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Fragmentation and performance: the Indian case

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ABSTRACT: While previous studies investigated the transformation of the Indian party system from a predominant party system to a highly fragmented multi-party system, less attention has been paid to the political consequences of this change. By analysing an original dataset, this paper investigates how the fragmentation of the Indian party system has affected the stability of Indian legislatures, their ability to legislate, and the quality of the law-making process. Our analyses reveal that as fragmentation increased, legislatures became more unstable, produced lower amounts of legislation, and the quality of the law making process declined. The paper further suggests that these changes may be the reason why Indian voters lost confidence in Parliament.

Introduction

For over a century political scientists have argued that the performance of the political system in a parliamentary democracy is affected by the fragmentation of the party system. This approach, that eventually came to be defined as the ‘system attributes approach’, posited that the stability and the effectiveness of governments in parliamentary systems, where the government depends for its activities and its survival on the support and the confidence of the parliament, is a function of the fragmentation of the parliamentary party system. In other words, as the parliamentary party system becomes more fragmented, cabinets become more unstable and more ineffective. This view has represented for more than a century the main paradigm for the study of parliamentary government.

In spite of its many applications, the literature generated by the system attributes approach neglected for a long time to address several important questions. For example, until recently it never paid much attention to how the stability of legislatures is affected by the attributes of the parliamentary party system; and it paid little to no attention to whether government effectiveness was affected by the stability
of legislatures and, last but not least, it never explored how the fragmentation of the parliamentary party system affected parliaments’ ability to perform their oversight functions.

Some of these long neglected issues have recently been addressed in the literature. Pelizzo and Cooper (2002) showed that stability in parliamentary regimes is a two-dimensional phenomenon, that in addition to government stability there is also legislative stability and that the factors that increase stability at one level may have the opposite effect on the other. Sartori (1994) challenged the notion that effectiveness is a linear function of stability and that as government stability increases so does its effectiveness. He pointed out in fact that some governments survive not because they are effective, but because they are ineffective and secure the preservation of a status quo that veto players are keen to preserve. But even this proposition has largely been left untested. With the exception of one study (Pelizzo and Babones, 2001), that assessed how legislative effectiveness is affected both by the fragmentation of the parliamentary party system and the stability of parliaments and governments, most studies (Volcansek, 1999; Tsebelis, 2002) on the effectiveness of the legislative process have simply focused on the relation between fragmentation and legislative output without controlling for the effects of stability of cabinets and legislatures. In spite of the fact that recent studies have attempted to address issues and questions that had been previously left unexplored, little attention was paid to how the fragmentation of the parliamentary party system affects a parliament’s ability to perform its tasks.

The purpose of the present study is to analyse how changes in the level of fragmentation in the Indian parliamentary party system have affected the Indian parliament’s ability to perform its representative and legislative function. We perform
this analysis of the Indian case for three reasons. The first reason is that, in spite of the fact that the Indian party system has been the subject of several case studies and comparative analyses (Chhibber and Kollman, 2004), it has generally been treated as a dependent variable but much less frequently as an independent variable. In other words, while the literature has generated quite a considerable amount of information as to why the Indian party system was a predominant one for most of its post-colonial history, why the existing social cleavages prevented the development of major national parties other than the Congress Party, or why the party system has become increasingly fragmented in the course of the past three decades, less attention has been paid to the political consequences of these transformations.

The second reason why it is worthwhile investigating how the transformation of the Indian party system has affected the functioning of the Indian parliament is that by doing so, we present original data and findings about a parliament that in spite of sustaining the world’s largest and Asia’s most stable democracy, has not adequately been investigated by comparative legislative studies specialists.

There is also a third reason why this study may be of some importance. As we noted above, comparative politics scholars and constitutional engineers, such as Sartori, have long stressed that rising levels of fragmentation may not only induce government instability and ineffectiveness, but also contribute to the erosion of the legitimacy of the parliament and, ultimately, of the whole political system.

**Issues and approach**

Political scientists have long recognized that the attributes of the party system, such as its fragmentation, have a major impact on the functioning, the stability, the
effectiveness of governments and, ultimately, on the survival of the political system itself.

