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THE MICRO-MONOPOLY BLINDSPOT: DECENTRALIZING INDIAN ANTITRUST LAW

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I. ABSTRACT

As India marches toward its vision of a Viksit Bharat by 2047, the state has increasingly relied on grassroots entrepreneurship and Micro, Small, and Medium Enterprises (MSMEs) as the primary engines for national economic growth. However, this intended pipeline of scaling businesses is currently served at the district level. This article highlights the unrecognized threat of "micro-monopolies", entrenched local gatekeepers who weaponize anti-competitive practices such as supply chain boycotts, predatory pricing, and extortionate association fees to choke out new entrants in their infancy. The Competition Act, 2002, while effective at a national level, inadvertently shields these district cartels due to three major statutory and institutional blindspots: the macro-tendency of determining Relevant Geographical Markets (RGM), the insurmountable evidentiary burden of proving an Appreciable Adverse Effect on Competition (AAEC) for small entities, and the profound institutional centralization of the Competition Commission of India (CCI). To dismantle these regional gatekeepers, this article proposes three strategic reforms: formulating proactive "Micro-RGM" guidelines, establishing an "Incubator Safe Harbor" that lowers the burden of proof for startups, and decentralizing enforcement by empowering District Industrial Centres (DICs) as nodal reporting agents. Ultimately, addressing this micro-monopoly blindspot is not merely a localized regulatory correction; it is a macroeconomic necessity. By protecting grassroots entrants, the state can clear the runway for a continuous pipeline of first-generation wealth creators, generating the intense upward market pressure required to cure multi-generational "promoter fatigue" and secure India's next wave of dynamic corporate leadership.

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II. KEYWORDS

Micro-Monopolies; Competition Act 2002; Promoter Fatigue; Relevant Geographic Market; MSME Antitrust Enforcement.

III. INTRODUCTION

India envisioned itself to be Viksit by 2047, completing the centennial year of its independence, the resolve which was first taken when the freedom fighters dared to see it as a sovereign nation. A nation has its economy which works as a jet fuel for its rocket of development. Not losing the determination of the country's forefathers, as of August 2026, India is the fifth largest economy in the world, which is on a trajectory to be the third largest by 2029.³

Capitalist countries have fulfilled the goal of developed countries faster in comparison to any other model because it supports business, which generates money, employment, innovation, competition and self-reliance. India in the last decade is rapidly moving from its socialist tendencies to more capitalist-centric behaviour. This does not mean that its tag of welfare state is withering but the welfare schemes itself are more capitalist in nature. Lakhpati Didi, Atal Yojna and Mudra Yojna are some of the examples of states transitioning the poverty and vulnerability of its people through business.⁴

Make in India as a mantra for our ambitions is the trajectory set by the state for the country. The MSME industry which was seen as a temporary bandage on the business dreams of common people is now sustaining for a longer time, much to the credit of Make in India. The national economic future depends heavily on the MSME and grassroots entrepreneurship. It is not enough for small businesses to just exist but must organically scale into large national players to drive long-term GDP growth. However, in reality this

³ Omar Farrag & Patrice Robitaille, *India and the Global Economy*, FED. RES. BD. (Apr. 8, 2026), <https://www.federalreserve.gov/econres/notes/feds-notes/india-and-the-global-economy-20260408.html>; Press Information Bureau, "Modi Govt's 11 Years of Good Governance Puts India on Track to Become World's Third-Largest Economy by 2029": Sarbananda Sonowal, GOV'T OF INDIA (June 14, 2025), <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=2136365>.

⁴ Ministry of Rural Development, *Lakhpati Didi*, GOV'T OF INDIA, <https://lakhpatididi.gov.in/about-lakhpati-didi/>.

grassroot pipeline is disconnected from the state's intended path for small business to scale. These startups are dying in the crib, instead of ever growing enough to face national level competition. For instance, a new business of export logistics starting in a small town in Rajasthan would first face anti-competitive practices by businesses already existing in the region and would die down even before checking its own capabilities.

The Competition Act, 2002 established the Competition Commission of India (CCI) as the principal national regulator for preventing anti-competitive agreements and abuse of dominance. However, its centralized enforcement structure remains insufficiently accessible for district-level enterprises facing localized exclusionary practices. The research problem addressed in this article is that micro-monopolies operating within regional markets may escape effective scrutiny because existing competition-law analysis and institutional enforcement mechanisms are primarily designed for larger, macro-market disputes.

