officially began in 1998, now five terms of it have passed.

The city Islamic councils as one of the symbols and manifestations of citizenship rights eventually took place in March of 1998 with a lot of ups and downs as well as political, administrative, financial, cultural, etc. bottlenecks after several decades. However, during their lifetime, they faced many problems such as domestic problems and sometimes foreign trends, sometimes the bottlenecks before and after the formation, once the challenges of the urban management structure, political, administrative, organizational, legal, and economic challenges, etc. These problems have put popular institution in conflicts and controversies.

Accordingly, the present study, while contemplating the legal status of the councils and its background in Iran, aims to study the hypothesis that the weakness of the councils' performance in attracting popular participation; organizational, administrative and executive weakness; and politicization, have resulted in inefficiency in city councils' performance.

### **Significance of Islamic Councils**

After the victory of the Islamic Revolution and the establishment of the Islamic Republic of Iran, a new chapter was opened in the administrative history of Iran. The constitution of the Islamic Republic of Iran, based on religious texts, considers the councils to be the decision-making bodies. Regardless of the significance of the constitution for councils and its role in governing the affairs of Iran, the allocation of several principles in the constitution regarding councils is rarely observed in the fundamental laws of other countries, which indicates the high rank of this popular institution.

The Iranian constitution explicitly states that the Islamic Councils are one of the

decision-making bodies in Iran's affairs. Although, in terms of the organizational and administrative decisions of Iran, they have their own duties, but in terms of the constitution and the right to rule, it councils are categorized in other branches of government and government officials are required to comply with their decisions within their authority.

The Islamic Consultative Assembly, in addition to the constitution, has passed many laws on Islamic councils that specify the scope of their duties and powers. Islamic councils are able to pass resolutions in the fields of executive, developmental, economic and cultural fields of the desired environment. Mayors are responsible for the implementation of those resolutions. Since the adoption of laws on cities is the responsibility of the councils, it is natural that they select the moderator by the institution. As a result, the law has given this important authority to the councils.

Consequently, the councils are viewed as the crystallization of genuine popular participation in social, cultural, and economic decision-making. They are, in one way or another, bodies of collective participation and decision-making on public affairs. The councils, too, is tasked with oversight and critical decisions, and thus the government becomes more familiar with the demands of the people and people with government problems. In the councils, part of the government's powers is delegated to the members of the Islamic councils of cities and the villages. Part of their authorities has been returned to the people. Moreover, the presence of councils in local decision-making centers reduces the degree of government executive activities and accepts of the responsibility of their implementation activities.

### **Existential philosophy and History of the councils in Iran**

Islamic councils are a specific territorial unit within the geographical area of Iran, which, having an independent legal personality has the authority and power to manage some of the general affairs and needs of a particular area. Therefore, since in the political-administrative system of the Islamic Republic of Iran, the administration of public affairs, both at national and local levels, on the one hand is based on the principle of centrality and, on the other, is based on a council system, it can be admitted that the Islamic councils are local organizations that, with its independent legal competence, have the authority to manage some of the public affairs of cities as observers and decision makers. (Ghasemi, 2010: 161)

One of the tasks of the Islamic councils can be clearly seen in four advisory, monitoring, planning and executive areas. The objectives of the Islamic councils can be the implementation of the policy of decentralization, the transfer of developmental, economic and welfare tasks to the people, speeding up the flow of affairs, elimination of discrimination, social monitoring, completion of the work of state institutions, guidance and leadership of local plans, popular awareness, and enhancement of the power of the state. (Ghorbani, 2010: 97)

Local governments in Iran have a long history, but the beginning of the idea of establishing formal institutions for the participation of the people in the executive office of their place of residence as well as other new political and governmental institutions goes back to the events leading up to the Constitutional Revolution. The history of local governments in Iran, according to the new con-

cept of these organizations, can be examined in several terms:

Period 1: The first spark for the formation of a local government constitutional amendment to the Constitution of Constitutional Revolution in 1285 AH, the establishment of the formation of provincial and city councils was approved by the Constitution. Although this law never came into force, it has always been the place for public opinion and views on the political and social participation of people in different parts of Iran.