The importance of party system attributes was first underlined by Lowell who observed that “the parliamentary system will give the country a strong and efficient government only in case the majority consists of a single party” (1896:73) while the “larger the number of discordant groups…the more feeble and unstable (is) the position of the cabinet” (1896:70). Lowell was making three different claims: first that the stability of parliamentary governments was undermined by the fragmentation of the party system; second that the effectiveness of parliamentary government was eroded by the fragmentation of the party system; and third, that government’s effectiveness was further diminished by government instability.

It is nearly impossible to overstate the importance of Lowell’s argument. It influenced the work of leading government scholars (Finer, 1932, Hermens, 1941), it was tested in large N statistical analyses (Taylor and Herman, 1971), and while it established that party system attributes are an important determinant of several political outcomes it generated a debate as to which party system attributes are most important. In this regard some studies have emphasized the importance of fragmentation alone, other studies have noted instead that fragmentation is important only when coupled with ideological polarization (Sartori, 1976; Tsebelis, 2002; Pelizzo and Babones, 2007) or rather that polarization is important only when coupled with fragmentation (Battegazzorre, 2005), while recent research on vote preferences has underlined the pre-eminence of polarization over that of fragmentation (Dalton, 2008).

Regardless of which party system attribute is considered to be most important, there is little doubt that party system attributes are believed to determine and to
explain several political phenomena. This party system attributes approach was adopted to study the stability or rather the duration of parliamentary governments (Lowell, 1896, Finer, 1932, Hermens, 1941, Taylor and Herman, 1971), the duration of legislatures in parliamentary systems (Pelizzo and Cooper, 2002), the quantity of decree laws passed by the parliament (Volcansek, 1999), the quality of legislative output (Tsebelis, 2002) but also the survival of the constitutional order (Sartori, 1976; Pelizzo and Babones, 2007). These studies have found that, as fragmentation increases, governments become more unstable (Taylor and Herman, 1971), the parliament’s ability to pass decrees and convert them into law declines (Volcansek, 1999), and the quality of legislation diminishes (Tsebelis, 2002).

Empirical analyses have also shown that party system attributes, by preventing the executive branch of the government from effectively performing its tasks, undermine the legitimacy of the government as well as that of the democratic constitutional order, and thus pave the way for the breakdown of that order. This is precisely what happened in the Weimar Republic (Arends and Kuemmel, 2000), in the Spanish Republic (Bernecker, 2000), in Italy before the Fascist takeover (Tarchi, 2000) in the interwar period as well as in the French Fourth Republic in the aftermath of WWII (Sartori, 1976)

The system attributes approach, that was originally developed to explain the functioning of parliamentary governments, has in recent years been used to explain the functioning of governments and the democratic breakdown in presidential systems (Mainwaring, 1993). In fact, while Linz (1994) and other scholars have posited that the presidential form of government is less likely to sustain democracy, Mainwaring

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1 Tsebelis (2002) has noted in fact that as fragmentation increases, so does the number of veto players, and such an increase, in turn, leads to a greater production of low quality laws and to a lower production of high quality legislation.
(1993) has argued instead that presidentialism leads to democratic breakdown only when it is coupled with a highly fragmented party system.

In spite of the wide range of applications of the system attributes approach, little attention has been paid to how the attributes of the parliamentary party system actually affect parliament’s ability to perform its functions. The purpose of the present paper is to investigate how the performance of the Indian parliament, as measured on the basis of its stability and legislative output, is affected by the fragmentation of the parliamentary party system.

**Fragmentation and Performance**

The political science literature has not only recognized that party system attributes are important, or that the fragmentation of the parliamentary party system is one of the key party system attributes, but it has paid considerable attention to how fragmentation should be conceptualized and actually measured.

The notion of fragmentation is in itself fairly intuitive. Fragmentation like dispersion is the opposite of concentration. If a single party controlled all the parliamentary seats, the parliamentary party system would have a maximum concentration, while if each parliamentary seat were assigned to a different party, the parliamentary party system would have a maximum dispersion. In the world of real parliaments, however, there is no democratic parliament, at the national level, in which all the seats are allocated to one party nor is there a parliament with as many parliamentary parties as there are seats.\(^2\) Parliamentary seats are allocated to various parties in various proportions and the fragmentation of the party system reflects not only the number of parties that are able to win parliamentary representation but also

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\(^2\) The only exceptions, to the best of our knowledge, are represented by the parliament of Kiribati and by the DPD in Indonesia where elected officials have nominally no partisan affiliation.
their relative strength. For example, if there are four parties in parliament and each of them wins one-quarter of the seats, the parliament is more fragmented than a four-party parliamentary party system where the largest party wins forty percent of the seats and the other three parties split evenly the remaining sixty percent. A party’s relative size, that is the number of seats that a party wins, is a major determinant of the fragmentation of the party system and can, in extreme cases, offset the impact of the number of parties. For example, a 10-party system where the largest party holds 91 percent of the seats and the remaining nine percent of the seats is distributed among the other nine parties is less fragmented than the four party systems discussed above.