This article therefore examines how local gatekeepers can suppress MSMEs and grassroots startups before they acquire the scale necessary to seek meaningful national-level protection. The primary sources for this article are taken from statutes and legal journals. News articles and reports from legal think tanks were taken to understand the practical connotations.

A. Research Objectives

This article has three principal objectives:

1. First, it seeks to identify the statutory blindspots in the application of relevant geographic market and Appreciable Adverse Effect on Competition standards to district-level anti-competitive conduct.
2. Secondly, it evaluates whether the institutional centralization of CCI enforcement creates practical access barriers for MSMEs and grassroots startups.

3. Thirdly, it proposes decentralised enforcement mechanisms, including Micro-RGM guidelines, an incubator safe harbour, and the use of District Industrial Centres as nodal reporting agents for local competition-law complaints.

B. Research Questions

The article is guided by the following research questions: first, whether the existing framework of the Competition Act, 2002 adequately captures micro-monopolistic conduct within district-level markets; secondly, whether the current approach to relevant geographic market and AAEC assessment places an excessive evidentiary burden on small enterprises; and thirdly, whether decentralised institutional mechanisms can improve access to competition-law remedies for MSMEs and grassroots startups affected by local cartels and exclusionary gatekeepers.

C. Research Methodology

This article adopts a doctrinal and analytical research methodology. It relies primarily on statutory materials, including the Competition Act, 2002, relevant provisions on anti-competitive agreements, abuse of dominance, relevant market determination and AAEC assessment, and CCI decisional practice. The Chennai trailer-owner cartel matter is used as an illustrative case study to demonstrate how localized anti-competitive conduct may operate within a district-level market. Secondary sources, including legal journals, government reports, policy materials, news articles and legal think-tank publications, are used to assess the practical implications of micro-monopolies for MSMEs, grassroots entrepreneurship and decentralized antitrust enforcement.

IV. UNMASKING DISTRICT-LEVEL MARKET GATEKEEPERS

A. The Illusion of National Protection

Indian Competition Act of 2002 was an evolution of its own as, before it, the socialistic past of the country feared any business that grows beyond its grip. For the year of 2002 the act fulfilled its purpose of not putting pressure on growing business houses but regulating their activity to keep fair practices at forefront. But neither the country nor its people live in 2002 now, the socialist past is fading from people's memory, and youth

have a tendency to break away from the shackles of the past. The present system must mitigate the problems of this era not what was there two decades back.

Nationally the CCI has a track record which reminds why it's working and regulations are required as they have a disposal rate of 89%.⁵ However, reaching the level where they operate is not easy. If an entrepreneur, starting in a district, makes their business compete nationally it is the last stage where they get the protection of CCI, but to reach there he would have to fend off competition in the district and state first. No one understands the initial complications in starting a venture more than the governments, and that is why they provide schemes which can handhold it for the surviving phase. But they fail to protect these businesses from district gatekeepers.

The jurisprudence of competition act works on the presumption of monopolies, where existing businesses try to control the market by their sheer strength. The presumption is not far-fetched that the same model would be replicated in a district. The absolute control over the supplies, transport, retail, and the market by a group of businesses could act as a gatekeeper for any new player. Knowing that only 8 cities in the country have the designation of tier one, the extension of protection is necessary for major parts of the country.⁶ The Act focuses on the macro-monopolies while conveniently sliding the ground level issue of micro-monopolies under the rug.

B. The Playbook of Local Exclusion

Micro-monopolies are not that visible, as most of them are entrenched deep in the local markets; on the other hand, national level practices would be evidently public in nature. As local incumbents rarely engage in direct competition, they prefer to weaponise their collective market share to coerce suppliers and manufacturers into boycotting any new entrant. Distributors would logically not support unproven, new grassroots startups against guaranteed bulk orders and years of business association with major players.

⁵Competition Commission of India, *About Us: Statement of Disposal Rate of CCI as on 31.03.2026*, CCI, <https://www.cci.gov.in/public/about-us>.