Period 2: At the same time as the nationalization of the oil industry in Iran, participatory institutions, like the current ones, were considered, and by replacing the Municipal Law and City Association Act of 1328 (1949) and its next amending law, entitled "Municipal Law", adopted in 1331 AH (1952) Instead of the law of Baldia in 1286 AH, it was provided with forecasts of the City Association and the supervision and guidance of municipal affairs in subsequent years.

Period 3: With the removal of Khanate and, consequently, Kadkhodaism (sheriff) from the socio-political life of the villages in the early 1960's, power and authority were distributed among several new institutions, including rural cooperatives, associations of ten, and several years of fair and decent houses in the village. In this way, the power of the villages' political and social management to the society has changed radically with the "Law on the Establishment of Societies and the Reform of Social and Cultural Development" and despite reforms until the victory of the Islamic Revolution in 1979, it continued to work with new arrangement and organization.

Period 4: "The Law of the Formation of Associations of Cities and Provinces" was

approved by the Shah's regime on June 30, 1951 to reduce international pressures and draw up the lawmakers and democrats in order to reform and review the formal participation of the people. Has acted in accordance with the constitutional principles of state and provincial associations; with the difference that the law used the name of the province instead of the state and the city instead of the province.

Period 5: With the advent of the Islamic Revolution, a fundamental change was made in all the institutions of the society; and before the adoption of the constitution of the Islamic Republic of Iran in July 1979, the Revolutionary Council approved the "Local Councils Act" and the city council elections were held. By adopting the constitution, an independent chapter was devoted to this approval.

Period 6: according to the necessity of forming councils, especially in villages and to improve and develop the situation of villagers, with the insistence of Jihad-e-Sazandegi Organization in 1982, while approving the "legal plan of the organization of Islamic state councils", it constructed rural councils in co-operation with the Ministry of the Interior (Moghimi, 2007: 55).

Period 7: On 20/10/1985, a note was added to Article 53 of the Law on the Establishment of the Islamic Consultative Assembly, which was approved on 22/11/1982, which the following additional law stated: "Until the formation of the Islamic Council in each city, the Minister of the Interior or the head of the Ministry of Interior, the successor to the Islamic Council That city will be in the affairs of the municipalities (Rezaiezadeh, 2006: 168). In accordance with the "Election Law of Islamic Councils" passed in 1986, the election of councils in cities and villages was assigned to the Ministry of the Interior and the

tasks of Jihad, but it was not possible to enforce the law for various reasons including imposed war.

Period 8: With a major overhaul of previous laws In 1992, the "Bill on the Organization, Duties and Elections of Councils and Municipalities" was presented to the Islamic Consultative Assembly, which, after much review in 1996, it was approved by the Majles (Parliament), and eventually the law was enforced in cities, towns, villages and districts on March 8, 1998 (Moghimi, 2007: 55).

Period 9: In 2002, the election of the Islamic Councils of cities and provinces as well as the Supreme Council of the Provinces was also held in accordance with previous laws (Rezaiezadeh, 2006: 168). So far, we have witnessed the holding of the election in various terms.

### **Factors affecting the influence of Islamic Councils**

One of the important goals of the formation of Islamic councils is to bring people from the lowest level of society to the highest level in the administration of affairs and to feel the identity and responsibility of their local and institutional affairs. Accordingly, the participation of people in different cities is important to the decisions and actions of the councils. If people are feeling more positive and familiar with their ability to influence decision-makers' decisions, they will probably have a better look at the councils and the picture will be true.

### **The weakness of the City Council in attracting people's participation**

Any plan and project implemented in the city involves the goals that can be achieved by implementing the project; on the other hand, cultural and development projects cannot be implemented without understanding the need.