The fact that parties’ relative size is actually an important determinant of the fragmentation of party systems has convinced some scholars that the best way to measure the fragmentation of a party system is not that of counting the sheer number of parties winning parliamentary representation but is that of counting instead ‘relevant’ parties, that is parties that could either contribute to or prevent the formation of government coalitions (Sartori, 1976).³

In spite of Sartori’s suggestion, most measures of fragmentation simply reflect the number of all parties and their relative strength. Though other measures of fragmentation have been devised, the most common metrics of fragmentation are respectively Rae’s index of fractionalization and Laakso and Taagepera’s Effective Number of Parties.

Rae’s index of fractionalization is measured :

³ Sartori (1976) suggested that a party should be discounted as irrelevant if it did not have any coalition or blackmail potential. A party, for Sartori, has no coaltional potential if it never joins a government coalition or if it never necessary to the formation of a government coalition. A party is said instead to have blackmail potential either if it affects, with its sheer existence, the direction of competition or if it can prevent the formation of a government.
The Effective Number of Parties (ENP), that can actually be estimated as

\[ F = 1 - \frac{1}{n(n-1)} \sum_{i=1}^{n} f_i (f_i - 1) \]


The Effective Number of Parties (ENP), that can actually be estimated as

\[ \text{ENP} = \frac{1}{1 - F} \]

basically indicates “the number of hypothetical equal-size parties that would have the same total effect on fractionalization of the system as have the actual parties of unequal size” (Laakso and Taagepera, 1979:4)—which is why, as Dalton (2008) pointed out, the effective number of parties “is simply the inverse” of Rae’s index of fractionalization. Since Rae’s index of fractionalization and the ENP convey the same kind of information, in the course of the paper we will employ Rae’s index of fractionalization as our first measure of fragmentation of the parliamentary party system (see annex 1).

In their analyses of stability in parliamentary regimes, Pelizzo and Cooper (2002) noted that measuring the fragmentation of the party system on the basis of either Rae’s index of fractionalization or Laakso and Taagepera’s Effective Number of Parties does not always represent the best way to quantify the fragmentation of the party system. They argued (2002:169) in fact that both Rae’s index of fractionalization and the Effective Number of Parties “fail to give special treatment to largeness or smallness and blend size and number in a single metric”. The problem inherent in such an approach, they went on to argue, is that while it is true that fragmentation is a bi-dimensional phenomenon that has to do with the number and the
relative size of parliamentary parties, the importance of parties’ size varies across parties. While changes in the size of a small government coalition member or a small opposition party are largely irrelevant as they generally fail to affect the functioning, the stability and the effectiveness of government coalitions, changes in the size of the largest party have a major impact on the functioning of the political system—which is why Pelizzo and Cooper (2002) suggested that in addition to measuring the fragmentation of the party system on the basis of Rae’s index of fractionalization, it was also necessary to measure it in terms of the size of the largest party. Following them we adopt the size of the largest party as our second measure of fragmentation. The size of the largest party in each of the 14 Indian legislatures of the Lok Sabha (1952-2009), is measured by dividing the number of seats held by the largest party by the total number of seats in the legislature.

In the course of the paper, we will adopt three sets of indicators to assess the ability of the Indian parliament to perform its various tasks. Comparative legislative studies generally suggest that legislatures or parliaments perform three basic functions: they represent the interests and the preferences of the electorate; they perform a legislative or law-making function; and they oversee government activities. In other words, legislatures perform a representative, a legislative and an oversight function. This is true regardless of whether legislatures operate in presidential or in parliamentary systems. Parliaments, however, perform an additional function in parliamentary systems: they have the constitutional mandate to make and break governments (Laver and Shepsle, 1996).

In order to assess the impact of changes in the fragmentation of the parliamentary party system on the Indian parliament’s ability to perform its tasks, we
need to devise some metrics to measure the representative and legislative performance of the Indian parliament.