⁶ Ministry of Finance, *Classification of Cities for the Purpose of House Rent Allowance*, GOV'T OF INDIA (2015), <https://doe.gov.in/>.

The remaining playbook of anti-competition activities in the district level also remains similar to the national front where the CCI acts as a guardian. Arranging a situation like a maestro in the local market the district gatekeepers' flick of a baton fluctuates the pricing of goods and services. Also acting as a typical clique, they would make an association which would require a NOC and membership fees to get into.

C. Identifying Statutory and Institutional Blindspots

The dream of running a business in this country for a population which has a generational tendency of being an employee is only possible by MSMEs. The government's subsidies on starting a MSME does not stop as soon as the business is running, the incentivisation just gets bigger with time and scale. That proves the state's intention of growing a single MSME to have a strength to compete at national or international level Still, the reported closure of 18,154 MSMEs by June 2026 reflects continuing fragility within a sector of macroeconomic importance. As per the Economic Survey 2025–26, MSMEs account for approximately 31.1% of India's GDP, 35.4% of manufacturing output, and 48.58% of exports, while more than 7.47 crore enterprises employ over 32.82 crore persons. These corrected figures show that localized exclusion of MSMEs is not merely a district-level commercial concern; it affects a sector that is central to India's output, export performance, employment base and Viksit Bharat trajectory.⁷ The regulations lack safeguarding small business, which ironically requires them the most.

D. The Trifold Regulatory Failure

The state's intentions should not be questioned on the subject but the blindspots persist in the existing laws which have created a district as a fort of seven gates that are expected to be broken off by a small business owner. This article has identified three major blindspots that persist in the competition law.

First, the determination of the relevant geographic market continues to exhibit a macro tendency, although the Competition (Amendment) Act, 2023 has created a partial

⁷ *Parliament Watch: 18,154 MSMEs Closed till June; MSME Jobs See over 16% Uptick & More*, ECON. TIMES (July 24, 2026), <https://economictimes.indiatimes.com/news/india/parliament-watch-18154-msmes-closed-till-june-msme-jobs-see-over-16-uptick-more/articleshow/132591033.cms>.

doctrinal opening for narrower market analysis. Section 19(6), as amended, now permits the Commission to consider not only regulatory trade barriers, local specification requirements, distribution facilities, transport costs and consumer preferences, but also the characteristics of goods or nature of services and the costs associated with switching supply or demand to other areas.

These additions are important because switching costs, localized distribution structures, regular-supply dependencies and service characteristics can support a district-level or cluster-specific market definition. However, the amendment still does not expressly require CCI to adopt a Micro-RGM lens for MSMEs or grassroots startups. Consequently, unless these factors are operationalised through specific guidelines, district gatekeepers may remain legally invisible when the market is assessed at the state or national level.⁸

Secondly, the AAEC framework has also been amended in a manner that partially supports the article's concern, but does not fully resolve it. Section 19(3), as amended, expressly includes 'foreclosure of competition' and 'benefits or harm to consumers' among the factors relevant to determining whether an agreement has an appreciable adverse effect on competition.

These additions are useful because local boycotts, denial of market access and coordinated exclusion of new entrants can be framed as foreclosure even when the affected market is geographically small. Nevertheless, a grassroots enterprise may still lack the economic data, market surveys and legal capacity necessary to prove that a district-level exclusionary practice has produced an appreciable competitive effect. The amendment therefore strengthens the doctrinal basis for recognizing micro-monopoly harm, but it does not by itself lower the practical evidentiary burden faced by MSMEs.

Section 3, which prohibits anti-competitive agreement and Section 4, that prohibits abuse of dominant position are the soul of the act which first require the RGM to be applicable.⁹

⁸ Competition Commission of India, *Case No. 21 of 2019 and Case No. 16 of 2020* (2021), <https://www.cci.gov.in/images/antitrustorder/en/212019-and-1620201652251017.pdf>.

⁹ Competition Act, 2002, No. 12 of 2003, INDIA CODE, <https://www.indiacode.nic.in/handle/123456789/2010>.

Third, the institutional design of CCI creates an access barrier for grassroots enterprises, although this point must be qualified in light of recent developments. CCI is not wholly indifferent to MSMEs: it undertakes competition advocacy and public-awareness functions, and its filing framework permits any person, consumer association, trade association, Central Government, State Government or statutory authority to bring information concerning anti-competitive agreements or abuse of dominance before the Commission.