In other words, a common point of view between the project's goal and the required one is expected to be more consistent with the needs of the people and the purpose of the project. The fact that the implementation of the project contributes to the needs of the people as much as possible, and who has played a role in identifying and defining the characteristics of the project, determines the relationship and impact of the participation of people in the implementation phase of the project.

The implementation of projects that people have to deal with are not possible without the opinion of the people whom the plan is intended to implement and their comments on the poor definition of the plans are not possible, because if the decision-making process for the plan is not attended by people, it certainly should not be expected to help during the implementation phase of the plan.

Acceptance of the plan by some other people is the result of the participation in the plan. The process of accepting a plan for people is in fact their persuasion and satisfaction with the usefulness of the design and ambiguity over the implementation of the plan, so that people accept the credibility and correctness of the implementation of the plan (Azkia, 2005: 54).

Since citizens in big cities do not personally identify their representatives, the possibility of dialogue between members of the city council and citizens significantly reduced, but this direct dialogue between citizens and members of the city council is necessary because the member of the city council can directly inspire from citizens and be aware of the will of the people in fulfilling their duties. Another benefit of this dialogue is that both citizens and their representatives

in the city council are more aware of their responsibilities and powers. Citizens also learn not to offer unnecessary demands from members of the city council. In addition, members of the city council committing to citizens and their legitimate demands. (Moghimi, 2007: 99)

Members of the City Council rarely use citizens to make decisions. So far, the decisions taken by city council members to resolve urban problems have not been put to the polls by popular vote. This can have a negative effect on people's acceptance and trust in the city council members.

#### **Legal weakness of the city council**

The factors affecting the lack of institutionalization in the councils and its related strategies are the "centralized structure of the administrative system" and "obscure laws." The Iranian administrative system focuses on local democratic institutions as new elements. Majority of employees working in the public sector are government-owned. The government provides the core services of cities and villages such as education, health, security and the police. But the oil revenues of the past years have led the government to have the lowest reliance on taxes on its revenues. This has led to a tax base and Complications in Iran are not met. Therefore, in such a structure, councils that rely on local taxes do not have much space to operate. They are, in the eyes of many government executives, people who are lacking sufficient information and experience in management and implementation.

The laws of the councils, in contrast to the high status of these institutions in the constitution, have considered them as observing institutions. This perception has the effect of

limiting the power of the councils to monitor the performance of executive agencies. There are organizations whose policies and programs are centered without being informed and coordinated with councils, which are local organizations. Currently, the only organization with which the councils have limited interference in the manner in which they operate and oversee its operation is the municipality organization. Consequently, the opinion of the members of the councils is that they are municipal councils, not city councils. But the municipality is only one of dozens of executive agencies. The human development and the income of municipalities are very low compared to powerful organizations such as facilities and telecommunications companies. The insufficiency of power and authority realms of the council to the municipality make members of the councils consider themselves as organizational members who have a severe constraint imposed on its performance. This is because in the Constitution, i.e. the words of the great leaders of society, councils are considered important and effective institutions, while in reality they have little power to manage affairs and to pursue their goals.

The uncertainties of the law of councils and the frequent changes that have occurred have made the Council an obstacle to the institutionalization of the council. The law in the legal texts raises various interpretations of the rules, and confronts the agents of their execution and the people. The weakness of democratic traditions that encourage collective action and joint decision-making are among other factors that lead to the lack of institutional integrity of the council. The weakness of the democratic collective experience has led to a significant part of the council's activities engaging in discussions and controversies among members. These

topics generally lack the technical and planning nature and therefore have a negative impact on the work of the Council (Mohammadi, 2003: 300).