The literature on stability has generally focused on cabinet stability. Initial studies have tended to equate government stability with government duration and have therefore investigated how the variation in government duration responded to changes in the system attributes. This type of analysis was generally conducted by performing correlation and linear regression analyses. More recent work has questioned the validity of such a methodological approach on two grounds. The main line of criticism noted that stability and duration are actually two different things and that in order to develop a more methodologically sound understanding of stability it was necessary to abandon linear regression analyses and use dynamic models (Laver, 1998; Laver, 2003).

A second line of criticism (Pelizzo and Cooper, 2002) has noted that, in order to develop an adequate understanding of stability in parliamentary regimes, one has to pay attention not only to the stability of executive cabinets but also to the stability of the legislature. This second stream of research has in fact suggested that government stability and legislative stability may not necessarily go hand in hand, that government stability may be coupled with relatively short-lived legislatures, that government instability may be coupled with remarkable legislative stability and, last but not least, that both governments and legislature may be quite unstable. This second stream of research has further observed that while each of these scenarios can be characterized as a case of instability, they make quite clear how inappropriate it would be to speak of stability as if it were a homogenous entity. More importantly this second line of research has made clear that in all those circumstances in which government and legislative stability do not go hand in hand they provide political
actors with very different sets of incentives as to what kind of stability they should value. It has also shown that those conditions that promote government stability destabilize legislatures and conversely that the forces that destabilize governments stabilize legislatures.

The importance, for our present purposes, of this second line of research is that, in addition to underlining the importance of legislative stability and suggesting how it could be measured, it posited for the first time that legislative stability may be a significant determinant of parliament’s ability to perform its legislative function. Building on this line of research we acknowledge that the parliament’s ability to carry out its functions may be influenced by its stability. Hence, legislative stability is the first metric that we adopt to measure legislative performance. Specifically, we measure legislative stability as the number of years elapsed between the formation of a legislature and its dissolution.

Legislative output is measured by relying on two sets of figures. We first use the number of laws passed in each legislature as the indicator of the legislative activity of that legislature. Then, recognizing that there is considerable variation in how long legislatures actually last, we compute a second variable of legislative output: the number of laws passed on a yearly basis. This variable is constructed by dividing the number of laws passed in each of the 14th legislatures by the duration of each of those legislatures. For example, the Indian parliament passed in the first legislature, that lasted five years, 333 laws. This means that the average number of laws passed by the parliament in that legislature is 333/5 = 66.6. The Indian parliament, in the 9th legislature that lasted for only 2 years, passed 63 laws. In this case the average number of laws passed on a yearly basis is 63/2 = 31.5.
Results and Discussion

Before we move on to performing some quantitative analyses we will present in tables 1 and 2 the data that will be employed to perform the quantitative analyse. In table 1 we will present the data concerning legislative duration and legislative output, while we will present the data on the fragmentation of the parliamentary party system in table 2. The data employed in this paper are presented in table 1.

Table 1. Legislative duration, output

<table>
<thead>
<tr>
<th>Legislature begins in</th>
<th>Duration of the legislature</th>
<th>Number of bills passed</th>
<th>Bill per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1952</td>
<td>5</td>
<td>333</td>
<td>66.60</td>
</tr>
<tr>
<td>1957</td>
<td>5</td>
<td>327</td>
<td>65.4</td>
</tr>
<tr>
<td>1962</td>
<td>5</td>
<td>272</td>
<td>54.4</td>
</tr>
<tr>
<td>1967</td>
<td>4</td>
<td>216</td>
<td>54</td>
</tr>
<tr>
<td>1971</td>
<td>6</td>
<td>487</td>
<td>81.17</td>
</tr>
<tr>
<td>1977</td>
<td>3</td>
<td>135</td>
<td>45</td>
</tr>
<tr>
<td>1980</td>
<td>4</td>
<td>336</td>
<td>84</td>
</tr>
<tr>
<td>1984</td>
<td>5</td>
<td>355</td>
<td>71</td>
</tr>
<tr>
<td>1989</td>
<td>2</td>
<td>63</td>
<td>31.5</td>
</tr>
<tr>
<td>1991</td>
<td>5</td>
<td>284</td>
<td>56.8</td>
</tr>
<tr>
<td>1996</td>
<td>2</td>
<td>64</td>
<td>32</td>
</tr>
<tr>
<td>1998</td>
<td>1</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>1999</td>
<td>5</td>
<td>302</td>
<td>60.4</td>
</tr>
<tr>
<td>2004</td>
<td>5</td>
<td>247</td>
<td>49.4</td>
</tr>
</tbody>
</table>

The data in the first column of table 1 indicate when the legislature was inaugurated, the data in the second column indicate how long each of these legislatures lasted, the third column provides information as to the number of laws produced in each of the fourteen legislatures irrespectively of the duration of the legislature, while the data in the fourth column show the average number of laws produce per year in each of these fourteen legislatures.

