

Free essay on delegation of authority

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Delegation of authority is an important principle, and in general terms, this principle involves the reallocation of particular responsibilities along with the essential authority by someone who has the authority to do so. According to this principle, authority is not surrendered; rather, a certain amount of the authority is shared so that particular responsibilities that are transferred on can be discharged properly. Although the principle of delegation of authority applies to several aspects of life, however, this principle can be explained with a much broader scope in the field of law, especially administrative law. Administrative law fundamentally governs federal administrative agencies. The activities and practices of federal agencies are regulated by the Administrative Procedure Act (APA) ("Administrative procedure act"). Reducing the risks of bureaucratic flightiness and overreaching is a major challenge that is faced within administrative law. According to traditional concepts, it is necessary to keep the three branches of the government of the United States separate. The system of government that has been established by the Constitution of the United States comprises of three parts, namely the Legislative Branch, the Executive Branch, and the Judicial Branch. Administrative law ensures that these three branches of government have an equal amount of power.

In administrative law, the principle of delegation of authority involves the effective delegation of legislative authority by the Congress to other administrative agencies. The Congress has the ultimate legislative authority. Although the U. S. Supreme Court initially opposed the delegation of legislative authority of the Congress, however, this principle was ultimately adopted on the terms that distinct standards regarding the responsibilities of

administration were established so that the scope of agency discretion was limited. Ever since then, this basic principle has been guiding courts in cancelling laws because of which administrative agency gains excessive legislative authority. The principle of delegation of authority first came into practice when President Franklin D. Roosevelt the New Deal program (Kingsbury, 2008) was in need of support. The principle of delegation of authority is often broadly upheld by Federal courts as well. Lawmaking authority can also be delegated to an administrative agency by the legislature.

There are several reasons why delegation of authority is often inadequately performed. Perhaps one of the reasons is that there are no distinct standards that define the principle of delegation of authority in the law and the law does not specify how authority delegated by the statute is supposed to be used. One example of inadequate performance of the principle of delegation of authority is when the “ hot oil” law was enforced (“ Hot oil controversy”). The law had already been deemed unconstitutional by the U. S. Supreme court, and so a law could have been passed by the Congress that prohibited hot oil from being shipped across states. However, the Congress instead delegated the authority to the President.

Apart from the fact that the principle of delegation of authority is ill-defined, another reason that it is inadequately performed is perhaps because often it seems limitless. This happened during the Schechter Poultry Corp. v. United States case (“ A. I. a.”). The president used the authority delegated to him the Congress to create codes that offered no measures to prevent abuses or arbitrariness. Thus, the Congress took back the authority it had delegated

and took down the law. To ensure that the principle of delegation of authority performs adequately, what the Congress needs to establish essential provisions that specific procedures for protection against arbitrariness whenever legislative authority is delegated to administrative agencies.

References

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