The legal and relational weaknesses of the councils can be summarized as follows:

1. Ambiguity and inconsistency in some of the principles of the constitution and laws of the councils with the laws of national divisions;

2. The ambiguity of Article 105 of the Constitution, as the reference of the determination of the opposition or non-opposition of the decisions of the councils to the standards of Islam and the laws of the country, although in Article 10 of the Councils law, adopted in 1996, the determination is the responsibility of the Dispute Resolution Board and the approval of the Central Board of the resolution of the dispute, some argue that according to the fourth principle of the constitution, the Guardian Council has a duty to examine and comment on all laws and regulations in all fields whether they are contrary to or in accordance with Islamic law and national laws. In contrast, others, referring to the three principles of the seventy-second, ninety-third, and ninety-fourth of the constitution, argue that the Guardian Council is solely obliged to comply with the resolutions of the Islamic Consultative Assembly in order that the resolutions not contradict them with Islamic constitutions and rulings.

3. The weakness of the executive guarantee for the decisions of the councils, with a brief commentary on the law of the councils of 21/05/1996 and its executive decrees adopted in 1999/02/11, can be easily understood that there is no adequate executive guarantee for decisions and resolutions of the councils.

No sufficient executive enforcement in the councils will result in at least two adverse

consequences; first, if there is not enough executive guarantee and the lack of cooperation and coordination between executive agencies and the councils, they will not be able to implement a medium or long term program for their village or city. As a result, their decisions will be fruitless as some of the members of councils in metropolises admit. Moreover, in the absence of a guarantee, members of the councils will feel tired and discouraged after a long period of time and will eventually cease to performance. However, inadequate enforcement of guarantees for the decisions and resolutions of the councils have prevented the activity and sufficient incentives for this people's institution.

4. The weakness of the required executive mechanism for people's supervision on the councils' decisions (Mohammadi, 2003: 302).

#### **The structural weakness of the city council**

Those weaknesses are rooted in the Iranian-tyranny-prone history and tribal and bureaucratic culture. Those issues have institutionalized Iranians' spirits with such weaknesses as self-centeredness, irrationality, politicization, consanguinity, temperance, conscientiousness, etc. As Mahmoud Sari' Al-Ghulam states, these qualities are relatively public, and most importantly, they are very old ...” Perhaps those who teach and promote democracy, but have barbaric and dictatorial personality culture behaviors, nobody dare to offer the slightest mild criticism to them (Sari' Al-Ghulam, 2001: 26).

Accordingly, organizational, administrative, and executive weaknesses of the councils can be identified as follows:

Self-centeredness in some council members, this self-centeredness has negative results as follows:

A) Internal disagreements and distrusts among some members of the councils. For example, these disputes have led to the fact that, in some cases, city council meetings do not take place due to the absence of members.

B) No willingness to collaborate and insist on individual behaviors

C) No experience in the executive and governance, which can be considered as a continuation of the previous weakness. When political motives are decisive in choosing members of councils, city councils, especially in metropolitan cities, become a political club rather than a social, cultural, developmental, and economic institution.

Everywhere in the world, councils are institutions whose performances are not essentially political, but economic, cultural, educational, and so on. However, in Iran, the opposite is often the case.

1. Having two jobs for some members of the councils, which makes the members of the council uninvited for their place of work? This issue, in addition to making the members of the council ineligible enough, but working on the council, is considered a subordinate and marginal task for the member;

2. The low literacy problem of members of the Islamic councils in the villages and the shortage of urban specialist forces in the Islamic Council;

The problem of incompetence of members of village councils and the lack of specialists in city councils have affected their performance, and this can be understood in light of the low level of health, cultural, educational,



social, artistic activities, etc. they have realized over the past few years.

3. No optimal use of existing facilities by council members;

As members of the council move urban facilities to neighborhoods where they and their relatives live, they do not care about other areas. In addition, in the villages, where the councils are also a kind of judicial and conflict resolution, some members, with the advocacy of their relatives and relatives in local conflicts, cause distrust of the people to the councils;

4. No sufficient councils with experienced individuals and elites in villages as well as with professionals in cities;

5. Inadequate communication between different councils in Iran;

6. Unnecessary and costly trips;

This kind of trips will waste a significant part of the budget of the councils, without necessarily having a beneficial result for the people;

7. Low number of council members relative to the high volume of activities as well as urban and rural problems; and

8. Inconsistencies and sometimes contradictions between councils and municipalities. It is sometimes seen that it is difficult for mayors to be subordinate to a people's institution. Nevertheless, the acceptance and inclusion of this matter takes time to pass (Mohammadi, 1382: 303).