The data makes clear that when we assess the legislative output on the basis of the total number of laws produced in the course of a legislature, legislatures that were more durable were also more productive. When, however, legislative output is assessed on the basis of the number of laws produced per year, the relationship between legislative stability and output becomes much less clear. The legislature that
sat from 1980 to 1984 had the highest number of laws per year than any other legislature. Similarly the legislature inaugurated in 1998, which lasted for about a year, produced nearly as many laws as legislatures that has lasted twice as much (1989-1991; 1996-1998). This evidence seems to sustain the claim that while legislative output is affected by the duration of the legislature, it is not affected exclusively by it.\(^4\)

The results of our correlations are presented in table 3. The findings are generally consistent with what one may expect in the light of the literature on the relationship between party system attributes, stability and other measures of performance. First of all, the data analysis makes clear that the fragmentation of the parliamentary party system is inversely related to the duration of the legislature. In other words as the Indian parliamentary party system became more fragmented in the course of the past 14 legislatures, the duration of the legislatures declined.

The literature (Volcansek, 1999; Tsebelis, 2002), as we mentioned earlier on, suggested that legislative output is negatively affected by rising levels of fragmentation. In fact while Tsebelis (2002) noted that the production of important legislation drops as fragmentation increases, he also reported that the production of unimportant legislation increases as fragmentation increases. In other words, for Tsebelis (2002) the fragmentation of the party system has a negative impact on the quality of the legislation produced by the parliament. Volcansek (1999) observed instead that it is not only the quality but also the quantity of the output that is negatively affected by rising levels of fragmentation. In fact in her analysis of the

\(^4\) If one assumed that more durable legislatures have a higher legislative output than briefer legislatures, because the legislative process is time consuming and therefore more laws will be produced at the end rather than at the beginning of a legislature, one should expect that the average number of laws produced on yearly basis should be higher for more durable legislatures than for less durable ones. The evidence presented in table 1 questions the validity of this assumption.
conversion of decree laws in the Italian First Republic, she detected that, as fragmentation increased, the parliament’s ability to convert decree laws into law declined. While the evidence at our disposal does not allow us to test whether and how changes in the level of fragmentation of the party system affected the quality of the legislation produced by the Indian parliament, we are nevertheless able to assess the relationship between fragmentation and the quantity of legislation—that we measure on the basis of the number of laws. By correlating the number of laws produced by the Indian parliament in each of the 14 legislatures with the level of fragmentation of the parliamentary party system in each of those legislatures, we find that the number of laws produced correlates strongly to both the index of fractionalization \( r = -.657 \) and the size of the largest party \( r = .705 \).\(^5\) In other words, the correlation analysis indicates that the quantity of legislation produced is inversely related to the level of fragmentation of the party system. The smaller the size of the largest party and the more fractionalized the party system, the smaller is the amount of legislation passed by the parliament. Conversely, the larger the size of the largest party and the lower the level of fractionalization of the party system, the greater the amount of legislation passed by the parliament.