CCI has also shown sensitivity to MSME circumstances in enforcement; for example, in a 2022 bid-rigging matter involving Eastern Railway tenders, it issued a cease-and-desist order but refrained from imposing monetary penalties because the firms were MSMEs with limited staff and turnover, had cooperated with the investigation, and were affected by COVID-era economic stress. However, these measures remain remedial or leniency-oriented rather than preventive and access-oriented. They do not create a targeted institutional pathway through which victimized MSMEs can easily report district-level exclusion, local boycotts or cartel-like gatekeeping before such conduct destroys them.

E. Empirical Evidence: The Chennai Cartel

A case study can be taken up to practically understand the three blindspots. Chennai is a major economic hub in the country, which dictates transport business to be an essential part of its importance. The Trailer Owner Association with eleven others captured the transport business in the district. They formed a cartel that fixed prices for transport, coerced the customers not to do business with any other firm except them. They even manipulated the loading dock facilities to be restrictive for other competitors. This fulfilled all the essential conditions mentioned in Section 3 and 4 of Competition Act, but there was no notice of these activities until 2018 when a national level organization NACFS complained to the CCI. Undoubtedly as soon as the commission got the

complaint it deputed a DG to investigate the matter and took necessary action on the submitted report.¹⁰

Before the complaint, the regulation authority was oblivious to this transparent micro monopoly, if the NACFS would not have complained this would have continued. As the RGM generally looked by commission is at state or national level, which makes these district gatekeepers invisible to them. Noticeable fact is that from cognisance of the complaint to the solution, the commission just narrowed the RGM to determine dominance and AAEC of the said cartel. It is worth a question as to how many small businesses or even innovative new entrepreneurs would have perished before NACFS motivated the commission to narrow its scale.

V. ALLEVIATING MULTI-GENERATIONAL PROMOTER FATIGUE

A. The Threat of Generational Stagnation

Large corporate houses are often built by first-generation founders who are innovative, aggressive and willing to take significant entrepreneurial risks. They do not merely participate in existing markets; they frequently create new markets, disrupt legacy systems and generate substantial economic momentum. This entrepreneurial dynamism is central to long-term growth, job creation and competitive renewal. This phase which creates wealth is the engine that developed nations rely on for exceeding GDP growth and job creation. Control of these conglomerates passes from generation to generation. By the third or fourth inheritor of these empires the original survival instinct and aggressive drive diminishes. These new promoters are raised in wealth and administrative comfort which shift the focus to wealth preservation from wealth creation. As a result, the system loses its entrepreneurial tendencies which comes to be called promoter fatigue. Massive companies, through this, become content with their current market share and turn into slow moving bureaucracies.

¹⁰ *National Association of Container Freight Stations, Chennai Chapter v. Trailer Owners Association & Others*, Case No. 04 of 2018, Competition Commission of India, order dated July 20, 2022, <https://www.cci.gov.in/images/antitrustorder/en/0420181658309118.pdf>.

A massive amount of the nation's capital becomes a sitting duck in low innovation and unproductive ventures. Healthy capitalist economies demand constant churn and fatigued companies should be permitted to fail or be outcompeted, so through capital and talent more efficient companies can rise. The theory of new blood from Sanjeev Sanyal states the only way to keep national giants active or to eventually replace them is when an aggressive, constant pipeline for first generation entrepreneurs rises from the bottom.¹¹ If the CCI empower grassroots startups by protecting them from district gatekeepers at their initial age, the new blood will get a chance to scale. Unintentionally the system right now is protecting fatigued national monopolies from future competition by failing to protect small district entrants, which as result increase institutional promoter fatigue across the entire country.

B. Unleashing Grassroots Upward Pressure

The proposed reforms would create an integrated protection framework for grassroots entrants. Micro-RGM guidelines would provide legal recognition to localized competitive harm; the incubator safe harbour would give early-stage MSMEs an evidentiary advantage against exclusionary practices; and a decentralized DIC-based reporting mechanism, supported by a specialized CCI cell, would provide cheaper and faster access to competition-law enforcement. This will start a commercial shift where local gatekeepers would be dismantled and startups will not burn their initial capital on unjust NOC fees or survive a predatory price tactic. Energy and capital which is freed up by these guidelines would be invested in innovation, hiring and expansion.