### **Weakness of the political independence of city councils**

One of the important features of Islamic city councils is having considerable independence. According to the seventh principle of the constitution, the councils are one of the pillars of Iranian government and should, in principle, be outside the organizational hierarchy of the three legislature, executive and

judiciary branches of government. Each council should act independently and be the subordinate to no government organization (Moghimi, 2007: 101).

One of the primary social roles of councils is supervision. In other words, it can be said that the councils are the crystallization of social responsibility of the people, which is institutionalized and regulated by the elected people, but sometimes some members, in terms of group and political will, strengthen their power in the city at the city level, and regardless of social duties they develop a kind of politics that slogans a lot but in practice they do not create major changes and developments. The continuation of this process in councils may result in people's indifference and frustration, which ultimately disrupts the growth of the region.

Sometimes a political atmosphere affects the city councils, which affects the economic, social and developmental dimensions of the councils. In this case, the councils give priority to thinking rather than explaining what thinking, which reduces the effectiveness of the councils.

City councils are based on numerous laws and regulations, along with duties and responsibilities and some of the goals that are accepted as promises of elections to the people. All these duties and responsibilities require a wide range of different activities. In such a situation, too much attention to special goals, which is sometimes outside the scope of the duties of the council, is considered a serious damage leading to some of the trivial and simple issues change to complex ones and the energy and effort of the members as well as resources of the people are spent because of those simple and unnecessary issues. The continuation of this process will lead to a reduction in the efficiency and dynamism of the councils.

In other words, the purpose of policy-making is that decision-making rather than rationality is based on benefits and, unfortunately, the decisions and behavior of some members of the council, instead of being at the service of promoting positive urban plans and welfare for citizens, serve the goals of certain groups. In addition, the motivation for choosing members of the councils was essentially political (Zibakalam, 2002: 5). The prevalence of the involvement of government executives in the approval of Islamic councils and the non-assignment of urban affairs to the councils has prevented the popularity of this popular institution.

A governor's thinks that he/she has power and authority in different matters and should not give up them. In addition, he/she thinks that he/she is the first and final decision-maker that affects the maturity and growth of the councils. As long as the councils do not find their true position - in terms of the authority they have to manage in the government - this situation will continue.

In Iran, the enormous burden of urban management has been entirely on the shoulders of the government, with the intervention and control of the state. Although the formation of Islamic councils and the election of members of these councils and municipalities in Iran has been a very important step in the popularization of urban management, it has taken on the responsibility of urban management by the habitual government, which is simply not possible to leave.

Moreover, for government agents who are accustomed to seeing the municipality fully dependent, it may be thought that giving full authority to city councils and municipalities would confer a large part of their powers and make municipalities an institutional entity.

This leads to some problems in curing this damage. In addition to the culture of self-management in the citizens, the culture of cooperation should be created in government agents and council representatives (Moghimi, 2007: 98).

### **Overlapping performances and multiplicity of decision-making centers**

Another significant damage to councils of cities and villages is the existence of multiple decision-making centers and the interference of the performances of some institutions and executive agencies. This problem arises mainly from the fact that the government, organizations and institutions have set legal and statutory duties of the councils in their absence, and have created a special organization in this regard, distinguishing between local activities from a set of government programs and organizations and delegations. This issue allows the councils to prepare the ground for interoperability between executive agencies and local councils, which can lead to decentralization. To prevent this situation, local councils need to increase the participation of people in activities and programs. Several decisions are required on local plans and policies, with cities and villages facing numerous governmental and nongovernmental decision-making centers. In cities and villages, for example, they are involved in decision making related to housing problems, in addition to construction companies and cooperatives, as well as housing and urban institutions, and municipalities, which is a major problem for the management of city councils. In villages, in addition to the Ministry of Interior, organizations such as the Ministry of Agricultural Jihad are also effective in decisions and create a set of decisions that, of

course, give them serious damage to the councils.