### Table 3. Correlation Analysis (sig.)

<table>
<thead>
<tr>
<th></th>
<th>Duration of the legislature</th>
<th>Total Number of laws passed by the Parliament per legislature</th>
<th>Number of laws passed by the parliament per year</th>
<th>Number of Reports issued per year by the PAC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fractionalization of</strong></td>
<td>-556 (0.039)</td>
<td>-657 (0.011)</td>
<td>-607 (0.021)</td>
<td>-154 (0.599)</td>
</tr>
<tr>
<td><strong>the party system</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Size of the largest</strong></td>
<td>.572 (0.033)</td>
<td>.705 (0.005)</td>
<td>.678 (0.008)</td>
<td>-.008 (0.977)</td>
</tr>
<tr>
<td><strong>party</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Duration of</strong></td>
<td>1</td>
<td>.920 (0.000)</td>
<td>.582 (0.029)</td>
<td>.078 (0.790)</td>
</tr>
<tr>
<td><strong>Legislature</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^5\) This is the size of the largest party relative to the size of the legislature that grew from 489 seats in the first legislature (1952-57) to 543 (from 1991 onward). When we correlate the absolute size of the largest party, that is its total number of parliamentary seats, with the number of laws produced in each legislature the correlation analysis yields an even stronger coefficient \( r = .723 \).
The data analysis also reveals that the fragmentation of the party system is a major determinant of the stability of the legislature and that the duration of the legislature is *prima facie* the single most important determinant of the quantity of legislation produced. Furthermore, when we correlate the duration of the legislature with the number of bills produced in each legislature, we find a strong, positive and statistically significant correlation coefficient ($r = .920$). This evidence raises the question of whether the relationship between fragmentation, stability and legislative output is spurious or not. One may, for example, hypothesize that while fragmentation has a major impact on stability and that stability has a major impact on the quantity of legislation produced, once we control for the effects of the length of the legislature, there is no detectable relation left between the fragmentation of the party system, measured on the basis of the index of fractionalization, and the production of legislation. To test whether this is indeed the case, we regress the number of laws produced by the parliament in each legislature against its fractionalization and the duration.

### Table 4. Regression Analyses (sig.). Legislative output, fragmentation and duration

<table>
<thead>
<tr>
<th></th>
<th>Intercept</th>
<th>fractionalization</th>
<th>duration</th>
<th>R-squared</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of laws per legislatures</td>
<td>77.159</td>
<td>-176.414</td>
<td>68.671</td>
<td>.876</td>
</tr>
<tr>
<td></td>
<td>(.449)</td>
<td>(.127)</td>
<td>(.000)</td>
<td></td>
</tr>
</tbody>
</table>
Once we control for the effects of the duration of legislatures, which are strong and statistically significant, the impact of the fragmentation of the party system on the production of legislation is no longer significant.

When we regress instead the number of laws per legislature against the duration of the legislature and the size of the largest party, we find that the model explains 89.3% of the variance, that all the regression coefficients are properly signed, that they are strong and statistically significant.

Table 5. Regression Analyses (sig.). Legislative output, fragmentation and duration

<table>
<thead>
<tr>
<th></th>
<th>Intercept</th>
<th>Size of the largest party</th>
<th>duration</th>
<th>R-squared</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of laws per legislatures</td>
<td>-105.316</td>
<td>167.795</td>
<td>65.664</td>
<td>.893</td>
</tr>
</tbody>
</table>

Given the high correlation between legislative duration and fragmentation, however measured, in order to develop a better appreciation of the impact of fragmentation on the production of legislation, we adopt also a second measure of legislative output: the number of laws passed on a yearly basis. This variable is measured by dividing the total number of laws passed in a given legislature by the duration (number of years) of that legislature. When we analyse instead the relationship between this newly constructed variable with the other variables (see fourth column of Table 5), we find that the number of laws passed on a yearly basis is positively related to the number of laws passed per legislature, we find that it is also positively related to the duration of legislatures, that is strongly and negatively and significantly affected by the fractionalization of the party system, while it is strongly, positively and significantly related to the size of the largest party. If instead of performing correlation analyses, we run some linear regression models (OLS), we find that fractionalization is a strong, negative and significant determinant of the number of laws produced on yearly basis, while that the size of the largest party is a strong, positive and significant
determinant of the legislative output. We also find that the size of the largest party has a stronger and more significant impact on legislative output than fractionalization, as Pelizzo and Cooper (2002) would have imagined and that such impact remains quite strong even when we control for the effects of legislative duration. See also the three models presented in Table 6.

Table 6. Regression analysis. Fragmentation, Duration and yearly legislative output (sig.)

<table>
<thead>
<tr>
<th>Number of laws per year</th>
<th>Intercept</th>
<th>Fractionalization</th>
<th>Size of the largest party</th>
<th>Legislative duration</th>
<th>R-squared</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>96.09</td>
<td>-62.197</td>
<td></td>
<td></td>
<td>.368</td>
</tr>
<tr>
<td></td>
<td>(.000)</td>
<td>(.021)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>30.982</td>
<td>52.296</td>
<td></td>
<td></td>
<td>.460</td>
</tr>
<tr>
<td></td>
<td>(.005)</td>
<td>(.008)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>25.241</td>
<td>39.546</td>
<td>3.026</td>
<td></td>
<td>.516</td>
</tr>
<tr>
<td></td>
<td>(.032)</td>
<td>(.070)</td>
<td>(.282)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The fragmentation of the party system, however measured, affects the stability of the legislatures as well as their ability to produce legislation. Should this be a cause of concern?