With no Micro-monopoly to fend off, the commission would clear a runway for district level startups to naturally grow into state level and in due course national level players. A new intense upward pressure would be introduced by this battle tested grassroots companies which reach the national stage. Multi-generational legacy corporations which are fatigued would suddenly be stripped of their comfortable rent seeking status and

¹¹ Sanjeev Sanyal, *The Need to Use Creative Destruction*, NEW INDIAN EXPRESS (Mar. 20, 2025, 7:00 PM), <https://www.newindianexpress.com/opinion/2025/Mar/20/the-need-to-use-creative-destruction>.

would be left with only two options, either to be replaced by new entrants or aggressively innovate to compete with them.

VI. SUGGESTIONS AND RECOMMENDATIONS

India in this era is placed as a very important market in the world, a population of 1.4 billion people and growing are only portrayed as customers for any business.¹² With a pay parity income growing each quarter it is the Shangri-La for any enterprise. The consumption of this stature needs innovation, creativity and scale production which few companies cannot fulfill or should not be allowed to take over with sheer strength. Grassroot businesses with their perseverance should be given a fighting chance, which requires them to first win the regional battles.

A. Amending RGM and Evidentiary Standards

This article recommends three targeted reforms to address district-level micro-monopolies and strengthen grassroots competition-law protection. First, CCI should issue Micro-RGM enforcement guidelines under the Competition Act, 2002 as amended by the Competition (Amendment) Act, 2023. The amended Section 19(6) already provides a statutory foundation for localized market analysis by including factors such as adequate distribution facilities, transport costs, consumer preferences, the need for secure or regular supplies or rapid after-sales services, the characteristics of goods or nature of services, and switching costs between areas. CCI should operationalise these factors by clarifying that, in appropriate MSME and startup complaints, an industrial cluster, municipal area or district may constitute a self-contained relevant geographic market.¹³ Through this, a district itself will be a benchmark boundary which stops the problem of small local business to prove market distortion across an entire state or nation.

For defining a Micro-RGM under amended Section 19(6), hyper-local frictions should be treated as strong indicators of market separation. Regional trade associations, localized supply-chain dependencies, high transport costs, supplier lock-ins, consumer switching

¹² World Bank, *Population, Total – India*, WORLD BANK, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=IN>.

¹³ Competition Act, 2002, §§ 2(s), 19(6), No. 12 of 2003, INDIA CODE.

costs and the need for regular supply or rapid after-sales support can together operate as physical, commercial and economic boundaries. The 2023 amendment therefore supports the doctrinal possibility of micro-market recognition, but CCI guidance is still required to convert that possibility into predictable enforcement practice.” In the case of Chennai Trailer Owner Association CCI ultimately narrowed the RGM to resolve the cartelisation that conclusively proved the flexibility of the provision to accommodate local markets. But waiting for a national association to point out these practices would mean startups must wait years for CCI to narrow the market in their case. Proactive approach of formal micro-market guidelines gives predictable protection from day one rather than the reactive approach.

A small shift in the RGM guidelines would change the status of local gatekeepers from insignificant to dominant, needed for applying section 4. A legacy distributor which holds 70% of a transport market of a district could be invisible in the whole state but micro-RGM framework could identify its dominance. This deploys section 4(2) which deals with denial of market access, predatory pricing and imposing unfair conditions on a district gatekeeper.¹⁴

Secondly, the Act should incorporate an incubator safe harbour for registered MSMEs and DPIIT-recognized startups during their initial three to five years of operation. In cases involving exclusionary conduct such as supplier boycotts, coercive association fees, denial of market access or predatory local pricing, a rebuttable presumption of AAEC should operate in favour of such early-stage enterprises. This would prevent local cartels from using evidentiary complexity as a shield against accountability.¹⁵ Grassroot entrepreneurs do not possess legal machinery or capital to have economic surveys to prove a district gatekeeper who engineered a local boycott against them, can in small way harm the Indian economy. Perpetrators of micro-monopoly will use this evidentiary burden as a shield. It is pertinent that a statutory mechanism should be implemented which explicitly targets newly established MSME against exclusionary practices; a

¹⁴ Competition Act, 2002, § 4(2), No. 12 of 2003, INDIA CODE.