In order to avoid this problem and prevent interference of duties, only the creation of a unit of city administration is solvable problems (that is, the implementation of Article 136, which transfers 14 duties in the short term and 9 long-term duties to the municipality), which, of course, must be set up and the capacity of the municipalities also goes up. In addition to creating a unit of urban management, the satisfaction of the local people and the growth and development of a region (Salehi, 2000: 22).

#### **The lack of independence of city councils**

In an administrative system based on decentralization, local and regional authorities and institutions do not have absolute independence. Thus, central monitoring needs to be exercised. However, this oversight should not be severe, and instead of talking about local self-government, there will be an exaggeration of speech. Unfortunately, the supervision exercised by the current Iranian laws over the Islamic councils is relatively broad and severe, which has sometimes deprived them of the autonomy of relative practice in the administration of affairs.

A) Supervision over the measures adopted by city councils: the necessity of verifying and ratifying the important approvals of city councils by government officials and the necessity of implicitly endorsing all of their resolutions, without the protest at the scheduled time by the said authorities, and even the possibility of revoking those decrees in some cases or mechanisms Established in the law have challenged the autonomy of the councils. For example, the implementation of some of the decisions made by city council is conditional upon approval of central govern-

ment officials so that their disagreement is in fact the veto of decisions, and until such an agreement has been drawn up, such decisions are not legally enforceable (Tabatabaei Motameni, 137, 73).

B) Ratification of the statute of the institutions and companies affiliated to the municipalities (Clause 15 of the 76th law of the organization of the duties and elections of the councils of the Islamic Republic and the selection of mayors), approval of the scope of the city (Article 2 of the Municipality Law approved in 1334), the approval of the abandonment of tenders or auctions if there is a certain interest (Article 4 of the Financial Regulations of the Municipalities), and ... the decisions and approvals of the city councils that cannot be implemented without the approval of the Ministry of Interior (Imani Jajarmi, 2006: 25).

#### **Lack of adequate authority and reliable financial resources**

The current situation of councils in today's Iranian legal system, and its adaptation and comparison with the position prescribed for them in the constitution and in the laws passed in the first decade after the revolution and even before the revolution in this regard, shows that the path the legislator's move has limited the powers of the councils, including the city council. In fact, today most of the issues of urban affairs are outside the jurisdiction of the councils and the municipality, and decisions and actions have been taken over by various government bodies. For example, the approval of the law to regulate city water and the permission for city consumption is necessary. According to the Law on the Establishment of City Water and Waste approved on 01/01/1991 for the companies, investigation and approval of the supply of electrical equipment and, in general, the ad-

ministration of affairs Electricity and lighting, according to the Law of the Electricity Organizations of Iran approved on 10/07/1967 to regional power organizations, supervision of hospitals, orphanages and disputes were handed over to the Ministry of Health and Medical Education, the Welfare Organization, etc. However, according to the previous laws, including the Municipality Law approved in 1956, the decision was made on those affairs and other urban affairs (Gholami, 1996: 85).

Additionally, the legislator has not defined credible sustainable financial resources for city councils and municipalities, and as a result, those people's organizations resort to financing for their limited tasks, in ways that are unconstitutional, such as congestion and change of use, or they are incapable of practicing their legal duties (Mohseni Tabrizi, 1994, 92).

#### **The weakness of education among members of the city council**

The experience of the city and village councils and in Iran has created a new institution in the field of urban management that has created many hopes for the improvement of local affairs administration procedures for representing citizens. It is clear to everyone that by training certain knowledge, attitudes and skills, the work of the councils can be promoted.