The literature provides plenty of reasons why these findings should not be regarded as inherently problematic. For Sartori (1994) instability in parliamentary systems may represent a conflict solving mechanism in preventing the crisis and possibly the collapse of the democratic regime. Hence, instability may not be necessarily a problem in and by itself. For Tsebelis (2002) high legislative production usually comes at the expense of the quality or the importance of the legislation that is being produced. Similarly, studies conducted on the Italian case have traditionally argued that excessive production of legislation usually indicates that the legislation being produced is fairly irrelevant. Di Palma (1976) argued in this regard that the high number of bills introduced by the government and passed by the Parliament is a clear sign of the ineffectiveness of the legislative process. In fact, he noted that the reason why so much legislation is introduced and approved is that the legislation concerns marginal issues, while the important issues are not addressed. Di Palma’s claim that
there is a trade off between the quality and the quantity of legislation produced has been confirmed by more recent scholarship (De Micheli, 1997; Zucchini, 1997; Pelizzo and Babones, 2001). In other words, both case studies and comparative analyses have advanced and sustained the claim that there is a trade off between the quantity and the quality of legislation. In other word, the comparative literature provides a compelling case for why greater legislative instability or lower legislative output do not represent a problem.

Moreover, while some scholars (Huntington, 1991) have underlined that to some extent the legitimacy of a political system or of an institution is based on its performance -- the political system and/or the institution are assessed on the basis of what they produce-- scholars working in either the participationist tradition (Katz, 1997) or working on dispersed democratic leadership (Kane, Patapan and t’Hart, 2009) have argued instead that the legitimacy is not always and necessarily based on the outcomes that a political system (or an institution) is able to generate but rather on the process through which such outcomes are produced. By dispersing leadership, by granting various and more diverse groups the possibility to take ownership of the policy making process -- as higher levels of party system fragmentation indicate -- an institution and, more generally, the political system could be able “to engender and maintain the belief that existing political institutions are the most appropriate or proper ones for the society” (Lipset, 1959:86).

One could argue that it is only when the law making progress becomes more careful, when the analysis of legislation becomes more time consuming, that the parliament passes fewer but better laws. The analyses performed by the PRS Legislative Research show instead that over the past few years, the amount of time devoted to reading, amending and voting on legislation has dramatically declined. The report on “Legislative Activity in parliament” produced by PRS indicated that: “in 2007 30-40% of the Bills were passed without significant debate, (…) in 2007 Lok Sahba passed 41% of the Bills (not including financial Bills) with little or no discussion, (…) in the last three years the percentage of Bills passed with almost no discussion increased from 17% to 41%. During the same period the number of Bills on which substantial debate (2 hrs +) took place reduced from 39% in 2005 to 24% in 2007”. The report indicated that this trend is not a peculiarity of the lower chamber but it can also be observed in the Rajya Sahba.
The question that remains to be addressed in this paper is whether the increase in fragmentation, that undermined the performance of the Indian parliament, has led to an erosion of the legitimacy of the Indian legislature as scholars working in Huntington’s tradition assume or whether it has led to an increase in legitimacy as participationist democratic theorists instead suggest.

If we assume, as scholars working on these and related issues have customarily assumed, that the confidence or the trust in a given institution is a reliable proxy variable for the legitimacy of that institution, then we can use the World Value Survey data not only to assess whether and to what extent the legitimacy of the Indian parliament has changed in the course of the 1990-2001 period, for which data are available, but also to test whether changes in the level of legitimacy enjoyed by the Parliament are in some way related to its performance.

Indian voters were asked in 1990, 1995, and 2001 to indicate whether they had a great deal, quite a lot, not very much, or not at all confidence in the Indian parliament. In table 7 we present the results of our data analyses. Specifically we indicate the percentage of respondents who reported to have a great deal and/or quite a lot of confidence in parliament. For comparative purposes we also present the data concerning the confidence in political parties and government.