¹⁵ Competition Act, 2002, § 19(3), No. 12 of 2003, INDIA CODE.

‘rebuttable presumption’ for the CCI operation is needed for determining AAEC. Exclusionary tactics did not cause AAEC to be proved by local cartels rather than new startups.

This can be misused by large corporations creating shell companies to burden the local competition and to prevent this safe harbour which should be strictly defined. Registered MSMEs or DPIIT recognised startups only during their initial phase of three to five years should be given the facility of lowered burden of proof. A change like this would require a specific provision under section 19(3) of the Act, where the commission when investigating factors like driving new entrants or existing competitors out of the market the destruction of MSME in its initial phase would inherently satisfy the criteria for AAEC.

B. Decentralizing Enforcement via Nodal Agents

Third, decentralisation is the foremost requirement even though recently CCI has opened regional offices in Chennai, Mumbai and Kolkata these hubs cover multi state territories.¹⁶ Expecting a MSME in a district to spend time on travel and adequate legal representation required to litigate local cartels would be unfair to them. The current structure of CCI which unintentionally shields district gatekeepers is making justice too expensive for the victim. A dedicated division within CCI with specialised focus on the issue should be made, Micro-Market & MSME Cell. Which would solely focus on fast tracking and processing complaints related to grassroot businesses. Multi-year national antitrust investigations are not needed for micro-monopoly cases and should be handled with this sensitivity.

Thirdly, CCI should decentralize access to enforcement by empowering District Industrial Centres as nodal reporting agents. Rather than creating CCI offices in every district, the existing DIC framework can be used for preliminary fact collection, documentation of cartel-like practices, and referral of complaints to a specialized Micro-

¹⁶ Ministry of Finance, *Union Minister for Finance & Corporate Affairs Inaugurates Western Regional Office of Competition Commission of India (CCI) in Navi Mumbai*, PRESS INFORMATION BUREAU (Oct. 7, 2022, 12:42 PM), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1865768>.

Market and MSME Cell within CCI. This model would preserve centralized adjudicatory authority while making initial access cheaper, faster and more realistic for district-level entrepreneurs.

This would not be the first case as the Ministry of External Affairs evolved from its centralized Regional Passport Offices in major metropolitan cities to Post Office Passport Seva Kendras in local Head Post Offices. Now a citizen can visit their local district post office instead of traveling to a city and a trained nodal officer at the post office will handle the initial fact finding, through physical document, biometric and verify identity. After which the same documents will be sent to the local police station for background check and will be forwarded to a central Regional Passport Office. If verified by the central office a passport will be sent via speed post to the applicant's address.¹⁷

Similarly, a victimised business owner can approach the nodal officer in District Industrial Centre, who will conduct a preliminary fact finding like verifying the existence of a cartel or sudden price drop. The report prepared by him will be forwarded to the Micro Market & MSME Cell at the CCI, which will examine the report and make final regulatory ruling and issue order against the said cartel or dominants.

VII. CONCLUSION

To dismantle monopolies and prevent concentration of economic power in a country which was rapidly shedding its socialistic tendencies, Competition Act, 2002 was introduced. In its conception it simply aimed to protect the market from anti-competitive practices, but over time through its application the Act was only applicable at macro level. Ignoring micro-monopolies, doesn't just hurt small businesses, it also protects fatigued, rent seeking conglomerates.

The state, through Mudra Yojna, Make in India, and MSME subsidies, did an excellent job of providing the financial help needed for startups. However injecting capital in grassroot business would be worthless if they are immediately destroyed by local cartels.

¹⁷ India Post, *Post Office Passport Seva Kendra (POPSK)*, INDIA POST, <https://www.indiapost.gov.in/otheronlineservices/popsk>.

The next corporate leadership needed by the country are currently struggling in tier 2 or tier 3 industrial clusters. Recommendations mentioned in the article are the only administrative tools capable of protecting these future leaders through their most vital phase. A country of 1.4 billion people needs reforms like these to achieve its target of Viksit Bharat.

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