Obviously, the staff of any institution or organization needs education in order to raise the quantity and quality of their activities, and members of the councils is no exception. It is natural that members of the council must learn the necessary lessons in order to become familiar with their duties and powers. This is something that is trustee of the interi-

or ministry (Mohammadi, 2003: 306). In other words, those elected as members of the council should have the necessary information and skills on urban issues and planning for the executive issues of their city and have enough problems in their cities. (Nateghpour, 2006: 31)

Members of the councils should act as actors in pursuit of public goals, interacting with other authorities (political superiors, legislators, government agencies such as the State Service of Organizations, planning management as well as the media, interest groups and judicial courts). (Hashemi, 1999: 13)

Council members need political skills to obtain their permission to use public resources to pursue their own goals or receive help from various sources, which is required by members of the city council for four main reasons:

- 1- Performing the task of answering
- 2- Changing the mission and create innovation
3. Mobilizing resources and engage with agencies and individuals
4. Achieving inter-organizational cooperation with government agencies and other organizations. (Moghimi, 2007: 250)

Since the councils are pursuing general-purpose objectives at the local level, in addition to general managerial skills, they should also be equipped with special management skills tailored to their local conditions.

#### **Conclusion**

Its policy makers about a century ago considered local governance in Iran and comprehensive laws were prepared for them, but for various reasons, there was no possibility of real formation of these institutions. During

that time, their laws were subject to various developments. And eventually entered a new stage with the victory of the Islamic Revolution. Despite the establishment of those institutions in the early days of the revolution, various issues caused them to be ineffectual and overlooked in the abyss, until the first period of the local government officially began in 1998, and now we are witnessing the passing of different periods in Iran.

By the victory of the Islamic Revolution and the establishment of the Islamic Republic of Iran, a new chapter was opened in the administrative history of Iran, and the constitution of the Islamic Republic of Iran, based on religious texts, considered the councils to be the decision-making bodies of Iran. Regardless of the significance of the constitution for the councils and their role in the administration of the country, the allocation of a few principles of the constitutional principles to City Councils is rarely seen in the fundamental laws of other countries, indicating the high status of this popular institution.

However, the Islamic councils have been struggling with many problems during their lifetime. Sometimes internal problems and sometimes-external processes, sometimes pre-and post-challenge bottlenecks, once challenged by the city-state structure, put political, administrative, organizational, legal, and economic challenges to this popular institution in the controversy.

The issue of Islamic councils (in towns, cities, and villages) mainly deals with many issues and the pathology of this discussion can contribute to the performance of these councils. As a result, the present study, while contemplating the legal status of councils and its background in the country, seeks to identify and explain the roots and causes of

inefficiency and the damage the city council has ever faced. In fact, the present article aims to test this hypothesis that the weakness of the performance of the city councils in attracting people's participation, organizational weakness, administrative and executive, and policy making of councils have damaged its performance.

After investigating the above hypothesis, it can be concluded that the supervision exercised by the current laws of the country on the Islamic councils of the city was relatively broad and severe, which sometimes deprived them of the autonomy of relative practice in the administration of affairs.

Moreover, the uncertainties of the law of the councils and the frequent changes that have occurred have caused the council to be institutionalized. The law in the legal texts raises various interpretations of the law, and confronts the agents of their execution with the people. The absence or weakness of democratic traditions that encourage collective action and joint decision-making are among the other factors that lead to the lack of institutionalization of the council. The lack of democratic collective experience has led to a significant part of the council's engagement in discussions and controversies among members. These topics are generally devoid of technical and planning nature and therefore negatively affect the performance of the Council.

Considering people's participation in the councils' decisions, members of the city council rarely use citizens to make decisions. So far, decisions made by city council members to resolve urban problems are not put to the polls. This could have a negative effect on the level of acceptance and trust of people towards members of the city council.

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