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<th>Confidence in</th>
<th>1990</th>
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<th>2001</th>
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<td>Parliament</td>
<td>66.6 %</td>
<td>55.4 %</td>
<td>55.3 %</td>
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<td>of (2442)</td>
<td>of (1665)</td>
<td>of (1508)</td>
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<td>Political Parties</td>
<td>55.2%</td>
<td>47%</td>
<td>33.5%</td>
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<td>of (2400)</td>
<td>of (1709)</td>
<td>of (1677)</td>
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<td>Government</td>
<td>43.4%</td>
<td>58.2%</td>
<td>56.2%</td>
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<td>of (2496)</td>
<td>of (1693)</td>
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The data presented in table 7 make it clear that while the confidence in parties and parliament has declined monotonically in the period under study, the confidence in the government underwent first a major increase and then managed to remain higher than it had been when the first survey was conducted. In the same period the percentage of Indian respondents indicating that ‘having a democratic system’ was ‘very good’ increased from 49.3% in 1995 to 51.7% in 2001 and similarly the proportion of voters indicating that democracy was better than other regimes increased from 45.9% in 1995 to 46.3% in 2001. In other words, in the years in which legislative performance worsened, the Indian government and the Indian democracy were able to preserve their legitimacy, while Indian parties and parliament were not. And while the data at our disposal do not allow to subject this proposition to some empirical test, there is some reason to believe not only that parliament lost some of its legitimacy when its performance worsened but also that the parliament lost some of its legitimacy precisely because it had become unable to perform.

Conclusions

The media have paid in the course of the past 10 years, a considerable amount of attention to the rising fragmentation of the Indian party system, that went from being one of the textbook examples of predominant party system (Sartori, 1976) to being, if we accept Przeworski et al.’s (1996, 2000) definition, a hyper-fragmented party system, that is a party system where no single party controls at least one-third of the seats.

7 Though a survey conducted by CNN-IBN showed that while the proportion of Indian respondents indicating that “democracy is preferable to any other form of government” was 49% in 2005 and of only 41% in 2009, while the percentage of Indian respondents indicating that ‘in certain situations a dictatorial government is preferable’ had increased from 6 to 12%. See http://ibnlive.in.com/news/ceotype-leaders-clean-politicos-for-india/83737-3.html
The Indian party system, to be sure, has been the subject of many scholarly investigations. Sartori (1976) used the Indian party system as the proto-typical case of predominant party systems (party systems that are democratic and in which there is however only one relevant party). Chhibber and Petrocik (1989), in their study of social cleavages and party system, reported that the Indian cleavage structure was responsible for the disaggregation of the Congress party and for why there was no national party other than Congress. Lijphart (1996) famously analysed the Indian political and party systems and noted that, in spite of the presence of a majoritarian system, India displayed all the features of his consensual democracy model. Shridharan (1999) has mapped various possible explanations for why the Indian party system has undergone such a major transformation. Singh (1992) suggested the Indian party system should be regarded as a case of polarized pluralism and investigated how such a party system may affect the government’s fortunes. Chhibber and Nooruddin (2004) have investigated the impact of party system format on the delivery of public goods. None of these studies, however, investigated the consequences of rising party system fragmentation in the Lok Sabha on the functioning of the parliament and little to no attention was paid to whether confidence in parliament had been affected by fluctuations in its performance.

The purpose of this paper was to fill this gap by showing how the changes in the fragmentation of the Indian party system related to the Indian parliament’s ability to perform its tasks. Specifically we investigated the relationship between party system fragmentation, measured on the basis of Rae’s index of fractionalization and the size of the largest party, and legislative stability and legislative output. By performing such analyses we found that, as the Indian parliament became increasingly more fragmented (fractionalization increased and the size of the largest party
decreased), the legislatures became increasingly more short-lived, the number of laws produced by the parliament declined, and the amount of time devoted to the examination of legislation also declined.⁸

We also found that as these changes occurred, the confidence level in the Indian parliament (and political parties) also declined. This evidence sustains the claim that while the legitimacy of democratic institutions does not depend exclusively on their performance, it is nonetheless eroded by their inability to adequately perform their functions. And this possibly explains why, in spite of the alleged merits of participationist theories of democracy, if the political system becomes dysfunctional and unable to meet the demands of the population, the population may be willing to forgo both participation and the existing democratic institutions and accept alternative solution including non-democratic ones.⁹

⁸ See footnote 5.
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Annex 1. Electoral Results in India, 1952-2004
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